

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 6, 2011
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:00 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED AS REVISED

Member Sprague made a motion, seconded by Member Bennett, approving the meeting agenda as revised to reorder Item VIII.D., Sketch Plan Review, 6996 France Avenue, to Item VIII.A add Item VIII.E., Special Assessment Interest Rate – Deviation from Policy.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA APPROVED AS REVISED

Member Bennett made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Items IV.D., Resolution No. 2011-83 Setting the Hearing Dates for Special Assessments & Utility Certification (10/4/2011 & 10/18/2011); IV.G., Safe Routes To School Notice; IV.K., Resolution No. 2011-86 Providing For the Sale of \$15,100,000 G. O. Bonds, Series 2011A; and, to continue Item IV.E, Public Improvement and Special Assessments Agreements – Minnehaha Wood Area, as follows:

IV.A. Approve the Work Session of August 15, 2011, Regular Meeting of August 16, 2011, Work Session of August 16, 2011, Work Session of August 23, 2011, and Work Session of August 30, 2011

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated August 18, 2011, and consisting of 34 pages; General Fund \$384,641.91; Communications Fund \$1,035.43; City Hall Debt Service \$100.00; Working Capital Fund \$21,748.16; Equipment Replacement Fund \$28,856.34; Construction Fund \$1,399.50; Art Center Fund \$4,625.77; Golf Dome Fund \$100.78; Aquatic Center Fund \$157,680.02; Golf Course Fund \$65,765.59; Ice Arena Fund \$22,922.91; Edinborough/Centennial Lakes Fund \$11,946.45; Liquor Fund \$201,527.90; Utility Fund \$199,812.24; Storm Sewer Fund \$5,028.67; PSTF Agency Fund \$9,305.55; TOTAL \$1,116,497.22 and for approval of payment of claims dated August 25, 2011, and consisting of 31 pages; General Fund \$163,834.16; Communications Fund \$1,694.18; Police Special Revenue \$206.58; Braemar Memorial Fund \$42.00; Working Capital Fund \$1,394,680.84; Equipment Replacement Fund \$4,221.38; Construction Fund \$400,009.47; Art Center Fund \$19,678.75; Golf Dome Fund \$426.15; Aquatic Center Fund \$8,932.47; Golf Course Fund \$21,844.13; Ice Arena Fund \$8,581.22; Edinborough/Centennial Lakes Fund \$12,582.76; Liquor Fund \$88,050.52; Utility Fund \$1,217,351.64; Storm Sewer Fund \$729,460.14; Recycling Fund \$32.68; PSTF Agency Fund \$124.98; Payroll Fund \$5,044.44; TOTAL \$4,076,798.49; and for approval of payment of claims dated September 1, 2011, and consisting of 30 pages; General Fund \$96,258.52; Communications Fund \$1,004.69; Police Special Revenue \$470.00; Working Capital Fund \$38,575.34; Equipment Replacement Fund \$8,397.61; Art Center Fund \$24,815.26; Aquatic Center Fund \$1,444.86; Golf Course Fund \$2,008.77; Ice Arena Fund \$1,957.65; Edinborough/Centennial Lakes Fund \$27,625.47; Liquor Fund \$219,514.64; Utility Fund \$35,140.38; Storm Sewer Fund \$31,179.88; PSTF Agency Fund \$3,211.03; Payroll Fund \$3,067.04; TOTAL \$494,671.14.

IV.C. Adopt Resolution No. 2011-82 Authorizing Public Health Emergency Preparedness Cooperative Agreement

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- IV.D. ~~Resolution No. 2011-83 Setting the Hearing Dates for Special Assessments & Utility Certification (10/4/2011 & 10/18/2011)~~
- IV.E. ~~Public Improvement and Special Assessment Agreements – Minnehaha Wood Area – Continued Indefinitely~~
- IV.F. Approve Traffic Safety Report of August 3, 2011
- IV.G. ~~Safe Routes to School Notice~~
- IV.H. Approve Authorization to Participate In 2012 Fuel Consortium
- IV.I. Award of Quote – Improvement No. BA-392, Mill and Overlay Gus Young Lane & Arcadia Avenue, awarding the bid to the recommended low bidder, Midwest Asphalt Corporation at \$37,383.50
- IV.J. Award of Bid – Contact No. PW 11-3 Improvement No. WM-499 & WM-500 Raw Water Main Piping, awarding the bid to the recommended low bidder, G.M. Contracting, Inc. at \$919,218.65
- IV.K. ~~Resolution No. 2011-86 Providing For the Sale of \$15,100,000 G. O. Bonds, Series 2011A~~
- IV.L. Set 2012 Budget and Levy Hearing and Budget and Levy Adoption Meeting (12/06/2011)
- IV.M. Authorize Travel for Mayor Hovland
- IV.N. Request for Purchase – Basketball Court Renovation – Countryside Park, awarding the bid to the recommended low bidder, Finley Bros., Inc. at \$22,770.00
- IV.O. Adopt Resolution No. 2011-88 Approving Final Plat at 5829 Brookview Avenue for Kirby Herman
- IV.P. Approve Formation of Edina Transportation Commission’s Transportation Options Subcommittee
- IV.Q. Approve Amendment to Liquor License Rice Paper Restaurant
Rollcall:
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.D. RESOLUTION NO. 2011-83 ADOPTED – SETTING THE HEARING DATES FOR SPECIAL ASSESSMENTS & UTILITY CERTIFICATION (10/18/2011)

The Council noted that Mayor Hovland would not be in attendance at the October 4, 2011, Regular Meeting, and discussed scheduling the assessment hearings for reconstruction projects to be assessed under Minnesota Statute 429 when a full Council was in attendance. Public Works Director/City Engineer Houle indicated all public hearings including the maintenance hearings could be scheduled for October 18, 2011. **Mayor Hovland introduced and moved adoption of Resolution No. 2011-83 as revised, Calling Public Hearings for consideration of certain special assessments and delinquent utilities, setting October 18, 2011 as the public hearing date for all Minnesota Statute 429 Improvements, for the maintenance special assessments and for the delinquent utilities.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV.G. SAFE ROUTES TO SCHOOL NOTICE RECEIVED – OVERALL SAFE ROUTES TO SCHOOL PLAN AUTHORIZED

The Council noted the State of Minnesota had awarded \$3.8 million for Safe Routes to School. Mr. Houle reported the City had not received funding for its Safe Routes to School request and recommended the City and School District create a committee to draft an overall Safe Routes to School Plan. The Council concurred and requested staff approach the School District about that option. **Member Swenson made a motion, seconded by Member Brindle, authorizing the creation of an overall Safe Routes to School Plan for inclusion in future non-motorized plans.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV.K. RESOLUTION NO. 2011-86 ADOPTED – PROVIDING FOR THE SALE OF \$15,100,000 G. O. BONDS, SERIES 2011A

Finance Director Wallin provided an explanation of the debt service schedule. **Member Brindle introduced and moved adoption of Resolution No. 2011-86, providing for the sale of \$15,100,000 General Obligation Bonds, Series 2011A.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. CONSTITUTION WEEK PROCLAIMED

Mayor Hovland read in full a proclamation declaring September 17-23, 2011, as Constitution Week. **Member Sprague made a motion, seconded by Member Brindle, approving proclamation declaring September 17-23, 2011, as Constitution Week in the City of Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Diana Lynch, 5936 Grove Street, received the proclamation on behalf of the Daughters of the American Revolution and thanked the City for its continued service and recognizing the patriots who fought and sacrificed for our freedom.

V.B. RESOLUTION NO. 2011-89 ADOPTED – JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH

Mayor Hovland presented the request of Senator Frank Lautenberg and read in full a resolution joining in the national Moment of Remembrance on September 11, 2011, at 1:00 p.m. EDT. **Member Bennett introduced and moved adoption of Resolution No. 2011-89, joining the National Moment of Remembrance on the 10th anniversary of September 11th.** Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. TEMPORARY INTOXICATING ON-SALE LIQUOR LICENSE, CHURCH OF ST. PATRICK APPROVED

Police Chief Long presented the request of the Church of St. Patrick for a temporary intoxicating on-sale liquor license for its Fall Festival event on September 17, 2011. He indicated the church had filed the necessary paperwork, met all requirements of City code, and past events had not resulted in any complaints.

Mayor Hovland opened the public hearing at 7:24 p.m.

Public Testimony

No one appeared to comment.

Member Brindle made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Brindle made a motion, seconded by Member Swenson, approving a temporary intoxicating on-sale liquor license for the Church of St. Patrick's Fall Festival event on September 17, 2011.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. INTOXICATING ON-SALE AND SPECIAL SUNDAY ON-SALE LIQUOR LICENSES, CALIFORNIA PIZZA KITCHEN APPROVED

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City Clerk Mangen explained that new ownership made it necessary for California Pizza Kitchen, 1690 Southdale Center, to make application for a new license and reported it had filed the necessary paperwork and that staff recommended issuance of the licenses.

Mayor Hovland opened the public hearing at 7:25 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Brindle, approving a new On-Sale Intoxicating Liquor License and Sunday On-Sale Liquor License to California Pizza Kitchen, Inc., dba California Pizza Kitchen, for the period beginning September 6, 2011, and ending March 31, 2012.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.C. PRELIMINARY PLAT AND FINAL PLAT, ONE CORPORATE CENTER 2 LLC – RESOLUTION NO. 2011-84 ADOPTED

Planning Director Teague presented the request of One Corporate Center 2 LLC for Preliminary Plat and Final Plat approval to divide its property at 7401 Metro Boulevard into two lots for the purpose of selling the new lot for future development. He advised the Planning Commission had recommended approval subject to the findings and conditions as set forth in the staff report dated August 17, 2011, in addition to a condition that a shared parking agreement be recorded between the two lots with the plat.

The Council discussed the request and asked questions of Mr. Teague relating to a shared parking arrangement. It was noted the parking requirement of the current site was 454 stalls and was over parked with 557 stalls.

Mayor Hovland opened the public hearing at 7:34 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2011-84, Approving a Preliminary and Final Plat for 7401 Metro Boulevard, based on the following findings:

- 1. The existing roadways would support the proposed new lot.**
- 2. There would be adequate parking to support future development.**
- 3. The proposed plan meets all Zoning and Subdivision Ordinance requirements.**

And subject to the following conditions:

- 1. Site Plan approval is required for development of the new lot.**
- 2. Park dedication fee of \$7,100 is due prior to the City's release of the signed Final Plat mylars for recording with Hennepin County.**
- 3. A shared parking agreement must be recorded between the two lots.**

Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

Wayne Carlson, 523 Coventry Lane, asked the Council to reconsider his request to have four dogs at his residence. The Council accepted the submittal and referred the request to staff for investigation.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. SKETCH PLAN REVIEWED – 6996 FRANCE AVENUE

City Planner Presentation

Mr. Teague presented the applicant's proposal to tear down the existing automobile service station at 6996 France Avenue and build a new 6,600-square-foot retail building. He also presented the request of the applicant for a rezoning to PUD or PCD-1. Mr. Teague referenced the Planning Commission's comments, noting it was currently undertaking a Small Area Plan with the Grandview District and did not believe this proposal would rise to the level of requiring a Small Area Plan. It was noted that while the Planning Commission was concerned with the Comprehensive Plan and limited retail west of France Avenue, it was comfortable with a PUD rezoning on this site. Mr. Teague indicated this proposal would require a rezoning; therefore, the Council was being asked to determine whether to require a Small Area Plan and to provide general comments on the site plan.

Proponent Presentation

Dean Dovolis, DJR Architects, presented the sketch plan for a small building containing office and retail tenants at the corner of the site with parking to the rear. Construction materials would include a combination of stone, glass, and copper with signage on raised corners and create a transition to the 70th Street green corridor between the roundabouts. Mr. Dovolis explained how the project would address the street and pedestrian nature of the Southdale area, create a gateway to the 70th Street reconstruction project, and positively impact future development in this area.

The Council discussed the sketch plan and asked questions of Mr. Dovolis relating to parking and pedestrian pathways. Mr. Dovolis advised that the sketch plan, as proposed, identified 34 parking spaces, four spaces short of the ordinance requirement and explained why underground parking would not be feasible on this small-sized lot. It was noted that use of the right-of-way corridor could ease access off 70th Street by the day care location. Mr. Dovolis indicated he would determine whether easement rights existed; however, using that option might impact several parking spaces.

The Council discussed its support for the presented sketch plan and building renditions that incorporated a front glass curtain wall. It was noted this type of building appeared appealing and would revitalize that corner with a use that was compatible with the Galleria. Mr. Dovolis indicated the project would incorporate storm sewer practices such as pervious pavers in addition to green building techniques. The consensus of the Council was to favor the use of a PUD, that the request does not reach the threshold to require a Small Area Plan and that the sketch plan was reasonable.

VIII.B. RESOLUTION NO. 2011-87 ADOPTED – ADOPTING PRELIMINARY 2012 TAX LEVY AND OPERATING BUDGET

Mr. Wallin presented the draft resolution setting the maximum proposed 2012 tax levies and indicated that if approved, the 1.8% increase would be the maximum property tax increase the City could levy. He stated the Council could reduce the levy and that expenditures and revenues could change prior to final budget adoption.

The Council acknowledged that the 1.8% increase would be reflected in the tax notification received by residents in September. **Member Swenson introduced and moved adoption of Resolution No. 2011-87, adopting the proposed budget for the City of Edina for year 2012, and establishing the proposed tax levy payable in 2012.** Member Sprague seconded the motion.

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Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII.C. RESOLUTION NO. 2011-85 ADOPTED – 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 Bennett introduced and moved adoption of Resolution No. 2011-85, accepting various donations.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII.D. GRANDVIEW SMALL AREA PLAN REPORT RECEIVED – CONSULTANT SERVICES AUTHORIZED

Planning Commissioner Michael Fischer and Community Advisory Team/Executive Committee Member Larry Chestler updated the Council relating to the Grandview Small Area Plan planning process. The three phases were described that would convert the seven guiding principles into a specific guide plan. Mr. Chestler asked the Council to approve the work plan going forward and authorize the Professional Services Agreement with the Cunningham Group to engage the consultant team to assist in the preparation of a Small Area Plan for the Grandview District.

The Council extended its appreciation to those who had dedicated themselves to this project. **Member Swenson made a motion, seconded by Member Sprague, authorizing the Professional Services Agreement with the Cunningham Group to assist in the preparation of a Small Area Plan for Grandview District to be funded fully from the Livable Communities grant.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII.E. SPECIAL ASSESSMENT INTEREST RATE – SINGULAR DEVIATION FROM POLICY APPROVED

Mr. Wallin explained he was recommending a variance from the City's Special Assessment Policy for the 2010 Street Reconstruction Projects that would be specially assessed in October. He said the Special Assessment Policy specified the interest rate be set at two percent over the bond issue interest. Mr. Wallin said there were bond proceeds from the 2008 sale left that could fund the 2010 projects due to the high number of pre-payments received from the Country Club project. Mr. Wallin recommended the Council authorize use of the remaining 2008 bond proceeds, but that the interest rate of 4.3% based on the 2010 bond proceeds be charged for those projects being specially assessed this fall.

The Council discussed the recommendation and asked questions of Mr. Wallin and Attorney Knutson. Mr. Knutson advised that due to the unique circumstances, this recommended singular deviation from the policy could be considered without establishing precedent. **Member Swenson made a motion, seconded by Member Sprague, approving a singular deviation from the special assessment interest rate policy.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IX. CORRESPONDENCE AND PETITIONS – Mayor Hovland acknowledged the Council's receipt of various correspondence.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XI.A. TLC GRANT PUBLIC ENGAGEMENT, PROCESS AND TIMELINE AUTHORIZED

Manager Neal advised the TLC was requesting a commitment from the City to work with the public to remove parking on Wooddale Avenue or add advisory bike lanes in conjunction with eliminating the center

stripe on Wooddale Avenue. The TLC supported a public process to gain public input and request the City submit a timeline by September 15, 2011.

Mr. Houle outlined the proposed schedule and answered the Council's questions regarding addressing parking on Wooddale Avenue. The Council discussed whether the possibility existed to realign the centerline without eliminating parking on Wooddale Avenue. Mr. Houle explained a variance from State Aid standards would be needed for such realignment, but all options would be considered. The Council acknowledged the TLC was offering two alternatives for grant funding. Mr. Neal indicated that appeared to be the case and explained the Council must determine if there was public support for either alternative. **Member Brindle made a motion, seconded by Member Bennett, authorizing the tentative project schedule as presented by staff.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

XI.B. CITY MANAGER SIX-MONTH PERFORMANCE REVIEW PERFORMED

Mayor Hovland indicated the full Council and PDI Ninth House consultant Harry Brull met in closed session on August 23, 2011, to address Manager Neal's six-month job performance. He reported Manager Neal received strongly favorable ratings from the Council and staff.

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:28 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, September 20, 2011.

James B. Hovland, Mayor

Video Copy of the September 6, 2011, meeting available.