

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
APRIL 16, 2013  
7:00 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:06 p.m.

**II. ROLL CALL**

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

**III. MEETING AGENDA APPROVED**

Member Sprague made a motion, seconded by Member Bennett, approving the meeting agenda as revised to move Agenda Item IV.K, Engineering Services for Hazelton Road Improvements, to the HRA Agenda.

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

**IV. CONSENT AGENDA ADOPTED**

Member Sprague made a motion, seconded by Member Swenson, approving the consent agenda as revised to remove Items IV.C, Joint Powers Agreement with the City of Richfield – Building and Plumbing Inspection Services; and, IV.D, Request for Purchase, 2013 Quality of Life Survey, as follows:

IV.A. Approve regular and work session meeting minutes of April 2, 2013

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated April 4, 2013, and consisting of 30 pages; General Fund \$174,482.08; PIR Debt Service Fund \$3,225.00; Working Capital Fund \$1,206.63; Equipment Replacement Fund \$133,067.10; Art Center Fund \$3,410.97; Golf Dome Fund \$421.38; Aquatic Center Fund \$23.94; Golf Course Fund \$34,640.81; Ice Arena Fund \$46,537.69; Edinborough Park Fund \$22,491.06; Centennial Lakes Park Fund \$3,572.58; Liquor Fund \$118,278.89; Utility Fund \$17,219.26; Storm Sewer Fund \$3,764.90; PSTF Agency Fund \$4,143.61; TOTAL \$566,485.90 and for approval of payment of claims dated April 11, 2013, and consisting of 28 pages; General Fund \$179,541.61; Police Special Revenue \$153.74; City Hall Debt Service Fund \$900.00; Working Capital Fund \$9,197.47; Equipment Replacement Fund \$1,432.74; Art Center Fund \$5,418.62; Golf Dome Fund \$56,601.16; Aquatic Center Fund \$7,885.68; Golf Course Fund \$9,803.68; Ice Arena Fund \$28,529.29; Edinborough Park Fund \$1,919.81; Centennial Lakes Park Fund \$2,207.74; Liquor Fund \$245,321.73; Utility Fund \$403,499.18; Storm Sewer Fund \$226.20; Recycling Fund \$34,212.80; PSTF Agency Fund \$6,389.06; Centennial TIF District \$91.79; Payroll Fund \$3,788.71; TOTAL \$997,121.01.

~~IV.C. Joint Powers Agreement with the City of Richfield – Building and Plumbing Inspection Services~~

~~IV.D. Request for Purchase, 2013 Quality of Life Survey~~

IV.E. Adopt Resolution No. 2013-40, authorizing an application to the Metropolitan Council for a Livable Community Act Tax Base Revitalization Account for the Redevelopment of the Pentagon Park Property

IV.F. Request for Purchase, Scheduled Well 12 Rehabilitation, awarding the bid to the recommended low bidder, E.H. Renner & Sons at \$52,594.00.

IV.G. Request for Purchase, Aquatic Vegetation Management, Contract No. ENG 13-7NB, awarding the bid to the recommended low bidder, Lake Restoration, Inc. at \$30,425.15

IV.H. Approve Well Head Protection Plan, Part II

IV.I. Accept Traffic Safety Report of March 13, 2013

IV.J. Approve Joint Powers Agreement with City of Hopkins for Second Street South Roadway Reconstruction

~~IV.K. Engineering Services for Hazelton Road Improvements~~

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Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***ITEMS REMOVED FROM THE CONSENT AGENDA***

***IV.C. JOINT POWERS AGREEMENT WITH THE CITY OF RICHFIELD – BUILDING AND PLUMBING INSPECTION SERVICES – APPROVED***

Communications Coordinator Bennerotte informed the Council that the City of Richfield was scheduled to act on this Joint Powers Agreement at its City Council meeting scheduled for next week. **Member Brindle made a motion, seconded by Member Swenson, approving Joint Powers Agreement with the City of Richfield – Building and Plumbing Inspection Services.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***IV.D. REQUEST FOR PURCHASE – 2013 QUALITY OF LIFE SURVEY – APPROVED***

The Council discussed whether to continue the current two-year cycle for the Quality of Life Survey, or increase to a four-year cycle. It was noted that for the present, a two-year cycle was preferred. **Member Swenson made a motion, seconded by Member Sprague, approving Request for Purchase – 2013 Quality of Life Survey, awarding the bid to the recommended low bidder, Decision Resources at \$26,000.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***V. SPECIAL RECOGNITIONS AND PRESENTATIONS***

***V.A. POLICE OFFICER OF THE YEAR – DAVID LINDMAN***

Police Chief Long recognized Police Officer David Lindman as “2013 Mike Siitari Officer of the Year” for his work on an international financial fraud case dubbed “Operation Starburst.”

Officer Lindman thanked members of the Edina Crime Prevention Fund for the Police Officer of the Year Award as well as Federal, State and Local Law Enforcement, U.S. Secret Service, IRS, I.C.E., Postal Inspection, B.C.A., Wright County Sheriff’s Department, Edina Police Department, Assistant U.S. Attorneys, Former Police Chief Siitari, Police Chief Long, his family, friends, co-workers, and his team.

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

***VI.A. TEMPORARY INTOXICATING LIQUOR LICENSE – CHAMBER OF COMMERCE TASTE OF EDINA APPROVED***

Police Chief Long Presentation

Police Chief Long presented the request of the Chamber of Commerce for a Temporary Intoxicating Liquor License on May 16, 2013, in conjunction with its Taste of Edina and staff’s recommendation for approval.

Mayor Hovland opened the public hearing.

Public Testimony

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

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson made a motion, seconded by Member Sprague, approving a Temporary Intoxicating Liquor License for the Chamber of Commerce for its May 16, 2013, Taste of Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VI.B. PRELIMINARY PLAT WITH LOT DEPTH VARIANCES, FRANK SIDELL, PROPERTY LOCATED BETWEEN LITTEL STREET AND MORNINGSIDE ROAD – RESOLUTION 2013-39 ADOPTED**

Community Development Director Presentation

Community Development Director Teague presented the request of Frank Sidell for an eight-lot subdivision, lot depth variance from 161 feet to 130 feet for Lot 4, to 140 feet for Lot 6, and to 135 feet for Lot 7 for the Sidell family-owned property located between Littell Street and Morningside Road. It was noted the subdivision reflected the preferred option as supported during sketch plan review and incorporated reduced right-of-way from 50 feet to 40 feet and reduced street widths from 28 feet to 24 feet. In addition, the outlot located east of the cul-de-sac had been widened to provide additional separation from the home at 4408 Morningside Road. This outlot would be landscaped then deeded to the adjacent property owner. The driveway leading to 4408 Morningside Road would then be relocated to the new cul-de-sac. Mr. Teague indicated that while the proponent had considered turning Lots 1 and 2 to face Morningside Road, he preferred to integrate these two lots into the cul-de-sac rather than potentially isolating the lots. He stated the Planning Commission unanimously recommended approval subject to conditions as revised and detailed in the staff report.

The Council asked questions of Mr. Teague and City Attorney Knutson relating to Outlot A, the rain garden, the potential of an additional condition establishing a drainage utility easement, and typical protection strategies included in conservation easements. There was discussion on the potential of revising Condition 2.h to add clarity to the 20-foot buffer requirements, possibly applying a two-tiered conservation easement with a buffer until such time as the neighborhood was fully developed.

Proponent Presentation

Frank Sidell, 4232 Oakdale Avenue, provided a presentation of the preliminary site plan for the property located between Littell Street and Morningside Road. He discussed the intent to maintain the uniqueness of the property and make the best use of the natural topography, and commented on the eclectic neighborhood. Mr. Sidell reviewed the following issues that had been addressed in the preliminary site plan: no lots were less than 75 feet wide; a public sidewalk had been incorporated; a traffic study had been completed confirming the cul-de-sac was in the safest location; a rain garden had been incorporated; and, Outlot A would be deeded. Mr. Sidell indicated the following issues remain open and need to be addressed: 1) The family was not in agreement with the tree conservation requirement with the additional 20-foot buffer. He would like to withdraw this from the plan and proposed that prior to final plat approval, additional discussion occur between his tree expert, the City Arborist, and possibly members of the Council. 2) The family was not in agreement with the fire sprinkler requirement. The City's standard road width was 27 feet, not 30 feet, and houses were currently being built on 24-foot wide streets that were not required to be sprinkled. 3) The family was not in agreement with the requirement to submit a landscaping plan for the right-of-way. They proposed individual builders landscape as they move forward and the lots develop.

The Council discussed the proposed preliminary plat in relation to streetscape and the incorporation of sidewalk. Member Bennett noted that a future sidewalk between Oakdale and Wooddale avenues, the east half of which would be in the City of Edina and the west half of which would be in the City of St. Louis Park, was currently under discussion by Edina and St. Louis Park city staff members. The Council discussed the topography of the land, whether the conservation easement or an alternative tool could be used to accomplish tree and slope preservation goals, which were the basis for the Sidells' requests for lot depth variances and the current code requirements in relation to fire sprinkler installation.

Mayor Hovland opened the public hearing.

Public Testimony

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Phil Sidell, 4221 Lynn Avenue, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council discussed the fire sprinkler requirement included in Condition 2.m. of the preliminary plat in relation to consistency with requirements of other developments and road width of 24 feet versus 27 feet and 30 feet. City Attorney Knutson and Fire Marshal Siems advised the Council on current code requirements for residential fire sprinkler installation. Mr. Siems stated that while there were currently roads in the City that were 24 feet wide; the fundamental difference in this situation was that the proposed road was a cul-de-sac and not a through street. He stressed the opportunity to avert potential disaster, and that residential fire sprinklers saved lives. Mr. Siems stated that in the event of a residential fire, there was a much higher collapse rate with lighter-weight materials used in new home construction. He stated in accordance with the Minnesota State Fire Code, the City had the authority to request alternative designs, which in this situation would be to supply resident fire sprinklers within this area.

The Council discussed the tree and slope conservation easement included in Condition 2.h. of the preliminary plat in relation to the conservation easement to be drafted in a manner that protected trees while allowing use in the area. Elements to consider in drafting the conservation easement would be to protect trees and other conifer material along the west area behind Lots 1-4, and to protect the steep slope and mature trees off Lots 5 and 6. Mr. Teague stated that the preliminary plat could be approved subject to a conservation easement being approved with the final plat.

**Member Swenson introduced and moved adoption of Resolution No. 2013-39, approving a Preliminary Plat with Lot Depth Variances at 4212 Morningside Road 4232 Littel Street, based on the following findings:**

1. The applicant has submitted a subdivision of the property that would meet all minimum zoning district requirements with eight lots and new through street that would connect Morningside Road and Littel Street.
2. Rather than develop the site per all minimum Zoning Ordinance requirements, the applicant has submitted a proposed subdivision of the property with a cul-de-sac, which requires lot depth variances for Lots 4, 6, and 7.
3. The proposed subdivision with the three lot depth variances would preserve the steep slopes on the site, and preserves 50 mature trees by placing them in a conservation easement.
4. The proposed subdivision still has eight lots.
5. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
6. The proposal meets the required standards for a variance, because:
  - a. There is a practical difficulty to the property caused by the existing steep slopes and mature trees on the property.
  - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lots are larger in size than the median, and there are 26 lots within 500 feet of the property that do not have lot depths greater than 130 feet, which is the shallowest of the three lots that require lot depth variances.
  - c. The variance request is reasonable, as subdivision still contains eight lots, which would be allowed with the Code compliant subdivision; however, it protects steep slopes and 50 mature trees.
  - d. If the variances were denied, the applicant could still subdivide the property into eight lots; however, the steep slopes would be disturbed and an additional 42 mature trees would be removed.

**And subject to the following conditions:**

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to release of the final plat, the following items must be submitted:
  - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the District's requirements.
  - b. Enter into a Developers Agreement with the City. The Developers Agreement shall include the requirement for construction of the sidewalk as proposed.
  - c. Pay the park dedication fee of \$10,000.
  - d. Individual homes must comply with the overall grading plan for the site. Each individual building permit will be reviewed for compliance with the overall grading plan subject to review and approval of the City Engineer.
  - e. Compliance with the conditions outlined in the Director of Engineering's memo dated March 22, 2013.
  - f. A construction management plan will be required for the overall development of the site, and for each individual home construction.
  - g. Utility hook-ups are subject to review of the City Engineer.
  - h. Establishment of a tree and slope conservation easement as demonstrated on the grading and tree preservation plan. Approval of a conservation easement with the final plat.
  - i. Outlot A shall be deeded to the adjacent parcel at 4408 Morningside Road.
  - j. The applicant must rebuild the driveway at 4408 Morningside Road to access off the new street, and eliminate the curb cut on Morningside Road. The configuration shall be subject to approval of the Director of Engineering.
  - k. A stop sign is required to be installed on the new street approaching Morningside Road. Clear sight lines shall be maintained from the intersection.
  - l. Use of Lot 7 for the overall grading of the development will require compensation to the City of Edina. A restoration plan shall be submitted by the applicant subject to review and approval by the City Council.
  - m. The new road shall be built to the City standards, including a 27-foot width.
  - n. Signage stating "No Parking Fire Lane" along one side of the roadway the entire length of the road.
  - o. Installation of fire hydrant(s) near end of cul-de-sac, and possibly at intersection of Morningside. Fire hydrant location is subject to review and approval of the Fire Marshal.
  - p. Submittal of a landscape plan showing trees in the right-of-way.

Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

## **VII. COMMUNITY COMMENT**

No one appeared to comment.

## **VIII. REPORTS / RECOMMENDATIONS**

### **VIII.A. COMPREHENSIVE PLAN AMENDMENT, PRELIMINARY REZONING TO PUD, PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT, HUNT ASSOCIATES 5109 – 5125 WEST 49<sup>TH</sup> STREET – RESOLUTION NO. 2013-33 AND RESOLUTION NO. 2013-37 ADOPTED**

#### Community Development Director Presentation

Mr. Teague advised the proponent had submitted revised plans based on the Council's comments at the April 2, 2013, meeting. The revised plans removed one unit, increased the northeast setback from 15 feet to 42 feet, increased the setback on 49<sup>th</sup> Street to 36 feet, added sidewalk on 49<sup>th</sup> Street, provided additional greenspace, implemented a one-way drive with additional drive and curb cut (trash truck access) and added three guest parking spaces.

#### Proponent Presentation

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Chris Palkowitsch, BKV Group, provided an overview of the revised plans. He presented the preliminary materials board and visual renderings of the proposed plan.

The Council discussed the revised plans, noting its similar density with the proposed five townhomes along 49<sup>th</sup> Street facing five existing single-family homes. It was suggested that a right turn lane onto Brookside Avenue be considered for improved traffic flow. City Engineer Houle advised there would need to be consideration of an additional emergency access into the neighborhood. He informed the Council that the infiltration system was sufficient to handle the drainage for the development.

Dan Hunt, Developer, answered questions raised by the Council. He indicated that the stairway down from Vernon Avenue would be lit and the trash pickup would not require backing up the vehicle to access the end two units. A smaller truck would service the development with the driver walking to pick up the cans for the two end units.

Member Bennett verified with staff that the Urban Land Institute had conducted its workshop for Council, Planning Commission members, and staff on "The New Normal" in development as a free service.

**Member Swenson introduced and moved adoption of Resolution No. 2013-33, approving a Guide Plan Amendment from LDAR, Low Density Attached Residential (4-8 units per acre) to MDR, Medium Density Residential (5-12 Units per acre) at 5109-5125 West 49<sup>th</sup> Street for Hunt Associates based on the following findings:**

1. The subject property is a transition area, and serves as a buffer from single-family homes to the north to Vernon Avenue and the Grand View Commercial area to the south.
2. The proposal would be an improvement over the current two existing apartment buildings and single-family home (10 units) on the site. Five townhomes would face 49<sup>th</sup> Street and three townhomes would face west, and eight townhomes would face Vernon Avenue; the garages and drive aisle are internal to the site.
3. The proposed two / three story buildings are generally consistent with existing height in the area.
4. The existing roadways would support the project. Wenck and Associates conducted a traffic impact study, and concluded that the proposed development could be supported by the existing roads.
5. The proposed project would meet the following goals and policies of the Comprehensive Plan:
  - a. Increase pedestrian and bicycling opportunities and connections between neighborhoods, and with other communities, to improve transportation infrastructure and reduce dependence on the car.
  - b. Locate and orient buildings to fit with their existing and / or planned context by framing and complementing adjacent streets, parks, and open spaces.
  - c. Locate and orient vehicle parking, vehicular access, service areas, and utilities to minimize their visual impact on the property and on adjacent / surrounding properties without compromising the safety and attractiveness of adjacent streets, parks, and open spaces.
  - d. Regular scale, massing and height to provide complementary transitions to adjacent sites and nearby neighborhoods and areas.
  - e. 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 condition:**

1. Final Rezoning to PUD and Final Development Plan approval for the project.

Member Sprague seconded the motion.

Rollcall:

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

Member Bennett recalled that Council members had asked ULI panelists how Edina could best facilitate redevelopment, and that the panelists had replied that the Council should develop clear rules and then follow them. She quoted one of the panelists, who had stated "the Comprehensive Plan is not the Dead Sea Scrolls, but neither should it be changed cavalierly for every development that comes along." Member Bennett continued that medium to high density development was not appropriate next to single family homes, and approving that development was not consistent with the city's stated goal of protecting residential neighborhoods. The Council discussed the benefits of the subject development, including the similar density with the proposed five townhomes along 49<sup>th</sup> Street facing five existing single-family homes and addition of the sidewalk on 49<sup>th</sup> Street. It was stressed that the proposed development would improve the neighborhood, not adversely impact it.

**Member Swenson introduced and moved adoption of Resolution No. 2013-37, approving Preliminary Rezoning from PRD-2, Planned Residential District to PUD, Planned Unit Development Preliminary Development Plan & Preliminary Plat at 5109-5125 West 49<sup>th</sup> Street for Hunt Associates based on the following findings:**

1. The proposal would create a more efficient and creative use of the property. Currently the site does not engage Vernon Avenue. Today it is clearly the back of the site, and contains mature trees. The proposed site plan turns and faces Vernon Avenue with a row of two-story townhomes.
2. Parking areas and garages are internal to the site, and not visible from 49<sup>th</sup> Street or Vernon Avenue.
3. The project would enhance pedestrian connections. The plan provides for a public sidewalk through the site from 49<sup>th</sup> to Vernon, that would connect, not only this development, but the entire area to the north to the GrandView District.
4. Landscaping would be enhanced. Extensive landscaping is proposed around the perimeter of the site and adjacent to the proposed townhomes. The number of over story trees is over double the number required by City Code. The mature trees along Vernon Avenue would be preserved.
5. The proposed plat meets all Zoning and Subdivision Ordinance requirements.

**And subject to the following conditions:**

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans date stamped April 9, 2013.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. Compliance with all of the conditions outlined in the City Engineer's memo dated March 7, 2013.
4. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.
5. Approval of the Final Rezoning of the subject property to Planned Unit Development, PUD.
6. 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.
7. A shared parking and access agreement must be established across the Plat.
8. The Park Dedication fee of \$35,000 shall be paid prior to release of the mylars approving the Final Plat.
9. There shall be no rooftop decks.

Member Brindle seconded the motion.

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

**VIII.B. PLANNING COMMISSION 2013 WORK PLAN AMENDMENT – APPROVED**

Mr. Teague presented the 2013 Work Plan Amendment for the Planning Commission to conduct a Small Area Plan for the Valley View and Wooddale areas, which had been identified in the Comprehensive Plan as a potential area of change. The anticipated cost would be \$25,000 to \$75,000 depending on the scope of work to be done by a consultant. Mr. Teague stated TIF monies were available from this development district that could be applied to pay for the cost of this study.

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Mr. Teague answered questions of the Council relating to the cost of the study. He explained a scope would be prepared that included a better defined dollar amount as they move forward and a contract would need to be awarded by the Council.

The Council acknowledged that with this Small Area Plan, it would be able to determine if the process might work well with other potential areas of change identified in the Comprehensive Plan. It was noted that there was currently a study being conducted in an adjacent city that could have bearing on the development pattern in the City of Edina. **Member Swenson made a motion, seconded by Member Bennett, approving the Planning Commission 2013 Work Plan Amendment.**

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

***VIII.C. RESOLUTION NO. 2013-38 ADOPTED – ACCEPTING VARIOUS DONATIONS***

**Member Bennett introduced and moved adoption of Resolution No. 2013-38 accepting various donations.** Member Swenson seconded the motion.

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

***VIII.D. NEIGHBORHOOD BOUNDARIES AND NAMES AND THE RELATED NEIGHBORHOOD ASSOCIATION POLICY – ADOPTED***

Assistant to City Manager Kurt presented the neighborhood map and Neighborhood Association Policy reflecting the changes recommended by the Council at its April 2, 2013, work session. The Council discussed the elements of the proposed Neighborhood Association Policy relating to boundary changes and the timeline for neighborhoods to submit a boundary line request. **Member Bennett made a motion, seconded by Member Sprague, adopting the neighborhood boundaries and names outlined in the staff report and adopting the Neighborhood Association Policy.**

Member Brindle voiced opposition to the proposed policy as it created orphan neighborhoods, does not recognize neighborhood associations formed around a common concern, the policy was not necessary for enhancing communication to the neighborhoods, the costs associated with holding meetings, and the City was dictating too much with the policy. Several Members expressed support for the policy as it provided the following benefits: neighborhood associations could continue to exist and would be provided with additional communication tools; most of the impetus would come from the residents but they would need to follow minimal democratic practices; it would improve the City's ability to be of service to local residents; and, the model had been successful in Edina neighborhood and other communities.

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

***VIII.E. ORDINANCE NO 2013-06 – AMENDING CHAPTER 10 OF THE EDINA CITY CODE CONCERNING NOISE – TABLED***

Mr. Knutson stated the proposed ordinance had been revised as directed by the Council at its April 2, 2013, meeting.

The Council reviewed the draft ordinance language, expressing concern that the ordinance would prohibit the ability for individuals to conduct any home improvement type activities, such as building a deck, on Sundays. It was determined that the preferred approach might be to review best practices followed in other cities to limit major construction activity, potentially drafting language that would regulate construction activity at a certain dollar amount or square footage. **Member Bennett made a motion,**

seconded by Member Sprague, tabling First Reading to Ordinance No. 2013-06, amending Chapter 10 of the Edina City Code concerning noise, pending further staff research.

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

**VIII.F. ORDINANCE NO 2013-05 GRANTED FIRST READING – AMENDING CHAPTER 15 REGARDING THE EDINA ART CENTER BOARD**

Manager Neal presented staff's recommendation to amend Chapter 15 of the Edina City Code changing the Art Center Board to the Arts and Culture Commission. He indicated the draft ordinance had been amended as requested by the Council at its April 2, 2013, regular meeting.

The Council discussed options for the duties presented in Section 1508.02 of the draft ordinance, selecting the following: A1, B, C1, D1, E, F2, and H. It was noted that Duty F should be corrected to be identified as Duty G, with the remaining duties corrected throughout Section 1508.02. **Member Sprague made a motion to grant First Reading to Ordinance No. 2013-05, amending the Edina City Code concerning the Arts & Culture Commission. Member Brindle seconded the motion.**

**A friendly amendment was offered by Member Bennett and accepted by Members Sprague and Brindle to amend Duty G in Section 1508.02 as follows: "~~Advocate for and develop sources of arts and cultural funding, Identify potential sources of funding for artistic and cultural initiatives, including grants, donations, corporate and business sponsorships. both directly, and or in partnership with the Edina Community Foundation.~~"**

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

**VIII.G. WOODDALE AVENUE BIKE LANES – APPROVED**

Mr. Houle presented options to restripe the advisory bike lanes along Wooddale Avenue to a dedicated south bound bike lane from West 50<sup>th</sup> Street to West 56<sup>th</sup> Street then "share the road marked by sharrows" from West 56<sup>th</sup> Street to Valley View Road and "share the road marked by sharrows" the entire northbound direction. The northbound parking lane would remain. Mr. Houle advised that the cost to restripe Wooddale Avenue was approximately \$30,000, and weather dependent. If funded internally, the City would restripe the roadway by the end of May. If funded through MSA funds, the City would need a variance from the Mn/DOT State Aid Variance Committee and also MSA approved plans. These final approvals would not occur until mid-July because the Variance Committee meets the end of June and plan approval requires another three weeks of approval. Mr. Houle stated that there would be an approximate cost of \$4,000 to prepare the MSA application.

The Council considered the option of internally funding the project in order to move forward with the project quickly, and to apply for an "After-The-Fact" Variance to reimburse associated project costs. The Council discussed the costs that would be associated with preparing the MSA application for the "After-The-Fact" Variance. **Member Swenson made a motion, seconded by Member Sprague, approving funding of \$30,000 to restripe Wooddale Avenue bike lanes, as presented, without the intention of applying for an "After-The-Fact" Variance.**

It was requested that the graphic of the proposed Wooddale Avenue Bike Lane Project be corrected to identify the "parking bay" space to "parking lane."

The Council discussed the motion and whether to apply for an MSA variance. Mr. Houle answered questions of the Council relating to methods for removing existing painted stripings/ markings, making a schedule for these areas throughout the City, utilizing standardized markings moving forward, and improving the section west of Cahill to a top-tier facility. The Council discussed that if the "After-The-Fact"

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Variance was granted, the MSA funds would come from the City's available pool of funds and not be available for future projects.

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

**IX. CORRESPONDENCE AND PETITIONS**

**IX.A. CORRESPONDENCE**

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

**IX.B. MINUTES:**

- 1. PARK BOARD MINUTES, MARCH 12, 2013**
- 2. PLANNING COMMISSION MINUTES, MARCH 13, 2013**
- 3. ART CENTER BOARD, JANUARY 24, 2013**
- 4. HERITAGE PRESERVATION BOARD MINUTES, MARCH 12, 2013**

Informational; no action required.

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

**XI. MANAGER'S COMMENTS – Received**

**XII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:00 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, May 7, 2013.

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Debra A. Mangen, City Clerk

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James B. Hovland, Mayor

Video Copy of the April 16, 2013, meeting available.