

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
MAY 2, 2006  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Hulbert, Masica, Swenson and Mayor Hovland. Member Housh entered the meeting at 8:25 P.M.

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

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

**MAY 18, 2006, PROCLAIMED AS "KENNETH DRAGSETH DAY" IN EDINA** Mayor Hovland expressed thanks and appreciation to Edina School Superintendent Kenneth Dragseth for his nearly 39 years of service as a member of the Edina Public Schools staff and stated that he exemplifies the district's theme of "Edina Public Schools - Defining Excellence".

**Member Masica made a motion proclaiming May 18, 2006, as "Kenneth Dragseth Day" in Edina.** Member Hulbert seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

**MERITORIOUS COMMENDATION BARS PRESENTED TO FIRE DEPARTMENT** Chief Scheerer recognized Fire Department staff for actions during difficult yet successful rescues on July 19, 2005, in Plymouth and on October 21, 2005, in Minneapolis. The Fire Department has developed special operations teams which perform various difficult rescues. Members of the Fire Department receiving commendation bars are listed below.

The Plymouth rescue participants were:

Paramedic/Firefighters:	Pat Sandon	Todd Porthan
	Kelvin Engen	Todd Skatrud
	Brian Hanrahan	

Lieutenants:	Craig Essig	Jeff Siems
	Dave Schmitzer	

Captains:	Jim Robinson	Joel Forseth
Assistant Fire Chief:	Darrell Todd	

and for the Minneapolis rescue participants:

Paramedic/Firefighters:	Dominic Hadzima	Todd Porthan
	Kelvin Engen	Brian Hanrahan
	Joe Struzyk	Ryan Quinn

Lieutenant:	Jeff Siems	
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Captain:	Doug Bagley	
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Assistant Fire Chief:	Darrell Todd	
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**RESOLUTION NO. 2006-49 COMMENDING THE PUBLIC WORKS DEPARTMENT UPON RECEIPT OF AN ENVIRONMENTAL LEADERSHIP AWARD** Mayor Hovland commended the Edina Public Works Department with their recognition of the Environmental Leadership Award from the Road Salt Symposium at the annual event hosted by the Freshwater Society and Fortin consulting.

**Member Masica introduced the following resolution of commendation:**

**RESOLUTION NO. 2006-49  
COMMENDING**

**THE EDINA PUBLIC WORKS DEPARTMENT  
FOR THEIR ENVIRONMENTAL LEADERSHIP AWARD**

**WHEREAS, the Edina Public Works Department is commissioned by the City to control ice and snow in the City of Edina; and**

**WHEREAS, the Edina Public Works Department has one of the most efficient ice and snow control programs in the upper Midwest; and**

**WHEREAS, the Road Salt Symposium is an annual event hosted by the Freshwater Society and Fortin Consulting; and**

**WHEREAS, the 2006 Road Salt Symposium recently named the City of Edina the winner of the 2006 Environmental Leadership Award.**

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

**EDINA PUBLIC WORKS**

**for their work to keep our roadways navigable in an environmentally conscious manner throughout the year.**

**Dated this 2<sup>nd</sup> day of May 2006.** Member Hulbert seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

**NATIONAL PUBLIC WORKS WEEK PROCLAIMED - MAY 21 - 27, 2006** Mayor Hovland encouraged all citizens and civic organizations to recognize the contributions public works officials make every day to our health, safety, comfort and quality of life.

**Member Swenson made a motion proclaiming May 21 - 27, 2006, as National Public Works Week in Edina.** Member Masica seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF APRIL 18, 2006, SPECIAL MEETING OF APRIL 18, 2006, AND BOARD OF APPEAL AND EQUALIZATION APRIL 17, 2006, APPROVED** Motion made by Member Masica and seconded by Member Hulbert approving the Minutes of the Regular Meeting of April 18, 2006, Special Meeting of April 18, 2006, and the Board of Appeal and Equalization, April 17, 2006, as presented.

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2006-52 APPROVING FINAL ASSESSMENT HEARING - IMPROVEMENT NO. WM-451 - NINE MILE VILLAGE TOWNHOMES Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Engineer Houle indicated an out of the ordinary sequence had occurred with the proposed improvements for the Nine-Mile Village Townhomes watermain rehabilitation project, Improvement No. WM-451. Mr. Houle said that staff felt it was important to hold the final assessment hearing before the project began. He reminded the Council the project had been initiated by staff due to the poor conditions of the watermain throughout the development.

Mr. Houle said the total proposed assessment would be \$336,118.41 reflecting deletion of the electrical alternative and a \$36,571.00 cash payment received from the Nine Mile Village Townhouse Association. He said the assessment amount for the 97 residential equivalent units was \$3,465.14 with a 10-year term for payment and an interest rate of 6.5%. Mr. Houle said the first installment would be due with the 2007 payable taxes. Mr. Houle noted that construction would begin approximately in mid May with planned completion in late September of 2006.

Member Masica asked for more information on the deleted electrical portion of the project. Mr. Houle explained the parking lot islands have light standards, which would be replaced, but residents had requested plug-ins added as an add-alternate to the bid. Because the bid was high, the plug-ins have been deleted from the project.

Member Hulbert questioned if the stray electric current concerns have been rectified and would soil conditions in the area be improved as part of the project. Mr. Houle said that Xcel Energy was working on the stray current issue. He added the project would use plastic pipe with copper and not ductile iron so there would not be any issue with the soil condition.

Mayor Hovland asked if the Agreement had been approved by the Association. Mr. Houle said yes, the Agreement had been signed by the Association Board they also passed a resolution endorsing the project.

No one appeared to speak.

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

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

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

**RESOLUTION NO. 2006-52  
A RESOLUTION LEVYING SPECIAL ASSESSMENTS  
FOR WM-451 WATERMAIN IMPROVEMENT  
NINE MILE VILLAGE TOWNHOMES**

WHEREAS, pursuant to proper notice duly given as required by law, the Edina City Council has met and heard and passed upon all written and oral objections to the proposed special assessments for improvements listed below:

Watermain Improvement No. WM-451 - Nine Mile Village Townhomes

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

1. Each special assessment as set forth in the special assessment rolls on file in the office of the City Clerk for each aforementioned improvement is hereby accepted and shall constitute the special assessments against the lands named therein, and each tract of land therein included is herein found to be benefited by the improvement in the amount of the special assessments levied against it.
2. The special assessments shall be payable in equal installments, the first of said installments together with interest at a rate of 6.5% per annum, on the entire special assessments from the date hereof to December 31, 2007. To each subsequent installment shall be added interest at the above rate for one year on all unpaid installments. The number of such annual installments shall be as follows:

NAME OF IMPROVEMENT	HENNEPIN COUNTY	INSTALLMENTS
	LEVY NO.	NUMBER OF
Watermain Improvement WM-451	Levy No. 16548	10 years

3. The owner of any property so assessed may, at any time prior to certification of special assessment to the County Auditor, pay the whole of the special assessments on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged in the entire special assessments is paid within 30 days from the adoption of this resolution and they may, at any time thereafter, pay to the City Treasurer the entire amount of the special assessments remaining unpaid, with interest accrued to December 31, of the year in which such payments are made. Such payment must be made before November 15, or interest will be charged through December 31 of the succeeding year,
4. The clerk shall forthwith transmit a certified supplicate of these special assessments to the County Auditor to be extended on the property tax lists of the County. Such special assessments shall be collected and paid over in the same manner as other municipal taxes.
5. The Mayor and City Manager are hereby authorized to execute an agreement between the City of Edina and Nine Mile Village Townhome Association.

Adopted this 2<sup>nd</sup> day of May 2006. Member Swenson seconded the motion.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-53 APPROVING IMPROVEMENT HEARING NO. A-210 - ALLEY ON JEFFERSON AND MADISON AVENUES Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Assistant Engineer Lillehaug indicated that in accordance with MN Statute 429, holding a public hearing was required for any public improvements. He reported a resident petition had been received from seven of sixteen affected properties requesting paving the alley between Jefferson and Madison Avenues. Mr. Lillehaug said the project was included as part of the City of Edina's five-year Capital Improvement Program to improve infrastructure

within the neighborhood. He said construction was proposed to begin during the summer of 2006. Mr. Lillehaug said the project would consist of paving the alley with bituminous pavement at an estimated cost of \$30,000. He explained the estimated cost would not include costs for necessary utility improvements and repairs which will be funded through respective utility funds. Mr. Lillehaug said the proposed special assessment was estimated at \$1,900 per residential equivalent unit (REU) and added staff felt the project feasible from an engineering standpoint.

Member Swenson asked if the proposed alley would cause additional drainage issues for residents. Mr. Lillehaug said that he would look at the grading in the area and adjust it to improve the drainage for adjacent residents as much as possible.

Mayor Hovland asked for further detail on the storm sewer in the project. Mr. Lillehaug said he anticipated adding another drain and tweaking the grading as needed.

Member Masica asked the length of the repayment for the proposed improvement and if the utility poles would be re-located. Mr. Lillehaug explained it would have a five year term for repayment and that he was working with the utility company to relocate any poles needing to be moved.

Member Hulbert asked if alleys were built to the same specifications as streets, could the City require the utility company to bury the lines and were aprons installed on driveways. Mr. Lillehaug said alleys were slightly less heavy than streets and the City can request the utility company bury the lines, but it's at the discretion of the utility company whether or not the line would be buried. He added that with concrete or bituminous driveways the alley would match up with an apron, but gravel would be left alone.

Public Comment

Pat Sundberg, 312 Madison Avenue stated she had several conversations with Mr. Lillehaug and expressed her satisfaction with the project and the service provided by the Engineering Department.

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

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

Following a brief discussion **Member Hulbert introduced the following resolution and moved approval:**

**RESOLUTION NO. 2006-53  
ACCEPTING FEASIBILITY REPORT AND  
ORDERING IMPROVEMENT PROJECT NO. A-210**

**WHEREAS, the Edina City Council on the 4<sup>th</sup> day of April, 2006, fixed a date for a Council hearing on the proposed street reconstruction, Improvement No. A-210; and**

**WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 2<sup>nd</sup> day of May 2006, for Improvement No. A-210 Alley Improvement between Jefferson and Madison Avenue reconstructing the**

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existing bituminous pavement and base, repairing the storm sewer and grading where needed at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED, that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement No. A-210 Alley Improvement between Jefferson and Madison Avenue reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed.

BE IT FURTHER RESOLVED, that Improvement No. A-210 Alley Improvement between Jefferson and Madison Avenue reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed is hereby ordered as proposed with construction of the improvement to be completed during the 2006 construction season.

BE IT FURTHER RESOLVED that the feasibility report for Improvement No. A-210 is hereby received by the Edina City Council.

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

Adopted this 2<sup>nd</sup> day of May 2006. Member Masica seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-54 APPROVING IMPROVEMENT HEARING A-211 - ALLEY ON WILLIAM AND HANKERSON AVENUES Affidavits of Notice were presented, approved and placed on file.

Engineer Presentation

Mr. Lillehaug explained the proposed improvement was initiated via a resident petition from eleven of twenty-two affected properties. He said staff proposed the project as part of the Five-Year Capital Improvement Program to improve infrastructure within the neighborhood. Mr. Lillehaug said construction was proposed to begin during the summer of 2006. Mr. Lillehaug said the project would consist of paving the alley with bituminous pavement at an estimated cost of \$44,000. He explained the estimated cost would not include costs for necessary utility improvements and repairs which will be funded through respective utility funds. Mr. Lillehaug said the proposed special assessment was estimated at \$2,000 per residential equivalent unit (REU) and added staff felt the project feasible from an engineering standpoint.

Member Swenson asked about improvements to the drainage and if a storm sewer were close enough to add additional drains. Mr. Lillehaug said the closest storm sewer was about one half-block away, but he believed staff could adequately address any necessary drainage issues.

Public Comment

Cliff Klein, 51133 William Avenue, told the Council about the positive experience he had in working with staff to get this alley rebuilt.

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

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Following a brief discussion, **Member Swenson introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2006-54  
ACCEPT FEASIBILITY REPORT**

**AND ORDERING IMPROVEMENT PROJECT NO. A-211**

**WHEREAS, the Edina City Council on the 4<sup>th</sup> day of April, 2006, fixed a date for a Council hearing on the proposed street reconstruction, Improvement No. A-211; and**

**WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 2<sup>nd</sup> day of May 2006, for Improvement No. A-211 Alley Improvement between William and Hankerson Avenues reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed at which time all persons desiring to be heard were given an opportunity to be heard thereon.**

**NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement No. A-211 Alley Improvement between William and Hankerson Avenues reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed**

**BE IT FURTHER RESOLVED that Improvement No. A-211 Alley Improvement between William and Hankerson Avenues reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed is hereby ordered as proposed with construction of the improvement to be completed during the 2006 construction season.**

**BE IT FURTHER RESOLVED that the feasibility report for Improvement No. A-211 is hereby received by the Edina City Council.**

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

**Adopted this 2<sup>nd</sup> day of May 2006. Member Masica seconded the motion.**

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2006-55 APPROVING IMPROVEMENT HEARING NO. A-223 - ALLEY ON BEARD AND ABBOTT AVENUES** Affidavits of Notice were presented, approved and ordered placed on file.

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### Engineer Presentation

Mr. Lillehaug explained the proposed improvement was initiated via a resident petition from five of fourteen affected properties. Because fewer than 40% of the adjacent homeowners signed the petition, Mr. Lillehaug said the project would require a four fifths favorable vote of the Council to proceed. He said staff proposed the project as part of the Five-Year Capital Improvement Program to improve infrastructure within the neighborhood. Mr. Lillehaug said construction was proposed to begin during the summer of 2006. Mr. Lillehaug said the project would consist of paving the alley with bituminous pavement at an estimated cost of \$21,000. He explained the estimated cost would not include costs for necessary utility improvements and repairs which will be funded through respective utility funds. Mr. Lillehaug said the proposed special assessment was estimated at \$1,500 per residential equivalent unit (REU) and added staff felt the project feasible from an engineering standpoint.

Member Masica asked if it were unusual to have an alley only partially through a block. Mr. Lillehaug said he could not give the history for the project area, but that the alley easement did not extend the entire length of the block.

Member Hulbert asked if any fencing would be removed to redo the alley. Mr. Lillehaug explained none of the existing fences encroached into the alley easement.

Mayor Hovland asked if the concern expressed by resident Gail Rupp about drainage could be adequately addressed. Mr. Lillehaug said he would be evaluating the drainage and storm sewer and the project would not intensify any run off, but should rather improve the area.

Mayor Hovland asked about the value of the proposed improvement to residents without garages facing the alley. Mr. Lillehaug said they have the opportunity to access the alley therefore, staff believed benefit existed for those properties.

### Public Comment

Steve Cook, 5604 Abbott Avenue, explained he was the petition circulator for the alley and said he was thrilled to see it would be built.

Arlene Cook, 5604 Abbott Avenue, explained that in 1951 there was a fight between the residents on Abbott and those on Beard. At that time a portion of the alley was abandoned, but the remainder was kept open.

**Member Hulbert made a motion closing the public hearing seconded by Member Masica.**

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Following a brief discussion, **Member Masica introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2006-55**

**ACCEPTING FEASIBILITY REPORT AND  
ORDERING IMPROVEMENT PROJECT NO. A-223**

WHEREAS, the Edina City Council on the 4<sup>th</sup> day of April, 2006, fixed a date for a Council hearing on the proposed street reconstruction, Improvement No. A-223; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 2<sup>nd</sup> day of May 2006, for Improvement No. A-223 Alley Improvement between Beard and Abbott Avenues reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement No. A-223 Alley Improvement between Beard and Abbott Avenues reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed

BE IT FURTHER RESOLVED that Improvement No. A-223 Alley Improvement between Beard and Abbott Avenues reconstructing the existing bituminous pavement and base, repairing the storm sewer and grading where needed is hereby ordered as proposed with construction of the improvement to be completed during the 2006 construction season.

BE IT FURTHER RESOLVED that the feasibility report for Improvement No. A-223 is hereby received by the Edina City Council.

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

Adopted this 2<sup>nd</sup> day of May 2006. Member Swenson seconded the motion.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

**FIRST READING GRANTED TO ORDINANCE NO. 850-A-29 PRELIMINARY REZONING PLANNED OFFICE DISTRICT 1 TO PLANNED COMMERCIAL DISTRICT 2 - EDINA GATEWAY LLC - 4930 77<sup>TH</sup> STREET WEST** Affidavits of Notice were presented, approved and placed on file. Member Housh entered the meeting at 8:25 P.M.

Manager Hughes stated the property was located at 4930 West 77<sup>th</sup> Street and was presently zoned Planned Office District POD-1. He stated the proposal was to rezone the property to Planned Commercial District PCD-2 and also to issue a Conditional Use Permit for the property to permit housing as a conditional use as part of the project. Mr. Hughes explained the approval for the Edina Gateway LLC project would be a two-step process. He noted the conditional use permit and comprehensive plan would not be considered until the final rezoning and final development plan were requested.

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Mr. Hughes said the Planning Commission at their February 1, 2006, meeting, recommended preliminary rezoning approval to PCD-2 and also recommended approval of the requested conditional use permit. Those conditions included: final rezoning of the property to PCD-2; Watershed District Permits; preparation of Final Development Plan including landscaping plans addressing screening on the north side of the property; affordable housing participation requiring that at least three of the dwelling units fit into the classification of affordable housing; and final rezoning conditional upon the issuance of the conditional use permit for the residential portion of the project. He added the Transportation Commission also recommended the following conditions: Intersection and signal operational analysis would be conducted per their recommendation; and a sidewalk connection be made from the project down to West 77<sup>th</sup> Street. Mr. Hughes noted the plans before the Council included the Transportation Commission's requested sidewalk connection to West 77<sup>th</sup> Street.

### Proponent Presentation

Jim Nelson, 7790 Lochmere Terrace, introduced the members of the Gateway LLC Project Team: Dan Green and Paul May, Architects, Miller Dunwiddie Architecture; Craig Vaughn, SRF Traffic Consultants; Ben Hartberg, Landscape Architect; Sara Harris, partner to Jim Nelson; and M.G. Cominsky, Edina Gateway LLC.

Mr. Nelson reviewed the request of Edina Gateway LLC for rezoning from POD to PCD-2 with a conditional use permit for residential as part of a mixed use property. He said the retail portion would be approximately 15,000 square feet on the south side of the development, with the north side being an enclosed parking garage and 26 units of condominiums in three levels above the garage. Mr. Nelson said the retail will not be converted to condominiums, and Edina Gateway will retain ownership and lease the property to its retail tenants.

Mr. Nelson said the proponent has made an effort to respond to the Planning Commission conditions. He said that they have included affordable housing units in their residential component. After meeting with the Edina Affordable Housing Coalition, their plan was to utilize a second mortgage program to provide the affordable units in conjunction with East Edina Housing Foundation. Mr. Nelson said the condos' price points ranged from \$240,000 for one bedroom units to between \$350,000 and \$450,000 for the two bedroom units. He said there would be 21 one bed units and 15 two bedroom units.

Mr. Nelson said the requested change of use was driven by the need to upgrade a forty-five year old class C office building. He said there was also a market in the surrounding area for the service retail and housing based upon a "Live Where You Work" concept. Mr. Nelson reported their planning process included: neighborhood meetings, held on December 15, 2005 and March 15, 2005; City Planning Staff meetings; one on one sessions with Planning Commission members; and some one on one neighbor meetings which led to the proponent developing an understanding of the needs of the neighbors abutting their site; for screening, privacy fencing and landscaping. It also fostered understanding of the neighbors as to what was being proposed for the site.

Paul May, Miller Dunwiddie Architecture, using a graphic reviewed in detail the updated site plan and the requested change of use as follows:

Planning Rationale

- To provide a zoning and use transition, blending between residential and commercial uses at a unique location.
- To bring housing options to an area of Edina where living and working in the same neighborhood can be possible
- To innovate within the bounds of zoning guidelines (residential within PCD-2) and bring mixed-use redevelopment to an area of the City and a property that has been showing its age
- To provide retail use alternatives in close proximity to an underserved population

Zoning Request

	POD-1	PCD-2	• Rezone site from POD-1 (Planned Office District) to PCD-2 (Planned Commercial District)
Maximum Height	50'	50'	
Minimum Setback	50'	50'	
Residential Use	None	CUP	• Conditional Use Permit for Residential within PCD-2
			• Reduction in Parking Setback at West and South property boundary
			• Proof-of-Parking for ten (10) spaces on South

Dan Green, Miller Dunwiddie Architecture, reviewed the design features of the proposed project using graphics as follows:

Design Features of the Building

- Mixed-Use: Residential above Commercial
- Commercial Retail/Restaurant Development
- Floors 2-4 have a stepped profile to reduce height impacts and shadows while maximizing views and light for residents and neighbors
- Garden roof on second level to reduce storm-water runoff, reduce impervious surface and provide a visual amenity to residents and neighbors
- Residential parking located internal to building
- Major areas of parking for retail are located on the West and South sides of the building
- Service entry and trash room located away from residential
- Screening between properties utilizing a combination of privacy fencing and landscaping
- Fire Lane - flexible outdoor space created for residents using innovative surface materials
- Designed access to minimize traffic flow on the north side of site
- Potential location of proof of parking

Craig Vaughn, SRF Traffic Consultant reviewed the traffic study conducted as follows:

- Study objective was to determine the traffic impacts associated with the proposed redevelopment and make recommendations necessary to mitigate traffic issues

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- Developed trip generation estimates for the proposed development using industry standard trip generation rates
- Developed trip distribution patterns based on historical traffic volume data within the project study area
- Conducted an operations analysis at four key intersections during the a.m. and p.m. peak hours for existing, future no build and future build conditions

### Trip Generation Estimates

- Applied the Institute of Transportation Engineers (ITE) trip generation methodology
- Land use type and size were approximated in order to account for a conservative estimate
- Resultant trip generation estimates were:
  - A.M. Peak Hour = 35 in trips / 55 out trips
  - P.M. Peak Hour = 75 in trips / 25 out trips
- \*Existing land use was currently generating approximately 40 A.M. peak hour trips and 45 P.M. peak hour trips

### Trip Distribution Estimates

- Reviewed historical count data along the regional and local roadway network
- Reviewed existing turning movement count data
- Determined the following trip distribution percentages:
  - TH 100 (North) = 40 percent
  - TH 100 (South) = 30 percent
  - W 77th Street (East) = 20 percent
  - W 77th Street (West) = 10 percent

### Traffic Operation Analysis

- Existing condition: all key intersections currently operated at acceptable levels of service
- No build condition: all key intersections will continue to operate at acceptable levels of service
- Build condition: all key intersections will operate at acceptable levels of service, with signal timing modifications at three key intersections along W. 77th Street

### Traffic Summary

- Study objective was to determine the traffic impacts associated with the proposed development and make recommendations necessary to mitigate traffic issues
- Redevelopment of the existing office site will result in approximately 90 a.m. and 100 p.m. peak hour additional vehicle trips. However, the existing land use has the potential to generate approximately 70 a.m. and 65 p.m. peak hour vehicle trips
- The adjacent roadway network will operate acceptably with minor mitigation measures (i.e., signal timing improvements)
- TDMP

Member Masica asked whether the proposed eight foot fence would be allowed under Edina Code, for further detail on a "French balcony", exterior materials proposed, drainage from the proposed "garden roof", the location of catch basins, how many affordable units were proposed, and what if any variances were being requested.

Mr. Hughes explained Edina Code restricted fences to six feet in front yard so the proposed sideyard fence was allowed by Code. He also explained the variances requested for the property related to parking setback from the Highway 100 ramp and also parking quantity which the proponent proposed to satisfy with a proof of parking agreement. Mr. Green explained French balconies were very shallow allowing only a door to be open, but no area for seating or outdoor activities. He added the building was more conceptual currently, but the upper level of the building was proposed to be pre-cast cement and glass with the base of the building glazed with windows and aluminum throughout the entire structure. Mr. May explained the "green roof" would drain just the same as a regular roof into storm drains located as required by the City on the property. He pointed out the locations using a graphic of the site plan. Mr. Nelson stated at the current time three units were designated as affordable units, but that he did not want to limit or stretch the project at this time noting that possible more units could be affordable.

Member Swenson's questions included: the location where trash will be kept and picked up, were the common areas on the green roof for condo residents only, and would the proponent guarantee no drive through restaurants on the site. Mr. May used the graphic to demonstrate the circulation on the west and east sides pointing out the trash storage location and how it would be accessed to be removed. He added the upper patios on the green roof would be used only by condo residents and their guests. Mr. May assured the Council there would be no drive through restaurants on the site.

Member Housh asked about the proposed price points of the unit, what type of retail was proposed, how large a restaurant would be located in the retail area, and commented that when the Final Plans were submitted the Council's expectation was that the project would be built exactly as depicted on the plans. Mr. May explained the price points would range from about \$240,000 to \$450,000 with the one bedroom units at the lower end and the two bedroom units at the upper end. Mr. Nelson said that he expected the retail to include dry cleaner, UPS Store, and a small restaurant offering soup, salads and sandwiches. He added they did not intend to house a drive through or serve alcohol.

Member Hulbert asked if the fire lane was required or optional and also for more detail on the "green roof". Mr. May said the fire lane would be used by emergency and service vehicles. Mr. Hartberg explained a green roof would have an irrigation system below the soil. It would be designed to hold rain water and have plantings and patio areas for use by residents. He added it could hold storm water from semi intensive rains of between approximately four inches up to twelve inches.

Mayor Hovland's questions included: further detail on the use of green roofs; the location of the proposed fence on the north side of the project; where the plantings were proposed; who would be eligible for the "affordable" housing units; and whether any qualifiers could be added to favor Edina residents receiving the affordable units. Mr. May said it was the goal of the developer to have the green roof manage up to twelve inches of rainfall allowing the water to be filtered two to three times before it flows into the catch basins and storm sewer. He said the north side fence will be built behind the retaining wall and the landscape plantings would be on the Gateway property. Mr. Nelson said he believed persons who

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qualify under the Metropolitan Council's guidelines would be eligible for the affordable housing units. He added they have been working with the East Edina Housing Foundation and some local banks. Mr. Hughes added that it was not possible to place local restrictions on affordable housing so only Edina residents were eligible, but that preference could be given to Edina residents who qualified for the units.

### Public Comment

Betty Connors, 7504 West Shore Drive, asked about the height of the retaining wall. Ms. Connors said that she was a walker and would like to continue walking without jumping down a four and a half foot retaining wall.

Doug Mayo, 6041 Tower Avenue, Edina Housing Initiative, commented on how expensive housing has become in Edina. Mr. Mayo noted the proponent has agreed to provide between three and nine affordable housing units in the project. He urged approval of the project.

Jeff Hugget, 4008 Woodland Drive, member of the Edina Housing Task Force, also spoke in support of the project and urged approval.

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

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica commented the proponent had done a good job working with the neighbors in satisfying their concern. She felt the project filled a need in the community and stated her intention to support the project

Member Hulbert concurred with Member Masica. She added she felt the Council needed to be careful with what was approved next to residential areas. Member Hulbert said she generally supported the project, but asked that there be no drive-throughs or any liquor license of any type be allowed on the project.

Member Housh said he agreed with previous speakers in his appreciation of the developer's efforts to work with the neighbors. He said he was not sure about limiting the site to no liquor licenses of any type.

Member Swenson said she felt the timing of the project was good, she agreed she liked the way the developer worked with the neighbors, the green roof was very timely and a condition of approval must include that no drive-through would be allowed on the site.

Mayor Hovland stated he also liked the project and the collaborative effort the developer and neighbors brought forward which ultimately yielded a better project. He praised the project for its inclusion of affordable housing and the green roof. Mayor Hovland cautioned the developer, that when they brought forward final plans they must be very specific and intend to build their project exactly per the plans presented to the Council. Mayor Hovland supported the rezoning and adding a condition of no drive-throughs. He asked staff to review the necessary conditions.

Mr. Hughes reviewed the conditions as follows: 1) Setback variance from Highway 100; 2) Proof of Parking Variance; 3) No drive-through any place on the site; 4) Final Rezoning to PCD-2; 5) Watershed District Permits; 6) Preparation of Final Development Plan including landscaping plans addressing screening on the north side of the property; 7) Affordable housing participation requiring that at least three of the dwelling units fit into the classification of affordable housing; 8) Conditional Use Permit; and 9) Intersection and signal operational analysis to analysis to be conducted per the Transportation Commission. Mr. Hughes and Mr. Gilligan said it would not be possible to put conditions on the zoning so prohibiting liquor licenses from the site could not be a condition of the requested rezoning.

**Member Swenson made a motion to made a motion to grant First Reading to Ordinance No. 850-A-29 conditioned upon: 1) Setback variance from Highway 100; 2) Proof of Parking Variance; 3) No drive-through any place on the site; 4) Final Rezoning to PCD-2; 5) Watershed District Permits; 6) Preparation of Final Development Plan including landscaping plans addressing screening on the north side of the property; 7) Affordable housing participation requiring that at least three of the dwelling units fit into the classification of affordable housing; 8) Conditional Use Permit; and 9) Intersection and signal operational analysis to analysis to be conducted per the Transportation Commission.** Member Housh seconded the motion.

Rollcall

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2006-56 ADOPTED GRANTING FINAL DEVELOPMENT PLAN TARGET CORPORATION - 7000 YORK AVENUE SOUTH** Affidavits of Notice were presented, approved and placed on file.

Mr. Hughes explained the request before the Council was for Final Development Plan for Target Corporation at 7000 York Avenue South. He said the property was properly zoned PCD-3 for the proposed use. Mr. Hughes said Edina Code required the proponent to obtain a Final Development Plan for the size of the proposed expansion. He reported the project had been reviewed by the Planning Commission on March 1, 2006, and again on March 29, 2006. The Planning Commission at their March 29, 2006, meeting, recommended denial of the requested Final Development Plan. He noted the Council had received their reasons for denial which included: proponent's lack of housing, disappointment with building design and exterior building materials and no evidence of a hardship to support the requested variance.

Mr. Hughes reported the Transportation Commission reviewed the Target Expansion Impact Study and TDM Plan at their December 15, 2005, meeting and approved the study and TDM plan with conditions. He said that Alice Roberts Davis would lead off the Target presentation.

#### Proponent Presentation

Alice Roberts Davis, Real Estate Manager, Target Corporation, said she is responsible for the project. Ms. Davis said a Super Target in the community would be a great amenity due to its

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convenient location, convenience of allowing guests to complete more shopping in less time. She pointed out Target was a great corporate citizen, being one of the most philanthropic corporations in the world. Ms. Roberts Davis said Target has given about \$100,000 to Edina Public Schools. She added the proposed Target redevelopment represented a major re-investment in the community. Ms. Roberts Davis said the site would also be improved with additional parking, landscaping and green space will be increased, truck circulation along the promenade will be eliminated, and W. 70<sup>th</sup> Street will be made more pedestrian friendly. Ms. Roberts Davis said Target understood the importance of the promenade to the community. She said Target has contacted engineers working on the promenade design in an effort to work with them to present harmonious architecture, landscaping and theme. She said the design presented had incorporated many of the Planning Commission comments and would be totally unique to Edina.

Ms. Roberts Davis said according to the Greater Southdale Area Study was originally a retail corridor with the redevelopment Target found there would be no vehicular access making retail not an option, so the focus turned to housing. She said the more Target looked at housing; they found it to be an incompatible use with their retail operation. They feared they might be exposing themselves to restrictions for their operation such as: truck deliveries, hours of operation and lighting. Ms. Roberts Davis said that Target's primary business was retailing and that housing, in the manner suggested, could impose quality of life issues for adjacent residents due to the accompanying noise, glare, vibration, and truck deliveries that occur with their business.

Ms. Roberts Davis said design issues such as how would they exit the rear of the Target store; how would emergency vehicles access the units at the rear; how would overflow roof water be handled; and also snow loading issues. She said they also did not know how they would design their building to accommodate future housing. Ms. Roberts Davis said that for all of those reasons, Target proceeded with the store as per their final plans and she asked the Council to favorably consider their Final Development Plan so they could proceed with construction in January of 2007 for an opening in 2007. Ms. Roberts Davis introduced John Dietrich of RLK to review the site plan.

John Dietrich, RLK Kussisto Landscape Architects, said he also had Vernon Swing, Senior Transportation Planner available for questions. He said he would review the site elements, and Aimes Gilmore, Senior Design Architect for Target Corporation, would review the architectural elements.

Mr. Dietrich said the proponent was requesting Final Development Plans for a reconstructed Super Target Store to be located at 7000 York Avenue South. He said that within that approval there was also a request for a parking variance reducing the required parking ratio on the site to four stalls per 1,000 feet of building from five per 1,000 feet of building.

Mr. Dietrich said the plan was to totally redevelop the 14.8 acre site with substantial investment on all the corners of the property in order to provide Edina citizens a state of the art, modern Super Target facility in place of the existing 30-year old structure that was

operation and functioning, while at the same time providing an enhanced public realm on all sides of the property. He said the site was currently developed with

- 169,000 square feet of building - 155,000 square feet the Target Store
- Building approximate 50 feet from the west property line of the proposed promenade
- Service Drive accessed from W. 70<sup>th</sup> Street and proceeds south was ten feet from the proposed promenade
- Existing Variance on site allowing the parking ratio be less than the code requirement of 5 spaces per 1,000 of retail space.
- Impervious ratio of site at approximately 85%
- Green space at approximately 15%
- Parking located on the north, south and east facades of the building and currently between W. 70<sup>th</sup> Street existed below grade approximately 4-4.5 feet
- Access points exist at the northwest corner to West 70<sup>th</sup> Street and one to West 70<sup>th</sup> Street offset from the Galleria drive, one on York Avenue and two accesses on Hazelton Road
- Sidewalks exist adjacent to the curb lines on W 70<sup>th</sup>, York Avenue and Hazelton Road
- 30 year old site ready for redevelopment.

Mr. Dietrich outlined the proposed re-development that would include:

- 196,000 square foot building - Super Target with soft lines, merchandise and a full service grocery store
- Parking Lot has been redesigned to be artfully landscaped throughout the parking area with individual trees clustered, green space, corridors with sweeping curves
- Parking has been removed from the north and west sides of the site
- Service drive has been removed from the west side of the building
- West side of building now a landscaped area that will flow and be integrated into the promenade design as it progresses
- Main site access off of West 70<sup>th</sup> Street moved westerly to be aligned with the Galleria - received Transportation Commission in December 2005
- Target will pay pro-rated share if West 70<sup>th</sup> Street traffic signal becomes necessary
- Loading facility located at southwest corner of site will have a full height screen wall, will be bermed and heavily landscaped to screen it from the promenade and Hazelton Road
- Uninterrupted green swath 130 feet wide from the read of the Target store to the west side of the promenade (50 feet on the Target property, 80 feet of public space)

Mr. Dietrich said the plans as shown was their intent for the land adjacent to the promenade, but Target will work with the City's architects to ensure a seamless design of the promenade. He reiterated the amenities planned for the Target walkways, which will be curvilinear, benches, pedestrian lights, trash receptacles, artists plazas, gathering spaces. The promenade will move north from 70<sup>th</sup> and then turn and follow the entire north façade of Target.

Mr. Dietrich explained the redesign of the front parking area, describing how it has been improved:

- Promote two way 90 degree parking stalls
- Access off West 70<sup>th</sup> and Hazelton Road and York Avenue primary access points

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- Service will access and exit site on Hazelton Road with truck turn around area
- Front sidewalk area will become plaza area
- Accessibility to Handicapped stalls
- Building extend north to W 70<sup>th</sup> Street with pedestrian terrace at the corner of W 70<sup>th</sup> and a colonnade from the building
- Site will be 25% more green space than existing plan (20% of the site will be green & 5% will be hard scape pedestrian gathering areas)
- Landscape areas within parking area will create a series of over story landscape trees to shade the area and break up the parking
- Plan depends upon granting of parking variance which will allow 800 parking stall on site (732 stalls exist on the site)
- Target has a year long study on parking needs and results indicate 800 spaces adequate
- Target's investment in the public realm, increased green space, financial burden of building a parking structure reasons to grant variance
- Site will meet all City Code requirements regarding setbacks, engineering

Eames Gilmore, Target Sr. Design Architect, 7304 Tara Road, used graphics and described in detail the proposed plan for the new Target store. He explained the various components of the store, including the location of the grocery area, general merchandise area, stock room, support/office area, food/coffee bar areas.

Mr. Gilmore displayed photos of the various areas of the proposed store. He said it would be the precursor to the 2009 image of Super Target stores to be built.

Mr. Gilmore reviewed the elevations that would be seen from the exterior as follows:

- York Avenue - front of store, grocery area on left, general merchandise on right
- Signature element, colonnade extending from entrance to W 70<sup>th</sup> corner plaza
- Exterior materials high quality - pre-finished metals, stone wainscot, champagne metal, large areas of glass (20 ft) at each entry which will glow at night;
  - Food area glass at the tower, Starbucks circular window left of the grocery entry; animated display windows along the walkway, more glass and projecting canopies along walk, landscaping
  - General merchandise entry, office with clear story glass and another round window
- Hazelton Road - Uninhabited retail, vertical fin elements to give façade verticality, projecting metal wall layers, animated windows, berming will hide most of the dock activity.
- West 70<sup>th</sup> Street - Colonnade coming out to plaza, urban display window feature to be lit at night (20 feet high X 24 feet wide), changed grade to improve path circulation; projecting wall layers with vertical fin elements to add interest to façade, more display windows
- Rear Façade Adjacent to Promenade - rolling berms (idea for promenade), vertical fin elements, raised projecting metal layer (similar to picture windows), adding 50 feet of green space to promenade, at the right loading dock screen wall (12 feet in height) fully screening dock activity.

Mr. Gilmore said that as the promenade design progressed they would adjust their design to make it seamless and compatible; suggesting that perhaps the red fins would become lattice. He asked that the final approval reflect this ability to work with the promenade design.

Mayor Hovland questions included: what makes the proposed Super Target unique over other in the area, was Target willing in "tweaking" the west façade to make it compatible with the promenade, was Target able and willing to restrict construction traffic from West 70<sup>th</sup> Street and to attempt to eliminate delivery traffic from West 70<sup>th</sup> Street, explain the undue hardship requiring a proof of parking variance, and would the requested parking variance require a proof of parking agreement. Mayor Hovland asked about placement of bicycle racks on the site. Would Target assume responsibility for all necessary improvement on the Target property relative to sidewalks, landscaping, etc.

Mr. Gilmore explained Target had taken the comments from the Planning Commission and updated their design making it more cutting edge and modern. It was different than anything else built in the Metro area. He said Target would welcome the opportunity to work with the City's architect to design a seamless flow from the Target façade to the promenade, including modifying the building façade and the landscaping plan. Mr. Gilmore said the construction traffic can be mandated to use France and York Avenue and Target could attempt to map the delivery route to eliminate neighborhood truck traffic. Mr. Hughes explained the existing Target store had a proof of parking agreement that would need modification if the Council approved the Final Development Plan requested. Mr. Dietrich said that Target conducted exhaustive studies demonstrating the code requirement for parking was not necessary. He said that the industry standard set by ULI supported Target's studies. Mr. Dietrich added the existing Target store had a parking variance and they were adding 70 plus spaces with the redesign. Mr. Dietrich said that Edina Code required the placement of bicycle racks. Mr. Gilmore said they were planning on paying for all site improvements.

Mayor Hovland asked staff what type of language would be needed to formalize the Target promise to work with the City on the promenade design. Mr. Hughes suggested that a condition to participate in the design efforts with the city and agreement to modify the Target landscaping and grading plans and façade treatments to coincide with the promenade design be added to any approval. Mr. Gilmore said Target would agree to such a condition.

Member Masica asked the following questions: could Target semi's be routed off of West 70<sup>th</sup> Street from Hwy 100 and be made to use either TH 62 or I-494 to France and York Avenues, how did Target proposed to work with the City's architect in developing a seamless interplay with the promenade; and what would the grocery element add to parking needs.

Mr. Gilmore said the construction traffic can be mandated to use France and York Avenue and Target could attempt to map the delivery route to eliminate neighborhood truck traffic. Mr. Dietrich said he expected to meet with the City's architect and as the promenade was developed, detailed drawing could be developed incorporating the City's and Target's sides of the promenade. Mr. Dietrich said the grocery element would add increase trips to the Target store by approximately seven to nine percent. Vernon Swing from RFK elaborated

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that the parking dynamic might increase by seven percent, but the trip generation was anticipated to be roughly the same.

Member Housh asked if the façade facing the promenade could there possibly be illumination of some pieces of art similarly to the illumination proposed on 70<sup>th</sup> Street. Mr. Gilmore replied it might be better to incorporate some uplit landscaped areas with art, but they would investigate this issue.

Member Swenson commented that while it may have appeared the Council did not want Target in the community, that was not the case, but she cautioned Target, the Council will be watching that they perform on both their design plans and their intent to incorporate the promenade design into Target's site. She asked if there were emergency doors in the back of the building; if the bus stop was proposed to be covered, how would employees without cars access the site, asked about for further detail on the exterior materials. She asked whether housing on the other side of the promenade would present design issues for Target. Member Swenson asked if Target Corporation has ever done anything with public art. Mr. Gilmore responded to the questions and said the current design has been upgraded and updated. He reiterated Target's intention to become a partner with the City and their architect in the promenade design. If the design for the promenade places housing across from Target then there will most likely be some modifications to accommodate that change. Mr. Gilmore said there will be emergency exists on the rear of the building to meet fire code. He said they would be more towards the middle of the building and they will use landscaping and architecture to soften the look. Mr. Gilmore displayed the site plan showing the location of the emergency doors, stating there will be one eight foot door in the middle and then near the dock there will be a door for small trucks and UPS. Mr. Gilmore said many employees use the bus and walk from Southdale to Target. Some employees come by car, some get dropped off. Mr. Houle said that staff was working with MTC to review possible layouts for bus stops on West 70<sup>th</sup> Street. Mr. Gilmore displayed the proposed material boards and described their location on the proposed building. Mr. Gilmore said that across the country Target has been involved in several ventures with public art, pointing out this involvement with the Walker, that they have sponsored public art and have a large public art component in their downtown Minneapolis headquarters.

### Public Comment

JoEllen Deever, 7605 Oaklawn Avenue, spoke in favor of the proposed Target redevelopment and urged approval of the project.

Gene Persha, 6917 Cornelia Drive, spoke in favor of the proposed Target redevelopment and urged approval of the project. He also spoke regarding a bike path on York Avenue.

Susan Tucker, 5200 Meadow Ridge, gave her support for the proposed Target project.

Colin Doherty, 4606 Wooddale Avenue, said he was part of the Target team and spoke in favor of the proposed redevelopment project.

Vernon Hansbury, 7333 Gallagher Drive, spoke in favor of the proposed redevelopment of Target. He said he was excited about the Super Target being built in Edina.

Steve Makredes, 4916 West Sunnyslope, stated he was a Target employee as a construction manager. Mr. Makredes said there were many Target employees in the community and he urged approval of the proposed redevelopment.

Chris Kenny, 6735 Emerson Avenue, Richfield, stated she was a part time Target employee, she used the bus to commute to Target and she urged approval of the proposed redevelopment.

Member Masica asked the plan for enclosing the loading dock area from the promenade. Mr. Gilmore said there would be a twelve foot wall with the loading dock sloped down about four feet. He said the berming along Hazelton buffers the view both east and west. Landscape planting also adds to the screening. Mr. Dietrich said that additional berming could be added if necessary.

Member Swenson asked how many loading docks were planned. Mr. Gilmore said there would be two docks for semis, one enclosed compactor, and one dock for smaller vehicles.

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

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Housh explained the firm he works for had business dealings with the Target Corporation and he inquired whether a conflict of interest needed to be considered. Attorney Gilligan said upon investigation, he believed no conflict existed.

Mayor Hovland said that Target has demonstrated their wonderful corporate citizenship with the plans presented. He complimented the development team on the project presented to the Council. Mayor Hovland said a key development issue was the relationship between the elevation of the store to the promenade. He indicated his intent to support the project. Mayor Hovland said the conditions he would impose would include: build according to the final plans and specifications presented at the May 2, 2006 meeting, Signalization cost sharing 50%, bicycle rack be addressed, intersection, entrances, roadways, sidewalk reconstruction all to be at Target's cost; previously stated language agreeing to modify plans to be consistent with City promenade, proof of parking agreement, no construction traffic on West 70<sup>th</sup> Street, and no delivery traffic on West 70<sup>th</sup> Street,

Member Masica commented she liked the parking lot design. She supported the Mayor's deletion of truck from West 70<sup>th</sup> Street and indicated her intention to support the project. Member Masica asked the red fins on the back of the stores be reviewed.

Member Hulbert agreed with the Mayor and Member Masica and reiterated her desire to keep trucks off of West 70<sup>th</sup> Street.

Mayor Hovland introduced the following resolution and moved its approval:

**RESOLUTION NO., 2006-56  
FINAL DEVELOPMENT PLAN  
TARGET CORPORATION  
7000 YORK AVENUE SOUTH**

**BE IT RESOLVED BY THE EDINA CITY COUNCIL, the Final Development Plan and for Target Corporation, 7000 York Avenue South is hereby approved with the following conditions:**

- 1. The use of plans and materials as per the plan presented to the Edina City Council at their meeting on May 2, 2006;**
- 2. Bicycle rack location to be formalized;**
- 3. Target to pay 50% of any necessary signalization which shall be constructed per Edina Traffic Engineer Steve Lillehaug, February 6, 2006 memorandum;**
- 4. Intersection, entrances, roadways, sidewalk reconstruction all to be at Target's cost; and shall be constructed per Edina Traffic Engineer Steve Lillehaug, February 6, 2006 memorandum;**
- 5. Target will participate with the City and their promenade architect on the design of the promenade ;**
- 6. Target agrees to modify their landscape and grading plans for the rear façade to be consistent with promenade;**
- 7. Target agrees to modify the rear façade facing the promenade to coincide with the promenade design;**
- 8. Proof of Parking Agreement;**
- 9. Watershed District Permits;**
- 10. No construction Traffic allowed access to the site via West 70<sup>th</sup> Street; and**
- 11. No store deliveries shall use West 70<sup>th</sup> Street to access the site.**

**Passed and adopted this 2<sup>nd</sup> day of May, 2006. Member Hulbert seconded the motion.**

**Rollcall:**

**Ayes: Housh, Hulbert, Masica, Swenson, Hovland**

**Motion carried.**

**\*HEARING DATE SET OF MAY 16, 2006, FINAL REZONING AND FINAL PLAT, BROWNSTONES ON FRANCE - NOONAN CONSTRUCTION/KINGDOM PROPERTIES - 5200/5300 FRANCE AVENUE Motion made by Member Masica and seconded by Member Hulbert setting May 16, 2006, for hearing date for Final Rezoning and Final Plat of Brownstones on France - Noonan Construction/Kingdom Properties, 5200/5300 France Avenue.**

**Motion carried on rollcall vote - four ayes.**

**CONCERN OF RESIDENTS No residents appeared to speak.**

**\*BID AWARDED - CONTRACT NO. ENG 06-5 - CRESTON HILLS NEIGHBORHOOD ROADWAY IMPROVEMENT PROJECT Motion made by Member Masica and seconded by Member Hulbert approving the award of bid for Contract No. Eng 06-5 - Creston Hills Neighborhood Roadway Improvement Project to recommended low bidder, Hardrives, Inc., at \$1,893,013.30.**

Motion carried on rollcall vote – four ayes.

**AWARD OF BID FOR CONTRACT NO. ENG 06-3 - NINE MILE VILLAGE WATERMAIN REHABILITATION PROJECT, IMPROVEMENT PROJECT NOS, WM-451 AND WM-459** Engineer Houle explained the project for the Nine Mile Village Watermain Rehabilitation Project was ordered on March 6, 2006. Three bids were received with G.L. Contracting the low bidder. Mr. Houle said staff recommended award of the bid.

**Member Swenson made a motion for award of bid for Contract No. Eng 06-3, Nine-Mile Village and 59<sup>th</sup> Street Watermain Rehabilitation Project, Improvement Project Nos. WM-451 and WM-459, to recommended low bidder. G.L. Contracting, Inc., at \$1,409,645.60.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**TEMPORARY INTOXICATING LIQUOR LICENSE FOR 50<sup>TH</sup> & FRANCE BUSINESS ASSOCIATION APPROVED FOR EDINA ART FAIR, JUNE 2-4, 2006** Chief Siitari indicated that the 50<sup>th</sup> & France Business and Professional Association applied for a temporary on-sale intoxicating liquor license to sell beer and wine at the Art Fair on June 2-4, 2006. The Association has also applied for a Special Permit to use the Edina 5-0 Municipal parking lot as the location for the licensed premises. Background checks on the Association show they are eligible for the license to be issued.

Mr. Siitari explained the size of the beer garden has been downsized from previous years and the stage has been moved outside. The stage venue has changed from live music to fashion, etc. Two Edina police officers will be present during the Fair and he said historically the event has been well run. Staff recommends the license and permit be approved.

Member Masica questioned whether the location of the Art Center booth has been resolved. Ms. Rosalie Lee, 50<sup>th</sup> and France Business Association noted that the Art Center, Community Center and Historical Society locations have been designated spaces. She added that Edina Community Education had declined a booth at this time.

No residents appeared to speak to the issue.

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

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**Member Hulbert made a motion approving issuance of the temporary intoxicating liquor license for the 50<sup>th</sup> & France Business and Professional Association for the Edina Art Fair, June 2-4, 2006, and the Special Permit for use of City property in conjunction with the temporary liquor license, noting the Association had made space available to the Edina Art Center, Edina Senior Center, Edina Chemical Health Partners and Edina Historical Society.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

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Motion carried.

**TEMPORARY BEER LICENSE APPROVED FOR OUR LADY OF GRACE CHURCH** Mr. Hughes informed the Council Our Lady of Grace Church applied for a temporary beer license for their 60<sup>th</sup> Anniversary dance to be held May 20, 2006. The dance will take place between 7:30 P.M. and 11:30 P.M. City Code allows non-profit organizations to obtain a temporary beer license to sell 3.2 beer on-sale for this type of event. Our Lady of Grace has filed the necessary application, provided insurance information and paid the fee. Similar events have been held in the past without incident. He stated staff recommended approval of the requested temporary license.

**Member Masica made a motion to approve a temporary on-sale beer license to Our Lady of Grace Church for its 60<sup>th</sup> Anniversary Dinner, May 20, 2006.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**APPOINTMENT MADE TO ART CENTER BOARD** Mayor Hovland shared his intention to appoint George Hadjiyanis to fill the vacancy on the Art Center Board.

**Mayor Hovland made a motion appointing George Hadjiyanis to the Art Center Board for a term to February 1, 2009.** Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2006-48 ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

**Member Swenson made a motion approving the following resolution:**

**RESOLUTION NO. 2006-48**

**ACCEPTING DONATIONS**

**ON BEHALF OF THE CITY OF EDINA**

**WHEREAS, Minnesota Statute 465.03 allows cities to accept grants and donations of 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.**

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

**Edward Izmirian \$25.00**

**Edina Women's Golf Association \$50.00**

**Dated: May 2, 2006** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*CHANGE ORDER PURCHASE TO GLADSTONE CONSTRUCTION AS PART OF THE SOUTH VIEW MIDDLE SCHOOL GYMNASIUM CONSTRUCTION APPROVED**

Motion made by Member Masica and seconded by Member Hulbert approving the change order for a window, framing and trim for the South View Middle School gymnasium construction to Gladstone Construction for \$588.50.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2006-50 – NO PARKING APPROVED FOR EDEN AVENUE FROM ARCADIA TO VERNON AVENUES** Motion made by Member Masica and seconded by Member Hulbert approving the following resolution:

**RESOLUTION NO. 2006-50  
RELATING TO PARKING RESTRICTIONS ON  
S.A.P. NO. 120-163-04 (EDEN AVENUE)**

WHEREAS, the City of Edina has planned the improvements of MSAS 163 (Eden Avenue) from Arcadia Avenue to Vernon Avenue; and

WHEREAS, the City of Edina will be expending Municipal Street Aid Funds on the improvement of this street, and

WHEREAS, these improvements do not provide adequate width for parking on both sides of the street; and approval of the proposed construction as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions.

NOW, THEREFORE, IT IS THEREBY RESOLVED that the City Council of the City of Edina shall ban the parking of motor vehicles on MSAS 163 (Eden Avenue) on both sides of the street from Arcadia Avenue to Vernon Avenue, at all times.

Passed and adopted this 2<sup>nd</sup> day of May, 2006.

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2006-51 – ‘TWO WHEELS TO TOWN’ BICYCLE INITIATIVE APPROVED** Member Masica made a motion, seconded by Member Hulbert approving the following resolution:

**RESOLUTION NO. 2006-51  
RESOLUTION OF SUPPORT FOR  
TWO WHEELS TO TOWN (TWTT) BICYCLY INITIATIVE**

WHEREAS, the City of Edina is a partner in a four city collaborative (Two Wheels To Town) including the cities of Bloomington, Richfield and Minneapolis, in an effort to promote bicycle transportation in the Southwest Metro area; and

WHEREAS, the ultimate goal of TWTT is to help the residents of the four cities understand that bicycles can be a real alternative for daily transportation; and

WHEREAS, the City of Munster, Germany is a leader in bicycle transportation resulting in cleaner air, quieter streets and a stronger sense of community and serves as the model and inspiration for the TWTT initiative; and

WHEREAS, the TWTT bicycle advocacy team has asked that the City of Edina support their efforts to urge residents to utilize greater bicycle transportation opportunities to achieve the same type of benefits in Edina.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Edina does hereby:

1. Support TWTT’s mission and objectives, and
2. Shall consider making application to become a Bicycle-Friendly Community (BFC), and

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3. Commit to making employees aware of the City's support for such efforts, and
4. Commit to making use of a limited amount of City's staff time and marketing efforts to gain media attention to the TWTT initiative.

Passed and adopted this 2<sup>nd</sup> day of May, 2006.

Motion carried on rollcall vote - four ayes.

**\*CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Hulbert seconded the motion approving payment of the following claims as shown in detail on the Check Register dated April 19, 2006, and consisting of 32 pages: General Fund \$235,742.51; Communications Fund \$3,500.74; Working Capital Fund \$962.76; Construction Fund \$5,807.15; Art Center Fund \$18,718.69; Golf Dome Fund \$18,402.67; Aquatic Center Fund \$1,286.52; Golf Course Fund \$19,909.19; Ice Arena Fund \$13,063.33; Edinborough/Centennial Lakes Fund \$21,915.45; Liquor Fund \$141,014.04; Utility Fund \$345,666.50; Storm Sewer Fund \$957.21; Recycling Fund \$33,958.00; PSTF Fund \$5,053.66; TOTAL \$865,958.42; and for approval of payment of claims dated April 26, 2006, and consisting of 26 pages: General Fund \$193,998.48; Communications Fund \$23,758.46; General Debt Service Fund \$750.00; Working Capital Fund \$396,361.40; Art Center Fund \$2,211.55; Golf Dome Fund \$65.68; Aquatic Center Fund \$484.06; Golf Course Fund \$33,722.48; Ice Arena Fund \$4,294.28; Edinborough/Centennial Lakes Fund \$19,648.62; Liquor Fund \$180,743.06; Utility Fund \$42,667.45; PSTF Agency Fund \$104.94; TOTAL \$898,810.46.

Motion carried on rollcall vote - four ayes.

**DESIGNATION AND RESERVE OF 2005 YEAR END FUND BALANCE APPROVED AS PRESENTED**

Mr. Hughes explained, due to unexpected non-tax revenues from building permits and ambulance services, 2005 revenues significantly exceeded expenditures. He said the Finance Department recommended the reserves be designated as follows:

Parkland Dedication Fund	\$ 11,374
Reserve for Commitments	(\$ 23,020) used for RPC activities (\$ 20,000) used for Lewis Park blacktop \$ 21,264 reserved for Public Art Committee \$ 7,412 reserved for election carryover (\$ 48,829) used for equipment replacement
Employee Separation	\$100,000 to cover employee separation
Public Works Commodities/ Projects	\$100,000 for portion of resurfacing St. Louis Park border streets
Fuel/Heat/Light Traffic Studies/ Other Contingencies	\$150,000 for budget overruns \$100,000 unbudgeted traffic studies, etc.
Liquor Fund Transfer	\$686,000 support of Capital Improvement Program
Reserve for General Fund Operations	\$949,977 for cash flow and future budget or other considerations

Member Masica made a motion approving the designation and reserve of the 2005 year end fund balance as presented. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*PETITION RECEIVED REQUESTING POND DREDGING OF POND AT GLEASON ROAD AND STONEWOOD COURT Motion made by Member Masica and seconded by Member Hulbert acknowledging receipt of a petition requesting pond dredging of the pond at Gleason Road and Stonewood Court and to refer the petition to the Engineering Department for processing as to feasibility.**

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:55 P.M.

Respectfully submitted,

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City Clerk