

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
OCTOBER 21, 2014
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:08 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 Sprague, approving the meeting agenda as modified to consider Item VII. Community Comment as Item V.C.

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.I. Release of Public Improvements and Special Assessment Agreements; IV.O. Resolution No. 2014-113 NFL Resolution; and, IV.P. Resolution No. 2014-114 Renaming Columbus Day Indigenous Peoples' Day, as follows:

IV.A. Approve regular, closed session, and work session meeting minutes of October 7, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated October 9, 2014, and consisting of 29 pages; General Fund \$708,091.79; Police Special Revenue \$15,747.12; Pedestrian and Cyclist Safety \$1,279.00; City Hall Debt Service \$975.00; Working Capital Fund \$1,116,029.79; Art Center Fund \$4,120.15; Aquatic Center Fund \$3,847.70; Golf Course Fund \$6,451.12; Ice Arena Fund \$50,751.98; Sports Dome Fund \$10,876.95; Edinborough Park Fund \$35.00; Centennial Lakes Park Fund \$2,028.23; Liquor Fund \$273,944.06; Utility Fund \$593,321.09; Storm Sewer Fund \$40,583.06; PSTF Agency Fund \$12,300.79; Centennial TIF District \$4,427.36; Southdale 2 District \$1,230.00; Pentagon Park District \$205.00; Payroll Fund \$8,308.56; TOTAL \$2,854,553.75 and for receipt of payment of claims dated October 16, 2014, and consisting of 34 pages; General Fund \$185,009.02; Police Special Revenue \$829.86; Arts and Culture Fund \$2,305.76; Working Capital Fund \$959,587.22; Art Center Fund \$2,510.46; Golf Dome Fund \$305.34; Aquatic Center Fund \$37.50; Golf Course Fund \$32,080.49; Ice Arena Fund \$165,163.78; Sports Dome Fund \$36,281.30; Edinborough Park Fund \$4,409.49; Centennial Lakes Park Fund \$7,662.23; Liquor Fund \$168,112.03; Utility Fund \$33,091.31; Storm Sewer Fund \$11,292.54; Recycling Fund \$35,222.57; PSTF Agency Fund \$3,949.90; TOTAL \$1,647,850.80; and, Credit Card Transactions dated July 28 – August 26, 2014; TOTAL \$38,703.99

IV.C. Request for Purchase, Toro Procore Aerifier, Braemar Golf Course, awarding the bid to the recommended bidder, MTI Distributing at \$22,534.50

IV.D. Request for Purchase, One 2015 Chevrolet Tahoe 4 x 4 Reserve Vehicle - Police Department, awarding the bid to the recommended bidder, Ranger GM at \$32,588.18

IV.E. Adopt Resolution No. 2014-136, approving Hennepin County Chiefs of Police Association Mutual Aid Agreement

IV.F. Request for Purchase, Bathhouse Roof Replacement - Aquatic Center, awarding the bid to the recommended low bidder, Les Jones Roofing at \$27,791.00

IV.G. Adopt Resolution No. 2014-109, authorizing Master Grant Contract Agreement with Minnesota Department of Health

- IV.H. Amend Public Health Emergency Preparedness Services Agreement with Bloomington Public Health Division
- IV.I. ~~Release of Public Improvements and Special Assessment Agreements~~
- IV.J. Adopt Resolution No. 2014-110, approving Public Improvement and Special Assessment Agreement
- IV.K. Adopt Resolution No. 2014-111, authorizing application for Hennepin County Environmental Response Fund Grant
- IV.L. Authorize Community Response and Inflow/Infiltration Mitigation Work Plan
- IV.M. Adopt Resolution No. 2014-112, setting Public Improvement Hearings to be held December 9, 2014
- IV.N. Approve Traffic Safety Committee Report, August 13, 2014
- IV.O. ~~Resolution No. 2014-113 NFL Resolution~~
- IV.P. ~~Resolution No. 2014-114 Renaming Columbus Day Indigenous Peoples' Day~~
- IV.Q. Adopt Resolution No. 2014-135, approving Lot Division, 3932 and 3934 West 49th Street
- IV.R. Request for Purchase, Electronic Plan Review Project, awarding the bid to the recommended bidder, SHI at \$206,449.00 for the software portion and various vendors at \$39,568.00 for the server and workstation upgrades
- IV.S. Adopt Resolution No. 2014-133, authorizing the Fire Department to accept Department of Homeland Security/FEMA 2013 Assistance to Firefighters Grant
- IV.T. Request for Purchase, Ambulance Stryker Power Loads, awarding the bid to the recommended low bidder, Stryker EMS at \$63,871.00
- IV.U. Adopt Resolution No. 2014-134, Providing for the Sale of \$13,485,000 General Obligation Refunding Bonds, Series 2014B

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.I. RELEASE OF PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENTS – TABLED

The Council asked about the sequence and advisability of this release. Engineer Millner explained that there was a timing issue and advised the Council to table this item with the exception of the property identified as #A099-84-881, which had been paid in full and the lien should be released. **Member Swenson made a motion, seconded by Member Brindle, to approve release of the lien on Property #A099-84-881.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett made a motion, seconded by Member Brindle to table the Release of Public Improvement and Special Assessment Agreements to a future date to be determined by staff.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

IV.O. RESOLUTION NO. 2014-113 APPROVING NFL RESOLUTION – NOT ADOPTED

The Council discussed the letter to the National Football League that had been drafted by the Human Rights and Relations Commission for Mayor Hovland's signature. The letter related to the team name of the Washington Redskins. It was suggested the letter be returned to the Human Rights and Relations Commission for redrafting in legal format.

Member Swenson made a motion, seconded by Member Brindle, to refer the letter to the Human Rights and Relations Commission for redrafting in legal format. Following Council discussion as to whether or not this topic was within its purview, Member Swenson withdrew her motion.

Member Swenson made a motion, seconded by Member Brindle to take no action on the NFL Resolution.

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

IV.P. RESOLUTION NO. 2014-114 RENAMING COLUMBUS DAY INDIGENOUS PEOPLES' DAY – TABLED

The Council acknowledged that the community had not had an opportunity to offer an opinion on this matter and suggested referring the topic to Speak Up Edina to allow the community to express its opinion. **Member Swenson made a motion, seconded by Member Sprague, to table Resolution No. 2014-114 and refer the topic to Speak Up Edina.**

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

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. BEYOND THE YELLOW RIBBON PRESENTATION – RECEIVED

Member Brindle described the Beyond the Yellow Ribbon organization and introduced the presenters. Heather Shue shared that the Southwest Twin Cities Beyond the Yellow Ribbon branch was celebrating its one-year anniversary and were working to build awareness. Jocelyn Northenscold thanked the Council and community for their involvement and announced an upcoming social networking event at the St. Louis Park American Legion. She also shared that a benefit fundraiser was being planned for the summer of 2015.

V.B. SEPTEMBER SPEAK UP EDINA REPORT PRESENTED – TOPIC: COMMUNITY EVENTS

Communications Coordinator Gilgenbach presented a summary of September opinions, both pros and cons, collected through Speak Up, Edina relating to Community Events.

V.C. COMMUNITY COMMENT

No one appeared to comment.

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

VIA. FIRST READING FOR FINAL REZONING FROM POD-1 TO PUD AND FINAL DEVELOPMENT PLAN AND ORDINANCE AMENDMENT ESTABLISHING THE PUD DISTRICT, BEACON INTERFAITH HOUSING COLLABORATIVE, 3330 WEST 66TH STREET – FIRST READING OF ORDINANCE NO. 2014-17 GRANTED

Community Development Director Presentation

Community Development Director Teague explained that the City Council was asked to consider final rezoning for a redevelopment request of the existing TCF Bank building, located at 3330 66th Street, by Beacon Interfaith Housing Collaborative. The applicant was proposing to remodel and expand the building into 39 studio apartments for young adults who have experienced homelessness. This proposal was the second of the two-step review process. The staff and Planning Commission recommend approval.

Proponent Presentation

Lee Blons, Executive Director of Beacon Interfaith Housing Collaborative, thanked the Council for its support thus far and asked for its further support by voting in favor of the proposal tonight.

Bart Nelson, architect, presented the materials board and answered questions of the Council concerning the different materials and where they would be used.

Mayor Hovland opened the public hearing at 8:00 p.m.

Public Testimony

Robert Long, 7900 Xerxes Avenue South, addressed the Council.

Mike Minor, 6519 Barrie Road, addressed the Council.

Minutes/Edina City Council/October 21, 2014

Erik Scheurle, 2007 61st Street West, addressed the Council.

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

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

Attorney Knutson addressed issues raised during public testimony, indicating that the Council was not adopting the ordinance tonight, but instead granting first reading. He advised there were no legal issues approving first reading tonight.

Mr. Teague addressed issues raised during public testimony, indicating that the deadline for City Council action was October 22, 2014, but an extension had been granted from Beacon through November 19, 2014.

Member Swenson made a motion to grant First Reading to Ordinance No. 2014-17, amending the Zoning Ordinance to Establish the PUD-7, Planned Unit Development-7 District at 3330 66th Street. Member Sprague seconded the motion.

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

VI.B. PRELIMINARY REZONING FROM POD-2 TO PUD AND PRELIMINARY DEVELOPMENT PLAN, FRAUENSHUH COMMERCIAL REAL ESTATE GROUP, 7700 FRANCE AVENUE – RESOLUTION NO. 2014-116 ADOPTED

Community Development Director Presentation

Mr. Teague presented the proposal from Frauenshuh Companies to develop the northeast corner of 7700 France Avenue with a free standing, 7,000 square foot seafood restaurant. The restaurant would be designed for up to 242 people and provide 63 dedicated parking spaces in addition to the shared parking with the office building. The primary issue was that a freestanding restaurant was not a permitted use in the Planned Office District-2 zoning district but a restaurant is allowed in POD-2 as an accessory use within an office building. Both the Planning Commission and City Council suggested that Planned Unit Development rezoning was the best way to approach the use on the site. The preliminary review was the first step of a two-step process of City review and both staff and the Planning Commission recommended approval.

Proponent Presentation

Steve Faber, Frauenshuh, shared the lay out of the restaurant, reviewed the materials, and discussed connectivity with sidewalk and main office building.

Alan Ackerberg, Parasole, shared that the company had four restaurants in Edina and that it would be a mid-priced seafood restaurant.

Mr. Teague answered the Council's question relating to a bus stop indicating that staff would determine whether there was a bus stop at that location. Mr. Faber agreed that if there was a bus stop, the sidewalk would continue to France Avenue.

Mayor Hovland opened the public hearing at 8:27 p.m.

Public Testimony

No one appeared to comment.

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

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

The Council discussed sustainability and making the sidewalk and restaurant access more pedestrian friendly. **Member Brindle introduced and moved adoption of Resolution No. 2014-116, approving Preliminary Rezoning from POD-2, Planned Office District-2, to PUD, Planned Unit Development and Preliminary Development Plan for 7700 France Avenue, subject to the following conditions:**

1. **The Final Development Plans must be generally consistent with the Preliminary Development Plans dated September 8, 2014.**
2. **The Final Site Plan must include a boulevard style sidewalk along France and sidewalk connections from the existing building to the restaurant and from the boulevard sidewalk to the building.**
3. **The Landscape Plan should be revised to show the specific trees that would be removed, and consider additional planting and/or saving trees along the north lot line to provide screening of the loading area.**
4. **The Final Lighting Plan must meet all minimum landscaping requirements per Section 36-1260 of the Zoning Ordinance.**
5. **Submittal of a complete sign plan for the site as part of the Final Development Plan application.**
6. **Compliance with all of the conditions outlined in the director of engineering's memo dated October 1, 2014.**
7. **Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.**
8. **Bike racks must be located on the site near main entrances.**
9. **Building shall be 4-sided architecture with all finishes consistent and complimentary.**

Member Swenson seconded the motion.

Rollcall:

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

VI.C. CONDITIONAL USE PERMIT, CHAD AND JENNIFER HELMER, 5808 CREEK VALLEY ROAD – RESOLUTION NO. 2014-117 ADOPTED

Assistant Planner Presentation

Assistant Planner Aaker presented the request for a Conditional Use Permit at 5808 Creek Valley Road to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The applicant was proposing to tear down and rebuild on the property and to raise the first floor elevation 1.5 feet above the existing first floor elevation to conform to the Federal Emergency Management Agency flood elevations and the Nine Mile Creek Watershed District's approval for a new basement elevation with a corresponding ceiling height of slightly over 8 feet. The Planning Commission unanimously recommended approval on October 8, 2014.

Mr. Millner answered questions from the Council, indicating that the basement was rising, but the grade was changing minimally. Two rain gardens would address the increased volume from the roof and the flow would continue to drain towards the back of the home and the backyard.

Proponent Presentation

Steve Schwieters, Wooddale Builders, answered questions of the Council concerning storm water treatment. He explained that Wooddale had hired Hedlund Engineering to help meet all the requirements of the City and that all down spouts would be catch basined into specific areas.

Mayor Hovland opened the public hearing at 8:49 p.m.

Public Testimony

Carol Deming, 7027 McCauley Trail South, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council addressed the issue raised during public testimony, indicating that the Council does not have control over home design. The Council had previously considered design review, but had recognized that home design was so varied within most Edina neighborhoods that neighborhood character would not be preserved by restriction of housing style.

Member Swenson introduced and moved adoption of Resolution No. 2014-117, approving a Conditional Use Permit at 5808 Creek Valley Road, subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:

- Survey date stamped September 23, 2014.
- Building plans and elevations date stamped September 23, 2014.

2. Compliance with the conditions and comments listed in the Environmental Engineer's memo dated October 1, 2014.

3. Gutters and downspouts shall be required and direction of drainage flow shall be approved by the City Engineer.

Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.D. SPECIAL ASSESSMENTS

Mr. Millner reviewed the City policy for special assessments and explained Chapter 429 of Minnesota State Statutes granted the City the ability to assess for improvements. Assessable costs include the following: direct construction costs; construction finance costs; City and contracted engineering costs; scientific and technical consulting costs; printing and mailing; and legal and other project related costs. The options for payback include: pay entire balance prior to certification, partial pay prior to certification (25% minimum), pay entire balance over 15 years after certification, or assessment deferral for certain age and income requirements. The assessment interest rate would be 1% higher than the estimated net interest rate of the bonds to be issued for the project.

VI.D.1. AQUATIC WEEDS IMPROVEMENT NO. AQ-14 – RESOLUTION NO. 2014-118 ADOPTED

Water Resources Coordinator Adler presented the assessment roll for City-administered aquatic weed control service upon request by homeowners. She displayed a map of the areas of improvement for Arrowhead Lake, Indianhead Lake, and Minnehaha Creek Mill Pond, and presented the assessment rolls: 36 Arrowhead Lake residents to be assessed \$276.11 per house, 33 Indianhead Lake residents to be assessed \$270.67 per house and, 63 Minnehaha Creek Mill Pond properties to be assessed \$245.04 per house.

The Council expressed concern over the amount of water lilies in the Minnehaha Creek Mill Pond and the cost increase. Ms. Adler answered that the Department of Natural Resources would only allow a 15-foot channel through the middle of the pond. She also shared that the cost increase was due to several factors. Last year, the City took a larger portion of the cost. This year there was only one bidder for the project and there was an increased amount of staff time.

Mayor Hovland opened the public hearing at 9:03 p.m.

Public Testimony

Becky Briggs, 4509 Browndale Avenue, addressed the Council.

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

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

Ms. Adler addressed the issue raised during public testimony, indicating that the properties included in each area were the same as in years past and she was unsure of the process that determined which properties were included.

The Council discussed removal of properties that did not have water frontage and determined to address that issue the following year. **Member Sprague introduced and moved adoption of Resolution No. 2014-118 Levying Special Assessment for Public Improvements.** Member Bennett seconded the motion.

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

VI.D.2. WEED MOWING IMPROVEMENT NO. WD-14 – RESOLUTION NO. 2014-119 ADOPTED

Public Works Director Olson reviewed the Code requirement for maintenance of vegetation and the process used to notify the property owner to comply. If compliance was not gained, the weeds were cut by Park Maintenance staff and the cost assessed. Mr. Olson presented the assessment roll for 16 properties that would be certified to the County Assessor for collection in addition to an administrative fee. He indicated that there had been one appeal from 5222 Green Farms Road, but Staff recommended moving forward with all 16 properties. Mr. Olson answered questions from the Council concerning proper documentation for 5222 Green Farms Road.

Mayor Hovland opened the public hearing at 9:16 p.m.

Public Testimony

Tim Consolovik, joint owner with Ellen Cohen of 5222 Green Farms Road, addressed the Council.

The public hearing was closed.

Mr. Olson and Attorney Knutson answered questions of the Council concerning 5222 Green Farms Road and the appeal process. Mr. Knutson explained to the Council that the assessment could move forward tonight and the appeal should go through the District Court if the property owner desired to do so. The Council suggested that Mr. Olson meet with the property owner to discuss the appeal and provide the documentation.

Member Swenson introduced and moved adoption of Resolution No. 2014-119 Levying Special Assessments for Improvement No. WD-14 Weed Mowing. Member Bennett seconded the motion.

Manager Neal explained the assessment process was very strict and because staff followed proper process, recommended the Council continue with the assessment for all 16 properties.

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

VI.D.3. TREE REMOVAL IMPROVEMENT NO. TR-14 – RESOLUTION NO. 2014-120 ADOPTED

Mr. Olson presented Code Section 1055 that called for the removal of diseased trees and described the process to identify diseased trees, property owner notification, and options for removal. Mr. Olson presented the assessment roll for eight properties at a total cost \$16,931.29. The total includes a \$30.00 per property administration fee.

Mayor Hovland opened the public hearing at 9:30 p.m.

Minutes/Edina City Council/October 21, 2014

Public Testimony

No one appeared to comment.

Member Swenson 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. 2014-120 Levying Special Assessment for Improvement No. TR-14 Tree Removal. Member Brindle seconded the motion.

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

VI.D.4. 50TH & FRANCE MAINTENANCE IMPROVEMENT NO. M-14 – RESOLUTION NO. 2014-121 ADOPTED

Mr. Olson presented the assessment roll for 22 properties within the 50th and France maintenance area. He explained that the methodology for assessing the maintenance expenses for the 50th and France business district had changed because of significant discussion at the June 3, 2014, work session. There was also a concerted effort from the assessing department to measure the assessable area for each business. This resulted in an increase to the assessable area to 416,768 square feet. Because of these changes, the 50th and France maintenance assessment changed from \$0.6848 in 2013 to \$0.5885 in 2014. Mr. Olson shared that one property owner, 5034 France Avenue, had objected to the new methodology and assessment.

Mayor Hovland opened the public hearing at 9:35 p.m.

Public Testimony

No one appeared to comment.

Member Swenson 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. 2014-121 Levying Special Assessments for Public Improvements. Member Brindle seconded the motion.

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

Member Bennett left the Council dais.

VI.D.5. GRANDVIEW BUSINESS DISTRICT MAINTENANCE IMPROVEMENT NO. G-14 – RESOLUTION NO. 2014-122 ADOPTED

Mr. Olson presented the assessment roll for 24 properties within the Grandview Business District to be assessed at \$0.163 per square foot, an increase from 2013.

Mayor Hovland opened the public hearing at 9:38 p.m.

Public Testimony

No one appeared to comment.

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

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

Member Brindle introduced and moved adoption of Resolution No. 2014-122 Levying Special Assessments for Public Improvements. Member Swenson seconded the motion.

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

Member Bennett returned to the Council dais.

***VI.D.6. MENDELSSOHN A NEIGHBORHOOD RECONSTRUCTION IMPROVEMENT NO. BA-393
– RESOLUTION NO. 2014-123 ADOPTED***

Mr. Millner presented a map of the area and the total project cost (including utilities) of \$1,253,104.43. The City's contribution towards utility costs was \$600,106.60 (48% of the total project). The assessment cost was \$652,997.83 or \$10,097.90 per Resident Equivalent Unit, which was a 37% reduction from the estimated assessment.

Mayor Hovland opened the public hearing at 9:41 p.m.

Public Testimony

Mary McDonald, 6216 Belmore Lane, addressed the Council.

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

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

Mr. Millner addressed the issue raised during public testimony, indicating staff was working with property owners when there were issues with hydro-seeding. He stated that many properties with issues had been touched up, but the complaint during public testimony was from a property that had refused the touch up. The Council discussed the very poor quality soil in areas concerned and that it contained rocks and debris from previous roadwork.

Member Swenson introduced and moved adoption of Resolution No. 2014-123 Levying Special Assessments for Public Improvements, with the request that staff address the properties that have complained about soil and determine if those properties require new topsoil.

Member Sprague seconded the motion.

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

***VI.D.7. NORMANDALE NEIGHBORHOOD RECONSTRUCTION IMPROVEMENT NO. BA-394 –
RESOLUTION NO. 2014-124 ADOPTED***

Mr. Millner presented a map of the area and the total project cost (including utilities) of \$2,043,338.86. The City's contribution towards utility costs was \$1,062,088.54 (52% of the total project). The assessment cost was \$981,250.32 or \$11,025.28 per Resident Equivalent Unit, which was a 10% reduction from the estimated assessment. Some homeowners took advantage of the opportunity to fund their sanitary sewer service and water service replacements through special assessments and those assessments were reflected on each Final Assessment Roll.

Mayor Hovland opened the public hearing at 9:49 p.m.

Minutes/Edina City Council/October 21, 2014

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.

Member Swenson introduced and moved adoption of Resolution No. 2014-124 Levying Special Assessments for Public Improvements. Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.D.8. BRAEMAR HILLS B NEIGHBORHOOD RECONSTRUCTION IMPROVEMENT NO. BA-395 – RESOLUTION NO. 2014-125 ADOPTED

Mr. Millner presented a map of the area and the total project cost (including utilities) of \$779,242.67. The City's contribution towards utility costs was \$430,744.93 (54% of the total project). The assessment cost was \$277,572.09 or \$8,085.41 per Resident Equivalent Unit, which was a 13% reduction from the estimated assessment. The project also included funding from the Pedestrian and Cyclist Safety Fund in the amount of \$70,925.65.

Mayor Hovland opened the public hearing at 9:51 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2014-125 Levying Special Assessments for Public Improvements. Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.D.9. BRAEMAR HILLS B NEIGHBORHOOD RECONSTRUCTION, ST. PATRICKS LANE, IMPROVEMENT NO. BA-396 - RESOLUTION NO. 2014-126 ADOPTED

Mr. Millner presented a map of the area. The assessment cost was \$125,503.54 or \$8,715.52 per Resident Equivalent Unit, which was a 20% reduction from the estimated assessment.

Mayor Hovland opened the public hearing at 9:52 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2014-126 Levying Special Assessments for Public Improvements. Member Bennett seconded the motion.

Rollcall:

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

VI.D.10. BRAEMAR HILLS B NEIGHBORHOOD RECONSTRUCTION, GLEASON CIRCLE, IMPROVEMENT NO. BA-397 – RESOLUTION NO. 2014-127 ADOPTED

Mr. Millner presented a map of the area. The assessment cost was \$67,135.60 or \$9,159.02 per Resident Equivalent Unit, which was a 21% reduction from the estimated assessment.

Mayor Hovland opened the public hearing at 9:54 p.m.

Public Testimony

No one appeared to comment.

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

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

Member Bennett introduced and moved adoption of Resolution No. 2014-127 Levying Special Assessments for Public Improvements. Member Brindle seconded the motion.

Rollcall:

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

VI.D.11. LAKE EDINA A NEIGHBORHOOD ROADWAY IMPROVEMENTS, IMPROVEMENT NO. BA-398 – RESOLUTION NO. 2014-128 ADOPTED

Member Sprague stated that he was representing a seller in this neighborhood and asked Attorney Knutson if that constituted a conflict of interest. Attorney Knutson responded that it did not. Member Sprague stated that he was choosing to recuse himself and left the Council Chambers.

Mr. Millner presented a map of the area and the total project cost (including utilities) of \$3,447,802.44. The City's contribution towards utility costs was \$1,723,439.96 (50% of the total project). The assessment cost was \$1,724,362.48 or \$6,969.94 per Resident Equivalent Unit, which was a 44% reduction from the estimated assessment.

Mayor Hovland opened the public hearing at 9:56 p.m.

Public Testimony

No one appeared to comment.

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

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

Member Swenson introduced and moved adoption of Resolution No. 2014-128 Levying Special Assessments for Public Improvements. Member Bennett seconded the motion.

Rollcall:

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

Member Sprague returned to the Council Chambers.

VI.E. CERTIFICATION OF DELINQUENT UTILITIES IMPROVEMENT NO. DU-14 - RESOLUTION NO. 2014-129 ADOPTED

Minutes/Edina City Council/October 21, 2014

Finance Director Presentation

Finance Director Roggeman explained that Minnesota Statute 444.075 allows cities to "charge a charge against the owner, lessee, occupant or all of them and might provide and covenant for certifying unpaid charges to the county auditor with taxes against the property served for collection as other taxes were collected," City of Edina City Code section 28 also allows for the certification of water, sanitary sewer, storm sewer, and recycling delinquent accounts. Hennepin County requires Council resolution prior to certification. Utility accounts with balances over \$50 and delinquent over 30 days were notified in writing of the pending certification. Customers who have not paid by October 21, 2014 would be charged a \$20 administrative fee. Customers had the opportunity to pay until November 14, 2014.

The Council discussed two accounts that seemed to be using the City as a 'bank.' It was noted the City had tightened up the policy previously because one of these accounts continued to carry a large balance. The Council speculated that it had sent a message that commercial accounts could get away with carrying a large balance. Manager Neal stated staff would draft a stronger policy for the Council's review.

Mayor Hovland opened the public hearing at 10:05 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.

Member Bennett introduced and moved adoption of Resolution No. 2014-129, authorizing the Certification of Delinquent Utility Charges to the Hennepin County Auditor. Member Swenson seconded the motion.

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

VI.F. CERTIFICATION OF ABATEMENT OF PUBLIC HEALTH NUISANCE IMPROVEMENT NO. AB-14 - RESOLUTION NO. 2014-130 ADOPTED

Community Health Administrator Presentation

Community Health Administrator Brown reported that due to the lack of response by the property owner at 5609 Beard Avenue South, City staff arranged to abate public health nuisance conditions at the property in order to comply with City Code. The total cost to the City was \$2,844.68.

Mayor Hovland opened the public hearing at 10:08 p.m.

Public Testimony

No one appeared to comment.

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

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

Member Brindle introduced and moved adoption of Resolution No. 2014-130, Levying Special Assessments for Abatement of Public Health Nuisance. Member Swenson seconded the motion.

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

VI.G. VALLEY VIEW ROAD RECONSTRUCTION FROM MCCAULEY TRAIL TO MARK TERRACE DRIVE IMPROVEMENT NO. BA-377 – RESOLUTION NO. 2014-131 ADOPTED

City Engineer Presentation

Mr. Millner reported that this item was being considered because a variance request needed to be filed with the Minnesota Department of Transportation in December. Staff wanted to ensure that it was completed in a timely manner so that bids were not lost. It was noted there were two separate motions per State Statute. The assessment portion of the project required a super majority approval from the Council (4:1) and the pedestrian and cyclist safety components required a simple majority approval from the Council (3:2).

Mr. Knutson stated that if the Council voted 4:1 or greater for Resolution No. 2014-131 this would not be an issue. If it was a majority approval, the Council could move on Resolution No. 2014-131 with an amendment for the separate portions.

Mr. Millner continued that in 2004, the City received a petition for a sidewalk and in 2010, the City planned for reconstruction. However, the City ran into funding issues and was not able to go ahead with construction. The pavement was in poor condition with a Pavement Condition Index between 10 and 20. There were no curbs, gutters, sidewalks, bike facilities, or parking lanes. The residents were sent a questionnaire, invited to an open house, and then sent a follow-up questionnaire. The proposed improvements included bituminous pavement installation, curb and gutter with five-foot integrated bike lanes, sidewalk on south side with three-foot boulevard, and coach lantern street light installation. There would also be a roundabout at the Valley View Road and Braemar Road intersection. The utility improvements included spot sanitary sewer trunk pipe repairs and CIPP, fire hydrants and gate valves, new water services, increased storm sewer system on Valley View Road, and extension of storm sewer to Sally Lane. The total project cost was \$2,257,000.00. It was noted that 20% of the roadway cost would be assessed to residents at \$227,400.00.

Mr. Millner answered questions of the Council, indicating that it was not feasible to complete a sidewalk on the north side because costs would be 20 to 30% higher.

Mayor Hovland opened the public hearing at 10:28 p.m.

Public Testimony

Robert Tolles, 7143 Valley View Road, addressed the Council.

Douglas Benner, 7025 Sally Lane, addressed the Council.

Larry Nesbitt, 7132 Valley View Road, addressed the Council.

Patrick Cronan, 7146 Valley View Road, addressed the Council.

Susan Konezny, 7120 Valley View Road, addressed the Council.

Kari Jakobe, 7149 Valley View Road, addressed the Council.

Nicholas Jakobe, 7149 Valley View Road, addressed the Council.

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

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

Mr. Millner addressed issues raised during public testimony, indicating that there would not be any tree removal for residential property owners. He discussed pushing the sidewalk to the curb instead of having a boulevard and stated it was a viable option, but staff preferred the boulevard for safety and aesthetics. It

Minutes/Edina City Council/October 21, 2014

was noted the residents on Valley View Road would not lose parking if bike lanes were installed because parking was illegal on the street. The lighting would be downward facing and minimally intrusive to residents. Mr. Millner indicated that property values tend to increase instead of decrease when sidewalks were added. The Council discussed the project and stated its support for the project.

Member Swenson introduced and moved adoption of Resolution No. 2014-131, ordering Improvement No. BA-277 for Valley View Road Reconstruction (McCauley Trail to Mark Terrace Drive). Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

This item was considered as item V.C.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2014-132 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 Bennett introduced and moved adoption of Resolution No. 2014-132 accepting various grants and donations. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.B. FRED RICHARDS VISION PLAN – APPROVED

Manager Neal reported that earlier this year, staff recommended closing Fred Richards course and initiating a repurposing project that began with soliciting community opinions. Staff later recommended hiring Schoenbauer Consulting.

Jeff Schoenbauer, Schoenbauer Consulting, shared that this step was the beginning of the creative process and not the end. Mr. Schoenbauer explained that the process had four steps including: 1) create a set of principles and vision for the site (current step); 2) prepare a detailed master plan for the site consistent with the vision and City Council direction; 3) develop a funding package; and 4) prepare construction documents, bid project, and undertake construction. It was noted that the Parkway corridor would ensure ease of access to the park from the south, allow for shared use of parking lots, and create an appealing buffer between the park and future development. The park would be split into 60% active and 40% passive play areas.

Parks and Recreation Director Ann Kattreh shared the goals for the project: a public engagement process, recommendation from the Park Board to be consistent with the Council's park design parameters, to serve as basis for preparation of a master plan, and to include an estimated development budget. The survey conducted indicated that the park system needs: walking and biking trails; nature trails; natural areas and wildlife habitats; picnic areas; and, indoor fitness and exercise facilities. The next step in the process was to complete a park system strategic plan by June 2015.

Mr. Schoenbauer and Ms. Kattreh answered questions of the Council relating to how the percentages were determined, parking availability, and the quality of the soil.

Member Swenson made a motion, seconded by Member Sprague, approving the Fred Richards vision plan.

The Council discussed whether the drawing included in the vision plan was appropriate for the vision stage of the project. The Council was concerned that the vision should only lay out principles. Mr.

Schoenbauer explained that the drawing was just a starting point, but the project would continue to evolve. Ms. Kattreh added that the drawing was a useful tool with residents as it gave a visual of the possibilities going forwards. The Council thanked Mr. Schoenbauer and Ms. Kattreh for their hard work.

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. PARK BOARD WORK SESSIONS AND REGULAR MEETING, AUGUST 11, 2014**
- 2. ENERGY AND ENVIRONMENT COMMISSION, SEPTEMBER 11, 2014**
- 3. HERITAGE PRESERVATION BOARD, SEPTEMBER 9, 2014**

Informational; no action required.

X. AVIATION NOISE UPDATE - Received

XI. MAYOR AND COUNCIL COMMENTS - Received

XII. MANAGER'S COMMENTS - Received

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:30 a.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, November 4, 2014.

James B. Hovland, Mayor

Video Copy of the October 21, 2014, meeting available.