

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
AUGUST 4, 2014  
7:00 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:05 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 Bennett, approving the meeting agenda as revised to remove and table Item VIII.C., Human Rights and Relations Commission – Bias Offense Response and Prevention Plan, to a future date.

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 Item IV.O., Ordinance No. 2014-14 Amending Chapter 10 Concerning Pools, as follows:

**IV.A. Approve regular and work session meeting minutes of July 15, 2014**

**IV.B. Receive payment of the following claims as shown in detail on the Check Register dated July 17, 2014, and consisting of 31 pages; General Fund \$653,110.47; Police Special Revenue \$332.92; Pedestrian and Cyclist Safety \$12,935.97; Working Capital Fund \$149,711.67; Art Center Fund \$1,537.35; Aquatic Center Fund \$19,299.68; Golf Course Fund \$15,554.65; Ice Arena Fund \$10,599.63; Sports Dome Fund \$1,830.00; Edinborough Park Fund \$6,588.15; Centennial Lakes Park Fund \$7,943.24; Liquor Fund \$172,347.92; Utility Fund \$389,712.48; Storm Sewer Fund \$4,295.94; Recycling Fund \$35,206.33; PSTF Agency Fund \$3,203.61; Centennial TIF District \$2,052.82; Grandview TIF District \$25.00; Payroll Fund \$5,318.40; TOTAL \$1,491,606.23 and for receipt of payment of claims dated July 24, 2014, and consisting of 31 pages; General Fund \$257,934.10; Police Special Revenue \$334.30; Braemar Memorial Fund \$4,355.49; Pedestrian and Cyclist Safety \$27,046.74; Working Capital Fund \$933,463.92; Equipment Replacement Fund \$360.00; Art Center Fund \$49.38; Golf Dome Fund \$5,475.08; Aquatic Center Fund \$22,994.82; Golf Course Fund \$26,212.39; Ice Arena Fund \$91.42; Sports Dome Fund \$2,046.50; Edinborough Park Fund \$2,336.12; Centennial Lakes Park Fund \$13,563.56; Liquor Fund \$165,308.51; Utility Fund \$384,341.30; Storm Sewer Fund \$152,353.08; PSTF Agency Fund \$2,901.00; Payroll Fund \$3,580.58; TOTAL \$2,004,748.29; and for receipt of payment of claims dated July 31, 2014, and consisting of 37 pages; General Fund \$530,935.52; Art and Culture Fund \$1,000.00; Working Capital Fund \$15,013.17; Art Center Fund \$9,921.52; Golf Dome Fund \$475.48; Aquatic Center Fund \$6,032.70; Golf Course Fund \$34,008.76; Ice Arena Fund \$11,224.40; Edinborough Park Fund \$17,755.39; Centennial Lakes Park Fund \$2,470.51; Liquor Fund \$267,850.08; Utility Fund \$73,589.98; Storm Sewer Fund \$32,333.35; PSTF Agency Fund \$104.11; Centennial TIF District \$25.00; Grandview TIF District \$1,800.00; Payroll Fund \$11,932.43; TOTAL \$1,016,472.40; and, Credit Card Transactions dated May 27, 2014 – June 26, 2014; TOTAL \$34,604.26**

**IV.C. Request for Purchase, Annual Purchase About Town Paper, awarding the bid to the recommended low bidder, C.J. Duffey Paper Company at \$35,049.00**

**IV.D. Approve New On-Sale Wine and Beer Licenses, Byerly's Inc. dba Byerly's Edina, 7171 France Avenue**

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- IV.E. Request for Purchase, Community Attitude and Interest Citizen Survey, ETC Institute, awarding the bid to the recommended low bidder, ETC Institute at \$23,650 plus expenses for two site visits
- IV.F. Approve amendment to Encroachment Agreement, AK Larson Family LLC, 3939 West 50<sup>th</sup> Street
- IV.G. Request for Purchase, Award of Bid – Contract I4-11 Olinger Boulevard Reconstruction, awarding the bid to the recommended low bidder, Park Construction Company at \$591,852.55
- IV.H. Request for Purchase, Award of Bid – Contract ENG I4-12 Alley Improvements, awarding the bid to the recommended low bidder, Bituminous Roadways, Inc. at \$66,274.10
- IV.I. Request for Purchase, Award of Bid – Contract ENG I4-14 France Avenue / Hazelton Road Landscaping, awarding the bid to the recommended low bidder, Hoffman & McNamara Company at \$579,979.00
- IV.J. Adopt Resolution No. 2014-85, Requesting Financial Assistance via Bridge Bonds from State of Minnesota Transportation Fund for West 54<sup>th</sup> Street Bridge
- IV.K. Request for Purchase, Change Order No. 1 – Contract ENG I4-13 Edina Industrial Park Lighting, to Killmer Electric Company at \$192,912.00
- IV.L. Request for Purchase, Reallce Ice Water Treatment, Braemar Arena, Cypress, Ltd., awarding the bid to the recommended low bidder, Cypress, Ltd. at \$27,500.00
- IV.M. Waive Second Reading Adopting Ordinance No. 2014-11 Amending Chapters 12, 20, and 24 Concerning Tobacco and Electronic Delivery Devices
- IV.N. Waive Second Reading Adopting Ordinance No. 2014-13 Amending Chapter 7 Concerning Dogs
- ~~IV.O. Ordinance No. 2014-14 Amending Chapter 10 Concerning Pools~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.O. ORDINANCE NO. 2014-14 AMENDING CHAPTER 10 CONCERNING POOLS - ADOPTED**

Community Health Administrator Brown indicated the ordinance language supported Abbey's Hope Law relating to safe pool drains. **Member Swenson made a motion to grant Second Reading adopting Ordinance No. 2014-14 Amending Chapter 10 Concerning Pools. Member Sprague seconded the motion.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. EDINA ROBOTICS TEAM – PRESENTATION RECEIVED**

Members of the Edina Green Machine Robotics Team introduced themselves, reported on the Team's successful season, and described outreach/mentorship activities. The Council congratulated the Edina Green Machine Robotics Team on its accomplishments and offered a round of applause.

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

**VI.A. COMPREHENSIVE PLAN AMENDMENT, PRELIMINARY REZONING, AND PRELIMINARY DEVELOPMENT PLAN FOR FRAUENSHUH COMMERCIAL REAL ESTATE. 5125, 5105, 5101, AND 5108 EDINA INDUSTRIAL BOULEVARD AND 7700 NORMANDALE BOULEVARD – RESOLUTION NO. 2014-82 COMPREHENSIVE PLAN – ADOPTED; AND RESOLUTION 2014-83 FOR PRELIMINARY REZONING AND DEVELOPMENT PLAN – ADOPTED**

Community Development Director Presentation

Community Development Director Teague presented the request of Frauenshuh Commercial Real Estate to tear down the existing 12,199 square-foot office building and build a new 10,000 square-foot retail center that would include a coffee shop with drive-through at 5108 Edina Industrial Boulevard, just west of Highway 100. It

was noted that to accommodate this request, the following would be required: Preliminary Rezoning from POD-1, Planned Office District-1 to PCD-2 Planned Commercial District-2; Preliminary Development Plan with consideration of Front Yard Setback Variance from 35 to 30 and 25 feet; and, Comprehensive Guide Plan Amendment from Office to Neighborhood Commercial. Mr. Teague stated the Planning Commission unanimously recommended approval subject to findings and conditions as detailed in the staff memorandum dated July 23, 2014 and referencing plans dated June and July 2014.

Mr. Teague answered questions of the Council relating to the position of the building, setbacks, and size of boulevard.

Proponent Presentation

Dave Anderson, Frauenschuh Commercial Real Estate, described site plan revisions that addressed issues raised to improve circulation and customer/tenant/employee access. He indicated they would develop an appropriate and thoughtful landscaping plan that would not block signage as that was of particular interest.

Nick Sperides, Sperides, Reiners Architects, presented the revised site plan depicting the building location and a sidewalk pedestrian-friendly feature (art, color, light) space. He noted the location of a turn lane, within an easement area, that would not accommodate boulevard trees. Mr. Sperides stated the plan was for a 5-foot sidewalk with a 12-foot boulevard to the curb.

The Council found that a wider boulevard provided additional pedestrian safety and suggested an undulating sidewalk alignment with landscaping that incorporated trees, plantings, and rocks to create a better pedestrian experience. Mr. Sperides indicated that more trees were proposed to be planted than required by Code. He described the location for receipt of deliveries and the trash enclosure in the northeast corner.

With regard to the parking requirement that was somewhat dependent on use, Mr. Teague explained that each use would be considered on a case-by-case basis. Mr. Sperides noted the site would accommodate a lot of pedestrian traffic and the proposed parking met Code requirements so it was thought that parking would not be a problem. Mr. Teague confirmed the proposed plan met Code requirements.

Mr. Sperides answered questions of the Council relating to view and screening of rooftop mechanicals, pedestrian connections between buildings, and building location that better engaged the street. Engineer Millner noted this was an industrial park area so requiring a curb extension/pedestrian landing would impact the turning radius for trucks and the placement of bollards to protect the traffic signals.

Mayor Hovland opened the public hearing at 7:45 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. 2014-82, Approving a Comprehensive Plan Amendment for Properties located on Edina Industrial Boulevard, based on the following findings:**

- 1. The proposed land uses are consistent with existing and proposed land uses in this area. The uses to the south exist today as neighborhood commercial uses. The proposed limited retail uses and PCD-2 zoning would complement and enhance this limited retail area.**
- 2. The Comprehensive Plan Amendment for the properties to the south is really a housekeeping item, as it was mistakenly guided for industrial use.**
- 3. Neighborhood Commercial is defined as small to moderate-scale commercial, serving primarily adjacent neighborhoods. Primary uses are retail and services, offices, studios,**

institutional use. Existing uses in this area include a gas station, limited retail and convenience food. All are permitted uses within the PCD-2 and PCD-4 Zoning Districts.

4. The proposal would meet the following Comprehensive Plan goals and policies:
  - a. **Building Placement and Design.** Where appropriate, building facades should form a consistent street wall that help to define the street and enhance the pedestrian environment.
  - b. **Movement Patterns.**
    - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
    - A Pedestrian-Friendly Environment.
  - c. Encourage infill/redevelopment opportunities that optimize use of City infrastructure and that complement area, neighborhood, and/or corridor context and character.
  - d. Support and enhance commercial areas that serve the neighborhoods, the City, and the larger region.
  - e. Buildings should be placed in appropriate proximity to streets to create pedestrian scale.
5. The traffic study done by Wenck concludes that the existing roadways can support the proposed project.

Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2014-83, Approving Preliminary Rezoning from POD-1, Planned Office District, to PCD-2, Planned Commercial District, for 5108 Edina Industrial Boulevard, subject to the following conditions:**

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated June 6, 2014.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Chapter 36 of the City Code.
3. The Final Lighting Plan must meet all minimum landscaping requirements per Chapter 36 of the City Code.
4. Compliance with all of the conditions outlined in the engineering memo dated July 15, 2014.
5. Approval of the requested Front Yard Setback Variances.
6. The patio space shall be re-apportioned to provide more space between the building and Edina Industrial Boulevard.
7. The proposed landscaping shall be increased, and should include consideration of additional plantings along the building; and boulevard trees along Edina Industrial Boulevard, subject to review and approval of the City Engineer.

Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VI.B. FINAL SITE PLAN REVIEW, MULTIPLE VARIANCES AND PRELIMINARY PLAT, MESABA CAPITAL; 7151 YORK AVENUE, RESOLUTION NO. 2014-84 – ADOPTED**

Community Development Director Presentation

Mr. Teague presented the request of Mesaba Capital to build a four-story 100-unit senior assisted living building west of the existing Yorktown Continental Senior Living apartments at 7151 York Avenue. If approved, the housing would include 70 units of senior housing with services, 30 memory care units, with 10% being workforce housing for residents below 50% median income level. Mr. Teague displayed the proposed site plan and noted the revisions made since sketch plan to address issues raised by the City Council. It was noted that to accommodate this request, the following land use applications were required: Site Plan review to construct the new four-story building; Front Yard Setback Variance from 46 feet to 20 feet; Density Variance to allow 364 total units on the site from 182 units allowed under current zoning (the existing building has

nonconforming with 264 units); Parking Variance from 194 exposed and 91 enclosed spaces to 162 exposed and 64 enclosed; Variances to allow one-bedroom units under 500 square feet and two-bedroom units over 850 square feet; and, Preliminary Plat. Mr. Teague stated the Planning Commission's motion to approve the site plan and variances failed on a 3-3 vote and it unanimously recommended approval of the Final Plat. He described the Planning Commission's recommended conditions and plan revisions made by the proponent to address concerns such as sidewall articulation, front entrance off the sidewalk, upgrades to the York Avenue bus stop, and providing a statement of how the project would meet the State's Energy Goal of over 10%.

Mr. Teague answered questions of the Council relating to the requirement to meet ADA parking standards and proof-of-parking plan. He described how 30 additional parking stalls could be added along the green strip to the north. With regard to the Density Variance, Mr. Teague explained the Comprehensive Plan allowed a provision for the Council to exceed 30 units per acre for senior housing only if the project met certain criteria. Mr. Teague stated staff recommended approval of the site plan and requested variances as it was comfortable with how the project engaged the street and provision of extra green space between the buildings, assuming there were no utilities under the 30-foot easement.

Concern was expressed related to the proposed density and anticipated movement between buildings as each would have different management and fee structures. In addition, the ten units dedicated as affordable would be studio and one-bedroom units.

**Proponent Presentation**

Della Koplin, Mesaba Capital Partners, described the project goals, six guiding principles, and presented the proposed site plan, noting the three unique environments: the boulevard on the front of York Avenue; interior courtyard with amenities and landscaping environments; and, the 'back yard' with ponds, native landscaping, gazebo, raised gardens, and one-eighth mile walking trail. Ms. Koplin reviewed elements within the landscaping plan.

Eliana Carter, RSP Architects, presented project plans for the garage, first, second, third, and fourth floors. She explained that the studio units exceed 500 square feet and only the memory care studio units would be part of the variance. Ms. Carter described exterior elevations including rooftop mechanicals and addressed how the project would exceed sustainability goals and meet parking requirements.

Tim Getty, Health Dimension Group, stated Premier Management was the current management company for Yorktown. He described licensure and provision of services allowing age-in-place care packages. Mr. Getty stated there would be 36-37 employees on the property, broken into three shifts over a 24-hour period. He explained that Premiere Management would manage the building and Health Dimensions Group would establish practices and procedures during the start up.

Mayor Hovland opened the public hearing at 8:32 p.m.

**Public Testimony**

Ann Kieffer, 7151 York Avenue S., Yorktown Continental Apartment 408, addressed the Council.

Daniel Spear, 7151 York Avenue S., Yorktown Continental Apartment 1202, addressed the Council.

Sunny Lenzo, 7151 York Avenue S., Yorktown Continental Apartment 508, addressed the Council.

Joann Macomb, 7151 York Avenue S., Yorktown Continental Apartment 1112, addressed the Council.

Nina Flanders, 7151 York Avenue S., Yorktown Continental Apartment 1114, addressed the Council.

Bernice Brown, 7151 York Avenue S., Yorktown Continental Apartment 708, addressed the Council.

Sarah Amaden, 7200 York Avenue S., Apartment 304, addressed the Council.

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

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

Mr. Millner and Chuck Rickert of WSB Engineering, addressed questions raised during public testimony relating to utility service and traffic analysis finding the existing roadway could handle anticipated traffic volume.

With regard to the workforce housing units, David Dye, Yorktown Continental, stated within the 100 units, 10 units would be held for individuals at an annual income of \$34,000 or \$39,000 for two individuals. He explained that during the renovation project at Yorktown Continental, for every 12 units, individuals from 8 units would have to move to new units. He assured the Council that the trash receptacle location would not be moved and the parking would be centralized. Mr. Dye stated if approved, the program spaces would not be impacted but would be refurbished with the kitchen reduced in size, yet functional. It was proposed to provide 140 surface parking spaces plus 9 handicapped parking spaces and proof-of-parking for 33 additional spaces.

The Council reviewed correspondence relating to increase in permissible rents. Mr. Dye indicated that of the 264 units, 179 units were covered under Section 8 Housing Assistance Payment (HAP) administered by Minnesota Housing. The current HAP contract would expire October 1, 2014, the end of a 20-year contract period. At the end of 20 years, the building owner would either renew the contract or not renew the contract. Mr. Dye indicated they were currently in negotiation for a new contract for the 179 units and regardless of the rent rates, the Section 8 tenants would pay the exact same amount of money paid today. Section 236 units would not be subsidized in the same way and those rents of \$493 per month might increase to \$800 per month. However, due to housing preservation vouchers from Washington D.C., the rent payments might actually be less in what the tenant pays. Mr. Dye explained that if they do not get the vouchers, any Section 236 unit rent increase would be per the regulatory agreement with HUD limited to no greater than 10% per year.

The Council reviewed past consideration relating to projects with HUD controlled rents. Mr. Dye described the HAP renewal and mortgage process and affirmed that Yorktown Continental wanted to continue to offer housing for Section 8 and Section 236 residents.

Mr. Dye answered questions of the Council related to three times per week trash removal, deliveries at the new front entrance, traffic circulation, uncovered sidewalk location, and proposal for a covered access to York Avenue. Ms. Carter addressed the east view and comment relating to the potential loss of nature. Concern was expressed that two rows of mature trees would be removed to create additional parking and the area for proof-of-parking was also in an area of mature trees to the south. Ms. Koplin, Mr. Dye, and Ms. Carter addressed questions of the Council including those relating to communal activities, position of the proposed building facing York Avenue that would create a courtyard, enhancement of green space, centralized parking, location of utilities, and appearance of the building façade from the courtyard. The Council asked the proponent to submit additional detail for the east elevation, provide additional landscaping of the street side beyond turf to incorporate perennial treatments, and submit more detail on the York Avenue entrance itself.

### **Member Swenson introduced and moved adoption of Resolution No. 2014-84, Approving a Site Plan with Variances and Preliminary Plat to Build a Four-Story 100-Unit Senior Living Apartment at 7151 York Avenue, 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 June 13, 2014.**
  - **Grading plan date stamped June 13, 2014.**
  - **Utility plan date stamped June 13, 2014.**
  - **Landscaping plan date stamped June 13, 2014.**
  - **Building elevations date stamped June 13, 2014**
  - **Revised Plans date stamped July 29, 2014**
  - **Building materials board as presented at the Planning Commission and City Council meeting.**

2. Prior to the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. 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. The property owner is responsible for replacing any required landscaping that dies.
4. 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.
5. Sustainable design principles must be used per the applicant narrative.
6. Compliance with all of the conditions outlined in the city engineer memo dated June 25, 2014.
7. The Final Lighting Plan must meet all minimum requirements per Section 36 of the Zoning Ordinance.
8. Ten percent (10%) of the housing units shall be designated for affordable housing.
9. 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. A plan of how standards are intended to be met must be submitted prior to issuance of a building permit.
10. Prior to issuance of a building permit the easement along York Avenue would have to be vacated, and utilities (if any) relocated.
11. Signage shall be allowed for both the existing and proposed buildings/lots per the PSR-4 standards outlined in Section 36, Article XIII in the City Code.
12. 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 constructed by adding additional parking stalls.
13. Work with city staff and Metro Transit to make improvements to the two existing bus stops, including adding heated shelters, at the Durham apartments and at York and Hazelton.
14. All mechanical equipment must meet the city's noise standards. If necessary, noise abatement shall be installed on the equipment to meet the standards.
15. Landscaping shall be enhanced, in particular along the north and south lot line with over-story trees to fill in the open areas.
16. The Final Plat must be considered within one year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
17. A shared parking and access agreement must be established across the Plat.
18. The Park Dedication fee of \$500,000 shall be paid prior to release of the mylars approving the Final Plat.
19. There shall be a heated enclosed connection between the two buildings similar to the plan presented to the City Council on August 4, 2014.
20. There shall be no HVAC units or chillers on the roof of the building or in the courtyard. There may be exhaust pipes on the roof.
21. A row of windows shall be added along the north and south elevations per the building renderings shown at the Council meeting on August 4, 2012.
22. A walkway shall be constructed along the proposed ponding area on the east side of the property, per the site plan presented at the Council meeting on August 4, 2014.
23. The existing gazebo and community garden shall be relocated, as depicted on the site plan presented at the Council meeting on August 4, 2014.
24. The outdoor and indoor facilities and amenities provided on the west property for Yorktown Gardens shall be shared with the residents of the east property, Yorktown Continental, in perpetuity. Member Sprague seconded the motion.

Concern was expressed relating to the Comprehensive Plan and request for variances, which indicated there was not enough room for this proposal. Support was expressed to provide this type of senior housing, proposed enhancements, and opportunity for age-in-place housing.

Rollcall:

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Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

### **VII. COMMUNITY COMMENT**

Troy Paulson, 5116 Juanita Avenue, requested the Council commission a resident survey related to the Living Streets Plan and in particular, local street standards.

### **VIII. REPORTS / RECOMMENDATIONS**

#### **VIII.A. SKETCH PLAN – 4121 WEST 50<sup>TH</sup> STREET – REVIEWED**

##### Proponent Presentation

Matt Duffy, Dromoland, LLC, representing the proponent, described current uses within the existing two-story apartment building at 4121 West 50<sup>th</sup> Street that contained nine residential units. He then presented the sketch plan request to maintain the two residential units in the basement or lower level; maintain the four units on the first floor; and, remodel the three units on the third floor into office space. Mr. Duffy recounted the extensive and high-quality renovations that have been completed and nearby park amenity. Mr. Duffy stated this building had been scheduled for demolition prior to its purchase by Mr. O'Brien who refurbished and repurposed its use. He described how the building was being used, finding it provided a transition between commercial and residential houses.

Jerry O'Brien, owner of 4121 West 50<sup>th</sup> Street, noted the requested use was consistent with the City's Comprehensive Plan. He displayed photographs of the building pre-renovation and stated the building had been successfully used by local residents as transitional housing. Attorney Mattick advised the Code does not differentiate between short-term stays as opposed to longer-term stays.

Mr. O'Brien answered questions of the Council relating to parking requirements, use of parking spaces by tenants, and options for off-site parking spaces. It was noted that accommodating this request would require a rezoning from PRD-4, Planned Residential District-4, to Planned Unit Development (PUD) to write a specific zoning ordinance to allow the proposed uses for this site.

The Council thanked Mr. O'Brien for the high-quality renovations made to the building. Following discussion of the 4121 West 50<sup>th</sup> Street sketch plan, a majority of the Council expressed reluctance to reintroduce a commercial use based on concern that it would change the character of the area through intensification of use. The Council offered the following comments: lack of adequate on-site parking spaces; preference for long-term leases for the existing well-appointed apartments; and, public benefit justification needed (sustainability, affordable housing, pedestrian streetscape) for PUD consideration.

#### **VIII.B. EDINA COMMUNITY HEALTH COMMISSION – APPOINTMENT RATIFIED**

**Member Bennett made a motion, seconded by Member Sprague, ratifying the appointment of Cathy Cozad to the Community Health Commission for a term ending March 1, 2016.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

#### **VIII.C. HUMAN RIGHTS AND RELATIONS COMMISSION – BIAS OFFENSE RESPONSE AND PREVENTION PLAN – TABLED**

This item was removed from the agenda upon adoption and tabled pending further review of the Human Rights and Relations Commission.

#### **VIII.D. RESOLUTION NO. 2014-81 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. 2014-81 accepting various grants and donations.** Member Sprague 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. EDINA TRANSPORTATION COMMISSION ADVISORY COMMUNICATION: EDINA TAXICAB CODE AND TRANSPORTATION OPTIONS – REFERRED TO STAFF**

**Member Sprague made a motion, seconded by Member Bennett, directing staff to conduct a thorough legal review and prepare modification to Chapter 12, Article VII, of the Edina City Code as recommended by the Edina Transportation Commission.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IX.C. MINUTES:**

1. **HUMAN RIGHTS & RELATIONS COMMISSION, MAY 27, 2014**
2. **ENERGY & ENVIRONMENT COMMISSION, JUNE 12, 2014**
3. **EDINA TRANSPORTATION COMMISSION, JUNE 19, 2014**

Informational; no action required.

**X. AVIATION NOISE UPDATE – Received**

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

**XI.A. CONFLICT OF INTEREST POLICY – REFERRED TO STAFF**

**Member Sprague made a motion, seconded by Member Swenson, directing staff to draft a Conflict of Interest Policy for consideration at the August 19, 2014, Council meeting.**

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 10:37 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, August 19, 2014.

Video Copy of the August 4, 2014, meeting available.

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Debra A. Mangan, City Clerk

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James B. Hovland, Mayor