

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 19, 2008
7:05 P.M.**

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Housh and seconded by Member Swenson approving the Council Consent Agenda with the exceptions of Agenda Item IV.A. 50th and France Decorative Lighting; Agenda Item IV.B. Woodland Circle, Woodland Lane, and Woodend Drive Neighborhood Sewer, Water and Street Reconstruction – Contract Nos. ENG 08-12 & ENG 08-13; Agenda Item V.D. Resolution No. 2008-77 Calling Special Assessment Hearing (September 16, 2008) for 7613 Edinborough Way and #5218, for 6308 Wilryan Avenue Refuse Removal; Agenda Item V.F. Resolution No. 2008-79 Agency Agreement MnDOT Preliminary Engineering Safe Routes to School; and, Agenda Item V.G. Final Development Plan Agreement for 3101 and 3201 West 69th Street.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

STEVEN BERGREN HONORED WITH MOMENT OF SILENCE Mayor Hovland stated that Steven Bergren, a Public Works Employee since July of 1986, passed away unexpectedly on August 16, 2008. He reviewed Mr. Bergren's career with Edina and contribution to the community. Mayor Hovland asked all to observe a moment of silence in honor of Steven Bergren.

SEPTEMBER 17 – 23, 2008 CONSTITUTION WEEK PROCLAIMED Mayor Hovland read in full and declared September 17 through 23, 2008 as Constitution Week in the City of Edina. **Member Bennett made a motion, seconded by Member Masica, to adopt Proclamation of Constitution Week.**

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES - REGULAR MEETING OF AUGUST 4, 2008 AND WORK SESSION MEETING OF AUGUST 4, 2008 APPROVED** Motion made by Member Housh and seconded by Member Swenson approving the minutes of the Regular Meeting of August 4, 2008, and Work Session Meeting of August 4, 2008.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING – FINAL DEVELOPMENT PLAN AND APPEAL OF VARIANCES APPROVED – 5415 70th STREET WEST, MURPHY AUTOMOTIVE Affidavits of Notice presented and ordered placed on file.

Mayor Hovland advised that because he had done legal work for and received fees from Murphy Automotive in the past, he would not participate in the discussion or action on this item. He turned the meeting over to Mayor Pro tem Housh.

Assistant Planner Presentation

Assistant Planner Kris Aaker presented the request of Murphy Automotive for an automobile service center. She noted the property was currently zoned PCD-4, which allowed automotive service centers as a permitted use. The Planning Commission had recommended approval of the Final Development Plan on a split 4 to 3 vote based on staff findings, and with 12 conditions. They also recommend the Council consider a Code amendment regarding lot size and separation to residential districts. The Zoning Board of Appeals unanimously approved the two requested

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variances and staff recommended approval subject to conditions recommended by the Planning Commission and outlined in the staff report.

Ms. Aaker said the applicant proposed to construct a one-story, 8,863 square foot automobile repair center with a car wash. The building would be of stucco with brick accents, noting the materials board that conforms to all the building design and construction of the code. She advised there were two exceptions: 1) A minimum lot size variance from 50,000 square feet to 34,517 square feet to allow the construction of nine service bays on the site; and, 2) A setback variance from a residential area from 110 feet to 75 feet. As comparison to what was being proposed, Ms. Aaker presented information on the existing Murphy sites at 5100 Vernon Avenue and 5354 France Avenue, and explained the variances granted to both of those sites. Ms. Aaker stated the primary issue was whether the proposed site redevelopment and variances requested were reasonable for this site. She presented the staff report that identified five reasons staff believed the proposed redevelopment was reasonable and rationale supporting the granting of the requested variances.

Proponent Presentation

Rick Murphy, Murphy Automotive, responded to the Council's questions related to noise, site grading, berming, landscaping, areas of parking, and whether there was remediation for the buried storage tanks. He stated this project was a big stepping stone to this general area and complemented the neighborhood. Mr. Murphy presented the materials that would be used for this project and stated they anticipate no changes.

Public Testimony

Janine Kreiter, 5645 Green Circle Drive, Minnetonka, stated her high admiration for Tim Murphy and that she had been treated fairly as his customer. She stated her support for this application and indicated she had owned the flower shop in the mall next to the proposed site for 16 years and watched the area become a bit run down. She stated her doubt that noise would be an issue and belief the oil change business would result in destination traffic at the mall.

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

Ayes: Bennett, Housh, Masica, Swenson

Abstain: Hovland

Motion carried.

The Council discussion included: the current business was out of conformance and could be continued as it was even under new ownership, positive aspects of the proposal to be sited at a lower elevation from the residences across the street, three sides of the site have commercial development, the proposed business met Edina's parking requirement, and would bring in fewer cars lowering the neighborhood traffic impact, there would be improved landscaping over the current site conditions, and Mr. Murphy had demonstrated he was a good member of the community by running good businesses that were aesthetically pleasing. The Council noted the Planning Commission recommended that Code language be reviewed to determine whether an amendment was necessary. In response to Council's concerns, Steve Casper, Murphy Automotive, stated the cohesive colors shown on the sign plan would be erected and they would never sell cars on the site. In addition, this site would not use an outdoor sound system and the configuration of the car wash was such that the blower was in the wash tunnel facing away from the residential property.

Member Masica introduced Resolution No. 2008-75 to approve the Final Development Plan with variances for the redevelopment of 5415 70th Street West for an automobile service station with the following findings:

- 1. With the exception of the variances, the proposal would meet the required standards and ordinances for a Final Development Plan.**

2. The proposal meets the required standards for a variance, because:
 - a. There was a unique hardship to the property caused by the existing location of the lot in relation to residential property across 70th Street.
 - b. The variances would meet the intent of the ordinance because the building was reasonably sized given the lot area.
 - c. The lot size variance was similar to the variances granted for two other Murphy Automotive Stations within the City of Edina at 5100 Vernon and 5354 France.
3. There would be adequate parking to support the redevelopment.
4. Landscaping on the site would be improved from existing conditions.

Approval of the Final Development Plan was subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped June 16, 2008.
 - Landscape plan date stamped June 16, 2008.
 - Building elevations date stamped May 30, 2008.
 - Grading plan date stamped June 16, 2008.

Changes made to the building plans, including color would be subject to review and approval of a revised Final Development Plan by the Planning Commission and City Council.

2. Submit a copy of the Nine Mile Creek Watershed District Permit. The City may require revisions to the approved plans to meet the District's requirements.
3. Hydraulic hoists, pits, lubrication, washing, repairing and diagnostic equipment shall be used and stored within a building.
4. The automotive center may not be operated between the hours of 11:00 P.M. and 6:00 A.M.
5. No merchandise shall be displayed for sale outside the building except in the area within four feet of the building.
6. No motor vehicles except those owned by the operators and employees of the principal use, and vehicles awaiting service, shall be parked on the lot occupied by the principal use. Vehicles being serviced may be parked for a maximum of 48 hours.
7. Body work and painting was prohibited.
8. All waste water disposal facilities, including sludge, grit removal and disposal equipment, must be approved by the City Engineer prior to installation.
9. No sign may be illuminated between 10:00 pm and 7:00 am.
10. Per Section 850.10. Subd. 3.B of the City's Zoning Ordinance, a letter of credit, performance bond or cash deposit must be submitted in the amount equal to 150% of the proposed landscaping.
11. Elimination of one curb cut off Amundson Avenue, per the proposed site plan.
12. The landscape plan must be reviewed by the City Engineer to ensure proper drainage.

And to request the Planning Commission revisit the suggested Code revision.

Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson

Abstain: Hovland

Motion carried.

Mayor Hovland resumed his position on the Council.

PUBLIC HEARING – FINAL DEVELOPMENT PLAN, FINAL REZONING AND APPEAL OF VARIANCES APPROVED – 4010 65th STREET WEST, CROSSTOWN MEDICAL Affidavits of Notice presented and ordered placed on file.

Assistant Planner Presentation

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Ms. Aaker presented the request of Crosstown Medical, noting it had come before the Planning Commission and City Council previously in the preliminary stage. The Planning Commission recommended approval of the final plan based upon staff findings and with 12 conditions; and the Zoning Board of Appeals unanimously approved the nine requested variances. Staff had appealed the decision in order for the Council to take final action on the entire project and recommended approval of the Final Development Plan, subject to the conditions listed in the staff report.

Ms. Aaker said the subject property was located south of Crosstown Highway and the applicant was proposing to tear down the existing two-story 26,000 square foot office building to build a 75,017 square foot, four-story medical office building with an attached five-level parking ramp. The site area was just over two acres and the new final plan elevation reflects changes requested by the Planning Commission and City Council by removing a level of the parking ramp and stairwell. The final plan required rezoning from Planned Office District-1 to Regional Medical District. Ms. Aaker explained the variances that would be needed and stated the primary issue was whether the proposed use and rezoning was reasonable for this site. She presented the five reasons staff believed that it was a reasonable use and rezoning. The Council discussed whether the final landscaping plan had been submitted and level of LEED compliance.

Proponent Presentation

Mark Hansen and Steve Oliver, Mohagen and Hansen Architectural Group, used a PowerPoint presentation and samples of building materials to describe their proposed plans for a medical office building with attached parking ramp. They answered questions of the Council pertaining to the height of the building and windowless mechanical penthouse, construction to meet sustainable features for LEED certification, reflection of sound, green roof construction, and storm water retained on the site. The Council indicated that given the number of variances being requested, the full landscaping plan with additional trees on the north side would be required. The Council also indicated a desire for this project to meet Silver LEED certification. Mr. Hansen stated they felt confident they can reach the Silver certification but were not far enough into the internal building designs and system to provide a guarantee.

The Council discussed the potential benefits of having traffic consolidated at this building as opposed to several other locations in the Southdale area; however, it was noted those areas would be backfilled so traffic would still be going to those areas. It was impressed on the applicants that the Council had taken a strong position of requiring the applicant to build the plan as presented, including height and the building material palette. Mr. Hansen stated that was understood and they would provide staff with sample building materials. Mr. Hansen stated the owners have committed to cost sharing for the signalization of France and 65th Street, but the exact design was not yet completed.

Public Comment

Dr. Thomas Raih stated he had practiced for the last 32 years at the Southdale Hospital campus and adjacent facility. He explained the group of orthopedic surgeons interested in this project were the top private orthopedic surgeons in the State and asked the Council to look favorably on this project so they can continue to provide a high level of emergency and reconstructive care.

Gene Persha, 6917 Cornelia Drive, stated his concern that development was being packed in and that a precedent was being set for higher density and larger buildings in the Southdale area, which would impact traffic and residents. He stated he was skeptical about the reliability of traffic estimates and felt the construction of parking ramps would create a "walled city." Mr. Persha commented on the importance of large trees to screen buildings, provide shade, act as sound buffers, and consume carbon. Mr. Persha stated he would be watching plans for the Southdale area and come back in a year to remind the Council of his comments.

Dr. David Holte, Twin Cities Orthopedics, stated he had lived in Edina for 15 years and thought this was an important project for the aging community. He stated he was also concerned with density

but thinks this building was appropriate for the area. He noted that localizing traffic to the Crosstown area would keep it out of the Southdale area. Mr. Holte stated he agreed with the "green" aspects of building and this was why the proposal would be LEED certified.

Dr. Loren Vorlicky, 4611 Edina Boulevard, stated he grew up in Edina and believed this project would serve the community by helping Fairview Hospital and the City's aging population. He stated it would be a center of excellence for orthopedic care and by working in collaboration with Fairview Southdale Hospital, would strengthen the community.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Swenson indicated while she had voted against this project by the applicant in the past, she appreciated that the building was in the right place and the parking lot had been reduced by ten feet so she would support the project, as long as it was landscaped appropriately with Pine trees on the north side. Member Bennett stated she did not have enough information to support the motion and intended to abstain. Her concerns related to noise, impact from resulting density if all other RMD properties were developed to this capacity, and size of this tract. The Council noted the visual mass had been greatly reduced by eliminating one level of parking and that a demonstrated hardship existed with this available lot, which was adjacent to the medical campus. It was noted this site was difficult in size relative to the water table but would meet the needs of the medical facility and bring a high value to Edina through this project.

Member Housh introduced Resolution No. 2008-76 and Ordinance No. 850-A-32 to approve the Final Development Plan and Rezoning for the proposed Crosstown Medical building at 4010 65th Street West with the following findings:

1. The rezoning would be an extension of the RMD district to the east.
2. The rezoning would be consistent with the City's guide plan.
3. The increase in density could be supported by existing roadways, as determined in the traffic study done by Wenck and Associates.
4. The rezoning would be consistent with the public health, safety, and welfare.
5. With the exception of the variances, the proposal would meet the required standards and ordinances for a Final Development Plan.

Approval was subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans, unless modified by the conditions below:
 - Site plan date stamped June 30, 2008.
 - Grading plan date stamped June 30, 2008.
 - Landscaping plan date stamped June 30, 2008.
 - Building elevations date stamped July 17, 2008.
 - Roof plan date stamped June 30, 2008
2. The following must be submitted to the City before the City issues a building permit:
 - a. A final landscape plan for staff approval. Additional over-story coniferous trees must be planted along the north lot line to further break up the mass of the structure, and provide year round screening.
 - b. A copy of the recorded resolution with the county.
3. The property owner was responsible for replacing any required landscaping that died.
4. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.
5. The site needs to hold the first inch of rainfall. The remainder may go off site per a pond expansion agreement.
6. Compliance with the conditions required by the City Engineer in his memo dated May 22, 2008.

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7. Compliance with the conditions required by the Transportation Commission.
8. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the staff report.
9. Trail and sidewalk connections must be included as demonstrated on the preliminary plans. Public easements must be established over all public sidewalks.
10. All buildings must be built with sprinkler systems, subject to review and approval of the Fire Marshal.
11. Per Section 850.10. Subd. 3.B of the City's Zoning Ordinance, a letter of credit, performance bond or cash deposit must be submitted in the amount equal to 150% of the proposed landscaping. Off-street provision of 19 bicycle parking spaces must be provided on site, subject to approval of the City Engineer.
12. The full landscaping plan as revised to increase the number of trees planted on the north side.
13. LEED Certified designation with intent to reach the Silver designation.
14. Building to final plans and specs provided with the application, and built with materials and color palette submitted at the August 19, 2008 City Council meeting.

Uphold the Zoning Board of Appeals decision to approve the following variances at 4010 65th Street West for Crosstown Medical LLC:

1. Front building setback variance from 74 feet to 52 feet. (A 22-foot variance.)
2. Rear building setback variance from 74 feet to 20 feet. (A 54-foot variance.)
3. Side building setback variance from 74 feet to 20 feet. (A 54-foot variance.)
4. Front parking structure setback variance from 67 feet to 18 feet. (A 49-foot variance.)
5. Rear parking structure setback variance from 67 feet to 20 feet. (A 47-foot variance.)
6. Side parking structure setback variance from 57 feet to 10 feet. (A 47-foot variance.)
7. A side yard drive-aisle setback variance from 10 feet to 3 feet. (A 6.7-foot variance.)
8. Minimum tract area variance from 10 acres to 2 acres (An 8 acre variance.)
9. A parking stall variance from 393 stalls to 373 stalls. (A 20-stall variance.)

Approval was based on the following findings:

The proposal meets the required standards for a variance, because:

1. There was a unique hardship to the property caused by the shape and limited depth of the lot, especially the western half of the site.
2. The variance would meet the intent of the ordinance because the building was reasonably sized given the allowed FAR in the RMD district was 1.0. The proposed FAR was .85.
3. The height of the ramp and building were generally consistent with buildings and ramps in the area.
4. The site's location adjacent to Crosstown Highway 62.
5. The high water table prevents the parking from being constructed under ground.
6. The site was an extension of the RMD District to the east.
7. The site would have adequate parking.
8. The site was located in close proximity to bus lines and bicycle parking would be provided.

Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Abstain: Bennett

Motion carried.

PUBLIC HEARING – PRELIMINARY PLAT APPROVED – 3510 GALLERIA, WESTIN GALLERIA Affidavits of Notice presented and ordered placed on file.

Assistant Planner Presentation

Ms. Aaker advised this was a housekeeping matter for a project which was approved by the Council on March 6, 2006. The plat created tracts for the various uses and elevations within the

project. Staff recommended approval of Registered Land Survey, date stamped June 30, 2008, with one condition.

Public Comment

No one appeared to comment.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion, seconded by Member Housh, to approve the Registered Land Survey, date stamped June 30, 2008, with the following condition: the City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval would be void.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***PUBLIC HEARING CONTINUED TO SEPTEMBER 2, 2008 – COMMERCIAL PHOTOGRAPHY PERMIT CONTINUED – 5500 MERRITT CIRCLE** Motion made by Member Housh and seconded by Member Swenson to continue consideration of Commercial Photography Permit, 5500 Merritt Circle, to September 2, 2008.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING – PURCHASE OF PROPERTY & PUBLIC WORKS FACILITY RELOCATION APPROVED – 7450 METRO BOULEVARD Affidavits of Notice presented and ordered placed on file.

Assistant City Manager Presentation

Assistant City Manager Heather Worthington used a PowerPoint presentation to identify major issues with the current Public Works facility, eight other sites that were analyzed, and better efficiencies that would be realized with a remodeled ConAgra site. Ms. Worthington stated Edina's current Public Works facility was valued at \$4 million and the ConAgra Foods building was valued between \$7.5 to \$8 million. The total project cost, with property acquisition, was estimated to be \$20 to \$22 million. Ms. Worthington presented information on financing through a bond sale and tax impact for the first two years. She stated because two TIF districts were expiring in 2009, it was an ideal year to issue debt for this project. Ms. Worthington said if the proposed schedule was followed, the bond proceeds would be available on October 24, 2008 so the City could close with ConAgra on the property. Staff responded to the City Council's questions and explained there was repayment flexibility when using lease revenue bonds should the City decide to sell the current Public Works facility in the future. In addition, the use of lease revenue bonds would allow a final round of cost estimating based on final plans assuring the bond issue was correctly sized.

Public Comment

Ronald Rich, 7008 West Shore Drive, stated he had three concerns: 1) there had been no traffic counts or discussion regarding potential traffic impacts on 70th Street, 2) concern whether the intersection of 77th Street can handle the Public Works traffic, and 3) possible diversion of traffic to 70th Street that may result from the Public Works relocation. He questioned the cost of the new facility and asked what would become of the existing Public Works site.

Virginia Kearney, 4226 Grimes Avenue, stated her agreement with comments made by Mr. Rich and implored the City to also consider combining the school bus garage into this new facility.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

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Motion carried.

Jeff Oertel, Oertel Architects, answered Council's questions pertaining to the feasibility of this site and remodeling costs. He stated while the costs for renovation were considerable, it was not as much as constructing a new building, and it was not feasible to update the current Public Works building because it was only 38,000 square feet and there was no room to expand. Mr. Oertel advised of his company's work on renovations to Public Works buildings and that the construction manager under consideration had a good track record of assisting with costs.

The Council discussion included: LEED certification and intention to use those principles and point system, estimate of 8-12 months for construction, requirement of site plan review and traffic study by the Transportation Commission, expectation that there would not be a significant traffic increase in that area because City Public Works traffic was well distributed throughout the City, and this site was better situated to the arterial street system than the current location that shares its front door with a church and public library instead of being in an industrial area with like uses.

Jon North, Ehlers & Associates, responded to the Council's questions by explaining both of the City's bond ratings were strong and they also have a strong financial rating so it would take quite a bit to move it into a negative territory. Mr. North stated \$22 million was not incompatible with the City's AAA rating. Manager Hughes addressed the renovation costs and noted there was also a budget consideration.

Member Bennett requested a comparison of current and proposed operating costs. Mr. Oertel estimated a range of \$20-30,000 for mechanical and electrical with the remodeled building; however, as a point of comparison, he noted the current building was not operating to health standards or running the proper systems. Ms. Worthington stated staff would provide Member Bennett with the energy costs for the current Public Works facility. With regard to whether an external directive order had been issued about the building inefficiencies, Staff indicated there has been none, but such a complaint would probably be related to the lack of air handling. Staff answered the Council's questions advising of possible staff relocation. With regard to the current facility, Mayor Hovland stated the Council held preliminary discussions and expected operations would continue at the existing Public Works facility until the new facility was available. At that point, the Council would turn its attention to the existing location and start a public dialog on utilization of that property. The Council indicated the ConAgra price was a bit over assessed value and directed staff to negotiate the closing costs be absorbed by the seller.

Member Housh made a motion, seconded by Member Swenson, to authorize staff to negotiate a purchase agreement for property and Public Works facility relocation, 7450 Metro Boulevard, to be considered at the September 2, 2008 Council meeting, with relocation costs being paid by the Seller. The Council asked staff to provide information on the range of operational costs, options for reducing energy costs, and the potential of phasing improvements. The Council extended their gratitude to Jack Rice for his pro bono assistance in this matter.

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

PUBLIC COMMENT

Lois Stevens requested a legally binding deed to the City of Edina that was signed and dated today. Mayor Hovland explained that the City Council represented all of the almost 50,000 residents of Edina and would not be able to honor such a request.

AWARD OF BID – 50TH AND FRANCE DECORATIVE LIGHTING Public Works Coordinator Steve Johnson explained the lights were very difficult to find so the additional lights would be kept in inventory for future use. **Member Bennett made a motion, seconded by Member Masica, to**

award the bid for four light poles and two bollard bases for the downtown 50th and France Business area to the recommended low bidder, Fusion Lighting at \$33,547.50.

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

AWARD OF BID – WOODLAND CIRCLE, WOODLAND LANE AND WOODEND DRIVE NEIGHBORHOOD SEWER, WATER AND STREET RECONSTRUCTION – CONTRACT NOS. ENG 08-12 AND ENG 08-13

Assistant City Engineer Sullivan stated it may be premature to say there would be a savings but the bids came in lower than expected and similar results were expected at the assessment hearing in 2009. **Member Bennett made a motion, seconded by Member Swenson, to award the Contract for Woodland Circle, Woodland Lane, and Woodend Drive Neighborhood Sewer, Water and Street Reconstruction, Nos. ENG 08-12 and ENG 08-13 to the recommended low bidder, C&L Excavating, Inc. at \$602,422.15.**

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

***AWARD OF BID – EDINBOROUGH PARK FIRE ALARM REPLACEMENT – CONTRACT NO. 08-8PK** Motion made by Member Housh and seconded by Member Swenson awarding Edinborough Park Fire Alarm Replacement, Contract No. 08-8PK to the recommended low bidder, Master Technology Group at \$30,580.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2008-71 ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that 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 Masica introduced Resolution No. 2008-71 accepting various donations. Member Swenson seconded the motion.

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

***ACCEPTED TRAFFIC SAFETY REPORT OF AUGUST 6, 2008** Motion made by Member Housh and seconded by Member Swenson to accept the Traffic Safety Report of August 6, 2008.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2008-78 APPROVED AUTHORIZING MASTER GRANT CONTRACT WITH MINNESOTA DEPARTMENT OF HEALTH** Motion made by Member Housh and seconded by Member Swenson to adopt Resolution No. 2008-78 Authorizing City of Edina to enter into a Master Grant Contract with the Minnesota Department of Health.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2008-77 APPROVED CALLING SPECIAL ASSESSMENT HEARING, SEPTEMBER 16, 2008, FOR 7631 EDINBOROUGH WAY AND #5218, FOR 6308 WILRYAN AVENUE REFUSE REMOVAL

Mr. Hughes explained the action was to call for a public hearing for the purpose of levying the cost as a special assessment. City Sanitarian Engelman explained when special circumstances developed, depending on the need; the resident was referred to appropriate social services. **Member Masica introduced Resolution No. 2008-77 calling a Special Assessment Hearing September 16, 2008, for 7631 Edinborough Way and #5218, for 6308 Wilryan Avenue Refuse Removal. Member Bennett seconded the motion.**

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

***ONE YEAR EXTENSION APPROVED CITY – FACILITY GARBAGE COLLECTION CONTRACT WITH ASPEN WASTE** Motion made by Member Housh and seconded by Member Swenson

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to approve a one year contract extension with Aspen Waste Systems for refuse and recycling collection service for City owned facilities with a 2.9% increase to the overall monthly charges.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2008-79 APPROVED AGENCY AGREEMENT MNDOT PRELIMINARY ENGINEERING SAFE ROUTES TO SCHOOLS

Mr. Sullivan explained this resolution authorized Edina to accept a MnDOT grant to retain a consultant for the development of safe routes to, and safe signage and reduced speed limits adjacent to the 13 schools in Edina and finalize a package of improvements. **Member Bennett introduced and moved adoption of Resolution No. 2008-79 Agency Agreement MnDOT Preliminary Engineering Safe Routes to Schools.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

FINAL DEVELOPMENT PLAN AGREEMENT APPROVED FOR 3101 AND 3201 WEST 69th STREET

Mr. Houle stated this document outlined responsibilities and cost sharing for the City and the developer. **Member Bennett made a motion, seconded by Member Swenson, to approve the Final Development Plan Agreement for 3101 and 3201 West 69th Street authorizing the Mayor and City Manager to sign said Agreement.**

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***CONFIRMATION OF CLAIMS PAID**

Motion made by Member Housh and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated August 7, 2008, and consisting of 24 pages; General Fund \$438,330.03; Communications Fund \$1,901.75; Working Capital Fund \$100,828.58; Art Center Fund \$2,544.33; Golf Dome Fund \$990.80; Aquatic Center Fund \$11,339.93; Golf Course Fund \$26374.04; Ice Arena Fund \$26,592.76; Edinborough/Centennial Lakes Fund \$5,508.17; Liquor Fund \$97,827.47; Utility Fund \$12,805.77; Storm Sewer Fund \$1,806.14; Recycling Fund \$4,180.94; PSTF Agency Fund \$3,428.91; **TOTAL \$734,459.62** and for approval of payment of claims dated August 14, 2008, and consisting of 35 pages: General Fund \$398,837.32; Working Capital Fund \$635,730.43; Construction fund \$2,913.27; Art Center Fund \$326.07; Aquatic Center Fund \$2,713.80; Golf Course Fund \$51,516.54; Ice Arena Fund \$33,069.66; Edinborough/Centennial Lakes Fund \$15,095.33; Liquor Fund \$291,933.32; Utility Fund \$434,670.56; Storm Sewer \$10,748.18; Recycling Fund \$35,380.00; PSTF Agency Fund \$2,843.59; **TOTAL \$1,915,778.07** and for June 26, 2008 – July 26, 2008 Credit Card Transactions consisting of one page: **TOTAL \$6,299.68.**

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:50 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk