

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
MAY 19, 1997 -- 7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Faust, Hovland, Kelly, Maetzold and Mayor Smith.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Maetzold and seconded by Member Faust to approve the Consent Agenda as presented with the exception of Item V.B. Hennepin County Cooperative Agreement W. 66<sup>th</sup> Street from France to York and Item V.G. Resolution Authorizing Expenditure of State Aid Funds for W. 66<sup>th</sup> Street Improvement Project.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF MAY 5, 1997, APPROVED** Motion made by Member Maetzold and seconded by Member Faust approving the Minutes of the Regular Meeting of May 5, 1997.

Motion carried on rollcall vote - five ayes.

**\*FINAL DEVELOPMENT PLAN FOR EDINA PROPERTIES (3917-3929 WEST 50<sup>TH</sup> STREET) CONTINUED TO JUNE 2, 1997** Motion made by Member Maetzold and seconded by Member Faust to continue the final development plan for Edina Properties, 3917-3929 West 50<sup>th</sup> Street to June 2, 1997.

Motion carried on rollcall vote - five ayes.

**PRELIMINARY PLAT GRANTED, DOEPKES DIVISION, 5920 WEST 70<sup>TH</sup> STREET** Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen informed Council the subject property is a developed single dwelling lot measuring approximately 66,778 square feet in area. An existing home is located on the southwesterly portion of the property. Planner Larsen explained a request has been received to subdivide the property creating one new buildable lot. The proposed division would create two lots identical in size and shape. The existing house would encroach on the new lot and would need to be moved, remodeled, or razed.

Planner Larsen added Edina's Subdivision Ordinance, Section 810 requires newly subdivided lots to meet or exceed the median average lot width, depth, and area of lots within 500 feet of the proposed subdivision. Sixty-six lots exist within 500 feet of the property. The median lot width is 100 feet, depth is 126 feet, and area is 17,465 square feet. Planner Larsen added the proposed lots exceed ordinance requirements for width, depth, and area with a width of 109 feet, a depth of 300 feet, and an area of 32,893 square feet. The lots are logically shaped and no unusual physical constraints exist. Staff recommended preliminary plat approval conditioned upon: Final Plat approval and Subdivision Dedication.

Member Maetzold asked how the City can ensure the existing house would be moved, remodeled or razed if the subdivision is granted. Planner Larsen responded the City would not issue a building permit until both lots comply with setback requirements.

Member Kelly asked if a deed restriction would be used to make sure buyers are aware of the need to move, remodel or raze the existing house. Attorney Gilligan responded that the City would not

**Minutes/Edina City Council/May 19, 1997**

use a deed restriction, but the buyer of the new lot would have an encroachment and if the two lot owners could not settle the issue between themselves relief through the courts would be their alternative.

Member Faust noted the comment from the Planning Commission that the subject property has two "For Sale" signs on it.

Lori Baron, 2018 Reading Street, Wayzata, the proponent, was present and explained the two "For Sale" signs on the property are from the person selling the land to her. She pointed out the City can refuse to grant Final Plat if she does not make the two lots comply with our ordinances.

Mayor Smith noted a letter received from Gordon and Leone Lindberg opposing the proposed subdivision.

**Member Faust introduced the following resolution and moved its adoption:**

**RESOLUTION  
GRANTING PRELIMINARY PLAT  
APPROVAL TO DOEPKES DIVISION**

**BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "DOEPKES DIVISION", platted by Lori Baron, and presented at the regular meeting of the City Council on May 19, 1997, be and is hereby granted preliminary plat approval with two conditions: Final Plat approval, and Subdivision Dedication.**

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

**ORDINANCE NO.1997-7 ADOPTED EXTENDING TELECOMMUNICATION ANTENNA MORATORIUM**

Planner Larsen explained because of the time table with the existing telecommunication antenna moratorium, staff is asking Council to extend the moratorium an additional ninety days. This will allow the City to hire a consultant to analyze our proposed ordinance. Planner Larsen stated he met with an engineer with no connection to the telecommunication carriers, and who has agreed to review our ordinance and meet with the Council. The engineer needs two weeks for his ordinance analysis.

Mayor Smith directed staff to find dates the consultant is available then poll the Council to find an acceptable meeting date.

**Member Hovland made a motion granting first reading and waiving second reading of Ordinance No. 1997-7 as follows:**

**ORDINANCE NO. 1997-7  
AN ORDINANCE EXTENDING A MORATORIUM ON  
ISSUANCE OF PERMITS FOR ERECTION, CONSTRUCTION,  
RELOCATION OR PLACEMENT OF TOWERS AS DEFINED  
IN SECTION 815.02 OF THE EDINA CITY CODE  
THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:**

**Section 1. Extension.** The moratorium on the granting of any permits, for the construction, erection or relocation of any tower, as defined in Section 815.02 of the Edina City Code, contained in Section 2 of Ordinance No. 1997-3 shall be extended to 180 days from the effective date of Ordinance No. 1997-3.

**Section 2. Effective Date.** This ordinance shall be in full force and effect on, and the effective date of this ordinance shall be, May 20 1997.

**Attest:** \_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

Member Maetzold seconded the motion  
Rollcall:  
Ayes: Faust, Hovland, Kelly, Maetzold, Smith  
Motion carried.

**ORDINANCE NO. 1997-4 AMENDING SECTION 1325, SALE OF TOBACCO; LICENSING ADOPTED** Affidavits of Notice were presented, approved and ordered placed on file.

Sanitarian Velde explained changes made to the proposed ordinance:

- Replaced “tobacco product” with “tobacco” as defined in current City Code
- Effective date for current licensees is August 18, 1997
- Effective date for new licensees will be immediately

Mayor Smith asked Sanitarian Velde to thank Scott Johnson’s class for bringing the issue to the Council. He thanked Joann Blatchley, Chair of the Community Health Advisory Committee and Kathy Iverson, Edina Chemical Health Coordinator.

**Member Kelly made a motion granting first reading and waiving second reading of Ordinance No. 1997-4 as follows:**

**ORDINANCE NO. 1997-4  
AN ORDINANCE AMENDING SECTION 1325  
PROHIBITING CERTAIN DISPLAYS AND  
SALES OF TOBACCO**

**THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:**

**SECTION 1. Subsection 1325.05 of Section 1325 of the City Code is amended by adding a new Subd. 3 as follows:**

**“Subd. 3 Self-Service Merchandising. No person shall sell any tobacco by any means whereby the customer may have access to such items without having to request assistance from an employee of the licensed premises. All tobacco shall be stored or displayed behind a sales counter or in other rooms or display areas which are not freely accessible to customers. Provided, however, the requirements of this Subd. 3 shall not apply to establishments which prohibit persons under 18 years of age from entering the establishment unless accompanied by a parent or legal guardian and a notice advising of the prohibition is conspicuously displayed at all entrances to the establishment.”**

**SECTION 2. This ordinance is in full force and effect upon passage and publication however, those facilities presently licensed must comply with this provision by not later than August 18, 1997.**

**Attest:** \_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

Member Faust seconded the motion.  
Rollcall:  
Ayes: Faust, Hovland, Kelly, Maetzold, Smith  
Motion carried.

**\*BID AWARDED FOR AQUATIC WEED & ALGAE TREATMENT OF CITY LAKES AND PONDS**  
**Motion by Member Maetzold and seconded by Member Faust for award of bid for the**

**Minutes/Edina City Council/May 19, 1997**

treatment of aquatic weeds and algae on 33 lakes and ponds in the City to recommended low bidder Lake Restoration, Inc. at \$19,471.00.

Motion carried on rollcall vote - five ayes.

**\*BID AWARDED FOR COIN OPERATED LOCKERS AT EDINBOROUGH PARK** Motion made by Member Maetzold and seconded by Member Faust for award of bid for purchase of 62 stainless steel coin operated lockers at Edinborough Park to recommended low bidder, American Locker Company at \$19,281.00.

Motion carried on rollcall vote - five ayes.

**\*TRAFFIC SAFETY REPORT OF MAY 6, 1997 APROVED** Motion of Member Maetzold, seconded by Member Faust approving the following actions recommended in Section A of the May 6, 1997 Traffic Safety Report:

1. Placing a "School Advance" sign (S1-1) with "20 mph" on it, on the right side of the north/south leg of School Road just before it curves to the east;
2. Repainting striping and lane designations of traffic lanes from south of Vernon Avenue/Interlachen Boulevard intersection to Gus Young Lane;
3. Removal of all "No Parking Anytime" signs on the 7100 block of Lynmar Lane;
4. Change the location of the "Stop" sign from westbound W. 63<sup>rd</sup> Street to northbound Warren Avenue. Also the addition of a "Stop" sign on the westbound W. 63<sup>rd</sup> Street at Wyman Avenue; and
5. to acknowledge Sections B and C.

Motion carried on rollcall vote - five ayes.

**HENNEPIN COUNTY COOPERATIVE AGREEMENT FOR WEST 66<sup>TH</sup> STREET FROM FRANCE AVENUE TO YORK AVENUE** Member Hovland asked what per cent of the storm water utility fund is being used for the storm sewer portion of the West 66<sup>th</sup> Street project. Engineer Hoffman replied that the project will use almost 100% of the 1997 revenues.

Engineer Hoffman added the cost split for the estimated project total of \$1,982,917.00 is as follows:

Federal Aid	\$554,000.00
County State Aid	\$546,556.31
Municipal State Aid	\$568,979.44
Special Assessment & Stormwater Utility Fund	\$313,381.25

Engineer Hoffman noted in addition to the above contributions NSP will be removing and relocating its overhead power line system to an underground system for approximately \$108,000.00 These costs will also come from within the Special Assessment portion of the project.

**Member Hovland introduced the following resolution and moved its adoption:**

**RESOLUTION**

**WHEREAS, Agreement for participation in the construction of County State Aid Highway No. 53 between France Avenue and York Avenue, Hennepin County Project No. 9236, Agreement No. 10-11-97, has been prepared and presented to the City; and**

**WHEREAS, Plans for Hennepin County Project No. 9236 showing proposed alignment, profiles, grades and cross sections for the reconstruction of County Sate Aid Highway No. 53, within the limits of the City of Edina, as a State Aid Project, have been prepared and presented to the City.**

**NOW, THEREFORE, BE IT RESOLVED that said Agreement be in all things approved.**

**BE IT FURTHER RESOLVED, that the Mayor and City Manager are authorized to sign Agreement No. PW 10-11-97, Hennepin County Project No. 9236.**

**Adopted this 19<sup>th</sup> day of May, 1997. Member Maetzold seconded the motion.**

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith  
Resolution adopted.

**1998 RECYCLING CONTRACT DISCUSSED** Sanitarian Velde reported the Recycling and Solid Waste Advisory Committee has been looking at options for the City to pursue when its present recycling contract with Browning Ferris Industries expires at year end.

Sanitarian Velde informed Council the Commission recommends the City contract citywide with one recycling contractor for recycling collection. This method gives the most control over what products are recycled, improves the participation by assuring that each and every household has recycling pickup and provides better consistency in data collection.

Sanitarian Velde noted available options:

- Renew the contract with Browning Ferris Industries
- Advertise and let a new contract
- Change the City Code to require individual haulers to pick up recyclables
  - \* Two of four licensed haulers oppose this option
  - \* Requires a six month lead time

Council briefly discussed the alternatives available for recycling and directed staff to pursue one hauler with estimated costs of garageside versus curbside pickup to be presented at a future meeting.

**APPOINTMENT MADE TO ART CENTER BOARD** City Manager Rosland reported one vacancy exists on the Edina Art Center Committee and staff is submitting Mike Kelly's name for appointment to the Committee. **Member Hovland made a motion appointing Mike Kelly to the Art Center Committee.** Member Maetzold seconded the motion

Ayes: Faust, Hovland, Maetzold, Smith  
Abstaining: Kelly  
Motion carried.

**TRAIL AGREEMENT WITH BLOOMINGTON APPROVED** Engineer Hoffman explained the proposed agreement will cover the placement of the pedestrian bridge and trail between W. 78<sup>th</sup> Street and the corporate boundary of Edina and Bloomington. He noted this will complete the continuation of the Braemar Trail System.

During the latest construction of the Braemar Golf Course Expansion the southern portion of the Braemar Trail was severed. The proposed path will be located along the southerly side of Nine Mile Creek and north of West 78<sup>th</sup> Street within the corporate limits of the City of Bloomington. The trail location is because of wetland conditions existing in the area along Nine Mile Creek and a lack of upland property on the south line of Braemar Golf Course.

The proposed pedestrian bridge and trail will connect the easterly Braemar Trail to the existing sidewalk located on the north side of West 78<sup>th</sup> Street and West Bush Lake Road.

Council briefly discussed the proposed trail. Questions were raised regarding funding and whether or not the Braemar frontage road when built will interfere with this trail. Mayor Smith noted when the addition to Braemar was constructed the City promised to complete this trail. **Member Maetzold made a motion introducing the following resolution and moving its adoption:**

**RESOLUTION**

**WHEREAS, the City of Edina is desirous of completing the Braemar Trail System, and  
WHEREAS, the proposed pedestrian bridge and trail is the final link in the Braemar Trail System.**

**Minutes/Edina City Council/May 19, 1997**

**NOW, THEREFORE, BE IT RESOLVED, by the Edina City Council that the Mayor and City Manager are hereby authorized to enter into an agreement with the City of Bloomington for the placement of a pedestrian bridge and trail between W. 78<sup>th</sup> Street and the corporate boundary of Edina and Bloomington.**

**Passed and adopted this 19<sup>th</sup> day of May, 1997.** Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

**REZONING OF 5229 EDEN AVENUE INITIATED** City Planner Larsen explained the property at 5229 Eden Avenue is currently zoned Planned Industrial District. Staff is recommending that the property be rezoned to R-1 while the City considers various uses for redevelopment of this property. The Zoning Ordinance provides for the R-1 zoning to be used as a holding or open development area. Planner Larsen noted staff believes the current PID zoning is inappropriate and inconsistent with past planning efforts and redevelopment plans approved for this property. Rezoning the property R-1 would be appropriate as the City goes forward through additional redevelopment planning. He concluded that if Council concurs with staff's recommendation the next step would be to refer the rezoning of the property to the Planning Commission.

**Member Kelly made a motion referring the rezoning from its current PID to R-1, for the property located at 5229 Eden Avenue to the Edina Planning Commission.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

**RESOLUTION ADOPTED AUTHORIZING EXPENDITURE OF STATE AID FUNDS FOR WEST 66<sup>TH</sup> STREET IMPROVEMENT PROJECT** Member Hovland noted the staff recommendation for spending up to \$650,000 of state aid funds for the West 66<sup>th</sup> Street project. He asked what percentage of our state aid funds this represents. Engineer Hoffman answered the City annually receives approximately \$1,000,000 in state aid funds and has a fund balance of about \$2,500,000.

**Member Hovland introduced the following resolution and moved its adoption:**

**RESOLUTION**

**WHEREAS, it has been deemed advisable and necessary for the City of Edina to participate in the cost of a construction project located on C.S.A.H. No. 53 within the limits of said municipality, and**

**WHEREAS, said construction project has been approved by the Commissioner of transportation and identified in his records as S.A.P. No. 120-020-32.**

**NOW, THEREFORE, BE IT RESOLVED that the City of Edina does hereby appropriate from its Municipal State Aid Streets Funds the sum of \$650,000.00 dollars to apply towards the construction of said project and hereby request the Commissioner of Transportation to approve this authorization.** Member Maetzold seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

**\*PETITION RECEIVED FOR SANITARY SEWER MAIN, 5311 EVANSWOOD LANE** Motion of Member Maetzold, seconded by Member Faust to receive the petition for sanitary sewer main for 5311 Evanswood Lane and to refer the petition to engineering for processing as to feasibility.

Motion carried on a rollcall vote - five ayes.

**BRAEWOOD PARK PROPERTY CONDEMNATION REPORT** Manager Rosland informed the Council the City received notice of condemnation proceedings filed by the State of Minnesota on a piece of property the City owns in the southwest corner of the I-494 and TH 169 interchange. The City bought the property a few years ago from the Regional Transit Commission. The State is currently interested in purchasing the property, however, negotiations have stalled. Manager Rosland assured Council he believes there will be a positive outcome in this matter and he will keep Council informed as it moves along.

**BUDGET CALENDAR DATES REVIEWED** Manager Rosland suggested potential dates for the Council to meet and review budget assumptions and to hold budget hearings as follows:

- June 16, 1997, Budget Assumptions at 5:00 p.m.
- July 7, 1997, Budget Assumption at 5:00 p.m.
- August 13, 1997 Budget hearing at 5:00 p.m.
- August 20, 1997 Budget hearing at 5:00 p.m.

Mayor Smith left the meeting at 8:45 p.m.

**CLAIMS PAID** Member Maetzold made a motion to approve payment of the following claims as shown in detail on the check Register dated May 14, 1997, and consisting of 32 pages: General Fund \$285,477.45; Communications \$107.25; Working Capital \$9,382.11; Art Center \$6,899.73; Swimming Pool Fund \$1,213.16; Golf Course Fund \$99,228.49; Ice Arena Fund \$8,955.86; Gun Range Fund \$441.44; Edinborough/Centennial Lakes \$18,673.08; Utility Fund \$70,363.43; Storm Sewer Utility Fund \$4,391.17; Recycling \$42,082.89; Liquor Dispensary Fund \$177,841.64; Construction Fund \$304,516.99; Park Bond Fund \$768,936.84; I-494 Commission \$43.40; TOTAL \$1,798,554.93 and for confirmation of payment of the following claims as shown in detail on the check register dated May 8, 1997 and consisting of 4 pages: General Fund \$2,551,687.99; Working Capital \$476.17; Art Center \$3,750.00; Golf Course Fund \$24,171.16; Ice Arena Fund \$23.09; Gun Range Fund \$31.93; Edinborough/Centennial Lake \$927.05; Utility Fund \$139.21; Liquor Dispensary Fund \$77,689.71; Construction Fund \$15,017.79; Park Bond Fund \$64.00, I-494 Commission \$12,616.82; TOTAL \$2,686,594.92. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Pro Tem Maetzold declared the meeting adjourned at 9:00 P.M.

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City Clerk