

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 3, 2013
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:12 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 Brindle, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Bennett, approving the consent agenda, as follows:

IV.A. Approve regular, closed, and work session meeting minutes of November 19, 2013

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated November 21, 2013, and consisting of 38 pages; General Fund \$347,070.27; Police Special Revenue \$362.93; Pedestrian and Cyclist Safety \$94,232.35; PIR Debt Service Fund \$237.44; Working Capital Fund \$790,259.52; Equipment Replacement Fund \$94,929.58; Art Center Fund \$3,067.38; Golf Dome Fund \$6,200.37; Aquatic Center Fund \$2,149.63; Golf Course Fund \$12,963.03; Ice Arena Fund \$58,588.26; Edinborough Park Fund \$17,283.73; Centennial Lakes Park Fund \$1,813.54; Liquor Fund \$170,983.54; Utility Fund \$30,905.81; Storm Sewer Fund \$139,595.13; Recycling Fund \$34,192.80; PSTF Agency Fund \$25,976.54; Centennial TIF District \$62,246.99; Grandview TIF District \$48.00; Payroll Fund \$7,955.52; TOTAL \$1,901,062.36 and for receipt of payment of claims dated November 27, 2013, and consisting of 26 pages; General Fund \$708,688.29; Police Special Revenue \$744.07; Pedestrian and Cyclist Safety \$538.75; PIR Debt Service Fund \$94.93; Working Capital Fund \$29,009.70; Art Center Fund \$2,179.57; Golf Dome Fund \$9,064.80; Aquatic Center Fund \$408.17; Golf Course Fund \$7,019.11; Ice Arena Fund \$19,819.72; Edinborough Park Fund \$9,168.23; Centennial Lakes Park Fund \$3,943.30; Liquor Fund \$224,558.91; Utility Fund \$71,837.47; Storm Sewer Fund \$629.89; Centennial TIF District \$350.00; TOTAL \$1,088,054.91; and, Credit Card Transactions dated September 26, 2013 – October 25, 2013; TOTAL \$33,341.57

IV.C. Adopt Resolution No. 2013-115 Authorizing a One-Year Master Grant Contract Extension with Minnesota Department of Health

IV.D. Adopt Resolution No. 2013-121 Approving Ambulance and Miscellaneous Fire Fees for 2014

IV.E. Adopt Resolution No. 2013-122 Approving 2014 Park and Recreation Fees

IV.F. Adopt Resolution No. 2013-123 Approving Senior Citizen Special Assessment Deferrals

IV.G. Adopt Resolution No. 2013-124 Approving Hennepin County Electronic Proprietary Data Base Conditional Use License Agreement

IV.H. Adopt Resolution No. 2013-125 Receiving Feasibility Studies for 2014 Neighborhood Roadway Reconstruction Projects

IV.I. Authorize Nine Mile Creek Cooperative Agreement – Promenade Phase 4

IV.J. Authorize Agreement with Expert T Billing for Ambulance Billing Services

IV.K. Approve Technical Correction to minutes of December 4, 2012

IV.L. Adopt Resolution No. 2013-127 Approving Official Comments to the Pipelines and Hazardous Materials Safety Administration (PHSMA)

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IV.M. Adopt Resolution No. 2013-126 Calling for Public Hearing Date for Pentagon Park TIF District

IV.N. Request for Purchase, Multi-function Copier/Printer Administration Department, awarding the bid to the recommended low bidder, Metro Sales at \$23,385.32.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

None.

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

VI.A. 2014 OPERATING BUDGET REVIEWED

Assistant Finance Manager Roggeman presented the budget work plan, timeline, biennial process that included citizen engagement, 2014-2015 work plan themes, challenges that were addressed, and spending by department and category. He described the change in the book budget design and then presented the 2014 operating budget reflecting a 2.7% increase. The City's portion of taxes on a median market value home of \$400,000 would increase \$34, or 3.1%. For a median market value commercial property of \$1,611,400, the City's portion of taxes would increase \$194, or 2.29%. It was noted that 34% of residential single-family properties in Edina would have a decrease or no change in the total tax bill and 19% of commercial properties would have a decrease in their total tax bill. Mr. Roggeman presented a tax per capita comparison and total revenue comparison with neighboring communities.

Mayor Hovland opened the public hearing at 7:38 p.m.

Public Testimony

Frank Lorenz, 7101 York 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.

Manager Neal addressed issues raised during public testimony, indicating the City completed development and implementation of a new pay plan. He explained why Edina does not position itself or aspire to be a pay leader. The Council and Mr. Neal discussed the level of staffing, how many positions were paid from matching revenue sources, and the City's fiscal restraint. The Council acknowledged its responsibility to be good stewards of the City's resources while delivering high quality services.

Informational; action scheduled on December 17, 2013.

VI.B. PRELIMINARY AND FINAL PLAT, SPALON MONTAGE, 3909 49½ STREET AND 4936 FRANCE AVENUE – RESOLUTION NO. 2013-116 ADOPTED

Community Development Director Teague presented the application of Spalon Montage to divide its property at 4936 France Avenue and 3909 West 49½ Street into two lots and the Planning Commission's unanimous recommendation for approval.

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

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett introduced and moved adoption of Resolution No. 2013-116, Approving a Subdivision of 4936 France Avenue and 3909 49½ Street, based on the findings as detailed in the resolution and conditioned on the following:

- 1. Prior to filing of the approving resolution, all building code requirements required by the Building Official shall be met, specifically the construction of a firewall between the buildings.**

Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.C. PRELIMINARY PLAT AND VARIANCES – DENIED, GRETCHEN SHANIGHT, 5612 TRACY AVENUE – RESOLUTION NO. 2013-117 ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the revised request of Gretchen Shanight to subdivide the property at 5612 Tracy Avenue, with variances for lot width, lot depth, and lot area. He indicated the Planning Commission found the variance criteria was not met, specifically that the driveway proposal was not consistent with the essential character of the neighborhood, and recommended denial on a 6-1 vote. Mr. Teague answered the Council's questions related to median lot area and size of variances under consideration.

Proponent Presentation

Rod Helm, representing the proponent, presented the request and addressed concerns that had been expressed. He suggested there was a disproportionate distribution of median sized lots within this neighborhood that impacted the lot size calculation and created a practical difficulty.

Gretchen Shanight, proponent, read a prepared statement indicating there were sufficient grounds to approve their application.

Mayor Hovland opened the public hearing at 8:31 p.m.

Public Testimony

Bruce McLellan, 5709 Hawkes Drive, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Attorney Knutson explained that Chapter 810 regulated subdivision variances and Chapter 850 regulated zoning variances. He clarified this request was for a zoning variance and that ordinance allowed discretion for the Council to determine whether the variance criteria were met.

The Council discussed the inability to meet required variance criteria, finding the requests were too great to maintain the character of the neighborhood. **Member Swenson introduced and moved adoption of Resolution No. 2013-117, Denying a Preliminary Plat with Lot Width and Lot Area Variances at 5612 Tracy Avenue, based on the findings as detailed in the resolution.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.D. SITE PLAN WITH VARIANCES, THINK MUTUAL BANK, 3655 HAZELTON ROAD – RESOLUTION NO. 2013-118 ADOPTED

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Community Development Director Presentation

Community Development Director Teague presented the site plan and variance requests of HTG Architects, on behalf of Think Mutual Bank, to tear down the existing vacant restaurant and build a two-story 8,441 square foot bank/office at 3655 Hazelton Road. He also presented the unanimous recommendation of the Planning Commission for approval as the variance criteria were met.

Proponent Presentation

Jeff Pflipson, HTG Architects, described the architectural changes to address the Council's request relating to the façade facing the Promenade. He presented the request and exterior materials board and stated he agreed with staff's recommendation.

The Council discussed the request and asked questions of Mr. Pflipson. The Council acknowledged the importance of good design to assure the building engaged the 80-foot wide Promenade, minimizing the sense of encroachment from a shorter setback. Concerns were expressed that the blue exterior building material would be too dominant as proposed and should be lowered to three feet above the building height; that the elevation facing the Promenade should contain larger windows or spandrel glass; and, that the east elevation needed larger windows to match the window sizes on the north side.

Mayor Hovland opened the public hearing at 9:26 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2013-118, Approving a Site Plan with Variances at 3655 Hazelton Road to Build a Two-Story 8,441 Square Foot Bank/Office based on the findings as detailed in the resolution and subject to the following conditions:

- 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:**
 - Site plan date stamped November 7, 2013
 - Grading plan date stamped November 7, 2013
 - Landscaping plan date stamped November 7, 2013
 - Building elevations date stamped November 7, 2013
 - Building materials board as presented at the Planning Commission and City Council meeting
- 2. A total of thirty (30) parking stalls shall initially be constructed on the site.**
- 3. Prior to the issuance of a building permit, final landscape plan must be submitted, subject to staff approval. Landscape plan must meet all minimum Zoning Ordinance requirements. Additionally, a performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.**
- 4. The property owner is responsible for replacing any required landscaping that dies.**
- 5. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.**
- 6. Compliance with the conditions required by the City Engineer in his memo dated November 4, 2013.**
- 7. Building plans are subject to review and approval of the Fire Marshal at the time of building permit.**
- 8. The applicant must enter into a proof of parking agreement with the City to ensure the necessary parking space will be provided, if needed. Should parking become a significant problem, staff will require the proof of parking stalls be constructed.**
- 9. Bike racks must be provided to meet minimum Zoning Ordinance requirements.**
- 10. Garbage collection areas must occur within the building.**

11. Landscaping along the east property line, adjacent to the drive-through area, shall be increased to provide year round screening of car lights moving through the drive-through. Landscaping shall be subject to review and approval of City staff at the time of building permit application.
12. A three-foot reduction in height of blue panel so it does not exceed two feet above the building.
13. Increase size of windows and/or inclusion of spandrel glass on the north end of the east elevation, upper and lower levels, to match the window size in the north elevation.
14. Landscape plantings to have three-season interest.

Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.E. ORDINANCE NO. 2013-12 MINOR REVISIONS FOR CLARIFICATION TO SECTION 850 REGARDING DEVELOPMENT IN THE R-1 ZONING DISTRICT – ADOPTED

Community Development Director Teague presented the ordinance revision, including revisions suggested by the Council, and the Planning Commission's unanimous recommendation for approval. He noted correspondence from Scott Busyn, Great Neighborhood Homes, supporting more substantive changes.

The Council supported a revision to Page 5, top line, to indicate: "1. Single dwelling units buildings and attached structures accessory thereto."

Mayor Hovland opened the public hearing at 9:37 p.m.

Public Testimony

No one appeared to comment.

Member Sprague 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 to grant First and waive Second Reading adopting Ordinance No. 2013-12 Amendment Regarding the R-1, Single-Dwelling Unit District, and R-2, Double Dwelling Unit District Requirements for Building Coverage, Setback, Height and General Regulations, as revised and amended above. Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

Frank Lorenz, 7101 York Avenue South, expressed concern relating to Metropolitan Council and State legislative actions that would push Edina's population from 44,000 to 77,000 by 2035.

Ben Berg, 4222 Grimes Avenue South, advocated revoking or revising the seasonal overnight parking ban.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. ORDINANCE NO. 2013-11 AMENDING SCHEDULE 185A SETTING FEES FOR 2014 – GRANTED FIRST READING

Finance Director Wallin presented amendments to Schedule 185A as contained within Ordinance No. 2013-11 and staff's recommendation to schedule a public hearing for the December 17, 2013 Council meeting. **Member Swenson made a motion to grant First Reading to Ordinance No. 2013-11 Amending Schedule 185A Setting Fees for 2014. Member Bennett seconded the motion.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.B. RESOLUTION NO. 2013-120 FINAL PLAT & PRESERVATION EASEMENT, 5 MERILANE – ADOPTED

Mr. Teague described the Final Plat and Preservation Easement for 5 Merilane and indicated the Final Plat was the same as the Preliminary Plat approved by the Council on October 1, 2013. He advised that the Johnson study contained an error; it switched the lot width and lot depth, which slightly changed the median. He stated the correct lot width was 195 feet and the correct lot depth was 279 feet.

The Council discussed the revised language and supported adding language to the Declaration of Preservation Easement and Covenants, 2. Covenants, (b), to include the elimination of buckthorn. Tom Owens, lawyer representing the proponent, stated the covenant language already resulted in precluding buckthorn. The Council agreed with the suggestion of Attorney Knutson that staff revise the language to address the Council's concern related to buckthorn. **Member Sprague introduced and moved adoption of Resolution No. 2013-120 Approving a Final Plat at 5 Merilane based on the findings as detailed in the resolution and subject to the following conditions:**

1. **Park dedication fee of \$10,000 must be paid prior to release of the Final Plat**
2. **Prior to issuance of a building permit, the following items must be submitted:**
 - a. **Submit evidence of a Minnehaha Creek Watershed District approval. The City may require revisions to the Preliminary Plat to meet the District's requirements.**
 - b. **Curb-cut permits must be obtained from the Edina Engineering Department. Driveway plans must be consistent with the proposed grading plan to preserve as many trees as possible.**
 - c. **A grading plan subject to review and approval of the City Engineer.**
 - d. **A construction management plan will be required for construction of the new homes.**
 - e. **Utility hook-ups are subject to review of the City Engineer.**
3. **Preservation easements established along the east lot lines, subject to approval of the City Council.**

Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Attorney Knutson addressed correspondence from a Rolling Green resident and explained this case involved a variance from the zoning ordinance (not the subdivision ordinance) and the Council had more discretion to apply the criteria and objective standards when considering approval of this type of variance.

VIII.C. RESOLUTION NO. 2013-119 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. 2013-119 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.D. DATE FOR CITY COUNCIL 2014 ANNUAL DINNER MEETING SELECTED

The Council discussed availability and set the 2014 Annual Dinner Meeting on Monday, March 17, 2014, at the Hughes Pavilion, Centennial Lakes, from 5:00 to 7:00 p.m.

VIII.E. DATE FOR 2014 VOLUNTEER RECOGNITION RECEPTION SELECTED

The Council discussed availability and set the 2014 volunteer recognition reception on Tuesday, April 29, 2014 at Braemar Clubhouse.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

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

IX.B. MINUTES:

- 1. ENERGY & ENVIRONMENT COMMISSION, OCTOBER 10, 2013**
- 2. EDINA TRANSPORTATION COMMISSION, OCTOBER 24, 2013**
- 3. VETERANS MEMORIAL COMMITTEE, SEPTEMBER 20, 2013**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

The Council congratulated Clerk Mangen for being complimented by the Secretary of State as the best election clerk in the nation.

XII. MANAGER'S COMMENTS – Received

XII.A. E-CIGARETTES ORDINANCE

The Council agreed with the recommendation of Mr. Neal to consider an interim ordinance regulating e-cigarettes at the December 17, 2013, meeting.

XII.B. INTERVIEW DATES

The Council scheduled Board and Commission interview dates on Thursday ~~Tuesday~~, February 6; Monday, February 10; and, Wednesday, February 19, 2014, and asked staff to provide a list of vacancies.

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:51 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, December 17, 2013.

James B. Hovland, Mayor

Video Copy of the December 3, 2013, meeting available.