

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
JULY 1, 2014  
7:00 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:04 p.m.

**II. ROLL CALL**

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

**III. MEETING AGENDA APPROVED**

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV. CONSENT AGENDA ADOPTED**

Member Swenson made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Items IV.E., Request for Purchase, Squad Light Bars; IV.F. Resolution No. 2014-77, Approving Public Health Emergency Preparedness Grant Project Agreement 2014-2015; IV.K. Change Order – Contract ENG 14-4 Birchcrest B Neighborhood Roadway Improvements; and, IV.L. Resolution No. 2014-75 Authorizing Minnesota Department of Employment and Economic Development Grant Application for Pentagon Park South, as follows:

IV.A. Approve regular and work session meeting minutes of June 17, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated June 19 2014, and consisting of 40 pages; General Fund \$126,452.58; Police Special Revenue \$1,740.05; Pedestrian and Cyclist Safety \$21,459.70; Arts and Culture Fund \$1,000.00; PIR Debt Service Fund \$1,941.90; Working Capital Fund \$603,377.61; Cando Fund \$4,358.00; Art Center Fund \$2,861.29; Golf Dome Fund \$1,137.41; Aquatic Center Fund \$26,233.64; Golf Course Fund \$27,585.53; Ice Arena Fund \$11,321.09; Edinborough Park Fund \$6,308.57; Centennial Lakes Park Fund \$17,426.08; Liquor Fund \$209,417.81; Utility Fund \$588,026.24; Storm Sewer Fund \$226,954.60; Recycling Fund \$35,190.09; PSTF Agency Fund \$2,232.01; Centennial TIF District \$1,757.50; Southdale 2 District \$26,516.75; Pentagon Park District \$44,308.61; TOTAL \$1,987,607.06 and for receipt of payment of claims dated June 26, 2014, and consisting of 29 pages; General Fund \$209,877.32; Police Special Revenue \$98.93; Arts and Culture Fund \$943.31; Working Capital Fund \$540,048.84; Equipment Replacement Fund \$14,825.88; Art Center Fund \$4,984.29; Golf Dome Fund \$670.14; Aquatic Center Fund \$532.91; Golf Course Fund \$37,417.79; Ice Arena Fund \$54.68-; Edinborough Park Fund \$911.10; Centennial Lakes Park Fund \$9,555.17; Liquor Fund \$178,608.53; Utility Fund \$33,849.35; Storm Sewer Fund \$693.83; PSTF Agency Fund \$4,953.67; Centennial TIF District \$150.00; TOTAL \$1,038,066.38; and, Credit Card Transactions dated April 26, 2014 – May 26, 2014; TOTAL \$31,015.83

IV.C. Adopt Resolution No. 2014-71 Fiscal Year 2015-2017 Joint Cooperation Agreement/Community Development Block Grant Renewal

IV.D. Adopt Resolution No. 2014-72 Authorizing Joint Powers Agreement with the State of Minnesota – Minnesota Financial Crimes Task Force

~~IV.E. Request for Purchase, Squad Light Bars~~

~~IV.F. Resolution No. 2014 77, Approving Public Health Emergency Preparedness Grant Project Agreement 2014 2015~~

IV.G. Adopt Resolution No. 2014-74, Appointing Election Judges for August 12, 2014 Primary

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IV.H. Request for Purchase, Award of Bid Contract ENG 14-10 2014 Watermain Improvements, awarding the bid to the recommended low bidder, Northdale Construction Company, Inc. at \$933,680.12

IV.I. Approve Release of Public Improvement and Special Assessment Agreements

IV.J. Grant First and Waive Second Reading adopting Ordinance No. 2014-07 Amending Chapter 26 of the Edina City Code Concerning Petty Misdemeanors

~~IV.K. Approve Change Order – Contract ENG 14-4 Birchcrest B Neighborhood Roadway Improvements~~

~~IV.L. Resolution No. 2014-75 Authorizing Minnesota Department of Employment and Economic Development Grant Application for pentagon Park South~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.E. REQUEST FOR PURCHASE, SQUAD LIGHT BARS – AWARDED**

Police Chief Nelson indicated the squad light bars were new generation LED lighting of a better quality than those currently used. **Member Sprague made a motion, seconded by Member Swenson, approving Request for Purchase, Squad Light Bars, awarding the bid to the recommended low bidder, Emergency Automotive Technologies, at \$38,018.80.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.F. RESOLUTION NO. 2014-77, APPROVING PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT PROJECT AGREEMENT 2014-2015 – ADOPTED**

The Council acknowledged that the Public Health Emergency Preparedness Grant Project was an important undertaking to assure preparedness. **Member Brindle introduced and moved adoption of Resolution No. 2014-77, Approving Public Health Emergency Preparedness Grant Project Agreement 2014-2015.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.K. CHANGE ORDER – CONTRACT ENG 14-4 BIRCHCREST B NEIGHBORHOOD ROADWAY IMPROVEMENTS – APPROVED**

Engineer Millner stated staff recommended delaying this project from 2014 to 2015 and that the contractor had confirmed he was able to keep prices from increasing; however, the contractor had not yet secured that same promise from all of the subcontractors. The Council discussed the terms of the project contract. Manager Neal stated the Council could revisit this in early 2015 to ensure that the prices have not increased from the original bid. **Member Swenson made a motion, seconded by Member Bennett, approving Change Order delaying the project from 2014 to 2015 – Contract ENG 14-4 Birchcrest B Neighborhood Roadway Improvements, contingent upon the original bid unit prices remaining the same for 2015.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.L. RESOLUTION NO. 2014-75 AUTHORIZING MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT GRANT APPLICATION FOR PENTAGON PARK SOUTH – ADOPTED**

The Council reviewed the language of the resolution and expressed concern relating to the terms for grant repayment should the project not perform within five years. Economic Development Manager Neuendorf assured the Council that DEED had never required repayment of grants because, ultimately, the project achieved its objectives, despite the fact that occasionally it took longer than planned. He explained the terms of the grant agreement between the City and DEED, and the City and the developer. Attorney Knutson indicated that grant subrecipient agreements always included hold harmless language and he

would ensure it was included in this agreement as well. **Member Bennett introduced and moved adoption of Resolution No. 2014-75 Authorizing Minnesota Department of Employment and Economic Development Grant Application for Pentagon Park South.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. HENNEPIN COUNTY SHERIFF RICHARD STANEK – REPORT RECEIVED**

Hennepin County Sheriff Stanek updated the Council on Hennepin County Sheriff's Department enforcement and public service activities. He described training provided by Hennepin County for the City's public safety and first responders including the use of Narcan (heroin antidote) in the cases of overdoses to save lives. The Council thanked Sheriff Stanek for his work on behalf of Edina.

**VI. COMMUNITY COMMENT**

Johan Rosenberg, 4511 Oak Drive, expressed concern with the Council's decisions relating to the repurposing of Fred Richards Golf Course that might have been based on an outdated 2006 parks survey.

Lori Grotz, 5513 Park Place, expressed concerns relating to the decision that allowed the owner of 5508 Dever Drive, to elevate the front entrance of a new house more than 4.5 feet (from the elevation of the existing split level house entrance) without first obtaining a Conditional Use Permit or a front yard setback variance.

**VII. REPORTS / RECOMMENDATIONS**

**VII.A. RESOLUTION NO. 2014-73 AUTHORIZING THE SALE AND ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS (YORKTOWN CONTINENTAL, LP PROJECT) SERIES 2014 – ADOPTED**

Finance Director Wallin explained this process for issuing conduit bonds was required by State Statute and reminded the Council that the issuance and repayment of these bonds (principle and interest) was solely the responsibility of the developer and not the City. It was noted the paperwork for this sale and issuance of conduit bonds was drafted for the benefit of the City by Dorsey & Whitney.

Frank Hogan, Dougherty & Company, stated Yorktown Continental was going through the underwriting process for the project financing with an August closing anticipated. David Dye, Yorktown Continental Limited Partnership, stated the documentation had been reviewed. Mr. Wallin stated the City was only a conduit financier of this project and not be liable for the debt. The City's AAA bond rating and borrowing ability would not be affected. Mr. Wallin explained the City was charging a fee of one-half of 1% to allow Yorktown to use the conduit financing.

The Council asked about tenant qualifications relative to income and whether or not the H.O.M.E. Program services were being utilized at Yorktown Continently. Mr. Hogan explained the income requirements and stated the project would not use H.O.M.E. Program services. Following a brief discussion, **Member Swenson introduced and moved adoption of Resolution No. 2014-73 Authorizing the Sale and Issuance of Multifamily Housing Revenue Bonds (Yorktown Continental, LP Project), Series 2014; Establishing the Security therefor and Authorizing the Execution of Documents.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VII.B. REQUEST FOR PURCHASE – AWARD OF BID – CONTRACT #13-7PK, PAMELA PARK SHELTER BUILDING – AWARDED**

Parks and Recreation Director Kattreh stated bids were awarded for the Pamela Park site work and artificial turf on June 3, 2014. The current request for the Pamela Park Shelter with construction proposed to begin the week of July 21, 2014. The shelter should be ready for the 2014-15 skating season. Ms. Kattreh described Pamela Park the proposed designs one a gable roof and one a shed roof. The base bid

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with a gable roof was \$622,363, and the alternate for a shed roof design, including increased energy efficiency, was an additional \$75,739. Two additional alternates were presented; 1) reclaiming and repaving the parking lot for \$77,088; and, 2) fireplace for \$29,123. Ms. Kattreh suggested the Council consider reclaiming and repaving of the parking lot, due to the present condition. Ms. Kattreh advised there was a \$118,000 project contingency in case problems occurred during construction. The Council discussed the roof design options and related costs.

Paul Kolas, RJM Construction, 701 Washington Avenue North, Minneapolis, responded to questions relating to the two proposed designs and the various alternates.

The Council discussed the merits of the various alternates and the two proposed designs. **Member Brindle made a motion, seconded by Member Bennett, awarding the Contracts for the Pamela Park Shelter Building to the subcontractors recommended by RJM Attachment D, dated June 24, 2014 including Bid Alternate #4, shed roof design and west parking lot reclamation.**

Ayes: Bennett, Brindle, Swenson, Hovland

Nays: Sprague

Motion carried.

### ***VII.C. RESOLUTION NO. 2014-76 ADOPTED – ACCEPTING VARIOUS GRANTS AND 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. 2014-76 accepting various grants and donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Sprague, Hovland

Motion carried.

### ***VIII. CORRESPONDENCE AND PETITIONS***

#### ***VIII.A. CORRESPONDENCE***

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

#### ***VIII.B. ADVISORY COMMUNICATION – HUMAN RIGHTS & RELATIONS COMMISSION – LOCAL SUPPORT FOR HUMAN RIGHT'S IMPLEMENTATION AND MONITORING.***

The Council acknowledged that the Commission was requesting action related to local support for human rights implementation and monitoring, and that the deadline for sign-on was July 3, 2014. It was noted that this recommendation had been vetted and approved by the U.S. Council of Mayors. **Member Brindle made a motion, seconded by Member Bennett, to authorize Mayor Hovland to sign a letter on behalf of the Council to the Bureau of Democracy, Human Rights, and Labor at the U.S. Department of State urging support of human rights organizations from the federal government and requesting the federal government to engage state and local government stake holders in strengthening and expanding mechanisms to monitor the implementation of human rights as well as to provide the adequate human and financial resources.**

Ayes: Bennett, Brindle, Swenson, Sprague, Hovland

Motion carried.

#### ***VIII.C. MINUTES:***

- 1. ENERGY & ENVIRONMENT COMMISSION, MAY 8, 2014***
- 2. EDINA COMMUNITY HEALTH COMMISSION, MAY 6, 2014***
- 3. VETERAN'S MEMORIAL COMMITTEE, APRIL 18, 2014***
- 4. EDINA TRANSPORTATION COMMISSION, MAY 15, 2014***
- 5. ARTS AND CULTURE MEETING, APRIL 24, 2014***

Informational; no action required.

**IX. AVIATION NOISE UPDATE** – Received

**X. MAYOR AND COUNCIL COMMENTS** – Received

**XI. MANAGER'S COMMENTS** – Received

**XI.A. USE OF FRED RICHARDS GOLF COURSE**

Manager Neal provided an update on the repurposing of the Fred Richards Golf Course and the proposal to use it for an equine function. When previously discussed, the Council had identified two key goals: creating a more financially sustainable model; and, to repurpose the property to a use that would increase access for all Edina residents. The Council reviewed its past consideration and agreed that an equine use would not meet either of its two key goals. **Member Swenson made a motion, seconded by Member Brindle, that an equine use, a private use, or a limited single scope use were not compatible with the Council's goals for repurposing the Fred Richards Golf Course property and directing staff to continue community engagement throughout the planning process.**

Ayes: Bennett, Brindle, Swenson, Sprague, Hovland

Motion carried.

**XII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:11 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, July 15, 2014.

Video Copy of the July 1, 2014, meeting available.

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Debra A. Mangen, City Clerk

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James B. Hovland, Mayor