

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 4, 2008
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Item V.D. Ratify Edina School Board Appointments to Human Rights and Relations Commission and Item V.G. Resolution No. 2008-14 Affirming Support for Active Living Hennepin County.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

“EDINA UNPLUGGED” PROCLAIMED FOR MARCH 10, 2008 Mayor Hovland read a proclamation that proclaimed March 10, 2008, as “Edina Unplugged” day in Edina and encouraged families to set aside that day that no homework, no meetings, no practices and no organized activities be scheduled.

Member Bennett made a motion proclaiming March 10, 2008, as “Edina Unplugged” night in Edina. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JANUARY 15, 2008, WORK SESSION OF JANUARY 15, 2008, STUDY SESSION OF JANUARY 22, 2008, WORK SESSION OF JANUARY 22, 2008, AND WORK SESSION OF JANUARY 29, 2008 APPROVED** Motion made by Member Swenson and seconded by Member Masica approving the Minutes of the Regular Meeting of January 15, 2008, Work Session of January 15, 2008, Study Session of January 22, 2008, Work Session of January 22, 2008, and Work Session of January 29, 2008.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2008-18 ADOPTED UPHOLDING ZONING BOARD VARIANCE CYPRESS EQUITIES SIGN Affidavits of Notice presented and ordered placed on file.

Planning Director Teague explained Cypress Equities received final development plan approval to tear down the old 40,000 square foot AMC movie theatre, and build the following:

- A 31,000 square foot single level retail building along France Avenue.
- A 22,000 square foot retail building with a five-level parking ramp above. Attached to the south would be a 32,960 square foot two-level retail/restaurant building.

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Mr. Teague stated the development has been designed to face Centennial Lakes Park. It was also designed to encourage pedestrian movement to and from the site by providing connections to Centennial Lakes Park. He added that during the final development approval it had been acknowledged a sign variance would be necessary to allow signage facing the park. Continuing, Mr. Teague said Edina Code Section 460.05 Subd. 7.1 stated wall signs shall not be allowed to face a public park or residential uses. For that reason Cypress requested a variance to allow signage above the store fronts that face the park. All other signage within the development would meet the sign ordinance requirements.

The Board of Appeals, to reduce the impact on the park, required that the signage be reduced from 15% to 10% of the front face of the building; required the signs must be front lit; signs facing the park may not be illuminated between 10:00 pm and 7:00 am, however, signs would be allowed to be illuminated at any time the use identified by the sign was open for business; and signage would not be allowed on the walls of Buildings B and C that face east, as there were no store entrances at that elevation.

Following the December 20, 2007 Zoning Board of Appeals meeting where the Cypress variance request was approved, Mr. John Bohan appealed the Zoning Board of Appeals approval of a variance to allow signage to face a public park.

Mr. Teague gave his recommendation that the Council uphold the Zoning Board of Appeals decision to approve the requested variance to allow signage to face a public park at 7311 France Avenue for Cypress Equities based on the findings listed in the staff report dated February 4, 2008, including the following:

- The hardship was caused by the design of the project, with its store fronts facing the park. Approved plan encourages pedestrian movement between the park and the commercial area.
- If variance were denied a hardship would be brought upon the applicant.
- The proposed signage was reasonable.
- The variance would not set a precedent.

Mr. Teague answered questions of the Council including which buildings and their subsequent elevations' signs were in question, the times during which the signs would be lit, what signs would be placed on the back of buildings along France Avenue, history of the sign regulations, and illumination schematics.

John Bohan, 800 Coventry Place, described his appeal of the variance granted by the Zoning Board of Appeals. Mr. Bohan displayed photographs demonstrating that in his opinion, the signs would be very visible from his home and presented a graphic noting what he deemed were deficiencies of the code and subsequent recommendations. He said he was appealing the variance for two issues: 1) there was no notice or publication of the proposed variance; and 2) any variance should be for specific signs at specific locations with specific lighting.

Brett Witzig, Cypress Equities, 15601 Dallas Parkway, Addison, TX 75001, used a PowerPoint presentation, to depict examples of proposed signage on the buildings with elevations facing Centennial Lakes Park. He noted Cypress had agreed to reduce their signage from the 15% allowed by Edina sign regulations to 10%.

The Council asked questions and discussed the proposed signage with Mr. Witzig. Their questions included: minimal level of lighting necessary, why 10% signage was needed, was Mr. Witzig aware of any communities with regulations allowing less than 10% signage, and what would happen to the size of the signs if only two or three tenants were to lease the space instead of the proposed six tenants.

Ed Khouri, Cypress Equities, 15601 Dallas Parkway, Addison, TX 75001, stated he was the National Director of Leasing. He stated the retail leasing tenants dictate how their "brand" signs look. Mr. Corey also answered the Council's questions regarding the requested variance.

The Council continued their discussion with Mr. Witzig and Mr. Khouri. The discussion covered clarification of what was meant by 10% of the store front, what type and size of signs would be proposed on the west side of the buildings, time to allow lit signs and logistics of the restaurant signs, would developers agree to height limitation and location above each store front, noting that the developers have a self imposed limitation since choosing a location next to a park, would signs be identification or advertising, whether or not the decision would be precedential, goal of mixed use to integrate development with park, limitation to no neon or fiber optic lighting, allowing one sign per store front as identification at principal entrance to store, limiting hours of allowing signs to be lit, all signs to be front lit, except that projecting signs could have channel lighting on their westerly face with a blank face on their east façade, overall elevation should be limited to 14 feet with no more than 3 feet of signage, lights must be extinguished when business not in operation, and restaurants must turn off lights when doors close even though patrons remain in establishment.

Public Comment

Cindy Jarvis, 1016 Coventry Place, stated her concern over the impact the proposed signs will have on her home. She urged the Council to not allow signs along the park.

John Bohan, 800 Coventry Place, asked that the actual height of any proposed sign be explicitly stated.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Following a discussion, **Member Swenson made a motion, seconded by Member Bennett adopting Resolution No. 2008-18 upholding the variance granted to Cypress Equities for their signs with the following conditions imposed on signs located on east elevations of Building A and Building B, and the south and east elevations of Building C:**

- 1. Wall signs shall not exceed 10% of the area of the store front.**
- 2. No wall signs shall be allowed on the east elevations of Buildings B and C.**
- 3. Signs shall not be illuminated between the hours of 10 P.M. and 7 A.M., provided however, that no sign shall be illuminated for a business during any time that the business is not open to the public.**

4. Signs shall be illuminated only by indirect, up-lighting methods. No neon, fiber optic or direct light sources shall be allowed, provided, however, that projecting signs may be illuminated with reverse channel lighting.
5. No portion of a sign shall exceed 14 feet in elevation.
6. Signs shall only be placed at the principal entrance to a business.
7. Wall signs shall not exceed 36 inches in height.
8. Businesses with a principal entrance on the south elevation of Building C shall be identified only with a single faced projecting sign with the sign panel facing west and with a blank face on the east side.

Rollcall:

Ayes: Bennett, Housh, Swenson, Hovland

Nay: Masica

Motion carried.

PUBLIC COMMENT

Virginia Borgeson, 6216 Ewing Avenue, presented a petition requesting the Council hold a recall election and expressing her displeasure with the Comprehensive Plan Draft as proposed, and with recent development decisions.

Donald Dietz, 6405 Rolf Avenue, presented a petition requesting the Council hold a recall election because of recent decisions of the City Council. He contended the Council intended to make density higher contrary to the desires of the residents.

Cheryl Ouellette, 6215 France Avenue, stated she agreed with the previous two speakers and suggested that any increases in density or height be kept to the York Avenue neighborhood that already had some tall buildings.

Kim Montgomery, 5300 Evanswood Lane, requested the Council consider building a Community Center on the existing Public Works site.

*AWARD OF BID TWO 2008 CHEVROLET SILVERADOS - POLICE DEPARTMENT

Motion made by Member Swenson and seconded by Member Masica approving the award of bid for two 2008 Chevrolet Silverados for the Edina Police Department from the recommended low bidder Thane Hawkins Polar Chevrolet (State Contract No. 433607) at \$48,571.88.

Motion carried on rollcall vote - five ayes.

*AWARD OF BID SIX 2008 FORD CROWN VICTORIA POLICE INTERCEPTORS - POLICE DEPARTMENT

Motion made by Member Swenson and seconded by Member Masica approving the award of bid for six 2008 Ford Crown Victoria Police Interceptors for the Edina Police Department from Denny Hecker's Monticello Ford (State Contract No. 438386 Release @A-174 (5)) at \$134,442.00.

Motion carried on rollcall vote - five ayes.

*AWARD OF BID TWO CHEVROLET TRAILBLAZERS - POLICE DEPARTMENT

Motion made by Member Swenson and seconded by Member Masica approving the award of bid for two 2008 Chevrolet Trailblazers for the Edina Police Department from the

recommended low bidder Denny Hecker's Car/Truck City (State Contract No. 43855 Release #A-175(5)) at \$39,972.60.

Motion carried on rollcall vote - five ayes.

***AWARD OF BID ONE CHEVROLET IMPALA - POLICE DEPARTMENT** Motion made by Member Swenson and seconded by Member Masica approving the award of bid for one 2008 Chevrolet Impala for the Edina Police Department from the recommended low bidder Denny Hecker's Car/Truck City (State Contract No. 436817Release #A-215(5)) at \$18,453.07.

Motion carried on rollcall vote - five ayes.

***AWARD OF BID 2008 POND DREDGING PROJECT - CONTRACT NO. ENG 08-2, IMPROVEMENT NO. STS-322** Motion made by Member Swenson and seconded by Member Masica approving the award of bid for Contract No. ENG 08-2, Improvement No. STS-322, 2008 Pond Dredging Project to the recommended low bidder, Fitzgerald Excavating & Trucking, Inc. in the amount of \$70,400.00.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2008-13 APPROVED, ACCEPTING VARIOUS DONATIONS Mayor Hovland explained 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 Bennett introduced Resolution No. 2008-13 accepting various donations. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***HEARING DATE SET (02/19/08) ORDINANCE AMENDMENT OF SECTION 815 TO ALLOW CELL TOWERS IN CEMETERIES** Motion made by Member Swenson and seconded by Member Masica setting February 19, 2008, as the public hearing date for consideration of an ordinance amendment of Edina Code Section 815 to allow Cell Towers in Cemeteries.

Motion carried on rollcall vote - five ayes.

***DIAL-A-RIDE VAN CONVEYED TO SENIOR COMMUNITY SERVICES** Motion made by Member Swenson and seconded by Member Masica conveying the Dial-A-Ride van to Senior Community Services.

Motion carried on rollcall vote - five ayes.

EDINA SCHOOL BOARD APPOINTMENTS TO EDINA HUMAN RIGHTS & RELATIONS COMMISSION RATIFIED Following a brief discussion, motion made by Member Swenson and seconded by Member Bennett ratifying the Edina School District's appointment of Colleen Feige and reappointment of Mary Brindle to three year terms on the Edina Human Rights and Relations Commission.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

APPOINTMENTS MADE TO CITY'S ADVISORY BOARD, COMMISSIONS AND COMMITTEES Mayor Hovland noted the City Council had met on two different Tuesdays and interviewed the candidates for City Advisory Boards, Commissions and Committees. Following a brief discussion, **Member Bennett made a motion, seconded by Member Swenson to appoint the following individuals to three year terms, unless otherwise noted, on the City's Advisory Boards and Commissions:**

Art Center Board

Richard Fesler
John Swon
Michael Whitt

Park Board

Joseph Hulbert
Daniel Peterson
Rob Presthus

Energy & Environment Commission

Paul Thompson
(will complete the remainder of Sean Wenham's term)
position)

Construction Board of Appeals

Edward Schwartzbauer
(will leave ZBA to fill this

Zoning Board of Appeals

Scott Davidson
Bernadette Hornig
Helen Winder

Human Rights & Relations Commission

Russell Stanton

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

***RESOLUTION NO. 2008-15 ADOPTED APPROVING HENNEPIN COUNTY ELECTRONIC PROPRIETARY DATA BASE (EPDB) CONDITIONAL USE LICENSE AGREEMENT** Motion made by Member Swenson and seconded by Member Masica adopting Resolution No. 2008-15 approving the annual Hennepin County Electronic Proprietary Data Base (EPDB) Conditional Use License Agreement.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2008-14 ADOPTED AFFIRMING SUPPORT FOR ACTIVE LIVING HENNEPIN COUNTY Member Bennett asked this item be removed from the Consent Agenda to make a modification to the resolution. She requested that subparagraph c. under the second Be It Further Resolved, be modified to read: "c. A variety of transportation choices that link roads, transit, bicycling and walking". **Motion made by Member Bennett and seconded by Member Swenson adopting Resolution No. 2008-14 affirming support for Active Living Hennepin County.**

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

***RESOLUTION 2008-16 ADOPTED AMENDING CITY'S HEALTH REIMBURSEMENT AGREEMENT PLAN** Motion made by Member Swenson and seconded by Member Masica adopting Resolution No. 2008-16 amending the City's Health Reimbursement Agreement Plan.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2008-17 ADOPTED AMENDING CITY'S FLEXIBLE BENEFIT PLAN**

Motion made by Member Swenson and seconded by Member Masica adopting Resolution No. 2008-17 amending the City's Flexible Benefit Plan.

Motion carried on rollcall vote – five ayes.

***2008-2009 LABOR CONTRACT WITH LOCAL 320 PATROL OFFICERS APPROVED**

Motion made by Member Swenson and seconded by Member Masica approving the 2008-2009 Labor Contract with Local 320 Patrol Officers.

Motion carried on rollcall vote – five ayes.

***JANE TIMM APPOINTED DEPUTY CITY CLERK** Motion made by Member Swenson and seconded by Member Masica appointing Jane Timm, Deputy City Clerk.

Motion carried on rollcall vote – five ayes.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Swenson and seconded by Member Masica approving payment of the following claims as shown in detail on the Check Register dated January 16, 2008, and consisting of 35 pages; General Fund \$220,489.10; Communications Fund \$19,072.08; Working Capital Fund \$509,654.22; Art Center Fund \$6,050.46; Golf Dome Fund \$16,882.80; Golf Course Fund \$16,375.86; Ice Arena Fund \$15,370.21; Edinborough/Centennial Lakes Fund \$22,421.74; Liquor Fund \$241,995.93; Utility Fund \$405,924.85; Storm Sewer Fund \$57.67; Recycling Fund \$33,958.00; PSTF Agency Fund \$6,843.35; TOTAL \$1,515,096.27; and for approval of payment of claims dated January 23, 2008, and consisting of 27 pages: General Fund \$1,166,638.51; CDBG Fund \$48.00; Communications Fund \$20,578.98; Working Capital Fund \$109,762.81; Art Center Fund \$4,453.56; Aquatic Center Fund \$37.28; Golf Course Fund \$6,411.04; Ice Arena Fund \$721.63; Edinborough/Centennial Lakes Fund \$17,150.89; Liquor Fund \$148,881.94; Utility Fund \$61,849.98; PSTF Agency Fund \$5,106.53; TOTAL \$1,541,641.15; and for approval of payment of claims dated January 30, 2008, and consisting of 22 pages: General Fund \$422,524.28; CDBG Fund \$2,726.40; Communications Fund \$372.75; Working Capital Fund \$5,524.32; Construction Fund \$244.00; Art Center Fund \$14,363.50; Golf Dome Fund \$178.50; Aquatic Center Fund \$25.00; Golf Course Fund \$8,348.80; Ice Arena Fund \$14,952.72; Edinborough/Centennial Lakes Fund \$6,475.06; Liquor Fund \$138,023.94; Utility Fund \$17,313.78; PSTF Agency Fund \$1,261.66; TOTAL \$632,334.71

Motion carried on rollcall vote – five ayes.

***HEARING DATE SET (02/19/08) - AMENDMENT TO 2008-2012 CAPITAL IMPROVEMENT PLAN - PUBLIC WORKS FACILITY** Motion made by Member Swenson and seconded by Member Masica setting February 19, 2008, as the public hearing date for an amendment to the 2008-2012 Capital Improvement Plan regarding the proposed Public Works Facility.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:40 p.m.

Respectfully submitted,

