

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
FEBRUARY 15, 2005  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Housh, Masica, Swenson and Mayor Hovland.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Agenda Item V.B. Municipal Recycling Grant Agreement 2005 - 2007 with Hennepin County.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**MINNESOTA SAFE AND SOBER PRESENTATION** Bob O'Brien, the Safe & Sober Liaison for Minnesota Safe and Sober, indicated that statistics prove that when a good traffic program was in place, criminal activity was reduced. He added that 39% of criminals were apprehended as the result of a traffic stop. Mr. O'Brien commended and thanked the Edina Police Department with the example they have set that began with leadership from the Mayor and Council through staff and the community in saving lives.

**\*MINUTES OF THE REGULAR MEETING OF FEBRUARY 1, 2005, AND SPECIAL MEETINGS OF JANUARY 29, 2005, AND FEBRUARY 1, 2005, AND CLOSED MEETING OF FEBRUARY 1, 2005, APPROVED** Motion made by Member Housh and seconded by Member Masica, approving the Minutes of the Regular Meeting of the Edina City Council for February 1, 2005, and Special Meetings of January 29, 2005, and February 1, 2005, and Closed Meeting of February 1, 2005.

Motion carried on rollcall vote - four ayes.

**ROADWAY RECONSTRUCTION - SOUTH HARRIET PARK WEST ROADWAY IMPROVEMENT NO. A-204 ORDERED** Affidavits of Notice were presented, approved and ordered placed on file.

**Engineer Presentation**

Engineer Houle reviewed briefly the Minnesota Statutes 429 process by which special assessments may be levied for improvement projects to the Council. He then went on to inform them that the South Harriet Park neighborhood roadway improvements had been partially (14%) petitioned with a request for storm sewer, curb and gutter along West 53<sup>rd</sup> Street. Mr. Houle stated City staff had expanded the scope of the project and the project area when they began the process.

The roadway and utilities in the area were originally constructed in the late 1930's and 1940's. Mr. Houle stated that the typical life of a roadway was approximately thirty years. Therefore, staff had proposed to reconstruct the existing roadway including the installation of new concrete curb and gutters, rehabilitating the watermain and sanitary sewer and extending the storm sewer system.

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Mr. Houle showed a graphic representing all of the breaks to the water main and service line breaks in the neighborhood demonstrating the need for the proposed water and sanitary sewer work. He explained the area has experienced surface water drainage issues because of the level roadways and lack of storm sewer system in the area. In addition many area homes use sump pumps.

Mr. Houle explained the existing streets in the area were 22 feet to 30 feet wide with no curb or gutter. Frequently boulders and landscaping have been placed in the boulevard to keep motorists from driving on lawns. He added that some on-street parking bays existed on the roadway along Arden Park. Mr. Houle stated the roadway was very deteriorated and had experienced band-aid patchwork. He noted that as the roadways existed, vehicles drove onto lawns and there were drainage problems along the edge of the roadway. For those reasons, Mr. Houle stated staff was recommending the installation of curbs and gutters, which in his opinion would add to the life of the roadway and decrease City maintenance costs.

Mr. Houle said staff had expanded the initial resident petition so the proposed project area included Brookview Avenue, Oaklawn Avenue and Kellogg Avenue from West 54<sup>th</sup> Street to West 52<sup>nd</sup> Street including West 52<sup>nd</sup> Street. The proposed project would reconstruct the existing roadway including installing new curbs and gutters, rehabilitating the watermain and sanitary sewer, and extending the storm sewer system.

He explained the estimated roadway construction cost was \$808,000, which did not include the City Utility Fund costs for rehabilitating the water and sewer service and extending the storm sewer. Mr. Houle said funding for the roadway construction portion of the proposed project would be from a special assessment of approximately \$8,700 per residential equivalent unit.

Mr. Houle stated the neighborhood had been surveyed and most do not want new concrete curb and gutter, do not prefer relocating overhead utilities to underground and do not prefer installing decorative street lighting. He added that staff recommended the installation of curb and gutter with the project, but would recommend not pursuing relocating the overhead utilities to underground or installing decorative street lighting. Mr. Houle added that intersection geometrics were proposed to be revised at the intersection of Oaklawn Avenue and Brookview Avenue to reduce the pavement area and create a more standard T-intersection. He said throughout the project, trees will be protected and impacts to the trees would be minimized.

Mr. Houle said that staff believed the barrier style curb was more desirable as it would work well with existing topography within the neighborhood and provide the best control of water runoff and a better defined roadway while providing protection to the sod and pavement edges from snowplow damage during the winter months.

Mr. Houle stated that if the Council ordered the project at this time, the bid could be awarded this spring and the project constructed over the summer. The final assessment hearing could then be held in the fall in order to meet the County's November deadline.

Member Housh asked if installing curb and gutter, 1) would increase roadway life, 2) would address the sump pumps in the area, and 3) what would be the comparable cost and performance

of bulkhead vs. surmountable curbs. Mr. Houle replied that in his opinion installation of curb and gutter would substantially increase the life of the roadway. He stated that staff intended to install drain tiles and service stubs to handle area sump pumps. Mr. Houle said the cost of the two styles of curb were comparable, but bulkhead curbing handled storm water and drainage better.

Member Swenson asked if colored concrete could be used to lessen the aesthetic impact of the curbing and if there was a discernable difference in the depth of the curbing. Mr. Houle said that colored concrete could be used to blend the curb into the landscaping. He added the two styles of curbs were essentially the same depth.

Member Masica asked if it would be possible to install curb only in the petitioned areas, and if staff could compare the proposed project to the Maple Road area. Mr. Houle said that curb could be installed in the petitioned area only, but he stated it would not be his recommendation to do so. He explained Maple Road's project comprised about eight to twelve homes versus the proposed project area with approximately seventy homes. He added that typically project cost estimates were higher than the actual construction costs.

Mayor Hovland asked if proposing the roadway at 27 feet would provide any traffic calming, whether or not the final special assessment decision could be done in the future and how the City would handle problems with in ground fencing and sprinklers. He also asked staff to comment on the utility work proposed to be constructed along with the roadway improvements. Mr. Houle said the narrower road would most likely aid in calming the traffic, adding that anything disturbed by the project such as in ground fencing or sprinklers would be restored to their pre-project condition. Mr. Houle stated that the utility improvements would be paid for out of the Utility Fund and not assessed to the property owners. Attorney Gilligan explained that the project could be ordered at this time and a final determination of the special assessments could be decided upon at a later date.

#### Public Comment

Bob Shutes, 5212 Kellogg Avenue, said he was the designated spokesperson for the neighborhood, and expressed concern that a decision had already been made. He said the neighbors were not willing to accept curbs and gutters because of aesthetics, potential damage to trees and the expense. Mr. Shutes said according to his survey, which he presented to the City Council, 82% of the neighbors surveyed did not want curb and gutter. He also voiced his concern over the 100% assessment policy favoring instead adding improvement costs to the General Fund levy for all citizens to pay.

Louis Mitera, 5216 Kellogg Avenue, said he did not want curb and gutters installed. He expressed his extreme concern for the trees and suggested hiring an arborist to review the situation.

Tom Jones, 5225 Brookview Avenue, stated his agreement with previous speakers, and added he also did not want curb and gutter. Mr. Jones said that Arden Park should have more units attributed to it than the eleven in the projection used by Mr. Houle. He felt in his professional opinion it should be something like twenty units.

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Jill Hallbrooks, 5300 Brookview, stated she also did not want curb and gutter. She commented that in her opinion the petition was not valid because it had not been explained properly. Ms. Hallbrooks said she was a signer on the original petition, but would like to rescind that signature.

Patricia Ziler, 5320 Brookview Avenue, expressed concern over water quality in Minnehaha Creek and stated she did not want curb and gutter and that the 6.5% interest rate was too high. Ms. Ziler asked that the neighborhood be left with its country look.

Barbara Jondahl, 5200 Oaklawn Avenue, stated she did not favor curb and gutter and that if the expense of living in her home continued to increase she would have to think about moving. Ms. Jondahl urged that the improvement be constructed so as to maintain the neighborhood with its current rural feel.

John Christ, 5324 Halifax Avenue, expressed his dissatisfaction with maintenance programs in place and the potential of 100% special assessments to cover the cost of street reconstruction. He was informed the hearing did not cover Halifax, which would be heard at a later time.

Jay Carlson, 5304 Oaklawn Avenue, urged that the City be very mindful of the valuable trees in the area when the project was constructed. Mr. Carlson did not favor curb and gutter.

Elsbeth Nairn, 5320 Brookview Avenue, did not favor curb and gutter. Ms. Nairn chose her home because of the rural look of the area. She also expressed environmental concern for Minnehaha Creek.

### Council Discussion/Action

Mayor Hovland thanked the property owners for their input. He asked staff what would be different about the drainage and storm water management regardless of curb and gutter. Mr. Houle explained that there would be catch basins installed on Kellogg Avenue and every intersection on West 53<sup>rd</sup> Street. Mayor Hovland polled the Council for their opinions about the proposed project.

Member Masica stated that if the City could realize forty to fifty years of street life with an appropriate design, she would not support installation of curb and gutter, therefore preserving the rural appeal of the neighborhood.

Member Swenson cautioned that forgoing curb and gutter could easily be opening Pandora's box. She urged her fellow Council members to go look at Skyview Drive where bituminous curbing had been installed after the original project was built.

Member Housh thanked the public and staff for their work. He stated it was a necessity to keep the City's infrastructure sound. He said the Council would continue gathering information on the special assessments for the projects, adding he would not support installing curb and gutter in this area.

Mayor Hovland added he also believed this was a special area with unique appeal. He said that typically the Council gathers all the information, listens to both staff and the public and then

weighs their decisions carefully. Mayor Hovland added he also did not support curb and gutter in the area.

**Member Masica made a motion to close the public hearing.** Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

Member Swenson acknowledged the need for a four vote favorable decision in order for the project to proceed reiterating her concern that bituminous curbs would be needed in the future and were not visually appealing.

**Member Housh introduced Resolution No. 2005-14 ordering the South Harriet Park Roadway Reconstruction Improvement No. A-204 as per the feasibility report without the installation of curb and gutter as follows:**

**RESOLUTION NO. 2005-14  
ORDERING ROADWAY RECONSTRUCTION  
IMPROVEMENT NO. A-204  
SOUTH HARRIET PARK NEIGHBORHOOD**

**WHEREAS, the Edina City Council on the 18<sup>th</sup> day of January, 2005, fixed a date for a Council hearing on the proposed street reconstruction, Improvement No A-204; and**

**WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 15<sup>th</sup> day of February 2005, for South Harriet Neighborhood Roadway Reconstruction Improvement No. A-204 reconstructing the existing bituminous pavement, replacing the existing watermain to the curb boxes, repairing the sanitary sewer where needed, extending the storm sewer and installing drain tile where needed at which time all persons desiring to be heard were given an opportunity to be heard thereon.**

**NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement Project No. A-204 South Harriet Neighborhood Roadway Reconstruction.**

**BE IT FURTHER RESOLVED that Improvement Project No. A-204 South Harriet Neighborhood Roadway Reconstruction is hereby ordered as proposed.**

**BE IT FURTHER RESOLVED that the City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.**

**Adopted this 15<sup>th</sup> day of February 2005.** Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**PUBLIC HEARING CONTINUED TO MARCH 15, 2005, ROADWAY RECONSTRUCTION - SUNNYSLOPE NEIGHBORHOOD ROADWAY IMPROVEMENT NO. BA-326** Affidavits of Notice were presented, approved and ordered placed on file.

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### Engineer Presentation

Mr. Houle noted the Sunnyslope Neighborhood Roadway Improvement had been partially initiated, also by a resident petition, requesting several neighborhood issues be addressed. Mr. Houle said that staff again looked at the neighborhood and the expanded the proposed project including reconstructing the existing roadway including new concrete curbs and gutters, rehabilitating the watermain, sanitary sewer and storm sewer and installing decorative street lighting.

Mr. Houle stated the estimated cost of the roadway and decorative light construction would be approximately \$1,226,000. He commented that cost did not include any utility rehabilitation costs, which would be paid out of the utility funds. Mr. Houle said the proposed Sunnyslope Neighborhood Roadway Improvement was proposed as a neighborhood assessment of approximately \$16,800 per residential equivalent unit (REI). He added that if the Council ordered the project, the bid could be awarded in the spring with a summer construction in time for the November deadline for the Special Assessment Hearing.

Member Masica asked whether decorative streetlights meant only replacing existing light poles or if additional poles would be installed. Mr. Houle said that there would be a few additional light poles installed mid block.

Member Swenson asked if existing curbs on Hilltop needed to be replaced, and whether the additional lighting had been requested. Mr. Houle replied the curb on Hilltop would be replaced and that the additional lighting had been requested. He cautioned that the decorative lighting would not increase safety.

Member Housh commented that he had been trapped attempting to exit the neighborhood and suggested a stoplight was needed at Sunnyslope and West 50<sup>th</sup>. Mr. Houle reminded that warrants must be met before lights could be installed.

Mayor Hovland asked about the roadway widths and whether staff had recommendations relative to curbs, and about storm water plans. Mr. Houle replied that roadway widths vary from approximately 27 feet up to 32 feet in width. He added that in his opinion the grades demand curb installation or the roadway edges will erode and public works will end up installing bituminous curbs in the future. He stated that the installation of curbs handle storm water, but also aid in performing on-going maintenance such as snow plowing and street sweeping. Mr. Houle said a significant amount of labor would be consumed placing snow stakes and repairing lawns without curbs due to snowplow damage. He said that a bulkhead style curb was his recommendation.

Member Swenson asked if the bituminous curbs on Skyline Drive were installed when the street was done or later. Mr. Houle said after construction. He added that using Public Works to install bituminous curbs also comes from the general maintenance funds for streets.

### Public Comment

James Widtfeldt 4905 Ridge Place, stated he was against adding curb and gutter in his neighborhood. He felt it was up to them to preserve the rural natural state of their neighborhood.

David Lundstrom, 4912 Ridge Place, read a letter he had sent to the Assistant City Engineer Lillehaug on December 4, 2004, stating his objections to the project.

John Reimann, 4909 Sunnyslope East, stated he grew up in Edina and liked the country look of the roadway. Mr. Reimann stated he did not want curb and gutter and did not think it was necessary.

Dave Shirley, 4804 Woodhill Way, said he was a third generation Edina resident. Mr. Shirley said his heritage was important and that he had paid for his home because of the look and feel of the neighborhood. He said he did not want either the decorative streetlights or curb and gutter. Mr. Shirley added he did not feel narrowing the intersections were necessary.

Randy Moskalik, 4908 East Sunnyslope Road, stated he did not support curb and gutter and urged the Council to continue looking at financing options to find the most equitable way to fund improvements.

Tom Pederson, 4913 Dale Drive asked what was the expected life span of bituminous curbs. If there were significant erosion would installing bituminous curbs resolve the issue. Mr. Houle explained that bituminous curbs last approximately two years, but that in his opinion it was more efficient to consider installation of curbs when building the project.

Peggy Jo Danielson, 4920 West Sunnyslope Road, said she loved the neighborhood and would like to see it remain in the same condition. She told the Council they must consider the neighbors desires. If the road has lasted this long then why add curbs. Mr. Houle explained that with the new construction the boulevard soils will become much less compacted and subject to erosion more readily.

Steve Makredes, 4916 West Sunnyslope Road said his biggest concern with the project was the financing issues. Manager Hughes explained the Council could order the improvement this evening and then make a decision later on the special assessments.

Debra Plum, 7019 McCauley, stated she did not live in the neighborhood affected, but she wondered why the entire City should pay for repeated installation of bituminous curbs. She advised that the most efficient plan be adopted at the beginning of the project. While Ms. Plum said she respected the neighborhoods concern over aesthetics, it just seemed to not be fiscally sound.

#### Council Discussion/Action

Member Masica asked why it had been recommended to narrow the intersections and added she thought the neighborhood should be resurveyed to find out about the decorative streetlights. Mr. Houle replied that narrowing pavement at intersections was a method of reducing hard surface, which would aid in storm water run off and possibly calm traffic.

Member Swenson urged her fellow Council members to go look at Skyline Drive. She said she felt if curbs were needed they should be installed when the street was reconstructed. Member Swenson stated she would not support any areas that currently have some curbing being redone

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without any curbs, because the expense of installing bituminous curbing and yearly replacement would be born by all residents out of the general repair budget. Member Swenson advocated taking more time before ordering the project to gather further data.

Member Housh stated there was a need to keep neighborhood concerns in mind. He suggested moving forward on the project without the curb and gutter and deferring the decision on the decorative streetlights until the neighborhood can be re-surveyed.

Mayor Hovland agreed with Member Housh that the road and utility improvements could be ordered while retaining the rural feel of the neighborhood without curbs and gutters.

Mr. Houle suggested the project could be ordered with curb and gutter remaining where it exists today. He suggested continuing action on the project until March 15, 2005, to allow a further survey of the neighborhood regarding the location of decorative street lights and more information on drainage.

After a brief discussion, **Member Housh made a motion, seconded by Member Masica to close the public hearing.**

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**Member Swenson made a motion continuing action on Improvement Project No. BA-326 Roadway Reconstruction - Sunnyslope Neighborhood until March 15, 2005.** Member Masica seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2005-12 APPROVING PROPOSED USE OF 2005 SUBURBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING EXECUTION** Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Larsen explained that Edina's 2005 Community Development Block Grant (CDBG) entitlement was \$172,355, a \$1,202 increase over the 2004 allocation. He noted that while the increase was not large, Edina was one of only two communities to experience an entitlement increase, while the remaining nine communities were experiencing decreases of between three to seventeen percent. Requests for funding for the public services portion of the budget had been received from the same organizations Edina has funded in the past. He said that Edina's Human Rights and Relations Commission reviewed the proposed budget and agreed with staff's recommendation.

Mr. Larsen outlined the budget, noting that public services may not exceed 15% of the total budget. Therefore, Edina's 2005 public services allotment may not exceed \$25,853. He said the same agencies funded in year 2004 applied for 2005 funds:

- Greater Minneapolis Daycare Association (GMDCA), providing daycare subsidies to income eligible parents.

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- Senior Community Services (H.O.M.E.), Housing and Outdoor Maintenance for the Elderly, providing housekeeping and chore services to Edina seniors who pay for services on a sliding fee scale.
- Community Action for Suburban Hennepin (CASH) provides housing programs for low and moderate-income homeowners and homebuyers.
- HOME Line provides tenant advocacy services for Edina renters.

	2004	2005	2005 Proposed
<u>Agency</u>	<u>Budget</u>	<u>Requests</u>	<u>Budget</u>
GMDCA Daycare Subsidy	\$14,633	\$ 8,000	\$ 8,191
H.O.M.E. Sr. Comm. Services	\$ 9,089	\$ 9,089	\$ 9,280
CASH	\$ 975	\$ 5,000	\$ 4,191
HOME Line	\$ 975	\$ 4,000	\$ 4,191
TOTAL	\$26,293	\$26,089	\$25,853

Mr. Larsen said that \$146,502 would remain to be directed toward community development projects. He said that staff recommendations included funding the Rehabilitation of Private Property and the Scattered Site Affordable Housing programs. Mr. Larsen added these two housing programs have successfully contributed to maintaining Edina’s housing stock and also aided in providing affordable housing opportunities. He outlined the following distribution of funds for community development purposes:

	2004	2005 Proposed
<u>Activity</u>	<u>Budget</u>	<u>Budget</u>
Rehab of Private Property	\$ 60,000	\$ 66,502
Scattered Site Afford. Housing	\$ 85,481	\$ 80,000
TOTAL	\$145,481	\$146,502

Member Hovland asked if the fifteen percent allowed for public service was controlled locally or by whom. Mr. Larsen replied that HUD set the fifteen percent, but he believed it was also mandated by federal statute.

The Council discussed the data available on the number of families served by the CDBG funds allocated to Greater Minneapolis Day Care Association. It was agreed that staff would gather additional information and report back to the Council at a later date.

Beth Kodluboy, Executive Director of HOME Line, thanked the Council for their past support. She noted that HOME Line helps approximately 90-100 Edina residents annually resolve conflicts with their landlords. Some issues include:

- Court advocacy project providing free legal representation to renter families with children facing eviction;
- Renter Education for High School Students –A one-session program on the “basics of renting” for young people who will be entering the rental market for the first time on their own;
- Policy Advocacy including substandard housing, demand for property, guest rights, neighbor violation, privacy issues, and return of security deposit.

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Ms. Kodluboy urged the Council to continue funding her organization in 2005.

Mr. Hughes noted for the record that he served on the Board of Directors of the Senior Community Services. He added that this organization receives funding from Edina's CDBG funds and provides services as Household and Outside Maintenance for Elderly (HOME), in Edina. Mr. Hughes stated he had not entered into any conversations or deliberations with either staff or the Human Rights and Relations Commission during their review process of the 2005 CDBG funds. He added that he does not receive any financial remuneration for his service on the Board.

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

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**Member Swenson introduced the following resolution and moved it adoption, requesting further information regarding families served in Edina be sent to the City Council as soon as possible:**

**RESOLUTION NO. 2005-12**

**RESOLUTION APPROVING PROPOSED USE OF 2005 SUBURBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY THIRD PARTY AGREEMENTS**

**WHEREAS, the City of Edina, through execution of a Joint Cooperation Agreement with Hennepin County, is cooperating in the Urban Hennepin County Community Development Block Grant Program; and**

**WHEREAS, the City of Edina has developed a proposal for the use of 2005 Urban Hennepin County Community Development Block Grant funds made available to it; and**

**WHEREAS, the City held a public hearing on February 15, 2005, to obtain the views of citizens on housing and community development needs and priorities and the City's proposed use of \$172,355 from the 2005 Urban Hennepin County Community Development Block Grant.**

**BE IT RESOLVED, that the City Council of the City of Edina approves the following projects for funding from the 2005 Urban Hennepin County Community Development Block Grant Program and authorizes submittal of the proposed budget to Hennepin County.**

<u>Activity</u>	<u>Budget</u>
Rehabilitation of Private Property	\$66,502
Scattered Site Affordable Housing	\$80,000
Greater Minneapolis Daycare Association	\$ 8,191
Senior Community Services (HOME)	\$ 9,280
Community Action for Suburban Hennepin (CASH)	\$ 4,191
HOME Line	\$ 4,191

**BE IT FURTHER RESOLVED, that the City Council hereby authorizes and directs the Mayor and the City Manager to execute the Subrecipient Agreement and any required Third Party Agreement on behalf of the City to implement the 2005 Community Development Block Grant Program.**

**ADOPTED: the 15<sup>th</sup> day of February 2005.** Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2005-15 APPROVING THE FINAL DEVELOPMENT PLAN - FRAUENSHUH COMPANIES (7700 FRANCE AVENUE SOUTH) - GENERALLY LOCATED NORTH OF I-494 AND WEST OF FRANCE AVENUE** Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Mr. Larsen explained the request before the Council was to construct a freestanding building in the southerly portion of the site at 7700 France Avenue South that had originally been developed as headquarters for National Car Rental. He said in 2000, the building had been purchased by the current owner and was presently a multi-tenant office building.

Frauenshuh Companies have proposed a new freestanding 7,000 square foot building near the intersection of Minnesota Drive and France Avenue. The proposed building would occupy space now used for surface parking. He added the plans also suggested a second building pad in the northeast portion of the site. The pad in the northeasterly portion of the site was not a part of the current proposal and would require separate action by the Council at a future date.

Mr. Larsen noted the City had granted a parking variance in connection with the original development of the site. The Proof of Parking agreement associated with that variance was released in 1983.

In 1994 Minnesota Drive, which borders the south side of the site, was built as a joint venture with the City of Bloomington. The City of Bloomington handled the construction and Edina shared in the cost. Mr. Larsen said that his review of the records showed no easement had been provided for the "free right" turn lane at the northwest corner of Minnesota Drive and France Avenue. He reported that the proponent had agreed to now dedicate the necessary right of way. Dedicating this right of way required the new building be moved to the north to meet setback requirements.

Mr. Larsen said the proposed development complied with all Edina Zoning regulations except for the previously mentioned setback. He said the proposed new building would bring the site's total floor area to 268,800 square feet, well under the maximum 372,000 square feet allowed. Mr. Larsen said the plan provided 100 more parking spaces than required by Edina for an office development of this size. Proposed building materials and landscaping complied with all requirements. He concluded saying the Planning Commission had reviewed the proposed plan and recommended the Council grant a Final Development Plan conditioned upon dedication of the right-of-way for the existing turn lane and Watershed District Permits.

Member Swenson asked what the proposed addition would house, if a restaurant were proposed in the new building and if sign questions had been addressed. Mr. Larsen said the new building would house a branch office of Fidelity Investment. He added that the proposed location could not be a restaurant and that he was comfortable that staff could handle the sign package.

Member Housh expressed concern that employees parking will crowd the France Avenue side of the site. John Donnelly, representing the proponent explained employees must park on the

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north, west or northwest of the site. Visitors will park in front. He added the building was card access so employees can get in from their parking areas. Mr. Donnelly pointed out the twenty-five parking places that Fidelity would be using.

**Public Comment**

No one appeared to comment.

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

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**Member Masica introduced the following resolution and moved its adoption contingent upon the developer granting the easement for a turn lane from France Avenue to Minnesota Drive and the granting of the necessary Watershed District permits:**

**RESOLUTION NO. 2005-15  
GRANTING FINAL DEVELOPMENT PLAN  
7700 FRANCE AVENUE SOUTH**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDINA that the Final Development Plan dated January 25, 2005, and presented by Frauenshuh Companies is hereby approved conditioned upon granting the necessary easement for a turn lane from France Avenue to Minnesota Drive and the Watershed District permits.**

**Adopted this 15<sup>th</sup> day of February, 2005.** Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**SUBDIVISION MORATORIUM DISCUSSED** Attorney Gilligan explained that Judge Schellhas modified the order in the lawsuit regarding the subdivision of a lot in Indian Hills. He reported the orders now state that the subdivision moratorium was not valid only for Indian Hills subdivision request. Since the modification was granted, Mr. Gilligan said there would be no reason to re-impose a moratorium, as the one enacted in 2004 was still valid.

No Council action was taken.

**\*AWARD OF BID - FRONT END LOADER - PUBLIC WORKS** Motion made by Member Housh and seconded by Member Masica approving the award of bid for one articulated front end loader for Public Works to recommended bidder, St. Joseph Equipment at \$175,559.93, under State Contract #432520.

Motion carried on rollcall vote - four ayes.

**\*AWARD OF BID - UTILITY VEHICLE - BRAEMAR GOLF COURSE** Motion made by Member Housh and seconded by Member Masica approving the award of bid for a workman utility vehicle for Braemar Golf Course to recommended sole bidder, MTI Distributing Company at \$16,117.71.

Motion carried on rollcall vote - four ayes.

**\*RESOLUTION NO. 2005-13 SUPPORTING I-494 IMPROVEMENT** Member Housh introduced the following resolution, seconded by Member Masica and moved its adoption:

**RESOLUTION 2005-13  
RESOLUTION ENCOURAGING LEGISLATION  
TO INCREASE FUNDING FOR I-494  
CORRIDOR IMPROVEMENTS**

WHEREAS, the cities of Bloomington, Edina, Eden Prairie, Minnetonka, Plymouth and Richfield have joined together to promote improvement of I-494 from the Minnesota River to I-94 in order to increase road capacity and to improve the productivity and convenience of residents and businesses throughout the region; and

WHEREAS, funding for improvements to the I-494 corridor, the Twin Cities metropolitan region and greater Minnesota has not kept pace with growth and demand; and

WHEREAS, accelerating the scheduled expansion of I-494 is a common and high priority objective of the I-494 Corridor Coalition communities; and

WHEREAS, the I-494 corridor is at overcapacity in many locations; the cost of traffic congestion along the corridor is \$100 million per year, and congestion is expected to double in the next 20 years; and,

WHEREAS, these costs and the ramifications of congestion are an impediment to business development, economic growth, and reduce the overall quality of life in the metropolitan area; and

WHEREAS, transportation funding, in inflation adjusted dollars, has declined by more than 25 percent over the past decade, transit is funded at 65 percent of that in similarly sized regions, and planners and government officials estimate that \$700 million to \$1 billion in improvements per year is needed over the next decade to simply keep up with anticipated congestion.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EDINA that this Council supports legislation to decrease congestion and increase the state revenues available for improvements to the I-494 corridor and other metropolitan transportation systems including an increase in the state gas tax, dedication of 100 percent of the Motor Vehicle Sales Tax for transportation purposes, an increase in the license tab fee, a regional sales tax option, increased trunk highway and general fund bonding and increased use of voluntary toll lanes.

**ADOPTED:** the 15<sup>th</sup> day of February 2005.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2005-11 APPROVING THE HENNEPIN COUNTY MUNICIPAL RECYCLING GRANT AGREEMENT FOR 2005 - 2007** Member Housh introduced the following resolution, seconded by Member Masica, and moved its adoption:

**RESOLUTION NO. 2005-11  
AUTHORIZING THE CITY  
TO ENTER INTO A 2005-2007 MUNICIPAL RECYCLING  
GRANT AGREEMENT WITH HENNEPIN COUNTY**

WHEREAS, the City of Edina operates a recycling program consistent with Minnesota Statutes 115A.02 and 115A.03, as amended by the Laws of Minnesota 1992, Chapter, 685, and Minnesota Statutes, 473.8011; and

WHEREAS, the Edina Recycling Program is consistent with the Office of Environmental Assistance Solid Waste Management Development Guide/Policy Plan, the Hennepin County Solid Waste Master Plan; and the Hennepin County's Residential Recycling Funding Policy; and

WHEREAS, the Hennepin County Board has adopted a Resolution authorizing funding for Municipal Recycling Programs.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Edina City Council that the Mayor and the City Manager enter into an Agreement with Hennepin County to accept funding for the Edina Recycling Program.

**Adopted this 15th day of February 2005.**

Motion carried on rollcall vote – four ayes.

**BOARDS AND COMMISSIONS SURVEY PRESENTED** Mr. Hughes indicated upon the Council's request, he surveyed neighboring communities with respect to their policies/ordinances concerning appointments to city boards and commissions. Survey questions were:

- Has your city established term limits for service on boards and commissions and, if so, what was the limit; and
- Does your city have an attendance policy or ordinance with respect to board and commission members and, if so, what was the requirement.

Edina does not limit years of service but does have an attendance ordinance. Section 180 of the City Code provides that the Mayor, with consent of the Council, may remove a member who fails to attend three consecutive meetings, whether regular or special, or who fails to attend four meetings in a calendar year. Prior to this provision, City ordinances required automatic removal for failure to attend meetings. In 1980, the Council eased the requirement to allow discretion based on the individual circumstances of the member.

Mr. Hughes noted that responses were received from Bloomington, St. Louis Park, Minnetonka, and Eden Prairie explaining the method in which they handle their policies/ordinances concerning appointments and attendance to city boards and commissions. He noted that three of the four cities have a form of term limitation. Each city has their own type of attendance requirements.

Member Masica suggested continuing the issue to a future meeting for more information.

Member Swenson indicated she would like to survey sitting members on the boards and commissions for their views on how beneficial their time spent was during their terms.

Member Housh concurred with the previous comments and suggested tabling the issue until March 15, 2005, to gain more information.

**Member Masica made a motion to continue the issue of policies/ordinances concerning appointments and attendance records for the City boards and commissions until March 15, 2005.** Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**TRAFFIC SAFETY STAFF REVIEW OF FEBRUARY 3, 2005, APPROVED** Assistant Engineer Lillehaug explained that staff recommended referral of the request to remove the STOP signs on West 56<sup>th</sup> Street at Woodland Circle (west) that were installed at the direction of the Council on August 17, 2004, for a period of six months to the Transportation Commission for further consideration and implementation of possible traffic calming measures. Additionally, staff recommended installing sidewalks along West 56<sup>th</sup> Street.

Mr. Lillehaug stated a request was received in June 1997 to install STOP signs on West 56<sup>th</sup> Street at Park Place and in March 2001, to install STOP signs on West 56<sup>th</sup> Street at Woodland Circle. He explained that in April 2001, following a traffic survey, the requests were denied by the Council for lack of warrants. In June 2004 several requests were received to install STOP signs on West 56<sup>th</sup> Street at Park Place and/or Woodland Circle (west). In August 2004 staff recommended to the Council that STOP signs be maintained at their existing locations and to deny the request for all-way STOPS at additional locations on West 56<sup>th</sup> Street for lack of warrants. The Council reversed the Traffic Safety Committee's recommendation and approved installation of STOP signs on West 56<sup>th</sup> Street at Woodland Circle (west) for a period of six months. Subsequently, a request was received to remove the STOP signs. Mr. Lillehaug explained a letter was sent to the West 56<sup>th</sup> Street area residents informing them of the request for removal of the STOP Sign. He said residents were informed the Traffic Safety Advisory Committee would review the request and issue their recommendation at the February 15, 2005, Council meeting. Mr. Lillehaug said he had received five e-mails and six phone calls requesting that the STOP signs remain, based on volume, speed and safety of pedestrians. Mr. Lillehaug said Staff recommended referral of this issue to the Transportation Commission for further consideration and implementation of possible traffic calming measures as well as installation of sidewalks.

Member Housh inquired whether the Transportation Commission could shed light on this issue. He said the policy seems clear. Mr. Lillehaug said the Commission would search for other traffic calming measures.

Engineer Houle reiterated if the Traffic Plan was adopted at the next Council meeting, part of the plan was a traffic management plan that would be ideal for this specific issue.

Perry Mead, 80 Woodland Circle, said he contacted Mr. Lillehaug about the STOP sign because the moment it was installed the noise level escalated with no appreciable decrease in speed or traffic. Mr. Mead stated he agreed with staff that STOP signs create a false perception of safety and he advocated removal of the STOP sign. He said referring this to the Transportation Commission was a good idea.

Mike Sullivan, 81 Woodland Circle, said he believed there should be further study on the area but he did not agree that the STOP signs should be removed.

**Member Masica made a motion to adopt Section A and B of the February 3, 2005, Traffic Safety Staff Review and to refer the Section C, request to remove the STOP signs on West 56<sup>th</sup> Street at Woodland Circle to the Transportation Commission for further consideration.** Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**BIG BOWL RESTAURANT ON-SALE INTOXICATING AND SUNDAY SALE LIQUOR LICENSES APPROVED** Mr. Hughes explained that Big Bowl Restaurant has had a change in corporate ownership however, the Big Bowl Restaurant's operation would remain the same. He reported they have filed the necessary paperwork and paid the applicable fees for a license. Mr. Hughes explained that because the change in ownership occurred near the licenses' renewal date, staff recommended the license be issued for a thirteen-month period to avoid the burden of re-

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filing paperwork. The Planning, Health, and Police Departments have completed their investigations with no negative findings.

**Member Housh made a motion approving the On-Sale Intoxicating and Special Sunday Sale Liquor Licenses to Big Bowl Asian LLC d.b.a./Big Bowl Restaurant at 3669 Galleria, for the period beginning February 28, 2005, and ending March 31, 2006. Member Masica seconded the motion.**

Ayes: Housh, Masica, Swenson, Hovland

Motion carried.

**\*CONFIRMATION OF CLAIMS PAID Member Housh made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated February 2, 2005, and consisting of 29 pages: General Fund \$223,369.55; Communications Fund \$5,386.00; Working Capital Fund \$1,056.98; Construction Fund \$25,951.84; Art Center Fund \$16,312.92; Golf Dome Fund \$434.00; Golf Course Fund \$7,892.12; Edinborough/Centennial Lakes Fund \$3,511.75; Liquor Fund \$90,862.13; Utility Fund \$56,333.59; Storm Sewer Fund \$9,203.91; Recycling Fund \$33,874.00; PSTF Fund \$467.82; TOTAL \$474,656.61; and for approval of payment of claims dated February 9, 2005, and consisting of 30 pages: General Fund \$166,607.08; Communications Fund \$2,583.77; Working Capital Fund \$17,755.50; Construction Fund \$3,376.81; Art Center Fund \$2,556.04; Golf Dome Fund \$3,185.11; Aquatic Center Fund \$542.32; Golf Course Fund \$56,630.43; Ice Arena Fund \$15,295.45; Edinborough/Centennial Lakes Fund \$14,256.23; Liquor Fund \$158,052.52; Utility Fund \$56,817.04; Storm Sewer Fund \$4,034.99; PSTF Fund \$18,930.11; TOTAL \$520,623.40.**

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:30 P.M.

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City Clerk