

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 20, 1998 - 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 and adopt the Consent Agenda as presented with the exception of Agenda Item I. Approval of Minutes of Work Session of January 13, 1998, and Agenda Item II.C. Release of Proof of Parking Agreement for 7301 Ohms Lane.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JANUARY 5, 1998, APPROVED** Motion made by Member Maetzold and seconded by Member Faust approving the Minutes of the Regular Meeting of the City Council on January 5, 1998.

Motion carried on rollcall vote - five ayes.

MINUTES OF WORK SESSION OF JANUARY 13, 1998, APPROVED AS CORRECTED Member Faust asked the Minutes of the Work Session of January 13, 1998, be removed from the Consent Agenda for a correction on Page 2, Number 3, point 3 corrected to (\$106,745) for the Edina Schools/WMEP.

Member Faust made a motion approving the Minutes of the Work Session on January 13, 1998, as corrected. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

PRELIMINARY REZONING AND PRELIMINARY PLAT APPROVAL CONTINUED TO FEBRUARY 2, 1998, R-1 SINGLE DWELLING UNIT DISTRICT TO PRD-3, PLANNED RESIDENCE DISTRICT, FOR NAMRON COMPANY, LLC, (51XX LINCOLN DRIVE), GENERALLY LOCATED EAST OF LINCOLN DRIVE Affidavits of Notice were presented, approved and ordered placed on file.

Planner Larsen explained the subject site measures 5.1 acres in size, and is developed with a single dwelling home located in the far north end of the site. The site is platted as an outlot Properties to the west and south are zoned PRD-3 and are developed with apartment buildings. Properties to the east are zoned PRD-2, and are developed with zero lot-line, single dwelling homes. Properties to the north are double bungalow lots. The subject site is shown as low density, multi-family in Edina's Comprehensive Plan.

The development proposal would rezone the southerly 4.4 acres of the site to PRD-3 to allow for the development of a 42-unit townhouse project. The existing home would remain, but could be

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added to the development in the future. This possible expansion is shown as Phase II on the site plan. However, at this time only the 42-unit Phase I is being proposed.

The proposed development includes four different unit types arranged in nine buildings. Individual buildings contain between two and six units. All units have an attached two-car garage. In addition to spaces in front of the garages, twelve guest parking spaces are provided. A common building serving the residents is proposed in the northerly portion of the site. The proposed common building would serve as a rental office. The developer is proposing to add some offices on the second level and plans to make them available to residents of the development for "home" offices.

The developer intends to develop the property as rental townhomes, however individual lots will be platted allowing for conversion to individual ownership at a later time.

Mayor Smith questioned whether the parking on-site was sufficient, especially with the proposed office building.

Member Maetzold asked if the property were rezoned would the property with the existing single family home also be rezoned and why is the single family home proposed to be platted as an outlot. Planner Larsen replied explained the entire property today is an outlot, but the property with the existing home would be platted as an outlot and retain its R-1 zoning.

Member Kelly expressed concern over the density of the proposed development relative to the homes on Malibu Drive. He asked for clarification of the site location relative to the Malibu Drive homes. Planner Larsen described the topography and existing developments on the surrounding properties.

Member Faust stated she believes the parking for the development is inadequate, and the density is too high to be constructed next to the single family homes on Malibu.

Member Hovland asked what the typical ratio is for townhouse parking, could a private road be posted "No Parking", and he expressed concern regarding giving approvals then finding out the watershed approval changes the grading to the detriment of the Malibu Drive neighbors. Planner Larsen responded that there are no parking requirements in the Code for townhomes. Attorney Gilligan added that conditions may be added to the approval relative to watershed approvals.

Mr. Norman Bjornnes, developer and Mr. Nick Palaia, architect for the project, were present to answer questions. Mr. Bjornnes stated he has managed the Lincoln Apartments since 1991, he is a long time resident of Edina and intends to develop a quality project. Mr. Bjornnes would agree to a parking agreement denoting additional parking on-site, to posting the "No Parking, Fire Lane", on the privately developed road, and to the grading conditions. He added he has met with as many of the neighbors as possible. Mr. Bjornnes urged approval of his proposed development of high quality rental townhomes. He stated in his opinion there is a need for this type of housing and the project is a good transition from the rental properties to the south and across Lincoln Drive over to Mailbu Drive.

The Council asked the developer what rents proposed are for the units, the expected demographics of the tenants and the status of the Kenneth property. Mr. Bjornnes replied that he expects tenants to be empty nesters 45 years and up and young professionals. Rent will probably range between \$1,200-2,000 per month. He added the status of acquiring the Kenneth property changes from day to day.

No one appeared to speak on the proposed development.

Mayor Smith reviewed the issues identified by the Council:

- Parking within the development needs to be increased,
- Density of the development,
- Grading of the site,
- Street Width/Fire Lane.

Member Kelly stated he would be reluctant to vote favorably for the proposed development with the density at 42 units. Member Faust indicated she agreed with Member Kelly.

Member Maetzold stated he believes the proposal is an excellent transition between the apartments and the PRD-2 doubles up the hill and the zero lot lines on Malibu Drive.

Member Hovland indicated his support of the proposed development.

Mayor Smith explained to the proponent that a rezoning vote requires four of the five Council members support. Mr. Bjornnes requested continuation of his proposal until February 2, 1998 allowing him to review the issues raised by the Council.

Member Maetzold made a motion to continue consideration of Preliminary Rezoning R-1, Single Dwelling Unit District to PRD-3, Planned Resident District and Preliminary Plat, for Namron Company LLC, 51XX Lincoln Drive to February 2, 1998.

Member Hovland seconded the motion.

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

PROOF OF PARKING AGREEMENT RELEASED FOR 7301 OHMS LANE Planner Larsen explained the building located at 7301 Ohms Lane meets and exceeds the City's existing parking requirements. If the land were vacant and the same building built today, no proof of parking agreement would be required of the developer.

After a brief discussion of parking regulations and the potential impact of reducing the proof of parking agreement for 7301 Ohms Lane, **Member Faust made a motion to release the proof of parking agreement and authorize the Mayor and City Manager to execute the necessary Termination Agreement.** Member Maetzold seconded the motion.

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

*LOT DIVISION GRANTED FOR 5512-5516 EWING CIRCLE (JAMES M. WATERS) Motion made by Member Maetzold and seconded by Member Faust:

RESOLUTION

WHEREAS, the following described property is at present a single tract of land:

LOT 3, BLOCK 1, WOODBURY PARK SECOND ADDITION, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the owners have requested the subdivision of said tract into separate parcels (herein called "Parcels") described as follows:

PARCEL A:

That part of Lot 3, Block 1, Woodbury Park Second Addition, Hennepin County, Minnesota lying northerly of a line described as commencing at the northwest corner of said Lot 1; thence on an assumed bearing of South 0 degrees 34 minutes 00 seconds East along the west line of said Lot 1 a distance of 41.60 feet to the point of beginning of the line to be described; thence North 89 degrees 12 minutes 02 seconds East 188.15 feet; thence North 53 degrees 17 minutes 39 seconds East 24.54 feet to the northeasterly line of said Lot 3 and said line there terminating.

PARCEL B:

That part of Lot 3, Block 1, Woodbury Park Second Addition, Hennepin County, Minnesota lying southerly of a line and its northeasterly extension, said line is described as commencing at the northwest corner of said Lot 1; thence on an assumed bearing of South 0 degrees 34 minutes 00 seconds East along the west line of said Lot 1 a distance of 41.60 feet to the point of beginning of the line to be described; thence North 89 degrees 12 minutes 02 seconds East 188.15 feet; thence North 53 degrees 17 minutes 39 seconds East 24.54 feet to the northeasterly line of said Lot 3 and said line there terminating.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said Parcels as separate tracts of land do not interfere with the purpose of the Subdivision and Zoning Regulations as contained in the City of Edina Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the second above described Parcels as separate tracts of land is hereby approved and the requirements and provisions of code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are not waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent ordinances of the City of Edina or with the prior approval of this Council as may be provided for by those ordinances.

ADOPTED this 20th day of January, 1998.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR POLICE UNIFORMS FOR 1998** Motion made by Member Maetzold and seconded by Member Faust for award of bid for the 1998 annual purchase of police uniforms and equipment to sole bidder, Uniforms Unlimited at a price not to exceed \$30,000.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR CONCRETE/ASPHALT RECYCLING** Motion made by Member Maetzold and seconded by Member Faust for award of bid for the crushing of blacktop/concrete to recommended low bidder Premier Aggregates, Inc., at \$2.25 per ton or approximately \$25,000.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR FERTILIZER FOR BRAEMAR AND FRED RICHARDS GOLF COURSES** Motion made by Member Maetzold and seconded by Member Faust for award of bid for fertilizer for Braemar and Fred Richards Golf Courses to North Star Turf Supply through Hennepin County Bid #314066, at \$21,943.26.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR PARK MAINTENANCE DEPARTMENT TRUCK** Motion made by Member Maetzold and seconded by Member Faust for award of bid for one 1998 ¾ ton 4X4 pick-up truck for the Park Maintenance Department to Grossman Chevrolet Company, Inc., through Hennepin County Bid at \$21,175.39.

Motion carried on rollcall vote - five ayes.

MINUTES OF TRAFFIC SAFETY COMMITTEE OF JANUARY 6, 1998 APPROVED; STOP SIGN APPROVED ON 68TH STREET AT CORNELIA DRIVE Traffic Safety Coordinator Bongaarts indicated a letter dated January 13, 1998, had been received from Greg Moon, 6813 Cornelia Drive, requesting an additional STOP sign on 68th Street at Cornelia Drive. Traffic counts taken in the area were at 850-950 cars in a 24 hour period with an additional 150 when the pool is open. Coordinator Bongaarts explained there had been one reported accident in 1991 and it involved two residents of the area. Results of a radar survey did not portray excessive speeds. He reminded the Council this is a curved street with no sidewalks and people walk in the street. No warrants substantiate installing a third STOP sign on 68th at Cornelia Drive.

Mr. Moon thanked the Traffic Safety Committee for installation of two STOP signs on Cornelia Drive at 68th Street but believes not installing a STOP on 68th at Cornelia Drive is short-sighted. He sighted speed, traffic, and poorly designed roads for moving traffic on main thoroughfares allowing use of residential streets to reduce drive time, as the reason for the request. The common-sense approach to handle these concerns would be for installation of the STOP on 68th Street at Cornelia Drive.

Dave Fisher, 6809 Cornelia Drive, concurred with Greg Moon and reiterated his belief that a STOP sign would help keep the street residential.

Member Hovland made a motion approving the following actions as recommended in Section A of the Traffic Safety Staff Report of January 6, 1998:

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1. Council support given to Richfield's request for left turn arrows at West 76th and York and also at West 70th and York;
2. Approval of traffic study for the Parkwood Knolls/South area by SRF Consulting Group, estimated at \$2,500.00; and

to acknowledge Sections B and C; and to reverse the decision of the Traffic Safety Committee (Section A.3.) and grant installation of a STOP sign on 68th Street at Cornelia Drive. Motion seconded by Member Maetzold.

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

*CORRECTION MADE TO FINAL PLAT APPROVAL FOR EDINA CORPORATE CENTER IN NOVEMBER 3, 1997, COUNCIL MINUTES Motion made by Member Maetzold and seconded by Member Faust correcting the motion for Final Plat Approval for the Edina Corporate Center located adjacent to the Braemar Golf Course as follows, with corrected text underlined:

"Member Maetzold introduced the following and moved its approval conditioned upon, 1) Landscape plan to be augmented on the north side of the project, and to include some plantings that remain green year round, 2) Increase the height, size, and shape of the berm to match the west end of the berm, 3) Lighting specifications be reviewed to ensure no wash from the project will spill into the residential neighborhood, 4) Review plans to ensure adequate storm water storage is provided, 5) Final Rezoning, 6) Final Plat, 7) Developers Agreement, 8) Watershed District permit, 9) Access easement to Golf Course, 10) Utility and Drainage Easement on the South line and Utility easement on East and West line, 11) Relocation of existing fence along northerly line, and 12) Increase in elevation to 862 feet 4 inches, 13) The Developer shall extend an underground storm water drainage pipe to the pond on the golf course and expand the pond in accordance with the approved plan; provided the City shall do final grading and fairway and landscaping repair on City property caused by such installation and City shall provide necessary maintenance, repair and replacement of such piping and ponds on City property upon completion thereof, 14) City approves drainage across the golf course property and expansion of the pond in accordance with the approved plan and in accordance with the Watershed District Permit."

Motion carried on rollcall vote - five ayes.

APRIL 13, 1998, DATE SET FOR BOARD OF REVIEW Assessor Petersburg explained that on or before February 15th of each year, the County Assessor is required to give written notice to the City Clerk of the day and time the Board of Review will meet in the assessment districts in the County. In order to set this date, the Council (acting as the Board of Review) is required to select a hearing date between April 1 and May 31 of each year. The Board of Review is allowed 20 days to complete their business from the date of the initial hearing. In order to allow an extension of the 20 day period, (if one is necessary), staff recommended setting the initial date of April 13, 1998, at 5:00 P.M. At the initial meeting, testimony would be taken from property owners and assessing staff. Following completion of that meeting, the Board would temporarily adjourn and then reconvene at a later date to make decisions based on testimony taken.

Additionally, Assessor Petersburg suggested an Orientation meeting be held as a prelude to the Board of Review, allowing the Council to be briefed on the status of the assessment, how assessments are determined, tools used to determine the assessment and to answer any questions. He suggested April 6, 1998, at 6:00 P.M. be set for this Orientation meeting.

Member Kelly made a motion setting April 13, 1998, at 5:00 P.M. for Board of Review and April 6, 1998, at 6:00 P.M. for the Board of Review Orientation Meeting. Member Maetzold seconded the motion.

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

TEMPORARY ON-SALE LIQUOR LICENSE AWARDED FOR EDINAMITE, APRIL 18, 1998

Manager Rosland reminded Council that Minnesota Statute 340A allows charitable organizations to obtain a temporary on-sale intoxicating liquor license. City Code 900.12 further restricts issuance of temporary on-sale licenses to the Edina Foundation for the purpose of their EDINAMITE fund raising event. Beginning in 1983 and continuing through 1990, annually the Edina Foundation obtained a temporary on-sale liquor license. The temporary license allowed the Foundation to serve intoxicating liquor under the license of Interlachen Country Club at the EDINAMITE. The City waived any fee for this temporary license. The EDINAMITE is scheduled for April 18, 1998, at Edinborough Park and if approved, the license would be issued under the license issued to Interlachen Country Club.

Member Maetzold made a motion approving the temporary On-Sale Liquor License to the Edina Foundation for an EDINAMITE event scheduled April 18, 1998, at Edinborough Park. Member Hovland seconded the motion.

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

***1998 AND 1999 LABOR CONTRACT FOR IAFF #1275 (FIREFIGHTERS) APPROVED**
Motion made by Member Maetzold and seconded by Member Faust approving the 1998 and 1999 IAFF #1275 Labor Contract (Firefighters).

Motion carried on rollcall vote - five ayes.

***CORRESPONDENCE RECEIVED FROM RICH AND JOAN NAYMARK (4517 TOWER STREET)** Motion made by Member Maetzold and seconded by Member Faust acknowledging receipt of correspondence from Rich and Joan Naymark of 4517 Tower Street regarding their July 22, 1997, sewer backup claim.

Motion carried on rollcall vote - five ayes.

***CORRESPONDENCE RECEIVED FROM JOSEPH AND JENNIFER ROACH (4608 TOWER STREET)** Motion made by Member Maetzold and seconded by Member Faust acknowledging receipt of correspondence from Joseph and Jennifer Roach at 4608 Tower Street regarding their July 22, 1997, sewer backup claim.

Motion carried on rollcall vote - five ayes.

CLAIMS PAID Member Maetzold made a motion to approve payment of the following claims as shown in detail on the Check Register dated January 13, 1998, and consisting of 36

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pages; General Fund \$382,792.76; C.D.B.G. \$19,358.00; Communications \$3,764.70; Working Capital \$63,324.39; Art Center \$4,495.18; Golf Dome Fund \$13,726.66; Swimming Pool Fund \$412.26; Golf Course Fund \$19,409.54; Ice Arena Fund \$42,770.74; Edinborough/Centennial Lakes \$33,252.89; Utility Fund \$353,051.69; Storm Sewer Utility Fund \$14,048.89; Liquor Dispensary Fund \$291,593.47; Construction Fund \$30,004.86; Park Bond Fund \$8,866.59; I-494 Commission \$640.00, TOTAL \$1,281,512.62; and for confirmation of payment of the following claims as shown in detail on Check Register dated January 7, 1998, and consisting of 3 pages: General Fund \$59,426.46; Communications \$19,780.89; Working Capital \$426.00; Liquor Dispensary Fund \$120,391.14; I-494 Commission \$5,225.96; TOTAL \$205,250.45. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Smith declared the meeting adjourned at 10:05 P.M.

City Clerk