

`MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
FEBRUARY 7, 2006  
7:00 P.M.

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of Agenda Item II.D.2, Final Development Plan Approval - Rink Properties, 7300 Bush Lake Road; Agenda Item III.G. Recycle Basins for Treatment Plants 2, 3, & 4, Contract No. PW-06-1, Improvement Nos., WM-425, 426 and 427; and Agenda Item III.L. Pumping Facility Maintenance - Well No. 17, Contract No. PW 06-2, Improvement No. WM-457.

Rollcall:

Ayes: Housh, Hulbert, Masica, Hovland

Motion carried.

\*MINUTES OF THE REGULAR MEETING OF JANUARY 17, 2006; SPECIAL MEETING OF JANUARY 17, 2006, AND COUNCIL, PLANNING, AND TRANSPORTATION COMMISSION WORK SESSION OF JANUARY 21, 2006, APPROVED Motion made by Member Masica and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for January 17, 2006, Special Meeting of January 17, 2006, and Council, Planning, and Transportation Commission Work Session of January 21, 2006.

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2006-18 - RESOLUTION OF APPRECIATION - MARK RITTER Mayor Hovland expressed appreciation to Mark Ritter for his plan that engaged the City, the Minnesota Department of Transportation, and a local nursery to beautify the roadside at Minnesota Highway 62 and Tracy Avenue with plants and to maintain the landscaping at his personal expense.

Member Masica made a motion adopting the following resolution:

**RESOLUTION NO. 2006-18**

WHEREAS, Mark Ritter desired to plant more trees and other woody plants along the roadside at Minnesota Highway 62 and Tracy Avenue; and

WHEREAS, Mr. Ritter drew a plan, engaged with City of Edina in a cooperative agreement with the Minnesota Department of Transportation, lined up the stock with a nursery supplier, and agreed to plant and maintain all of the plant materials at his own expense; and

WHEREAS, the trees and shrubs planted in 1999, 2000 and 2005 as a result of this collaborative effort provide many benefits for adjacent residents and motorists; including screening the view and deadening the sounds of thousands of cars passing by daily, trapping dust and other air pollutants, providing songbird habitat and providing an attractive roadside area for travelers; and

WHEREAS, the Minnesota Society of Arboriculture recently named Mr. Ritter the winner of its 2005 Volunteer Service Award for his work on the project.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council, City staff and all Edina residents hereby express their thanks and appreciation to

MARK RITTER

for his work to beautify and improve the City of Edina.

Dated this 7<sup>th</sup> day of February 2006. Member Hulbert seconded the motion.

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

### GREATER SOUTHDALE AREA LAND USE AND TRANSPORTATION STUDY PRESENTED

Affidavits of Notice were presented, approved and ordered placed on file.

Planner Larsen stated the Greater Southdale Land Use and Transportation Study had been initiated during the summer of 2004 in cooperation with Hennepin County, since France Avenue, York Avenue and West 66<sup>th</sup> Street were owned and maintained by Hennepin County. He added that Hennepin County also had an interest in transit improvement in the City. Mr. Larsen explained two meetings were conducted to which all Edina community members had been invited through newspaper publications. The first was in the fall of 2004 at Braemar Golf Course with numerous attendees where a number of exercises were followed to begin to understand the challenges and opportunities existing in the study area. The second meeting was held in February of 2005 when residents reviewed three possible land use scenarios. From the February 2005 meeting came a selected alternative which had been included in the Final Draft Report of the Study.

Mr. Larsen explained there was a Community Advisory Committee consisting of a number of Edina citizens and a Technical Advisory Committee with members from Edina City staff, the Cities of Richfield and Bloomington, the Metropolitan Council, Metro Transit, MnDOT and the 1-494 Corridor Commission.

Mr. Larsen said the land use, as it existed presently, was reviewed with the land area divided into four districts as follows: Health Care/Housing, Regional Retail, Promenade and Centennial Lakes. Mr. Larsen briefly reviewed the uses contained within each of the districts. He noted that both transitional areas of the study area also needed consideration when looking at the area and reviewed the existing uses of these areas. Mr. Larsen said the final draft of the study has been posted on the City's website for about a month and the Planning Department has been checking out paper copies to interested residents.

Mayor Hovland reviewed the process followed when the City undertook the study. He noted at the first public meeting at Braemar, the Council invited citizens through publicized notice. He said many citizens attended the meeting and sat down to gather ideas about the Southdale Area to find out areas over which the City desired to have influence. Mayor Hovland said the study was designed to present a vision for the next ten to twenty years and was commissioned by the Council because of a desire to manage change. Mayor Hovland said at the second meeting held in February of 2005 various scenarios were reviewed and discussed to develop a framework within which the City could work. The consultant was instructed to study the various parameters and prepare his findings. During the fall of 2005 the City received the preliminary report and reviewed it with the Planning Commission, Transportation Commission and Council. On January 21, 2006, a joint work session of the three bodies was held and various points of agreement were achieved relative to the study including the following:

- Mixed Use Development - People Live And Work In The Same Area
- Promenade Area - Public Realm Space A High Priority
- Increased Density Most Likely Inevitable
- Improvements Needed For Transit/Transportation
- Enhancements to Pedestrian & Bikeways Needed
- Livable Sustainable Green Environment A Priority

Mayor Hovland opened the public hearing for citizen comment stating that the Council welcomed hearing the concerns and points of agreements. He added that the record would remain open until February 21, 2006. Mayor Hovland said anyone who wished was encouraged to submit their written comments until that time.

PUBLIC COMMENT

Arlene Forrest, 4400 West 50<sup>th</sup> Street, speaking as Edina League of Women Voter's President, stated she had three points relative to the Study. First, the League supported the efficient use of energy resources and the consideration of environmental impact of future development. Secondly, they support the interconnected system of trail sidewalks and street crossings allowing people to travel to and within the Greater Southdale Area. Finally, they believe that all people have the right to adequate housing and that public and private sectors should work together to ensure has access safe adequate and affordable housing.

Mark Peterson, 7330 Gallagher Drive, Peterson Group, representing the Cedars of Edina, stated he was pleased with the study. Mr. Peterson said he liked the corridor idea, the pedestrian friendly promenade. Mayor Hovland asked what Mr. Peterson thoughts were regarding the promenade. Mr. Peterson said he actually lived in the area so he understood the dynamics of the area. He said he would support that the promenade be pedestrian only without vehicular traffic, but perhaps some mass transit bus or trolley would be alright.

Cindy Jarvis, 1016 Coventry Way, stated she was at first excited about the potential study, but now was disappointed because she did not believe the report supported the City's Vision 20/20's intent of maintaining residential neighborhoods. Ms. Jarvis said that tall structures should be adjacent to freeways and commercial areas, but not parks or residential areas. Ms. Jarvis asked that traffic be addressed before additional development be allowed along the corridor of France Avenue. She suggested that if a spline street was constructed it would immediately become a cut-through route for traffic. Ms. Jarvis said she believed that additional retail would be counter productive to the area as would any transit around the park. She said she welcomed improvements and redevelopment of the area, but not increased density and urged that any redevelopment make the area more pedestrian friendly.

Stefan Helgeson, 3609 West 55<sup>th</sup> Street, stated he was a 25 year resident and applauded everyone involved in the planning process. Mr. Helgeson said he felt the proposed plan would turn Southdale inside out, taking a suburban development and making it into an urban design. Mr. Helgeson encouraged the City Council to have the courage to proceed with all the necessary details of such a design. He asked that the proposed plan for guiding redevelopment result in a gracious streetscape and not parking ramps. Mr. Helgeson suggested that setbacks be looked at from a maximum allowed not minimum allowed. He pointed out the promenade was the critical center section of the area and noted it would be imperative that the Target redevelopment be an active participant in the plan. He suggested that crosswalks and medians could improve pedestrian safety. Mr. Helgeson commented that nationally some zoning codes have been adopted that were "form" codes and not the typical "use" code, adding that perhaps a "form" overlay would be productive in this area. Mayor Hovland asked Mr. Helgeson to articulate a bit more what he meant by setbacks from the buildings. Mr. Helgeson replied that with the proposed building on the AMC site there was a street proposed between the building and France Avenue. He said that he would suggest pulling the building up to the corner and celebrating the corner. Mr. Helgeson suggested leaving if necessary 20-30 feet of green space. He agreed with putting restaurant in the area, but do not put a drive through that area.

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Lisa Finsness, 4536 Tower Street, said she seconded everything Stefan Helgeson had to say. Ms. Finsness said she supported the leaders and praised their decision making process. She added it should be evident from all the people waiting to speak, both in the Chambers and foyer, that sometimes you get more than you expect. Ms. Finsness asked the Council to take stock of all proposed projects. She said that whatever was planned or built there will be more people, more cars and greater density. Ms. Finsness also stated she concurred with the League of Women Voters positions. She also suggested that a density standard be established for the area and asked that the aim be for lower rather than higher density.

Kristine Loubert, 4301 West 70<sup>th</sup> Street, stated she believed that less was more. Ms. Loubert said she was very concerned about traffic in her residential neighborhood. Ms. Loubert said she was not sure the Council was as concerned as she and her neighbors, referring to October 2005, when she had e-mailed her concerns to the City, with the only response being a small e-mail from the traffic office. She said she felt there was no concern from the Council. Ms. Loubert said she was worried about the height of proposed redevelopments in the Southdale area.

Alan Manning with the Ti-Con Companies representing Brandon Square Shopping Center. Mr. Manning said his understanding of the promenade was that it would take his shopping center and other properties. He expressed his concern, stating if owners do not want to sell to a developer how would the City leverage the developer, asking specifically about Target and their redevelopment. Mayor Hovland explained the City was not involved as a partner in the proposed developments. Mayor Hovland said that with Target the City may insist on the walkway's preservation. Member Housh added the City was not an owner any of the property involved in the redevelopment requests noting that a property owner could propose anything they wished for their own property.

Jonathan Fernands, 6905 West Shore Drive, urged the Council to not treat the Southdale area as an island. He asked that the abutting neighborhoods also be made pedestrian friendly and be included in the overall vision.

Sandy Hork, 6400 York Avenue South, expressed two concerns regarding general planning for the Southdale Area. She asked that the concerns of residential property owners get the same respect as the commercial developers. Secondly, she stated that the air quality in the area has been worsening due to the traffic. Ms. Hork asked that an environmental impact study be completed and that the air quality be reviewed relative to Crosstown Highway, West 66<sup>th</sup> Street and France Avenue. She added that in order to maintain property values healthy neighborhoods must be maintained.

John Roder, 7220 York Avenue, York Condominium West, said that he now looked at the back side of Yorktown Plaza retail center and saw all the loading and unloading. He expressed his concern about looking at the back side of future retail stores and requested no vehicles be allowed on the promenade. Mayor Hovland asked if Mr. Roder would object to some type of trolley or bus. Mr. Roder said trolleys or buses would be acceptable, but no automobiles.

Sara Noah, 511 Coventry Lane, said she believed the Southdale area redevelopment was being completed without enough resident involvement. Ms. Noah said they have found no one in the planning process to listen to their concerns. She said the Edina Vision 20/20 was being violated with high rise high density development because that would not support strong residential neighborhoods. Ms. Noah said Edina residents want a suburban, and not an urban environment. She questioned who would benefit from the proposed increased density redevelopments stating she did not believe it would be the surrounding residential neighborhoods. Lastly, Ms. Noah said the neighbors want to create a collaborative model relative to the Southdale Area Redevelopment.

Linda Schmitz, 6483 Barrie Road, stated she had concern regarding traffic on Barrie Road/Heritage Circle with cut through traffic. Ms. Schmitz asked that traffic speeds be lowered and heights limited.

Grace Sheeli, Minnetonka resident, Friends of Glen Lake and a 7676 France Avenue Business Partner. Ms. Sheeli said her experience with urbanism in Glen Lake was not positive. She suggested that more studies be completed and that the City use CAD modeling to ascertain the potential impact of towers on surrounding properties. She urged to empower the Park Board when a park was to be impacted.

Diane Anselmo-Lacey, 7400 Edinborough Way, a member of the East Lake Cornelia Steering Committee, read a statement from Louis Ring, 7420 Edinborough Way, stated Ms. Ring had been a lakeside resident for nine years, seeing the wonderful development of the Centennial Lakes area. Ms. Ring asked for more walkways. She asked that the vision for the promenade be pedestrian friendly with no vehicles; that no high rises be allowed on the lake front and suggested that the AMC Theater site would be a great site for a new performing arts center.

Janet Bohan, 800 Coventry Way, stated she was a member of Centennial Lakes Cornelia Neighborhood Association. Ms. Bohan said the Association sent letters with a survey attached to residents of Coventry Townhomes, Village Homes at Edinborough Way, 7200 York Plaza Condominiums, 7500 York Condominiums and to residents in the Cornelia neighborhood for whom they had addresses. She said all these residents would be impacted by the implications of the Greater Southdale Area Land Use and Transportation Study. The survey asked respondents whether they supported or opposed the 17 story proposal for AMC site and whether they supported or opposed high rises abutting park property and residential areas in Edina. To date, Ms. Bohan reported that over 250 of the surveys had been returned and that all but one was opposed to high rises abutting parks and or residential areas in Edina. . Member Masica asked Ms. Bohan to make a copy of the survey and responses available to the Council. Ms. Bohan replied that it had been sent to the Council. Member Masica and Mayor Hovland both indicated they have not received the survey. Mayor Hovland asked if the Association had taken any position regarding the promenade, the greenway coming north. Ms. Bohan said this was what they referred to as Yorktown Park already existed. Ms. Bohan said her Association does not want high rises next to parks. . She said the park was already used for walking and bike riding. Further she said in her opinion the park would be in danger if the idea of the promenade were to become a reality. She requested the Council disclose the number of letters and calls received and the tenor of the letters.

Ryan Siemers, 7631 Edinborough Way, stated he had lived in Edina since second grade living at a variety of homes within Edina. As a youth growing up, Mr. Siemers has ridden his bike and walked throughout the community. He said the area has not been improved in many years. Mr. Siemers said that he believed some simple changes such as adding large vegetated medians would improve the pedestrian safety of France Avenue. Mr. Siemers said he was an architect and urban planner by training. He said that he could understand the resident's hesitancy about high rises. Mr. Siemers said there was a need to continue planning and to involve the surrounding neighborhoods. He commented upon the promenade stating that if you want the area to be retail he believed the spine would need to be vehicular. Mr. Siemers urged continued involvement of the residents from the surrounding area to build consensus for further development of this plan. Member Housh asked Mr. Siemers where he believed height was appropriate and where it was not. Mr. Siemers said the site near the AMC site has an eight story building on it that did not feel that high because of two stories were below ground. He suggested taking advantage of lower level development surrounding a tower, making the tower as thin as possible. Look at the proportions of the surrounding area; use three dimensional modeling so the perspectives can be accurately reviewed. Member Masica asked if

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Mr. Siemers felt a 17-story tower was appropriate for Cypress. He replied if the tower were on France with only three to four stories toward the Lake it could be acceptable. Mr. Siemers added that he did not know enough about the specific proposal's design to answer whether 17 stories was appropriate.

Ellen Hirschey, 6804 Southdale Road, stated she lived a block from Valley View. Ms. Hirschey said she did not believe the high rises were a good idea. She said there was a great deal of money expended improving Valley View and installing a berm, but there has been no maintenance and half the trees were dead and the shrubs were overgrown. She said her new neighbor was an Edina Police Officer because there were squads parked in her area so frequently. Ms. Hirschey said she was not able to walk to Southdale because of the traffic in the area. She added that growth would be acceptable if done correctly.

John Carlson, 4433 Ellsworth Drive, stated when he retired a couple of years ago he decided to walk, bike or jog wherever and whenever possible. He said access to Centennial Lakes or the swimming pool was a great thing, but he was hemmed in by France Avenue and West 70<sup>th</sup> Street. He asked that the area be maintained as pedestrian friendly and have bikeways. Most importantly Mr. Carlson asked that the design keep these areas safe. Mr. Carlson said the traffic congestion in the area troubled him greatly. He commented regarding urbanization that the highest and best economic use of land was not necessarily the best for the City of Edina. Mr. Carlson said he liked living in the suburbs.

Francis Bush, 802 Coventry Place, stated he was a member of the Centennial Lakes Cornelia Drive Association. Mr. Bush stated he had purchased his townhome ten years ago because of the lifestyle in the neighborhood. He added his support to his neighbors concerns previously stated relative to the scope of the project. Mr. Bush said that he came to Edina because of the original plan for the Centennial Lakes area. Mr. Bush said that the empty theater site was a marvelous opportunity. It should be turned into a performing arts center, creating another revenue producing enterprise for the City. He suggested forming a foundation to raise funds and urged the City of Edina to become known for something other than Southdale.

Dana Widstrom, 5032 Juanita Drive, stated he was an architect in the mixed use area. He urged the Council to be proactive with the vision for the Greater Southdale Area because of the potentially fickle nature of a retail area. Mr. Widstrom said the promenade was a very exciting idea. He said that mixed use development would be very important in the Southdale area to add vitality. Mr. Widstrom said that increased density would make this a regional center which would be positive. He said in an already developed area, increases in height will happen as a function of redevelopment. Mr. Widstrom said he was not personally familiar with the site, but that there were places where height would be appropriate. Mr. Widstrom said that making an area pedestrian friendly also should include looking at setback issues. Maintaining an eighty plus foot setback leads to developments with a large expanse of parking leading up to a building and actually yields less green pedestrian friendly space. Instead he suggested considering to lessen the setbacks allowed from the street, which would result in a street with cars, but then a sidewalk with as much landscaping as desired can be placed between the building and street. Mr. Widstrom suggested keeping parking away from the street such as was done in the 50<sup>th</sup> and France area. This should be done not only in the promenade area but also along the streets. Member Hulbert commented that she kept coming across regulations that were 150 percent of the adjacent height and asked if that was a standard he was familiar with also. Mr. Widstrom said he was not familiar with that particular standard and pointed out that around Southdale where all the buildings were commercial height might be a different issue than around a lake adjacent to a park with accompanying low rise housing. Mr. Widstrom said it could work, pointing out Edinborough and Point of France. Mayor Hovland asked what would be good and

bad places for tall buildings. Mr. Widstrom said a key issue would be shadowing, particularly in a residential area. If high rises were built on the south side of residential housing it would impact the light on the housing during certain times of the year. Member Housh questioned form vs. use zoning regulations and whether housing in mixed use area can help alleviate stress on the roads. Mr. Widstrom replied housing does not have peak traffic flows that for instance office uses would generate which would be a plus.

Drake Anderson, 4517 Vandervork Avenue, said he was curious about the process the Council followed before making a decision. He said it appeared the Council was listening very carefully to speakers with aesthetic concerns. However, Mr. Anderson asked what were the economic and other constraints that led the Council to their decisions. He said there must be some dynamic that overrides the expressed economic concern. Mayor Hovland said the public hearing was for the purpose of listening to the residents, however, on the 21<sup>st</sup> of February, the Council would then be taking action on how to use the Southdale Study. Member Housh pointed out the City of Edina did not own the property so they cannot control what the property owners propose for redevelopment. The Council can set standards but the property owners can choose what they wish to propose. He said he recalled that the Council had commissioned the Southdale Study because of their concern for keeping the Southdale Area of Edina healthy and vital. Mr. Anderson asked if the Council was acknowledging that economics were more important over aesthetics. Mayor Hovland said he would not agree with that view, because a 17-story building could be allowed, but world class architecture demanded. He added that he believed the Council was concerned with balance and what was best for Edina. Member Masica said it was a matter of negotiating with developers to strike the necessary balance between the economic viability of the development and best interests of the City as a whole.

Tom Sullivan, 4512 Hibiscus Avenue, said he was a life long resident of Edina. He commented the City seemed to be getting hit with numerous proposals the 17-story theater site proposal, the 18-story Gabbert and Beck proposal, an 8-story Condo on Bush Lake Road, Target being transformed into Super Target and the potential Southdale remodel. Mr. Sullivan said these proposals make people nervous. He said the biggest issue that must be dealt with was traffic. Mr. Sullivan said it can take up to five minutes to get onto West 70<sup>th</sup> Street from West Shore Drive. In the last ten years it has worsened profoundly adding he avoids France Avenue if possible. Mr. Sullivan expressed his fear each individual project was being reviewed without an overall plan. He suggested that many of the proposals would make "Christmas" season traffic occur in July. If the proposed towers get built Edina will eventually have affordable housing because people will leave their homes for elsewhere and property value will decline. Member Housh pointed out that the Southdale Study studied that area only. France Avenue and West 70<sup>th</sup> carry traffic from beyond Edina and the regional traffic issue was a problem that was being worked on to the best of the City's ability in many venues.

Marlys Wanes, 7310 York Edina Place, said she lived in the area and she can walk to Byerlys, or Southdale. Ms. Wanes said in the summer she walked around Centennial Lakes. She noted that on weekend evenings there was a plethora of various cultures gathering at Centennial Lakes and she thought that was pretty special. Ms. Wanes suggested that more mass transit be incorporated into whatever vision was developed for the area. She also suggested that Edina look at what Bloomington has planned for the area adjoining Edina and factor that into whatever vision was developed.

Marty Seagold, 7200 York Avenue, said he believed a thorough Environmental Impact Statement from a reliable group was necessary before any more development was allowed in the area. Mr. Seagold said the traffic entrances to the small area would be York and France Avenues. He said that traffic on York Avenue was very difficult; and that he used to feel safer merging onto Highway 100 when he lived in St. Louis Park than getting onto York Avenue. Mr. Seagold said that it was possible

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to walk from Southdale to Centennial Lakes presently and it has green area. He added the Southdale study seemed highly inaccurate and that he would like to see an actual model or plans of the area. Mr. Seagold said it seemed the study's spine street would take away the existing walkway away and not add to it.

Wayne Carlson, 523 Coventry Lane said he moved to the area because they wanted to live in the middle of a shopping center. He said one disappointing thing about the Centennial Lakes area was all the retail has its back to the lake. Mr. Carlson said he thought the theater site project would give incredible views of the lake and be a great place to live. Mr. Carlson said that any shadows would fall to the north or east saying he thought there would be enough room between the site and Coventry. Mr. Carlson said he thought the theater site proposal would add to their values. He asked that the project be integrated into the park so that you could walk into it, have coffee, shop and then walk out of it. Mr. Carlson said that having lived in Coventry his concern would be for potential water problems. Whatever becomes the project for the area must be done elegantly and to the highest possible standards. Mr. Carlson also addressed the traffic issue stating that in his opinion the 30 mph traffic zones were part of the problem. Perhaps opening up those areas to 35 mph would take some on the pressure from West 70<sup>th</sup> Street. In addition, he suggested widening West 70<sup>th</sup> Street. Member Hulbert asked if Mr. Carlson were envisioning something more like Edinborough Park's public space. He replied he would like to see some elegant shops, restaurant, coffee shops that could be accessed via walkways from Centennial Lakes.

Vicky Bleise, 412 Coventry Lane, said she moved to Coventry about nine years ago because of the uniqueness of the area. Ms. Bleise said that she attended the Planning Commission meeting last week and left with the sense that there was not a strong sense of vision for the area. She asked the Council to bear in mind that retail in the future would be changing because people do not go to store fronts, so look at development that might have multi purposes and not be designed solely for retail. Ms. Bleise also urged the Council to integrate medical facilities into any multi purpose development considered for the area and to ensure that there were pedestrian and bikeways in the area.

Rick McNevin, 606 Coventry Lane, said he owned a business in Leisure Lane, and expressed his concern over traffic congestion in the area. He said he has been in business in the area for twenty-five years. Mr. McNevin said any kind of 17-18 story building will add to the traffic. He said he did not understand why so many people were in love with the new urbanism because in his opinion high rises made no sense. Mr. McNevin said the spine street would take away his means of walking to work. He added he moved to the area because he loved the Centennial Lakes design and feel and asked that future development not be allowed to alter that feel.

Ann Marie Gromme, 602 Coventry Lane, stated she was an artist and interested in the environment. Ms. Gromme said it seemed the Council was interested in setback, heights, and talking to the experts. She said that she took exception to a previous speaker's comment about educating the residents and suggested instead that the developers and consultants be educated. Ms. Gromme stated the City was the people and hoped that the Council would remember this. She stated she also supported turning the AMC site into a performing arts center.

Charles Forsberg, 1117 Coventry Place, said he had just returned from Phoenix. He noted the City of Scottsdale decided many years ago that six stories was their maximum height. Mr. Forsberg said that last fall Scottsdale had proposals for verticals, and the Council even approved it, but the community decided that was not correct and that Scottsdale wanted to remain the community they wanted to be. He urged the Council to communicate to developers that Edina has decided to remain what they have been and that they were not interested in verticals.

Jerry Cohen said he was a resident of Minneapolis, but was speaking as the General Manger of Southdale Center, and gave of his support both of the Greater Southdale Area Land Use and Transportation Study and the planning process. He complimented the Council for their foresight in commissioning the study and praised the quality and openness of both the consultant and the process followed during its completion. Mr. Cohen said the findings were of great interest to the Southdale Center adding that they would support managed growth.

Brian Gust, 4035 West 65<sup>th</sup> Street, said he was a long time resident of a variety of locations within Edina. Mr. Gust said he was speaking as a citizen of Edina and concurred with several previous speakers. Mr. Gust said the traffic was a nightmare and he urged the Council to do nothing that would increase that issue. Mr. Gust asked the Council to not increase the scope and scale allowed in the area, while acknowledging that nothing could be done to stop property owners from acting within current zoning.

Harold Babb, 4701 West 70<sup>th</sup> Street, said he lived at the hottest corner in Edina, the corner of West Shore Drive and West 70<sup>th</sup> Street. Mr. Babb commented that almost all the previous speakers have expressed concern about traffic. He said in the 42 years that he has lived at the same location, he has seen tremendous changes in West 70<sup>th</sup> going from a street where his children used to play, to the speedway it was currently. Mr. Babb noted that a study had been completed in 1984 between France Avenue and Highway 100 in response to citizens' request. He reported that out of that study the Cornelia traffic light and the one STOP had come. Quoting the 1984 traffic study Mr. Babb said that in 1984 West 70<sup>th</sup> Street had been near collector capacity. He asked if an urban setting were to be approved for the Southdale corridor, how would West 70<sup>th</sup> Street fit into the Great Southdale Area Land Use and Transportation Plan. Member Housh explained that a traffic study was just at the beginning phase for West 70<sup>th</sup> Street. Member Hulbert added the Transportation Commission was just beginning the West 70<sup>th</sup> Street area traffic study. Mayor Hovland asked what would be of assistance to West 70<sup>th</sup> Street residents. Mr. Babb suggested that signals be installed at West Shore Drive and West 70<sup>th</sup> Street, plus get some assistance from the State and get an interchange for 66<sup>th</sup> or 69<sup>th</sup> Streets.

Gene Persha, 6917 Cornelia Drive referred to the document he had sent to the Council and noted it represented six weeks of work, and asked the Council to consider the suggestions he made in his document. Mr. Persha said that he has spoken with no less than thirty persons coast to coast during his research and said that Edina should learn something about zoning from other parts of the country. He urged the Council to look at the Palo Alto Comprehensive Plan. Mr. Persha said Portland Oregon had seven zoning districts and urged the Council to review what other cities have done. He reported that Glenville, Illinois fought to keep tall buildings out of their community and were successful. Mr. Persha said the City needed to work on its zoning code. He added he was bothered that the City was surcharged by the Metropolitan Council for Infiltration/Inflow, saying that additional development will add to the problems with capacity on the sewer lines. Mr. Persha also expressed concern about storm water run off and its impact on Nine Mile Creek. He said he was a champion of open space and against any type of vehicle in the proposed promenade area. Any type of transit vehicles should be on the perimeter such as France Avenue. He said that the citizens need more opportunity to sit down and be part of the process.

John Bohan, 800 Coventry Place said he was a ten year resident and a member of the Centennial Lakes Cornelia Neighborhood Association. He said they were attracted to Edina because it was a superior residential area and they want to stay in Edina and want Edina to remain superior. Mr. Bohan said he wanted to speak to the City as the administrator of the Edina Zoning Code. He said the purpose of

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the code was to provide for the orderly development of the community and to provide protection of existing property owners from changes in allowed uses on nearby properties that may adversely affect existing property owners. He said that allowing adverse changes breaks the covenant between the property owner and the City. Mr. Bohan said the covenant existed when people bought property relying on existing zoning in their area and surrounding property. Permitting twenty story high rise buildings on property currently limited to four-stories in his opinion broke the covenant. Mr. Bohan said that the City Manger made such a proposal for a large area of Southdale north of Gallagher currently zoned PCD-3. He said the Planning Commission reviewed the proposed changes and rejected them in January, but they were again proposed in February. He said that the Planning Commission approved a proposal for an 18-story tower containing a hotel and condominiums on a split vote over strenuous objections from residents. Mr. Bohan said this was spot zoning and was symptomatic of a flawed system. He suggested that such actions were the basis of legal challenge. Mr. Bohan said he had been examining zoning codes from upscale locations committed to preserving their residential character. Mr. Bohan said that both Scottsdale, Arizona and Avon Lake, Ohio, have explicit height restrictions written in a user friendly way in their zoning code. He added that he believed it was apparent to Edina residents that the interest of developers and their allies were being promoted at the expense of residents. He said it was time for a change, therefore, he asked the City Council to: declare a moratorium on rezoning and spot zoning on the Greater Southdale area until the following have occurred: a) the Greater Southdale Area has been redefined to add the area between France and Highway 100 and between Crosstown and I-494; b) the Community Advisory Committee should be reconstituted to include a majority representation of residents of the area without ties to developers, realtors, or government officials; and c) the reconstituted Community Advisory Committee be charged to create a vision for the area that represents the residential focus of the zoning code as set forth in Edina Code Section 850.01. Mr. Bohan also asked the Council to rescind the approvals for the Cypress Equities proposed development on the shores of Centennial Lakes. He also asked the City to conduct a feasibility study regarding turning the AMC site into a performing arts center.

Joellen Deever, 7405 Oaklawn Avenue, commented that she believed everyone wanted a piece of the Edina cake. Ms. Deever said that she believed far more people have been invited to the table of planning and suggested that a compromise could resolve the issue with perhaps a shorter building and a beautiful fountain and green space. Ms. Deever agreed that the City of Edina needed a performing arts center stating that if you build it they would come. She said the current proposals were too tall and there needed to be some kind of compromise.

Janet Bohan, 800 Coventry Place read a letter from Joseph Florenzano of 4712 West 70<sup>th</sup> Street. Mr. Florenzano's letter expressed his concern over all the proposals before Council for developing large structures. He asked the Council to not consider changing any ordinances that would accommodate future high density development. Mr. Florenzano asked Edina's landscape be maintained in its current state. He expressed fear over the increased traffic higher density development would generate. Mr. Florenzano complained that the citizens had not been asked what they wanted or involved in the planning process, stating that all Edina citizens had a stake in the City of Edina's development in the 21<sup>st</sup> century.

**Member Masica made a motion to close the public hearing on the Greater Southdale Land Use and Transportation Study, and directing that written public comment be accepted until February 21, 2006.** Member Housh seconded the motion.

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

PUBLIC HEARING HELD ACTION CONTINUED UNTIL FEBRUARY 21, 2005, OF ORDINANCE NO. 2006-01 – AMENDING SECTION 850 TO REQUIRE INSTALLATION OF SIGNS FOR FINAL DEVELOPMENT PLANS AND SECTION 810 REQUIRING MAILED NOTICE FOR SUBDIVISION Affidavits of Notice were presented, approved and ordered placed on file.

Manager Hughes noted the Council at their December 20, 2005, meeting asked for a summary of standards and practices of the City with respect to public notice for development proposals. He reviewed the requested summary as follows:

City of Edina.com the City's website, cityofedina.com, provides the following:

- Planning Commission and City Council agendas
- Legal notices as they appear in the newspaper
- Approved Planning Commission and City Council minutes
- An online calendar which includes meeting times and locations of all City bodies

COMMUNITY CHANNEL 16

Channel 16 now includes the following:

- A list of "upcoming meetings" of City bodies
- An abbreviated City Council agenda in "layman's" terms
- Rebroadcasts of Council meetings and Planning Commission meetings – three times per week for at least two weeks

ABOUT TOWN

- A three-month community calendar that includes times and locations for meetings of City bodies

VARIANCES, RE-ZONINGS, SUBDIVISIONS, CONDITIONAL USE PERMITS, FINAL DEVELOPMENT PLANS

The following summarizes City Code requirements and our practices. In addition, notice requirements have been included if specified by State law:

VARIANCES

- *Notice in Newspaper:* None
- *Mailed Notice:* Notice mailed to property owners within 200 feet of the applicant's property at least 10 days before the Board of Appeals meeting
- *State Law Requirements:* No specific minimum notice requirements

RE-ZONINGS AND CONDITIONAL USE PERMITS

- *Sign:* A sign must be erected on the property at least 10 days prior to the Planning Commission meeting stating the name and telephone number of the applicant and an advisory to contact the Edina Planning Department for information
- *Mailed Notice by City:* Notice mailed to property owners within 500 feet of the applicant's property at least 10 days before the Council hearing
- *Notice in Newspaper:* Notice published in the legal section of the newspaper at least 10 days before the Council hearing.
- *Set Hearing Date:* The date of the hearing was formally set by the Council at the meeting prior to the meeting at which it will be heard.
- *Preliminary and Final Hearings:* If the City Code requires both a preliminary and final review (as was the case in our "planned districts") the published and mailed notice as described above was provided for the preliminary hearing as well as the final hearing. Conditional Use Permits require only one hearing.
- *State Law Requirements:* Notice published in the newspaper and individual mailed notices to property owners within 350 feet at least 10 days before Council hearing. (State law requires only one hearing for zonings – in most cases, Edina requires two hearings.)

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### SUBDIVISIONS (I.E. A DIVISION OF PROPERTY WHERE A NEW LOT(S) was CREATED)

- *Sign:* A sign must be erected on the property at least 10 days prior to the Planning Commission meeting stating the name and telephone number of the applicant and an advisory to contact the Edina Planning Department for information
- *Mailed Notice by Applicant:* Notice must be mailed by the applicant at least 10 days before the Planning Commission meeting to property owners within 500 feet of the applicant's property which provides the name and phone number of the applicant and the number of lots proposed by the subdivision.
- *Mailed Notice by City:* Notice mailed to property owners within 500 feet of the applicant's property at least 10 days before the Council hearing concerning preliminary subdivision approval
- *Notice in Newspaper:* Notice published in the legal section of the newspaper at least 10 days before the Council hearing concerning preliminary subdivision approval
- *Set Hearing Date:* The date of the hearing was formally set by the Council at the meeting prior to the meeting at which it will be heard.
- *Final Approvals:* Published and mailed notice required only for hearing on preliminary subdivision approval. Hearing not required for final approval.
- *State Law Requirements:* Notice published in the newspaper for preliminary subdivision approval hearing. Mailed notice not required by State law.

### FINAL DEVELOPMENT PLAN

Approval of a final development plan was required in our "planned districts" when the underlying zoning of the property was proper and therefore a re-zoning was not necessary. Final development plan approval was required for the development of a vacant, zoned property or an existing building/development that was being enlarged by 10% in floor area or by the addition of dwelling units.

- *Mailed Notice by City:* Notice mailed to property owners within 500 feet of the applicant's property at least 10 days before the Council hearing
- *Notice in Newspaper:* Notice published in the legal section of the newspaper at least 10 days before the Council hearing.
- *Set Hearing Date:* The date of the hearing was formally set by the Council at the meeting prior to the meeting at which it will be heard.
- *Public Hearings:* Final development plans must be reviewed by the Planning Commission and require one public hearing before the Council.
- *State Law Requirements:* No minimum requirements specified by State

Mr. Hughes said the City's practices and requirements as to public notice for development projects clearly exceed the minimum requirements prescribed by State law. Additionally he pointed out the use of cityofedina.com, Channel 6 and the About Town supplement, plus other notice requirements prescribed by City Code.

Mr. Hughes noted two areas where the City could improve their notification. First, it would be advisable to require the posting of a sign on properties which have applied for a final development plan approval. Mr. Hughes reported the Planning Commission at their January 4, 2006, meeting, adopted a motion recommending that such signs be required. Second, although the City provides mailed notice for subdivisions, City Code does not specifically require it. He stated this was probably an oversight when the City's ordinances were last codified and concluded that the proposed Ordinance No. 2006-1 would implement his recommendations.

Mr. Hughes said he believed it was important that the City be uniform in the application of notice requirements. Although zonings can be different from subdivisions etc., the City must consistently

apply the same rules for each class of applications. He explained it would not be appropriate, for example, to require a larger mailing area because we presume a certain proposal might be of greater interest than another. Mr. Hughes said if the Council wished to alter the requirements for a certain type of application; it should prescribe that the new standards would apply to all applications of that type.

Member Housh asked about the rebroadcast schedule of the City Council meetings and Planning Commission meetings on cable channel 16.

Director Bennerotte replied that the Council meetings currently were rebroadcast on Monday at 7:00 p.m., Thursday at 10:00 a.m. and 7:00 p.m., and Saturday at 3:00 p.m. continuously until the next Council meeting. She explained that Planning Commission meetings were rebroadcast 3 p.m. Sundays and 7 p.m. Tuesdays and Fridays for two weeks following a meeting.

Member Masica asked if the preliminary and final approvals would have the same notice requirements. Mr. Hughes replied that was the Council's decision unless prescribed by statute.

Member Housh expressed that the preliminary approval application for Cypress did not have a sign. Mr. Hughes explained that the site was already zoned properly so the application was not for a zoning change it was for a final development plan and amendment to the concept plan.

Member Housh commented that it seemed variances had a lesser mailed notice and no published notices. He asked if that was because they usually had a lesser impact. Mr. Hughes replied this was typically the reason, adding, that when a subdivision was reviewed if a particular lot required a variance then that was part of their application. He noted this would also be the case for a final development plan.

Mayor Hovland asked whether the City could require Cypress to post a sign if they come back for final approval. Mr. Hughes replied that if the new ordinance were in place before an application they would be subject to the new requirements.

Member Masica suggested that there was a need for a larger notification area for zoning changes than required by the current regulations. Member Housh commented that subdivisions applications required mailed notices out 500 feet.

Member Hulbert expressed concern that when changing zoning parameters and not rezoning property, that a sign should also be required. She stated this would add to consistency. She suggested that large issues should be looked at on a case by case basis.

Member Masica said perhaps some language should be included that delineated impact.

Mayor Hovland suggested mailing to a broader area, perhaps to all within 1,000 feet. Member Housh agreed suggesting making the notice as broad as possible. He said people get involved when something affects them. He added he felt the staff had more than adequately publicized the Southdale Study.

Member Hulbert reiterated that changes to zoning regulations should require some type of sign notification.

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Member Masica commented perhaps commercial and residential districts should have separate notice regulations. She also supported posting signs when changing zoning regulations.

Mr. Hughes replied that he believed notices needed to be consistent for each type of planning application. He expressed his belief that it would be difficult to post signs for changes to zoning regulations because of the difficulty of obtaining the property right to post the signs.

Mayor Hovland called for public comment. No one appeared to offer comments.

**Member Hulbert made a motion to close the public hearing on Ordinance No. 2006-1 consideration of amendment to Sections 850 and 810 regarding the installation of signs and mailed notice for certain zoning and subdivision actions.** Member Masica seconded the motion.

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

**Member Hulbert made a motion to continue consideration of Ordinance No. 2006-1 until the February 21, 2006 Council meeting.** Member Masica seconded the motion.

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

**RESOLUTION NO. 2006-19 APPROVING PROPOSED USE OF 2006 SUBURBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY THIRD PARTY AGREEMENTS** Affidavits of Notice were presented, approved and ordered placed on file.

Planner Larsen noted the good news was HUD was continuing to fund the Community Development Block Grant (CDBG) in 2006. He said Edina's allocation of \$167,594 reflected a two point seven per cent decrease from the 2005 allocation of \$172,355.

Mr. Larsen said the Human Rights and Relations Commission have reviewed and made recommendations to the human services portion of the budget. He noted the final budget allocation from Hennepin County was not received until after their review so their recommendations have been adjusted to reflect the final allocations received.

Mr. Larsen said funding for public services may not exceed fifteen percent of the total budget. In 2006 Edina's public services may not exceed \$25,139. He noted requests for funding for the public services portion of the budget were received same organizations as in the past.

- Greater Minneapolis Daycare Association (GMDCA) providing daycare subsidies to income eligible families;
- 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) - provide housing programs for low and moderate income homeowners and homebuyers; and
- HOME Line - provide tenant advocacy services for Edina renters.

Mr. Larsen explained that after the distribution for public services the remaining \$142,455 would be directed toward community development projects and staff services. He said staff once again recommended funding the Rehabilitation of Private Property and the Scattered Site Affordable

Housing programs. Mr. Larsen noted these programs have successfully contributed to maintaining Edina’s housing stock and providing affordable housing opportunities to Edina residents.

Mr. Larsen said the Rehabilitation of Private Property programs provides deferred repayment loans of up to \$30,000 to make structural improvements to owner occupied single family homes. He added that staff believed the program would continue to attract income eligible homeowners interested in improving and maintaining their homes.

Mr. Larsen said the Scattered Site Affordable Housing funds were proposed to be directed toward assisting Common Board in their efforts to add thirty assisted townhomes to the existing 90-unit Yorkdale Townhome site.

In conclusion, Mr. Larsen explained the City’s auditors have asked that city staff services be separately identified in the CDBG Budget. He explained these funds have been drawn from the Rehabilitation of Private Property, but the 2006 budget reflected the auditor’s request.

Mr. Larsen outlined the recommended proposed budget as follows:

| <u>Activity</u>                    | <u>2005 Budget</u> | <u>Proposed 2006<br/>Budget</u> |
|------------------------------------|--------------------|---------------------------------|
| GMDCA – Daycare Subsidy            | \$8,191            | \$8,137                         |
| H.O.M.E. – Sr. Comm. Services      | \$9,280            | \$9,440                         |
| CASH                               | \$4,191            | \$5,086                         |
| HOME Line                          | \$4,191            | \$2,476                         |
| Rehabilitation of Private Property | \$65,502           | \$55,755                        |
| Scattered Site Affordable Housing  | \$85,481           | \$80,000                        |
| City Staff Services                |                    | \$6,700                         |
| TOTAL                              | \$176,836.00       | \$167,594.00                    |

Member Masica asked how many scattered site were in place currently. Mr. Larsen said that the 2006 budget would assist Common Bond in adding up to 30 units at the Yorkdale Townhomes. Member Masica asked if there would be enough room on the site for 30 additional units. Mr. Larsen said there would be room, although it might be necessary to remove some surface garages and provide underground parking.

Katie Engel, the HOME program thanked the Council for their continued support of the HOME’s program.

Mayor Hovland called for public comment. No one appeared to offer comments.

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

Ayes: Housh, Hulbert, Masica, Hovland

Motion carried.

**Member Housh introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2006-19  
RESOLUTION APPROVING PROPOSED USE OF 2006 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 2006 Urban Hennepin County Community Development Block Grant funds made available to it; and

WHEREAS, the City held a public hearing on February 7, 2006, to obtain the views of citizens on housing and community development needs and priorities and the City's proposed use of \$167,594.00 from the 2006 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 2006 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            | \$55,755      |
| Scattered Site Affordable Housing             | \$80,000      |
| City Staff Services                           | \$6,700       |
| Greater Minneapolis Daycare Association       | \$8,137       |
| Senior Community Services (HOME)              | \$9,440       |
| Community Action for Suburban Hennepin (CASH) | \$5,086       |
| HOME Line                                     | \$2,476       |

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 2006 Community Development Block Grant Program.

ADOPTED: the 7<sup>th</sup> day of February 2006.

Member Hulbert seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Hovland.

Motion carried.

**\*HEARING DATE SET FOR PLANNING MATTERS - FEBRUARY 21, 2006** Motion made by Member Masica and seconded by Member Housh setting February 21, 2006, as hearing date for the following planning matters:

1. Proposed Amendment to Edina Code Section 850.16 - Planned Commercial Districts; and
2. Preliminary Plat Approval - Loring Manor 2<sup>nd</sup> Addition. Robert Engstrom Companies - 6621 Normandale Road. Generally located south of 66<sup>th</sup> Street West and east of Highway 100.

Motion carried on rollcall vote - four ayes.

**HEARING DATE SET FOR PLANNING MATTER - FEBRUARY 21, 2006** Member Masica asked the item be removed from the consent agenda because she questioned whether or not a preliminary hearing had been held previously. Staff explained the requested item was not subject to a preliminary approval process because there were no changes. Member Masica made a motion to set a hearing date of February 21, 2006 for the Final Development Plan Approval. Rink Properties, 7300 Bush Lake Road. Generally located west of Bush Lake Road and north of Dewey Hill Road. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Hovland

Motion carried.

**\*RESOLUTION NO. 2006-20 APPROVED FOR LOT DIVISION - 6112-6114 FRANCE AVENUE**  
Member Masica introduced the following resolution seconded by member Housh and moved its adoption:

**RESOLUTION NO. 2006-20  
APPROVING A LOT DIVISION FOR  
6112 AND 6114 FRANCE AVENUE SOUTH**

WHEREAS, the following described properties are at present one tract of land:

Lot 2, Block 1, LAKE PAMELA, Hennepin County, Minnesota

WHEREAS, the owner has requested the subdivision of said tract into separate parcels (herein called "parcels") described as follows:

PARCEL A:

The north 39.80 feet of Lot 2, Block 1, LAKE PAMELA, Hennepin County, Minnesota.

PARCEL B: Lot 2, Block 1, except the north 39.80 feet thereof, LAKE PAMELA, Hennepin County, Minnesota.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do not interfere with the subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent ordinances of the City of Edina.

Adopted this 7<sup>th</sup> day of February, 2006.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED - FOUR 2006 FORD CROWN VICTORIA SQUAD CARS - POLICE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh for award of bid for four 2006 Ford Crown Victoria Police Squad Cars under State of Minnesota Contract #435254 Group I, to Elk River Ford at \$85,024,00.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED - ONE CHEVROLET IMPALA - POLICE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh for award of bid for one 2006 Chevrolet Impala Police Model 9C3 under State of Minnesota Contract #434850 Release A-215 (5), to Car/Truck City at \$17,981.50.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED - ONE CHEVROLET TAHOE - POLICE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh for award of bid for one new 2005 Chevrolet Tahoe - Police Model under State of Minnesota Contract #433281, to Thane Hawkins Polar Chevrolet at \$27,078.51.

Motion carried on rollcall vote - four ayes.

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**\*BID AWARDED - DODGE CARAVAN - POLICE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh for award of bid for one 2006 Dodge Caravan with 3.3.1 V-6 Flex-fuel Engine, 4 wheel disk brakes under State of Minnesota Contract #435303 at \$15,821.00.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED - UTILITY TRACTOR - PARK MAINTENANCE DEPARTMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for a utility tractor for the Park Maintenance Department under Minnesota State Contract #434179 for \$31,280.93.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED - CUSTOM TUBE SLIDE - EDINA AQUATIC CENTER PLAYGROUND** Motion made by Member Masica and seconded by Member Housh approving the award of bid for a custom tube slide playground addition to the Edina Aquatic Center to recommended low bidder, Themescares, Inc., at \$29,630.00.

Motion carried on rollcall vote - four ayes.

**AWARD OF BID FOR RECYCLE BASINS FOR TREATMENT PLANTS 2, 3, & 4, CONTRACT NO. PW-06-1, IMPROVEMENT NOS. WM-425, 426 AND 427** Member Housh removed the award of bid for recycle basins for treatment plants 2, 3, & 4, Contract No. PW-06-1, Improvement Nos. WM-425, 426 and 427 from the Consent Agenda for further information. He noted the expenditure was sizable and asked the City Engineer to explain the project more fully.

Mr. Houle explained a few years ago, the Pollution Control Agency (PCA) had approached the City with questions about the recycled water and the iron content coming from the City's water treatment facilities into the storm sewer system. The PCA recommended the water be recycled into an underground recycling basin rather than put it into the sanitary sewer system and to let the iron settle out and reuse the water. Three areas are being considered for the tanks, Alden Park, Community Center Tower, and Fred Richards Golf Course.

Member Housh asked if this was a budgeted item. Mr. Houle said the project was bid last summer and funding was from the water utility fund.

Member Hulbert questioned the life expectancy of the tanks. Mr. Houle said the concrete tanks should last approximately 80 years with proper maintenance.

**Member Housh made a motion approving the recycle basins at Treatment Plants 2, 2, & 4: Contract No. PW 06-1, Improvement Nos. WM-425, 426, and 427 to recommended low bidder, Graham Penn-Co Construction, Inc., at \$2,573,649.00. Member Masica seconded the motion.**

Ayes: Housh, Hulbert, Masica, Hovland

Motion carried.

**\*BID AWARDED FOR TRUCK MOUNTED POT-HOLE SPRAY PATCHER - STREET DEPARTMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for a truck mounted pot-hole spray patcher for the street Department to recommended bidder Ruffridge-Johnson Equipment Company, Inc., under Minnesota State Contract #4345765 at \$135,322.10.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED FOR STREET SWEEPER - STREET DEPARTMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for a street sweeper to recommended bidder MacQueen Equipment at \$137,072.96, under Minnesota State Contract #431137.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED FOR RIDING SWEEPER - STREET DEPARTMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for a riding sweeper to recommended bidder Industrial Floor Maintenance at \$42,744.85.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED FOR PORTABLE POWER GENERATOR - UTILITY DEPARTMENT** Motion made by Member Masica and seconded by Member Housh approving the award of bid for a 300kW Portable Power Generator - Contract No. PW 06-3, Improvement No. 06-3 PW to recommended low bidder Blue Star Power Systems, Inc., at \$61,000.00.

Motion carried on rollcall vote - four ayes.

**AWARD OF BID FOR PUMPING FACILITY MAINTENANCE - WELL NO. 17, CONTRACT NO PW 06-2, IMPROVEMENT NO. WM-457** Member Housh removed the award of bid for pumping facility maintenance - Well No. 17, Contract No. PW 06-2, Improvement No. WM-457 from the Consent Agenda for more information of the actual bid amount being in excess of the Capital Improvement Program allocation.

Mr. Houle indicated when the plans and specifications were formulated; good data from the past was not available. He explained the redevelopment of the well's cavity also added capacity which added to the cost of the maintenance.

**Member Housh made a motion for award of bid for pumping facility maintenance of well No. 17, Contract No. PW 06-2, Improvement No. WM-457 to recommended low bidder, EnComm Midwest at \$221,098.00. Member Masica seconded the motion.**

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

**\*BID AWARDED FOR GOLF CAR PURCHASE FOR BRAEMAR GOLF COURSE** Motion made by Member Masica and seconded by Member Housh approving the award of bid for eighteen golf cars for Braemar Golf Course to recommended low bidder, Versatile Vehicles at \$35,100.00.

Motion carried on rollcall vote - four ayes.

**MOTION DENIED APPROVING NECESSITY OF REFERENDUM FOR FUNDING OF SPORTS STADIUM** Laura Lehmann appeared before the Council in December and requested the Council to consider a resolution supporting the necessity for a referendum prior to Hennepin County providing financial assistance for the construction of a sports stadium. She informed the Council she again requested to be on the Council agenda for formal consideration and provided the text for a resolution included in the packet. Ms. Lehmann said the Council has a choice to uphold the law of Minnesota, Statute No. 2978. 99 Subd. 3A, stating... 'in position of a sales tax was subject to approval by the voters of a political subdivision of a general election or to vote not to uphold the statute'. She stated there was nothing controversial about her request and that political considerations should be set aside. Ms. Lehmann requested the Council pass the resolution for the good of the residents and to affirm to vote on any sales tax increase.

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Member Masica asked for clarification of the State Law aforementioned. Attorney Gilligan noted that Dorsey Whitney does work for the Minnesota Twins. He explained that if sales tax were part of the bill, he believed it would be exempt. Ms. Lehmann said what the proposed resolution would do would convey an expression by the City of Edina to the County Board that its citizens should have the right to vote on a sales tax.

Member Housh said the issue will be wrestled with at the State level in the legislature and if the County chooses to be involved, that was their decision. Ms. Lehmann said the only thing she was asking was that Minnesota law was supported.

Following a Council discussion, **Member Hulbert made a motion to adopt the proposed Resolution No. 2006-15 as presented.** Motion failed for lack of second.

**Member Masica made a motion that a public hearing be held at the regular Council meeting of March 21, 2006, for more information and for public input on the funding of a sports stadium with sales tax revenues.** Member Hulbert seconded the motion.

Ms. Lehmann exited the Council Chambers prior to the vote being taken.

Ayes: Hulbert, Masica  
Nays: Housh, Hovland  
Motion failed.

\*AMENDMENT TO EASEMENT AGREEMENT FOR YORKDALE SHOPPES APPROVED

**Member Masica made a motion seconded by Member Housh authorizing execution of an Amendment to Easement Agreement for Yorkdale Shoppes by the Mayor and Manager of the City of Edina via its ownership of the York Avenue Liquor Store.**

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2006-16 APPROVED ACCEPTING VARIOUS DONATIONS TO CITY OF

EDINA Mayor Hovland indicated in order to comply with State Statutes, all donations to the City must be adopted by resolution.

**Member Hulbert introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2006-16  
ACCEPTING DONATIONS ON  
BEHALF OF THE CITY OF EDINA**

**WHEREAS, Minnesota Statute 465.03 allows cities to accept grants and donations or real or personal property for the benefit of its citizens;**

**WHEREAS, said donations must be accepted via a resolution of the Council adopted by a two thirds majority of its members.**

**NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council accepts with sincere appreciation the following listed donations on behalf of its citizens.**

**Donations for Edina Police Department as follows:**

|                            |            |  |
|----------------------------|------------|--|
| Edina Community Foundation | \$4,000.00 | 15 Digital Cameras for Squad Cars & Investigative Cars |
| Edina Community Foundation | \$1,650.00 | Emergency Response Team Tactical Equipment             |

**Donations for Edina Fire Department as follows:**

|                            |         |                                  |
|----------------------------|---------|----------------------------------|
| Edina Community Foundation | \$1,995 | Automatic External Defibrillator |
| Shakopee Mdewakanton       | \$1,995 | Automatic External Defibrillator |

**Community**

**Donation to the Braemar Memorial Fund for future Golf Course equipment purchases as follows:**

|                    |          |                   |          |
|--------------------|----------|-------------------|----------|
| John Allen Jr      | \$200.00 | Joan Madden       | \$50.00  |
| Beverly Anton      | \$50.00  | Lisa Obermeyer    | \$100.00 |
| Otto Bang          | \$25.00  | Raymond O'Connell | \$100.00 |
| Nancy Booker       | \$25.00  | Chauncey Sandgren | \$50.00  |
| Arlene Bush        | \$25.00  | Hannah Semba      | \$10.00  |
| Rita Carlotto      | \$25.00  | Virgil Smeltzer   | \$25.00  |
| Patrick Finley     | \$25.00  | Russell Susag     | \$50.00  |
| Marlyn Friede      | \$50.00  | Frank Wellman     | \$25.00  |
| Patrick Gallagher  | \$25.00  | Carolyn White     | \$100.00 |
| Kathryn Green      | \$25.00  | Anne Wise         | \$20.00  |
| Jean Hedberg       | \$100.00 | Robert Ulsaker    | \$50.00  |
| Jack Hughes        | \$100.00 | Jean Chapman      | \$50.00  |
| Betty Jane Lindahl | \$100.00 | John Feddema      | \$100.00 |
| Cathy Lindahl      | \$30.00  |                   |          |

**Donations to Edina Park Department as follows:**

|                            |            |
|----------------------------|------------|
| Edina Community Foundation | \$659.00   |
| Edina Community Foundation | \$4,792.95 |

**Rosland Grant-In-Aid Fund  
YMCA Tri-City Skate Park  
Outdoor Water Fountain  
Installation  
Including Installation of Water  
Supply**

**Donation to Edina Art Center as follows:**

|                  |            |          |
|------------------|------------|----------|
| Maureen Brockway | \$5,600.00 | Gas Kiln |
|------------------|------------|----------|

**Dated: February 7, 2006.** Member Masica seconded the motion.

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

**RESOLUTION 2006-15 APPROVED RE-ORDERING CONCERNS OF RESIDENTS PORTION OF AGENDA**

Mr. Hughes reminded the Council at the regular Council Meeting of January 17, 2006, he was directed to prepare a report on the "Concerns of Residents" portion of the agenda. The request followed a discussion by the Council as to whether the order of business of Council meetings should be altered to consider "Concerns of Residents" earlier on the agenda.

According to Section 115 of the City Code, the order of business was determined by resolution of the Council and could be altered by resolution if the Council should desire. He added a caveat contained in the Code states that "...all public hearings will be held at the time specified in the notice of hearing, or as soon thereafter as was allowed by matters which are prior in the order of business." Notices to the public provide that hearings are held at 7:00 P.M. and the Council has historically attempted to conduct the public hearings as early as possible on the agenda.

Mr. Hughes presented four alternatives to re-order the agenda:

1. Hear "Concerns of Residents" Prior to the Regular Agenda.  
Some cities have successfully adopted a more informal approach such as removing the 'Concerns' part from the regular agenda and hearing the 'Concerns' at 6:30 P.M. The regular Council meeting would begin promptly at 7:00 P.M.
2. Hear "Concerns of Residents" at Start of Regular Meeting.

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Start the regular meeting at 7:00 with "Concerns of Residents". Altering the agenda order would be advisable to formally alter the agenda such that public hearings always commence at 7:30. Notices for hearings would state a 7:30 start time to comply with the City Code.

3. **Hear concerns of Residents Immediately After Hearings but Before Reports and Recommendations.**

This would have the effect of considering "Concerns of Residents" earlier on the agenda without the need to compromise on scheduled public hearings.

4. **No Change to Current Agenda Order.**

Mr. Hughes recommended the same rules of order apply for the 'Concerns' portion of the agenda; 1) A five minute (approximate) time limit per speaker - and ten minutes per issue. If the issue was deemed to require more time, the matter could be placed on a future agenda; 2) Commentary on issues on a future agenda should be discouraged; and 3) Afford caution when residents attempt to submit more testimony after a hearing has been formally closed.

Following a discussion Member Housh introduced Resolution No. 2006-15 that re-ordered the agenda of the Edina City Council for a three month trial period such that "Concerns of Residents" would appear as Roman Numeral III and moved its adoption as follows:

**RESOLUTION NO. 2006-15  
REORDERING THE EDINA  
CITY COUNCIL AGENDA**

**BE IT RESOLVED** that the Order of Business for the Edina City Council Meetings shall be changed as follows:

**Rollcall**

- I. Approval of Minutes**
- II. Public Hearings – Improvement Projects, Requests for Vacation of Right-of Ways and Easements, Planning Matters**
- III. Concerns of Residents**
- IV. Ordinances**
- V. Award of Bids**
- VI. Reports and Recommendations**
- VII. Finance**
- VIII. Communicaitons and Petitions**
- IX. Intergovernmental Activities**
- X. Special Concerns of Mayor and Council**
- XI. Manager’s Miscellaneous Items**
- XII. Adjourn Meeting**

**Dated this 7<sup>th</sup> day of February, 2006.**

Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Hovland

Motion carried.

**Member Masica made a motion approving the public hearing rules of order as presented by staff for a period of three months.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Hovland

Motion carried.

**\*ANNUAL APPOINTMENT OF ASSISTANT WEED INSPECTOR APPROVED** Motion made by Member Masica and seconded by Member Housh approving the annual appointment of Vince Cockriel, Park Superintendent, as Assistant Weed Inspector for 2006 and subsequent years. .

Motion carried on rollcall vote – four ayes.

\*SENIOR COMMUNITY SERVICES DIAL-A-RIDE TRANSIT SERVICE AGREEMENT APPROVED Motion made by Member Masica and seconded by Member Housh approving the Senior Community Services Dial-a-Ride Transit Service Agreement for 2006.

Motion carried on rollcall vote - four ayes.

\*RESOLUTION NO. 2006-17 - APPROVING AUTHORIZATION OF MAYOR AND MANAGER TO SIGN BUFFER ZONE PROTECTION GRANT AGREEMENT Motion made by Member Masica and seconded by Member Housh approving the following resolution authorization of Mayor and Manager to sign the Buffer Zone Protection Grant Agreement as follows:

RESOLUTION NO. 2006-17  
AUTHORIZING EXECUTION OF  
AGREEMENT 2005-BXPP-0734  
DEPARTMENT OF PUBLIC SAFETY

WHEREAS, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management under Minn. State. §§ 12.22 and 299A.01 Subd 2 (4) has authority to enter into grant agreements with the City of Edina; and

WHEREAS, the State is in need of the distribution of federal funds to eligible grants recipients pertaining to the 2005 Buffer Zone Protection Program and has awarded the Edina Police Department Grant Award Number 2005-GR-T5-0015 in the amount of \$43,378.00 to provide protective action funding to protect and secure critical infrastructure and key recourse sites.

NOW, THEREFORE, BE IT RESOLVED, that the Edina Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management.

BE IT FURTHER RESOLVED, that James B. Hovland, Mayor and Gordon Hughes, Edina City Manager, are hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Edina Police Department.

Dated: February 7, 2006.

Motion carried on rollcall vote - four ayes.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES CONTINUED TO REGULAR COUNCIL MEETING OF FEBRUARY 21, 2006 Mayor Hovland requested continuation of appointments to fill vacancies on Boards, Commissions and Committees until the regular Council meeting of February 21, 2006.

No 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 January 18, 2006, and consisting of 28 pages: General Fund \$370,615.83; Communications Fund \$5,235.46; Working Capital Fund \$517,156.81; Construction Fund \$13,931.56; Art Center Fund \$2,316.21; Golf Dome Fund \$21,663.99; Aquatic Center Fund \$37.28; Golf Course Fund \$12,967.72; Ice Arena Fund \$32,144.12; Edinborough/Centennial Lakes Fund \$24,180.30; Liquor Fund \$135,697.99; Utility Fund \$79,858.64; Storm Sewer Fund \$5,965.65; Recycling Fund \$33,874.00; PSTF Agency Fund \$4,477.70; TOTAL \$1,260,123.26; and for approval of payment of claims dated January 25, 2006, and consisting of 33 pages: General Fund \$337,999.79; Communications Fund \$15,091.18; Working Capital Fund \$58,737.75; Construction Fund \$376.23; Art Center Fund \$18,103.59; Golf Dome Fund \$84.16; Golf Course Fund \$2,768.98; Ice Arena Fund \$3,805.75; Edinborough/Centennial Lakes Fund \$7,632.85; Liquor Fund \$110,817.24; Utility Fund \$314,899.98; Storm Sewer Fund \$7,219.47; PSTF Agency Fund \$1,718.63; TOTAL \$879,265.60 and for approval of payment of claims dated February 1, 2006, and consisting of 27 pages: General Fund \$463,039.05; Communications Fund \$2,783.32; General Debt Service Fund \$1,300.00; Working Capital Fund \$60,720.90; Art Center Fund \$1,255.41; Golf Dome Fund \$3,124.51; Aquatic Center

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**Fund \$3,912.90; Golf Course Fund \$6,519.64; Ice Arena Fund \$369.06; Edinborough/Centennial Lakes Fund \$11,776.30; Liquor Fund \$107,188.12; Utility Fund \$45,275.05; PSTF Agency Fund \$3,300.38; TOTAL \$710,564.64.**

Motion carried on rollcall vote - four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:10 A.M.

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City Clerk