

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 19, 2012
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:04 p.m.

II. ROLL CALL

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

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Brindle, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Items IV.C., Residential Curbside Recycling Contract; and, IV.F. Request to Purchase, 2013 Insurance Renewal: Property, as follows:

IV.A. Approve regular and work session meeting minutes of June 5, 2012

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated June 7, 2012, and consisting of 32 pages; General Fund \$149,271.74; General Debt Service Fund \$2,195.00; Working Capital Fund \$170,879.33; Equipment Replacement Fund \$329.83; Construction Fund \$3,376.33; Art Center Fund \$3,371.75; Golf Dome Fund \$247.41; Aquatic Center Fund \$113,951.09; Golf Course Fund \$51,668.71; Ice Arena Fund \$23,953.40; Edinborough Park Fund \$5,295.22; Centennial Lakes Park Fund \$5,076.17; Liquor Fund \$151,372.82; Utility Fund \$95,749.47; Storm Sewer Fund \$20,308.74; PSTF Agency Fund \$2,860.08; TOTAL \$799,907.09 and for approval of payment of claims dated June 14, 2012, and consisting of 28 pages; General Fund \$122,071.90; DNU Old Communications Fund \$32.17; Working Capital Fund \$20,547.55; Art Center Fund \$7,029.25; Aquatic Center Fund \$89,650.00; Golf Course Fund \$28,214.30; Ice Arena Fund \$15,669.00; Centennial Lakes Park Fund \$6,570.59; Liquor Fund \$218,807.13; Utility Fund \$397,250.41; Storm Sewer Fund \$1,610.57; Recycling Fund \$40,048.20; PSTF Agency Fund \$1,543.08; TOTAL \$949,044.15.

~~**IV.C. Residential Curbside Recycling Contract**~~

IV.D. Adopt Resolution No. 2012-88, appointing primary election judges.

IV.E. Request to Purchase, 2013 Insurance Renewal: General Liability and Workers Compensation, awarding the bid to the recommended low bidder, Travelers at \$770,142.00.

~~**IV.F. Request to Purchase, 2013 Insurance Renewal: Property**~~

IV.G. Request to Purchase, Consultant Engineering Construction Phase Services – Tracy Avenue Reconstruction Project, awarding the bid to the recommended low bidder, WSB, Inc. at \$120,318.00.

IV.H. Adopt Resolution No. 2012-90, adopting the Performance Measures developed by the Council on local results and innovation and the 2012 Performance Measure Report.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.C. RESIDENTIAL CURBSIDE RECYCLING CONTRACT – TABLED TO AUGUST 6, 2012

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Manager Neal described the review process undertaken for consideration of a best value contract for residential curbside recycling. He recommended the Council table this item to allow time for staff to provide a side-by-side comparison of the two proposals. **Member Bennett made a motion, seconded by Member Swenson, tabling curbside recycling contract discussion to August 6, 2012, Council meeting.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.F. REQUEST TO PURCHASE – 2013 INSURANCE RENEWAL: PROPERTY – APPROVED

Jack Carroll, agent of record, explained the process used to determine the value of City property had increased 16%. Mr. Neal advised staff found the property values to be reasonable and the coverage to be a good value. **Member Sprague made a motion, seconded by Member Brindle, approving request to purchase, 2013 Insurance Renewal: Property, awarding the bid to the recommended low bidder, Travelers at \$70,906.00.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. COMPREHENSIVE ANNUAL FINANCIAL STATEMENT (CAFR) FOR YEAR ENDED DECEMBER 31, 2011 – RECEIVED

James Eichten, CPA from Malloy, Montague, Karnowski, Radosevich & Company, PA (MMKR) presented the Comprehensive Annual Financial Statement (CAFR) for year ended December 31, 2011, and audit results. It was noted that MMKR offered an unqualified (clean) opinion and staff had already responded to the one occurrence cited (timeliness for payment of invoices) where the City had not complied with State statutes and Federal laws. The auditors had not identified any deficiencies in internal control over financial reporting. Mr. Eichten presented the management report addressing the condition of the City's finances and summarized findings that the City's financial records were in excellent condition.

The Council extended its appreciation to and congratulated Manager Neal, Finance Director Wallin, Assistant Finance Director Roggeman, and staff for this positive report, noting the City's AAA bond rating had been maintained even during the recent recession. The Council asked questions of Mr. Eichten relating to the CAFR. **Member Swenson made a motion, seconded by Member Brindle, receiving the Comprehensive Annual Financial Statement for year ended December 31, 2011.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

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

VI.A. CONDITIONAL USE PERMIT – TO CONSTRUCT A NEW HOME ONE-FOOT ABOVE THE FIRST FLOOR ELEVATION OF THE EXISTING HOME AT 5537 PARK PLACE FOR KATE SCHMITT – RESOLUTION NO. 2012-84 ADOPTED

Planning Director Presentation

Planning Director Teague presented the proponent's request for a Conditional Use Permit (CUP) to construct a new home at 5537 Park Place with the first floor elevation of the new home to exceed the first floor elevation of the previous home by more than one foot. The proponent would like to raise the first floor elevation 3.75 feet above the first floor elevation of the previous home in order to reasonably protect the lower level of the new dwelling from ground water intrusion. The proposed building height to the ridge line would be 30 feet, five feet lower than what the Code would allow. It was noted the proponent would like access from Park Place instead of 56th Street. Mr. Teague advised the Planning Commission recommended approval, with conditions, on a unanimous vote. He indicated the ground water issue had been confirmed, which met Condition 2. He then displayed pictures of neighborhood homes, noting the homes varied greatly in character.

Mr. Teague responded to questions of the Council and indicated the basement ceiling elevation was proposed at 8.75 feet, which was reasonable.

Proponent Presentation

Scott Busyn, Great Neighborhood Homes, described their study of 28 adjacent properties within Colonial Grove to determine the average ridge height and assure the proposed home would fit within its character. He indicated 11 homes would have a higher ridge height and 18 homes were within 10% of the proposed home ridge height. Mr. Busyn reviewed building materials and noted the eave line was positioned to not compromise sight lines. With regard to ground water, he indicated water was found at eight feet prior to May rains so the request was for a lower floor elevation four feet above the water level to allow for seasonal water flux.

Kate Schmitt, proponent, stated she grew up in Edina and hoped to receive approval to build a home that was safe for her family.

Mayor Hovland opened the public hearing at 7:46 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2012-84, approving a Conditional Use Permit at 5537 Park Place for Kate Schmitt based on the following findings:

- 1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance.**
- 2. The proposal meets all applicable Zoning Ordinance requirements.**
- 3. The homes in the area have a variety of height, mass, and scale.**
- 4. The proposed new home is in character with this neighborhood.**

And subject to the following conditions:

- 1. The site must be developed and maintained in conformance with the following plans:**
 - Survey date stamped August 19, 2011**
 - Building plans and elevations date stamped May 23, 2012**
- 2. Submit a copy of the Minnehaha Creek District permit. The City may require revisions to the approved plans to meet the District's requirements.**
- 3. Final grading and drainage plans are subject to review and approval of the City Engineer prior to issuance of a building permit. Drainage patterns may not be directed to adjacent properties.**

Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. *CONDITIONAL USE PERMIT – TO CONSTRUCT A NEW HOME ONE-FOOT ABOVE THE FIRST FLOOR ELEVATION OF THE EXISTING HOME AT 4805 EAST SUNNYSLOPE ROAD FOR DOUG AND ABBY POWER – RESOLUTION NO. 2012-85 ADOPTED*

Planning Director Presentation

Planning Director Teague presented the proponent's request for a Conditional Use Permit (CUP) to tear down an existing house and construct a new house at 4805 East Sunnyslope Road to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The proponent proposed to raise the first floor elevation 4.68 feet above the existing first floor elevation. Mr. Teague presented slides of the existing home, proposed home, subject site, and explained per ordinance; the basement floor must be two feet above the flood plain. The ceiling height was proposed to

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be 8-feet 10-inches, which staff found to be reasonable. He stated Condition 1 would be met since the house would be within the flood plain, causing the need to raise the first floor elevation.

Mr. Teague advised of issues considered by the Planning Commission, which recommended conditional approval on a 6-1 vote. He displayed slides of neighborhood homes, noting the variation in style. Mr. Teague explained the original proposal had been revised to reorient the side-load garage to a front-load garage. This resulted in eliminating the need for a five-foot retaining wall and created a larger side yard setback to accommodate drainage and landscaping. Mr. Teague indicated staff and the Planning Commission recommended approval subject to the plan revision to create a front-load garage as submitted tonight.

The Council asked about the average ridge height in this neighborhood. Mr. Teague noted the proponent had not submitted a ridge height study but had submitted photos of neighborhood homes, noting many were built prior to ordinance adoption restricting ridge height. It was clarified that a 40-foot ridge height was only allowed on lots over 135 feet in width.

Proponent Presentation

Doug and Abby Power, proponents, introduced themselves and indicated their family was currently renting a house in Edina, loved the area, and hoped to build a family house.

Nate Wissink, Elevation Homes, presented the proposed East Coast shingle-style home with classic and timeless architecture that brought the living space into the rafter for the appearance of a story and one-half structure. He reviewed their study of 35 diverse neighborhood homes containing rolling topography, noting this site also had the challenges of Minnehaha Creek and being in the floodplain. Mr. Wissink noted this walk-out site provided a penalty when measuring average height; otherwise, it would be 35 feet. He indicated the concern of the neighbor to the northwest would be resolved by turning the garage to face the street, creating a larger transitional green buffer between the two homes and promoting greater drainage through a larger swale. Mr. Wissink answered the Council's questions relating to drainage of stormwater.

Mayor Hovland opened the public hearing at 7:04 p.m.

Public Testimony

Becky Briggs, 4509 Browndale Avenue, addressed the Council.

Roxane Lehmann, 4801 East Sunnyslope Road, addressed the Council.

Dan Lehmann, 4801 East Sunnyslope Road, addressed the Council.

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

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

Mr. Wissink addressed issues raised during public testimony. He displayed slides of the rear (creek side) elevation and explained how "average grade" to the ridge line was determined for this property, which was located in the flood plain. **Member Swenson introduced and moved adoption of Resolution No. 2012-85, approving a Conditional Use Permit at 4805 East Sunnyslope Road for Doug and Abby Power based on the following findings:**

- 1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance.**
- 2. The proposal meets all applicable Zoning Ordinance requirements.**
- 3. The homes in the area have a variety of height, mass, and scale.**
- 4. The proposed new home is in character with this neighborhood.**

And subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
 - Plans and elevations date stamped June 19, 2012.
 - Building plans and elevations date stamped May 14, 2012
 - Building plans and elevations submitted at the Planning Commission meeting on June 13, 2012.
2. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.
3. Final grading and drainage plans are subject to review and approval of the City Engineer prior to issuance of a building permit. The plans must include the conditions outlined in the City Engineer's memo dated June 14, 2012. Drainage patterns may not be directed to adjacent properties.

Member Brindle seconded the motion.

The Council expressed its support for the proposed home design and reorientation of the garage, noting it would fit well with the neighborhood. The proponents were encouraged to work with the Minnehaha Creek Watershed District to assure good stewardship of Minnehaha Creek.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.C. PUBLIC RIGHT-OF-WAY VACATION REQUEST – PORTION OF WEST 41ST STREET AND NATCHEZ AVENUE, JENNIFER AND MATHIAS SAMUEL – DENIED

Engineer Presentation

Engineer Houle presented the proponent's request to vacate the unimproved public right-of-way of Natchez Avenue between Monterey Avenue and south property line of Lot 15, Block 4, Minikahda Vista Third Addition, Morningside Minnesota, and West 41st Street from Natchez Avenue to Monterey Avenue. He advised of the need to obtain rights for utilities and drainage and described the areas along West 41st Street and the northerly end of Natchez Avenue. It was noted the Comprehensive Plan does not indicate future roadways, sidewalk, or trails within the area of proposed vacation.

Mr. Knutson advised the City had an easement for right-of-way and utility purposes, but does not have the fee title. Should the Council approve the vacation request, the property would revert to the holder of the fee title. The City does not have the authority to decide but, generally, the right-of-way was divided down the center and one-half would go to each side. An exception would be if the street was platted and in that case, the property would revert to the interior of the plat. Mr. Knutson advised abutting property owners could request vacation. It would require a simple majority of the Council to vacate if not more than 35% of the property frontage requested the vacation. It would require a 4/5 vote of the Council to vacate if less than 25% of the property frontage requested the vacation.

The Council discussed the potential future need of the right-of-way for a pedestrian/ bicycle pathway, Safe Routes to School, or Living Streets Program, noting the Sidewalk Plan had not been updated since 1999. Mr. Houle used a slide to describe the location of the school property and ballfield.

Mayor Hovland opened the public hearing at 8:35 p.m.

Proponent Presentation

Mathias Samuel, 4229 Alden Drive, stated he and his wife bought the lot at 4166 Monterey Avenue and were focused on the property to the north that was overgrown and needed to be cleaned. He indicated he had been working cooperatively with the St. Louis Park School District and the general idea was to divide the right-of-way along the fence line. Mr. Samuel stated he had no interest in the right-of-way along 41st Street.

Jennifer Samuel, 4229 Alden Drive, indicated the St. Louis Park School District was concerned with liability of branches that had fallen on the fence. She wanted a safe area for her children to play.

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Mr. Samuel advised the School District was open to replacing the fence because it had been damaged by fallen branches. He stated he would build the same house either way, but if the easement was vacated the turn in the driveway would not be as sharp to access the garage. With regard to future use, Mr. Samuel stated he would have no problem with a sidewalk but felt it was probably a low priority since the easement had remained unused since the 1950s.

The Council discussed the requested vacation and asked questions of Attorney Knutson who explained the property owner had the ability to maintain (mow grass, clear trees and vegetation) easement rights-of-way and use it in any way that was not in conflict with the public easement. The property owner could request an encroachment agreement to construct something like a pool or structure.

Garfield Clark, Representative of St. Louis Park School District 283, described the alignment of the easement and its condition. He indicated the School District had no objection to the vacation as long as the right-of-way was split 50%/50% between the School District and proponent.

Public Testimony

Lianne Byerl, 4109 Monterey Avenue, addressed the Council.

Ted Johnson, 4009 Natchez Avenue, addressed the Council.

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

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

Mr. Houle addressed questions raised during public testimony. The Council noted the purposes of the Samuels could be served by vacating only the easement abutting 4166 Monterey Avenue. Mr. Teague advised that the existing easement resulted in 4166 Monterey Avenue being considered a corner lot with greater setback requirements. Options were considered to vacate only 25 feet of the easement abutting 4166 Monterey Avenue or to move the southerly easement line north to provide the distance needed for the driveway.

The Council acknowledged the requested vacation would increase property size by 25%, thus adding value that would be recaptured from increased valuation and property tax. However, concern was expressed that it was premature to consider the requested vacation without a compelling need or first addressing potential for a pedestrian/bicycle pathway. In addition, the proponent had the ability to maintain this public right-of-way whether or not the easement was vacated. **Member Sprague made a motion, seconded by Member Swenson, denying the request to vacate public rights-of-way for portions of West 41st Street and Natchez Avenue, and directing staff to prepare findings of fact for denial for consideration on July 19, 2012.**

Mr. Knutson advised if the vacation was denied, nothing would preclude the proponent from a future request. The Council indicated its willingness to entertain a more modest easement vacation request if tied to a specific need.

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

***VI.D. COCINA DEL BARRIO APPEAL OF ADMINISTRATIVE PENALTY – RESOLUTION NO. 2012-89
ADOPTED REDUCING SUSPENSION TO ONE DAY WITH FINE UPHELD***

Police Chief Long reported on the violation that occurred on May 15, 2012, at Cocina Del Barrio during a liquor compliance check when a minor was served. He noted Cocina Del Barrio currently had a probationary liquor license after it failed to meet the 60% food/40% liquor sales requirement. This first

violation resulted in a \$500 fine. Chief Long advised of the mailed notification provided to Cocina Del Barrio that compliance checks would be conducted that included samples of drivers licenses. City ordinance indicated that a second violation within 24 months resulted in a \$1,000 fine and three-day suspension of the liquor license. Cocina Del Barrio had admitted the violation and already paid the \$1,000 fine. The manager and general manager also met with City staff to offer assurances that corrective action had been taken to prevent future violation.

The Council asked questions of Clerk Mangen relating to punitive actions taken when violations had occurred at other business establishments. It was noted that in previous cases, both violations involved sale of liquor to a minor, not the 60% food/40% liquor sales requirement. Mr. Knutson advised the Council had the discretion to impose a fine not to exceed \$2,000, suspend the license up to 60 days, or revoke the license. Or, the Council could make findings to deviate from presumptive penalty, making it more severe or less severe.

Proponent Presentation

Ryan Burnett, Cocina Del Barrio, apologized for the violation and stated he took full responsibility. He advised the server was terminated the day following the violation and reviewed steps taken to assure a future violation would not occur. Mr. Burnett indicated the food to alcohol sales ratio was now at 58.1% and asked the Council for leniency relating to the license suspension.

Mayor Hovland opened the public hearing at 9:27 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council reviewed the penalty matrix as contained in the ordinance, noting if the 60% food/40% liquor sales requirement was not met, it was considered a violation. It was acknowledged that Cocina Del Barrio was a solid operation and Mr. Burnett had been responsive and made an effort to increase food sales; however, a violation had occurred within six months so a penalty was in order.

Member Bennett noted Cocina Del Barrio had received letters warning of upcoming compliance checks and examples of driver's licenses. Yet, the opportunity to refresh training had not taken place and a second violation occurred. She noted Edina had vibrant businesses that attracted people at all times of the day and evening. It was a safe community and its ordinances were designed to protect that safety. Member Bennett stated she intended to uphold the matrix and penalty recommended.

The question was raised whether the 60% food/40% liquor sales requirement should be included in the penalty matrix, or the ordinance amended to incorporate a separate set of fines. The Council discussed the appeal request and ordinance language relating to conditions under which the Council could deviate from the presumptive penalty. Support was expressed to consider a \$1,000 fine and one-day suspension based on the finding that the first violation had involved the 60% food/40% liquor sales requirement, not sale of liquor to a minor. **Member Swenson introduced and moved adoption of Resolution No. 2012-89, Appeal Of Administrative Penalty For Selling Or Furnishing Alcohol To An Underage Person, levying a fine of \$1,000 and one-day liquor license suspension, because the first violation was failure to comply with the 60% food/40% liquor sales ration and sale of alcohol to a minor. This violations would be considered a second violation for calculation of penalties.** Member Brindle seconded the motion.

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Member Bennett stated her support to uphold the penalty matrix and intention to vote against the motion.

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

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2012-87 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. 2012-87 accepting various donations. Member Sprague seconded the motion.

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

VIII.B. AMENDMENT NO. 1 TO SOUTHDAL REDEVELOPMENT AGREEMENT – APPROVED

Mr. Neal introduced Amendment No. 1 to the Southdale Redevelopment Agreement and concern of Simon Property Group relating to its ability to appeal the market value of Southdale Center property during the term of the agreement. Mr. Neal stated further discussions were held but staff felt this material change to the agreement needed to be considered by the Council. In exchange for the City removing the bar for valuation challenges, Simon Property Group would agree to a higher baseline evaluation from January 2, 2012. Mr. Neal indicated there had been considerable discussion relating to this amendment, it was negotiated in good faith, and the proposed language was agreed to by staff and Simon Property Group. He noted at this point, time was running out due to the State-imposed deadline of June 30, 2012.

Laurie Van Dalen, Southdale Center Manager, advised the draft document relating to Metro Transit had been received from the Metropolitan Council. Southdale Center had agreed, in conversation, to the changes after the April City Council meeting.

The Council noted it had supported the original language to make sure the City was not in tax court with Southdale Center every year if it was giving an interest-free loan. Jay Lindgren, Dorsey & Whitney, City bond counsel, indicated he had drafted the original language that limited the ability of Southdale Center to appeal because it was the most favorable to the City and regularly agreed to in this type of agreement. Discussion ensued on the proposed language and it was noted if the property value was increased by the minimum, 2.5% per annum, the accumulative effect would increase the market value \$31 million, or a 27% increase. It was also noted the increment would be used to write down the principal on the loan so if an appeal was successful, there would be less increment available for use. Mr. Neal answered questions of the Council related to the appeal process.

The Council discussed the need to address pedestrian connectivity, possibly through an Urban Land Institute planning process, landscaping, and the transit station. With regard to the transit station, Mr. Lindgren explained the transit easement had to be finalized within 120 days of signing the agreement. If not agreed to, the terms of the loan would not have to go forward. Mr. Lindgren assured the Council there was sufficient time within the 120-day process and no funds would be disbursed until that was finalized.

Ms. Van Dalen stated the drawings submitted for permit included a civil package that addressed access from the street to the Mall entrance, lighted and landscaped pathways, and landscaped entrances. She

noted Southdale Center had indicated the City needed to address how to get pedestrians across 66th Street and Southdale Center would address pedestrian passage from that point to the entrance.

Mr. Lindgren offered revised language to address the Council's preference to indicate the Mall's market value changed from year to year. **Member Sprague made a motion, seconded by Member Brindle, approving Amendment No. 1 to Southdale Redevelopment Agreement, revising Section 4.6 to indicate: "...Mall Property unless and only to the extent that, it is greater than such agreed-upon amount as determined annually..."**

The Council acknowledged the desire of Simon Property Group for some protection from the City having complete unilateral ability to raise property values without being able to appeal for a period of nine years; however, the proposed amendment would give the City the ability to raise the value of property during that time period, cumulatively, by 30%. The Council indicated its support was predicated on a satisfactory arrangement with the bus facility and it did not appreciate this matter being raised just days before the deadline. The Council confirmed it looked forward to continued cooperation to make this area more pedestrian accessible including participating in a future planning process. Member Bennett stated she remained unable to find public purpose and would not be voting to support the motion.

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

VIII.C. RESOLUTION NO 2012-91 ADOPTED – AUTHORIZING APPLICATION FOR GRANT FUNDS FOR COMPLETION OF EDINA PROMENADE PHASE III AND IV

Mr. Neal presented the draft resolution to seek Business Development Capital Grant Program funds to complete Phases III and IV of the Promenade Project. He thanked Administrative Intern Klugman for bringing this matter forward. **Member Sprague introduced and moved adoption of Resolution No. 2012-91, authorizing Business Development Capital Projects Grant Application.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

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

IX.B. RECEIVE PETITION REQUESTING SIDEWALK SOUTH SIDE OF INTERLACHEN BOULEVARD – RECEIVED

Member Swenson made a motion, seconded by Member Sprague, receiving the petition requesting sidewalk on the south side of Interlachen Boulevard.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX.C. TRAIL AND PARK STRUCTURE FEASIBILITY STUDY – PREPARATION AUTHORIZED

Member Sprague made a motion, seconded by Member Swenson, directing staff to prepare a feasibility study of potential trail and park facility near Lake Edina Park. The Council discussed the needs for this area and whether the feasibility study could be completed prior to review of the Park Capital Improvement Plan. The Council indicated the Park and Recreation Commission could be asked for its recommendation once the feasibility study was completed.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

X. MAYOR AND COUNCIL COMMENTS – Received

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XI. MANAGER'S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:16 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, July 17, 2012.

Video Copy of the June 19, 2012, meeting available.

Debra A. Mangen, City Clerk

James B. Hovland, Mayor