

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL MEETING
NOVEMBER 3, 2021
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:00 p.m. then shared the procedure for public hearing and community comment in the hybrid meeting format.

II. ROLL CALL

Answering rollcall were Members Anderson, Jackson, Pierce, Staunton, Hovland.

Absent: None.

III. PLEDGE OF ALLEGIANCE

IV. MEETING AGENDA APPROVED AS AMENDED

Member Staunton made a motion, seconded by Member Jackson, to approve the meeting agenda as amended, moving Item VI.C to VII.B.

Rollcall:

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland

Motion carried.

V. COMMUNITY COMMENT

Federico Rossi, 4300 Branson Street, shared comments about environmental changes and impacts on health and encouraged the City to adopt the proposed climate plan.

Lori Grotz, 5513 Park Place, commented about chlorides used in residential water softeners and the need for the City to consider a municipal water softening facility to lessen impacts to rivers.

V.A. CITY MANAGER'S RESPONSE TO COMMUNITY COMMENTS

Manager Neal responded to Community Comments from the last meeting.

VI. CONSENT AGENDA ADOPTED AS AMENDED:

Member Jackson made a motion, seconded by Member Pierce approving the consent agenda as amended, moving Item VI.C to VII.B.:

VI.A. Approve minutes of the Work Session and Regular Meetings of October 19, 2021

VI.B. Approve Claims for Payment for Check Register Claims Pre-List Dated October 22, 2021 #1, totaling \$2,500.00, Pre-List Dated October 22, 2021 #2, totaling \$1,610,890.86, and Pre-List Dated October 29, 2021, totaling \$1,913,724.45

~~**VI.C. Resolution No. 2021-97 and Ordinance No. 2021-03; Site Improvement Plan Agreement, and Final Rezoning from PCD-1 and APD to PUD at 4917 Eden Avenue**~~

VI.D. Request for Purchase; Clean Water Strategy Professional Services Scope, Phase I, awarding the bid to the recommended low bidder, Barr Engineering, \$81,000

VI.E. Approve Revised Tree Removal Special Assessment for 7 Woodland Road

VI.F. Approve Public Utility Improvement Agreements

VI.G. Adopt Resolution No. 2021-100; Setting Public Improvement Hearings Date for Blake Road A, B, and C and Morningside D and # Neighborhood Roadway Reconstruction

VI.H. Adopt Resolution 2021-101; Requesting Variance from State Aid Standards for Blake Road from Spruce Road to Scriver Road

VI.I. Approve Contract Amendment with Tyler Technologies

VI.J. Request for Purchase; Water Treatment Plan No. 6 Filter Improvements, awarding the bid to the recommended low bidder, AE2S, \$34,300

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- VI.K. Request for Purchase; Sewer and Water Pump, awarding the bid to the recommended low bidder, Thompson Pump Manufacturing Company, \$57,168**
- VI.L. Request for Purchase; 2022 Western Star Tandem-Axle Truck with Plow, awarding the bid to the recommended low bidder, Boyer Truck and TBEI Equipment, \$261,173**
- VI.M. Request for Purchase; 2022 Ford F250 4x4 Truck, awarding the bid to the recommended low bidder, Boyer Ford, \$41,198**
- VI.N. Request for Purchase; 2022 Western Star Truck and Log Loader, awarding the bid to the recommended low bidder, Boyer Ford for \$114,702 and Palfinger Epsilon M13A80 log loader package from ABM Equipment for \$134,740 for a total cost of \$249,442**
- VI.O. Adopt Ordinance No. 2021-102; Accepting Grant from Innovations for Aging LLC for Senior Center**
- VI.P. Approve New Officer for Existing Liquor License for RH F&B Minnesota, LLC dba RH**
- VI.Q. Adopt Resolution No. 2021-104; Accepting Donations**

Rollcall:

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland
Motion carried.

VII. SPECIAL RECOGNITIONS AND PRESENTATIONS

VII.A. EAST GRANDVIEW TRANSPORTATION STUDY – RECEIVED

Director of Engineering Millner said the East Grandview Transportation Study was recently completed as part of a condition associated with the development project at 4917 Eden Avenue. He reviewed the final report along with *BetterTogetherEdina* feedback responses that included 12 responses then reviewed goals of the study that included improved safety for all modes, traffic operations, pedestrian access and reduction of complexity of the existing roadway network. He presented details of the final staff recommended concepts, stakeholder feedback, and next steps and noted no data supported the need to address safety issues as traffic operated at acceptable levels and staff believed the goal of the study was met which identified gaps, barriers and experience for pedestrian and bike facilities. Mr. Millner presented proposed solutions in detail should Council wish to consider in the long-term, including funding and schedule.

The Council asked questions and provided feedback.

ITEMS REMOVED FROM CONSENT AGENDA:

VII.B. RESOLUTION NO. 2021-97 AND ORDINANCE NO. 2021-03; SITE IMPROVEMENT PLAN AGREEMENT, AND FINAL REZONING FROM PCD-1 AND APD TO PUD AT 4917 EDEN AVENUE - ADOPTED

Community Development Director Teague shared plans for the proposed development at 4917 Eden Avenue that was consistent with the preliminary plan and noted the applicant was agreeable to all proposed conditions. He said on June 1, 2021, the City Council granted preliminary approval of the project to construct a seven-story apartment and restaurant on the site. He said the applicant had submitted final plans which had not changed since the preliminary approval and noted staff had completed a study which included a plan to address transportation issues east of Highway 100 in the Grandview District. He said the plans would be shared with the neighborhood and considered by the HRA and City Council in 2021 and that the city attorney had drafted the site improvement plan agreement which was acceptable to the applicant.

Mr. Neal noted the process included proposed conditions to be proposed during the preliminary plat process and that final approvals were included on the consent agenda if consistent with preliminary plat.

The Council asked questions and provided feedback.

Member Jackson introduced and moved adoption of Resolution No. 2021-97 and Ordinance No. 2021-03; Site Improvement Plan Agreement and Final Rezoning from PCD-1 and APD to PUD at 4917 Eden Avenue. Member Staunton seconded the motion.

Rollcall:

Ayes: Jackson, Pierce, Staunton, Hovland

Nay: Anderson
Motion carried.

VIII. PUBLIC HEARINGS - Affidavits of Notice presented and ordered placed on file.

VIII.A. RESOLUTION NO. 2021-105 APPROVING SPENDING PLAN FOR SOUTHDAL 2, PENTAGON PARK AND 70TH AND CAHILL TAX INCREMENT FINANCING DISTRICTS – CONTINUED TO NOVEMBER 16, 2021

Economic Development Manager Neuendorf shared this item pertained to a spending plan for unobligated monies collected in the Pentagon Park, 70th & Cahill and Southdale 2 Tax Increment Financing (TIF) Districts. Recent changes in Minnesota statute that allowed cities greater flexibility to spend unallocated monies to support redevelopment and housing efforts. A Spending Plan and related Policy had been prepared for future consideration by the City Council, after input had been obtained via a Public Hearing. The Edina HRA considered this Spending Plan and proposed Policy on October 28, 2021. He noted no formal action was being requested then spoke about Edina's three TIF accounts that had \$9.6 million dollars that would expire and the need to create a spending plan. He outlined how the funds could be used which could not include public buildings, parks, or general public improvements and key goals on what must be achieved which included any project supported would also provide public benefit. He said the spending plan must be approved by December 2022 but recommended the plan be adopted in 2021 to allow sufficient time to begin work on the spending plan.

The Council asked questions and provided feedback.

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

Public Testimony

Kirk Aadalen, 4800 Hilltop Lane, addressed the Council.

Lori Grotz, 5513 Park Place, addressed the Council.

Member Jackson moved to close the public hearing at noon on November 8, 2021, and continue action on Resolution No. 2021-105 Approving a Spending Plan for the Southdale 2, Pentagon Park and 70th and Cahill Tax Increment Financing Districts to November 16, 2021. Member Pierce seconded the motion.

Rollcall:

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland
Motion carried.

VIII.B. RESOLUTION NO. 2021-103 AND ORDINANCE NO. 2021-13, ZONING ORDINANCE AMENDMENT AND REVISED OVERALL DEVELOPMENT PLAN FOR THE US BANK SITE AT 7001 AND 7025 FRANCE AVENUE – CONTINUED TO NOVEMBER 16, 2021

Community Development Director Teague said the City Council was asked to consider a proposal for a zoning ordinance amendment to revise the previously approved plans for this site (PUD-17) which was approved in June 2021. He shared renderings and approved plans which included tear down of the existing 66,200 square foot office and bank, and construct a one-story, 24-foot tall 6,500 s.f. US Bank with drive-through (Phase I); a 24-Story, 282-foot tall 270-unit apartment with 5,000 s.f. of retail; a 10-story, 146-foot tall, 190,000 s.f. office/retail building; and a 9-story, 90-foot, 110-unit apartment building. He said the revised plans had slightly reduced the size of the project by eliminating the 9-story apartment building and noted the grocery store was not included. He spoke about accesses and setbacks and said the request required a zoning ordinance amendment to revise the PUD-17 Zoning District; and an amendment to the overall development plan.

Ted Carlson, Orion Investments, Neil Reardon, ESG, and Brent Webb, Mortenson, shared more about the proposed project that included the balanced needs of the City and adherence to the design experience as

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well as the neighborhood meetings held to gather input. They shared the proposed schedule, connectivity enhancements, resulting traffic decreases and the stand-alone ramp that would serve beyond site borders.

The Council asked questions and provided feedback.

Mayor Hovland opened the public hearing at 9:45 p.m.

Public Testimony

Jim Jensen, Dawson Lane, addressed the Council.

Lori Grotz, 5513 Park Place, addressed the Council.

Lori Syverson, Edina Chamber of Commerce, addressed the Council.

Member Jackson moved to close the public hearing at noon on November 8, 2021, and continue action on Ordinance No. 2021-13 Amending the Zoning Ordinance to Amend the PUD-20, Planned Unit Development-20, at 7001 and 7025 France Avenue and Resolution No. 2021-103 Approving a Zoning Ordinance Amendment and Revised Overall Development Plan for 7001 and 7025 France Avenue to November 16, 2021. Member Pierce seconded the motion.

Rollcall:

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland

Motion carried.

IX. REPORTS/RECOMMENDATIONS

IX.A. RESOLUTION NO. 2021-99; ESTABLISHING EDEN WILLSON REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT – APPROVED

Mr. Neuendorf presented an overview of the proposal and noted a public hearing was held on October 19, 2021 regarding the potential creation of the Eden/Willson TIF District. He said Hennepin County and Edina Public School District officials were notified of this public hearing in advance then spoke about existing conditions and how an independent inspector evaluated each property at 4917 and 4918 Eden Avenue for compliance then spoke about roadway network and the lack of complete sidewalks. He said the developer had requested \$5.1 million in TIF to support the project over 15 years and make the project viable and noted there was sufficient funds to accomplish these projects. Mr. Neuendorf outlined the nine active TIF districts in the City then shared the projected uses of TIF funds that would total \$22.7 million. He noted staff met with a group of neighbors to discuss the potential scope of the roadway improvement projects that might be funded as part of the proposed TIF Plan and that in addition to the public hearing, additional public input was collected using *BetterTogether*.

The Council asked questions and provided feedback.

Member Jackson introduced and moved adoption of Resolution No. 2021-99 establishing the Eden Willson Redevelopment Tax Increment Financing District. Member Staunton seconded the motion.

After discussion, Member Anderson introduced and moved adoption of Resolution No. 2021-99 establishing the Eden Willson Redevelopment Tax Increment Financing District as amended to remove the \$3 million budgeted amount, the projected use of TIF for site acquisition and its proportionate interest expense. Member Staunton seconded the motion.

Rollcall:

Aye: Anderson

Nays: Jackson, Pierce, Staunton, Hovland

Motion failed.

Rollcall on main motion:

Ayes: Jackson, Pierce, Staunton, Hovland
Abstain: Anderson
Motion carried.

IX.B. TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT FOR 4917 EDEN AVENUE – APPROVED

Mr. Neuendorf said this item pertained to the use of public financing to partially fund private redevelopment at 4917 Eden Avenue. He said special counsel at Dorsey and Whitney had prepared a complete redevelopment agreement based on the term sheet presented to the Edina HRA in August 2021. He reviewed the request for TIF for \$5.1 million over 15 years then reviewed the estimated tax capacity, market value, and annual property taxes. He reviewed a description of eligible expenses, key terms of the agreement, and how TIF would only be issued upon successful completion of project. He outlined the public benefits of streetscapes, parking and future roadway and the affordable housing component of 10% of units at 50% AMI that would provide 21 years of affordability as well as advancing diversity and equity goals of the City and said staff recommended the redevelopment agreement be approved.

The Council asked questions and provided feedback.

Member Staunton made a motion, seconded by Member Jackson, to approve the tax increment financing redevelopment agreement for 4917 Eden Avenue as presented. Member Pierce seconded the motion.

Ayes: Jackson, Pierce, Staunton, Hovland
Abstained: Anderson
Motion carried.

IX.C. RESOLUTION NO. 2021-71; RIGHT-OF-WAY EASEMENT VACATION AT 4904 BYWOOD WEST - ADOPTED

Mr. Millner said Council was asked to adopt the resolution to vacate the easement at 4904 Bywood West. He said no comments were received as part of the public hearing that closed at noon on September 13, 2021 and that the easement area was clear of all public and private utilities.

Member Staunton introduced and moved adoption of Resolution No. 2021-71 vacating drainage and utility easement at 4904 Bywood West. Member Jackson seconded the motion.

Rollcall:

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland
Motion carried.

IX.D. APPOINTMENT OF MR. DAVID KENDALL OF THE CAMPBELL KNUTSON LAW FIRM AS CITY ATTORNEY - CONFIRMED

Mr. Neal stated the current civil City Attorney appointment and contract with the Campbell-Knutson law firm expired on Dec. 31, 2020, and that per Statute appointment and removal of the attorney was subject to Council approval. He shared that pursuant to statutory authority, staff conducted a competitive Request for Proposals (RFP) process to assess the level of interest in the metropolitan area legal community in serving Edina as its civil attorney. In response to the RFP, the City received proposals from the following four law firms: Kennedy & Graven; Hoff-Berry; Eckberg & Lammers; and Campbell-Knutson. A staff interview team interviewed the four firms on Sept. 2, 2021, after which consensus selection of the interview team was Campbell-Knutson. He noted the approval included a new three-year agreement with Campbell Knutson with a 3% increase in the regularly hourly fee at the start of Year Two.

The Council asked questions and provided feedback.

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Member Staunton made a motion, seconded by Member Jackson, to approve confirmation of appointment of David Kendall of and approve legal services agreement. Member Jackson seconded the motion.

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland

Motion carried.

IX.E. APPOINTMENT OF MR. PATRICK LEACH OF LEACH LAW OFFICE AS CITY PROSECUTING ATTORNEY – CONFIRMED

Mr. Neal stated the current prosecuting City Attorney was Mr. Patrick Leach of the Leach Law Office and that the current contract with Mr. Leach would expire on December 31, 2021. He shared how per Statute city manager shall appoint all officers and employees of the City including the attorney but the appointment and removal of the attorney shall be subject to the approval of Council. Mr. Neal noted historically the City's prosecuting attorney contract had operated on a monthly retainer basis and how the agreement continued that business relationship then noted there was no material difference between the proposed agreement and previous agreements. He said the proposed monthly retainer would increase by 2% each year of the three-year agreement and that staff accepted that level of fee increase. He noted staff did not conduct a formal Request for Proposal (RFP) for this city attorney contract as the Police Department was pleased with Mr. Leach's performance and had a good reputation with the judicial leaders of the District Court but that an RFP would be conducted at the end of this three-year contract.

The Council asked questions and provided feedback.

Member Anderson made a motion, seconded by Member Jackson, to approve the appointment of Mr. Patrick Leach of Leach Law Office as the City Prosecuting Attorney. Member Pierce seconded the motion.

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland

Motion carried.

IX.F. RESOLUTION NO. 2021-106; AFFIRMING AND AUTHORIZING THE SUBMISSION OF A REQUEST FOR STATE BONDING BILL FUNDING – ADOPTED

Mr. Neal said the City was actively developing a project called the Fire Station #2 Project to replace and expand the current Fire Station #2 in the southeast quadrant of the City. The estimated cost of the project was \$20,000,000 and State Senator Melisa Franzen and State Representative Heather Edelson had recommended the City seek funding for this project through the State's 2022 State Capital Investment and Bonding Bill. He noted adoption of Resolution No. 2021-106 would formally submit a request for funding assistance for Fire Station #2 to the state government's bonding bill process.

The Council asked questions and provided feedback.

Member Jackson introduced and moved adoption of Resolution No. 2021-106 affirming and authorizing the submission of a request for State bonding bill funding. Member Pierce seconded the motion.

Rollcall:

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland

Motion carried.

X. CORRESPONDENCE AND PETITIONS - Received

X.A. MINUTES: ENERGY AND ENVIRONMENT COMMISSION, SEPTEMBER 9, 2021 - Received

XI. AVIATION NOISE UPDATE – Received

XII. MAYOR AND COUNCIL COMMENTS – Received

XIII.A. CITY HALL PUBLIC MEETING ROOM POLICY

XIII. MANAGER'S COMMENTS – Received

XIII.A. COUNCIL PREP NOVEMBER 3, 2021

XIV. CALENDAR OF CITY COUNCIL MEETINGS AND EVENTS – Received

XV. ADJOURNMENT

Member Staunton made a motion, seconded by Member Pierce, to adjourn the meeting at 11:21 p.m.

Ayes: Anderson, Jackson, Pierce, Staunton, Hovland
Motion carried.

Respectfully submitted,

Minutes approved by Edina City Council, November 16, 2021.

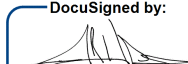
Video Copy of the November 3, 2021, meeting available.

DocuSigned by:



Sharon Allison, City Clerk

DocuSigned by:



James B. Hovland, Mayor