

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 2, 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 Hovland to approve and adopt the Consent Agenda as presented with the exception of Agenda Items IV.A. Resolution Authoring Acceptance of State Grant Funding Police Overtime and IV.B. Tax Forfeit Property, Outlot B, Whiteman Addition.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JANUARY 20, 1998, APPROVED** Motion made by Member Maetzold and seconded by Member Hovland approving the Minutes of the Regular Meeting of the City Council on January 20, 1998.

Motion carried on rollcall vote - five ayes.

PRELIMINARY REZONING AND PRELIMINARY PLAT APPROVED FOR 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.

Planner Larsen noted the proposed rezoning was continued by the Council at their January 20, 1998 meeting. The developer, in response to concerns raised by Council members, has prepared a revised site plan for Council consideration. Planner Larsen reviewed the following changes:

Density

The project unit count has been reduced to 39 units. The original site plan illustrated eleven "B" units easterly of the proposed private drive. The revised plan illustrates eight units in this area. Other changes to the site plan include the reduction of the "C" units from fourteen to twelve and the increase of "D" units from four to six. The revised site plan also eliminates the need for a building set back variance from the north property line.

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Guest Parking

Guest parking has been increased from twelve to twenty spaces. Besides adding more guest parking, demand has also been reduced through the reduced density and the elimination of the community building. The revised site plan has a total of 176 parking spaces on-site, including each unit's two car garage.

Site Grading

The developer has proposed reducing the maximum street grade from seven to five percent. This reduction lowers the elevation of the entire site, increasing the vertical separation between this site and the home to the east.

Street Width

The proposed private street continues at 24 feet wide. The street would be posted "No Parking" on either side.

Planner Larsen noted that along with the changes the developer included a conceptual landscaping plan emphasizing screening along the easterly property line.

Mayor Smith noted receipt of letters from Dr. F. E. Drill, 5080 Malibu Drive, Robin B. Nelson, 5180 Malibu, Drive and John & Evodena Linner, 5040 Malibu Drive expressing their concern regarding the proposed development. The residents' concerns included density, traffic, visual separation and proposed landscaping.

Mayor Smith stated his opinion that the proposed development as revised makes a good transition zoning between the apartments to the west and the single family homes to the east. The developer, Mr. Bjornnes has addressed the concerns expressed at the January 20, 1998 meeting.

Member Hovland asked what controls the City has over the landscaping of a project such as the proposed development. Planner Larsen explained that at the time the final approvals are considered, the developer would submit a detailed landscaping plan that would be approved by the City Council. In addition, the developer must provide a landscaping bond for the project.

Member Faust asked what was the distance between the "B" units and the lot lines. Norm Bjornnes, developer replied that the northerly building is 45 feet from the lot line increasing to 50 feet from the lot line on the southerly building.

Norm Bjornnes, developer, informed the Council, his landscape architect is the same one used by the developer of the zero lot line homes on Malibu. He added he intends to build the scattered parking at this time.

Member Maetzold questioned whether the rental of units will be handled by the office at the Lincoln. Mr. Bjornnes confirmed the Lincoln will handle rentals for the townhomes.

Member Faust thanked the developer for his efforts in responding to the concerns raised at the January 20th Council meeting.

Member Kelly reiterated thanks to the developer for his willingness to resolve concerns.

Public Comment

Robert Crosby, 5020 Malibu Drive, explained he had two concerns relating to the proposed development: 1) density, and 2) adequate landscaping between the existing single family homes. Mr. Crosby believes the 39-unit proposal is still too dense. He would also like to see the existing trees salvaged between his home and the new development.

Member Hovland asked if subdivision dedication would be collected on this development. Planner Larsen explained the subdivision dedication had been collected from this property at an earlier time.

Motion by Member Maetzold, seconded by Member Hovland to grant first reading to Ordinance No. 850-A14, an ordinance rezoning the subject property from R-1, Single Dwelling Unit District to PRD-3, Planned Residence District for Namron Company LLC, 51XX Lincoln Drive.

Roll call:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

First Reading granted.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "OAKS LINCOLN TOWNHOME", platted by Namron Company LLC hereby granted preliminary plat approval with four conditions: 1) Final rezoning, 2) Final Plat, 3) Watershed District Permits (noting final unit count may be reduced if on-site ponding is required), and 4) Developer's Agreement for installation of sewer, water, and improvements to Lincoln Drive. Member Maetzold seconded the motion.

Roll call:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

Member Maetzold left the meeting at 7:50 P.M. due to illness.

***HEARING DATE SET OF FEBRUARY 17, 1998, FOR PLANNING MATTERS Motion made by Member Maetzold and seconded by Member Hovland setting February 17, 1998, as the hearing date for the following planning matters:**

- 1. Final Rezoning, R-1, Single Dwelling Unit District to PRS-4, Planned Residence District and Comprehensive Plan Amendment, Opus, National LLC and Karrington Health Inc., 7128 France Avenue South (Lutheran Church of the Master Site)**
- 2. Final Development Plan, Guardian Savings, 6950 Xerxes Avenue.**

Motion carried on rollcall vote - five ayes.

BID AWARDED FOR REPLACEMENT FIRE DEPARTMENT SELF-CONTAINED BREATHING APPARATUS Chief Paul Franz explained of the four bids received for the replacement self-contained breathing apparatus for the Fire Department, two manufacturers met specifications. The Committee recommended awarding the bid to the lowest complying bidder, Scott Fifty-Fifty at \$92,657.72.

Following a brief Council discussion, **Member Kelly made a motion for award of bid for replacement Fire Department self-contained breathing apparatus to the lowest complying bidder, Scott Fifty-Fifty at \$92,657.72.** Motion seconded by Member Faust.

Rollcall:

Ayes: Faust, Hovland, Kelly, Smith

Motion carried.

PARAGON CABLE'S OFFER ACCEPTED FOR EXPANSION OF GARDEN PARK COMFORT STATION Park Director Keprios pointed out that Paragon Cable Company approached the City with a proposal at Garden Park for the comfort station that included:

- adding 400 square feet to the 280 square foot proposed Garden Park Comfort Station plan for a combined total square footage of 680
- \$100,000 payment to the City of Edina
- Paragon paying all additional costs to increase the size of the building (to include architect fees and construction costs)
- free rent for the life of the franchise or 14 years
- after 14 years, a new lease agreement would be negotiated or the City would assume the storage space.

Following a brief Council discussion, **Member Kelly made a motion to accept Paragon Cable Company's proposal to pay \$100,000.00 plus all additional costs needed to enlarge the comfort station at Garden Park which would allow approximately 400 square feet of secured storage for Paragon Cable Company's backup equipment.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Smith

Motion carried.

BID AWARDED FOR PARK SHELTER BUILDINGS AND COMFORT STATIONS Director Keprios explained that the purchase is for four park shelter buildings at Cornelia School Park, Todd Park, Walnut Ridge Park and Weber Park and for three comfort stations at Garden Park, Lake Cornelia Park and Wooddale Park, and for renovations of bathrooms at the Lewis Park shelter building. In the interest of saving money, plumbing and heating fixtures will be bid separately with an anticipated cost at approximately \$40,000.00.

Director Keprios concluded the specifications call for substantial completion of this project by July 15, 1998, and final completion by July 30, 1998. He pointed out this would be the last large Park Referendum project to be completed. Staff recommended approval of the low bid.

Mayor Smith inquired whether consideration had been given to use of the Golden Years Montessori School Building for both a park shelter as well as a Senior Center in the Weber Park area. Manager Rosland noted discussion had been held on the feasibility of this use and concluded the building is not for sale at this time. The business continues to operate even though it has been sold. Mayor Smith asked if Hunnerberg Construction is awarded the bid could they construct the Weber Park project last so more inquiries could be made into use of the existing building. Manager Rosland assured the Council he would confer with Hunnerberg Construction.

Member Faust made a motion for award of bid for park shelter buildings at Cornelia School Park, Todd Park, Walnut Ridge Park, Weber Park and for comfort stations at Garden Park, Lake Cornelia Park and Wooddale Park to recommended low bidder, Hunnerberg Construction Company at \$968,650.00. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Smith

Motion carried.

BID AWARDED FOR POLICE SQUAD CAR (FORD) Chief Bernhjelm indicated it is being proposed the 1994 squad car scheduled for replacement would be replaced by one full-size Ford Crown Victoria. The replacement vehicle would serve as a Class B marked squad for four years.

Member Hovland made a motion for award of bid for one full-size Ford Crown Victoria to Superior Ford under Hennepin County Cooperative Purchasing Contract, #4277A7, at \$20,443.00. Motion seconded by Member Faust.

Ayes: Faust, Hovland, Kelly, Smith

Motion carried.

BID AWARDED FOR POLICE SQUAD CARS (CHEVROLET) Chief Bernhjelm reported three Police squads are up for replacing. He suggested replacements for these vehicles as follows:

CHEVROLET TAHOE (1)

- Replacement Vehicle used as first line marked patrol vehicle for three years
- Truck chassis offers a 3 year life expectancy versus 2 years for full size squads
- Tahoe is only full-size police vehicle on market other than Ford Crown Victoria
- Crown Victoria may be discontinued within 2 years
- Tahoe would be test vehicle for possible future use as departments primary squad car

CHEVROLET LUMINAS (2)

- Replacement vehicles for unmarked fleet
- Will replace two 1991 unmarked squads
- Police package Luminas offer durability and performance for 7 year expected life span

Following a brief Council discussion, **Member Faust made a motion for award of bid for one Chevrolet Tahoe at \$26,611.00, and two Chevrolet Luminas at \$35,264.00, to Erickson Chevrolet Pontiac, Inc., through Hennepin County Cooperative Purchasing Contract #4204 B7-232. Member Kelly seconded the motion.**

Ayes: Faust, Hovland, Kelly, Smith

Motion carried.

RESOLUTION ADOPTED AUTHORIZING GRANT FOR POLICE DEPARTMENT OPERATION NIGHTCAP Chief Bernhjelm explained Operation NightCAP is a statewide saturation patrol program designed to arrest drug and alcohol impaired drivers. State, County and local law enforcement agencies work together on saturation events. Surrounding agencies have selected two saturation events on Highway 62 with state funds paying for two Edina officers at overtime rates.

Chief Bernhjelm noted the state requires a Council resolution authorizing City participation before the Operation NightCAP grant request may be submitted to the state.

Member Faust introduced the following resolution and moved its approval:

RESOLUTION

BE IT RESOLVED that the Edina Police Department enters into a Grant Contract with the Minnesota Department of Public Safety, State Patrol Division for the program entitled Operation NightCAP.

Deputy Chief Mike Siitari is hereby authorized to execute and sign such Grant Contracts, and amendments thereto, as are necessary to implement the program on behalf of the Edina Police Department.

Adopted by the City Council of the City of Edina on February 2, 1998. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Smith

Resolution adopted.

RESOLUTION APPROVING PUBLIC AUCTION OF TAX FORFEIT PROPERTY - OUTLOT (WHITEMAN ADDITION) Manager Rosland informed the Council, the City has been advised by Hennepin County Taxpayer Services Division that a small parcel of land in Whiteman Addition has been forfeited due to nonpayment of property taxes. The City could:

1. Approve the parcel for sale at public auction;
2. Approve the auction of the parcel to adjacent property owners only; or
3. Request conveyance of the property to the City for public use.

Upon review, Staff believes the parcel was platted as an outlot to Whiteman Addition because of a proposed driveway immediately north of the property. The property to the north chose a different location for their driveway, never acquiring the outlot. A utility easement exists on the outlot. The outlot is an unbuildable piece of property according to Code and not needed for any public purpose. Staff believes the best option for the outlot would be to allow its sale at public auction, restricting the sale to adjacent property owners.

The Mayor called for public comment. No public comments were heard.

Member Kelly introduced the following resolution and moved its approval:

RESOLUTION

WHEREAS, the City Council of the City of Edina has received from the County of Hennepin a list of lands in said municipality which became the property of the State of

Minnesota for non-payment of property taxes, which said list was dated December 23, 1997, Conservation/Non-Conservation Classification List 1027-C/NC.

WHEREAS, the parcel in said list identified as PIN No. 29-117-21-33-0034 has heretofore been classified by the Board of County Commissioners of Hennepin County, Minnesota, as non-conservation land the sale thereof and has heretofore been authorized by said Board of County Commissioners; and

WHEREAS, it has been determined by the Edina City Council that there are no existing or pending special assessments on said parcel; and

WHEREAS, it has been determined by the Edina City Council that said parcel need not be withheld from sale pursuant to M.S. 85.012, M.S. 92.461; M.S. 282.01, Subd. 8; M.S. 282.018, Subd. 1, or M.S. 282.018, Subd. 2;

NOW, THEREFORE, be it resolved by the Edina City Council that the said classification is hereby approved.

BE IT FURTHER RESOLVED by the Edina City Council that, acting pursuant to Minnesota Statutes 282.01, Subd. 7a, it has determined that said parcel of land is not buildable according to the City's Zoning Ordinance and that sale of said parcel be limited to the adjacent properties for attachment thereto.

Adopted this 2nd day of February, 1998.

Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Smith

Resolution adopted.

DISCIPLINARY ACTION APPEAL REMOVED FROM AGENDA At the request of the employee concerned, the disciplinary appeal was removed from the agenda prior to the Council meeting.

CLAIMS PAID Member Kelly made a motion to approve payment of the following claims as shown in detail on the Check Register dated January 27, 1998, and consisting of 27 pages: General Fund \$262,703.24; C.D.B.G. \$140.50; Communications \$427.21; Working Capital \$30,911.34; Art Center \$10,883.87; Golf Dome Fund \$339.98; Swimming Pool Fund \$106.35; Golf Course Fund \$16,778.52; Ice Arena Fund \$13,337.80; Edinborough/Centennial Lakes \$8,346.10; Utility Fund \$322,432.60; Storm Sewer Utility Fund \$10,820.10; Liquor Dispensary Fund \$163,263.01; Construction Fund \$12,199.76; Park Bond Fund \$130,223.30; I-494 Commission \$2,653.09; TOTAL \$985,566.77. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Smith declared the meeting adjourned at 8:40 P.M.

City Clerk