

**MINUTES OF THE JOINT MEETING
OF EDINA CITY COUNCIL AND THE
EDINA HOUSING AND REDEVELOPMENT AUTHORITY
HELD AT CITY HALL
MAY 16, 2000 - 7:00 P.M.**

A joint meeting of the Edina Housing and Redevelopment Authority and the City Council was convened to consider the actions needed to proceed with redevelopment of Grandview Square. Action was taken by the HRA and the City Council as recorded.

ROLLCALL Answering rollcall were Members Faust, Hovland, Johnson, Kelly, and Mayor Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Johnson approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

NATIONAL PUBLIC WORKS WEEK, MAY 21-27, 2000 PROCLAIMED Mayor Maetzold explained that public works services in the City are an important part of our everyday lives. **Motion made by Member Hovland, seconded by Member Faust introducing the following proclamation and moving its adoption:**

PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways and public buildings; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent on the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, the City of Edina public works staff has planned an Open House for 4 - 7 P.M. Thursday, May 18 at the public works building, to educate the public; and

NOW, THEREFORE, I , Dennis F. Maetzold, Mayor of the City of Edina, do hereby proclaim the week of May 21 - 27 as

NATIONAL PUBLIC WORKS WEEK

in the City of Edina and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing public works services and recognize the contributions the Public Works officials make every day to our health, safety, comfort and quality of life.

Dated the 16th day of May, 2000.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF MAY 2, 2000, APPROVED Motion made by Member Hovland and seconded by Member Johnson approving the Minutes of the Regular Meeting of May 2, 2000.**

Motion carried on rollcall vote - five ayes.

PRELIMINARY REZONING AND OVERALL DEVELOPMENT PLAN - OPUS/CLARK - GRANDVIEW SQUARE APPROVED Affidavits of Notice were presented, approved and ordered placed on file.

Staff Presentation

Manager Hughes reviewed the actions needed: to review the preliminary rezoning and overall development plan; to consider and approve an indemnity agreement and a condemnation resolution with respect to the acquisition of parcels; to approve a land exchange agreement with Hennepin County with respect to the Library; and lastly to accept the assignment of a purchase agreement for the 5201 Eden Circle building. Mr. Hughes added that the Council had been provided with a draft redevelopment agreement for review purposes, however, staff recommended no action on that agreement until the time of final zoning of the redevelopment.

Planner Larsen reviewed the actions that had occurred regarding the development thus far. He stated the initial action occurred November 1, 1999, when the City Council/HRA awarded the redevelopment rights to a team made up of Opus Northwest LLC and Ron Clark, Inc. Following that award and the Letter of Intent being signed in December of 1999, the developer began to develop plans to rezone the property for the necessary City approvals. The first of the City approvals would be the preliminary rezoning and approval of the overall development plan for the site. Currently, the project area includes all non-residential properties south of Eden Avenue, and west of the railroad tracks. Using a graphic depiction Mr. Larsen, showed the properties that are currently owned by the HRA and Zoned R-1. He also showed the two properties that have been Zoned commercial PCD-2, the one property which was zoned office and the industrial parcel. The redevelopment proposal would take all of the properties and rezone them to Mixed Development District No. 4 which is a medium density mixed development district. The original plan contained 80,000 square feet of office space, 190 condominium units, a 20,000 square foot library and a 15,000 square foot senior center. At the end of March, the Planning Commission reviewed a site plan that had one change from the original. The library and senior center moved to the west and became a two-story building with the senior center on the lower level and the library on top, each at 20,000 square feet. The Planning Commission recommended approval with several conditions as outlined in the Council packet. Mr. Larsen said the Park Board reviewed the plan April 11, 2000. At staff's request the Park Board consideration was limited to the impact of the proposed development on Sherwood Park. Both the Planning Commission and Park Board have made similar recommendations to the City Council, asking that the developer address the site plan and attempt to minimize the impact on the existing park. The developer has spent the time between April 11 and May 16, 2000, redesigning their site plan. He explained the modified site plan presented by the developers was intended to address the concerns raised by the Planning Commission and Park Board. Mr. Larsen reported the plan has been modified by removing 18 condominium units from the project and shifting the remaining units back from the park as much as possible; increasing the office building to 88,000 square feet. The library and senior center remain the same. Mr. Larsen said the action necessary was the overall development

plan and preliminary rezoning. He added that the Planning Commission recommended the following eleven conditions of approval:

1. Final Rezoning;
2. Final Plat;
3. Final Site Plan approval for each phase;
4. Development Agreement between the City, Hennepin County and Grandview Square LLC;
5. Developer's Agreement covering public improvements;
6. Watershed District Permits;
7. City Engineer approval of Eden Avenue curb cuts;
8. Road adjacent to park/plaza and senior center should be changed from one-way to two-way;
9. Eliminate parking on southerly cul de sac to provide turnaround for emergency vehicles;
10. Maintain access to well house; and
11. Staff and developer should work to revise site plan to preserve as much of the park as possible in its present location and size.

Mr. Larsen noted that conditions 8-11 had been addressed, in the opinion of staff, in the revised site plan presently before the council.

Proponent Presentation

Heidi Kurtze, Project Development Manager, Ron Clark Construction, said she had the entire development team available to answer any questions. Ms. Kurtze reviewed the goals of the City that were part of its RFP process: create a multi-purpose neighborhood in a key area of redevelopment for the City; create a senior center for Edina; create a new library enabling the City to expand and renovate City Hall; create a European village "feel" in the redeveloped area; and creation of a stronger more vital tax base in the Grandview area. Creation of the senior center was of high importance in the redevelopment. The new library will allow Hennepin County to take advantage of the technological changes and improve their parking situation. Ms. Kurtze said these were a great number of objectives to accomplish with a small amount of land and limited resources. Ms. Kurtze said she believed the Opus/Ron Clark team was chosen because of their long standing reputation and the strength of their financial commitment to the City.

The project financing does tie into the site plan development. The developer will be making a \$3,700,000 equity contribution to the project. The funds will be used to retire 1997 bonds issued to pay for acquisition of the Kunz/Lewis properties. The funds also help cover the public costs associated with the new development of the library/senior center, public administrative costs, and public improvements on the site. New bonds will be issued to pay for the construction of the library and senior center. The developer's note will be subordinate to the City's bonds, meaning the City has minimal risk, being in the senior position to be paid back when the taxes come on line. Tax increment is being used to cover the site improvements and acquisition costs, but this is limited to a ten-year period. The district expires in 2010 which puts some constraints on the project, but is a benefit to the City since due to the short life the developer is only being reimbursed for a portion of site improvements. The project, when complete, will create over a million dollars in annual taxes. Ms. Kurtze said that the short life of the tax increment district and the land area to be redeveloped have put constraints on the developer in both the timing of construction and the project's design.

Minutes/Edina City Council/May 16, 2000

Ms. Kurtze reviewed the five site plans beginning with the plan submitted as part of the RFP process. Originally Opus/Clark proposed 190 residential units with 80,000 square feet of office. The senior center and library were on one level side by side over the bus garage. Also below the office building, plaza and public space, a very large underground public/private parking area housing the Edina School District's bus garage. While this plan allowed the developer to become a finalist, they were asked to reconsider the use of the park land. Opus/Clark shifted the 190 residential units out of the park entirely which substantially reduced the central plaza area. The senior center/library and bus garage remained relatively unchanged in the plan, but the office building was turned to the side as well as the residential area re-oriented towards the north side of Eden Circle.

Upon selection as the developer, several changes to the site plan occurred. The bus garage issue was eliminated from the plan. This eliminated the need for the underground structured parking. Hennepin County expressed the need for a more prominent location on the site with greater visibility and access from Vernon Avenue. Therefore, the plan flipped the office and senior center/library putting them on the western portion of the site. The traffic and City Engineer recommended two access points instead of one for the park. The first plan had one entrance for the residential space and one for the senior center/library office space. Providing two accesses would allow for better circulation but, resulted in separate parking areas for the office and senior center/library; and forced the residential units south into Sherwood Park's western edge. This was the plan submitted with the Letter of Intent to the City Council in 1999. Ms. Kurtze stated that she personally sent this plan along with a letter to all the Richmond Hills neighborhood group in December. She added she also used this plan for her presentation to the Vernon Terrace residents in January. Ms. Kurtze stated the developer did not receive any verbal or written feedback so the plan was refined until it was presented to the March 2000, Planning Commission.

Ms. Kurtze reported that the fourth plan expanded the plaza area and created a link between the plaza and Sherwood Park. This link shifted the housing slightly into the park. The plan met with considerable objection from the neighborhood group. The neighborhood asked that the developer leave the play area (tot lot), leave the backstop in place, and eliminate the housing units on the western edge of the park. The Planning Commission did approve the plan, but asked the developer to work to minimize impact on the park noting that eliminating any use of the park would be desirable. Ms. Kurtze said the developers have revised the plan to the one which is before the Council. The plan reduced the residential units to 170, increased the office building to 88,000 square feet, while leaving the library and senior center the same. She said that a small section of the park (.33 acres) along the western edge of the parking has still been incorporated into the residential development. However, that land has been replaced within Sherwood Park by adding green-space where Eden Circle currently sits. The redesign results in a net gain to the park, but in a different configuration. The developer believes the current plan meets the redevelopment objectives and responds to the Planning Commission and Park Board requests, while still maintaining a financially viable development. Ms. Kurtze said the plan was presented to the Park Director, and she reported, he agreed with the new configuration. She added the developer believes the plaza area depicted on this last site plan is very important to the new residential and office development. Library staff have indicated excitement about potentially holding children's reading time in the plaza. Specific programming has not been determined, but the developer intends to work closely with the Park Department to develop its plans for passive use.

Ms. Kurtze acknowledged that comments will be received from people who do not support the proposed overall development plan, but she said in her opinion, much of this discontent is in response to any change to the redevelopment area and not to one specific plan or another. Ms. Kurtze asked the Council to remember that many people who will benefit from this development will not be heard, citing the developer's waiting list of 92 names for the residential development. She said 75 of those people are current Edina residents who want to move out of their homes, but stay in Edina.

Member Kelly asked for confirmation of his understanding that the site plan results in an increase in park land. Jack Buxell confirmed that before the redevelopment the park had 13,500.01 square feet and after development the park will have 13,680.45 square feet. Mr. Hughes reviewed the change in the parkland using an aerial photograph of the area.

Member Faust said she had several questions. Would the development require a parking variance? Mr. Larsen replied the plan met Edina's code requirements for parking. Do City standards allow a public street to have a median strip and trees; and could someone explain the street circulation? Mr. Buxell explained the access/egress points to the development and pointed out the internal circulation. Member Faust stated she had understood that Opus would be constructing the senior center and library. Mr. Hughes answered that under the redevelopment agreement they would be the construction manager of the senior center and library and provide to the HRA a guaranteed maximum cost. However, under state law, they would still have to publicly bid the components, but would serve as the architect and construction manager. Member Faust asked what components of the development would be built during Phase One and Phase Two and the proposed time table. Ms. Kurtze said that Phase One is the office building and forty units of the first residential building, to be started fall of 2000 and completed by December 2001. Phase Two would be the remaining 32 units of the first building, the beginning of the second building, and the senior center/library. Phase Two is planned to begin construction during 2001 completed by December of 2002. Phases Three and Four would be the completion of the remainder of the residential development if everything goes well in 2004. Member Faust asked if more units were sold up front would the construction schedule be moved forward. Ms. Kurtze said that could be a possibility, but would be unlikely because of the volume of individual options to the construction. Member Faust asked if the NURP ponds are adequate for the site. Engineer Hoffman answered that a preliminary review from the watershed districts indicate they are adequate.

Member Kelly asked if the environmental studies will delay construction. Ms. Kurtze stated the Phase II's have been completed, however, there are issues, but the developer will hopefully know the parameters and needs by June. Member Kelly asked when the plaza will be developed. Ms. Kurtze answered the plaza will be developed during Phase One.

Member Hovland asked the developer what would be the effect on the proposed redevelopment if the existing configuration of Sherwood Park was not altered as proposed. Ms. Kurtze said the development would lose an additional 30 residential units which could not be recouped by another increase in the office building. The office building as proposed is as large as can be supported by parking on the site. The loss of thirty more units would most likely preclude the developer's ability to proceed with the project due to the additional loss of potential taxes. Member Hovland expressed concern to the City Attorney about the indemnification agreement,

Minutes/Edina City Council/May 16, 2000

regarding the relocation costs. Attorney Gilligan explained the indemnification agreement had been amended since the Council's packet was sent out.

Mayor Maetzold asked if the developer were to leave the existing park as is, could a story be added to the east residential building. Ms. Kurtze explained the buildings were as high as they can be using wood frame construction. Beyond four stories construction switches to commercial code which adds substantial costs which would make the project not financially feasible. Mayor Maetzold asked for specific perimeter descriptions of the north side and east side of the park in terms of landscaping and a potential sidewalk. Mr. Buxell said that the buildings have about fourteen feet of patio located eight feet from the edge of the sidewalk. There will be an eight-foot landscaping space between the edge of the building side of the sidewalk and the structure leaving the 14-foot patio area that will most likely include plantings. Wally Case, landscape architect, explained that along that edge is a common sidewalk serving both the residents and people using the park. They also have a combination of over-story deciduous canopy trees along the sidewalk. There are some existing trees the developer will attempt to preserve along the edge and along the edge of the residential area. In addition, there will be lower shrub plantings to further separate the park from the residential area. Mayor Maetzold asked what the height of the trees would be that are to be planted. Mr. Case replied the landscaping will meet the City code requirements with respect to percentage of small trees. They will range from 2" caliper to 5½ " caliper trees. He said the larger trees will be selectively placed primarily to the perimeter of the project. Flexibility is needed in utilizing the smaller trees since they actually grow better due to less transplant shock. Mayor Maetzold asked if a person stood in the middle of the park would the feeling be that of a park or as part of the residential development. Mr. Case replied that once the trees get growing well, a person would be surrounded by large trees. He pointed out that there are trees already in existence on the north and western sides of the park. Eventually the deciduous trees will be 40-60 feet high. There will also be a heavy planting of coniferous trees approximately six to eight feet in height, on the site.

Public Comment

John Menke, 5301 Pinewood Trail, stated that he could not support the rezoning until the Sherwood Park issue is resolved. Mr. Menke said there are 48 houses in Richmond Hills and these residents do not want any land taken from Sherwood Park. He added they do not agree with the developer's statement that the latest plan results in a net gain of parkland. Mr. Menke stated Richmond Hills supports redevelopment, however, they are gravely concerned about losing Sherwood Park. Mr. Menke said that when the City received RFP's originally, in October of 1997, the proposals were supposed to be compatible with the existing and surrounding neighborhood. The current Grandview Square proposal has multifamily housing 50-54 feet in height, next to existing single family homes. Mr. Menke said that the letter he received from Heidi Kurtze did not include any graphic depiction of the site plan as Ms. Kurtze had previously stated. Mr. Menke said that Sherwood Park is very important to the Richmond Hills neighborhood because of all the neighborhood play that happens in it. The part of the park that Grandview Square will take is the only flat area and is used often by older children (even adults) to play soccer, football, baseball, etc. Mr. Menke urged the Council to not rezone or approve the redevelopment until Sherwood Park is left alone.

Art Heiam, 5205 Richwood Drive, stated that he wanted it pointed out that Heidi Kurtze's letter states that only a few neighbors are concerned. Mr. Heiam said that Sherwood Park will be

devastated. He added that because of the slope, the land lost was virtually the only area that children could play any sort of game.

Steve Loehr, 5216 Richwood Drive, asked if the current park was going to be taken, then expanded with land from Eden Circle how would it be configured and who would be the planned users of the expanded park.

Dr. Dan Shebuski, Edina Pet Hospital, 5237 Eden Avenue, stated he had owned the pet hospital since 1976. Dr. Shebuski added that he invited the Council and City staff to visit his hospital to see the type of operation it is, but no one came to see him. Dr. Shebuski added that he recently hired another veterinarian with the thought of selling him the practice and retiring. Now, because Dr. Shebuski's building is being taken against his will, he is not only losing his livelihood, but also his retirement. The Edina Pet Hospital is one of 26 veterinary practices within a six-mile radius. He said that statistics show 86% of the people choose a vet hospital based upon location. Therefore, moving him to another location, damages his practice. Dr. Shebuski said he needs to continue his business in the same area and that he needs to own the land and building.

Jack Abrahamson, 5209 Richwood Drive, said it would be extremely difficult to endorse the proposed redevelopment. Mr. Abrahamson said that in his experience OPUS was a very fine company, but the proposed redevelopment puts 47-48 homes into a tunnel. He added that a problem exists now with parking on Sherwood because of the doctors' office in the Edina Realty building. This problem will increase with the proposed redevelopment. Mr. Abrahamson said if there is an increase in green space there is a loss of playable area. He added that the four homes abutting the park are in the TIF District. Attorney Gilligan corrected Mr. Abrahamson, stating no residential homes are in the TIF District. Mr. Abrahamson concluded asking that because of the traffic problem, the loss of parkland and the lack of sympathy on the part of the developers to the adjacent neighborhood, the Council should not rezone the property, but look again at different redevelopment plans.

Jean Shebuski, said that she and her husband are asking the redevelopment be delayed. She said they have lived through seven months of extreme hardship and that the developers have not been negotiating in good faith. Mrs. Shebuski contended they were offered less for their pet hospital than they paid twenty-five years ago. She believes a new plan should be submitted that includes the pet hospital.

Pat Olk, 5315 Pinewood Trail, commented that it appears the problem with the site is that the Edina Bus Garage is not included. Mr. Olk asked if the City could somehow make the Edina School District relocate the bus garage. Mayor Maetzold said that was a very complex issue that has been attempted to be resolved for many years.

Linda Presthus, explained she was a Park Board member. She informed the neighbors that the Park Board had reviewed the plan. Ms. Presthus explained her belief that the play area was to be expanded and the entire park re-graded.

Judith Menke, 5301 Pinewood Trail, said she felt insulted as a neighbor by Ms. Kurtz's assertion that the neighbors are objecting to any change. The Richmond Hills neighborhood has attempted to stay informed because they realize that the property must be redeveloped. However, Sherwood Park, needs to accommodate children from toddlers to teens and as proposed, use by

Minutes/Edina City Council/May 16, 2000

older area children will be lost. Mrs. Menke stated the Richmond Hills neighborhood would like to stay actively involved in the development, but the developer has not listened to the neighborhood.

Margery Peters, 5120 Duggan Plaza expressed her concern over the redevelopment.

Rod Krause, attorney for Ed Noonan, stated he wanted the Council to understand that the proposed redevelopment should not involve Ed Noonan's building. Mr. Krause asked the Council to revisit the scale of the project. He added that Mr. Noonan was very concerned about the timing of the proposed redevelopment. Mr. Krause said they were unable to get a response from the developer's representatives. They need a firm understanding of the project's time table.

Leonard Hadden, President of Cross Technology, 5201 Eden Avenue, explained his firm has 40 employees working three shifts a day. Mr. Hadden said he would be willing to re-locate, but it will be difficult to do so. He said he sympathized with the neighbors. Mr. Hadden said in his opinion the biggest users of the park are the TAGS' mothers waiting for children who are taking gymnastics and his own Cross employees. He urged the Council to make a decision and move forward because in his opinion, businesses do not survive in a period of great uncertainty.

Council Discussion and Action

Member Johnson made a motion closing the public hearing at 8:45 p.m. Member Kelly seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold.

Motion carried.

Member Faust asked staff what kind of park Sherwood Park was and if it is currently designed for softball? Park Director Keprios explained it was considered a mini-park, two acres or less and not scheduled with any activities such as softball. The park serves the neighborhood for a one-quarter mile radius. The park is designed to allow younger children to play, but he said it would not be adequate for baseball or organized activities. He continued stating that in his professional opinion the proposed layout will offer the best design in light of the proposed redevelopment and the existing parkland. Member Faust continued asking if the parking was studied when the medical office building was relocated. Mr. Larsen said the parking meets Edina's code, but he acknowledged it does spill out. He added this is believed to be happening because of the construction, but a parking improvement has been approved for the location.

Member Kelly said that his only regret with the proposed redevelopment was that the bus garage has not been included. He acknowledged that the City cannot force the school district to relocate the bus garage. Member Kelly said he believed the proposed redevelopment was well designed and thought out. He added that one of the advantages of being a long time Edina resident is that he knows Mr. Clark, Mr. Brown and Mr. Lund and had a great deal of respect for their professional judgement and their strong history of positive development. Member Kelly stated he understood the neighbor's concern regarding the proposed buildings' height, but the site must be developed. This plan is as good as any plan that has been previously presented. He said it was a fact that the park is being increased in size and he believes the people of the community will be benefited by the ability to walk through the park, the neighborhood, and the plaza to either the library or the senior center.

Member Kelly also spoke to the condemnation process. The condemnation process was designed to provide people with a fair price for their property. It provides, not only a fair price for the property, but it provides relocation benefits. In his years of practice in the real estate area, the people who were most opposed to condemnation are those who are not willing to settle for a fair price. Condemnation is not designed to provide a windfall, it is an opportunity to find a fair price through the use of a neutral party. As a result, Member Kelly stated he believed condemnation was an important part of getting the development accomplished. He stated his strong support for the proposed redevelopment, noting the strong development team, a well-planned and thought out proposal, an increase in park land exclusive of the plaza, and added benefits from the plaza, library and senior center.

Member Faust stated her concern with the final plan was the residences and stated the park has not only been made whole, but actually improved. Member Faust said that she and Member Hovland just measured the plan and the residences will be 200 feet from the lot line of the proposed condominiums. This seems very adequate and she added her support to the project.

Mayor Maetzold stated he had very strong concerns about the park. He said he took to heart the lawn play for older children for soccer, youth baseball and so on. Mayor Maetzold expressed his concern for the loss of "playable" area even though the square footage remains the same or increases. Mayor Maetzold asked the Park Director to comment on the loss of the area where pick-up games could be played. Mr. Keprios stated he also was sympathetic to the neighbors understanding the situation. In the best of all worlds he would like to see the existing park left alone or added to, however, he also understands the compromise that has been proposed. As far as the park's function, it is debatable when you lose the type of linear design you may lose a little bit of that type of play. In his opinion, the proposed design would be better offering more feeling of openness than leaving the park in the current configuration crowded by the condominiums. Reorienting of the park is further limited by the well-house located in the center of the park. Mayor Maetzold continued stating that with more participation in soccer this was a great place for kids in the neighborhood to gather and play. The neighbors are losing an important amenity unless it can be replaced somehow. Mayor Maetzold indicated that he probably will vote against the plan, because in March he spent some time in Washington D.C. lobbying in favor of Denali National Park. One issue was about ten acres that was attempting to be preserved from commercial development so in his heart he supports preserving park land and for this reason does not support the plan.

Member Hovland noted the proposed redevelopment plan is very complex. The plan has all the elements asked for in the RFP. He added the problems created tonight came about because of the library's need to have greater visibility. This has caused problems that no one foresaw. Member Hovland stated he had one problem and that was in November when Ron Clark was asked what would happen if the proposed redevelopment needed to be downsized. Mr. Clark answered that they would have to modify their proposal and develop in the best interest of the City. He stated he found it troubling that now the developer must have the neck of the park in order to make the development viable. Member Hovland questioned whether the decision should be pushed back and an attempt made to solve the problem. If the library is the core problem, then maybe the library staff should be spoken with. If forced to vote he would, because he finds Members Kelly and Faust arguments compelling but also finds merits in the Mayor's concerns. He added that perhaps the Wanner property should be included in the redevelopment at this time.

Minutes/Edina City Council/May 16, 2000

Member Johnson said that when he was appointed to the City Council they had already decided that redevelopment was needed with the site. After a deliberative process, the Council (without Member Johnson) determined the best use of the redevelopment property would be a mixed use development. Member Johnson got involved about the time the City had eleven RFP's from eleven developers. The Council narrowed them down to three finalists and after much discussion unanimously voted in favor of the Opus/Clark team because of their proposal, reputations, and past experience. Member Johnson said he personally checked with the City Attorney of the City of Minnetonka that the proponent had done an outstanding job in attempting to meet the needs of their city and its citizens. From what he had heard today, there has been an effort by the developer to accommodate the needs of the City and respond to the neighbors concern within the constraints of the land available. It is hoped that with re-grading and reconfiguration, a more desirable park will be available for the residents. Coupling this with the ability to walk through the property over to the library, there appears to have been an enhancement. Member Johnson stated he also checked with someone knowledgeable in this area, as to the effect over time on the value of the homes in the Richmond Hills neighborhood. His source's opinion was that over time the values would be increased. Member Johnson added that in his opinion, the developer has dealt with the business in an above-board manner. He added that he also is concerned about the height issue on the residences and the "tunnel effect". The proposal seems a very reasonable plan. Member Johnson said he believed the process the Council started was rational, that due notice has been given to all, and that uncertainty is very undesirable from a business standpoint. For these reasons, to delay the decision is not in the City's or the developers best interest. Member Johnson said he intends to vote in favor of the proposal.

Member Faust commented that she and Member Kelly have been looking at the proposed redevelopment property for three years. The decision was not made easily, they have been wrestling with it for a long time. She acknowledged hearing from the neighbors and from eleven developers so this was not an easy decision.

Member Hovland acknowledged the height concern expressed by Member Johnson. In November of 1999, no one had expressed any concern over height. At that time it was a non-issue. Member Hovland said that he found Member Johnson's comments persuasive and in spite of having tremendous difficulty he would also vote in favor of the project moving forward.

Member Kelly made a motion granting Preliminary Rezoning (Ordinance No. 850-A18) to Mixed Development District (MDD-4) to the Eden Avenue Redevelopment Project as presented at the regular meeting of the City Council on May 16, 2000, based upon the following conditions:

- 1. Final Rezoning;**
- 2. Final Plat;**
- 3. Final Site Plan approval for each phase;**
- 4. Development Agreement between the City, Hennepin County and Grandview Square LLC;**
- 5. Developer's Agreement covering public improvements;**
- 6. Watershed District Permits; and**
- 7. City Engineer approval of Eden Avenue curb cuts.**

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly

Nay: Maetzold
Motion carried.

Member Kelly made a motion introducing the following resolution and moving its adoption:

RESOLUTION NO. 2000-55

GRANDVIEW SQUARE

OVERALL DEVELOPMENT PLAN

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Overall Development Plan dated May 11, 2000, by Grandview Square LLC for the Eden Avenue Redevelopment Project presented at the regular meeting of the City Council on May 16, 2000, be and is hereby approved with the following conditions:

1. Final Rezoning;
2. Final Plat;
3. Final Site Plan approval for each phase;
4. Development Agreement between the City, Hennepin County and Grandview Square LLC;
5. Developer's Agreement covering public improvements;
6. Watershed District Permits; and
7. City Engineer approval of Eden Avenue curb cuts.

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly

Nay: Maetzold

Motion carried.

Mr. Hughes noted the redevelopment will go back to the Planning Commission at their May 31, 2000, meeting and come back to the HRA/City Council at their meeting, June 20, 2000.

RESOLUTION 2000-56 APPROVED - GRANTING OLINGER RIDGE ADDITION FINAL PLAT Affidavits of Notice were presented, approved and ordered placed on file.

Planner Larsen noted that the proponents had met the four conditions imposed April 18, 2000, when they received preliminary plat approval for Olinger Ridge. Mr. Larsen said staff support granting final plat approval subject to Subdivision Dedication based on a al land value of \$92,000.00.

Member Johnson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2000-56

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "OLINGER RIDGE", platted by Delores D. Change, and presented at the regular meeting of the City Council on May 16, 2000, be and is hereby granted final plat approval.

Passed and adopted by the Edina City Council this 16th day of May, 2000. Member Faust seconded the motion.

Member Kelly excused himself from the Council Chambers temporarily.

Rollcall:

Ayes: Faust, Hovland, Johnson, Maetzold.

Resolution adopted

ORDINANCE NO. 2000-5 ADOPTED AMENDING SECTION 450 SWIMMING POOLS

Sanitarian Velde explained the reason for the proposed ordinance amendment was to bring Edina's code into compliance with State Statute. The amendment would address three items in the Swimming Pool Code: spa pool deck elevations, access barriers, and chlorine concentration.

Mr. Velde stated the first section would allow the required deck to be lower than the top rim of a spa pool. Spa pools are typical 30 to 34 inches in height and no larger than 100 square feet in area. Mr. Velde said staff believed this relation would not interfere with live saving efforts. The second section would allow homeowners who have spa pools to use a rated safety cover instead of fencing to prevent toddlers from accessing the pool. Under the present Code, the homeowner would be required to fence the spa pool area. An ASTM rated safety cover is acceptable by the Uniform Building Code as barrier. The third section of the amendment increases maximum allowable chlorine residual from 3.0 ppm to 5.0 ppm. This is consistent with the state swimming pool code and the industry standard. He noted Staff added the requirement that spa or pool covers lock to the ordinance.

Member Faust introduced the following Ordinance and moved granting First Reading with waiver of Second Reading:

Edina Ordinance No. 2000 - 5

An Ordinance Amending Section 450 of the City Code Changing Deck Requirement, Fencing Requirements and Updating Water Chemistry Requirements

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. The second paragraph of Subd. 7 of Subsection 450.06 is hereby replaced with the following:

"Except, a deck is not needed around the perimeter of a special purpose pool providing the following conditions are met:

- A. The pool is accessible from at least one side by a deck.**
- B. The deck is no less than four feet wide as measured perpendicular to the pool side and no less than eight feet long as measured parallel with the pool side.**
- C. The special purpose pool is not located within four feet of a residential swimming pool.**
- D. The deck elevation is no lower than the elevation at the base of the special purpose pool or no more than 9 inches above the normal water line of the special purpose pool."**

Section 2. Subd. 1 of Subsection 450.16 is amended to read as follows:

"Subd. 1. Free Chlorine. The free chlorine content shall be maintained between five-tenths (0.5) and five (5.0) parts per million."

Section 3. Subsection 450.24 of the City Code is amended by adding a new last sentence as follows:

- "Except a special purpose pool need not meet the fence requirement provided:**
- A. The special purpose pool is equipped with a safety cover listed in accordance with American Society for Testing and Materials (ASTM) Standard F 1346, "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs."**
 - B. The safety cover is secured in place at all times the special purpose pool is not occupied."**

Section 4. This ordinance shall be in full force and effect upon adoption.

Attest

City Clerk

Mayor

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Nay: Johnson

Ordinance No. 2000-5 adopted.

ORDINANCE NO. 2000-6 ADOPTED AMENDING SECTION 740 CHANGING THE LICENSE TERM FOR PARKING GARAGES

Mr. Velde explained that staff is requesting the change in the license term for parking garages located in multi-family residential housing. Mr. Velde stated that they believe more realistic inspection results are obtained during winter months than during summer months.

Mayor Maetzold made a motion granting First Reading and waiving Second Reading for the following ordinance:

**Edina Ordinance No. 2000 - 6
An Ordinance Amending Section 740
By Changing License Term**

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. Section 740.04 Subd. 3 shall be amended to read as follows:

“Subd. 3. Term. Licenses issued pursuant to this Section shall expire on January 31st of each calendar year.”

Section 2. The term of current licensees shall be extended until January 31, 2001.

Section 3. This ordinance shall be in full force and effect upon adoption.

Attest

City Clerk

Mayor

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Ordinance No. 2000-6 adopted.

***BID AWARDED FOR TYPE III AMBULANCE FOR FIRE DEPARTMENT** Motion made by Member Hovland and seconded by Member Johnson approving the award of bid for a Type III Ambulance on a Ford E-350 super duty chassis to lowest recommended bidder meeting specifications, North Central Ambulance Sales at \$98,507.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR SANITARY SEWER IMPROVEMENTS - WEST 62ND STREET LIFT STATION, FORCEMAIN AND DIVERSION PIPE, CONTRACT NO. 00-1, ENGINEERING**

Motion made by Member Hovland and seconded by Member Johnson for award of bid for Sanitary Sewer Improvements at West 62nd Street Lift Station, Forcemain and Diversion Pipe, Contract No. 00-1, Engineering, to recommended low bidder, Northdale Construction Company at \$898,351.31.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR ONE CARGO VAN FOR PUBLIC WORKS** Motion made by Member Hovland and seconded by Member Johnson for award of bid for one cargo van for Public Works to sole bidder, Superior Ford through State Contract No. 424727, at \$18,066.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR TWO DUMP TRUCK BOXES - ONE TANDEM AND ONE SINGLE AXLE FOR PUBLIC WORKS** Motion made by Member Hovland and seconded by Member Johnson for award of bid for two dump truck boxes - one tandem and one single axle for Public Works to sole bidder, J. Craft, Inc. under State Contract #425123, at \$96,344.00.

Motion carried on rollcall vote - five ayes.

***TRAFFIC SAFETY REVIEW OF MAY 1, 2000 APPROVED** Motion made by Member Hovland and seconded by Member Johnson approving the Traffic Safety Staff Review of May 1, 2000, Section A as recommended by staff as follows:

1. Installation of NO PARKING ANYTIME sign restricting parking on the east side of Drew Avenue, south of the driveway at 6533 Drew to West 66th Street;
2. Moving of NO PARKING BEGINS HERE sign from its present location on the north side of the east driveway entrance to 6400 Barrie Road to a point 21 feet north of that location;
3. Adding 25 MPH advisory plaques to the present pedestrian awareness signs already in place on Ayrshire Boulevard at Lochloy Drive for eastbound traffic and on Ayrshire Boulevard at Duncraig for westbound traffic; and
4. Removal of NO PARKING SCHOOL DAYS 7 A.M. - 9 A.M. signs on Concord Terrace; and

Section B and C.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2000-57 ADOPTED, I-494 CORRIDOR COMMISSION FUNDING FOR 494/35W INTERCHANGE** Motion made by Member Hovland and seconded by Member Johnson approving the following resolution:

RESOLUTION 2000-57
RESOLUTION SUPPORTING I-494 CORRIDOR COMMISSION
EFFORTS TO SECURE FEDERAL FUNDS FOR THE
REBUILDING OF THE I-494/35W INTERCHANGE

WHEREAS, the I-494 Corridor Commission is a Joint Powers Organization (JPO) representing the transportation system concerns of the seven cities of Bloomington, Eden Prairie, Edina, Maple Grove, Minnetonka, Plymouth and Richfield; and

WHEREAS, the I-494 Corridor Commission represents the transportation interests of 21 percent of the region's employers and 19 percent of the region's residents; and,

WHEREAS, the mission of the I-494 Corridor Commission is to promote the improvement of I-494 infrastructure from the Minnesota River to I-94 in order to increase its people-moving capacity and to improve mobility for businesses and residents throughout the region; and,

WHEREAS, the I-494 Corridor Commission consistently supports a multi-modal transportation system approach to exploring initiatives that might benefit the region as a whole, and continues to actively participate as a member of multiple-jurisdiction

transportation planning groups, such as the Minnesota Transportation Alliance, that seek long-term funding solutions for Minnesota's transportation system; and,

WHEREAS, the I-494 Corridor Commission is actively involved in planning for the needs of its member communities and the region as a whole by proactively developing Travel Demand Management (TDM) plans and programs that increase 494 vehicle capacity; by providing employers and developers with incentives that promote alternatives to driving alone; by planning competitive transit services to employment centers around the corridor; by adding bus shoulder lanes and high occupancy vehicle (HOV) ramp meter bypasses at strategic corridor locations; by promoting transit-oriented site planning at new development and redeveloped areas; by advocating for local land use changes supporting TDM; and by overseeing 494 road reconstruction project staging to facilitate and coordinate future planned road projects; and,

WHEREAS, the I-494 Corridor Commission is assisting MnDOT and the Metropolitan Council in identifying a number of high-priority multi-modal projects along the 494 corridor and how best to stage these projects to mitigate traffic congestion and delay during 494 reconstruction periods; and,

WHEREAS, the I-494 Corridor Commission provides an ongoing stakeholder forum for the planning of I-494 reconstruction through regular meetings of the 494 Chamber of Commerce Subcommittee, the 494 Engineers' Subcommittee and the 494 Transit Providers' Subcommittee; and

WHEREAS, the I-494 Corridor Commission, through the work of its member cities of Bloomington and Richfield, has identified the interchange of I-494 and I-35W as a critical infrastructure improvement that needs immediate attention; and

WHEREAS, the approximate cost of the improvements is estimated at \$125 million or more and the State of Minnesota has approximately \$66 million committed for the project in the years 2011 and beyond; and

WHEREAS, the I-494 Corridor Commission is continuing its search for innovative funding partnerships that will increase or "speed up" funding for critical 494 roadway and transit improvements; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Edina hereby declares its support of I-494 Corridor Commission activities relating to the procurement of federal funding to improve I-494 infrastructure and services; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Honorable Congressman James Ramstad, Minnesota Third District; the Honorable Congressman Martin Sabo, Minnesota Fifth District; the Honorable Congressman James Oberstar, Minnesota Eighth District; the Honorable Congressman David Minge, Minnesota Second District; the Honorable Senator Paul Wellstone; the Honorable Senator Rod Grams; Governor Jesse Ventura; State Senator Roy Terwilliger, Senate District 42; State Representative Erik Paulsen, Representative District 42B; State Representative Ron Erhardt, Representative District 42A; the Chair of the Metropolitan Council Transportation Advisory Board (TAB); the Chair of the Metropolitan Council Technical Advisory Committee (TAC); the chair of the Metropolitan Council; the Commissioner of the Minnesota Department of Transportation; the Board of the Minnesota Transportation Alliance; and the Chair of the Hennepin County Board of Commissioners.

Passed and duly adopted by the City Council of the City of Edina, this 16th day of May, 2000.

Motion carried on rollcall vote - five ayes.

Minutes/Edina City Council/May 16, 2000

CLAIMS PAID Motion made by Member Johnson approving payment of the following claims as shown in detail on the Check Register dated May 10, 2000, and consisting of 33 pages: General Fund \$181,318.48; Communications \$21,756.54; Working Capital \$13,705.75; Art Center \$4,400.26; Golf Dome Fund \$3,469.11; Swimming Pool Fund \$6,399.81; Golf Course Fund \$75,871.50; Ice Arena Fund \$10,410.92; Edinborough/Centennial Lakes \$16,552.03; Utility Fund \$184,945.20; Storm Sewer Utility Fund \$1,568.76; Recycling Program \$37,935.20; Liquor Dispensary Fund \$261,785.18 Construction Fund \$88,363.05; Park Bond Fund \$367.20; TOTAL \$908,848.99. Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 9:55 P.M.

City Clerk