

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
MARCH 19, 2013  
7:01 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:01 p.m.

**II. ROLL CALL**

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

**III. MEETING AGENDA APPROVED**

Member Swenson made a motion, seconded by Member Bennett, approving the meeting agenda as revised to switch Items VIII.B., Ordinance No. 2013-3 Amending Chapter 4, Concerning Demolition Permits for Single and Double Dwelling Units, and VIII.G., Consider Revision to Approved Plans for Southdale Apartments; and add Item VIII.H., France Avenue Pedestrian Enhancement Easements.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV. CONSENT AGENDA ADOPTED**

Member Brindle made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Item IV.D., Request for Purchase of Evidentiary Recording System and Server – Police Department, as follows:

IV.A. Approve regular and work session meeting minutes of March 5, 2013

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated March 7, 2013, and consisting of 27 pages; General Fund \$435,381.35; Police Special Revenue \$78.00; Working Capital Fund \$130,923.92; Art Center Fund \$3,649.04; Golf Dome Fund \$284.22; Aquatic Center Fund \$37.41; Golf Course Fund \$3,883.31; Ice Arena Fund \$24,675.61; Edinborough Park Fund \$29,609.04; Centennial Lakes Park Fund \$4,765.67; Liquor Fund \$209,128.61; Utility Fund \$179,791.41; Storm Sewer Fund \$47,901.54; Recycling Fund \$32.93; PSTF Agency Fund \$1,996.09; Payroll Fund \$5,447.84; TOTAL \$1,077,585.99 and for approval of payment of claims dated March 14, 2013, and consisting of 30 pages; General Fund \$127,466.39; General Debt Service Fund \$833.75; PIR Debt Service Fund \$425.00; Working Capital Fund \$43,988.59; Equipment Replacement Fund \$14,759.94; Art Center Fund \$3,991.74; Golf Course Fund \$30,153.71; Ice Arena Fund \$102,430.66; Edinborough Park Fund \$34,411.03; Centennial Lakes Park Fund \$4,538.55; Liquor Fund \$147,132.94; Utility Fund \$413,905.79; Storm Sewer Fund \$3,882.51; Recycling Fund \$34,192.80; PSTF Agency Fund \$6,406.87; Centennial TIF District \$2,627.00; Payroll Fund \$3,473.58; TOTAL \$974,620.95

IV.C. Request for Purchase, 2013 PV5 Grand Caravan – Communications & Technology Services Department, awarding the bid to the recommended low bidder, Dodge of Burnsville at \$20,880 (State contract)

~~IV.D. Request for Purchase, Purchase of Evidentiary Recording System and Server – Police Department~~

IV.E. Award of Bid – Contract ENG 13-1, Mendelssohn A Neighborhood Roadway Reconstructions, awarding the bid to the recommended low bidder, Palda & Sons, Inc. at \$1,233,546.04

IV.F. Award of Bid – Contract ENG 13-9, Raw Water Line on Vernon Avenue, awarding the bid to the recommended low bidder, GM Contracting, Inc. at \$188,557.88

IV.G. Accept Traffic Safety Report of February 6, 2013

IV.H. Approve Memorandum of Understanding to Retain Professional Services with the Joint Waters Commission

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.D. REQUEST FOR PURCHASE, PURCHASE OF EVIDENTIARY RECORDING SYSTEM AND SERVER – POLICE DEPARTMENT**

Police Chief Long described the advanced features and video technologies provided by the Evidentiary Recording system and server. **Member Sprague made a motion, seconded by Member Swenson, to approve Request for Purchase, Purchase of Evidentiary Recording System and Server – Police Department, awarding the bid to the recommended low bidder, WHP Workflow Solutions (IRSA Video) at \$89,521.11.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. EDINA'S "OPEN TO BUSINESS" PROGRAM – PRESENTED**

Ron Smolund, Metropolitan Consortium of Community Developers, described Edina's "Open to Business" Program that was geared toward extending the City's economic development efforts by providing direct one-on-one consultation with entrepreneurs and financing options. He provided his contact information and indicated brochures were available at City Hall. Mr. Smolund answered questions of the Council relating to the Open To Business Program financial resources to assist business with capital needs.

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

**VI.A. PRELIMINARY REZONING FROM PCD-3 TO PUD, PLANNED UNIT DEVELOPMENT, PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT, LUND FOOD HOLDINGS, 7171 FRANCE AVENUE – RESOLUTION NO. 2013-31 ADOPTED**

Community Development Director Presentation

Community Development Director Teague presented the proposal of Lund Food Holdings to tear down the existing 59,000 square-foot Byerly's grocery store located at 7171 France Avenue and to build a two-phase project. Phase 1 would be a new 47,000 square-foot Byerly's store; a 6 to 7-story 109-unit apartment building with two levels of underground parking; and, a 6 to 7-story, 77-unit apartment building with a first floor 10,450 square-foot retail area and two levels of underground parking. Phase 2 would be a 6-story, 60-unit apartment building with 10,500 square-foot retail space on the first level and two levels of underground parking. Mr. Teague stated to accommodate this proposed redevelopment would require approval of a preliminary rezoning from PCD-3, Planned Commercial District, to PUD, Planned Unit Development; preliminary development plan; and, preliminary plat.

Mr. Teague explained this preliminary review was the first step of a two-step process and should preliminary requests be approved by the Council, the proponent would make the requested revisions and the second step would be final development plan, final rezoning, and final plat review by the Planning Commission and Council. He displayed slides depicting the Site Plan and reviewed the Council's suggestions offered during site plan review. Mr. Teague stated the proponent developed the plan under consideration based on the Council's suggestions at the sketch plan review.

Mr. Teague stated the Planning Commission reviewed the application on February 27, 2013, and offered suggestions to address the pedestrian connections, increase sustainability, and engage the Promenade. The proponent revised the plans to address those issues by adding a water feature, widening the pedestrian connection through the site, pledging to match the existing pavement of the Promenade, closing off a drive entrance, including additional sidewalk etchings into the pavement to clearly mark the pedestrian pathway through the site up to France Avenue, and adding a segment of sidewalk. The Planning Commission reviewed the revised plans at its March 13, 2013, meeting and the motion to approve the requests failed on a split 4-4 vote. Concerns expressed by the Planning Commission related to pedestrian connections and sustainability.

Mr. Teague presented details of the Site Plan and Preliminary Plat, indicating the primary issues were whether the proposed development and PUD rezoning were reasonable for the site. Staff recommended approval, based on findings and with conditions and, as indicated previously, the Planning Commission's motion for approval failed on a 4/4 vote with concern expressed related to pedestrian connections and sustainability.

Mr. Teague and Engineer Houle answered questions of the Council. Member Bennett asked if the density of the proposed housing, 24 units per acre, was calculated based on the entire site or on only the portion of the site on which the apartment buildings was proposed to be built. Mr. Teague replied that the density had been calculated based on the area of the entire site. He added that if housing density was calculated based only on the portion of the site on which housing was proposed to be built, it would be 45 units per acre. Mr. Houle indicated the Southeast Traffic Model took the developments in this area into account and it had been used in the proponent's analysis. With regard to sufficiency of public infrastructure, consultants were asked to compare the modeling with the proposed project and had been determined both the watermain and sanitary sewer were adequate. In addition, the Metropolitan Council's sanitary sewer relief pipe would be modeled to determine whether it could accommodate the greater Southdale area. If expanded, it would be funded from Residential Equivalent Charges (REC) and Sewer Availability Charges (SAC).

The Council asked about podium height. Mr. Teague advised it was a suggestion in the Comprehensive Plan; however, not proposed with this project except where the retail area projected from the residential area. The Council acknowledged concern had been expressed that Edina was getting too many apartment buildings in this area and asked whether some cities had limited the number or percentage of apartments to be constructed within certain areas. Attorney Knutson stated two cities had attempted to set a limit on the numbers of rental units in a specific area and one city decision was under litigation. It was noted that in Edina, limitation would be accomplished through density requirements. Mr. Teague stated based on retail square footage, 357 parking spaces were required and the new development has proposed to provide 314 parking spaces so the site would be under-parked. The Council acknowledged allowing Target to be under-parked in exchange for additional landscaping to breakup area of asphalt had worked well.

Stephen Manhart, Traffic Engineer with RLK, Inc., described how the level of service and trip generation had been modeled. He said that based on comments received from the City and Hennepin County, they recalculated trip distribution and generation from the existing store, since its footprint was larger than the footprint of the proposed store. Mr. Manhart stated the traffic engineers determined there would be good levels of service at each access point since the number of access points would double with the proposed project. The traffic engineers also determined using existing and future trip generation; there were no warrants for a traffic signal at the site entrance from Hazelton Road.

#### Proponent Presentation

Jim Vos, Cresa Partners, corporate real estate advisors to Lund Food Holdings, presented slides of the subject site and described the proposed construction timing for both phases. He reviewed the revisions made in response to comments received from the Planning Commission and Council. He explained the new Byerly's store would be smaller in size, as a result of using an off-site bakery and not having a restaurant kitchen. The project would bring new retail opportunities and a strong pedestrian experience with a covered walkway comprised of a material matching the front of the store in a step down design. The residential component would be within steps of grocery and near retail offerings not offered elsewhere in Edina. Mr. Vos pointed out four key nodes for safe pedestrian pathways on France Avenue and through the site, indoor and outdoor public dining seating along France Avenue, public art feature, engagement and strengthened gateway entrance at the Promenade, and private pool terrace with seating and grills for tenants. He described sustainability measures included with this project. Mr. Vos stated they

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would continue to address the wall area to add architectural features to create interest and indicated the proponent would not object if that was placed as a condition.

Mr. Vos answered questions of the Council and indicated the total number of apartment units proposed was 246, ranging in size from studio units at 590 square feet to three-bedroom units at 1,470 square feet, with an average size of 950 square feet. Attorney Knutson advised the City's restriction on number and minimum size of units would not apply to a PUD. At the request of the Council, Maureen Michaliski, Shaefer Richardson, presented the type of unit and associated average net square footages.

Mr. Vos displayed exterior elevations for units facing the Promenade and private ground-level patios. He answered questions of the Council relating to the pedestrian walkway and number of crossings through the site to access Bylerly's. He stated the crossings would be of stamped or colored concrete to give a clear impression of pedestrian crossing, possibly with raised elevation that could accommodate emergency vehicle movements. Mr. Vos stated alternatives were considered to offer pedestrian access to the Promenade given the challenging grade change.

Mr. Vos stated the storm water mitigation plan had been designed to meet standards but was being studied to exceed those requirements. He said the proponent was sensitive to the pedestrian experience, but was also concerned that trees within the parking lot slowed snow removal. With regard to types of residential tenants, Ms. Michaliski indicated the developer would target a broad cross section and anticipated the likelihood of families would be small.

Mr. Vos described measures taken with other projects and said the proposed project would match or exceed sustainability and energy consumption would be below that of the Hennepin Avenue and Central Avenues stores. He added the developer planned on reusing and recycling materials from the existing building. The Council encouraged Bylerly's to provide public education on its sustainability efforts.

Mayor Hovland opened the public hearing at 8:43 p.m.

### Public Testimony

Gene Persha, 6917 Cornelia Drive, addressed the Council.

John Bohan, 800 Coventry Place, Centennial Lakes, addressed the Council.

Bob Rofidal, 7125 Bristol Boulevard, addressed the Council.

Bill Wolfson, 3655 Hazelton Road, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Vos answered questions of the Council relating to the scope of work at Hazelton Road, locations where semi-trucks would enter and exit at Hazelton Road and France Avenue, customer service, and proposed location of bicycle racks. The Council supported adding sidewalk around the north side of Building C, and to create connectivity to Hazelton Road along the sidewalk from Building C.

Member Bennett requested that Mr. Teague present the chart depicting densities of residential offerings in the Southdale area. Member Bennett noted that the Comprehensive Plan defined high density residential land use as 12 to 30 units per acre. She added that according to the chart, all but one of the City's high density residential developments with more than 34 units per acre offered substantial public

benefits, including senior and affordable housing Mr. Teague noted one of the benefits from the PUD was a higher density than specified in the Comprehensive Plan.

Member Bennett stated while she appreciated the changes made since sketch plan, she found the project did not offer some of the goals articulated in the Comprehensive Plan for redevelopment of this area, such as podium height. In addition, she found the 27-foot setback of Building A from the Promenade to be too close, noting the required setback was 81 feet. Mr. Teague indicated the City was getting a mixed-use development, public connections to the Promenade, and sidewalk along France Avenue. Member Bennett responded that most of the benefits of this proposed PUD appeared to flow to the development rather than the public.

The Council reviewed Page 13 of the staff report containing seven illustrations why PUD zoning was appropriate for this site as well as benefits received. The Council indicated the project was attractive and desirable to tenants because it offered a location on the Promenade with pedestrian access to transit, shopping, fitness, entertainment, and medical care. It was acknowledged that this type of housing would encourage ownership of fewer cars. **Member Swenson introduced and moved adoption of Resolution No. 2013-31, approving Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development, Preliminary Development Plan, and Preliminary Plat at 7171 France for Lund Food Holdings Mount Properties based on the following findings:**

1. **The proposed land uses are consistent with the Comprehensive Plan.**
2. **The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as “Mixed Use Center – MXC,” which encourages a mixing of uses, including retail and multi-family residential. The proposed uses are therefore consistent with the Comprehensive plan.**
3. **The proposal would create a more efficient and creative use of the property. The Byerly’s store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment.**
4. **Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle.**
5. **The applicant is also proposing some sustainability principles within their project narrative.**
6. **The proposed buildings would be a high quality brick, stone, precast concrete, metal, and glass building.**
7. **The site circulation would be improved with a right-in and right-out added along France Avenue.**
8. **The proposed project would meet the following goals and policies of the Comprehensive Plan:**
  - a. **Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.**
    - **Locate prominent buildings to visually define corners and screen parking lots.**
    - **Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.**
  - b. **Movement Patterns.**
    - **Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.**
    - **A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under “Issues” will call for guidelines that change the relationship between parking, pedestrian movement, and building placement.**
  - c. **Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips. \*Parking ratios for mixed use development should reflect the internal capture rate for the shared parking opportunities this type of development offers.**

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- d. Encourage infill/redevelopment opportunities that optimize use of City infrastructure and that complement area, neighborhood, and/or corridor context and character.

And subject to the following conditions:

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated January 28, 2012, the revisions submitted to the Planning Commission March 13, 2013. Final Development plans should include specific locations of trash enclosure areas, number of bike parking spaces provided, and where loading/deliveries are made to the retail space and apartments.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
4. Submittal of a complete sign plan for the site as part of the Final Development Plan application. Signage should include monument sign locations and size, way finding signage, and wall signage.
5. Architectural features or articulation must be added to the north elevation of the new Byerly's building.
6. Compliance with all of the conditions outlined in the City Engineer's memo dated February 22, 2013.
7. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development, for this site.
8. The Final Plat must be considered within one year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
9. A shared parking and access agreement must be established across the Plat.
10. The Park Dedication fee of \$1,230,000 shall be paid prior to release of any mylars approving the Final Plat.
11. Enhanced and taller landscaping in the southeast corner of the site by the pool.
12. All public utility, roadway and sidewalk easements shall be dedicated to the City.
13. Detail must be provided for the proposed covered walkways.
14. Attempt an energy saving goal of 10% above Code.
15. Enhanced landscaping within the Byerly's parking field.
16. All crosswalks shall be marked with Duraprint stamping to clearly identify the pedestrian crossing.
17. No delivery truck traffic shall be allowed on 70th Street.
18. County approval of the right-in and right-out on France Avenue.

Member Sprague seconded the motion.

The Council indicated the Promenade was constructed as a public amenity in the hope that private development would grow along its 80-foot right-of-way, which would be realized with this project. The Council indicated it was pleased with the work of the Planning Commission, staff, and proponent to react appropriately to comments made and concerns expressed.

Rollcall:

Ayes: Brindle, Sprague, Swenson, Hovland

Nay: Bennett

Motion carried.

**VII. COMMUNITY COMMENT**

No one appeared to comment.

**VIII. REPORTS / RECOMMENDATIONS**

**VIII.A. GOLF DOME SETTLEMENT ACCEPTED – BIDS AWARDED**

Paul Kolas, Project Executive and Construction Manager with RJM Construction, described the elements of the Golf Dome reconstruction project that would include a separate accessory building, Code upgrades including a fire suppression system, concrete egress sidewalks at entry points, emergency egress hardware at existing gates, elevated metal driving deck, new asphalt parking lot with curb and underground

stormwater retention system, fire suppression, and backup generators for the fire suppression system. He said, in designing this project, staff considered the reimbursement values of the three insurance policies. In addition, staff recommended consideration of two alternatives: Alternate 1 to upgrade the dome coating to shed dirt/snow and extend life by 5 years at \$146,000; and, Alternate 2 to insulate the dome walls to 50 feet high to improve energy efficiency in the winter, allow day lighting, and shedding of snow at \$82,000. The costs of the two alternates were not included in total project budget.

Parks and Recreation Director Kattreh stated the payback on Alternate 2 was two to four years and would result in energy savings of 35% to 50%. With regard to Alternate 1, Todd Anderson, Braemar Golf Course, stated the life expectancy of the dome membrane was 10-15 years and the Kevlar coating would extend it to 20 years. Ms. Kattreh recommended inclusion of both alternates to improve energy efficiencies, extend the life of the dome membrane, and increase safety of snow and ice shedding.

Manager Neal described the extensive negotiation process for the insurance settlement and recommended acceptance. He noted this project would result in the City having a state-of-the-art golf dome for \$981,000. Ms. Kattreh stated the project also included leveling the concrete playing surface and upgrading the padded turf that would be appreciated by athletic teams renting the facility. She advised there was a no cost change to go with more efficient fluorescent lighting and staff would also research dollar value of LED lighting to reduce energy costs for lighting the facility.

Mr. Kolas clarified the fencing bid also included temporary fence, repair to the existing gates, and installation of panic hardware. He stated there was a one-year warranty for work and labor for the accessory building and dome. After that, the manufacturer's warranty took effect with a 20-year warranty on the dome fabric. The Council thanked staff for its diligence to negotiate the insurance settlement of \$2.6 million. **Member Swenson made a motion, seconded by Member Bennett, accepting the Golf Dome settlement of \$2.6 million, approving construction of the dome and accessory building with insurance settlement proceeds, awarding the bids as presented in staff's report for the dome fabric, turf, dome foundation renovation, and steel driving deck; seeking bids for the fire suppression system, storm sewer and storm water retention system, and quotes for the construction of the new support building, including Alternates 1 and 2.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

*Note: In accordance with agenda approval, Item VIII.G. was considered at this point.*

**VIII.G. REVISION TO APPROVED PLANS FOR SOUTHDAL APARTMENTS – TABLED FOR TWO WEEKS**

**Community Development Director Presentation**

Mr. Teague presented the proposed revisions to the approved plans for Southdale Apartments to eliminate the York Avenue intersection improvement; revise Building B from six stories to five stories; revise Building C from four stories to three stories; Building C becoming apartment-style housing rather than two-story townhomes; enhanced landscaping replacing the drive aisles behind Building C; and change from pervious pavers on surface drives to bituminous.

**Proponent Presentation**

David Motzenbecker, landscape architect with BKV Group, described the proposed changes from the approved plan including increased efficiencies that allowed the elimination of the northern entry to the underground parking and interior road, increased green space and patio space, keeping pedestrian connections to CUB and the bus stop, adding the walkway to the transit station and crosswalk to the Westin, walkway to the Mall, removing the boardwalks over rain gardens, improved courtyard design, lowering berms to six feet in height, and change from pavers to bituminous for drives since the infiltration standards had been met. Mr. Motzenbecker then reviewed building revisions including the shape of Building C and the walls of lobby and club room being changed from curvilinear to angular. He stated

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Buildings B and C would each be reduced by one story. Mr. Motzenbecker stated they found the proposed changes to be an improvement to the design.

The Council pointed out the differences between two renderings including a significant reduction in the use of glass at the entry and top stories of the buildings, addition of dark panels on the top floor, and loss of green roof on the two bottom podiums.

Mark Krych, architect with BKV Group, stated the use of materials was the same but distributed differently. In addition, the entry fascia was a little thicker and the amount of transom at the upper levels was reduced.

The Council indicated the appearance of the buildings had changed considerably from the beautiful high-end design that had been approved. In addition, the boardwalks had been removed from the rain gardens. Mr. Krych explained the structure had the same footprint and the materials remained consistent. The differences have to do with the amount of openings. Mr. Motzenbecker stated the boardwalks were eliminated due to maintenance concern with the wood. The Council discussed the proposed revisions and agreed the building had changed significantly enough to warrant Planning Commission review and recommendation. **Member Sprague made a motion, seconded by Member Bennett, referring the plans for Southdale Apartments to the Planning Commission for review and recommendation.**

Ryan Dunlay, Stuart Companies, apologized that the Council found this submittal to be a lesser product and assured the Council that was not the intent of the owners group. He stated the owners had not changed its view that this site deserved a great project and intention to deliver that project. Mr. Dunlay indicated the requested changes were due to the project's evolution, not an attempt to lessen the project.

Mr. Neal clarified that the proponent already had an approved plan that could be moved forward; however, should the Council not approve an amended plan it would impact the variances and CUP that had already been approved and require new processes for those development rights. The Council indicated a willingness to table to allow time for the proponent to address the Council's comments and present plans that meet the architectural integrity of the approved plan. Mr. Dunlay stated he would like to take the Council's offer to resubmit plans in two weeks.

**Members Sprague and Bennett withdrew the motion and second to the motion to refer to the Planning Commission. Member Sprague made a motion, seconded by Member Bennett, tabling consideration of the plans for Southdale Apartments for two weeks.**

The Council indicated it would be reluctant to consider an alternate to the intersection design that had been approved. Mr. Dunlay explained that intersection had been included on the plan but when the north entrance to the parking garage was eliminated, it was felt building that intersection was for naught since entry could be gained on the south side. In addition, Hennepin County agreed to keep the intersection as is and re-stripe the walkway to address the City's desire for pedestrian connection. The Council discussed the need for pedestrian crossing at intersections to address safety concerns and encourage increased pedestrian access to the area's amenities. Mr. Dunlay described pedestrian connection that would be provided and indicated new plans would be submitted that clearly depicted those locations.

The Council asked that the revised plan submittals identify materials closer to the approved plan and in those locations, identify percentage of building materials, incorporate a thinner cornice at the entrance, enhanced photographs of the building elevations, and depictions of all pedestrian connections including the Transit Station.

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

**VIII.C. RESOLUTION NO. 2013-28 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. 2013-28 accepting various donations.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VIII.D. TRAFFIC SAFETY REPORT OF JANUARY 2, 2013 – NORTH/SOUTH STOP SIGN INSTALLATION APPROVED**

Mr. Houle presented the revised Traffic Safety Committee Report dated January 2, 2013. He explained the Edina Transportation Committee (ETC) reviewed this Report at its February 21, 2013, meeting. Mr. Houle described the current conditions. Relating to Item B1, staff recommended denial of the requested stop sign at the intersection of Kellogg Avenue and 61<sup>st</sup> Street West. Based on ETC discussion, staff also recommended adding an informational plaque to the existing yield signs that stated: “Cross Traffic Does Not Stop.” It was noted the requestors would like the yield signs replaced with stop signs.

Mr. Houle responded to the Council’s questions relating to vehicle counts and rationale used for placement of other stop signs in this neighborhood. He indicated the Council had discretion; however, staff’s recommendations were based on warrants. The Council discussed the basketweave methodology for placement of traffic control.

Requestor Presentation

Constance Fantin, 6033 Kellogg, stated this neighborhood does not support an east/west stop and only supports a north/south stop. Residents believe that to do otherwise would create a new problem. The neighborhood had found the yield signs are not effective and the concerns relate to the high number of pedestrians, speeding traffic, and cut through traffic on Kellogg and Oaklawn. Ms. Fantin noted this area was one block from a park so there are many pedestrians and drop off traffic. In addition, it was one block from Snuffy’s, an ice cream shop, and two daycares.

Mr. Houle responded to the Council’s questions relating to traffic studies and acceleration of vehicles following a stop sign. Members Sprague and Bennett voiced support for stop sign installation only if warrants were met, preferring a holistic approach including consideration of a basketweave system of stop signs, and to refer the request to the ETC with direction to determine the appropriate pattern for stop signs in this neighborhood. To address speeding and cut through traffic, The Council considered the long-term option of using nodes/traffic circles that were similar but smaller than a roundabout. It was pointed out that the intersection under discussion might function differently at other times of the day. In addition, it was logical to follow the engineering model until you considered that nearly every intersection in this neighborhood had a stop sign. The suggestion was made to approve installation of north/south stop signs and if that was not effective, the City could decide whether small traffic circles should be considered.

**Member Swenson made a motion, seconded by Member Brindle, approving the installation of north/south stop signs sign at the intersection of Kellogg Avenue and 61<sup>st</sup> Street West.**

Ayes: Brindle, Swenson, Hovland

Nays: Bennett, Sprague

Motion carried.

**VIII.E. RESOLUTION NO. 2013-29 – REQUESTING VARIANCE FROM STANDARDS FOR STATE AID OPERATION – WOODDALE AVENUE – TABLED FOR TWO WEEKS**

Mr. Houle presented traffic volumes, speed, and crash data for Wooddale Avenue before and after the advisory bike lanes were installed, noting not many accidents related to the bicycle lanes. He presented five options for the Council’s consideration and explained that a variance would be required to place a

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centerline along Wooddale Avenue from West 50<sup>th</sup> Street to Valley View Road. It was noted that consideration of Options 3-5 would not result in loss of federal funding.

Ted Schoenecker, Mn/DOT Metro State Aid Engineer, explained that conversations were held with the Federal Highway Administration (FHWA) about the funding used on this project and while it appeared they were not overly concerned, the FHWA was not prepared to say whether it would or would not ask for a payback.

The Council discussed the most viable option to address the concern of driver confusion and assure bicyclist and pedestrian safety. It was noted Option 4 would not endanger the federal grant and result in the highest-level facility on one side with a dedicated bicycle lane combined with a sharrow on the rest of the right-of-way. **Member Sprague made a motion, seconded by Member Bennett, approving Option 4.**

Mr. Houle indicated that use of MSA funding would result in the need to apply for a width variance. Mr. Schoenecker stated the Variance Board meets the end of June. The Council discussed whether to use local funding of \$30,000 to complete the project ahead of the schedule required for FHWA and Variance Board consideration, gaining about two months. Mr. Schoenecker explained the FHWA would consider the money it invested in the corridor to increase bicycle traffic and whether Option 4, if conditionally approved, would increase bicycle traffic. The Variance Board would consider MSA standards and rules for sharing the road with bicycles to assure safety factors were still met if going outside of its rules.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson made a motion, seconded by Member Brindle, to present Option 4 to the federal agency for consideration and if approved, the City would fund the cost to paint the street.**

Mr. Schoenecker explained that should the City decide to move ahead and re-stripe a centerline along Wooddale Avenue from West 50<sup>th</sup> Street to Valley View Road, it would have to ask for an after-the-fact variance. He indicated if the Council provided direction tonight, staff would resolve the issue with the FHWA prior to the next Council meeting.

**Members Swenson and Brindle withdrew the motion and second to the motion.** The consensus of the Council was to delay consideration to the next Council meeting to allow time to receive an FHWA response.

### ***VIII.F. RESOLUTION NO. 2013-30 – IN SUPPORT OF A METROPOLITAN AREA DEDICATED TRANSIT SALES TAX – ADOPTED***

Mayor Hovland presented the request by the Regional Conference of Mayors supporting a sales tax increase to support sustained investment to build out and operate the metropolitan region's transit system. The Council discussed revisions to the draft resolution. **Member Sprague introduced and moved adoption of Resolution No. 2013-30 supporting a Metropolitan Area Dedicated Transit Sales Tax revising the third WHEREAS to indicate: "...working diligently to attract, grow, and retain jobs...;" revising the fifth WHEREAS to indicate: "...provides essential mobility for workers, businesses, and students...;" and, to add a seventh WHEREAS indicating: "WHEREAS, residents of the City of Edina are not adequately served by the transit system, and."** Member Bennett seconded the motion

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

*Note: In accordance with agenda approval, Item VIII.B. was considered at this point.*

### ***VIII.B. ORDINANCE NO. 2013-3 AMENDING CHAPTER 4 CONCERNING DEMOLITION PERMITS FOR SINGLE AND DOUBLE DWELLING UNITS – TABLED***

The Council continued its discussion from the Work Session. Following discussion and inquiries of staff, Council consensus was reached on the following:

- To require liability coverage of \$1 million, the same level required by the State of Minnesota; to tie standards to the appropriate permitting (construction or demolition) so it was clearly stated.
- To revise Section 411.03. Demolition Defined, to strike reference to the removal or destruction of more than fifty percent (50%) of the area of the principal roof structure. Enforcement authority for that type of project would be captured in the building permit process. It was agreed there would be two ordinances that might share similar standards but might be different based on timing of construction. In the case of the demolition ordinance, it would be tied to excavation rather than building activities.
- Submission of a \$2,500 cash escrow or letter of credit with renewability.
- It would be left to the determination of staff whether a professional analysis of a soil investigation report would be necessary.
- Submission of storm water management and erosion control plans completed by a professional designer at the construction phase.
- Submission of photography of existing conditions in the neighborhood by the City with funding from the demolition permit.

The Council considered Subd. 6, and the appropriate notification process. It was acknowledged that most often, a range of dates was known but not the exact date of demolition. The intent was to provide a process whereby all residents within 300 feet were notified of the proposed demolition, construction plans, and contact information. In addition, a sign must be posted that included a contact name and telephone number. Should there be no construction plans at the time of demolition, a second notification process would be required.

The Council agreed the language should address site restoration if there was a time interval between demolition and rebuild. In addition, the neighborhood should be provided with the Construction Management Plan or copy of the ordinance. Council consensus was also reached on the following:

- Subd. 2 – Construction allowed from 7 a.m. to 7 p.m. on Monday through Friday; 9 a.m. to 6 p.m. on Saturday, and no construction on Sunday.
- Subd. 3 – Revise language to define timing relating to damages needing to be repaired within three working days.
- Staff was asked to assure the language in all sections applied to both demolition and construction phases.
- Subd. 4 – Revise language to address process for overnight parking of a vehicle towing a trailer.
- Subd. 6 – Revise language to define timing for twenty-four (24) hour removal.
- Subd. 6 – Revise language to indicate: “...or stockpiled on the public streets, boulevards or sidewalks, or adjacent properties.”
- Subd. 7 – Add language to address abatement of hazardous materials such as asbestos and lead-based paint.
- Subd. 8 – Revise language to indicate: “...other than motor vehicles...”
- Subd. 9 – Staff was asked to revise language to remove the contradiction between the two sentences.
- Subd. 9 – Revise language to indicate it was at the discretion of the Building Official to determine the type of fencing and size of tree.

Mayor Hovland left the Council Chambers at 12:58 a.m. **Acting Mayor Swenson made a motion, seconded by Member Bennett, tabling consideration of Ordinance No. 2013-3 amending Chapter 4 concerning demolition permits for single and double dwelling units, pending revisions.**

Ayes: Bennett, Brindle, Sprague, Swenson

Absent: Hovland

Motion carried.

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**VIII.H. FRANCE AVENUE PEDESTRIAN ENHANCEMENT EASEMENTS – APPROVED**

Mr. Houle reported on the need to execute signature pages for the France Avenue pedestrian enhancement easements, noting all of the easements had been donated. **Acting Mayor Swenson made a motion, seconded by Member Bennett, approving France Avenue pedestrian enhancement easements.**

Ayes: Bennett, Brindle, Sprague, Swenson

Absent: Hovland

Motion carried.

**IX. CORRESPONDENCE AND PETITIONS**

**IX.A. CORRESPONDENCE**

Acting Mayor Swenson acknowledged the Council's receipt of various correspondence.

**IX.B. MINUTES:**

- 1. PARK BOARD, FEBRUARY 12, 2013**
- 2. HERITAGE PRESERVATION BOARD, FEBRUARY 12, 2013**
- 3. PLANNING COMMISSION, FEBRUARY 27, 2013**
- 4. HUMAN RIGHTS & RELATIONS COMMISSION, JANUARY 22, 2013**

Informational; no action required.

**X. MAYOR AND COUNCIL COMMENTS – Received**

Mayor Hovland returned to the Council Chambers at 1:02 a.m.

**XI. MANAGER'S COMMENTS – Received**

**XII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 1:02 a.m.

Respectfully submitted,

Minutes approved by Edina City Council, April 2, 2013.

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Jennifer Bennerotte, Acting City Clerk

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James B. Hovland, Mayor

Video Copy of the March 19, 2013, meeting available.