

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
AUGUST 5, 2013  
7:00 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:11 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 Swenson, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV. CONSENT AGENDA ADOPTED**

Member Swenson made a motion, seconded by Member Brindle, approving the consent agenda as revised to remove Items IV.A, Approval of Minutes - Regular Meeting of July 16, 2013, and Work Session of July 16, 2013, as follows:

~~IV.A. Approval of Minutes - Regular Meeting of July 16, 2013, and Work Session of July 16, 2013~~

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated July 18, 2013, and consisting of 31 pages; General Fund \$163,183.78; Police Special Revenue \$104.93; Working Capital Fund \$333.02; Equipment Replacement Fund \$1,788.73; Art Center Fund \$4,340.33; Aquatic Center Fund \$37.29; Golf Course Fund \$ 56,595.47; Ice Arena Fund \$26,513.20; Edinborough Park Fund \$256.77; Centennial Lakes Park Fund \$7,028.44; Liquor Fund \$219,204.31; Utility Fund \$39,242.69; Storm Sewer Fund \$1,111.58; Recycling Fund \$34,224.44; PSTF Agency Fund \$897.03; Centennial TIF District \$6,694.82; Grandview TIF District \$4,724.57; Payroll Fund \$2,310.24; TOTAL \$568,591.64; and for receipt of payment of claims dated July 25, 2013, and consisting of 27 pages; General Fund \$1,512,604.81; Police Special Revenue \$92.03; Working Capital Fund \$379,290.03; Equipment Replacement Fund \$694.65; Art Center Fund \$766.89; Golf Dome Fund \$500.00; Aquatic Center Fund \$29,886.05; Golf Course Fund \$14,882.43; Ice Arena Fund \$10,735.00; Edinborough Park Fund \$6,263.81; Centennial Lakes Park Fund \$7,912.77; Liquor Fund \$124,073.23; Utility Fund \$678,602.31; Storm Sewer Fund \$477,898.24; PSTF Agency Fund \$80.71; Grandview TIF District \$18,211.76; Payroll Fund \$7,527.03; TOTAL \$3,270,021.75; and for receipt of payment of claims dated August 1, 2013, and consisting of 31 pages; General Fund \$122,918.38; Police Special Revenue \$3,154.00; Working Capital Fund \$46,529.96; Equipment Replacement Fund \$24,079.10; Art Center Fund \$795.00; Aquatic Center Fund \$12,527.97; Golf Course Fund \$22,252.79; Ice Arena Fund \$6,618.08; Edinborough Park Fund \$22,229.83; Centennial Lakes Park Fund \$4,317.05; Liquor Fund \$241,391.03; Utility Fund \$42,637.53; Storm Sewer Fund \$77,569.93; PSTF Agency Fund \$1,308.89; Centennial TIF District \$7,375.82; Grandview TIF District \$ 770.00; TOTAL \$636,475.36; and, Credit Card Transactions dated May 26, 2013 – June 25, 2013; TOTAL \$24,001.72.

IV.C. Adopt Resolution No. 2013-60, authorizing Public Health Emergency Preparedness Grant Project Agreement

IV.D. Approve Election Equipment Agreement with Hennepin County

IV.E. Approve Changes to Human Rights & Relations Commission Work Plan

IV.F. Request For Purchase – Edinborough Park Pool Shell Re-surfacing, awarding the bid to the recommended low bidder, Signature Aquatics at \$55,841

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- IV.G. Request For Purchase – HD Playback Equipment for Edina and Eden Prairie Government Access Channels, awarding the bid to the recommended low bidder, Alpha Video and Comcast at \$113,363**
- IV.H. Reject Bids – Sanitary Sewer Lift Station No. III, ENG 13-16**
- IV.I. Approve Change Order – Lake Edina Neighborhood Roadway Reconstruction – Landscaping**
- IV.J. Approve Encroachment Agreement for 6443 McCauley Terrace**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

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

**IV.A APPROVAL OF MINUTES – REGULAR MEETING OF JULY 16, 2013, APPROVED AS CORRECTED AND WORK SESSION OF JULY 16, 2013, APPROVED AS PRESENTED**

Member Sprague requested the following correction to the Regular Meeting Minutes of July 16, 2013: Item VI.A, page 4, bullet point six of the motion to state: “Front Facing Garage: eliminate”. **Member Sprague made a motion, seconded by Member Bennett, approving the Regular Meeting Minutes of July 16, 2013 as amended above, and approving the Work Session Meeting Minutes of July 16, 2013 as presented.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. QUALITY OF LIFE SURVEY RESULTS PRESENTATION – DR. BILL MORRIS, DECISION RESOURCES – PRESENTED**

Dr. Bill Morris of Decision Resources Limited, provided a presentation and answered questions of the City Council on the major findings of the 2013 Quality of Life Survey.

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

**VI.A. COMPREHENSIVE GUIDE PLAN AMENDMENT, AMENDMENT TO PUD REZONING, PRELIMINARY DEVELOPMENT PLAN, AURORA PROJECTS LLC, 6500 FRANCE AVENUE & 4005 65<sup>TH</sup> STREET WEST, RESOLUTION NO. 2013-61 AND RESOLUTION NO. 2013-62 (COMPREHENSIVE GUIDE PLAN AMENDMENT – AFFIRMATIVE ROLL CALL VOTE OF FOUR COUNCIL MEMBERS TO PASS; REZONING AMENDMENT – FIRST READING REQUIRES OFFERING OF ORDINANCE ONLY. SECOND READING: FAVORABLE ROLLCALL VOTE OF THREE COUNCIL MEMBERS TO PASS. WAIVER OF SECOND READING: AFFIRMATIVE ROLLCALL VOTE OF FOUR COUNCIL MEMBERS TO PASS) – ADOPTED**

**Community Development Director Presentation**

Community Development Director Teague presented the preliminary development plan of Aurora Projects LLC, 6500 France Avenue & 4005 65<sup>th</sup> Street West with the proposed Comprehensive Guide Plan Amendment and amendment to PUD rezoning. Mr. Teague explained that the City Council had been requested to consider a change to the proposal to redevelop the property at 6500 France Avenue. The previously approved plan for the site was a five-story, 62-foot tall, 102,478 square foot medical office/retail building with an attached 4-5 level parking ramp. Mount Development and Aurora Investments, LLC were requesting consideration of a change in use to 111 units of senior assisted and independent living; 66 units of transitional care/skilled nursing and memory care beds; and, 18 care suites. The “care” suites would include short term stays by patients who have had surgery at Fairview Hospital or Twin City Orthopedic (TCO). The building would be similar in style to the previously approved building and still be five stories in height. A pedestrian skyway would connect the building to the hospital parking ramp to the north. The previously approved parking ramp would be removed and replaced with housing. The parking would be provided underground. There would be a 15,000 square-foot reduction in the structure footprint from the previous plan.

Mr. Teague explained to accommodate the request, an amendment to the Comprehensive Plan and an amendment to the PUD Zoning District would be required. The density of the development including all of

the different types of units, at a total of 195, would be 83 units per acre, which would be a density higher than any development currently existing in Edina. The site is guided in the Comprehensive Plan for "Regional Medical-RM." Senior Housing is not an allowed use within the RM designation. Therefore, the proposed use would require a Comprehensive Guide Plan amendment. The proponent had requested a Guide Plan amendment that would allow Senior Assisted Living Housing as a permitted use within the Regional Medical District. The transitional care units were already allowed in the RM District.

Mr. Teague stated a Planning Commission motion to recommend approval of the Comprehensive Plan Amendment and Preliminary Rezoning and Site Plan failed on a vote of 4-5. The motion for approval included several conditions. Based on the comments and recommendations from the Planning Commission, the proponent had revised the proposed plans to address those concerns. Mr. Teague presented details of the revised plans presented by the proponent:

- Chillers have been moved from the west side of the property near the loading area to the far northeast corner of the roof, and would be completely screened.
- The upper floor balconies have been adjusted to conform to the originally stated setbacks.
- Created a podium setback on the west side of the building and shifted the building six feet away from the west lot line. The third, fourth, and fifth floors would have a 58-foot setback, and the first and second floors would have a 48-foot setback. The previous plan had a 42-foot setback for all floors.
- Attempted to create a more pedestrian friendly environment on France Avenue by relocating a coffee shop/bistro and moving the public art to the corner.
- Added twelve large coniferous trees on the Cornelia Apartment site for additional landscaping.
- Moved the resident garage access to the north wing on the west side (was previously on the south wing).
- Created a dock high access door and extended the memory garden slab over the truck dock. This would provide screening of the trucks during unloading.
- Agreed to limit the hours of major deliveries to 9 a.m. through 4 p.m.
- Created several service vehicle short-term parking spaces on 65<sup>th</sup> Street West at the front door for smaller truck deliveries. This would reduce the number of deliveries on the west side of the building.
- Added a third lane to the proposed west entrance on 65<sup>th</sup> Street West.
- Agreed to quantifiable benchmarks for sustainability. A pledge to attempt to achieve an 18% savings over baseline systems (In comparison, Byerly's pledged to achieve a 10% savings.).
- Reduced the number of units from 197 to 195.
- Increased affordable housing from four units to 10% of the assisted and independent units (11 units).

Mr. Teague reviewed suburban examples of high density regulation and development in the cities of St. Louis Park, Minnetonka, and Bloomington. He presented suggested Comprehensive Plan Amendment language as recommended by staff, and advised that staff was further suggesting flexibility in regard to density for senior housing in the HDR District, as well as the RM District. Mr. Teague stated using the recommended amended text as a basis for review of the subject project, a case could be made to support the proposed high density through the PUD Zoning process. The proposed project would be connected to Fairview Hospital by the second level skyway so residents would not have to go outside to go to appointments at the hospital. Based on the traffic study by WSB, the use would generate less traffic than would a 102,000 square-foot medical office building with retail uses on the first level. There would be adequate sewer capacity to serve the project, and water would be available to the site. Convenient transit service was available for workers and residents as the MTC #6 bus was available at the building. Additional routes in the Southdale area were the 515, 538, 539, 578, 579, and 684. The building would include sustainable design principles, public art, and affordable housing with primary parking below grade.

Mr. Teague reported on staff's recommendation that the City Council approve the request for a Comprehensive Plan Amendment to allow senior housing in the RM District; to potentially allow greater density for senior housing development under certain circumstances on a case-by-case basis; that the City

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Council approve the Preliminary Rezoning to amend the PUD-3 District; and, approve the Preliminary Development Plan subject to the conditions outlined in the staff report.

Mr. Teague answered questions of the City Council relating to senior housing building density examples; public access to retail amenities; affordable housing calculation; the proposed green roof parking structure and terrace area; and, sustainability. Mr. Teague stated he would be involved with the sustainability element of the development. He answered additional questions of the City Council relating to the relocation of the chiller; parking requirements; definition of senior housing to include transitional care/skilled nursing; trash pickup; and, density level / floor area ratio in relation to the previously approved plan and the plan as currently proposed.

### Proponent Presentation

Members of the Development Team, Luigi Bernardi of Aurora Development, LLC, Stephen Michals of Mount Development, Susan Farr of Ebenezer, and Edward Farr of Edward Farr Architects, provided information on the Preliminary Development Plan for 6500 France Avenue and 4005 65<sup>th</sup> Street West, including modifications made to the proposed plan following the July 10, 2013, Planning Commission meeting. The Development Team answered questions of the City Council relating to the skyway, public access to retail amenities, parking, and setbacks.

Mayor Hovland opened the public hearing.

### Public Testimony

Maria Field, Chief Executive of Heritage of Edina, 3420 Heritage Drive, addressed the Council.

Kate Hamilton-Sones, Director of Nursing at Heritage of Edina, 3420 Heritage Drive, addressed the Council.

Ron Kalick, Resident of Point of France, 6566 France Avenue South, Unit 901, addressed the Council.

Marilyn Kemme, Resident of Point of France, 6566 France Avenue South, Unit 1206, addressed the Council.

Mark Waterston, Resident of Point of France, 6566 France Avenue South, Unit 1203, addressed the Council.

Dalia Katz, Resident of Point of France, 6566 France Avenue South, Unit 503, addressed the Council.

Ralph Laiderman, Resident of Point of France, 6566 France Avenue South, Unit 402, addressed the Council.

Craig Alshouse, Developer, Co-Owner, and Manager of Cornelia Place, 4025 West 65<sup>th</sup> Street, addressed the Council.

Maria Kalick, Resident of Point of France, 6566 France Avenue South, Unit 901, addressed the Council.

Susan Laiderman, Resident of Point of France, 6566 France Avenue South, Unit 402, addressed the Council.

Tanya Belanger, 6326 France Avenue South, 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.

City Attorney Mattick addressed issues raised during public testimony, indicating that action on the proposed Guide Plan Amendment would not set a precedent for other developments in relation to density.

Chuck Rickart, WSB, addressed issues raised during public testimony, providing information on the traffic study associated with the proposed development.

Mr. Farr and Mr. Michals addressed issues raised during public testimony, providing information on trees included in the landscaping plan, distance between buildings, proximity of the building to the sidewalk, trash pickup, and density.

Mr. Teague answered questions of the Council relating to staff's recommendation for approval with the proposed density. He stated the traffic study showed that the revised plan would generate less traffic than the original proposal, adequate parking would be provided, there would be the connection to the hospital, the skyway, public access to the retail amenities, an affordable housing component, sustainability, the building would not be taller than the originally proposed building with the cubic footage actually reduced, and the parking would not be a surface parking lot. He stated the proposed development had reached a level that would be a benefit to the City.

There was discussion on density, the affordable housing component, and regulation of trash pickup hours and/or coordination of trash pickup with the neighboring development.

**Member Swenson introduced and moved adoption of Resolution No. 2013-61, Approving a Guide Plan Amendment to Allow Senior Housing in the RM District and Determine Maximum Densities for Senior Housing on a case-by-case basis, based on the following findings:**

- 1. Senior Housing is a compatible use with the Regional Medical District. It would provide seniors a benefit of having medical facilities within close proximity.**
- 2. Densities for Senior Housing within the RM & HDR Districts would be determined on a case by case basis, allowing the City some discretion as to when high density for senior housing may be appropriate. Densities for senior housing would be based on proximity to hospitals, proximity to low density uses, utilities capacity, level of transit service available, and impact on adjacent roads. Other desired items to allow greater density include: Below grade parking, provision of park or open space, affordable housing, sustainable design principles, and provision of public art.**
- 3. In general, senior housing generates less traffic than all-age housing or medical office facilities.**

Member Bennett seconded the motion.

Roll call vote

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2013-62, Approving Preliminary Rezoning to Amend the PUD, Planned Unit Development – 3 Zoning District and Preliminary Development Plan for Aurora Investments at 6500 France and 4005 West 65<sup>th</sup> Street, based on the following findings:**

- 1. The proposed land uses are consistent with the Comprehensive Plan.**
- 2. The site layout would be an improvement over a site layout required by standard zoning; the building is brought up to the street, provides podium height, and front door entries toward the street, includes sidewalks to encourage a more pedestrian friendly environment along the street, provides underground parking, and provides an indoor pedestrian connection to the hospital.**
- 3. The design of the building is of a high quality brick, architectural precast concrete, and glass, and is compatible with previously approved medical building.**
- 4. Traffic would be improved in the area by eliminating the right-in and out access on France Avenue.**
- 5. Based on the traffic study done by WSB, the existing roadways can support the proposed development. Traffic generated by the proposed project would be less than the approved medical building for the site.**
- 6. The proposed project would meet the following goals and policies of the Comprehensive Plan:**

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- 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.
    - Locate building entries and storefronts to face the primary street, in addition to any entries oriented towards parking areas.
    - Encourage storefront design of mixed-use buildings at ground floor level, with windows and doors along at least 50% of the front facade.
    - 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.
    - Limit driveway access from primary streets while encouraging access from secondary streets.
    - Provide pedestrian amenities, such as wide sidewalks, street trees, pedestrian-scale lighting, and street furnishings (benches, trash receptacles, etc.)
  - c. **Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.**
7. Higher densities are justified for the following reasons: The project would be connected to the Fairview Hospital by the second level skyway, tying the project to the Hospital; Senior Housing would generate less traffic than the approved medical building with retail on the site; existing roadways would support the project; adequate utilities are available to the site; convenient transit service is available for workers and residents; the building would include sustainable design principles; public art is proposed; affordable housing is offered; and primary parking would be below grade.

And subject to the following conditions:

1. The Final Development Plan must be generally consistent with approved Preliminary Development Plans dated July 26, 2013; including construction of the skyway connection to the Fairview Hospital parking ramp.
2. A noise study must be done to demonstrate that the proposed mechanical equipment meets all noise regulations.
3. Sustainable design. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's revised narrative.
4. All buildings must be built with sprinkler systems, subject to review and approval of the fire marshal.
5. Compliance with all of the conditions outlined in the director of engineering's memo dated July 2, 2013.
6. As part of a Developers Agreement the property owner would be required to participate in appropriate cost sharing for signal improvements at 65th Street and France Avenue.
7. Adoption and compliance with a PUD Ordinance for the site.
8. Affordable housing units shall be 10% of all units with the exception of the transitional care units. ~~the assisted and independent units (11 units.)~~
9. Deliveries on the west side of the building shall be limited to 9:00 am to 4:00 pm.

Member Sprague seconded the motion.

A friendly amendment was offered by Member Bennett, accepted by Member Swenson and Member Sprague, to amend Condition No. 9 as follows: Deliveries on the west side of the building shall be limited to 9:00 am to 4:00 pm., as shall trash pick-up unless otherwise coordinated with neighboring buildings.

The developer agreed to list Cary Teague as Design Team Member for purposes of the Xcel EDA program, and that Mr. Teague would be copied on all communications with Xcel concerning sustainability measures related to the EDA program.

Roll call vote:

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

**VI.B. CONSIDER ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS & MODIFICATIONS OF THE CAPITAL IMPROVEMENT PLAN, RESOLUTION NO. 2013-63 – ADOPTED**

City Manager Presentation

Manager Neal presented information on the City's issuance of Build America Bonds in 2009 to help finance construction of the new Public Works building. The agreement stated that if the federal government were to short the City on its planned subsidy of those bonds, it would give the City the ability to refinance those bonds. The City had not received the August 1, 2013 scheduled subsidy payment on the bonds from the federal government. Pursuant to Minnesota Statute, the City might issue bonds to finance capital expenditures under its Capital Improvement Plan without election provided that, among other things, prior to issuing the bonds the City adopted the Plan after a public hearing thereon and published a notice of its intention to issue the bonds and the date and time of a hearing to obtain public comment on the matter. It was anticipated that the City would save approximately \$200,000 over the life of the bonds. The public hearing scheduled tonight was to receive public testimony on the proposed refinance of the Build America Bonds.

Finance Director Wallin informed the Council that Resolution No. 2013-63 would adopt a modification to the Five-Year Capital Improvement Plan and approve the issuance of the General Obligation Bonds for the refinancing.

Mayor Hovland opened the public hearing.

Public Testimony

No one appeared to comment.

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

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

**Member Brindle introduced and moved adoption of Resolution No. 2013-63, adopting a modification to the Five-Year Capital Improvement Plan and approving the issuance of General Obligation Bonds.**

Member Swenson seconded the motion.

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

**VII. COMMUNITY COMMENT**

No one appeared to comment.

**VIII. REPORTS / RECOMMENDATIONS**

**VIII.A. PRIORITY USE POLICY BRAEMER ARENA**

Parks and Recreation Director Presentation

Parks and Recreation Director Kattreh presented background discussions on a priority use policy for Braemar Arena due to the demand for prime season ice at the Arena. While Braemar Arena was currently able to meet nearly 100% of ice needs for Braemar City of Lakes Figure Skating Club (BCLFSC), it was only able to meet less than 50% of the ice needs for the Edina Hockey Association (EHA). Ms. Kattreh stated staff had hosted three meetings, each with three representatives from the EHA and the BCLFSC, to work towards a solution for the priority access agreement and ice allocation at the Arena. At the end of the third meeting, they were unable to reach an agreement that was acceptable to both the EHA and BCLFSC. Consistent with the message to the EHA and BCLFSC at the start of the process, if the group could not reach consensus on a draft priority use policy for the arena, staff would draft one unilaterally and submit it

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to the City Council at the August 5 2013, meeting for consideration and possible adoption. Because the two groups could not reach a consensus on a priority use agreement, the proposed priority use policy did not have the support of either the EHA or the BCLFSC.

Ms. Kattreh presented staff's proposed priority use policy for Braemar Arena, noting that in addition to establishing priority categories, the proposal also describes the transition for implementing the policy in the East Arena. She explained that as staff and representatives from the respective organizations discussed the terms of the possible priority use policy, they discussed several alternatives for distributing the Prime Season-Prime Time Hours. Staff's current recommendation is as follows:

Current:	EHA: 2000	BCLFSC: 700
Year 1:	EHA: 2118	BCLFSC: 582
Year 2:	EHA: 2250	BCLFSC: 450
Year 3:	EHA: 2250	BCLFSC: 450
Year 4:	EHA: 2458	BCLFSC: 241

Ms. Kattreh noted the following options for consideration by the Council:

1. Do Nothing —The Council could decide to do nothing. There was no legal requirement to have a priority use agreement for City facilities. This option preserved the status quo for both the EHA and the BCLFSC in the East Arena.
2. Postpone the Decision.
3. Adopt the Staff Recommendation.
4. Adopt an Alternative Policy.

Ms. Kattreh stated staff would recommend Option 3. Ms. Kattreh and Braemar Arena General Manager Miller answered questions relating to the definition of prime season, the total number of hours rented by BCLFSC in the prime and non-prime seasons, U.S. Figure Skating's requirement that a figure skating club conduct the majority of its skating activities in its home arena, "envelope criteria" for the synchronized skating Team Braemar limiting its ability to change its training facility, and ice arenas where BCLFSC potentially can rent ice time.

**Member Swenson made a motion, seconded by Member Sprague, approving the staff recommended allocation of ice hours for Braemar Arena, with the following amendment:**

<b>Year 1:</b>	<b>EHA: 2118</b>	<b>BCLFSC: 582</b>
<b>Year 2:</b>	<b>EHA: 2250</b>	<b>BCLFSC: 450</b>
<b>Year 3:</b>	<b>EHA: 2250</b>	<b>BCLFSC: 450</b>
<b>Year 4:</b>	<b>EHA: <del>2458</del> 2349</b>	<b>BCLFSC: <del>241</del> 350</b>

**And that a study be completed after the second year of how BCLFSC was functioning in relation to ice time and as a club.**

There was discussion on the \$20/skater fee paid by BCLFSC, the Decision Resources Quality of Life Survey results in relation to recreational facilities in the community, US Figure Skating Association requirements in relation to home arenas, priority ice time hours and usage, potential alternative arenas for BCLFSC to book ice time, 2012 net operating deficit of Braemar Arena, supply and demand for sheets of ice in the City, and a potential task force to study the effects of the change in ice hours.

**Member Swenson and Member Sprague withdrew the motion on the floor.**

**Motion by Member Sprague, seconded by Member Swenson, approving the following allocation of ice hours for Braemar Arena, with the following amendment:**

<b>Year 1:</b>	<b>EHA: 2118</b>	<b>BCLFSC: 582</b>
<b>Year 2 and going forward:</b>	<b>EHA: 2250</b>	<b>BCLFSC: 450</b>

**And that a study is to be completed after the second year of how BCLFSC is functioning in relation to ice time and as a club, and that \$20 user fee conventional agreements be drafted for the EHA and BCLFSC and presented to the Council for ratification.**

There was discussion on determining the appropriate balancing point for rental of ice time. Manager Neal suggested that Council make a decision on the volume of ice time with staff preparing a process for the proposed evaluation of the effects on the change in ice time.

**Motion by Member Swenson, seconded by Member Sprague to call the question.**

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

Motion on the floor:

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

**Motion by Mayor Hovland, seconded by Member Bennett, to reduce the BCLFSC ice hours and pass them to the EHA as follows: 159 hour reduction in 2013/2014 during prime season (September 16<sup>th</sup> to March 15<sup>th</sup>); 159 hour reduction in 2014/2015 during prime season (September 16<sup>th</sup> to March 15<sup>th</sup>), with staff directed to determine a process to evaluate future allocation of ice time to be recommended by the Park Board and adopted by the City Council, to be completed by the second City Council meeting in May of 2015.**

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

There was discussion on whether and how to proceed with ratification of \$20 user fee / conventional agreements with the EHA and BCLFSC. **Motion by Member Sprague, seconded by Member Brindle, to direct staff to negotiate the final terms of the \$20 per participant fees and other conditions and to present the conventional agreements with the EHA and BCLFSC to the Council for ratification.**

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

***VIII.B. SECOND READING – ZONING ORDINANCE AMENDMENT REGARDING THE R-1 & R-2 ZONING DISTRICT REQUIREMENTS FOR BUILDING COVERAGE, SETBACK, HEIGHT AND GENERAL REGULATIONS, ORDINANCE NO. 2013-7 (SECOND READING: FAVORABLE ROLLCALL VOTE OF THREE COUNCIL MEMBERS TO PASS) – ADOPTED***

Community Development Director Presentation

Mr. Teague informed the Council that based on the direction of the City Council at first reading, staff drafted Ordinance No. 2013-7(a) for consideration. Staff also drafted Ordinance No. 2013-7(b) that included the recommendation from the Planning Commission in regard to side yard setbacks. If the Council were to be in agreement with the Planning Commission version of the Ordinance, Council was asked to choose between the alternative language presented in the staff report. Staff agreed with the Planning Commission in that the alternative side yard setback requirement of 25% of the lot width would bring greater simplicity and clarity than the sliding scale.

Mr. Teague noted there were two different effective dates for certain provisions within the Ordinance. Sections 1, 2, 3, and 4 of the Ordinance would take effect immediately. It would put in place the regulations regarding site issues, including maintenance access, grading, drainage, and retaining walls. It would also relocate the building coverage requirements into one location in the Code and eliminate the accessory buildings used for dwelling purpose language. Sections 5, 6, and 7, relating to building structure

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requirements would take effect January 1, 2014. By delaying to the first of the year, it would allow those that were in the process of designing homes time to finish their designs, and still begin construction this year. It would also allow time for builders and architects building in Edina, to inform their clients of the new regulations and effective date. New building in 2014 would all be required to meet the new Ordinance.

Planning Commission Members Potts and Forrest answered questions of the City Council on the proposed ordinance amendment. There was discussion on Section 6, Side Yard Setback Requirements, and allowing the option of (a) Planning Commission proposed interior side yard setbacks of adding 2 feet to the current setbacks or (b) second floor setback. Staff was directed to modify Section 6 to allow the options and to present this section for Council consideration (Sections 5-7 to be presented at a future City Council meeting). There was discussion on Section 2, Drainage, Retaining Walls, and Site Access, and on Section 5, Egress Windows Wells Encroachment.

**Member Swenson made a motion to grant Second Reading adopting Ordinance No. 2013-7, Zoning Ordinance Amendment Regarding The R-1 & R-2 Zoning District Requirements For Building Coverage, Setback, Height and General Regulations, Sections 1-4. Member Sprague seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

### ***VIII.C. LB 71 FRANCE ADDITION (BYERLY'S) DEVELOPMENT CONTRACT – APPROVED***

#### **Economic Development Manager Presentation**

Economic Development Manager Neuendorf stated on June 4, 2013, the City Council approved the redevelopment plans for the Byerly's site at 7171 France Avenue to allow for a new grocery store and three housing/retail buildings. As a follow up to that approval, City staff and City Attorney Knutson have prepared a Development Contract. This contract identifies the specific roles and responsibilities of the developer and City, sets conditions for the subdivision of land and establishes engineering and site development safeguards to ensure public safety and well-being during and after construction. This contract also specified that an outlot parcel be transferred to the City to construct new storm water detention facilities and water feature per the July 2007 Promenade Plan. Mr. Neuendorf explained that the private redevelopment would occur concurrently with three major public works projects: improvements to France Avenue, Hazelton Road, and the Promenade.

**Member Swenson made a motion, seconded by Member Brindle, approving the LB 71 France Addition (Byerly's) Development Contract and authorizing the Mayor and City Manager to execute the documents.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

### ***VIII.D. RESOLUTION NO. 2013-58, ACCEPTING VARIOUS DONATIONS - ADOPTED***

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. 2013-58 accepting various donations.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

### ***VIII.E. APPOINTMENT TO EDINA TRANSPORTATION COMMISSION***

**Member Bennett made a motion, seconded by Member Sprague, appointing Emily Boettge to the Edina Transportation Commission for a term expiring February 1, 2014.**

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. HUMAN RIGHTS & RELATIONS COMMISSION, JUNE 25, 2013**

Informational; no action required.

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

There was discussion on adding an Aviation/Air Noise Update to the end of the Reports/Recommendations portion of the agenda. Clerk Mangen explained that the addition of items to the regular City Council agendas would require a resolution to be adopted by the City Council. Staff was directed to prepare a resolution for Council consideration at the next City Council meeting.

There was discussion on the current Planning Commission vacancy, noting that Michael Fischer would be willing to fill the remainder of the term. **Member Swenson made a motion, seconded by Member Bennett, approving the appointment of Michael Fischer to the Planning Commission for the remainder of the term of Jeffrey Carpenter.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**XI. MANAGER'S COMMENTS – Received**

**XII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:30 a.m.

Respectfully submitted,

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Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, August 20, 2013.

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James B. Hovland, Mayor

Video Copy of the August 5, 2013, meeting available.