

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JULY 15, 2014
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:02 p.m.

II. ROLL CALL

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

III. MEETING AGENDA APPROVED

Member Swenson made a motion, seconded by Member Sprague, approving the meeting agenda as modified to consider Items VIII.D., Sketch Plan Review, 7200 France Avenue; and, VIII.E. Final Alignment of Nine Mile Creek Regional Trail, prior to Item VIII.A., Student Appointments to Boards and Commissions.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

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

IV.A. Approve regular and work session meeting minutes of July 1, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated July 3, 2014, and consisting of 33 pages; General Fund \$335,285.29; Police Special Revenue \$1,666.50; Braemar Memorial Fund \$1,529.48; Pedestrian and Cyclist Safety \$180.00; Arts and Culture Fund \$370,000; Working Capital Fund \$16,578.10; Equipment Replacement Fund \$390.00; Art Center Fund \$1,157.17; Golf Dome Fund \$386.82; Aquatic Center Fund \$28,372.41; Golf Course Fund \$30,628.70; Ice Arena Fund \$4,698.39; Sports Dome Fund \$215,307.88; Edinborough Park Fund \$19,015.23; Centennial Lakes Park Fund \$5,721.43; Liquor Fund \$262,677.37; Utility Fund \$88,945.60; Storm Sewer Fund \$2,846.20; PSTF Agency Fund \$15,295.26; Payroll Fund \$3,164.55; TOTAL \$1,034,216.38 and for receipt of payment of claims dated July 10, 2014, and consisting of 32 pages; General Fund \$198,491.15; Police Special Revenue \$37,318.30; Arts and Culture Fund \$323.46; Working Capital Fund \$63,966.53; Art Center Fund \$1,728.55; Golf Dome Fund \$830.87; Aquatic Center Fund \$8,135.71; Golf Course Fund \$30,657.27; Ice Arena Fund \$50,164.13; Centennial Lakes Park Fund \$1,670.11; Liquor Fund \$264,463.68; Utility Fund \$75,137.65; Storm Sewer Fund \$25,231.40; Recycling Fund \$46.90; PSTF Agency Fund \$1,885.08; TOTAL \$760,050.79

IV.C. Approve New On-Sale Wine and Beer Liquor Licenses, Pie Wild, Inc., dba PizzaRev, 7529 France Avenue

IV.D. Request for Purchase, Microsoft Enterprise Agreement Renewal, awarding the bid to the recommended low bidder, Software House International – Minnesota State Contract #436392 at \$51,311

IV.E. Request for Purchase, Award of Bid, Contract ENG 14-13 Industrial Park Lighting Improvements, awarding the bid to the recommended low bidder, Killmer Electric Company, Inc. at \$154,912.00

IV.F. Accept Traffic Study Report of June 4, 2014

IV.G. Request for Purchase, 2014 Cat 272D Skid Loader, Public Works - Streets, awarding the bid to the recommended low bidder, Ziegler Equipment, Mn/DOT State Bid Contract #71060 at \$47,804.00

IV.H. Adopt Resolution No. 2014-80 approving Public Improvement and Special Assessment Agreements

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Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. BRAEMAR GOLF COURSE UPDATE – RECEIVED

Joe Abood, Braemar Golf Course General Manager, introduced himself, described his professional background, and stated he sees great potential with the Braemar Golf Course. The Council welcomed Mr. Abood.

V.B. JULY SPEAK UP EDINA REPORT PRESENTED – TOPIC: CONSERVATION INCENTIVES

Communications Coordinator Gilgenbach presented a summary of opinions, both pros and cons, collected through Speak Up, Edina relating to conservation incentives.

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

VI.A. PRELIMINARY REZONING, LOT AREA AND WIDTH VARIANCES, BUILDING COVERAGE VARIANCE AND SIDE YARD SETBACK VARIANCE, 3923 49TH STREET, MATHIAS MORTENSON – RESOLUTION NO. 2014-79 ADOPTED TO DENY

Community Development Director Presentation

Community Development Director Teague presented the request of Mathias Mortenson regarding 3923 49th Street, for preliminary rezoning from R-1 Single Dwelling Unit District to R-2, Double Dwelling Unit District; a lot area variance from 15,000 sq. ft. to 8,816 sq. ft.; lot width variance from 90 feet to 65 feet; building coverage variance from 25% to 32%; and, side yard setback variance from 15 feet to 5 feet 10 inches on the east side. Mr. Mortenson was proposing to tear down a single-family house and construct a new double dwelling unit. Mr. Teague reviewed the Council's past sketch plan consideration and the proponent's attempt to address some of the expressed concerns. It was noted the Planning Commission had recommended approval of the requested rezoning contingent upon approval of the variances. The motion of the Planning Commission related to the requested variances failed on a 4-4 vote. Staff recommended denial based on the rationale that the combination of variances was too much for this particular site; the building would exceed lot coverage; and, a reasonable use existed.

Mr. Teague answered questions of the Council relating to the impact of approving the requested rezoning and denying the requested variances, and lot dimensions within this block. The Council acknowledged written public comment received.

Proponent Presentation

Mathias Mortenson, architect representing the proponent, 2429 Sheridan Avenue, Minneapolis, described design revisions that he believed created an improved project, better fit the neighborhood, and uniqueness of this site. He stated the proposed design accommodated age-in-place housing and asked the Council to approve the request, as revised.

The Council asked questions of Engineer Millner relating to site drainage and stormwater storage capacity and of Attorney Knutson relating to variance conditions to restrict the use to a duplex. Mr. Mortenson defined the revised ridge height and stated a preliminary grading and drainage plan had been developed by his civil engineer and submitted to the Council committing to handling 90% of all drainage and runoff on site. Mr. Mortenson stated the hard surface exterior spaces could be constructed of permeable pavers but the proposed rain gardens would meet the sustainability goal. He indicated the solar panels on a south-facing gable would accommodate electrical needs to reduce consumption of resources.

Mayor Hovland opened the public hearing at 7:52 p.m.

Public Testimony

Nancy Thorvilson, 7221 Oaklawn Avenue, addressed the Council.

Jon Andresen, 4804 Maple Road, addressed the Council.

Ben Hackel, 7105 Gloucester Avenue, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Teague addressed issues raised during public testimony on types of variances that had been considered in this area. Mr. Mortenson indicated his building footprint included all uses on the block but even when considering only the residential-type uses; his proposal remained in line with the average structure. The Council discussed the proposal and asked questions of Mr. Mortenson and Mr. Teague relating to use of the lower level and site drainage. Support was expressed for the improved design, sustainability aspects, and redevelopment of a site bordered on either side by a parking lot.

Council Discussion & Action

Council concern was expressed related to the requested lot coverage variance, lack of hardship required for variance consideration, storm water drainage, ineffective location of two rain gardens at the rear of the property, and potential risk of sanitary infiltration and inflow due to proposed excavations that lacked positive surface drainage. **Member Swenson introduced and moved adoption of Resolution No. 2014-79, Denying Preliminary Rezoning from R-1 to R-2; Lot Area and Width Variances; Building Coverage Variances; and, Side Yard Setback Variances, based on the following findings:**

- 2.01 The variance criteria are not met.**
- 2.02 The current zoning is consistent with the Comprehensive Plan.**
- 2.03 The multiple variances requested demonstrate the property is not suitable for R-2 zoning.**
- 2.04 There are no practical difficulties in complying with the Zoning Ordinance. The property owner does not propose to use the property in a reasonable manner prohibited by the Zoning Ordinance. It is not reasonable to deviate from the ordinance requirements when there is nothing unique about the property that justifies the variances. The need for variances is caused by the applicant's desire to build such a large two-family dwelling on the site.**
- 2.05 Reasonable use of the property exists with the two-story single family currently located on the property.**
- 2.06 The size of the proposed structure creates the need for the lot coverage variance, and the side yard setback variance.**
- 2.07 The City has traditionally not granted variances for building lot coverage when tearing down a home (single-family home or duplex) and building a new one.**
- 2.08 Proposed building coverage would be nearly triple the building coverage that exists today with the single family home.**

Member Sprague seconded the motion.

Ayes: Bennett, Sprague, Swenson, Hovland

Nays: Brindle

Motion carried.

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.D. SKETCH PLAN – 7200 FRANCE AVENUE – REVIEWED

Mayor Hovland explained the purpose of sketch plan review, which did not include a public hearing, noting the application process that followed included four opportunities for public testimony.

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It was noted the proposal was to redevelop the 3.51-acre parcel at 7200 France Avenue to tear down the existing outdated office building and redevelop it with a six- and four-story mixed use development project.

Proponent Presentation

Dean Dovolis, DJR Architects, presented elements of the project that included 195 residential units with 40 units being affordable; 26,000 square feet of commercial space; and, underground parking. Mr. Dovolis displayed colored artist renditions of exterior elevations.

Bruce Johnson, landscape architect, presented a landscape plan, noting it would create a lush environment through the use of plants, stones, and water and include winter interest.

Laurie Boisclair, Boisclair Corporation and project co-sponsor, described the company's housing portfolio and intention to request housing revenue bonds to allow setting aside 40 affordable units as well as Tax Increment Financing (TIF) to cover the gap in rental disparity between affordable units (81 cents/square foot) to market rate units (\$1.19 per square foot). The affordability threshold would be 50% of area median income. Ms. Boisclair described the tenant base for affordable units that would be scattered throughout the buildings and of varied design and number of bedrooms.

Mat Pascina, SRF Consulting, presented the findings of the independent preliminary traffic analysis. He reported current trip generation from this site was 500 daily trips and the proposed land use would increase it to 2,500 daily trips with retail (accessed from France Avenue) making up two-thirds of that number. Mr. Pascina stated France Avenue, a six-lane facility, could feasibly handle 40,000 to 50,000 vehicles per day. The roadway was currently handling 28,000 vehicles per day, identifying that additional capacity was available. Mr. Pascina explained how the project would minimize impacts to 72nd Street and recommended developing travel demand strategies for residents and employees. In conclusion, Mr. Pascina addressed points of access, turning movements, sight lines, and truck maneuvers.

Community Development Director Presentation

Mr. Teague explained that to accommodate this request, three amendments to the Comprehensive Plan would be required: building height from four stories to six stories; housing density from 30 units per acre to 50 units per acre; and, floor area ratio from .5 to 1.88. A rezoning would also be required to PUD, Planned Unit Development. Mr. Teague reviewed concerns of the Planning Commission related to height and density, traffic, and to require podium height on the France Avenue side.

Council Discussion

The Council supported this location for multi-residential housing, having a 140-foot setback from the closest single-family house to the west, building design elements, underground parking, providing varied (1-3 bedroom) workforce units, not displacing relatively affordable housing, offering a variety of housing units (townhomes and apartments), landscape features, and creation of a green berm/buffer.

The Council offered the following recommendations: reduce intensity of the land use (height, massing, floor area ratio, and density); improve the pedestrian streetscape experience; consider eliminating the sidewalk cut-in and extend the curb; provide a significant podium on France Avenue without creating a step-up facing single-family residential; address traffic circulation to prevent neighborhood impact; encourage multimodal transportation by enhancing bicycle facility and providing interior storage; address stormwater management; provide recreational opportunities for tenants; replace asphalt with green space; and, address and mitigate impacts to the City's infrastructure and schools.

The Council acknowledged the City would hire, at the developer's expense, a consultant to conduct a traffic study. The development team was encouraged to keep the neighborhood's interests in mind.

VIII.E. FINAL ALIGNMENT OF NINE MILE CREEK REGIONAL TRAIL – APPROVED

Eric Nelson, Three Rivers Park District Senior Manager of Engineer and Project Manager of the Nine Mile Creek Regional Trail (NMCRT) within Edina, described the alignment of the trail, areas where easements were needed, and indicated the trail grade would be ADA compliant.

The Council suggested considering a center island and/or a pedestrian activated stoplight at the trail crossing of Tracy Avenue east of the high school. It was acknowledged that in Segment 19, Condition 7 required construction of a noise wall between the entrance ramp, the trail, and neighborhood. Mr. Nelson explained that a 20-foot noise wall in this location would not meet the requirements of Mn/DOT so the cost would fall to the Three Rivers Park District. Rather, they were proposing construction of a tall privacy fence to provide screening and some sound mitigation.

Jonathan Vlaming, Three Rivers Park District Associate Superintendent, stated the Community Action Team had been active in this request and preferred a reasonable, solid privacy wall. He stated they would continue to work with residents to reach a consensus. The Council indicated a wooden fence might be an option.

Mr. Nelson stated the District finds there might be opportunity to realign the NMCRT through the former Fred Richards Golf Course property and if approached, would collaborate on that effort. The Council suggested the alignment remain on the southern side and within the green space, which would provide a nice viewscape and save costs on the length of the trail.

Member Sprague left the Council dais.

Mr. Nelson reported on public participation efforts, screening and fencing options, anticipated design, and construction timeline anticipating completion in 2017. **Member Swenson made a motion, seconded by Member Bennett, approving the final alignment of Nine Mile Creek Regional Trail as presented.**

Ayes: Bennett, Brindle, Swenson, Hovland

Nays: None

Absent: Sprague

Motion carried.

Member Sprague returned to the Council dais.

VIII.A. STUDENT APPOINTMENTS TO BOARDS AND COMMISSIONS

Members Bennett and Brindle described the interview process of 53 student applicants and presented a slate of student appointments and alternates. **Member Swenson made a motion, seconded by Member Sprague, appointing students to boards and commissions as follows: Arts & Culture Commission – Sophia Munc (senior – reappointment), Jack Ready (junior – reappointment), Alternates – Claire Lindgren (senior), (Jenna) Claire Kramer (senior); Community Health Commission – Aditya Mittal (junior – reappointment), Magen Puerzer (senior), Alternates – Matthew Jirsa (senior), Emily Reinke (junior); Energy & Environment Commission – Reilly Anderson (senior), Sunaya Padmanabhan (senior) Alternates – Ezra Sergent-Leventhal (senior), Maria Kloiber (junior), Emily Ding (junior); Heritage Preservation Board – Joseph Druckman (senior), Peter Otness (junior), Alternates – Drew Sposeep (senior), Radhika Tandon (junior); Human Rights & Relations Commission – Nicole Gates (junior), Katrina Weinert (senior), Alternates – Christina Wagner (senior), Amy Fang (senior); Park Board – Asef Chowdhury (senior), Graham Colwell (senior), Alternates – Talia Willmert (junior), William Staunton (junior); Planning Commission – Taylor Halva (senior – reappointment), Madison Seeley (junior), Alternates – Aanik Lohani (junior), Annie Moorhead (senior); and, Transportation Commission – Jack Campbell (senior), Anna Rummel (senior), Alternates – Rosalie Bruns (junior), Talia Willmert (junior).**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

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The Council expressed its appreciation to Members Bennett and Brindle.

I. STUDENT BOARD & COMMISSION ATTENDANCE RECOMMENDATIONS – APPROVED

Member Bennett recommended applying the attendance requirement (75%) equally to student appointments, to consider attendance records in January of each year, and to appoint students identified as alternates if the attendance requirement was not met. **Member Swenson made a motion, seconded by Member Sprague, to apply the attendance requirement equally to student appointments and establish policy to consider appointment of alternates mid-year.**

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

VIII.B. DRIVING RANGE AND EXECUTIVE COURSE RENOVATION – UPDATE RECEIVED

Parks & Recreation Director Kattreh presented the original schedule and revised schedule for the driving range and executive course renovations that had been significantly delayed due to wet weather in May and June and lengthy permitting process of the Army Corps of Engineers to receive a Letter of Permission. Per the revised timeline, it was anticipated the driving range would open the spring of 2015 and the new Par 3 Course would open June 1-July 1, 2016.

Ms. Kattreh answered questions of the Council relating to replacement of wetlands. The Council indicated support for the revised schedule, as presented.

With regard to whether the Fred Richards Golf Course should remain open in 2015, Ms. Kattreh indicated staff had moved forward with Council's direction of March 2014 and did not find the revised schedule was rationale to change course.

VIII.C. SKETCH PLAN – 4121 WEST 50TH STREET – TABLED TO AUGUST 4, 2014

It was noted the proponent was not in attendance. **Member Brindle made a motion, seconded by Member Bennett, to table consideration of the 4121 West 50th Street sketch plan to the Council meeting of August 4, 2014.**

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

VIII.D. SKETCH PLAN – 7200 FRANCE AVENUE

This item was considered prior to Item VIII.A.

VIII.E. FINAL ALIGNMENT OF NINE MILE CREEK REGIONAL TRAIL

This item was considered prior to Item VIII.A.

VIII.F. RESOLUTION NO. 2014-78 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. 2014-78—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:

I. HUMAN RIGHTS & RELATIONS COMMISSION, MAY 27, 2014

2. PLANNING COMMISSION, JUNE 11, 2014

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

Member Bennett made a motion, seconded by Member Sprague, establishing policy to consider mid-term appointments should a vacancy occur January through June and if an alternate existed; if no alternate existed the project coordinator would post vacancy notice and-schedule interview dates; and, if mid-term vacancy occurred July through December the vacancy would continue until the annual appointment schedule unless otherwise directed by the Council.

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

Member Swenson made a motion, seconded by Member Sprague, to change Board and Commission term dates to March 1st.

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

XII. MANAGER'S COMMENTS – Received

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:53 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, August 4, 2014.

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Video Copy of the July 15, 2014, meeting available.