

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
JUNE 17, 2014  
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 Brindle 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 Bennett approving the consent agenda as revised to remove Items IV.C. Cooperative Agreement for Emergency Communications Services; IV.D. Ancillary Agreement 01, Procurement of Shared/Hosted 9-1-1 Call Handling System; IV.E. Request for Purchase, Shared/Hosted 9-1-1 Call Handling System Solution; IV.I. Braemar Master Plan Task Force Appointments; IV.J. Traffic Safety Committee Report on May 7, 2014; and, IV.M. Resolution No. 2014-68 Approving a Special Law Authorizing Tax Increments Financing Districts for Housing Purposes and Expenditures from the Southdale 2 Tax Increment Financing District, as follows:

IV.A. Approve regular and work session meeting minutes of June 3, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated June 5, 2014, and consisting of 28 pages; General Fund \$307,797.50; Police Special Revenue \$5,729.06; Art and Culture Fund \$104.00; Working Capital Fund \$19,833.44; Equipment Replacement Fund \$15,267.80; Art Center Fund \$5,078.59; Golf Dome Fund \$3,783.36; Aquatic Center Fund \$90.95; Golf Course Fund \$42,143.66; Ice Arena Fund \$35,292.83; Edinborough Park Fund \$12,025.95; Centennial Lakes Park Fund \$9,628.09; Liquor Fund \$182,558.71; Utility Fund \$23,567.34; Storm Sewer Fund \$157.35; PSTF Agency Fund \$936.72; Payroll Fund \$15,803.37; TOTAL \$679,798.72 and for receipt of payment of claims dated June 12, 2014, and consisting of 34 pages; General Fund \$196,031.03; Police Special Revenue \$2,640.00; Arts and Culture Fund \$978.00; General Debt Service Fund \$1,390.00; PIR Debt Service Fund \$3,000.00; Working Capital Fund \$166,805.74; Equipment Replacement Fund \$87,558.91; Art Center Fund \$2,641.47; Golf Dome Fund \$37.39; Aquatic Center Fund \$556.96; Golf Course Fund \$18,699.07; Ice Arena Fund \$23,250.69; Centennial Lakes Park Fund \$2,578.41; Liquor Fund \$256,448.00; Utility Fund \$440,721.60; Storm Sewer Fund \$3,967.10; Recycling Fund \$25.00; PSTF Agency Fund \$2,612.46; TOTAL \$1,209,941.83

~~IV.C. Cooperative Agreement for Emergency Communications Services~~

~~IV.D. Ancillary Agreement 01, Procurement of Shared/Hosted 9-1-1 Call Handling System~~

~~IV.E. Request for Purchase, Shared/Hosted 9-1-1 Call Handling System Solution~~

IV.F. Adopt Resolution No. 2014-55, Establishing Precinct 5 and Precinct 10 Polling Locations for the 2014 Election Cycle

IV.G. Approve Appointment of Steve Suckow to the vacancy on the Arts & Culture Commission for a term ending February 1, 2016

IV.H. Request for Purchase, Geographic Information System (GIS) Database Design for Park System, awarding the bid to the recommended low bidder, Geographic Technologies Group at \$37,500

~~IV.I. Master Plan Task Force Appointments~~

~~IV.J. Traffic Safety Committee Report on May 7, 2014~~

Minutes/Edina City Council/June 17, 2014

IV.K. Adopt Resolution No. 2014-67, Public Improvement and Special Assessment Agreements

IV.L. Request for Purchase, Professional Services Agreement, awarding the bid to the recommended low bidder, future iQ Partners at \$75,000

~~IV.M. Resolution No. 2014-68 Approving a Special Law Authorizing Tax Increments Financing Districts for Housing Purposes and Expenditures from the Southdale 2 Tax Increment Financing District~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.C. COOPERATIVE AGREEMENT FOR EMERGENCY COMMUNICATIONS SERVICES – APPROVED**

**IV.D. ANCILLARY AGREEMENT 01, PROCUREMENT OF SHARED/HOSTED 9-1-1 CALL HANDLING SYSTEM – APPROVED**

**IV.E. REQUEST FOR PURCHASE, SHARED/HOSTED 9-1-1 CALL HANDLING SYSTEM SOLUTION – AWARDED**

Civilian Services Manager Draper stated the City was undertaking a mutual project with Hennepin County. She explained this plan would enhance the City's service because its current analog equipment installed in 1999 does not have all of the same enhanced abilities as the new Hennepin County digital equipment. In the long term, it would save money for the City and allow sharing, when desired, with other systems. It was noted the funds were within the City's budget. Ms. Draper answered questions of the Council related to enhanced functionality and benefit of built-in redundancy. **Member Swenson made a motion, seconded by Member Sprague, approving Cooperative Agreement for Emergency Communications Services; Ancillary Agreement 01, Procurement of Shared/Hosted 9-1-1 Call Handling System; and, Request for Purchase, Shared/Hosted 9-1-1 Call Handling System Solution, awarding the bid to the recommended low bidder, Independent Emergency Services, LLC at \$354,959.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.I. BRAEMAR MASTER PLAN TASK FORCE APPOINTMENT – RATIFIED**

The Council acknowledged that the Task Force would select its own chair. **Member Sprague made a motion, seconded by Member Brindle, ratifying Braemar Master Plan Task Force Appointments: Brenda McCormick, Park Board; David Deeds, Park Board; Rick Ites; Pacy Erck; Joseph Hulbert; Dick Brozic; and, Paul Presthus.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.J. TRAFFIC SAFETY COMMITTEE REPORT ON MAY 7, 2014 – ACCEPTED**

The Council discussed Item A2, request to improve the signage for the No Left Turn sign from the exit from Edina Liquor to Gus Young Lane. **Member Sprague made a motion, seconded by Member Bennett, to accept Traffic Safety Committee Report on May 7, 2014.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.M. RESOLUTION NO. 2014-70 – ADOPTED APPROVING A SPECIAL LAW AUTHORIZING TAX INCREMENTS FINANCING DISTRICTS FOR HOUSING PURPOSES AND EXPENDITURES FROM THE SOUTHDALE 2 TAX INCREMENT FINANCING DISTRICT**

Economic Development Manager Neuendorf described the City's lobbying effort for special legislation to authorize creation of new housing districts to fund affordably priced homes and enable additional options. He referenced a map depicting the Southeast Edina Redevelopment District in which a new district could be created to enable affordably priced housing. Mr. Neuendorf indicated this special legislation was restricted to affordably priced housing and would not enable additional TIF assistance to other types of projects. The legislation included a deadline of 2017 to create a new TIF District but once certified, that

District could last for 25 years. Mr. Neuendorf answered questions of the Council related to steps to create such a TIF District and level of increment that might be available. **Member Bennett introduced and moved adoption of Resolution No. 2014-70 Approving a Special Law Authorizing Tax Increments Financing Districts for Housing Purposes and Expenditures from the Southdale 2 Tax Increment Financing District.** Member Sprague seconded the motion.

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

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR YEAR ENDED DECEMBER 31, 2013 – RECEIVED**

James Eichten of MMKR, Certified Public Accountant, presented the Comprehensive Annual Financial Report (CAFR) for year ended December 31, 2013. Mr. Eichten answered questions of the Council relating to the separation of accounting operations, tax classifications, and average tax rates by taxing entity. Mr. Eichten observed that the City was well managed. **Member Swenson made a motion, seconded by Member Bennett, receiving the Comprehensive Annual Financial Report for year ended December 31, 2013.**

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

The Council commended Finance Director Wallin, Assistant Finance Director Roggeman, and the Finance Department for a job well done.

**V.B. MAY “SPEAK UP EDINA” REPORT PRESENTED – TOPIC: EDINA SENIOR CENTER**

Communications Coordinator Gilgenbach presented a summary of May opinions, both pros and cons, collected through “Speak Up, Edina,” relating to the Edina Senior Center. Mr. Gilgenbach answered questions of the Council relating to respondents. It was noted the draw was from other communities, as well as Edina, but the number engaged in this conversation was not great at this point. Mr. Neal explained the goal was to establish more dialogue and outreach with the community. He stated staff would undertake a value analysis at the end of the year to determine if this was an effective tool.

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

**VI.A. ISSUANCE OF HOUSING REVENUE BOND ON BEHALF OF YORKTOWN CONTINENTAL, LP, RESOLUTION NO. 2014-65, CONDUIT DEBT – ADOPTED**

Finance Director Presentation

Finance Director Wallin described the use of conduit financing and process to issue tax exempt revenue bonds, noting the City would hold no financial responsibility from these bonds.

Proponent Presentation

David Dye, Yorktown Continental Limited Partnership, presented the request of Yorktown Continental, LP, a limited-purpose entity, for the issuance of up to \$26,500,000 in bonds to finance a portion of the cost to acquire and rehabilitate the existing 264-unit Yorktown Continental apartment building located at 7151 York Avenue South to provide affordable housing.

Frank Hogan, Dougherty & Company, described the anticipated financing and assured the Council that the City would not be in any way financially responsible for this project’s debt.

Mr. Dye answered questions of the Council relating to the timing of the rehabilitation that would be undertaken in increments of 12 units at a time, during which time those residents would be relocated to guest suites. These units were independent living units, every unit was affordable, and would remain so. Mr. Dye indicated the use agreement of 1996 signed for 50 years, was monitored by HUD and Minnesota Housing.

## Minutes/Edina City Council/June 17, 2014

The Council asked how compliance and rent restrictions would be monitored. Senior Planner Repya responded this was the first time the City would be responsible to monitor rents and qualifications and those procedures would be worked out. Mr. Dye described the existing multi-jurisdictional monitoring.

With regard to the City's risk with conduit financing, Mr. Neal explained that Edina had approved this type of financing for similar projects. He confirmed there was no liability for the City and it would not impact the City's borrowing capacity. It was noted the City would be reimbursed one-half of 1% of the principal for monitoring compliance.

Mayor Hovland opened the public hearing at 8:18 p.m.

### Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2014-65, Giving Preliminary Approval of Multifamily Housing Revenue Bonds (Yorktown Continental, LP Project), Series 2014.**

Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

### ***VI.B. COMPREHENSIVE PLAN AMENDMENT REGARDING RESIDENTIAL DENSITY FOR MIXED USE AREA, BUILDING HEIGHTS FLOOR AREA RATIO AND LAND USE, RESOLUTION NO. 2014-68 – ADOPTED***

#### Community Development Director Presentation

Community Development Director Teague explained that, as a result of the recent Comprehensive Plan Amendment for the Lennar project at 6725 York Avenue, the Metropolitan Council had requested the City establish new residential density ranges within the City's Comprehensive Plan to better align with the description of the uses allowed within each District. Mr. Teague presented the proposed density ranges for each zoning district, noting that by establishing new density ranges for these areas, the City would create the feasibility for mixed-use projects. In addition, changes to these density ranges would accommodate growth that had been anticipated and planned for in the City's future population projections. Mr. Teague stated the Planning Commission, at its June 11, 2014 meeting, unanimously recommended approval of the Comprehensive Plan Amendment.

The Council asked questions of Mr. Teague relating to densities, sewer capacity, and transportation infrastructure, which have been of concern to the Council. Mr. Teague indicated the transportation infrastructure numbers, as proposed, were found to be somewhat less for residential versus office/retail. It was noted that of the five PUDs approved, ~~two~~ ~~one~~ had been built, ~~two~~ ~~were~~ one was in process, and ~~two~~ ~~one~~ have not been developed at this time. Mr. Teague explained the transition in the density from 50<sup>th</sup> and France to the White Oaks and Country Club neighborhoods was mainly duplexes and single-family homes. Mr. Millner answered questions of the Council relating to the basis for sewer capacity studies, Metropolitan Council population estimates, and City modeling. It was noted that should the City consider a Comprehensive Plan Amendment to adjust the dwellings per acre number, the Metropolitan Council would consider both sewer capacity data and transportation system data. Mr. Millner confirmed the City's sewer system was adequate and WSB had indicated there was adequate roadway capacity to support the proposed residential density ranges in the mixed use districts and in the Southdale area.

Mayor Hovland opened the public hearing at 8:47 p.m.

Public Testimony

Kim Montgomery, 5300 Evanswood Lane, addressed the Council.

Gene Persha, 6917 Cornelia Drive, addressed the Council.

Hope Melton, 4825 Valley View Road, 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.

The Council acknowledged it had approved FAR as a way to control the amount of development compared to the size of lot, the City already had areas of high density, and this was not an unusual consideration. In addition, this proposal would match FAR to the acreage. Support was expressed for the proposed clarification and to revisit this issue during the next Comprehensive Plan update.

It was noted the term “workforce housing” might be a better term than “affordable housing,” as that defined people who presently worked in Edina yet cannot afford to live here due to the high real estate values. The Council indicated it was starting a Small Area Plan for Valley View and Wooddale and urged residents and business owners to attend the June 18, 2014, meeting to provide comment on what was wanted in their neighborhood. The Council discussed the proposed Amendment and need to correct the mixed use densities within the Comprehensive Plan. Concern was expressed relating to the upper density limit in the Community Activity Center and Mixed Use Center Districts and legislating based on a single project.

It was noted that the review had been triggered by a specific project, but actually showed that the city was out of compliance on density ranges in general. It was acknowledged that controls were in place, such as FAR, height and lot size restrictions, that would control density. The Council agreed density was becoming more intense because people want different lifestyle options and this action was consistent with the Council’s past actions. With regard to whether the City’s infrastructure could handle higher densities, the Met Council would answer that question when it reviewed the requested amendment. **Member Swenson introduced and moved adoption of Resolution No. 2014-68, Approving Comprehensive Plan Amendments Regarding Residential Density for Mixed Use Areas, Building Height, Floor Area Ratio and Land Use.** Member Brindle seconded the motion.

Rollcall:

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

***VI.C. FINAL PUD REZONING, FINAL DEVELOPMENT PLAN, LENNAR CORPORATION, 6735 YORK AVENUE, AND 6712, 6708, 6704, 6700, AND 6628 XERXES AVENUE – RESOLUTION NO. 2014-69 ADOPTED AND ORDINANCE NO. 2014-6 MIXED USE AREA, BUILDING HEIGHTS FLOOR AREA RATIO AND LAND USE – ADOPTED***

Community Development Director Presentation

Mr. Teague presented the request of Lennar Multifamily Communities, LLC, for approval of Final Rezoning to Planned Unit Development (PUD) and Final Development Plan to tear down the existing retail building at 6725 York Avenue and single-family homes at 6712, 6708, 6704, 6700, and 6628 Xerxes Avenue, and build a six-story, 240-unit upscale apartment building with 11,500 square feet of retail on the first level. A parking lot was proposed in front of the retail store on York Avenue with underground parking for

## Minutes/Edina City Council/June 17, 2014

residents under the apartments. Mr. Teague stated the Planning Commission, at its May 28, 2014 meeting, recommended approval of the Final Rezoning and Final Development Plan on a 5-0 vote.

### Proponent Presentation

Peter Chmielewski of Lennar and Aaron Roseth of ESG Architects described minor changes to the Development Plan based on feedback from previous meetings. They have also worked closely with the City Engineer regarding other minor site changes. The exterior building materials exhibit was presented to the Council. It was indicated there had been no changes to the interior of the building since the last report.

Erosion control and stormwater management issues were addressed by Mr. Roseth and Mr. Chmielewski, as well as landscape seeding to limit erosion of the soil, lighting during construction, bicycle amenities (racks/storage/servicing) inside of the building, energy code modeling to meet and exceed the State Energy Code, construction traffic route and parking, and shift in the sidewalk to create a larger landscaped buffer. The Council also discussed the Comprehensive Plan affordable housing goal of 212 new units and the fact that although the Council has extensively amended the Comprehensive Plan to approve PUDs, it has not yet required one new unit of affordable housing to be built.

Mayor Hovland opened the public hearing at 9:52 p.m.

### 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 Swenson introduced and moved adoption of Resolution No. 2014-69, Approving Final Rezoning from PCD-3, Planned Commercial District, and R-1, Single Dwelling Unit District to PUD, Planned Unit Development and Final Development Plan for 6725 York Avenue and 6712, 6708, 6704, 6700, and 6628 Xerxes Avenue with additional 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 May 12, 2014
  - Grading plan date stamped May 12, 2014
  - Utility plan date stamped May 12, 2014
  - Landscaping plan date stamped May 12, 2014
  - Building elevations date stamped May 12, 2014
  - Building materials board as presented at the Planning Commission and City Council meeting
2. **Prior to issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. The Final Landscape Plan must meet all minimum landscaping requirements per Section 36-1436 through 36-1462 of the City Code. The applicant must work with staff to develop a landscape plan for boulevard areas and if any existing trees are lost, they be replaced. 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.**
3. **Any plantings in the right-of-way of York Avenue must meet the requirements of Hennepin County.**
4. **The property owner is responsible for replacing any required landscaping that dies.**
5. **The Final Lighting Plan must meet all minimum requirements per Section 36-1260 of the City Code.**
6. **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.**
7. **Sustainable design principles must be used per the applicant narrative. Attempts must be made to meet an energy savings goal of 10% over state energy code guidelines.**

8. All signage for the site must meet the underlying PCD-3 Zoning District regulations. No signage shall be allowed on the Xerxes side of the project.
9. Compliance with all of the conditions outlined in the Director of Engineering's memo dated April 2, 2014; including that all public utility easements shall be dedicated to the City.
10. At the time of building permit application, compliance with all of the conditions outlined in the Chief Building Official's memo dated March 27, 2014
11. Continue to work with Hennepin County to secure a left turn in lane from south bound York Avenue
12. Approve a Zoning Ordinance Amendment regarding consideration of R-1 property within a PUD, prior to final rezoning
13. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development, for this site.
14. Metropolitan Council approval of the City Council approved Comprehensive Plan Amendment regarding land use, height, and density.
15. No construction traffic and construction parking shall be allowed on Xerxes Avenue.

Member Brindle seconded the motion.

Rollcall:

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

**Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2014-6, Amending the Zoning Ordinance to Establish the PUD-6, Planned Unit Development-6 District at 6725 York Avenue and 6712, 6708, 6704, 6700, and 6628 Xerxes Avenue. Member Sprague seconded the motion.**

Rollcall:

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

## **VII. COMMUNITY COMMENT**

Frank Lorenz, 7501 York Avenue South, Unit 720, commented regarding children and bicycling as discussed at the last City Council meeting. He felt that children, especially, were exposed to very dangerous conditions if they were forced to ride in the streets.

## **VIII. REPORTS / RECOMMENDATIONS**

### **VIII.A. REQUEST FOR PURCHASE – 2014-2015 CITY INSURANCE CONTRACTS – APPROVED**

Human Resources Director Schaefer presented staff's recommendation to award the property casualty and worker's compensation insurance to LMCIT, including the optional volunteer coverage. Ms. Schaefer stated that they received bids from Travelers and LMCIT, and it was decided that LMCIT was more favorable. Despite higher deductibles, LMCIT provided broader property casualty coverage.

Liam Bieber, LMCIT, explained apportionment of dividends based on loss ratios and longevity in the program and available workers compensation coverage for volunteers with the passage of an ordinance.

Ms. Schaefer answered questions of the Council relating to the difference in deductibles, aggregate cap, premiums, and dividends between Travelers and LMCIT. Attorney Knutson stated his recommendation for LMCIT. **Member Sprague made a motion, seconded by Member Swenson, approving Request for Purchase, 2014-2015 City Insurance Contracts, awarding the property casualty and worker's compensation insurance to LMCIT, including the optional volunteer coverage, for \$1,232 and bond coverage for \$2,176.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VIII.B. ISSUING REQUEST FOR INTEREST FOR DEVELOPMENT PARTNER – 5146 EDEN AVENUE (FORMER EDINA PUBLIC WORKS SITE) – AUTHORIZED**

Mr. Neuendorf presented staff's recommendation, based on direction given at the Council's May 20, 2014 Work Session, to issue a Request for Interest (RFI) for development partner and conclude the work of the Grandview Community Advisory Team (CAT). He thanked the Grandview CAT and acknowledged their contribution. Manager Neal added the RFI methodology was flexible yet contained structure.

The Council considered whether Phase 2, the School Bus Garage site, should be linked to this consideration to allow a broader vision. Manager Neal explained the School District owned that land and wanted a separate process to consider development proposals. The Council and Mr. Neuendorf discussed the development framework for this district. It was noted this area did not have a Small Area Plan and the CAT that drafted the RFI was not being asked to opine regarding selection of the developer. Mr. Neuendorf stated it seemed to be a good time to transition from the CAT to the Council. He recommended review of the responses by relevant internal staff and interview of those consultants by the Council. The Council discussed the RFI and selection process to consider the respondents for interview. It was noted the meeting would be open to the public and RFIs would be part of the public record. The Council supported the RFI promoting the notion of innovation and creativity with a mix of public and private uses. **Member Swenson made a motion, seconded by Member Brindle, authorizing staff to issue a Request for Interest (RFI) for development partner and conclude the work of the Grandview Community Advisory Team.**

Ayes: Brindle, Swenson, Hovland

Nays: Sprague, Bennett

Motion carried.

**VIII.C. FLOOD PROTECTION AND CLEAN WATER IMPROVEMENT STUDY UPDATE – RECEIVED**

Environmental Engineer Bintner presented the findings of the 2014 Flood Protection and Clean Water Improvement Study, Part I and Part 2, noting it provided preliminary engineering and stormwater planning for six project areas to help solve flooding and water pollution issues designated in the City's 2011 Comprehensive Water Resources Management Plan (CWRMP). Mr. Bintner stated that one of the bigger issues was a change in floodwater risk factors in past years due to a 20-25% increase in the size of 50- and 100-year storms the latter from 6 to 7.5 inches. Mr. Bintner described specific areas that have flood risk and potential next steps to address local flood risk.

The Council asked questions of Mr. Bintner relating to Minnehaha Creek and other flood risk areas, flood protection options, and benefit of providing more on-site storage when considering redevelopment projects.

Informational; no action required.

**VIII.D. EDINA ACTIVE ROUTES TO SCHOOL COMPREHENSIVE PLAN – APPROVED**

Katherine Bass, Edina Transportation Commission (ETC) Chair, presented the Active Routes to School Comprehensive Plan, noting the goals and updates since the last time the City Council reviewed this plan. She indicated there was great participation among the schools and the City and Bloomington Public Health. This was a national initiative to increase walking and biking to school. The two goals were getting more kids walking and bicycling to school and improving conditions where it was not safe for kids to do that. Ms. Bass noted the District required students within .7 miles not be bused to school, as they were in the walk zone (16% in Edina). The future vision was to allow youth to move independently and navigate in the community. Ms. Bass completed presentation of the Plan and short-, mid-, and long-term recommendations. One additional short-term recommendation was to conduct a survey in southeast Edina to address the lack of safe routes for students.

The Council and Ms. Bass discussed enforcement of school speed zones and signage. Ms. Bass indicated the School District's recommendations were much the same as in the past.

The Council commended the ETC and Ms. Bass for this Plan and the positive results that have been seen with many more students biking/walking to school. Even when not considering the health benefits, it was noted that students tend to think bicycling was just more fun. The Council agreed that implementation of this campaign would enhance the quality of life in Edina. **Member Brindle made a motion, seconded by Member Swenson, approving the Active Routes to School Comprehensive Plan.**

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

**VIII.E. RESOLUTION NO. 2014-63 – ADOPTED – SALE OF \$5,680,000 G.O. UTILITY BOND, SERIES 2014A – AWARDED**

Mark Ruff, Ehlers & Associates, indicated that five bids had been received and the low bid was at 1.93% from BMO Capital Markets of Chicago, Illinois. The projection had been .25% higher, so this lower interest rate allowed the ability to reduce the issuance from \$5,925,000 to \$5,680,000. He explained the purpose of the bonds was to finance various water and stormwater projects. Mr. Ruff indicated the City's AAA rating was confirmed by rating agencies. **Member Bennett introduced and moved adoption of Resolution No. 2014-63, Relating to \$5,680,000 General Obligation Utility Revenue Bonds, Series 2014A; Awarding the Sale, Fixing the Form and Details and Providing for the Execution and Delivery Thereof and Security Therefore.** Member Sprague seconded the motion.

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

**VIII.F. RESOLUTION 2014-64 – ADOPTED – THE GROUND LEASE AND LEASE AGREEMENT PROVIDING FOR CONSTRUCTION OF THE EDINA SPORTS DOME, BRAEMAR OUTDOOR ICE RINK AND LEASE BY THE CITY AND IMPROVEMENTS TO BRAEMAR ARENA AND PAMELA PARK – AUTHORIZED**

Mr. Ruff presented the terms of the ground lease and lease agreement for the construction of the Edina Sports Dome, Braemar outdoor ice rink, and improvements to Braemar Arena, and Pamela Park. Manager Neal confirmed the revenue from the facilities would cover the operating costs and the lease payment would be made from a levy yet to be adopted. **Member Sprague introduced and moved adoption of Resolution No. 2014-64, Authorizing the Execution of a Ground Lease and a Lease Agreement Providing for the Construction of the Edina Sports Dome, Braemar Outdoor Ice Rink and the Lease Thereof by the City and Improvements to Braemar Arena and Pamela Park, and Approving the Form of a Resolution and an Official Statement.** Member Brindle seconded the motion.

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

**VIII.G. ORDINANCE NO. 2014-8 – ADOPTED – AMENDING CHAPTERS 4 AND 6 CONCERNING ON-SALE LIQUOR LICENSES WITH AMUSEMENT DEVICES**

Mr. Neuendorf stated that this was the second reading of this ordinance. He described the interest of Dave & Busters and reviewed the Council's concerns discussed with Dave & Busters and Simon Properties at the last meeting. To address the concern relating to the proximity to residential use, a minor change had been made to the ordinance to specify a minimum distance of 500 feet from a use of this type to the closest residential use. Mr. Neuendorf reference a letter from Dave & Busters that addressed the remaining concerns of the Council.

Jill Valachovic, Dave and Busters, addressed the Council's support for a more restrictive guardian policy on nights and weekends. She explained its guardian policy in Edina would be that anyone under 18 years of age must be accompanied by a parent/guardian at least 25 years or older, noting it would create a more family-friendly environment.

**Minutes/Edina City Council/June 17, 2014**

The Council discussed container sizes for alcoholic beverages, i.e. pitchers of beer, beer tubes, etc. Ms. Valachovic stated the concern of Dave and Busters would be one of competitive disadvantage with similar facilities. The Council acknowledged that competitive disadvantage was a valid consideration and noted that Dave and Busters' had a good safety record at its other locations.

Ms. Valachovic explained their house policy to address underage drinking and how that was prevented even with pitchers or tubes of beer. The Council discussed the request and indicated Dave and Busters should be treated the same as other like establishment. **Member Sprague made a motion to grant Second Reading adopting Ordinance No. 2014-8, Amending Chapters 4 and 6 of the Edina City Code Concerning Alcoholic Beverages and Amusement Devices, as revised to add a minimum distance setback from residential property. Member Brindle seconded the motion.**

Rollcall:

Ayes: Brindle, Sprague, Hovland

Nays: Bennett and Swenson

Motion carried.

***VIII.H. RESOLUTION NO. 2014-66 ADOPTED – ACCEPTING VARIOUS GRANTS AND 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 Swenson introduced and moved adoption of Resolution No. 2014-66 accepting various grants and donations.** Member Bennett seconded the motion.

Rollcall:

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, APRIL 29, 2014***
- 2. PLANNING COMMISSION, MAY 14 AND MAY 28, 2014***
- 3. PARK BOARD, MAY 13, 2014***
- 4. HERITAGE PRESERVATION BOARD, MAY 13, 2014***

Informational; no action required.

***X. AVIATION NOISE UPDATE*** – Received

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

***XI.A. CONSIDER PREPARATION OF AN AMENDMENT TO ORDINANCE – DIRECTED***

**Member Sprague made a motion, seconded by Member Swenson, directing staff to prepare an ordinance amendment specifying that violation of Edina Code Chapter 26 was a petty misdemeanor.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council asked the Police Department to coordinate the City's signage and informational campaign with Transportation Planner Nolan and the ETC's Communication Committee to ensure the public was clearly informed of the importance of respect for all transportation modes.

***XII. MANAGER'S COMMENTS*** – Received

**XIII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:34 a.m.

Respectfully submitted,

Minutes approved by Edina City Council, July 1, 2014.

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Debra A. Mangen, City Clerk

Video Copy of the June 17, 2014, meeting available.

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James B. Hovland, Mayor