

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

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

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

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF FEBRUARY 15, 2005, APPROVED AS CORRECTED** Motion made by Member Masica and seconded by Member Housh, approving the Corrected Minutes of the Regular Meeting of the Edina City Council for February 15, 2005.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2005 - 21 ORDERING ROADWAY RECONSTRUCTION IMPROVEMENT NO. BA-326 - SUNNYSLOPE NEIGHBORHOOD Affidavits of Notice were presented, approved and ordered place on file.

Member Housh made a motion, seconded by Member Masica to re-open the public hearing for Improvement No. BA-326 Sunnyslope Neighborhood Street Improvement.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Engineer Presentation

Engineer Houle noted the public hearing for Improvement No. BA-326 Sunnyslope Neighborhood Street Improvement began on February 15, 2005. At that time the hearing was closed, but action continued to allow staff to further evaluate adding curb and gutter only where necessary due to the grade of the roadway and to re-survey the neighborhood regarding lighting preference. Mr. Houle noted staff also evaluated a third option replacing curb and gutter only in existing locations.

Mr. Houle said that the Sunnyslope roadway and utilities were originally constructed in the 1940's. He said the existing roadways were:

- Between 26 and 32 feet wide
- Majority of streets without curb and gutter
- Many properties have boulders and landscaping in the boulevard right-of-way causing problems with road maintenance
- Roadways very deteriorated with potholes and edge patching
- Drainage problems existed at roadways' edge.

Mr. Houle said the neighbors were surveyed regarding the curb and gutter with 42 of 73 surveys returned. He reported of the 42 returned surveys, 29 respondents did not want curb and gutter

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and 13 did want them installed. Mr. Houle said that three options could be considered in the roadway reconstruction project:

- Option A: Install new concrete curb and gutter throughout neighborhood
- Option B: Add new concrete curb and gutter only to specific areas, (erosion control >5%, drainage issues <1%)
- Option C: Only replace curb and gutter in existing locations

Mr. Houle explained the need to remove the impediments that over the years have been placed within the City's boulevard rights-of-way. He displayed pictures of boulders and landscaping that in his opinion represented safety concerns of either a clear-zone problem or snowplow hazard.

The Council discussed the survey results and reviewed the options presented with the possibility of constructing curbs from colored concrete, barrier removal (by whom and at whose cost), intersection configuration, potential alternatives to concrete curb and gutter included a slight build of bituminous and some potential soil stabilization.

Public Comment

David Lundstrom, 4912 Ridge Place, stated the statistics of survey respondents indicate that 29 did not want curb and gutter and only 13 wanted it. He asked that the street be reconstructed without curb and gutter. He also questioned whether or not decorative streetlights were wanted. Mr. Lundstrom stated he believed the neighborhood would be willing to pay for maintenance if it were necessary.

Russ Fortner, 4920 West Sunnyslope Road, stated he was a twenty-nine year resident and requested that the City fix what needed to be fixed, but leave everything else alone. Mr. Fortner asked that the road width be left alone. He added that if future maintenance were necessary he would accept being charged. Mr. Fortner added he did not want decorative streetlights.

Bruce Gustafson, 4808 West Sunnyslope Road, stated he did not want curb and gutter. He questioned why it was proposed for his property, which was flat. Mr. Houle explained that property with less than a one percent or more than a 75 percent grade needed curb and gutter installed to control water run off and erosion.

Steve Makredes, 4916 West Sunnyslope Road, stated he believed that the wrong people were making the decisions on whether or not curb and gutter should be installed. He urged the Council to allow Engineering to make technical decisions, and not listen to personal preferences. Mr. Makredes said he feared the neighborhood would end up with a sub-standard product if the decision were based upon personal preferences. He also recommended the City develop some citywide standards relative to street lighting.

Bill Bailey, 4808 East Sunnyslope Road, stated he did not want curb and gutter installed, but also questioned why their neighborhood should have to pay any additional maintenance.

Randy Moskalik, 4908 East Sunnyslope Road, stated that he felt residents were concerned about costs. He stated he felt the real issue was the assessment policy and suggested waiting to make a decision until the assessment policy had been developed.

Member Housh asked about the soils in the Sunnyslope Neighborhood. He said that after listening to the neighbors he was inclined to lean towards Option C installing the new street, but only replacing the curb and gutter in its existing locations. Mr. Houle replied the soils were sandy soils with a good sub grade.

Member Swenson stated she agreed with Member Housh favoring Option C. She added she would also leave the intersections alone. Member Swenson said she still believed the Engineer should be listened to and his technical expertise followed.

Member Masica said she also would go along with Option C, leaving the sweeping intersection. She would like to see the streets' edges stabilized if possible. Member Masica questioned the possibility of leaving existing streetlights, but adding additional decorative lights. Mr. Houle said he believed the existing lights would need to be replaced with decorative lights if that was the choice for the installation.

Mayor Hovland commented that this Edina neighborhood had a special rural feeling. He also favored Option C reconstructing the streets, but only replacing the existing curb and gutter. Mayor Hovland also wanted the intersections left alone, but he added the impediments should be removed from the right-of-way as suggested by the Engineer.

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

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion introducing the following resolution and moving its adoption ordering Improvement No. BA-326, Sunnyslope Neighborhood Street Improvement as per Option C outlined above:

**RESOLUTION NO. 2005-21
ORDERING STREET IMPROVEMENT
NO. BA-326 SUNNYSLOPE NEIGHBORHOOD**

WHEREAS, the Edina City Council on the 18th day of January, 2005, fixed a date for a Council hearing on the proposed street reconstruction, Improvement No BA-326; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 15th day of March 2005, for Sunnyslope Neighborhood Roadway Reconstruction Improvement No. BA-326 reconstructing the existing bituminous pavement, installing decorative street lighting, replacing the existing curbs and gutters, 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. BA-326 Sunnyslope Neighborhood Roadway Reconstruction.

BE IT FURTHER RESOLVED that Improvement Project No. BA-326 Sunnyslope Neighborhood Roadway Reconstruction is hereby ordered as proposed.

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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 15th day of March 2005. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2005-22 APPROVED GRANTING PRELIMINARY APPROVAL OF CONDITIONAL USE PERMIT FIRST READING FOR ORDINANCE NO. 2005-03 AMENDING SECTION 850 ALLOWING CONDITIONAL USE PERMIT IN PCD-1, 2 AND 3 DISTRICTS - HAUGLAND COMPANIES - 3901-3907 50TH STREET WEST AND 5000-5020 FRANCE AVENUE SOUTH Affidavits of Notice were presented, approved and ordered place on file.

Presentation by Planner

Planner Larsen informed the Council the proposed re-development consisted of two parcels 3901-3907 West 50th Street and 5000-5020 France Avenue South. He explained the properties currently housed a number of retail stores fronting both France and West 50th as well as the Arby's site. Mr. Larsen said the total land area of the combined sites was 30,648 square feet. He noted the City owned a driveway easement on the west and north sides of the Arby's site. This drive currently provides access to store loading areas and a central garbage and recycling area. Mr. Larsen said the total floor area of existing stores was approximately 16,148 square feet. The proposed redevelopment would increase the retail floor area to 22,500 square feet or an approximate increase of 8,500 square feet.

Mr. Larsen explained the subject properties were within the 50th and France Avenue Redevelopment Plan area. He said the Plan identified certain sites for redevelopment at higher intensities, noting that Arby's was one of those sites. The subject site was identified for 30,000 square feet of office and retail floor area. Parking would be provided in the public ramps. He said that site was not specifically identified for redevelopment would be allowed to redevelop at a floor area of 1.0 relying on existing public parking. This would mean that under current plans and ordinance, the subject property could redevelop with a total floor area of 44,000 square feet of combined retail and office space.

Mr. Larsen said the subject site consisted of two parcels within the southwest quadrant of the intersection of 50th and France. He said the properties were zoned PCD-2, Planned Commercial District and both were within the 50th and France Redevelopment Plan. The properties do not border other zoning districts so no setbacks would be required for new buildings.

Mr. Larsen said the proponent was planning on demolishing all existing buildings on the site and replacing them with 22,490 gross square feet of retail at ground level. The proposal also would construct 23 condominium units on three levels above the ground level retail. He continued noting a below grade parking garage will provide 45 parking stalls with access through the City's ramp. These parking stalls would be for use by condominium residents. The proposal would use the city parking ramp as path for ingress/egress to the parking garage across the alley. This will allow condo residents to cross the alley through the ramp at 90 degrees to avoid congestion with delivery trucks. Two on grade stalls will be provided on the site with opportunity for more on-street parking along France after elimination of the Arby's curb cut.

Mr. Larsen said the existing alley from west 51st Street to France Avenue would remain in place with a slight adjustment in location to correct maneuverability. The trash area located along the alley will remain serving most of the block as a delivery service area. The new project has been designed to work with the existing route adding a loading area to reduce congestion and provide for customer pick-up.

Mr. Larsen said the proposed retail space complied with the 50th and France Avenue Redevelopment Plan and all Edina zoning standards for the PCD-2 zoning district. However, the PCD-2 district does not currently allow housing as a permitted use. He explained that housing has historically been part of retail nodes such as redevelopment so an amendment has been proposed that would add residential use as a Conditional Use in Planned Commercial Districts. Mr. Larsen said that residential uses would need to comply with the District's standards, but would be exempt from the floor area limit. Residential use would need to provide private parking to support the project.

Mr. Larsen reported the Planning Commission reviewed the proposal and recommended the Council grant first reading to the ordinance amendment adding residential dwelling units as a Conditional Use in the PCD-1, 2 and 3 districts; and Conditional Use Permit approval for C-05-1, Haugland Companies with the following conditions:

- Final adoption of the ordinance amendment
- Conditional Use Permit to allow dwelling units in proposed redevelopment
- Easements for public and private use
- Watershed District permits

Mr. Larsen introduced Gene Haugland the proponent to give greater detail of the project and answer Council's questions.

Proponent Comment

Gene Haugland, 5229 West Highwood, reviewed the proposed project, which would consist of retail space at ground level and residential condominiums on the second, third, and fourth levels. Mr. Haugland said that access to the site's underground through the City's parking garage was vital to the success of the project. He pointed out that the current trash collection site would be left alone to continue serving the tenants of the commercial area.

Mr. Haugland said the project was slated to be constructed in two phases. The first phase would raze Arby's and construct 8,500 feet of retail with condos above. When this phase was completed the existing retail could move into the new area and the second phase of razing the remaining retail and replacing it with new commercial and condo units would commence.

He introduced Dan Young-Dixon, architect for the project to further describe details of the proposed project. Mr. Young-Dixon showed schematic drawings depicting the site and elevations of the project. He said the first level was slated to contain a variety of retail units; the second level would contain eight condo units, the third eight condo units and the fourth condo seven units. Mr. Young-Dixon said the building would be stepped back to maintain the view of the Edina Theatre. He added stepping back the residential units would provide the ability to have an outdoor deck area, and added to the safety of the units as well as the aesthetics. Mr. Young-Dixon added that a great deal of design detail had been given to the commercial portion

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of the project to enhance the individual look of tenant. Additionally, Mr. Young-Dixon said the sidewalk width had been increased to enhance pedestrian safety.

Jim Benshoof, Traffic Consultant, reviewed his February 16, 2005, memorandum studying the traffic on the site. He explained his conclusions that the proposed redevelopment could provide adequate operations within the site if the access arrangements outlined in his memo: 1) one-way northbound alley entry into the site from 51st Street; 2) driveway on France that will allow exiting out of the site; 3) connection to the parking ramp opposite the entrance to the underground parking garage that will allow residents to use the ramp to enter and exit the site. Access gates restricted to the use of residents only would control the connection to the ramp.

Mr. Benshoof concluded that based upon his study he had three principal findings: 1) the proposed redevelopment would not cause any negative impacts on France Avenue and at the France Avenue/50th Street intersection; 2) adequate parking will be provided to effectively meet the expected demand; and 3) satisfactory operations would be provided within the site.

Member Housh asked staff to comment upon the benefit of a mixed-use development. He added he found the proposed project appealing. Member Swenson added that she understood the current request was for PCD-2 and questioned amending the code to include PCD-1 and PCD-3. Mr. Larsen said the mixed use development district have been successful since they meet a combination of needs in one location. He said all PCD Districts were included in the proposed amendment because this would be an opportunity to return the residential use in combination with commercial use, which had been successful in past years. He noted that since it was a conditional use, any conditions deemed necessary could be added to the permit, but that it would allow some urban redevelopment to take place.

Member Masica stated the rendering shown was very nice, but expressed concern that the City would be guaranteed the final product matched the level of quality shown in the rendering. She added she also had concern with private use in a public parking structure. Mr. Young-Dixon replied that the proponent would need to have site approval before beginning the construction. Mr. Larsen explained that there would be cross easements in favor of the City governing use of the parking ramp.

Public Comment

Kittie O'Dea, 4610 Bruce Avenue, urged the Council to look critically at traffic at the 50th and France area and understand the implications before approving any redevelopment in the area.

Richard Curtin, 6310 McIntyre Point, stated he owned the Ampersand Building. Mr. Curtin said that while he believed the commercial residential mix was a good thing, allowing that mix in this area would limit the use of his property. He said some very nice restaurants have been looking at his property, but that he was sure they would not be willing to locate next to residential. The restaurants he has been working with want rooftop dining and he did not think this would be possible due to noise regulations with residential property next to the restaurant. Mr. Curtin asked that if the Council approved residential housing for this area they also make it public policy that the residents must live with noise.

Ron Williamson, 4300 Eton Place, stated that at the public hearing held on the draft Transportation Policy issues of traffic in the Country Club and Morningside neighborhoods

surfaced due to traffic from 50th and France. He asked the Council to not approve the proposed redevelopment until the traffic in the area has been rectified.

Rob Webb, 4516 Drexel Avenue, stated he favored development, but the Council must preserve residential neighborhoods. He said the development at 50th and France in 1999 exacerbated congestion in the area. Mr. Webb asked how the increased traffic from the new development would be accommodated.

Grethe Langeland-Dillon, 4530 Bruce Avenue, stated her professional address was 3925 West 50th Street, spoke as the 50th and France Business Association Chair. Ms. Dillon said she supported the re-development. Ms. Dillon said she believed the urban landscape would be an asset to Edina.

Mick Fogelberg, 4632 Bruce Avenue, expressed concern with traffic in the 50th and France area and its impact on the surrounding residential areas. He questioned the numbers used in the traffic study and asked the issue be addressed. Mr. Fogelberg stated he disagreed with the previous speaker and was not in favor of the re-development.

Marty Miller, 4527 Drexel Avenue, stated traffic is a problem. He said people were already using the ring road and that a real traffic study of the entire area needed to be completed before any further re-developments were approved.

Jack Boyer, 4605 Arden Avenue, stated he felt what needed to be articulated was the safety of families should be considered when considering the re-development.

Tom Bastings, 4617 Bruce Avenue, re-iterated the traffic concerns previously stated. He urged further study of the traffic before approving the re-development.

Ralph Herda, 4501 Drexel Avenue, encouraged the Council to view this as an opportunity - not a development decision, but an opportunity to undertake a comprehensive traffic study.

Jay Cameron, 4635 Casco, stated he loved the area, the ability to walk to 50th and France. He said he heard about the project and was excited about it re-energizing 50th and France bringing new life into the area. He urged the Council to look at traffic, but Mr. Cameron said in the long run he felt this would be a wonderful development.

Member Swenson stated she was excited about the project and its opportunities for a different group of people to live in the 50th and France areas. She stated her intent to support the re-development.

Member Housh stated his sympathy for the traffic concerns but pointed out the 50th and France area was a gem of Edina and the proposed re-development was a natural evolution. Member Housh said he felt the proposed redevelopment would bring a number of appealing opportunities to the community.

Member Masica agreed the proposed redevelopment was an exciting urban option. She also expressed her sympathy for traffic in the area as well as some discomfort with the traffic study

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submitted with the development proposal. However, she added in her opinion this was the best development submitted for this area.

Member Hulbert agreed the re-development proposal was exciting. She pointed out that the proposal under consideration did not cause the traffic and perhaps it was time to address the issue. Member Hulbert suggested that perhaps a moratorium on future development could be an approach to allow comprehensive study of the traffic.

Member Swenson asked if this was the last piece of property with re-development rights from the 50th and France Development Plan. She pointed out that the property could, according to the City's Development Plan, be developed with a higher density than the current proposal. Mr. Larsen stated that it was correct that this property was the last piece of property with re-development right. He noted that the redevelopment right did not extend to either the bank or the Ampersand building. Manager Hughes stated this would be the final piece implementing the re-development plan for the 50th and France area. He added if the City desired to update the plan that would be appropriate.

Member Hulbert stated she did not think trading three parking stalls in the ramp for three on-street stalls was an even trade. Mr. Larsen pointed out that under the existing re-development plan the property could hold a 31,000 square foot building, but the proposal was 8,500 square feet, which would have a large effect on needed parking.

Mayor Hovland stated he liked the mixed use proposed by the re-development and favored amending the ordinance and commended Mr. Haugland for providing the mixed use opportunity for urban redevelopment.

Member Masica inquired whether she should recuse herself from the discussion and final vote on the subject Amendment to the Zoning Ordinance and the Conditional Use Permit because of a family member being employed by the Opus Companies. Attorney Gilligan said there does not seem to be a conflict of interest.

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

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion to grant first reading to Ordinance No. 2005-3 amending the Code of Ordinances by adding Residential Dwelling Units as a Conditional Use in the PCD-1, 2 and 3 Zoning Districts; and introducing the following resolution and moving its adoption with the following conditions: 1) Final adoption of Ordinance amendment; 2) Conditional Use Permit to allow dwelling units in proposed redevelopment; 3) Easement for public and private use; and 4) Watershed District permits.

RESOLUTION NO. 2005-22

GRANTING APPROVAL OF A

CONDITIONAL USE PERMIT TO HAUGLAND COMPANIES

3901-3907 WEST 50TH STREET AND 5000-5020 FRANCE AVENUE SOUTH

WHEREAS, the procedural requirements of Code Section 850 (the Zoning Ordinance) have been met; and

WHEREAS, it has been determined that the Findings as required by Code Section No. 850.04 Subd. 4 have been satisfied:

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council hereby grants approval of a Conditional Use Permit to Haugland Companies, 3901-3907 West 50th Street and 5000-5020 France Avenue South, to allow dwelling units in the PCD-2 Planned Commercial District, with the following conditions: 1) Final adoption of Ordinance amendment; 2) Conditional Use Permit to allow dwelling units in proposed redevelopment; 3) Easement for public and private use; and 4) Watershed District permits

Passed and adopted this 15th day of March 2005.

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR AIR MONITORING EQUIPMENT AND SENSORS - FIRE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for air monitoring equipment and sensors for the Fire Department to recommended low bidder, Compliance Training Services at \$17,569.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR SELF-CONTAINED BREATHING APPARATUS (SCBA) AND SUPPORT EQUIPMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for Self-Contained Breathing Apparatus (SCBA) and Support Equipment to recommended bidder, Clarey's Safety Equipment under Minnesota Fire Agencies Purchasing Consortium #NZ-2004-4 at \$40,798.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR STORM SEWER REPAIR - PARKLAWN AVENUE AND FRED RICHARDS GOLF COURSE POND - ENG 05-3, IMPROVEMENT NO. STS-305** Motion made by Member Masica and seconded by Member Housh approving the award of bid for storm sewer repair at Parklawn Avenue and the Fred Richards Golf Course Pond, ENG 05-3, Improvement No. STS-305 to recommended low bidder, Valley Rich Company, Inc. at \$34,450.00.

Motion carried on rollcall vote - five ayes.

AWARD OF BID APPROVED FOR BRAEMAR PARK ATHLETIC FIELD RENOVATION NO. 05-01PR Director Keprios indicated on February 24, 2005, bids were opened for renovation of the Braemar Park athletic field. Specifications were nearly identical to those used at the Lewis Park east, central and west athletic fields.

Project Specifications:

- Renovate athletic field (368' X 264')
- Strip and salvage existing 5 - 6 inches of topsoil
- Import 12 inches of new top soils
- Three inches of sand for drainage layer
- Nine inches of engineered sand/peat soils
- Drain tile
- Irrigation system
- Construct eight new catch basins
- One percent grade crown with laser guided equipment
- Start June 1, 2005; substantial completion by August 1, 2005

Why a Sand/Peat Field:

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- Will withstand heavy use
- Will be safe and lasting surface
- Integrated Pest Management approach to turf maintenance
- Playable shortly after rain
- Safe surface preferred by athletes

Veit Companies - excavating, grading, topsoil, irrigation, drain tile	\$277,700
Turf Development - seeding, fertilizing, irrigation/turf management	9,000
Topographic survey	2,466
Soil Borings/Soil Testing	2,000
Landscape architect/engineering fees	<u>18,050</u>
TOTAL PROJECT COST	\$309,216

Member Masica inquired who did the Lewis Park renovation. Mr. Keprios said the Frattalone Company and the Glenn Rehbein Company both worked on the Lewis Park renovation.

Member Swenson asked if the size of the field would change. Mr. Keprios responded that the available land on the site would be maximized. Ms. Swenson inquired whether the site was still being considered for construction of a "bubble". Mr. Keprios said no.

Member Housh made a motion for award of bid for the Braemar Park Athletic Field Renovation No. 05-01PR to recommended low bidder, Veit Companies at \$277,700.00. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

***BID AWARDED FOR GOLF COURSE SPRAY VEHICLE FOR BRAEMAR GOLF COURSE**
Motion made by Member Masica and seconded by Member Housh approving the award of bid for a golf course spray vehicle for Braemar Golf Course to recommended low bidder, MTI Distributing Company at \$43,763.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR 2005 POLICE UNIFORM CONTRACT** Motion made by Member Masica and seconded by Member Housh approving the 2005 uniform contract for the Police Department to recommended low bidder, Uniforms Unlimited at \$8,852.75.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR TWO - 1/2 TON CHEVROLET PICKUP TRUCKS FOR ENGINEERING**
Motion made by Member Masica and seconded by Member Housh approving the purchase of two 1/2 ton Chevrolet pickup trucks for the Engineering Department to recommended bidder, Thane Hawkins Polar Chevrolet under State Contract No. 433478 at \$30,349.16.

Motion carried on rollcall vote - five ayes.

MAY 10, 2005, SELECTED FOR GREATER SOUTHDALE AREA STUDY JOINT MEETING OF COUNCIL, PLANNING COMMISSION AND TRANSPORTATION COMMISSION Mr.

Hughes suggested a meeting date be set for a joint meeting of the Council, Planning Commission and Transportation Commission for the Greater Southdale Area.

Following a brief Council discussion, May 10, 2005, was set for a joint meeting from 5:00 P.M. to 8:00 P.M. with the Council, Planning Commission and the Transportation Commission.

No formal Council action was taken.

ASSESSMENT POLICY CONSULTANT ENGAGED Assistant Manager Anderson indicated that staff held preliminary discussions with a consultant to review a proposed assessment policy that the Council had previously reviewed in their January and February work sessions. The consultant would study the benefit various priced residences experience from replacement of public improvements such as curb and gutter and road replacement. The study would cost approximately \$15,000 - \$20,000 and take sixty days to complete. During the study, staff will meet with neighboring City officials in order to gain a better understanding of their assessment funding policies. Results and a policy proposal will be before the Council when the research is completed. Funds for this study will come from the Contingency budget within the General Fund.

Member Housh said this is a great idea and will help with decisions in the future. He asked if this should have been handled through a bidding process. Mr. Anderson said this is a highly recommended firm and is a professional service that does not require bids being sought.

Member Masica stated her approval with any amount of information that can be gathered with such a complicated issue.

Member Hulbert made a motion authorizing engagement of a consultant to review the proposed assessment policy as selected by staff. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

INTERSECTION RECONFIGURATION FOR VALLEY VIEW ROAD, OAKLAWN AVENUE AND WEST 62ND STREET APPROVED Engineer Houle explained the Council awarded the Valley View Road and Wooddale Avenue reconstruction project bid on July 6, 2004. Construction commenced in July 2004. Staff recommended safety improvements to the intersection of Valley View Road with Oaklawn Avenue and West 62nd Street. Council directed staff to further evaluate the intersection for alternate options.

The intersection was evaluated by staff with four options; A) diversion of traffic and place a cul-de-sac at West 62nd Street; B) roadway easement needed - create a park-like entrance into the neighborhood, possibly requiring condemnation; C) diversion of traffic by closing off access from Oaklawn and W. 62nd on to Valley View Road; and D) poor definition of driver's right-of-way and maintaining it as it is. A traffic study was performed and a survey sent to area residents with four intersection options. As a result of the study, staff evaluated the intersection and created an alternate design that minimizes any diversion or change of the existing traffic pattern and helps define driver's right-of-way.

Mr. Houle intimated that survey results were varied. After re-visiting the Council's request, staff combined Option B and Option D (now referred to as Option E) as follows:

- Maintains a relatively standard T-intersection
- Provides better definition of driver's right-of-way

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- Provides safer pedestrian movements
- Minimizes any change in existing traffic pattern or diversion of traffic
- Does not require additional roadway easements
- Does not increase project cost

Ms. Masica asked if STOP signs were considered in option E. Mr. Houle said there would be STOP signs at Oaklawn and West 62nd Street. Ms. Masica asked what the crossing distance would be at the reconfigured intersection. Mr. Houle responded Valley View Road would have a 32-foot crossing. In the future, sidewalks would be proposed on either side of West 62nd Street.

Ms. Swenson concurred with Option E as proposed.

Resident Comment:

Janie Weston, 6136 Brookview, previously at 6145 Oaklawn, voiced concern with Option E that does not allow enough traffic stacking room. The reconfigured T- intersection still makes the driveway at 6145 Oaklawn difficult to exit because of traffic. She stated that even if traffic were to double on Brookview it would still be nothing. She suggested Option A with the installation of a cul-de-sac. Mr. Houle said the safest option would be the cul-de-sac but feedback from the neighborhood was negative for a cul-de-sac. He stated that Option E in his opinion is the best option.

Becky Whitbeck, 6128 Brookview, indicated after considering Option E, she said it would be the best option.

Member Housh made a motion approving and authorizing the reconfiguration of the intersection at Valley View Road with Oaklawn Avenue and West 62nd Street under Imp. No. BA-321. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

BOARD AND COMMISSION TERM LIMITS DECISION CONTINUED TO APRIL 5, 2005

Mr. Hughes noted on February 15, 2005, the Council received his report on the policies of neighboring cities with respect to term limits for Board and Commission appointees.

After a brief discussion, **Member Housh suggested continuing the Board and Commission term limits discussion/decision to the meeting of April 5, 2005, because of the late hour.** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

INDIAN HILLS SUBDIVISION LAWSUIT DISCUSSED Mayor Hovland inquired of the Council whether a Closed Council meeting would be necessary to discuss the Indian Hills Subdivision lawsuit. Council consensus was that a Closed Council meeting was not necessary.

Attorney Gilligan indicated that District Court rendered its decision with respect to Pederson vs. Edina last month. The Court upheld the validity of our subdivision ordinance and ruled in favor of Pederson as to the merits of his subdivision proposal. The Court also ruled that the moratorium imposed on subdivisions was not valid as to the Pederson matter. Unfortunately, the

Court's ruling as to the moratorium validity was ambiguous and could have been interpreted to apply to any subdivision application. The Council asked the Court to rectify the ambiguity and the Court agreed and issued language that clarified the invalidation of the moratorium applied to Pederson only.

The City must now decide whether to appeal the Court's ruling concerning the Pederson subdivision by the middle of April. The decision as to an appeal must be made in public session.

Member Masica made a motion not to appeal the Indian Hills Subdivision lawsuit. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

***RESOLUTION NO. 2005-20 SETTING PUBLIC HEARING DATE OF APRIL 19, 2005, FOR ROADWAY IMPROVEMENT PROJECTS: NO. A-216 - SCHAEFER ROAD; NO. A-217 - SCHAEFER CIRCLE; AND NO. BA-328 - WEST 58TH STREET** Member Masica introduced the following Resolution and moved its adoption:

**RESOLUTION NO. 2005-20
SET PUBLIC HEARING DATE OF APRIL 19, 2005,
FOR ROADWAY IMPROVEMENT PROJECTS:
NO. A-216 - SCHAEFER ROAD
NO. A-217 - SCHAEFER CIRCLE
NO. BA-328 - WEST 58TH STREET**

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA, that a public hearing shall be held on the 19th day of April, 2005, in the Council Chambers at City Hall at 7:00 P.M. to consider Improvement No. A-216 Schaefer Road from Interlachen Boulevard to Westwood Court; Improvement No. A-217 Schaefer Circle East of Schaefer Road; and Improvement No. BA-328 from Concord Avenue to Wooddale Avenue.

BE IT FURTHER RESOLVED that the City Clerk shall give mailed and published notice of such hearing and improvements as required by law.

ADOPTED this 15th day of March, 2005.

Motion carried on rollcall vote - five ayes.

***TRAFFIC SAFETY STAFF REVIEW OF TUESDAY, MARCH 8, 2005, APPROVED Motion** made by Member Masica and seconded by Member Housh approving the Traffic Safety Staff Review for March 8, 2005, Section A:

- 1. "NO PARKING" restrictions for the north side of West 42nd Street from the intersection of Grimes Avenue to the east spanning 115 feet to the School's entrance;**
- 2. Installation of a "NO PARKING ANYTIME" zone on the south side of West 7th Street from Highway 169 to Lincoln Drive;**

Section B. and Section C.

Motion carried on rollcall vote - five ayes.

GYMNASIUM UPDATE PRESENTED Mr. Housh explained that the Gymnasium Committee has received input from the user groups with many good ideas. One topic that was mentioned often was the utilization of parking on the site. He said some additional costs have been added to the project, many worthy and some mandated. The cost of the facility at present is under \$5 million or up approximately 15% from the original estimate. Mr. Housh said the Committee should be before the Planning Commission in the very near future. Mr. Hughes said the timetable

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would be approximately as follows: 1) a drawing could be forthcoming March 16, 2005, 2) a traffic and parking analysis has been completed, 3) the Planning Commission will hear the subject at their March 30th meeting, and 4) if the plan is approved by the Planning Commission, it would be before the Council on April 19, 2005.

Director Keprios noted that the 'input committee' provided valuable information into the design and program stage. The plan was originally at \$4.1 million to build the two buildings at 8,000 square feet. The square feet have increased to 10,000 and would include an elevator. He added that some of the costs could be value-engineered out of the final cost.

Mr. Housh said the estimated time of completion of the project would be the summers of 2006.

No formal Council action was taken.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated March 2, 2005, and consisting of 21 pages: General Fund \$320,154.28; Communications Fund \$1,905.82; Working Capital Fund \$3,846.95; Art Center Fund \$1,620.49; Golf Dome Fund \$316.52; Aquatic Center Fund \$1,244.99; Golf Course Fund \$2,108.71; Ice Arena Fund \$21,485.26; Edinborough/Centennial Lakes Fund \$2,519.62; Liquor Fund \$126,176.27; Utility Fund \$34,755.11; Storm Sewer Fund \$1,715.02; PSTF Fund \$124.72; **TOTAL \$517,973.76**; and for approval of payment of claims dated March 9, 2005, and consisting of 29 pages: General Fund \$355,866.53; CDBG Fund \$10,720.00; Communications Fund \$14,606.40; Working Capital Fund \$49,478.54; Art Center Fund \$5,870.40; Golf Dome Fund \$17,773.21; Aquatic Center Fund \$73.87; Golf Course Fund \$21,897.09; Ice Arena Fund \$31,055.07; Edinborough/Centennial Lakes Fund \$15,149.49; Liquor Fund \$181,063.96; Utility Fund \$23,444.26; Recycling Fund \$33,874.00; PSTF Fund \$2,664.63; **TOTAL \$763,537.45**.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2005-19 APPROVED - CALLING FOR A PUBLIC HEARING ON AN ISSUE OF REVENUE BONDS BY THE CITY OF MINNEAPOLIS ON BEHALF OF FAIRVIEW HEALTH SERVICES ON APRIL 5, 2005 Attorney Gilligan explained the City has received a request from Fairview Health Services that the City consent to the issuance by the City of Minneapolis of tax-exempt revenue bonds under Minnesota Statutes, Section 469.152 to 469.165, to finance the remodeling project of Fairview Southdale Hospital and to refund bonds previously issued by the Minnesota Agricultural and Economic Development Board in 1997 and 2000, a portion of proceeds of which financed improvements at Fairview Southdale. Approximately \$35,000,000 of the principal amount of the bonds would be used to finance the proposed remodeling to be undertaken at Fairview Southdale Hospital. The debt service on the bonds would be payable solely from payments made by Fairview, and the City would not have any liability with respect to the bonds and would not be required to enter into any agreements with respect to the bonds. Fairview would pay all expenses.

Mr. Gilligan said if the Council wished to proceed with the issuance of the bonds, a resolution setting a public hearing on the bonds should be set for the April 5, 2005, Council meeting.

Mr. Housh noted that he is on the Board of Fairview Southdale Hospital and asked if he should be recused from the discussion and final vote. Mr. Gilligan indicated there would be no conflict of interest in the discussion and subsequent vote.

Ms. Masica questioned whether the reference to Fairview paying all City expenses was Edina or Minneapolis. Mr. Gilligan said it was Edina.

Member Masica introduced the following resolution and moved its approval:

**RESOLUTION NO. 2005-19
CALLING FOR A PUBLIC HEARING ON AN ISSUE
OF REVENUE BONDS BY CITY OF MINNEAPOLIS
ON BEHALF OF FAIRVIEW HEALTH SERVICES**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota (the City), as follows:

1. Fairview Health Services, a Minnesota nonprofit corporation ("Fairview"), has advised this Council of its desire to finance the remodeling of portions of Fairview Southdale Hospital in the City, and the acquisition and installation of items of equipment therein and the refunding of the Health Care System Revenue Bonds, Series 1997 (Fairview Hospital and Healthcare Services) and the Health Care System Revenue Bonds, Series 2000A (Fairview Health Services) of the Minnesota Agricultural and Economic Development Board with revenue bonds (the "Revenue Bonds") issued by the City of Minneapolis under the authority of Minnesota Statutes, Sections 469.152 through 469.165.

2. Since the facilities proposed to be financed or refinanced by the Revenue Bonds are located in the City, Section 147(f) of the Internal Revenue Code of 1986, as amended and regulations promulgated thereunder, require that prior to the issuance of the Revenue Bonds, this Council approve the issuance of the Revenue Bonds by the City of Minneapolis, after conducting a public hearing thereon. A public hearing on the proposal that the City of Minneapolis issue the Revenue Bonds to finance the Project is hereby called and shall be held on April 5, 2005, at 7:00 o'clock P.M., at the City Hall.

3. The City Clerk shall cause notice of the public hearing, in substantially the form attached hereto as Exhibit A, to be published in a newspaper of general circulation in the City, once not less than 14 days prior to the date fixed for the public hearing.

**EXHIBIT A
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
THE ISSUANCE OF REVENUE BONDS
UNDER MINNESOTA STATUTES,
SECTIONS 469.152 - 469.165**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota (the City), will meet on April 5, 2005, at 7:00 o'clock P.M., at the City Hall, 4801 West 50th Street, in Edina, Minnesota, for the purpose of conducting a public hearing on a proposal that the City of Minneapolis, Minnesota (Minneapolis) issue revenue bonds (the Revenue Bonds) on behalf of Fairview Health Services (the Corporation), in one or more series, under Minnesota Statutes, Sections 469.152 through 469.165, in order to finance the remodeling of Fairview Southdale Hospital, located at 6401 France Avenue South in the City of Edina, and the acquisition and installation of items of equipment therein, and to refund two series of bonds issued by the Minnesota Agricultural and Economic Development Board a portion of the proceeds of which financed improvements to Fairview Southdale Hospital and the acquisition of items of equipment therein. Fairview Southdale Hospital is owned and operated by the Corporation. The maximum aggregate principal amount of the proposed

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Revenue Bonds to be issued to finance the remodeling to be undertaken at Fairview Southdale Hospital is \$35,000,000. The Revenue Bonds will not be issued by the City.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the City Clerk prior to the date of the hearing set forth above.

Dated: March 15, 2005.

BY ORDER OF THE CITY COUNCIL
Debra Mangen, City Clerk

Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

JOINT MEETING WITH THE EDINA PUBLIC ART COMMITTEE DATE/TIME SET Mr. Hughes suggested the Council and the Edina Public Art Committee set a joint meeting for April 5, 2005, at 5:30 P.M. in the Community Room.

No formal Council action was taken.

REMINDER - BOARDS AND COMMISSIONS ANNUAL MEETING Mr. Hughes reminded the Council of the Annual Meeting of the Boards, Commissions, Committees to be held March 29, 2005, at 5:00 P.M. at the Centennial Lakes Park Centrum.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:00 P.M.

City Clerk