

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MAY 6, 2015
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:10 p.m.

II. ROLL CALL

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

III. MEETING AGENDA APPROVED

Member Swenson made a motion, seconded by Member Stewart, approving the meeting agenda as revised to remove Item IV.C. Approve Traffic Sign Installation and Maintenance Policy.

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

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Staunton, approving the consent agenda as revised to remove Items IV.G. Continue to June 16, 2015 Findings of Fact for Denial, Comprehensive Plan Amendments for Building Height, Density and Floor Area Ratio, 7200 France Avenue, 7200 LLC and IV.H. Continue to June 16, 2015 Findings of Fact for Denial, Preliminary Rezoning and Preliminary Development Plan, 7200 France Avenue, 7200 LLC, as follows:

IV.A. Approve regular and work session meeting minutes of April 21, 2015

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated April 23, 2015, and consisting of 23 pages; General Fund \$156,677.20; Police Special Revenue \$1,539.26; Working Capital Fund \$30,251.08; Equipment Replacement Fund \$53,402.39; Art Center Fund \$1,177.02; Golf Dome Fund \$596.00; Aquatic Center Fund \$24.69; Golf Course Fund \$15,098.53; Ice Arena Fund \$8,969.60; Sports Dome Fund \$2,073.78; Edinborough Park Fund \$170.48; Centennial Lakes Park Fund \$3,863.86; Liquor Fund \$177,286.13; Utility Fund \$48,251.96; Storm Sewer Fund \$29.66; PSTF Agency Fund \$161.10; Centennial TIF District \$142,667.61; Grandview TIF District \$1,307.09; Southdale 2 District \$11,702.50; Pentagon Park District \$105.00; Payroll Fund \$2,585.70; TOTAL \$657,940.64 and for receipt of payment of claims dated April 30, 2015, and consisting of 33 pages; General Fund \$194,592.56; Police Special Revenue \$7,950.25; Arts and Culture Fund \$5,000.00; General Debt Service Fund \$5,000.00; PIR Debt Service Fund \$2,975.00; Working Capital Fund \$187,154.86; Equipment Replacement Fund \$24,491.43; Cando Fund \$75.03; Art Center Fund \$2,641.24; Golf Dome Fund \$74.39; Aquatic Center Fund \$329.48; Golf Course Fund \$21,193.08; Ice Arena Fund \$35,976.99; Sports Dome Fund \$224,243.24; Edinborough Park Fund \$11,967.86; Centennial Lakes Park Fund \$7,114.25; Liquor Fund \$199,146.66; Utility Fund \$42,317.78; Storm Sewer Fund \$11,549.46; PSTF Agency Fund \$954.67; Payroll Fund \$9,200.00; TOTAL \$993,948.23

~~**IV.C. Approve Traffic Sign Installation and Maintenance Policy**~~

IV.D. Request for Purchase, Award of Quote Contract ENG 15-8NB 2015 Storm Sewer Improvements, awarding the bid to the recommended low bidder, Northwest Asphalt, Inc. at \$54,917.00

IV.E. Adopt Resolution No. 2015-44, Approving Joint Powers Agreement with Edina Public Schools for Countryside H Neighborhood Improvement Project

IV.F. Authorize Promenade Phase 4 – Hennepin County Environmental Response Fund Grant

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~~IV.G. Continue to June 16, 2015 Findings of Fact for Denial, Comprehensive Plan Amendments for Building Height, Density and Floor Area Ratio, 7200 France Avenue, 7200 LLC~~

~~IV.H. Continue to June 16, 2015 Findings of Fact for Denial, Preliminary Rezoning and Preliminary Development Plan, 7200 France Avenue, 7200 LLC~~

IV.I. Authorize Settlement with Meisinger Construction Promenade Project

Rollcall:

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.G. FINDINGS OF FACT FOR DENIAL, COMPREHENSIVE PLAN AMENDMENTS FOR BUILDING HEIGHT, DENSITY AND FLOOR AREA RATIO, 7200 FRANCE AVENUE, 7200 LLC – CONTINUED TO JUNE 16, 2015

Member Stewart stated that he was against the extensions and would continue to vote against them.

Member Swenson made a motion, seconded by Member Staunton, to Continue to June 16, 2015 Findings of Fact for Denial, Comprehensive Plan Amendments for Building Height, Density and Floor Area Ration, 7200 France Avenue, 7200 LLC.

Ayes: Brindle, Staunton, Swenson, Hovland

Nays: Stewart

Motion carried.

IV.H. FINDINGS OF FACT FOR DENIAL, PRELIMINARY REZONING AND PRELIMINARY DEVELOPMENT PLAN, 7200 FRANCE AVENUE, 7200 LLC – CONTINUED TO JUNE 16, 2015

Member Swenson made a motion, seconded by Member Staunton, to Continue to June 16, 2015 Findings of Fact for Denial, Preliminary Rezoning and Preliminary Development Plan, 7200 France Avenue, 7200 LLC.

Ayes: Brindle, Staunton, Swenson, Hovland

Nays: Stewart

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. NATIONAL PUBLIC WORKS WEEK – PROCLAIMED

Mayor Hovland read the National Public Works Week Proclamation. **Member Brindle made a motion, seconded by Member Swenson, to proclaim the week of May 17-23, 2015 as National Public Works Week in the City of Edina.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

Public Works Director Olson accepted the Proclamation, shared the theme "Community Begins Here" for National Public Works Week, and highlighted the services of Public Works.

V.B. NATIONAL POLICE WEEK, MAY 10-16, 2015 – PROCLAIMED

Mayor Hovland read the National Police Week 2015 Proclamation. **Member Stewart made a motion, seconded by Member Brindle, to proclaim May 10-16, 2015 as National Police Week in the City of Edina.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

Deputy Chief Elasky accepted the Proclamation and thanked the Council.

V.C. MONARCH BUTTERFLY MONTH – PROCLAIMED

Mayor Hovland read the Monarch Butterfly Month Proclamation. **Member Swenson made a motion, seconded by Member Brindle, to proclaim the month of May 2015 the time for Edina residents to plant milkweed seeds.**

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

Ward Johnson, 6408 Indian Hills Road, accepted the Proclamation and thanked the Council.

V.D. PRESERVATION MONTH – PROCLAIMED

Mayor Hovland read the Preservation Month Proclamation. **Member Stewart made a motion, seconded by Member Swenson, to proclaim May 2015 as Preservation Month in the City of Edina.**

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

Senior Planner Repya accepted the Proclamation and thanked the Council.

V.E. 2015 EDINA HERITAGE AWARD – PRESENTED

Senior Planner Repya provided a presentation on the Edina Heritage Award in recognition of Savory's Gardens for being a thriving nursery business since 1946.

Mayor Hovland presented Arlene Savory and son with the 2015 Edina Heritage Award.

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

VI.A. APPLICATIONS FOR A CABLE COMMUNICATIONS FRANCHISE – RECEIVED AND CONSIDERED

Manager Neal introduced Brian Grogan, Moss & Barnett, legal counsel and administrator of the Southwest Cable Commission.

Attorney Grogan reported that CenturyLink was seeking a competitive franchise and highlighted important pieces of the Federal Cable Act. Mr. Grogan presented the franchise application timeline, existing Comcast franchise, and Minnesota statutes. The main issue was whether State law or Federal law was applicable for the build out. Comcast had submitted a letter indicating it believed that State law was applicable and requested that Edina hold CenturyLink to State law mandates.

Attorney Grogan answered a question of the Council indicating there would be two phases in discovering whether CenturyLink should be given a competitive franchise. The first phase would be whether the company possessed the requisite legal, financial, and technical qualifications. The second phase would be based on a reasonable standard with respect to the award of the franchise based on the laws described.

Tyler Middleton, CenturyLink Vice President of Operations for Minnesota, shared highlights of CenturyLink's technical and operational capabilities to provide video services.

Patrick Haggerty, CenturyLink Director of Regulatory and Governmental Affairs, discussed the legal side of the franchise.

The Council asked questions relating to how soon the service would be available to residents in different areas of Edina, other communities that CenturyLink was serving, and the build out timing plan.

Mayor Hovland opened the public hearing at 8:12 p.m.

Public Testimony

Jim Grotz, 5513 Park Place, addressed the Council.

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

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

VI.B. ZONING ORDINANCE AMENDMENT REGARDING LOT DIVISION PROCEDURES, REZONING PROCEDURES, SIDE YARD SETBACK REGULATIONS AND R-2 REGULATIONS – ORDINANCE NO. 2015-07 FIRST READING GRANTED

Community Development Director Presentation

Community Development Director Teague reported on a Zoning Ordinance Amendment regarding procedures for lot divisions and rezoning; side yard setback requirements; and, R-2 district regulations. The proposed Ordinance was the result of the recommendations from the Planning Commission and City Council Work Session held on February 17, 2015 regarding the City's rezoning procedure. Mr. Teague presented a summary of the following ten sections of the Ordinance: Section 1. Lot Division/Party Wall Division; Section 2. Window Well; Section 3. Plan Modifications; Sections 4. and 5. Procedure for Rezoning; Sections 6. and 7. Building Coverage, Side Yard Setback Requirements; Section 8. R-2 District Regulations; Section 9. Building Height; and, Section 10. Nonconforming R-2 Lots.

Staff answered questions of the Council relating to requirements for window wells and side yard setbacks. The Council discussed changing the wording for the definition of window well in Section 2. of the Ordinance and made clarifying suggestions for Second Reading.

Mayor Hovland opened the public hearing at 8:41 p.m.

Public Testimony

John Crabtree, 5408 Oaklawn Avenue, 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 discussed the issue of developers infringing on neighboring properties and directed staff to add that topic to the work plan for the Planning Commission. Attorney Knutson read an accepted definition of window wells.

Member Swenson made a motion to grant First Reading to Ordinance No. 2015-07, Amending Chapters 32 and 36 of the Edina City Code as revised to include a clarifying definition of window wells. Member Stewart seconded the motion.

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

VI.C. PRELIMINARY PLAT WITH LOT WIDTH AND AREA VARIANCES, 5825 ASHCROFT AVENUE, JEFFREY AND JANINE JOHNSON – RESOLUTION NO. 2015-49 ADOPTED

Community Development Director Presentation

Community Development Director Teague presented a request from Jeffrey and Janine Johnson to subdivide their property at 5825 Ashcroft Avenue into two lots. The existing home would be torn down, and two new single-family homes built on the new lots. Mr. Teague presented a map of the property and explained that both lots would gain access off Ashcroft Avenue. Within the neighborhood, the median lot area was 6,790 square feet, median lot depth was 135 feet, and the median lot width was 50 feet. The new lots meet the median width and depth, but would be just short of the median area. The primary issue for the Council to consider was whether the variance standards were met. Staff and the Planning Commission agree the standards were met and recommend approval.

Proponent Presentation

Jeffrey Johnson, 5825 Ashcroft Avenue, presented Hennepin County maps of the property and discussed each of the four questions required by City Code to approve a variance.

Mayor Hovland opened the public hearing at 9:15 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

Member Stewart introduced and moved adoption of Resolution No. 2015-49, Approving a Preliminary Plat with Variances at 5825 Ashcroft Avenue. Member Brindle seconded the motion.

The Council discussed the existing trees on the property and whether to add a requirement to save the trees, but decided that it was difficult to hold a single property to a higher standard. The Council noted this property was subject to the Tree Preservation Ordinance that would take effect in July. Member Swenson noted that she had consistently voted against these requests and acknowledged some concerns from neighbors.

Rollcall:

Ayes: Brindle, Staunton, Stewart, Hovland

Nay: Swenson

Motion carried.

VI.D. LIVING STREETS PLAN – APPROVED

Transportation Planner Nolan shared that the City Council had passed the Living Streets Policy in August 2013 and that Policy called for the development of a Living Streets Plan to guide the implementation of the Policy. With feedback from the internal team, Living Streets Advisory Group, Transportation Commission, Planning Commission, and the public, staff had prepared a Living Streets Plan for Council review and approval. Mr. Nolan reviewed Edina's path to Living Streets, plan preparation and input, purpose of the plan, and structure of the plan. A public hearing was not required, but staff felt it was important to provide additional opportunity for public comment.

Mayor Hovland opened the public hearing at 9:45 p.m.

Public Testimony

Arnie Bigbee, 7621 Edinborough Way, addressed the Council.

Diane Rice, 5013 Bruce Avenue, addressed the Council.

Joanie Mitchell, 5011 Bruce Avenue, addressed the Council.

Carol Cushmore, 5012 Bruce Avenue, addressed the Council.

Pat Lawrence, 5015 Bruce Avenue, addressed the Council.

Cary Schilling, 5017 Bruce Avenue, addressed the Council.

Chris Bremer, 6001 Ewing Avenue South, addressed the Council.

Pat Olson, 5002 Bruce Avenue, addressed the Council.

John Hamilton, 6125 Beard Avenue South, 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.

Member Swenson made a motion, seconded by Member Brindle, to approve the Living Streets Plan.

The Council each shared their support for the Living Streets Plan and acknowledged the hard work that had gone into it. The Council also noted it would decide at a later time whether or not to revisit parking on both sides of the street on Bruce Avenue.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. 2014 PEDESTRIAN AND CYCLIST SAFETY FUND SUMMARY REPORT – PRESENTED

Mr. Nolan presented a Pedestrian and Cyclist Safety Fund overview, reviewed the 2014 Pedestrian and Cyclist Safety Fund, and discussed 2014 Pedestrian and Cyclist Safety Fund project locations. He also noted that over \$750,000 was estimated to roll over from 2014 into 2015 and that rollover amount was projected to decrease in future years with efficient planning and management of the fund.

VIII.B. RESOLUTION NO. 2015-46 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. 2015-46 accepting various grants and donations. Member Brindle seconded the motion.

Rollcall:

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.C. RESOLUTION NO. 2015-47 ACCEPTING THREE LIFE-SIZED BRONZED SCULPTURES RESTRICTED DONATION AND AGREEMENT – ADOPTED

Tom Shirley, Centennial Lakes Park General Manager, presented the proposal and location of three sculptures. The Edina Community Foundation, through a gift from former Northwest Airline employees, wanted to donate three life-sized bronze sculptures to the City of Edina that would be installed along the lower walkway on the northeast part of Centennial Lakes Park. If accepted, the sculptures would be created and installed by Edina artist Nick Legeros.

Mr. Legeros presented models of all three aviation themed pieces.

Member Swenson introduced and moved adoption of Resolution No. 2015-47, Accepting Donation and Approving Agreement Centennial Lakes Sculpture Donation. Member Brindle seconded the motion.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.D. RESOLUTION NO. 2015-48 SUPPORTING AFFORDABLY-PRICED HOUSING AT 3330 WEST 66TH STREET – ADOPTED

Economic Development Manager Neuendorf presented the request from Beacon Interfaith Housing for general support as well as \$550,000.00 in direct financial support from the City to provide gap funding for the proposed 66 West apartment project located at 3330 West 66th Street. When completed, the project would consist of 39 efficiency apartments targeted as affordably-priced housing for teenagers and young adults who were formerly homeless. The Council discussed the request at its April 7, 2015 Work Session and directed staff to explore the possibility of using incremental taxes from the Southdale 2 TIF District to meet this need. Ehlers & Associates and Dorsey & Whitney have determined that tax increment financing

was a viable means to provide direct financial support to the 66 West project without overburdening pre-existing commitments.

Mr. Neuendorf answered questions of the Council relating to rescinding the pledge and the \$50,000.00 increase.

Member Staunton introduced and moved adoption of Resolution No. 2015-48, Supporting Affordable-Priced Housing at 3330 West 66th Street. Member Brindle seconded the motion.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.E. SOUTHDAL FRANCE WORKING GROUP UPDATE – PRESENTED

Michael Schroeder, Southdale France Work Group Member, updated the Council on the Work Group's efforts to date toward creating a set of development principles for the Southdale France Avenue Area. Mr. Schroeder talked about the process with a focus on Stage One; the meetings held including a kick-off meeting, work group meetings, and a check-in meeting; work group dialogue; next steps; and, schedule for the remainder of Stage One.

Robb Gruman, Southdale France Work Group Member noted the Group had thoroughly discussed that the work needed to be qualitative instead of quantitative.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

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

IX.B. MINUTES:

1. **EDINA COMMUNITY HEALTH COMMISSION, FEBRUARY 3 AND MARCH 3, 2015**
2. **TRANSPORTATION COMMISSION, MARCH 19, 2015**
3. **HUMAN RIGHTS AND RELATIONS COMMISSION, MARCH 24, 2015**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XII. MANAGER'S COMMENTS – Received

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:17 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, May 19, 2015.

James B. Hovland, Mayor

Video Copy of the May 6, 2015, meeting available.