

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 3, 2015
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:11 p.m.

II. ROLL CALL

Answering rollcall were Members Brindle, Staunton, Stewart, Swenson, and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Brindle made a motion, seconded by Member Stewart, approving the revised meeting agenda moving Item VIII.G., Resolution No. 2015-19, Permission to Work in Conservation Easement, Leonard and Missy Blum, 5240 Highwood Drive, Edina, MN, as Item VI.B.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

IV. CONSENT AGENDA ADOPTED

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

IV.A. Approve regular, work session, and closed work session meeting minutes of January 20, 2015

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated January 22, 2015, and consisting of 37 pages; General Fund \$440,667.28; Police Special Revenue \$13,234.34; Pedestrian and Cyclist Safety Fund \$12,637.99; Working Capital Fund \$676,012.02; Golf Dome Fund \$6,395.00; Aquatic Center Fund \$802.70; Golf Course Fund \$9,725.49; Ice Arena Fund \$614,642.48; Sports Dome Fund \$1,020,416.58; Edinborough Park Fund \$17,258.79; Centennial Lakes Park Fund \$3,051.66; Liquor Fund \$205,554.56; Utility Fund \$437,693.48; Storm Sewer Fund \$767.00; PSTF Agency Fund \$5,577.34; Centennial TIF District \$990.00; Valley View/Wooddale TIF District \$5,000.00; Payroll Fund \$12,094.90; TOTAL \$3,482,521.61 and for receipt of payment of claims dated January 29, 2015, and consisting of 27 pages; General Fund \$140,630.07; Police Special Revenue \$4,264.00; Braemar Memorial Fund \$15,000.00; PIR Debt Service Fund \$50.88; Working Capital Fund \$167,769.14; Equipment Replacement Fund \$6,285.00; Art Center Fund \$3,851.90; Golf Dome Fund \$649.94; Aquatic Center Fund \$142.79; Golf Course Fund \$101,355.47; Ice Arena Fund \$15,002.67; Sports Dome Fund \$23,283.10; Edinborough Park Fund \$17,942.61; Centennial Lakes Park Fund \$34,375.34; Liquor Fund \$160,684.08; Utility Fund \$26,777.42; PSTF Agency Fund \$1,197.55; Centennial TIF District \$275.00; Grandview TIF District \$15.00; Southdale 2 District \$820.00; Payroll Fund \$4,111.26; TOTAL \$724,483.22

IV.C. Request for Purchase, Authorize Engineering Services for the 50th Street and Wooddale Avenue Bridge Repairs, awarding the bid to the recommended bidder, Toltz, King, Duvall, Anderson & Associates, Inc. at \$63,800.00

IV.D. Request for Purchase, 2015 Dodge Grand Caravan – Police Department, awarding the bid to the recommended bidder, Dodge of Burnsville at \$20,416.00

IV.E. Adopt Resolution No. 2015-16, Approving City of Edina and Three Rivers Park District Nine Mile Regional Trailway Cooperative Agreement

IV.F. Adopt Resolution No. 2015-17, Approving a Resolution of Support for the Acquisition of the Nine Mile Creek Regional Trail

IV.G. Adopt Resolution No. 2015-18, Authorizing Joint Powers Agreement with the State of Minnesota replacing Resolution No. 2015-09 signed January 6, 2015

Rollcall:

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. JAN CALLISON, HENNEPIN COUNTY COMMISSIONER UPDATE RECEIVED

Commissioner Callison presented updates on Hennepin County's levy, regulation of electronic cigarettes, plans for Southdale Service Center, mosquito control, and Heading Home Hennepin.

V.B. DANA NELSON, ASSISTANT MANAGER NOISE ENVIRONMENT AND PLANNING, METROPOLITAN AIRPORTS COMMISSION NOISE STUDY PRESENTED

Dana Nelson, Assistant Manager Noise Environment and Planning, Metropolitan Airports Commission, presented the Edina and St. Louis Park Noise Monitoring Study including the scope, methodology, results, and conclusions.

Ms. Nelson answered questions of the Council, indicating that the study did take into account areas with high complaints in conjunction with actual flight patterns and that the areas chosen for the monitoring equipment had to be secure and had to avoid busy areas. Manager Neal noted that an additional factor was the geographic coverage of the monitors.

Ms. Nelson explained that the devices barely overlapped, but did an accurate job measuring the Southeast and Southwest quadrants. Ms. Nelson discussed Day-Night Sound Level (DNL), how it was measured, and eligibility for mitigation confirming that Edina's DNL did not reach the required standards for mitigation. Ms. Nelson also answered questions concerning Area Navigation (RNAV), explaining that RNAV was an initiative of the Federal Aviation Administration to update air traffic control systems across the United States. The RNAV procedure for departures was off the table, but the RNAV procedure for arrivals would begin March 5, 2015.

The Council asked Ms. Nelson to schedule a less formal meeting in Edina where the community could ask questions and to discover the top ten noise events were related to a specific type of airplane.

The Council introduced Commissioners Paul Rehkamp and Lisa Peilen who were in attendance.

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

VIA. ORDINANCE NO. 2014-25; AMENDING CHAPTERS 10 AND 32, REGARDING TREES PRESERVATION AND SUBDIVISIONS – FIRST READING GRANTED

Community Development Director Presentation

Community Development Director Teague presented the revised tree preservation ordinance based on feedback from the October 21, 2014, City Council work session. The ordinance applied to demolition permits; subdivision applications; building permit applications for principal and accessory structures including a garage, deck, or a pool; and, additions to principal and accessory structures. Trees to be protected under the proposed ordinance include all deciduous trees at least eight inches in diameter at breast height (dbh) except box elder, poplar, willow, silver maple, black locust, fruit tree, and mulberry; and coniferous trees at least 20 feet in height. The proposed ordinance would increase the amount of staff time required to enforce the ordinance. As such, the city forester position would increase from a three-fourths position to a full-time position.

Mr. Teague answered questions of the Council relating to staffing and enforceability. Michael Platteter, Planning Commission Chair, answered questions of the Council, indicating that transplanted trees should count as replacement trees. The Council noted that if the language in the ordinance did not specify, it could be added prior to Second Reading.

Mayor Hovland opened the public hearing at 8:25 p.m.

Public Testimony

Heather Beal, 4236 Crocker Avenue, addressed the Council.

Mark Chamberlain, 7004 Bristol Boulevard, addressed the Council.

Jim Grotz, 5513 Park Place, addressed the Council.

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

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

The Council supported rewording Page 4, Section 32-7. Variances. (3), to read: "That the variance is to correct inequities resulting from an extreme physical hardship including topography or inadequate access to direct sunlight for solar energy systems." **Member Brindle made a motion to grant First Reading to Ordinance No. 2014-25, an Ordinance Amendment Regarding Tree Preservation and Subdivisions, as revised. Member Staunton seconded the motion.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VI.B. RESOLUTION NO. 2015-19 PERMISSION TO WORK IN CONSERVATION EASEMENT LEONARD AND MISSY BLUM, 5240 HIGHWOOD DRIVE ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the request from Missy and Leonard Blum for permission to perform work within a Conservation Easement for the purpose of installing retaining walls and pathway to Mirror Lake within the easement area. Work would include grading, tree removal, tree replanting, and installation of three underground stormwater treatment areas to filter out sediment before draining into Mirror Lake. The applicant would like to tear down the existing home on the property and build a new one outside of the easement area. Mr. Teague presented maps of the area and reviewed the conditions of approval.

The Council asked questions relating to the patio and retaining walls encroaching into the conservation easement and the planned height for the retaining walls.

John Sonnek, Charles Cudd De Novo LLC, discussed the process of the water retention system explaining that all of the water from the home would be caught by the underground stormwater treatment areas. Mr. Sonnek also reviewed the site plan and landscaping details.

The Council asked questions relating to materials for the driveway, hardcover, landscaping plans, and tree replacement.

Mayor Hovland opened the public hearing at 9:02 p.m.

Public Testimony

Lori Grotz, 5513 Park Place, addressed the Council.

Barbara Schulz, 5240 Highwood Drive West, addressed the Council.

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

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

The Council continued discussions of landscaping requirements and tree removal and replacement. **Member Staunton introduced and moved adoption of Resolution No. 2015-19, Granting**

Permission to Work within a Conservation Easement at 5240 Highwood Drive for Missy and Leonard Blum subject to the following conditions:

1. **Submittal of a landscape and tree removal and replacement plan subject to review and approval of the city forester.**
2. **Trees to be removed in the easement area shall be replaced I for I. Removal and replacement of trees, including size of replacement trees, shall be subject to review and approval by the city forester.**
3. **The proposed plans require review and approval of the Nine Mile Creek Watershed District.**
4. **Work in the easement must be consistent with the plans date stamped January 28, 2015 and presented to the City Council.**
5. **Compliance with all of the conditions outlined in the engineering memo dated January 28, 2015.**

Member Stewart seconded the motion.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VII. COMMUNITY COMMENT

Jim Grotz, 5513 Park Place, expressed concern over the availability of copyrighted material such as building permits. Mr. Grotz explained that the home next door was being built too close to the lot line and staff had suggested he ask the architect for permission to obtain a copy of the building plans, as they were copyrighted material.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. FINDINGS OF FACT FOR DENIAL, COMPREHENSIVE PLAN AMENDMENTS FOR BUILDING HEIGHT, DENSITY, AND FLOOR AREA RATIO, 7200 FRANCE AVENUE, 7200 LLC – RESOLUTION NO. 2015-12 TABLED TO MARCH 3, 2015

VIII.B. FINDINGS OF FACT FOR DENIAL, PRELIMINARY REZONING AND PRELIMINARY DEVELOPMENT PLAN, 7200 FRANCE AVENUE, 7200 LLC – RESOLUTION NO. 2015-13 TABLED TO MARCH 3, 2015

Mr. Teague informed the Council that the applicant had submitted a request for extension on February 2, 2015 for thirty days to deal with issues concerning the watershed district. Attorney Knutson answered questions of the Council relating to process. **Member Brindle made a motion, seconded by Member Swenson, approving the extension request of 7200 LLC for Items VIII.A. and VIII.B. to March 5, 2015, and to table consideration to March 3, 2015.**

The Council discussed directing staff to conduct a study and engage stakeholders concerning the Southdale area including the west side of France Avenue. Mr. Teague shared that the Planning Commission had just requested an amendment to its work plan to begin a study of this exact area, which would piggyback on work the Engineering Department was doing. Member Stewart confirmed with Attorney Knutson that the action taken on this request at the previous City Council meeting was not final. Member Stewart shared that he had a meeting with the developer and the developer did not agree to any concessions.

Ayes: Brindle, Staunton, Swenson, Hovland
Nays: Stewart
Motion carried.

VIII.C. ORDINANCE NO. 2015-02 AMENDING CHAPTER 8 OF THE CODE CONCERNING HONEY BEEKEEPING –TABLED TO MARCH 17, 2015

Dianne Plunkett Latham, Energy and Environment Commissioner, discussed two minor changes that had been made to the ordinance.

Manager Neal answered questions of the Council, indicating that staff was still having discussions concerning who would enforce the standards as well as the appeal process. **Member Staunton made a motion, seconded by Member Swenson, to table consideration of Ordinance No. 2015-02,**

Amending Chapter 8 of the Edina City Code Regarding Honey Beekeeping to March 17, 2015.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VIII.D. ORDINANCE NO. 2015-03 AMENDING CHAPTER 26 OF EDINA CODE OF ORDINANCES CONCERNING BICYCLE LANES – ADOPTED

Engineer Millner explained that Minnesota State Statutes required the City designate as bicycle lanes those portions of the roadway that were separated from the portion of the roadway used for motor vehicle traffic by physical barrier, striping, marking, or other similar device. The City completed a mill-and-overlay of Olinger Boulevard and bicycle lanes were added. The ordinance adds the roadway to the City's list of designated bicycle lanes. **Member Swenson made a motion to grant First Reading and waive Second Reading adopting Ordinance No. 2015-03, Amending Chapter 26 of the Edina City Code Concerning Bicycle Lanes. Member Stewart seconded the motion.**

Rollcall:
Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VIII.E. ORDINANCE NO. 2015-04 INTERIM ORDINANCE TEMPORARILY PROHIBITING MEDICAL CANNABIS MANUFACTURING AND DISTRIBUTION FACILITIES – ADOPTED

Economic Development Manager Neuendorf explained that operators of medical marijuana facilities were seeking sites for new dispensaries and at least one operator was seeking a location in Edina or Bloomington. This use had not been anticipated in the City's zoning and land use regulations. A one-year moratorium was proposed to study manufacturing facilities and dispensaries. The study period would allow the City to determine whether City Code needed to be amended. **Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2015-04, an Interim Ordinance Temporarily Prohibiting Medical Cannabis Manufacturing and Distribution Facilities. Member Stewart seconded the motion.**

Rollcall:
Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VIII.F. REDEVELOPMENT PLANNING UPDATE FOR GRANDVIEW, FORMER PUBLIC WORKS SITE – PRESENTED

Mr. Neuendorf shared that in November 2014, the City entered into a Collaborative Development Planning partnership with Frauenshuh to prepare development scenarios for the City-owned property at 5146 Eden Avenue. The team was midway through the exploration phase. Mr. Neuendorf presented the collaborative design planning timeline, activities and process to date, recurring themes, and preliminary desires regarding land use.

Dave Anderson, Frauenshuh, presented pictures of the preferences of buildings; green spaces; streetscape and parking; uses; events and activities; and, presented upcoming team activities.

~~VIII.G. RESOLUTION NO. 2015-19 PERMISSION TO WORK IN CONSERVATION EASEMENT LEONARD AND MISSY BLUM, 5240 HIGHWOOD DRIVE, EDINA MN~~

This agenda item was considered as Item VI.B.

VIII.H. RESOLUTION NO. 2015-15 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. 2015-15 accepting various grants and donations. Member Brindle seconded the motion.**

Rollcall:
Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

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Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

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

IX.B. MINUTES:

- 1. TRANSPORTATION COMMISSION, DECEMBER 18, 2014**
- 2. PLANNING COMMISSION, JANUARY 14, 2015**
- 3. HUMAN RIGHTS AND RELATIONS COMMISSION, DECEMBER 11, 2014**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XI.A. CITY MANAGER PERFORMANCE REVIEW REPORT AND EMPLOYMENT AGREEMENT – APPROVED

Mayor Hovland indicated the full Council with the help of consultant Harry Brull and HR Director Lisa Schaefer met in closed session and conducted the performance evaluation of City Manager, Scott Neal on January 6 and January 20, 2015. He reported the Council found the performance of the City Manager to be excellent. **Member Swenson made a motion, seconded by Member Brindle, to approve the employment agreement with City Manager Scott Neal and authorize the Mayor and City Clerk to execute the agreement on behalf of the City.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

XII. MANAGER'S COMMENTS – Received

XII.A. REQUEST FOR FINANCING FOR 66 WEST – Received

XII.B. LIQUOR ORDINANCE REVIEW: PLAN, PROCESS, AND TIMELINE – Received

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:15 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, February 17, 2015.

James B. Hovland, Mayor

Video Copy of the February 3, 2015, meeting available.