

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 18, 2015
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 Staunton, Stewart, Swenson, and Mayor Hovland. Absent at rollcall was Member Brindle.

III. MEETING AGENDA APPROVED

Manager Neal explained that Item VIII.A., Proposed Franchise Agreement with Xcel Energy, Ordinance No. 2015-12 and Memorandum of Understanding, was not resolved and requested that the Council table the item indefinitely. **Member Staunton made a motion, seconded by Member Swenson, tabling Item VIII.A. Proposed Franchise Agreement with Xcel Energy, Ordinance No. 2015-12 and Memorandum of Understanding indefinitely.**

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

Member Stewart made a motion, seconded by Member Staunton, approving the meeting agenda as revised.

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

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

IV.A. Approve regular meeting minutes of August 5, 2015

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated August 6, 2015, and consisting of 32 pages; General Fund \$256,860.09; CDBG Fund \$38,529.39; Police Special Revenue \$3,824.08; Working Capital Fund \$18,806.24; Equipment Replacement Fund \$1,128.38; Art Center Fund \$2,754.27; Golf Dome Fund \$1,262.40; Aquatic Center Fund \$24,998.98; Golf Course Fund \$45,259.89; Ice Arena Fund \$7,433.78; Sports Dome Fund \$88.06; Edinborough Park Fund \$9,047.57; Centennial Lakes Park Fund \$9,715.27; Liquor Fund \$147,754.04; Utility Fund \$27,438.16; Storm Sewer Fund \$7,634.21; PSTF Agency Fund \$6,138.81; TOTAL \$608,673.56; and for receipt of payment of claims dated August 13, 2015, and consisting of 38 pages; General Fund \$95,443.05; Police Special Revenue \$700.23; Pedestrian and Cyclist Safety Fund \$2,768.93; Working Capital Fund \$40,944.61; Equipment Replacement Fund \$58,828.03; Art Center Fund \$6,104.48; Aquatic Center Fund \$365.34; Golf Course Fund \$26,001.83; Ice Arena Fund \$39,619.75; Sports Dome Fund \$5,281.52; Edinborough Park Fund \$32.21; Centennial Lakes Park Fund \$5,109.29; Liquor Fund \$233,744.27; Utility Fund \$467,917.23; Storm Sewer Fund \$18,842.25; Recycling Fund \$36,207.38; PSTF Agency Fund \$2,210.05; Centennial TIF District \$315.50; TOTAL \$1,040,435.95; and, Credit Card Transactions dated May 26 – June 25, 2015; TOTAL \$49,926.60

IV.C. Request for Purchase, 2016 Ford F350 Pickup for the Fire Department, awarding the bid to the recommended bidder, Midway Ford Commercial Fleet and Government Sales – Minnesota State Bid, Contract #74463 at \$39,515.00

- IV.D. Request for Purchase, Authorize Non-Invasive Watermain Pipe Condition Assessment Services, awarding the bid to the recommended bidder, Short Elliot Hendrickson Inc. at \$37,619.00**
- IV.E. Authorize Professional Services, Bolton & Menk Inc. – Presidents' Area Sanitary Sewer Rehabilitation Design and Construction Services**
- IV.F. Accept Traffic Safety Committee Reports June 3 and July 1, 2015**
- IV.G. Adopt Resolution No. 2015-79, Requesting Variance from Standards for State Aid Operation for Tracy Avenue**
- IV.H. Adopt Resolution No. 2015-80, Requesting Variance from Standards for State Aid Operations for Parklawn Avenue**
- IV.I. Adopt Resolution No. 2015-81, Authorizing Joint Powers Agreements with Minnesota Financial Crimes Task Force**
- IV.J. Approve Site Plan 1-year Extension for Vernon Avenue Housing, 5109-5125 West 49th Street, Robert Kimmel and Jerry O'Brien**

Rollcall:

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. JULY SPEAK UP EDINA REPORT PRESENTED – TOPIC: TRANSPORTATION OPTIONS

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

V.B. 2015 IMAGES OF EDINA PHOTO CONTEST WINNERS – PRESENTED

Mr. Gilgenbach shared the winners of the 2015 Images of Edina photo contest as follows: Living People – "Sunset at Braemar" by Bryan Singer, Living Plants and Wildlife – "Centennial Lakes Babies" by Becky Parkin, Learning – "Hope and Happiness" by Julie Prior-Miller, Raising Families – "Wheee!" by David Murphy, Doing Business – "Say Cheese!" by Lisa Hafey, Readers' Choice – "What an Edina Kid Does in the Winter While Waiting for the School Bus" by Ryan Gordon, and Best in Show – "Sunset at Braemar" by Bryan Singer.

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

VI.A. LAND EXCHANGE (LOT LINE ADJUSTMENT) 6629 WEST SHORE DRIVE, LIZ AND TONY BURGER – DIRECTION PROVIDED TO PROPONENT

Community Development Director Presentation

Community Development Director Teague presented a request from Liz and Tony Burger for a proposed land exchange (lot line adjustment) between the City of Edina and the Burgers. In 2008, the Burgers received a variance to build the same addition that they were hoping to complete now, but the variance had expired. The home was non-conforming and with the current property line, the owners had no way of moving forward without a variance or land exchange. Mr. Teague presented a map of the area and a drawing of the proposed land exchange.

Proponent Presentation

Tony Burger, 6629 West Shore Drive, explained there were four possible options including land exchange, land purchase, variance, or not allowing the addition. Mr. Burger stated that he was okay with any of the first three, but was nervous about applying for the variance because several member of the Planning Commission had stated reluctance about granting a variance.

Mayor Hovland opened the public hearing at 7:30 p.m.

Public Testimony

Edward Hayward, 6625 West Shore Drive, addressed the Council.

Ralph Zickert, 4311 Cornelia Circle, addressed the Council.

Bradley Hunt, 6636 West Shore Drive, addressed the Council.

Rosemary Utne, 4529 Laguna Drive, addressed the Council.

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

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

The Council discussed the different options that would allow the property owners to build the addition. The alternate land exchange suggested by Mr. Zickert presented a problem because a variance would still be required for the porch.

Attorney Knutson answered a question of the Council relating to the variance as an impediment to a future buyer. He explained that while it would depend on the buyer, the variance would be permanent.

The Council encouraged the Burgers to apply to the Planning Commission for a variance, keep the plans within the footprint of the property, and noted they could come to public land for grading. The Council also noted that the private facilities would need to be removed from public land.

VI.B. APPEAL DECISION OF PLANNING COMMISSION DENYING WALL SIGN VARIANCE, 7301 OHMS LANE, SUNOPTA – RESOLUTION NO. 2015-82 – REFERRED TO STAFF FOR CONSIDERATION ON SEPTEMBER 1, 2015

Senior Planner Presentation

Senior Planner Repya presented the request from SunOpta to appeal the decision of the Planning Commission denying the request for a Variance to allow a wall sign that did not have frontage on a public street. SunOpta was requesting a variance to allow the installation of a 58.75 square foot wall sign on the top floor of the East elevation on its building at 7301 Ohms Lane. The property had one street frontage on Ohms Lane. Edina's Sign Code #36-1715 provided for one wall sign and one monument sign per street frontage in the Planned Office District. Staff recommended upholding the decision of the Planning Commission to deny the variance.

Ms. Repya answered questions of the Council relating to the Ordinance being applied, interpreting the language of the Ordinance, and the size of the signs.

Proponent Presentation

Dan Turney, SunOpta, described SunOpta as a natural organic food company that had been in the building for three years and gone through five expansions so far. The company was requesting the wall sign on the East elevation instead of the allowed West elevation for identification and advertisement purposes on the more travelled Highway side of the building.

Mr. Turney answered questions of the Council relating to the floors of the building that it operated, type of business activities at the location, and types of visitors.

Mayor Hovland opened the public hearing at 8:21 p.m.

Public Testimony

Brandon Otting, 7301 Ohms Lane, property owner, addressed the Council.

Jim Grotz, 5513 Park Place, addressed the Council.

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

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

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The Council discussed granting the variance and revisiting the Ordinance. **Member Stewart made a motion, seconded by Member Swenson, directing staff to prepare findings granting a Variance allowing signage on the East elevation of the building, to bring Resolution No. 2015-82 to the September 1, 2015, City Council meeting, and to revisit the Sign Ordinance.**

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

Jim Grotz, 5513 Park Place, presented an article in *MinnPost* that stated the Federal Aviation Administration had suspended arrivals on one of Minneapolis-St. Paul International Airport's runways. He expressed dismay that the Metropolitan Airport Commission had failed to mention this during its presentation at the August 5, 2015, City Council meeting.

Member Swenson confirmed that Runway 35 had been closed for arrivals and noted that it was unknown how it would affect the long-term plan. Manager Neal explained that the presentation from the Metropolitan Airport Commission was a set presentation that had been shown to other cities and staff. He also noted that the Federal Aviation Administration had characterized the decision as temporary.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. PROPOSED FRANCHISE AGREEMENT WITH XCEL ENERGY, ORDINANCE NO. 2015-12 AND MEMORANDUM OF UNDERSTANDING – TABLED INDEFINITELY

This item was tabled indefinitely.

VIII.B. BOARD AND COMMISSION BYLAW CHANGES – APPROVED

Manager Neal presented the request to approve recommended changes to Edina's Advisory Board and Commission's bylaws. There were two notable changes, besides minor edits and clarifications that included holding annual meetings in February for all Boards and Commissions and added language to clarify the Council's ability to make changes to bylaws.

The Council suggested revisiting term limits and the rule limiting the number of years as a Chair. **Member Stewart made a motion, seconded by Member Staunton, approving the recommended changes to Edina's Advisory Board and Commission's bylaws.**

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.C. PROPOSED PICKLEBALL COURT DONATION, ROSLAND PARK – APPROVED

Parks and Recreation Director Kattreh shared that the Mooty family had approached the City to potentially donate funds to construct pickleball courts adjacent to the tennis court at Rosland Park. Funds for the court would be coming from the John Mooty Family Trust and the Melvin R Mooty & Sally R. Mooty Family Foundation. The donation would be to honor John and Melvin Mooty through the Edina Community Foundation. Ms. Kattreh described the sport of pickleball and presented a site diagram, possible amenities, project timeline, and cost estimate.

The Council asked a question relating to the number and type of trees to be removed and thanked the Mooty family for its generosity. **Member Swenson made a motion, seconded by Member Stewart, approving the concept of adding pickleball courts and related amenities at Rosland Park utilizing donor funding.**

Ayes: Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.D. SKETCH PLAN, WALGREEN'S 4916 FRANCE AVENUE – REVIEWED

Community Development Director Presentation

Mr. Teague explained that the Council was being asked to consider a sketch plan proposal to redevelop the .64 acre parcel at 4916 France Avenue and 3918 49-1/2 Street West. Three Comprehensive Plan amendments would be needed including building height from four stories to five stories, housing density

from 30 units per acre to 100 units per acre, and floor area ratio from 1.5 to 3.3. The area had been described as potential area of change, but a small area plan had not been completed or budgeted for.

Proponent Presentation

Gretchen Camp and Scott Ellison, BKV Group, explained that the current buildings would be demolished and a new building would be built in their place. Ms. Camp presented aerial views of each floor and side views of the proposed building. Mr. Ellison described the building materials being considered, which consisted mainly of brick and glass with an alternate material for the upper housing levels. They discussed parking, driveways, and total number and type of units.

The Council discussed the sketch plan proposal including building height, density, building materials, types of housing units, and affordable housing. Ms. Camp answered a question of the Council relating to the number of studio and 1-bedroom units explaining that the smaller units provided natural affordability.

The Council supported the use of brick and stepped back design, but cautioned against too much of another material. It was undecided on whether or not it was ready to support five stories in that area. The Council agreed that it would more than likely approve higher than 30 units per acre for density, but that 100 units per acre was excessive. The Council also encouraged the developers to present a state-of-the-art and high-quality design including a welcoming and vibrant ground floor and noted that affordable housing would likely be a future requirement for a Planned Unit Development. The Council answered a question of Mr. Teague indicating that it might be inclined to separate the 50th and France area from Grandview and Southdale in dealing with density.

VIII.E. RESOLUTION NO. 2015-83 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. 2015-83 accepting various grants and donations.** Member Stewart seconded the motion.

Rollcall:

Ayes: Staunton, Stewart, 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. **PARK BOARD, JULY 14, 2015**
2. **PLANNING COMMISSION, JULY 8, 2015**
3. **HERITAGE PRESERVATION BOARD, JULY 14, 2015**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XII. MANAGER'S COMMENTS – Received

XII.A. WEBER WOODS

This item had been discussed at tonight's Work Session.

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:50 p.m.

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Respectfully submitted,

Minutes approved by Edina City Council, September 1, 2015.

Debra A. Mangen, City Clerk

Video Copy of the August 18, 2015, meeting available.

James B. Hovland, Mayor