

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JULY 3, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica and Mayor Hovland. Member Swenson was absent.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of the June 19, 2007 Work Session Minutes which will be held over until July 3, 2007, and Agenda Item No. V., Resolution No. 2007-74 Request for Administrative Variance From State Aid Rules.

Rollcall:

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JUNE 19, 2007, STUDY SESSION OF JUNE 26, 2007 APPROVED** Motion made by Member Bennett and seconded by Member Housh approving as presented the Minutes of the Regular Meeting of June 19, 2007, Study Session of June 26, 2007.

Motion carried on rollcall vote - four ayes.

***HEARING DATE SET OF JULY 17, 2007, FOR PLANNING MATTERS** Motion made by Member Bennett and seconded by Member Housh setting July 17, 2007, as hearing date for planning matters:

1. Final Development Plan, Southdale Medical Building Operating Co., 6545/25 France Avenue, Edina, MN. Building Expansion, generally located east of France Avenue and south of Crosstown Highway 62.
2. Conditional Use Permit & Variance, Calvin Christian School, 4015 Inglewood Avenue, Edina, MN. Building Expansion, generally located east of Inglewood Avenue and west of France Avenue
3. Appeal of Approved Variance for Garage Addition at 4548 Oxford Avenue

Motion carried on rollcall vote - four ayes.

ADOPT RESOLUTION NO. 2007-72 RECEIVING AND AUTHORIZING DISTRIBUTION OF AUAR - GATEWAY STUDY AREA Affidavits of Notice were presented approved and ordered placed on file.

Planning Director Teague briefly outlined the area of the Gateway Study Area as approximately 135 acres between TH100, the Fred Richards Golf Course, France Avenue and the Edina border with Bloomington. Mr. Teague explained the proposed Gateway redevelopment or the Pentagon Towers and Pentagon Quads sites required environmental review by Minnesota Rules. The City Council ordered an Alternative Urban Areawide Review (AUAR) in March, to satisfy that requirement. The AUAR was ordered for the Gateway LLC parcels and the surrounding area.

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Mr. Teague introduced Andrea Moffatt of WSB & Associates, Inc. who made a presentation to the Council giving further details on the Gateway Area Study AUAR. Using a graphic slide presentation, Ms. Moffatt briefly explained the AUAR process as follows:

- Gateway Area - 135 acres between TH100, the Fred Richards Golf Course, France Avenue and the border with Bloomington.
- Purpose of AUAR - identify environmental impacts associated with development within the study area
- Four scenarios reviewed included:
 - Comprehensive Plan - reflective of existing zoning within current Comp Plan
 - Master Plan - developer's proposed redevelopment of the Pentagon Towers and Quads sites into hotel, senior townhomes, office, and retail space. Remaining parcels remain as per current Comp Plan
 - Maximum Commercial - Pentagon Towers and Quads sites redeveloped with mostly commercial and office uses. Remaining parcels remain as per current Comp Plan
 - Maximum Residential - Pentagon Towers and Quads sites redeveloped with mostly residential uses, including townhomes and condominiums. Remaining parcels remain as per current Comp Plan
- Main issues reviewed
 - Traffic impacts
 - Sanitary sewer impacts

Ms. Moffatt noted the next step would be for the City Council to authorize distribution, stating this did not mean the City was adopting the AUAR. Once authorized for distribution, the AUAR will be submitted to required review agencies for a 30-day comment period. Agencies include the State Department of Natural Resources, Pollution Control Agency, Minnesota Department of Transportation, Metropolitan Council, US Fish and Wildlife, Nine Mile Creek, and Hennepin County's Departments of Planning, Transportation and Environment. She said this was not the complete list of agencies just a sample. During the 30-day comment period a second public open house would be held, most likely sometime in August. Ms. Moffatt explained that after comments were received, staff would review and revise as necessary the AUAR based on the comments received. The AUAR will then be reviewed by the City Council and authorized for submittal for a second 10-day agency review. Following the second 10-day review, the Council could consider the AUAR for adoption. She noted this adoption was anticipated to be in October.

The Council discussed the AUAR and asked questions including: following the 30-day review, who was responsible for deciding which comments would be incorporated into the AUAR. Who would pay for the Cost of the AUAR, and who would be responsible for the mitigation costs of issues identified by the AUAR. Staff explained that City Staff and WSB would review the comments and revise the AUAR as needed. Mr. Hughes said the developer of the Gateway Project was paying the majority of the AUAR cost, but the City had agreed to pay for the portion of costs for the expanded area. Mr. Hughes stated mitigation costs would be distributed on a pro-rated basis to the parties involved, i.e. Metropolitan Council for the sewer interceptor, or through either a developer's agreement or special assessments.

No one appeared to make public comment.

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

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

Member Bennett made a motion, seconded by Member Housh to adopt Resolution No. 2007-72 receiving the Gateway Study Area AUAR and authorizing its distribution.

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

***RESOLUTION NO. 2007-73 ADOPTED GRANTING LOT DIVISION - BEST BUY SITE, 3201/3101 WEST 69TH STREET motion made by Member Bennett and seconded by Member Housh to adopt Resolution No. 2007-73 granting the lot division to Best Buy, 3201/3101 West 69th Street.**

Motion carried on rollcall vote – four ayes.

PUBLIC COMMENT – No one appeared to comment.

***BID AWARDED FOR NEW COPIER/PRINTER/SCANNER Motion made by Member Bennett and seconded by Member Housh awarding the bid for a new Ricoh copier/printer/scanner for City Hall to the recommended low bidder, Metro Sales at \$23,908.10**

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2007-70 ENDORSING UNITED NATIONS' PRINCIPLE OF THE RESPONSIBILITY TO PROTECT ADOPTED Human Rights and Relations Commissioner Andy Otness addressed the Council reporting the recommendation of the Commission for the City Council to adopt the resolution brought forward by Edina citizen Ellen Kennedy, Coordinator of the Minnesota Genocide Intervention Network. Ms. Otness said the Commission had a very thoughtful discussion of the proposed resolution and unanimously recommended the Council favorably consider the adoption.

Following a Council discussion, **Member Masica made a motion introducing Resolution No. 2007-70 endorsing the United Nations Principle of the Responsibility to Protect and moved its adoption.** Member Bennett seconded the motion.

Ayes: Bennett, Masica, Hovland

Abstain: Housh

Motion carried.

RESOLUTION NO. 2007-67 - 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 Housh introduced Resolution No. 2007-67, accepting various donations, and moved approval. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Hovland

Motion carried.

RESOLUTION NO. 2007-71 REQUESTING ADMINISTRATIVE VARIANCE FROM STATE AID RULES - WEST 70TH STREET FRANCE, AVENUE TO YORK AVENUE Member Masica said she needed more information with the indemnification clause in the proposed resolution. Staff assured her that was standard language required by MnDOT in any resolution requesting an administrative variance. Engineer Houle explained the need for the administration variance.

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Member Masica made a motion introducing Resolution No. 2007-71 requesting an administrative variance from State Aid Rules - West 70th Street, France Avenue to York Avenue. Member Bennett seconded the motion.

Ayes:

Bennett, Housh, Masica, Hovland

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Housh approving payment of the following claims as shown in detail on the Check Register dated June 21, 2007, and consisting of 28 pages: General Fund \$177,312.19; Communications Fund \$2,531.09; Working Capital Fund \$332,980.86; Art Center Fund \$969.73; Aquatic Center Fund \$4,163.14; Golf Course Fund \$14,137.19; Ice Arena Fund \$8,569.85; Edinborough/Centennial Lakes Fund \$18,947.72; Liquor Fund \$147,979.83; Utility Fund \$595,131.18; Storm Sewer Fund \$418,945.81; TOTAL \$1,721,668.59; and for approval of payment of claims dated June 28, 2007, and consisting of 36 pages: General Fund \$259,810.53; Communications Fund \$17,230.16; Working Capital Fund \$114,737.00; Art Center Fund \$22,911.43; Aquatic Center Fund \$12,155.72; Golf Course Fund \$25,638.22; Edinborough/Centennial Lakes Fund \$9,266.08; Liquor Fund \$178,477.56; Utility Fund \$65,630.05; PSTF Agency Fund \$305.78; TOTAL \$706,162.53.

Motion carried on rollcall vote - four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk