

MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 21, 2006
7:00 P.M.

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

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

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF SPECIAL MEETING OF MARCH 6, 2006, APPROVED** Member Housh made a motion, seconded by Member Hulbert, approving the Minutes of the Special Meeting of the Edina City Council for March 6, 2006, as presented.

Motion carried on rollcall vote - five ayes.

BOY SCOUT TROOP #123 WELCOMED Mayor Hovland welcomed Boy Scout Troop #123 from Shepherd of the Hills Church who were working on their Communications Badge with their leader, Laurie Anderson.

RESOLUTION NO. 2006-35 APPROVED FOR ROADWAY IMPROVEMENT PROJECT NO. BA-332 - CRESTON HILLS NEIGHBORHOOD Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Assistant City Engineer

Assistant Engineer Lillehaug explained the location of the Creston Hills neighborhood Improvement Project, BA-332. He said the project area was bounded by West Shore Drive on the west, 70th Street on the south and Cornelia Drive on the east as well as Lake Cornelia and consists of Laguna Drive, Balfanz Road, Creston Road, Wooddale Avenue, Judson Lane, Point Drive, Oaklawn Avenue and Dunberry Lane. He indicated the project was initiated by staff as part of the City's street reconstruction program and Capital Improvement Program to update aging infrastructure and address several issues including drainage problems, sanitary sewer problems and water main and service improvements. Mr. Lillehaug said staff proposed a construction start in spring 2006.

Mr. Lillehaug elaborated that the neighborhood has been kept apprised of the proposed project via a comprehensive newsletter and a questionnaire mailed to them for their input. Neighbors received a public hearing notice mailed on February 24, 2006. A neighborhood informational meeting was held on March 1, 2006, at Arneson Acres Park where forty residents attended. One concern expressed at that meeting was street lighting. Additional information was provided as well as a questionnaire provided for resident input. Results of the questionnaire and a final update letter was mailed on March 16, 2006, to residents as well as recommendations of staff.

Mr. Lillehaug provided pictures of the deterioration of the roadway. He said some curb and gutter existed with the roadway being approximately 27 to 31 feet in width. Mr. Lillehaug said impediments along the roadway, i.e. boulders, landscaping, etc., would be removed or mitigated if the proposal

Minutes/Edina City Council/March 21, 2006

were approved. Mr. Lillehaug noted the questionnaire inquired if curb and gutter, sidewalks or decorative street lighting would be desirable by the residents. Results showed that 63% of residents favored curb and gutter; however decorative lighting and sidewalks were not favored by all. Cost of the project, inconvenience, noise, and the possible loss of mature trees were also noted on the questionnaire.

Mr. Lillehaug stated the neighborhood generally has level roads, but was lacking a storm sewer system, which led to the surface water drainage issues. He explained within the project, sump pump drain tile would be installed to reduce clean water going into the sanitary sewer system.

Mr. Lillehaug said the project would include: 1) a 28 foot roadway, 2) maintenance of the 31 foot roadway with the existing curb and gutter, 3) installation of curb and gutter on both sides with spot repairs of existing curb and gutter needing repairs, and 4) installation of concrete driveway aprons. He said the project would include utility upgrades to the water system, sanitary system and storm sewer system, adding staff recommended installing new water services from water mains to curb boxes and increasing the size of the service up to one inch, new hydrants, and sump pump drain tile. Mr. Lillehaug reported that based on the questionnaire response, staff was not recommending decorative lighting or sidewalks. Mr. Lillehaug said staff recommends more clearly defined, standard intersections in the area.

Mr. Lillehaug said the estimated roadway construction costs were \$1,324,000. Funding for roadway costs will be from a special assessment of approximately \$9,800 per residential equivalent unit (REU) and will be adjusted with the final construction costs with a ten year assessment at 5.9% interest. He reported the utility improvement estimated costs at approximately \$1,200,000 with funding for these repairs will be funded through the respective utility funds.

Mr. Lillehaug noted the project was analyzed by staff and deemed to be feasible from an engineering standpoint.

Member Swenson inquired whether or not the cost of the curb and gutter would be funded by the City. Mr. Lillehaug replied the cost of the curb and gutter was included in the storm sewer portion of the project.

Public Comment

Donna Montgomery, 6824 Oaklawn Avenue, said she was confused because she thought the street belonged to the City and all citizens have access to the road so it should be supported by taxes. Engineer Houle explained that local roadways have no funding mechanism so when streets were in need of reconstruction, historically; Edina has used Minnesota Statute 429 Improvements and funded the reconstruction, through special assessments to the benefited property.

Kevin Bennett, 4520 Laguna Drive, stated he wanted decorative street lighting brought up again. He asked for a more long-term approach to the project and stated that safety was very important to him. Mr. Bennett said he would support lighting as an improvement to safety and asked that the possibility of moving electrical underground be investigated.

Jake Vander Zanden, 4505 Balfanz Road, stated he concurred with Mr. Bennett that sidewalks would improve safety. He would also support safety lighting. Member Masica suggested staff clarify overhead lighting vs. decorative street lighting. Mr. Houle said the lighting proposed for the project was decorative in nature and was not intended for safety lighting. Mr. Lillehaug added that the feasibility study showed proposed decorative street lighting and the existing street lighting. Using a

graphic, Mr. Lillehaug pointed out the existing street lighting and where the proposed decorative lighting would have been placed if the residents had indicated a desire for its installation.

Beverly Hill, 4501 Laguna Drive, asked if the pond by Balfanz and Creston would be repaired as part of the project. Mr. Lillehaug clarified that the pond was located south of Balfanz and west of Creston. Mr. Houle said the pond was not scheduled for dredging with the street reconstruction. He added that it took a very long time to get a dredging permit from the Department of Natural Resources and the DNR only allowed certain work to be completed, but that the pond in question would be addressed in the future. Mr. Lillehaug said that outlet repairs were planned for the storm sewer.

Arnold Bloomquist, 6720 Point Drive, said his children walk to school. He said that sidewalk was also needed on Dunberry and the 4300 Cornelia side of the street. Mr. Bloomquist said he also supported decorative street lighting.

Ralph Campbell, 6700 Point Drive, stated he supported sidewalks, but not decorative lighting.

Carol Wilson, 6844 Oaklawn Avenue, expressed concern about traffic coming from the new Galleria development. She suggested that sidewalks be looked at for the area and that in the future, part of Dunberry should be closed to aid cut through traffic.

John Jurkovich, 6821 Oaklawn Avenue, agreed with the concern expressed by Ms. Wilson. He said sidewalk were not a panacea for safety and that traffic was the issue requiring solving. Mr. Jurkovich said that with the church expansion and ongoing development there needed to be an overall safety solution developed.

Mayor Hovland commented that St. Louis Park had just granted municipal consent to the proposed improvements to Highway 100 which should garner three lanes of traffic moving in each direction all the way up Highway 100. He added he believed this will eliminate some of the cut-through traffic that has been using West 70th Street.

Dean Knutson, 6900 Creston Road, stated he supported the installation of decorative street lighting because it would improve the look of the neighborhood. Mr. Knutson also stated he believed the existing lighting was at the end of its useful life.

Connie Evans, 4421 Judson Lane, asked to keep the overhead lighting and not install decorative lighting. She said she believed a great deal of the traffic issues were the result of parents picking up and dropping off children at Cornelia School. She suggested that the parents be surveyed around 3:30 in the afternoon to see if they wanted sidewalks in the area.

Brad Bertron, 6704 Point Drive, said he supported sidewalks in the area and expressed his concern about the storm sewer's location. He said he did not want a storm sewer drain in the middle of his driveway. Mr. Bertron also said he was interested in having his electrical utility placed underground. Mr. Lillehaug said the storm sewer would remain essentially the same with minor repairs to improve flow. Mr. Houle added the Public Works Department depended upon residents to keep the catch basins clear. He added that he would assist the residents in connecting with the proper persons at Xcel Energy to request their electrical be buried.

Tom Spicola, 6712 Point Drive, stated he wanted decorative lighting to improve safety in the neighborhood. He added he would be okay with sidewalk and he also would like to see his electrical lines buried.

Minutes/Edina City Council/March 21, 2006

Melissa Jancourt, 6900 Wooddale Avenue, stated she was okay with the existing lighting and would not want decorative street lighting. She added it would be more appropriate to calm traffic before adding sidewalks.

Forrest Flint, 6837 Oaklawn Avenue, stated he supported both the installation of sidewalks and decorative street lighting.

Susan Lee McCarthy, 6708 Point Drive, thanked Mr. Lillehaug for his work with the proposed project and his dedication in working with the neighborhood. She suggested that a long term view of 20-25 years be looked at and that the lights were needed. Member Masica clarified that decorative lighting would decrease illumination. Mr. Houle stated this was correct, but added that perhaps a combination of overhead and decorative lighting could be designed to satisfy the residents. He added this could be undertaken at a future date and suggested perhaps residents could petition for that improvement in the future.

Brian Finnegan, 4421 Dunberry Lane, said he was the last house without curb and gutter and he liked it that way. He said he liked the traditional look of his property and did not want curb and gutter installed. Mr. Finnegan also said he was not in favor of decorative street lights. He added that a bigger issue existed and that was traffic on West 70th Street which should be resolved.

Dan Atkins, 6729 Point Drive, said that redoing the roadway was inevitable, but he did not understand why it cost the residents as much as it did. He said he felt the curbs and gutter added value to the property and so did sidewalks and suggested that everyone look at the long term.

Don Montgomery, 6824 Oaklawn Avenue, stated he was 33 year resident, and he thought the survey was lacking. He asked why the hearing was being held if bids had not been let and asked that more alternatives be explored. Mr. Houle responded that the roadway was at the end of its useful life and seal coating was not an option, it had to be reconstructed. He added that there would be another hearing after the project was built when the actual assessment for each property would be known.

Craig Corah, 4420 Judson Lane, said he was glad to see the roadway improvement and he would support decorative street lighting and sidewalks. He added the traffic on West 70th Street must be addressed.

June Russell, 6944 Cornelia Drive, stated she was very nervous and read from her March 18, 2006 letter to the City. She said she did not want either sidewalks or decorative street lighting. Ms. Russell expressed her concern over paying for the assessment while on a fixed income as a retired person.

Bill Shuett, 6817 Point Drive, said that when the remodeling project takes place, the streets get damaged from the heavy equipment that traverses the neighborhoods. Mr. Houle explained the new street will have four inches of asphalt pavement as opposed to the existing roadway which consisted of two inches of pavement.

John Jurkovich, 6821 Oaklawn asked if load limits were lifted was there a way to make contractors pay for damage to City streets. Staff informed there was not any method to charge for use of street.

Member Masica made a motion, seconded by Member Hulbert to close the public hearing.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Housh clarified that the action would be only for roadway and utility improvements and not include any street lighting or sidewalks at this time.

Member Masica asked for a recap of the project costs. Mr. Lillehaug reviewed the estimated costs of the improvements:

Roadway (To Be Assessed)	\$1,324,000
Utilities (Paid from City Utility Funds)	
Sanitary Sewer	\$227,000
Watermain	\$331,000
Storm Sewer (includes curb & gutter)	<u>\$619,000</u>
Total Project Estimate	\$2,501,000

Mayor Hovland asked the staff to work with the residents on the issues of street lighting and sidewalks. Member Masica suggested staff contact Ms. Russell to further explain the senior citizen deferral options available. Manager Hughes reminded the Council the assessments would not be enacted until the Special Assessment Hearing after the project was constructed.

Member Swenson commented that there appeared to be some confusion regarding the neighborhood survey and asked that future surveys be more specific.

Member Housh made a motion introduction the following resolution and moving its adoption:

RESOLUTION NO. 2006-35

ORDERING WATERMAIN REHABILITATION

PROJECT IMPROVEMENT NO. BA-332, WM-456, SS-427 & STS-315

CRESTON HILLS NEIGHBORHOOD STREET RECONSTRUCTION

WHEREAS, the Edina City Council on the 21st day of February, 2006, fixed a date for a Council hearing on the proposed watermain reconstruction Improvement No. BA-332; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 21st day of March 2006, for Sewer, Water and Street Reconstruction Improvement Projects No. BA-332, WM-456, SS-427, and STS-315 for the Creston Hills Neighborhoods, 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 for Sewer, Water and Street Reconstruction Improvement Projects No. BA-332, WM-456, SS-427, and STS-315 for the Creston Hills Neighborhoods,

BE IT FURTHER RESOLVED that Sewer, Water and Street Reconstruction Improvement Projects No. BA-332, WM-456, SS-427, and STS-315 for the Creston Hills Neighborhoods, is hereby ordered as proposed.

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

Passed and adopted this 21st day of March, 2006. Member Hulbert seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Minutes/Edina City Council/March 21, 2006

Motion carried.

***PUBLIC HEARING PRELIMINARY REZONING PLANNED OFFICE DISTRICT 1 TO PLANNED COMMERCIAL DISTRICT 2; AND CONDITIONAL USE PERMIT APPROVAL - EDINA GATEWAY LLC (4930 77TH STREET WEST) CONTINUED TO APRIL 18, 2006** Motion made by Member Housh and seconded by Member Hulbert continuing the Public Hearing for Preliminary Rezoning Planned Office District 1 to Planned Commercial District 2; and Conditional Use Permit Approval for Edina Gateway LLC - 4930 77th Street West to April 18, 2006.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2006-36 ADOPTED APPROVING PRELIMINARY PLAT FOR GAGEBY ESTATES, ERS DEVELOPMENT LLC, 7108 VALLEY VIEW ROAD Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen informed the Council the subject property was located in the southwesterly portion of the lot at 7108 Valley View Road with a detached garage located to the immediate north of the home. He said the site sloped significantly from west to east and was heavily wooded. The property owner to the immediate north has constructed improvements that encroach on the subject property. The parties have agreed and have submitted a new preliminary plat involving a land trade in exchange for an easement over the encroaching improvements. Both lots in the proposed plat exceed the size standards set out in the Subdivision Ordinance and no variances were required. Mr. Larsen concluded the shared driveway will limit site disturbance. Additional land added to the new lot increases the flexibility in sighting the new home and the easement cures the encroachment.

Mr. Larsen stated the Planning Commission recommended Preliminary Plat approval subject to; 1) Final Plat approval, 2) Subdivision Dedication, and 3) Shared Driveway Access.

Mayor Hovland inquired further about the shared driveway access. Mr. Larsen said staff's intent was to minimize additional cutting into the hill and tree loss. The driveway as depicted on the plan was a concept and would be subject to staff approval during the building application process. Mayor Hovland asked if runoff would be a concern from the new lot. Mr. Larsen said the Building Department would be closely observing the site during construction to assure precautions are being taken with runoff. Mayor Hovland asked what the elevation change was from the new building site to the existing home. Mr. Larsen said he did not have those figures.

Member Masica asked how a home could be sited on that steep piece of property. Planner Larsen said the extra land that would be available following approval of the plat would allow more flexibility in building.

Proponent Presentation

David Gageby, ERS Development, LLC, answered a question about the site, stating there was a slope to get to the top of the hill but at the top the site was flat. If runoff would happen, it would run down the driveway as the existing home was not in a direct path but off to the side. The owner at 7104 Valley View Road had a written agreement with the previous owner of the 7108 property allowing the landscaping which ended up to be quite extensive. Mr. Gageby said arriving at the shared driveway situation was positive for everyone involved.

Member Masica asked Mr. Gageby if he would be re-selling the property. Mr. Gageby said he bought the property with the intention of splitting the property but nothing had been decided at present.

Member Masica asked Mr. Gageby how he became aware of the subject property. Mr. Gageby noted one of the properties was known as Diamond's in the Rough. The company was solicited by the family to buy the property that had been on the market for some time.

Member Housh asked if the reason this was before the Council was there was an encroachment involved. He questioned how the City safeguards against this happening again. Mr. Larsen said many times landscaping was not included in the scope of the project. Member Housh asked if the contractor/landscaper has any liability to fix the encroachment. Mr. Larsen said it lies with the property owners.

Mayor Hovland inquired how the land trade agreement was reached. Mr. Gageby said Daniel Spiegel and his counsel came up with what they considered to be a fair and reasonable option rather than removing all the extensive landscaping. Mayor Hovland asked if there was a better way to address the shared driveway issue. Mr. Larsen said he believed this was the only way to deal with the issue.

Public Comment

Andrew Parker, representing Daniel Spiegel of 7104 Valley View Road, requested that his client have the ability to maintain his landscaping.

Member Masica 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 conditioned upon: 1) Final Plat Approval; 2) Subdivision Dedication; and 3) Shared Driveway Access:

**RESOLUTION NO. 2006-36
GRANTING PRELIMINARY PLAT FOR
GAGEBY ESTATES, 7108 VALLEY VIEW ROAD**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "GAGEBY ESTATES", platted by ERS Development LLC, and presented at the regular meeting of the City Council on March 21, 2006, be and is hereby granted preliminary plat approval with the following conditions: 1) Final Plat Approval; 2) Subdivision Dedication; and 3) Shared Driveway Access.

Passed and adopted by the Edina City Council this 21st day of March, 2006.

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006- 37 AND ZONING ORDINANCE NO. 850-A28 ADOPTED APPROVING COMPREHENSIVE PLAN AMENDMENT, PRELIMINARY PLAT AND PRELIMINARY REZONING FROM R-1 SINGLE FAMILY TO PLANNED RESIDENTIAL DISTRICT 3 FOR 5300 FRANCE AVENUE Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Larsen stated the proposal was a request to rezone the northerly 2.2 acres of the Calvary Church parking lot located at 5300 France Avenue from R-1 to PRD-3, for the approval of a change to the City's Comprehensive Plan from Quasi Public to Lot Density Attached Residential, and approval of the Preliminary Plat for Brownstone Estates, which would allow the proponent to construct 20

Minutes/Edina City Council/March 21, 2006

attached townhomes on the site. He said Calvary currently occupied the former Grace Church location and they do not need the entire property.

Mr. Larsen explained that under Edina regulations churches must provide parking at a rate of one space for each three seats in the largest assembly plus additional parking to support concurrent activities. He said Calvary has 875 seats, requiring a minimum of 292 spaces. Mr. Larsen said the church would be left with 330 spaces after detaching the subject property consisting of 2.2 acres.

Mr. Larsen said the proposed development was for a U-shaped building containing twenty multi level units with a common underground parking garage. However, each unit has two stalls plus a storage unit would be secured by an individual garage door with additional parking provided in the common area outside the individual units. Mr. Larsen said the project would be served by a single curb cut located on West 52nd Street. He added that individual units would range from 3,100 square feet to 3,400 square feet on two floors with each unit having an individual elevator.

Mr. Larsen said the City's PRD-3 district would require 73,000 square feet for twenty units and that the proposed site contained approximately 94,500 square feet. He said parking would be required at a rate of two spaces per unit and was provided at two plus spaces under the building and 19 surface spaces adjacent to 52nd Street.

Mr. Larsen explained the Zoning Ordinances required 35 feet of setback from streets and the rear property line and 20 feet of setback from an interior property line. He said the proposed plan requested set back variances between 25-27 feet from France Avenue, to 15 feet from the southerly property line and to between 19-29 feet from the westerly property line.

Mr. Larsen reported the Planning Commission recommended the Council grant the requested rezoning and approvals including the variances. He said the Planning Commission found the hardship to be the unusual shape of the property, its relationship to the existing Church parking lot and the historical way the Zoning Ordinance related to the more urban areas of the City.

Member Masica clarified that in the more urban area, the City has not historically been as stringent with setback requirements. Mr. Larsen said that was correct.

Member Hulbert asked if the setback in PRD-3 was fifty feet. Mr. Larsen explained the Zoning Ordinances required 35 feet of setback from streets and the rear property line and 20 feet of setback from an interior property line. She asked for clarification of the garages noting that the Planning Commission minutes referred to a common underground garage, but Mr. Larsen's report said individual garage doors. Mr. Larsen said that tenants would have a single exterior garage door to access a drive aisle leading to individual garages for each of the twenty units.

Member Masica asked if the church would remain conforming in its land area without the acreage proposed to be sold for the re-development. Mr. Larsen replied yes, it would be conforming; retaining approximately 5.5 acres.

Proponent Presentation

Ed Noonan, Noonan Construction, 5400 France Avenue South, said he was bringing the proposal to the Council after working with staff and presenting to the Planning Commission. He used a graphic depiction illustrating the proposed townhome project. Mr. Noonan said that there was a great deal of mature landscaping and a berm installed by the former occupant Grace Church which he hoped to utilize. He pointed out that the lots on Halifax abutting his project were about 300 feet deep and

many were buffered by mature trees 35 - 40 feet tall that would screen the homes from the new building.

Mr. Noonan said that Brownstone on France was what he would be calling the proposed project. He said he would be both the developer and builder of the project. He pointed out how there would be an additional ten feet on the southerly edge of the property before the curb and gutter where a twenty-five foot drive aisle would connect the church's upper parking lot to its lower parking lot.

He highlighted the existing berm along France Avenue and 52nd Avenue. He said they have tried to nestle a walkway into the existing berm. He said the Planning Commission had requested a reduction to fifteen surface parking spots on the north or 52nd Street side of the project which they have accommodated. Mr. Noonan pointed out how the walkway could be used to access the existing public sidewalk and then enter back to the private sidewalk and go into the center courtyard promenade. He said the center courtyard in the center of the U of the building was about 125 feet wide and about 80 feet deep. Mr. Noonan used the graphic to demonstrate where existing landscaping and berms existed and where new plantings and landscaping would be added.

Mr. Noonan said that each home would have a front yard and private entrance to their home from the courtyard. The center of the courtyard will hold a water feature and more garden type landscaping. He said that the units would range in size from the about 1500 square feet per level with the front units facing France Avenue and the inside corner units being the largest. Mr. Noonan said there would be one eighteen foot garage door visible to the public which would be about four feet below the level of West 52nd Street. Residents will have an individual garage door to open inside the common area to access their unit. He said the additional parking along the common drive aisle would most likely be leased parking of residents. Mr. Noonan said inside the garage will be the car wash, pet wash along with garbage and recycling for residents. Additionally there would be emergency stair exits and ventilation.

He said the units would be approximately 28 feet wide and that since the exterior walls of each unit were the only load bearing walls, it allowed for the residents to totally design the interior living space to their own desires. Mr. Noonan said that each unit has its own balcony. He said the exterior materials will be a combination of brick, stone, clad windows, shake type roof system with copper reliefs on the dormers and entryways. Mr. Noonan said the exterior design will be firm when the final approvals were sought and he would provide exact materials at that time. He demonstrated with a graphic depiction how the proposed building would look from each elevation with and without the proposed and existing landscaping.

Member Swenson asked the height of the building at the northwest corner. Mr. Noonan said that the mid roof height was about 35 feet and it would be about 44 feet at its highest point. He said the garage entrance would show an expanse of three stories from the door to the top of the roof. Member Swenson asked if the windows in the dormers constituted a third floor, because that there was no depiction of the third floor in the plans. Mr. Noonan said there was a third floor, and that the gables continued on both the front and back of the building, noting every unit would have the opportunity for a shed dormer and also have a shaped roof dormer available as an option.

Member Swenson asked why the developer situated the building on the site so that a larger variance was required at the back property line and not the France Avenue side; and why the decision was made to exit the site onto 52nd Street. Mr. Noonan said the way the building was situated because of the topography of the lots on Halifax and the distance that it was a natural fit to the proposed building. He said the decision to access 52nd Street was a result of staff discussion at plan review and

Minutes/Edina City Council/March 21, 2006

from analyzing the results of the traffic study. He said that Bob Green, Alliant Traffic Engineer, was available to speak to the traffic issue. Member Swenson asked if it had ever been contemplated to exit the building onto France. Mr. Noonan said the 52nd Street curb cut was used because it was in existence and because of the topography of accessing the tuck-under garage. Member Swenson commented her belief that residents will not turn right onto 52nd Street to France, but would go left onto 52nd Street to Halifax.

Bob Green, Alliant Traffic Engineer, briefly reviewed the study. He said that counts were taken in the AM and PM peak hours and on a Sunday morning peak exiting hour. He said they counted all the driveway entrances of the Church and at the intersection of France and 54th Street. He reported from 52nd Street the AM Peak was 40 vehicles per hour, the PM Peak was 26 vehicles per hour and the Sunday morning Peak was 23 vehicles per hour. He reported that onto 54th and France it was pretty light except for Sunday morning.

Mr. Green said he used the ITE Trip Generation Manual, the standard use for studies in the industry that tells how many trips will be used per unit. He said with twenty units, in the course of a day 120 trips would be expected. During the peak hours either AM or PM ten trips could be expected. Mr. Green said the traffic as it would be redistributed was reviewed, with the Church using the two France and the 54th Street access and the townhomes using the 52nd Street access. He said the entrance at 52nd would drop down to less than ten vehicles per hour during any one of the three peak time periods, so that actually the 52nd Street traffic will drop because the church access has been eliminated. Mr. Green said bus traffic was also reviewed and they determined buses would be entering the Church site from 54th and circling around and back out. He said they would be working to improve the France Avenue connection from the parking lot, but still believed that the 54th Street access would be used for buses. Concluding, Mr. Green said that based on his analysis of the data the levels of service would not be significantly changed.

Mayor Hovland asked if when the counts had been performed whether it was noted what direction the traffic was destined that was exiting the site or from which direction traffic came that had entered the site. Mr. Green said that part of the data had not been collected because they were simply an attempt to find out the volumes at that entrance. Mayor Hovland commented that persons exiting the townhomes garage would use Halifax as suggested by Member Swenson. He said it would have been good to have known how many of the drivers already using the site followed that same pattern.

Mayor Hovland asked for more detail on the amount of parking left for the church after the townhomes were built. Mr. Green said that after the project was completed there would be approximately 327 spaces left for the church. He said the day of their count the attendance at the church was 295 persons with 144 stalls occupied. Mr. Green said that based upon data from Calvary, their average attendance was a little higher around 400 which would be using 200 spaces. With 327 spaces on site there would be approximately 127 more spaces than needed. He said that based on City roads one space was required for each 3 seats in the church.

Mayor Hovland asked if during the neighborhood meeting any further landscaping was discussed especially on the Halifax side of the property and asked about a sidewalk plan as recommended by the Transportation Commission on the France and 52nd Street sides of the building. Mr. Noonan said that the neighbors who talked to him were fine with the proposal as it existed. He said that they were just at the Transportation Commission meeting last week and their thoughts on the issue were that they were willing to work with the City, but installing sidewalks would take out the entire berm and mature trees. He said the sidewalks do not exist between 44th and Crosstown so why would this area be so important to create a sidewalk. Mr. Noonan expressed concern about what type of landscape

materials that would grow with the amount of salt used on France Avenue. He said they would work with staff, but would like to find a compromise that could preserve the mature trees and berm if possible.

Member Swenson asked about a sidewalk along 52nd Street. Mr. Noonan said they would work with the City, but that the same concerns existed on 52nd that existed on France.

Member Hulbert asked if any additional landscaping was planned for the Halifax side of the property. Mr. Noonan pointed out that many of the mature trees were on the proposed site and not on the neighbor's property.

Mayor Hovland asked if there was an elevation change between the Halifax properties and the subject property. Mr. Noonan said the garage floor would be at the same level as the current parking lot.

Member Masica asked if the dormers depicted on the proposed building would be optional. Mr. Noonan said the dormers would be built into the project, but finishing the interior of the dormers would be optional.

Steven Hall, Kingdom Properties, representing Calvary Church, said that Calvary Church has been in existence for about forty years. He said they were at 4900 France and were outgrowing the facility. Mr. Hall said they have been in the current location about three years and found that they were not using the entire parking lot. He said that based upon the church they believed good stewardship would tell them to do something different than paying a mortgage on property not used. Mr. Hall reported that the entire church was supportive of the project. He said that adequate parking still existed on the property retained by the church. Calculating parking on one space for three sanctuary seats they would have about 100 excess spaces.

Member Swenson asked if some of their parking was leased to the car service center off of 54th. Mr. Hall said it was not leased but they did allow them to park in the church lot during the week and most likely in the future they would be more likely to police that usage.

Member Hulbert asked if this property was the off-site parking for the Haugland development. Member Housh said he thought the construction workers were parking there at the present time. Mr. Hall said that the workers were parking on the 54th and France portion of their lot.

Mayor Hovland asked about the Calvin Christian School the Berry Patch child care, or Calvary Church potential growth. Mr. Hall said it was a middle school, grade sixth through eighth and would have an 80 student maximum since the rest of the school was housed elsewhere. He said that Berry Patch was almost at its maximum, but if it grew in size that would impact traffic, but not parking. Mr. Hall said that it was hoped the church would grow to 700 members. If they achieve 500 members they would begin holding two services separated by a significant amount of time.

Public Comment

Mark Johnson, 5007 Arden Avenue, expressed concern regarding the traffic impact on Arden Avenue. He said that 52nd turned onto Arden at the Park and the proponent traffic study did not address that impact. He asked the Council not to authorize the rezoning because he feared it would set a precedent and ultimately there will be twenty unit townhouse developments all the way down France.

Minutes/Edina City Council/March 21, 2006

Pamela Mahood, 5129 Indianola, said she believed the project would be a tremendous addition to the neighborhood. She said she would rather see a berm with landscaping instead of a sidewalk.

Tracy Streckenbach, 5124 Halifax, stated she was familiar with Mr. Noonan's work and it would be a positive addition to the neighborhood, but she expressed concern about traffic on Halifax and parking overflowing into the neighborhood. She said she thought a sidewalk was need on Halifax to 50th and Halifax to 54th.

Harold Halverson, 5217 Halifax, said that Grace Church took out 17 residences along France Avenue, and then raised the elevation on their property so it now drained onto the Halifax neighbors back yards. He also asked what the addresses would be on the project. Mr. Noonan said the addresses would be 5200-5238 France Avenue.

Mary Balogh, 5204 Halifax, expressed concern about drainage to adjacent property, height too high, keeping the setback at 30 feet, traffic concerns (limit left turns in and out directing traffic onto France), and sidewalks. Ms. Balogh asked that traffic to be controlled instead of building more sidewalks.

Drew Hoag, 5136 Gorgas, said that he would see entirely too much building from his property. He asked if the units were townhouses or condos. Mr. Hoag asked that single family homes be brought back because this was not the place for townhouses. He said that the old trees on site will be lots and the neighbors will have no buffer when the trees were gone.

Jeff Huggett, 4008 Wood End Drive, commented that he did not believe there was any shortage of high priced luxury housing. He suggested that the developer be required to supply affordable housing and the City provide the developer with something of value for doing so. Mayor Hovland asked the developer to speak to the affordable housing issue. Mr. Noonan said the land was too expensive to support affordable housing. Member Hulbert asked what was the basis for the requested variance. Perhaps the developers should be required to only build 18 units.

Molly Schomburg, 5329 Halifax, stated she approved of the project and that the traffic has existed in the area for years and would not be greatly impacted by the project.

Bert Mcdonough, 5213 Halifax, said he had an issue with the property line with the church. He said from his property no trees buffer him and he will be seeing a forty foot building. Mr. Noonan said there will be a setback from the property line between 16-29 feet with extensive landscaping.

Marty Sorlien, 5209 France Avenue, said she lived on the Minneapolis side of France. She said she did not receive a notice because it was sent to the City of Minneapolis and they never forwarded it to her. She said she has been a twenty year resident and felt that the project would negatively impact her hair salon and cause traffic issues.

Dave Sandberg, 5104 Halifax, said traffic has increased in the eight years he has lived in his home. Mr. Sandberg said that Halifax was a cut-through street and he suggested that the 52nd Street entrance be moved to France Avenue.

Steve Dobbs, 5320 Halifax Avenue, said he had two children under five with a third child on the way and traffic was a great concern. Mr. Dobbs said that traffic studies should address more than just trips in and out of the driveways. He said the project will be beautiful, but that the City must do something to solve the traffic issue. Mr. Dobbs suggested sidewalks as a stopgap, but emphasized that traffic must be dealt with soon.

Rick Leibold, 5105 Gorgas agreed the proposed development was great. He said he was not worried about traffic on Gorgas, but he was concerned about 52nd Street. He suggested a relocation of the garage entrance be considered.

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

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica said she said she had originally thought to ask for a sidewalk on 52nd Street, but there have been many diverse opinions on whether or not that would be appropriate. She asked if it would be possible to maintain a good portion of the existing berm and landscaping and still install a sidewalk. Mr. Houle said that staff has not yet seen civil drawings on the project so he could not speak specifically, but noted there were ways to deal with berms by possibly using retaining walls. Member Masica asked if the developer felt it was possible to use a retaining wall and install a sidewalk. Mr. Noonan said he would work with City staff to see if it were possible and asked that the possibility of placing sidewalk on the other side of 52nd. Member Masica said she like the proposed project, felt that it related well to the neighborhood, and noted that the church had the right to sell their property, and that the development will be an asset to the community.

Member Housh said while everyone complimented Mr. Noonan on the quality of the proposed development, all the residents expressed concern about traffic and whether the curb cut on 52nd was appropriate. He asked if using the France Avenue curb cut had been considered and not using 52nd Street. Member Housh said he liked the proposal, that it felt like a natural progression toward more density in the area, and that he would support the project.

Mayor Hovland asked staff to review the needed actions. Mr. Larsen said the action before the Council would be three things on a preliminary basis: Amendment to the Comprehensive Plan, Preliminary Plat and Preliminary Rezoning. These approvals would not be final until conditions were met which would include: Final Rezoning, Final Plat, Developers Agreement and the Watershed District Permits. He said if the project did not happen, then the amendment to the comprehensive plan would not be finalized.

Member Hulbert said she liked the project, but was troubled that a variance was being given because she did not believe there was a hardship. She said the zoning code needed to be amended and added it would be caught up with the next Comprehensive Plan.

Member Housh said that he also supported the project, but the one thing he was bothered by was the curb cut on 52nd Street. He said he was concerned about the added traffic onto Halifax and Arden.

Council briefly discussed the advisability of relocating the curb cut and potential location of the desired sidewalk. Consensus was to leave the curb cut alone, but add a condition of approval relative to the sidewalk.

Mayor Hovland asked about traffic counts on Halifax. Mr. Houle pointed out that on the west side of 52nd Street there were two homes and on the east side there was four homes. Mr. Lillehaug said that going from memory; the counts on Halifax were approaching the 1000 ADT. He said he was not sure of 52nd Street. Mr. Lillehaug said that closing the access on 52nd Street and out to 54th Street was

Minutes/Edina City Council/March 21, 2006

redirecting a large portion of the traffic to a signalized intersection which would be safer than 52nd Street.

Member Housh said that even though traffic was no longer traveling on 52nd Street, they would still be using Halifax to go to and from the church. Mayor Hovland agreed with Member Housh, suggesting the traffic might just be moved south. Member Masica suggested that while traffic in the area was a problem, it was not necessarily a problem of the proposed development. Member Hulbert suggested asking the Transportation Commission to analyze the proposed development. Mayor Hovland reviewed the Transportation Commission's recommendation stating they have already done this analysis and that perhaps the entrance should be left alone. Member Swenson suggested that the largest setback was on 52nd Street where visitor parking would be located and the site should be left alone because reorienting the site makes everything more complicated.

Member Swenson gave her support of the proposal stating she appreciated the design quality and anticipated a well done project.

Mayor Hovland said he liked the proposed project adding it would be a great addition to France Avenue. He said he believed it will raise neighborhood property levels. He complimented the developer on the quality of its previous projects and stated his belief the proposed project would meet or exceed those levels.

Member Housh gave the project his support, but again expressed concern about the curb cut on West 52nd Street.

Mayor Hovland made a motion to grant preliminary plat for Brownstones Estates conditioned upon, 1) Amending the Comprehensive Plan from Quasi Public to Lot Density Attached Residential, 2) Final Rezoning for above parcel, 3) Final Plat Approval, 4) Watershed District Permits, 5) Landscaping Plan, 6) Engineering Review, and 7) Options to be presented for West 52nd Street Side Sidewalk Plan.

**RESOLUTION NO. 2006-37
PRELIMINARY PLAT AND
AMENDMENT TO COMPREHENSIVE PLAN
BROWNSTONE ESTATES
52ND STREET AND FRANCE AVENUE**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, BROWNSTONES ON FRANCE, platted by Noonan Properties, LLC", and presented at the regular meeting of the City Council on March 21, 2006, be and is hereby granted preliminary plat approval with seven conditions: 1) Amending the Comprehensive Plan from Quasi Public to Lot Density Attached Residential, 2) Final Rezoning for above parcel, 3) Final Plat Approval, 4) Watershed District Permits, 5) Landscaping Plan, 6) Engineering Review, and 7) Options to be presented for West 52nd Street Side Sidewalk Pl an

Passed and adopted this 21st day of March 2006.

Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion to grant First Reading to Ordinance No. 850-A-28 conditioned upon, 1) Amending the Comprehensive Plan from Quasi Public to Lot Density Attached Residential; 2) Final Rezoning for above parcel, 3) Final Plat Approval, 4) Watershed District

Permits, 5) Landscaping Plan, 6) Engineering Review, and 7) Options to be presented for West 52nd Street Side Sidewalk Plan.

Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-28 ADOTPED APPROVING LOT DIVISION OF 6100 NORMANDELE ROAD (NORMANDELE LUTHERAN CHURCH) AND 6125 WILRYAN AVENUE (FRANK CARDARELLE) AND APPROVING A CONDITIONAL USE PERMIT FOR NORMANDELE LUTHERAN CHURCH Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Larsen explained the proposal was for a lot division that would sell a portion of the lot at 6125 Wilryan to Normandale Lutheran Church and then a conditional use permit allowing the transferred land to expand the Church's existing parking lot. He explained that in 1999 the Church received a CUP to expand their building resulting in a sanctuary seating 609 people with a parking lot expansion to 205 spaces. Mr. Larsen said the minimum number of parking spaces required under Edina's regulations to support that size sanctuary was 203 so consequently no parking currently exists to support concurrent events which causes overflow parking onto neighborhood streets. He said that approval of the lot division and subsequent conditional use permit would allow the addition of 48 parking spaces to their existing lot. He reported that both the seller and church have agreed on a plan to screen the parking from nearby homes, with a plan that includes a fence, berm and coniferous plantings.

Mr. Larsen reported the Planning Commission unanimously recommended the Council grant the requested lot division and conditional use permit.

Proponent Presentation

Donald Brauer, 6116 Parnell Avenue, explained the church's intent to construct the additional parking and screen it from nearby neighbors. He said it was their hope that the new parking lot would eliminate the overflow parking from using the residential streets during busy times at the Church.

Public Comment

Greg Benson, 6121 Wilryan, expressed his concern about water run off especially at the entrance to the lot on the south end of the new lot. He also indicated concern over the potential impact of construction vehicles in the area. Mr. Benson said the church would be increasing the run off by adding hard surface parking. Mr. Brauer replied that no construction traffic will be allowed to go through the residential neighborhood. Mayor Hovland suggested that as a condition of approval the existing drainage issue near the exit should be mitigated. Mr. Houle said he would check with MnDOT regarding an existing drainage basin southwest of the site that could perhaps be of help. He said he will have a feasibility report for the issue in the next few months.

Phyllis Beadle, 5124 Valley View Road, said all the neighbors were delighted to have additional parking for the church.

Mike Koelbl, 6124 Wilryan Avenue said the neighbors would welcome the additional parking if it was used. He expressed concerns regarding run off from snow falls and the ability of emergency vehicles to traverse the neighborhood with street parking from the church.

Minutes/Edina City Council/March 21, 2006

Mayor Hovland asked how the church would encourage use of the new parking lot. Mr. Brauer said they would encourage the use through notices to the congregation. Member Swenson suggested they inform their teaching staff and church employees requesting them to set the example for other congregants.

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

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion to adopt the following resolution granting the requested lot division and conditional use permit with two conditions: Watershed District Permits and grading permits:

**RESOLUTION NO. 2006-38
APPROVING A LOT DIVISION FOR
6100 NORMANDALE ROAD AND 6125 WILRYAN AVENUE
AND A CONDITIONAL USE PERMIT
FOR 6100 NORMANDALE ROAD**

WHEREAS, the following described property is at present one tract of land:

Lot 3, Block 1, Mikulay's Second Addition, Hennepin County, MN

WHEREAS, the owners have requested the lot division of said tract into separate parcels (herein called "parcels") described as follows:

PARCEL 1 All that part of Lot 3, Block 1, Mikulay's 2nd Addition, described as lying Easterly, Northerly and Easterly of a line described as follows: Beginning at a point on the South line of said Lot 3, a distance of 65.0 feet West of the Southeast corner of said Lot 3, as measured on the South line; thence North 19 degrees 28 minutes 22 seconds East parallel with the East line of said Lot 3, a distance of 110.0 feet; thence North 38 degrees 47 minutes 27 seconds West 55.0 feet more or less to a point on the Northwesterly line of said Lot 3, South 51 degrees 12 minutes 33 seconds West a distance of 47.38 feet Southwest of an angle point in said Northwesterly line of said Lot 3; thence North 51 degrees 12 minutes 33 seconds East 47.38 feet on said Northwesterly line to said angle point; thence North 18 degrees 32 minutes 50 seconds East 77.54 feet to the most Northwest corner of said Lot 3 and there terminating; together with and subject to a berm planting and fencing easement 10.0 feet Easterly, Northerly and Easterly of said line as described above. Also together with and subject to a planting and fencing and no driveway or parking on said described parcel as follows: Beginning at the point 65.0 feet West of the Southeast corner of said Lot 3; thence North 19 degrees 218 minutes 22 seconds East 54.0 feet; thence South 70 degrees 32 minutes 38 seconds East 60.55 feet more or less to the Easterly line of said Lot 3; thence South 19 degrees 28 minutes 22 seconds West 26.38 feet more or less to the Southeast corner of said Lot 3; thence South 88 degrees 09 minutes 40 seconds West 65.0 feet to the point of beginning.

PARCEL 2 at 6125 Wilryan Avenue to remain with Frank R. Cardarelle ownership. All that part of Lot 3, Block 1, Mikulay's 2nd Addition, described as lying "Westerly and Southerly" of a line described as follows: Beginning at a point on the South line of said Lot 3, a distance of 65.0 feet West of the Southeast corner of said Lot 3, as measured on the South line; thence North 19 degrees 28 minutes 22 seconds East parallel with the East line of said Lot 3, a distance of 110.0 feet; thence North 38 degrees 57 minutes 27 seconds West 55.0 feet more or less to a point on the Northwesterly line of said Lot 3, South 51 degrees 12 minutes 33 seconds West a distance of 47.38 feet Southwest of an angle point

in said Northwesterly line of said Lot 3; thence North 51 degrees 12 minutes 33 seconds East 47.38 feet on said Northwesterly line to said angle point; thence North 18 degrees 32 minutes 50 seconds East 77.54 feet to the most Northwest corner of said Lot 3 and there terminating.

WHEREAS, the requested subdivision is authorized under Code 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.

BE IT FURTHER RESOLVED that a Conditional Use Permit is hereby granted to Normandale Evangelical Lutheran Church for the purpose of expanding the Church's existing parking lot onto Parcel B described above with the following conditions: Nine Mile Creek Watershed District Permits and grading permits from the City.

Passed and adopted this 21st day of March, 2006.

Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED - BUILDING DEPARTMENT - SEVEN, ULRICH COMMERCIAL PLAN FILES**

Motion made by Member Housh and seconded by Member Hulbert approving the award of bid for seven, Ulrich Commercial Plan Files for the Building Department to recommended low bidder, Image Tech Services at \$26,619.68.

Motion carried on rollcall vote - five ayes.

AWARD OF BID FOR STAINED GLASS COMMISSION FOR CITY HALL Mr. Hughes reminded the Council that Michael Pilla, stained glass artist, presented a proposal on March 6, 2006, at a work session with the Public Art Committee. The cost will be \$60,000 plus tax. \$15,000 has been committed by the Edina Community Foundation and \$20,000 from the Public Art Committee's 2005 City budget. Mr. Hughes explained if the Council wishes to proceed with this commission, the balance of the artist's fee, i.e. \$25,000 would need to come from the City's 2006 contingency fund. It was anticipated the expenditure would be reimbursed from, 1) additional donations received by the Edina Community Foundation, and 2) donations received from the utility billing check-off which was scheduled to be implemented later this summer.

Member Masica made a motion for award of bid for a stained glass commission for City Hall to sole bidder, Monarch Studios, Inc., Michael F. Pilla, artist, at \$45,000.00 plus tax. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Minutes/Edina City Council/March 21, 2006

***BID AWARDED - PUBLIC WORKS DEPARTMENT FOR TRAILER MOUNTED CRACK SEALING MELTER** Motion made by Member Housh and seconded by Member Hulbert approving the award of bid for a trailer mounted crack-sealing melter for Public Works to Brock White Company under State Contract #409205 at \$31,514.89.

Motion carried on rollcall vote - five ayes.

ON-SALE INTOXICATING AND SUNDAY SALE LIQUOR LICENSE RENEWAL APPROVED

Mr. Hughes reminded the Council at the March 6, 2006, Council meeting, Sid Edina LLC dba/Sidney's Pizza Café was not licensed because of an issue with the Minnesota Department of Revenue. As of Monday, March 13, 2006, the issue had been resolved satisfactorily and staff was presenting their renewal application for consideration. The Police Department has completed the renewal check satisfactorily and all applicable fees have been paid in accordance with City Code and State Statute.

Member Masica made a motion approving the On-Sale Intoxicating and Sunday Liquor License renewal for Sid Edina, LLC dba/Sidney's Pizza Café. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

APPOINTMENT MADE TO SOLID WASTE AND RECYCLING COMMISSION Mayor Hovland indicated his intention to appoint Dianne Plunkett Latham to the Edina Solid Waste and Recycling Commission to fill an unexpired term to February 1, 2007.

Mayor Hovland made a motion appointing Dianne Plunkett Latham to the Edina Solid Waste and Recycling Commission for a term to February 1, 2007. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-32 - APPROVING RATIFYING EASEMENT AND DEED EXCHANGE FROM THE MENDOZA PLAT APPROVAL Motion made by Member Housh and seconded by Member Hulbert approving the following resolution:

**RESOLUTION NO. 2006-32
RATIFYING DEED SIGNED
IN EXCHANGE FOR GRANT
OF PERMANENT ROADWAY EASEMENT
MIA E. and SALVADOR MENDOZA**

WHEREAS, on the 13th day of July 2004, Mia E. and Salvador Mendoza, wife and husband, granted a permanent roadway easement over, across, on, under and through the West 10.00 feet of Lots 1 and 2, Block 1, Mendoza Estates, Hennepin County; and

WHEREAS, the City of Edina in return for the grant of the aforementioned permanent roadway easement, agreed to terminate and release all rights, title and interest in and to the property interests granted in that certain Quit Claim Deed dated July 6, 1939, filed August 29, 1939, as Document No. 1785860.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council hereby ratifies the Quit Claim Deed executed by Dennis Maetzold and Gordon Hughes dated July 15, 2004, filed on July 20, 2004, in the Office of the County Recorder as Document No. 8399830, terminating and releasing all rights, title and interest in and to the property interests granted in that certain Quit Claim Deed dated July 6, 1939, filed August 29, 1939, as Document No. 1785860.

Adopted this 21st day of March 2006.

Motion carried on rollcall vote – five ayes.

***TRAFFIC SAFETY STAFF REVIEW FOR MARCH 2, 2006, APPROVED** Motion made by Member Housh and seconded by Member Hulbert approving the Traffic Safety Staff Review for March 2, 2006, Section A:

1. Relocation the Bus Transfer Zone from the current location on Vernon Avenue to Sherwood Road, east of the busway and install a NO PARKING EXCEPT BUSES sign at that location; and
2. Placing a NO PARKING HERE TO CORNER sign on Eastbound Sherwood Road 30 feet to the north of Grandview Square;

Section B and C.

Motion carried on rollcall vote – five ayes.

***CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Hulbert seconded the motion approving payment of the following claims as shown in detail on the Check Register dated march 8, 2006, and consisting of 32 pages: General Fund \$360,728.59; CDBG Fund \$955.00; Communications Fund \$3,042.50; General Debt Service Fund \$833.75; Working Capital Fund \$42,649.86; Art Center Fund \$7,070.87; Golf Dome Fund \$2,578.86; Aquatic Center Fund \$1,582.34; Golf Course Fund \$7,545.74; Ice Arena Fund \$27,387.91; Edinborough/Centennial Lakes Fund \$25,169.96; Liquor Fund \$186,874.87; Utility Fund \$31,292.08; Storm Sewer Fund \$263.60; PSTF Agency Fund \$27,397.83; TOTAL \$725,373.76; and for approval of payment of claims dated March 15, 2006, and consisting of 33 pages: General Fund \$236,927.14; Communications Fund \$10,690.52; Working Capital Fund \$461,503.21; Construction Fund \$7,191.24; Art Center Fund \$8,755.20; Golf Dome Fund \$16,865.98; Aquatic Center Fund \$15,267.28; Golf Course Fund \$36,776.06; Ice Arena Fund \$38,094.72; Edinborough/Centennial Lakes Fund \$8,161.04; Liquor Fund \$167,510.37; Utility Fund \$51,844.15; Storm Sewer Fund \$1,175.83; Recycling Fund \$33,874.00; PSTF Agency Fund \$2,781.82; TOTAL \$1,097,418.56.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:50 A.M.

City Clerk