

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
OCTOBER 3, 2017
7:00 P.M.**

I. CALL TO ORDER

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

II. ROLL CALL

Answering roll call were Members Brindle, Fischer, Staunton, Stewart, and Mayor Hovland.

III. MEETING AGENDA APPROVED AS AMENDED

Manager Neal requested that the Council remove Item VIII.B. Ordinance 2017-12, Amending Chapter 24 of Edina City Code, as it first requires a public hearing before the Planning Commission. **Member Brindle made a motion, seconded by Member Fischer, approving the meeting agenda as revised to remove Item VIII.B. Ordinance 2017-12, Amending Chapter 24 of Edina City Code.**

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

IV. COMMUNITY COMMENT

Mayor Hovland asked for a moment of silence in memory of the victims from the October 1 Las Vegas mass shooting.

Margaret Joas, 6409 Biscayne Boulevard, shared concerns regarding water pooling at Deville Drive and Biscayne Boulevard. She shared a video of water flowing on Continental Drive, Deville Drive, and Biscayne Boulevard that occurred in June, August, November, and most recently last evening.

Jamie Bishop, 4517 Oak Drive, stated she cannot exit her driveway due to the 2016 reconstruction project that resulted in narrower streets, noting that no parking signs need to be installed.

V. CONSENT AGENDA ADOPTED

Member Stewart made a motion, seconded by Member Brindle, approving the consent agenda as revised to remove Items V.E. Resolution No. 2017-101: Approving Public Health Emergency Preparedness Agreement with City of Bloomington; V.F. Resolution No. 2017-104: Approve Twin Cities Public Health Mutual Aid Agreement; and, V.G. Development Contract Revision: Restoration Hardware.

V.A. Approve regular and work session meeting minutes of September 19, 2017

V.B. Receive payment of the following claims as shown in detail on the Check Register dated September 21, 2017, and consisting of 31 pages; General Fund \$386,254.56; Police Special Revenue \$2,121.19; Arts and Culture Fund \$174.60; Working Capital Fund \$270,107.96; PIR Construction Fund \$12,609.96; Equipment Replacement Fund \$5,507.00; Art Center Fund \$4,145.52; Golf Dome Fund \$508.08; Aquatic Center Fund \$1,132.01; Golf Course Fund \$14,460.22; Ice Arena Fund \$9,451.50; Sports Dome Fund \$1,255.19; Edinborough Park Fund \$1,609.68; Centennial Lakes Park Fund \$3,528.30; Liquor Fund \$151,729.58; Utility Fund \$123,133.37; Storm Sewer Fund \$14,828.09; Risk Management ISF \$562,388.98; PSTF Agency Fund \$5,113.84; Centennial TIF District \$172,066.38; Grandview TIF District \$8,700.00; Payroll Fund \$11,030.08; TOTAL \$1,761,856.09 and for receipt of payment of claims dated September 28, 2017, and consisting of 27 pages; General Fund \$208,019.54; Police Special Revenue \$2,126.66; Pedestrian and Cyclist Safety Fund \$86,388.87; Working Capital Fund \$66,297.20; PIR Construction Fund \$879,714.95; Equipment Replacement Fund \$56,456.85; Art Center Fund \$1,583.24; Aquatic Center Fund \$1,473.41; Golf Course Fund \$753,954.73; Ice Arena Fund \$4,681.12; Sports Dome Fund \$1,311.93; Edinborough Park Fund \$9,540.95;

Centennial Lakes Park Fund \$394.77; Liquor Fund \$73,121.33; Utility Fund \$195,228.16; Storm Sewer Fund \$270,403.75; PSTF Agency Fund \$4,427.22; Centennial TIF District \$489,003.03; **TOTAL \$3,104,127.71**

- V.C. Approve Construction Cooperative Agreement between Edina, City of Minneapolis, and Hennepin County**
- V.D. Adopt Resolution No. 2017-99: Setting Public Improvement Hearings for Bredesen Park A and E, Normandale Park D, and Country Club C Neighborhood Roadway Reconstruction**
- ~~**V.E. Adopt Resolution No. 2017-101: Approving Public Health Emergency Preparedness Agreement with City of Bloomington**~~
- ~~**V.F. Adopt Resolution No. 2017-104: Approve Twin Cities Public Health Mutual Aid Agreement**~~
- ~~**V.G. Approve Development Contract Revision: Restoration Hardware**~~
- V.H. Approve Tin Fish Lease Cancellation and Termination Agreement**
- V.I. Request for Purchase: Braemar Arena LED Retrofit, awarding the bid to the recommended low bidder, Premier Lighting at \$59,407.40**

Rollcall:

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

V.E. RESOLUTION NO. 2017-101: APPROVING PUBLIC HEALTH EMERGENCY PREPAREDNESS AGREEMENT WITH CITY OF BLOOMINGTON – ADOPTED

V.F. RESOLUTION NO. 2017-104: APPROVE TWIN CITIES PUBLIC HEALTH MUTUAL AID AGREEMENT – ADOPTED

The Council commented how critical it was that local governments were prepared, commended staff for the ongoing partnerships with neighboring cities, and thanked the State-mandated Public Health Commission for assistance in emergency preparedness. **Member Staunton introduced and moved adoption of Resolution No. 2017-101, Approving Public Health Emergency Preparedness Agreement with City of Bloomington; and, adoption of Resolution No. 2017-104, Approve Twin Cities Public Health Mutual Aid Agreement.** Member Stewart seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

V.G. DEVELOPMENT CONTRACT REVISION: RESTORATION HARDWARE – APPROVED

The Council shared concerns on how this formal subdivision would ensure the ring road. Mr. Neal said this item was a housekeeping item for names within the development contract, had no connection with the subdivision itself, and granted no more rights than originally approved by the Council. **Member Brindle made a motion, seconded by Member Staunton, approving Development Contract Revision: Restoration Hardware.**

Ayes: Brindle, Fischer, Staunton, Hovland

Nay: Stewart

Motion carried.

VI. SPECIAL RECOGNITIONS AND PRESENTATIONS

VI.A. EDINA PUBLIC SCHOOLS DISTRICT 273 PRESENTATION – PRESENTED

School Board Chair Leny Wallen-Friedman introduced Dr. John Schultz, Superintendent, Edina Public Schools, who presented information on the upcoming \$13.3 million referendum on November 7. He shared the District's mission, reviewed their fiscal stewardship, and shared tax impacts if approved.

Chair Wallen-Friedman said this action was not an opportunity but a necessity and noted all School Board candidates supported the referendum.

The Council clarified the referendum was for operation and not facilities, complimented the Board on how funds were spent and the effectiveness of the space, and inquired about the community survey.

Julie Greene, 5324 Oaklawn Avenue and Caroline Correia, 4515 Drexel, read a resolution in support and asked that the Council adopt renewal of the ballot question and that it be submitted to the *Sun Current*.

Mr. Neal said the Council would be considering both Edina and Richfield Schools' resolutions of support on October 17.

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

VII.A. COV EDINA ENTERTAINMENT LLC, DBA: COV EDINA, 3155 GALLERIA, NEW ON-SALE INTOXICATING AND SUNDAY SALES LIQUOR LICENSES – APPROVED

Deputy Clerk Presentation

Deputy Clerk Timm presented the request of CoV Edina Entertainment LLC, 3155 Galleria, for new On-Sale Intoxicating and Sunday Sale Liquor Licenses, noting this was part of the former Barnes and Noble location. She stated the applicant had complied with City Code and staff recommended granting the requested licenses for a new restaurant to be open in November.

Mayor Hovland opened the public hearing at 7:36 p.m.

Proponent Presentation

Dean Vlahos, CoV owner, and General Manager David Richoz, complimented staff on how good they were to work with and said they intended to open November 20. They shared how well the concept should work in the Galleria and draw people to Edina.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Brindle made a motion, seconded by Member Fischer, granting new On-Sale Intoxicating and Sunday Sale Liquor Licenses to CoV Edina Entertainment LLC, DBA CoV Edina, 3155 Galleria.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.B. WEED MOWING, IMPROVEMENT NO. WD-17, RESOLUTION NO. 2017-106 – ADOPTED

Mr. Neal explained that the following public hearings were annual special assessment hearings and reviewed the City's special assessment policy.

Park & Recreation Director Presentation

Park & Recreation Director Kattreh stated the Parks and Recreation Maintenance Department cut weeds on 18 properties which involved costs associated with the use of a tractor and staff time. She described the resident notification process and outlined costs that should now be assessed to property owners for payment to the City.

The Council inquired about correspondence received from Mr. Appleman regarding assessments on his property. Ms. Kattreh confirmed the assessments were from 2016 prior to his ownership and said he was unaware of the assessment prior to closing.

Mayor Hovland opened the public hearing at 7:42 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

The Council commented on the fairness of assessing Mr. Appleman for work prior to his ownership but concluded that was not the City's concern.

Member Brindle introduced and moved adoption of Resolution No. 2017-106, Levying Special Assessments for Improvements No. WD-17 Weed Mowing. Member Staunton seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

VII.C. TREE REMOVAL, IMPROVEMENT NO. TR-17, RESOLUTION NO. 2017-100 – ADOPTED
Parks & Recreation Director Presentation

Ms. Kattreh explained that this assessment was for the costs to remove diseased elm trees and two hazardous trees: one Ash tree from property on William Avenue and one Maple tree on Wooddale Avenue. Property owners were first given an opportunity to remove the diseased trees within a three-week period. Three property owners chose to have the City contractor remove the diseased trees for a total of four trees removed.

Mayor Hovland opened the public hearing at 7:45 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

Member Staunton introduced and moved adoption of Resolution No. 2017-100, Levying Special Assessments for Improvements No. TR-17 Tree Removal. Member Brindle seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

VII.D. AQUATIC VEGETATION, IMPROVEMENT NO. AQ-17, RESOLUTION NO. 2017-88 – ADOPTED

Water Resources Coordinator Presentation

Water Resources Coordinator Wilson described the City's Aquatic Vegetation Management Program that was administered at the request of homeowners and not required by the City or Department of Natural Resources. She presented the assessments for Arrowhead Lake for 36 units at \$174.24 per residential equivalent unit (REU) for a total assessment of \$6,272.49; and, Indianhead Lake for 36 units at \$166.38 per REU for a total assessment was \$5,490.38. Minnehaha Creek Mill Pond aquatic vegetation was managed by mechanical removal with three visits. She noted that in addition, changes to the assessment district boundary were made and a variable rate REU strategy was implemented. The assessment for Mill Pond was \$19,328.63 or \$385.03 per REU; \$254.12 per .66 REU; and, \$127.06 per .33 REU.

Ms. Wilson answered Council questions regarding payment which would be a one-time annual assessment. The Council asked questions regarding a long-term solution for stagnant water in Mill Pond. Ms. Wilson explained the pond was shallow and difficult for the harvester to access the area. She stated the condition was better when water was high and dredging would be difficult due to permitting, expense, and would not solve the issue.

Mayor Hovland opened the public hearing at 7:50 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Fischer introduced and moved adoption of Resolution No. 2017-88, Levying Special Assessments for Public Improvements. Member Stewart seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.E. 50th AND FRANCE MAINTENANCE IMPROVEMENT NO M-17, RESOLUTION NO. 2017-91 – ADOPTED

Public Works Director Presentation

Public Works Director Olson presented an Analysis of Assessment, Final Assessment Roll, Certificate of Mailing including Notice of Public Hearing, and other supporting documentation for each proposed assessment. Mr. Olson shared the methodology for assessing the maintenance expenses for the 50th France business district, stating there was a concerted effort from the Assessing Department on how to measure the area for each of the businesses that were eligible to be assessed. This methodology change presented an increase of square feet to be assessed. The results identified 416,768 square feet for assessment.

Mr. Olson noted the assessment history indicates there had been a minimal increase from 2016 of \$0.5990 per square foot to \$0.7378 per square foot in 2017. He explained there was a capital investment in 2014 that was completed in 2015 and during those public hearings, there was discussion about keeping the level of investment current by meeting the demands of the district. The feasibility study stated there should be an additional \$100,000 directed into the district annually but 2016 saw an increase of \$57,840.58 in spending in the district over the prior year.

Mr. Olson stated the 50th and France Business District was comprised of 416,768 assessable square feet at a cost of \$0.7378 per square foot. The Council asked questions regarding history, cost, and properties' square footage. Mr. Olson explained the District's square footage was reviewed in 2014 by the City's Assessing Division, which accurately identified the space to be assessed.

Mayor Hovland opened the public hearing at 7:55 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2017-91, Levying Special Assessments for Public Improvements. Member Stewart seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.F. GRANDVIEW BUSINESS DISTRICT MAINTENANCE IMPROVEMENT NO. G-17, RESOLUTION NO. 2017-92 – ADOPTED

Public Works Director Presentation

Mr. Olson presented Analysis of Assessment, Final Assessment Roll, Certificate of Mailing including the Notice of Public Hearing, and other supporting documentation for each proposed assessment. He stated the Grandview Business District maintenance assessment changed from \$2.27 per square foot in 2016 to \$0.79 per square foot in 2017. It was noted the Grandview Business District had 465,101 assessable square

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feet at a cost of \$0.79 square foot, included medians and irrigation repairs, and was lower than last year. He added no comments were received from the public on the proposed assessment.

Mayor Hovland opened the public hearing at 7:57 p.m.

Public Testimony

No one appeared to comment.

Member Fischer made a motion, seconded by Member Staunton, to close the public hearing.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Staunton introduced and moved adoption of Resolution No. 2017-92, Levying Special Assessments for Public Improvements. Member Brindle seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.G. TRACY AVENUE RECONSTRUCTION, RESOLUTION NO. 2017-93 – ADOPTED

Director of Engineering Presentation

Director of Engineering Millner presented survey results from the 2016 street reconstruction projects of Golf Terrace B, Strachauer Park A, Morningside A, White Oaks C, and Tracy Avenue neighborhoods. He outlined survey questions which resulted in a 30% return rate and 180 comments.

The Council inquired how long the living street model had been used and methods to address quality issues. Mr. Millner said the living street model had been done since 2013 and all contracts included a two-year warranty for any repair issues as they arose.

The Council asked questions regarding street width and travel speed impacts and referred to correspondence from the White Oaks area and benefit levels. City Attorney Knutson explained the presumption in law stated street improvements were appropriate and proven that property values increase and concerns must be formally challenged.

The Council inquired about recurring survey comments, boulevard replanting, and soil quality. Mr. Millner said the survey showed communication could always be improved along with cost impacts and said staff would continue holding preconstruction meetings with the neighborhoods to allow residents to meet the contractors and answer questions.

Mr. Millner shared the actual assessable cost of the Tracy Avenue project was \$285,645.18 compared to the estimated assessment at 20% of street cost due to State Aid road. He commented on the 15% decrease from engineering estimate and shared there were 54.53 residential equivalent units (REUs). He presented the assessments for Tracy Avenue at \$5,238.31 per REU; \$3,457.29 per .66 REU; and, \$1,728.64 per .33 REU.

Mayor Hovland opened the public hearing at 8:11 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Stewart introduced and moved adoption of Resolution No. 2017-93, Levying Special Assessments for Public Improvements. Member Fischer seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.H. GOLF TERRACE B NEIGHBORHOOD ROADWAY RECONSTRUCTION, RESOLUTION NO. 2017-94 – ADOPTED

Director of Engineering Presentation

Director of Engineering Millner presented a location map for the Golf Terrace B Neighborhood Roadway Reconstruction project. He shared the actual assessable cost was \$3,065,519.99 compared to the estimated assessment of a 15% reduction to \$15,782.95. There were 229.83 residential equivalent units (REUs). Mr. Millner presented the assessments for Golf Terrace B Neighborhood Roadway Reconstruction at \$13,338.21 per REU; \$8,803.22 per .66 REU; and, \$4,401.61 per .33 REU.

The Council inquired about the process for addressing the earlier street width concerns and blocked driveway exiting. Mr. Millner explained how staff would work with the resident through Traffic Safety Committee review and ETC for further Council recommendation.

Mayor Hovland opened the public hearing at 8:13 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2017-94, Levying Special Assessments for Public Improvements. Member Fischer seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.I. STRACHAUER PARK A NEIGHBORHOOD ROADWAY RECONSTRUCTION, RESOLUTION NO. 2017-95 – ADOPTED

Director of Engineering Presentation

Mr. Millner presented a location map for the Strachauer Park A Neighborhood Roadway Reconstruction project. He shared the actual assessable cost was \$1,079,680.09 compared to the estimated assessment at 27% decrease with storm sewer system not feasible, which would be done in 2019 at 50% reduction in this neighborhood from \$2,276,686.96 to \$12,224.58. There were 175.33 residential equivalent units (REUs). Mr. Millner presented the assessments for Strachauer Park A Neighborhood Roadway Reconstruction at \$6,157.99 per REU; \$3,078.99 per .5 REU; and, \$2,032.14 per .33 REU.

Mayor Hovland opened the public hearing at 8:17 p.m.

Public Testimony

Janet Bezanson, 6013 Drew Avenue, addressed the Council.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Mr. Neal addressed issues raised during public testimony and advised any questions regarding tax deductibility be directed to a professional tax preparer. Mr. Millner clarified that assessments would appear on a property owner's tax statement.

The Council said comments were consistent with other project comments regarding grass and seeding and encouraged staff to review better ways to address these concerns such as a separate contractor.

Member Fischer introduced and moved adoption of Resolution No. 2017-95, Levying Special Assessments for Public Improvements. Member Brindle seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.J. MORNINGSIDE A AND WHITE OAKS C NEIGHBORHOOD ROADWAY RECONSTRUCTION, RESOLUTION NOS. 2017-96 AND 2017-97 – ADOPTED

Director of Engineering Presentation

Mr. Millner presented a location map for the Morningside A and White Oaks C Neighborhood Road Reconstruction project. He shared project details that included green infrastructure levels and pedestrian safety/traffic calming efforts that addressed volume, speed, and reduced conflict zone. For the Morningside A Roadway Reconstruction project that included street and utilities, Mr. Millner shared the actual assessable street cost was \$1,030,722.28 compared to the estimated assessment at 1.4% above at \$2,553,731.23. There were 125.9 residential equivalent units (REUs). Mr. Millner presented the assessments for the Morningside A Neighborhood Roadway Reconstruction at \$8,184.56 per REU and White Oaks C of \$24,858.85. He commented on paving Morningside 90 square yards compared to 260 in White Oaks C based on lot sizes and number of lots in the area. Mr. Millner shared the actual assessable cost for streets in the White Oaks C Neighborhood Roadway Reconstruction project included street, streetlight and utility work for 18 residential equivalent units (REUs) and presented the assessments of \$24,723.81 per REU for streets and \$135.04 per REU for streetlights.

The Council commented on the range of assessments and how commercial use was assessed at a higher rate. Mr. Millner explained the City's assessment policy was based on square footage.

The Council referred to correspondence received from Roberta Laird, 4615 Town Circle, regarding project quality. Mr. Millner replied there was puddling due to the curb line which would be addressed by the two-year warranty.

Mayor Hovland opened the public hearing at 8:26 p.m.

Public Testimony

Heather Wallace, 4701 Townes Road, addressed the Council.

Bobbie Hersch-Augustine, 4703 Townes Road, addressed the Council.

Eric Vercauteren, 6300 Doron Lane, addressed the Council.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Mr. Knutson outlined the objection process, which had to be submitted prior to close of the public hearing. Mr. Millner addressed issues raised during public testimony and indicated no assessment was made for the wellhouse and shared how this area was a wetland and provided a service.

The Council held discussion on the past White Oaks neighborhood project and the City-owned property assessment policy compared to trips per household, the opportunity for objection, and commented at what point would the analogy not work. Mr. Millner said staff bundled street projects to address that issue.

The Council clarified the deadline to file objections was before the hearing closed and confirmed the same notification process had been used in past projects and was not deficient.

Member Stewart introduced and moved adoption of Resolution No. 2017-96, Levying Special Assessments for Public Improvements. Member Staunton seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Stewart introduced and moved adoption of Resolution No. 2017-97, Levying Special Assessments for Public Improvements. Mayor Hovland seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.K. NOISE WALL CONSTRUCTION, RESOLUTION NO. 2017-98 – ADOPTED

Director of Engineering Presentation

Mr. Millner presented a location map for the Noise Wall construction project. He shared the actual assessable cost was \$121,872.71 compared to the estimated assessment at \$121,872.71 and included 57 residential equivalent units (REUs). Mr. Millner presented the assessments for the Noise Wall construction at \$937.48 to \$3,351.50 per REU depending on three levels based on proximity to the noise wall, which was a 7 percent increase from what was presented at the public hearing due to higher bids from MnDOT.

Mayor Hovland opened the public hearing at 8:59 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Staunton introduced and moved adoption of Resolution No. 2017-98, Levying Special Assessments for Public Improvements. Member Brindle seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

VII.L. COMPREHENSIVE PLAN AMENDMENT, PRELIMINARY REZONING & DEVELOPMENT PLAN, CUP, & VARIANCES; EDINA FLATS LLC, 4404 & 4416 VALLEY VIEW ROAD, AND 6108, 6112, 6116, AND 6120 KELLOGG AVENUE, RESOLUTION NOS. 2017-102 AND 2017-103 – ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the request of Edina Flats LLC for a Comprehensive Plan Amendment and Rezoning to build 18 units of owner-occupied housing at 4404 and 4416 Valley View Road, and 6108, 6112, 6116 and 6120 Kellogg Avenue. He explained the Comprehensive Plan Amendment was required to expand the Neighborhood Commercial District to include 6108, 6112, 6116, and 6120 Kellogg Avenue. The Rezoning request is from R-1, PCD-4, and APD to PCD-1, Planned Commercial Development.

Mr. Teague shared the purpose of these requests was to re-develop the City-owned property at 4416 Valley View Road, the row of parking for the commercial development to the west, the vacant parcel at 6120 Kellogg, and the three single-family home parcels at 6116, 6112, and 6108 Kellogg Avenue. This portion of the development would include a three-story condo building with six units on the corner and three two-story condo/townhome buildings to the north. The existing structure at 4404 Valley View Road would be removed and the property re-developed with a four-unit, two-story condo building.

Mr. Teague stated to accommodate this request, the following were required: Comprehensive Plan Amendment to expand the NN, Neighborhood Node District, to include 6108, 6112, 6116, and 6120 Kellogg Avenue; Rezoning from R-1, PCD-4, and APD to PCD-1, Planned Commercial Development, Preliminary Development Plan with Variances; and, Conditional Use Permit to allow multi-family residential use.

The Council confirmed the only small area plan deviation was expansion of scope of the geographic area to include four Kellogg single-family homes and the 24-foot height limit.

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The Council commented on the change from commercial to single-family use. Mr. Teague explained the concept plan did not specify a certain use and how more intense uses would be at the intersection. He shared a traffic management tool would be included along 62nd Avenue and Valley View Road and said preliminary traffic study data had been collected and would be shared with the Council later this year but staff would not recommend closure at France Avenue and Valley View Road.

Proponent Presentation

David Carlson, Gatehouse Properties, LTD, shared how the proposed plan would rejuvenate the area, meet a market need for one-level, maintenance-free housing, and that they had met with Mr. Noonan regarding the project.

Patrick McGlynn, McGlynn Properties, representing the proponent, shared the materials board for the proposed project and said the project would benefit the neighborhood and City, becoming a vibrant part of the neighborhood.

The Council asked questions regarding stucco longevity and moisture concerns and having contiguous commercial and street engagement on Valley View Road. Mr. McGlynn explained the stucco was a panel system applied differently than previous materials that addressed moisture concerns and was hail resistant.

Mayor Hovland opened the public hearing at 9:24 p.m.

Public Testimony

Max Hintz, 6117 Kellogg Avenue, addressed the Council.

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

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

Member Staunton introduced and moved adoption of Resolution No. 2017-102, Approving Comprehensive Plan Amendment to Expand the NN, Neighborhood Node District, to include 6108, 6112, 6116, and 6120 Kellogg Avenue. Member Brindle seconded the motion.

Rollcall
Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

The Council confirmed the project did not contain affordable units and thanked the applicants for a well-thought out project with a single-family feel. They commented how the location of driveways and parking on the back addressed traffic concerns, that the project fit a missing need in the community, and referred to the Edina Housing Foundation comment on phasing, confirming that Phase II would occur.

Mr. Milner commented on traffic study data that showed cut-through traffic was created by backups at Valley View Road and Wooddale and a signal would improve traffic. The Council suggested no access to Kellogg on Valley View Road to address parking and commented that elevations consistent with the small area plan provided good screening.

Member Stewart introduced and moved adoption of Resolution No. 2017-103, Approving Preliminary Rezoning from R-1, PCD-4, and APD to PCD-1, Preliminary Development Plan with Variances; and Conditional Use Permit to allow Multi-Family Residential Use for Edina Flats, subject to the following conditions:

- 1. The Final Development Plans must be consistent with the Preliminary Development Plans dated August 25, 2017, and September 27, 2017, and the materials board as presented to the Planning Commission.**
- 2. The Final Landscape Plan must meet all minimum landscaping requirements per Chapter 36 of the Zoning Ordinance. A performance board, letter-of-credit, or cash deposit must**

be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures at the time of any building permit. The property owner is responsible for replacing any required landscaping that dies after the project is built.

3. **Compliance with all of the conditions outlined in the City Engineer's memo dated September 20, 2017; including a Developer's Agreement or Site Improvement Performance Agreement, vacation of existing easements if needed, construction of a boulevard style sidewalk on Oaklawn to connect to the Valley View Road sidewalk.**
4. **Variances and Conditional Use Permit are subject to Final Rezoning and Final Development Plan approval by City Council.**
5. **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.**
6. **Final Rezoning is contingent on the Metropolitan Council approval of the Comprehensive Plan Amendments.**

Member Fischer seconded the motion.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland

Motion carried.

Member Brindle left the dais at 9:49 and returned at 9:55 p.m.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. WATER TREATMENT PLANT 5 PRELIMINARY DESIGN REPORT

Engineering Services Manager Bintner reviewed that on March 7, 2017, the Council approved professional services and amendment to include a pilot study of chemical treatment options for preliminary design of Water Treatment Plant 5 (WTP 5) and on September 6, 2017, approved Change Order #1 for evaluation of an additional site and to extend the pilot study. Mr. Bintner presented the 2017 WTP 5 Preliminary Design Report by AE2S including review of topics that support decisions on timing of plant construction, location of the plant, treatment objectives, and treatment technologies. In addition, the report explores tradeoffs in service, risk, and cost for each of these decisions and recommended a prudent path forward to design and build WTP 5.

The Council asked questions regarding distribution from the plant and commented on the site's architectural implications and ring road changes. The Council agreed this highly visible place could possess a strong educational aspect and encouraged the partnership, if possible.

Mr. Bintner explained staff's review of distribution options and the avoidance of tearing up streets. He commented on water levels and peak demands during the summer, storage, and methods to address pipe stress and pressure pulses.

Mr. Teague stated Simon Properties had control of the final design and noted the City could not force moving the ring road. He noted the Council could decide to make the plant structurally sufficient to handle future development. The Council inquired about the balance between public access and security. Mr. Teague said while there was concerns with access, chemicals, and wall design, the Department of Health staff believed the educational component allowing public tours, could be achieved.

The Council asked about radon components, when treatment occurred, and storage capacity. Grant L. Meyer, Environmental Services, Inc. 2; explained the filtration process for radon removal and the importance of sufficient storage for fire protection for elevated water and gravity.

The Council commented on the importance of water safety, water conversation, and planning ahead and asked if the City was drawing too much water from aquifers. Mr. Bintner said the trend was flat for water use compared to projected increased 10 years ago and commented on how outside use of irrigation had changed. He said capacity was capped through DNR permits but the City had available pumping capacity to meet the proposed design.

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The Council inquired about WTP capacities, maintenance, and the recommendation to postpone Well 21 and bid this project first. Mr. Millner said Well 21 was needed in the future but not right away and explained well maintenance in the median with a raise vault and utility box that would be submerged and attractive. The Council asked about flexibility for future streetscape changes and water capacity. Mr. Millner said the City was meeting demand but only filtering 75% of the water and the plant would provide better water quality for more days, especially in the summer months.

The Council commented on maximized architectural integrity and said they were pleased with the sustainability efforts and green roof. The Council stressed the importance of transparency, landscaping, and softening through trees and interaction through sidewalk concepts.

Member Stewart made a motion, seconded by Member Brindle, approving Water Treatment Plant 5 Preliminary Design Report.

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

VIII.B. ORDINANCE NO. 2017-12: AMENDING CHAPTER 24 OF EDINA CITY CODE – REMOVED FROM AGENDA

This item was removed from the agenda upon adoption.

VIII.C. RESOLUTION NO. 2017-105 ADOPTED – ACCEPTING VARIOUS GRANTS AND 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 Brindle introduced and moved adoption of Resolution No. 2017-105 accepting various grants and donations. Member Stewart seconded the motion.

Rollcall:

Ayes: Brindle, Fischer, Staunton, Stewart, Hovland
Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. MINUTES:

- 1. HERITAGE PRESERVATION COMMISSION, AUGUST 8, 2017**
- 2. PLANNING COMMISSION, AUGUST 30, 2017**
- 3. HUMAN RIGHTS & RELATIONS COMMISSION, JULY 25, 2017**
- 4. ENERGY & ENVIRONMENT, JULY 13, 2017**
- 5. HUMAN RIGHTS AND RELATIONS COMMISSION, AUGUST 22, 2017**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XII. MANAGER'S COMMENTS – Received

XII.A. PUMPING IMPOUNDED WATER FROM PRIVATE PROPERTY – COMMENT RECEIVED

Manager Neal commented on recent resident requests for staff to pump water from private property. He said this was a task for private benefit and involved regulatory issues so staff would work instead as a liaison with the DNR to help property owners obtain the necessary permits to hire a contractor to pump water. He said staff would hold a larger discussion in the future on a water resource management policy and forward recommendations for the Council.

XII.B. CITY COUNCIL CORRESPONDENCE PROCEDURES – COMMENT RECEIVED

Mr. Neal reviewed Statute regulations that correspondence between individuals and elected officials was private data on individuals but might be made public by either the sender or recipient. He described the City's current practice as it related to Council correspondence received by staff and the Council's re-affirmation of this practice at its January 4, 2017, Work Session. At that time, the Council had also expressed a desire to create a website form that clearly described that information would be published.

Mr. Neal presented the new practice that would be implemented with the launch of the City's new website whereby residents could submit items for the public packet that would contain a notice that information submitted through the form would be shared in the public packet. Staff would also create a new email address that would automatically route to the email addresses of all Council Members and identified staff.

XIII. SCHEDULE OF MEETINGS AND DATES AS OF OCTOBER 3, 2017 – Received

XIV. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:37 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, October 17, 2017.

James B. Hovland, Mayor

Video Copy of the October 3, 2017, meeting available.