

**MINUTES
OF THE JOINT MEETING OF THE
EDINA CITY COUNCIL AND THE
EDINA HOUSING AND REDEVELOPMENT AUTHORITY
HELD AT CITY HALL
MARCH 16, 1998 - 7:00 P.M.**

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

CONSENT AGENDA Motion made by Member Maetzold and seconded by Member Hovland to approve and adopt the Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

***MINUTES OF THE REGULAR MEETING OF MARCH 2, 1998, APPROVED** Motion made by Member Maetzold and seconded by Member Hovland approving the Minutes of the Regular Meeting of March 2, 1998.

Motion carried on rollcall vote - five ayes.

MARCH 16, 1998, PROCLAIMED AS JENNY SCHMIDGALL DAY IN EDINA Mayor Smith introduced Jenny Schmidgall, a member of the 1998 U.S. Women's Olympic Hockey Team to all in attendance.

Upon the unanimous motion and second of the Mayor and City Council the following proclamation was adopted proclaiming March 16, 1998 as Jenny Schmidgall Day in Edina:

**PROCLAMATION
JENNY SCHMIDGALL
1998 OLYMPIC GOLD MEDAL WINNER**

WHEREAS, Jenny Schmidgall, an Edina resident and a member of the inaugural gold medal winning 1998 USA Olympic Women's Hockey Team; and

WHEREAS, the achievements of Jenny Schmidgall are a source of great community pride and interest as she represented our nation and city in the 1998 Winter Olympic Games in Nagano, Japan; and

WHEREAS, success has come to Jenny Schmidgall because of her hours of dedication, practice, undaunted determination, and extraordinary ability. Jenny has reached a level of athletic achievement upon which dreams are built. She has inspired young athletes, both in our community and throughout our nation, to reach for their dreams and make them come true.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to Jenny Schmidgall.

BE IT FURTHER RESOLVED that the Edina City Council does hereby ordain and declare the 16th day of March, 1998, as official:

Jenny Schmidgall Day

BE IT FURTHER RESOLVED that this proclamation be recorded in the Minutes of the Edina City Council and that a copy be given to Jenny Schmidgall.

ADOPTED this 16th day of March, 1998.

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Rollcall:

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

Mayor Smith presented a copy of the proclamation to Jenny and had Jenny introduce her family and friends in attendance. Mayor Smith explained the Council would be honored if Jenny would be the Grand Marshal of the Annual Edina 4th of July Parade. Jenny thanked the Council for her proclamation and added she would be happy to be the July 4th Parade's Grand Marshal.

RESOLUTIONS ADOPTED GRANTING FINAL DEVELOPMENT PLAN AND FINAL PLAT APPROVAL FOR SOUTH EDINA DEVELOPMENT FOURTH ADDITION (UNITED PROPERTIES) Planner Larsen reminded the Council the subject property is a 25 acre tract located east of France Avenue and south of West 76th Street. The approved master plan calls for five office buildings. Buildings 1 and 2, located west of the pond, are complete. United Properties, developers, are requesting Final Site Plan approval for buildings 3 and 4 and Final Plat for South Edina Development Fourth Addition.

Planner Larsen noted the proposed final site plan illustrates two buildings significantly smaller than those in the 1995 approved Master Plan. Building 3 is proposed at seven stories, with a total floor area of 154,741 square feet. Building 3's proposed parking ramp has been reduced from five levels to two with the upper deck at approximately the same grade as Edinborough Way. Building 4 is proposed as a 9 story, 240,644 square foot structure with its proposed parking ramp at three levels. Staff recommends approval of the Final Site Plan and Final Plat approval subject to a Development Agreement with the proponent, United Properties. The proposal is consistent with the approved master plan for Centennial Lakes. The reduced size of the buildings and resultant reduction in size of the parking ramps, lessens the impact on residential properties east of Edinborough Way significantly.

Council comment

Mayor Smith asked if the future fifth building would also be reduced in size consistent with the building height next to it. Planner Larsen responded that he believes the fifth building will be of a height to utilize the maximum developable area approved with the 1995 Master Plan.

Member Kelly compared the original plan with the proposed plan and asked about the significant reduction in green space as well as an increase in paved surface. Planner Larsen said he did not have percentages of green space or of the paved surfaces for the site.

Member Maetzold noted that buildings 1 and 2 had received tax increment funding, and asked if buildings 3 and 4 are eligible for tax increment funding. Assistant Manager Hughes responded the original agreement included tax increment assistance for all 5 buildings. Member Maetzold noted the Master Plan shows building 5 as 15 stories. He asked if it could be developed as 15 stories even though it would look out of place, without coming back before the Council. Planner Larsen responded the approved 1995 Master Plan shows 1.16 million square feet of office space; the same amount is on the revised Master Plan. With the

two smaller buildings, the developer has shifted the remaining square footage that he has development rights for into building 5. While it does become significantly taller and larger in square footage the developer could ask for approval to build the taller building.

Planner Larsen reminded the Council when discussions were held on this development previously, sentiment was if one building would be larger than the rest, it should be placed on the south side of the property, further from residential properties.

Member Maetzold inquired if the developer could ask for one level ramp additions to Building 3 and 4 ramps at a later date. Planner Larsen said the developer could request such additions. Member Maetzold asked if when building 3 and 4 are completed, would improvements or additions be made to the park. Assistant Manager Hughes said the terms of our agreement require the HRA to complete the east side of the park improvements when the third building is constructed. The pond wall would be extended around the east side and improvements completed to that side. Member Maetzold asked when building 3 is completed, would the park then be finished. Assistant Manager Hughes said the park south of 76th street would be completed.

Member Faust asked if parking ramps, as shown on the revised Master Plan, would be adequate if the 15 story building is built. Planner Larsen answered parking should be adequate as shown. Member Faust reminded the Council how much the neighbors objected to the parking ramp height previously so this plan is much improved if they remain at that level.

Member Hovland noted building 3 is now 7 stories and building 4 is now at 9 stories, how tall would building 5 need to be to meet the 1.16 million square feet. Planner Larsen replied 15 stories. Member Hovland inquired whether tax increments would remain the same. Assistant Manager Hughes said if buildings 3, 4 and 5 were built as shown on the proposed plan, the same amount of tax increments will be generated as were anticipated in the 1995 plan. Buildings 3 and 4 are smaller than approved, yet staff feels enough increment will be generated to support the park improvements. It was not anticipated that when building 3 was completed, funds would be available to complete the park. Completing Buildings 3 and 4 at this time, means more increment is available than anticipated. Member Hovland voiced concern regarding traffic flow in and out of the area. Engineer Hoffman noted there are no schedules in place now depicting traffic flow. Assistant Manager Hughes explained traffic would be able to access Edinborough Way as well, and get to a signalized intersection at Edinborough Way and 76th Street. No need seems to exist for a signal at the new driveway/curb cut for building 3 at 76th Street.

Member Kelly asked where the dock bay is located in the revised plan compared to the original plan and is there more hard surface in the new plan. Planner Larsen reminded Council that the 1995 plan was conceptual. Today's plan is the next step and provides all building requirements including a dock bay. Planner Larsen elaborated there is no regulation for hard surfaces. The revised plan attempts to reduce the parking structures' impact along Edinborough Way.

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Member Maetzold asked if building 3 is 7 stories, building 4 is 9 stories, building 5 could be at a maximum 15 stories. He questioned whether the elevation would make building 5 seem less ominous because of grade changes. Planner Larsen replied, yes, the site drops from Edinborough Way to the west because of grade changes.

Mayor Smith asked if truck traffic could be prohibited to the east of the site. Planner Larsen added discussions have been held about traffic flow and the possibility remains that servicing the buildings will be necessary creating some need for truck traffic. Mayor Smith asked if large trucks could be kept away from the residential development. Planner Larsen said trucks entering the site from France would have a difficult time while trucks entering from Minnesota Drive would seem more logical.

Member Kelly stated concerns that, 1) green space on the site had been compromised, 2) a third curb cut is planned on Minnesota Drive, 3) the ceremonial drive on Edinborough Way has been eliminated and, 4) the revised plan shows two dock bays per building.

Member Hovland reminded the Council that he sits on the I-494 Corridor Commission and inquired whether the City has been contacted about the possibility of an environmental impact study being done. Planner Larsen said in certain cases zoning requirements demand an environmental impact study to be done. An environmental impact statement which addresses air quality and traffic patterns of the 1.16 million square feet of office has been completed and with less traffic, air quality should be impacted less. A traffic demand management study could still be done although one is not required.

Assistant Manager Hughes pointed out this is the last 10 acres of a 95 acre development that previously received approval with many traffic conditions such as; 1) the mixed use nature of the development where it was demanded a large portion be residential property rather than commercial property to lessen the traffic impact; 2) this is the only development he is aware of in the I-494 Corridor Commission that has provided for an intra-area transit system running from the southern most part of this development to Fairview Southdale Hospital on the north. In years past, many transit/traffic items have found their way into the development but this is the last little portion being developed.

Public comment:

Brock Buehler, 7635 Edinborough Way, a nine year resident, asked for clarification of the stories of the new building and parking lot plan. He voiced concern with traffic flow, landscaping along Edinborough Way and the increase in curb cuts on Minnesota Drive. He noted that the Edinborough Association will be meeting in April and he would report his findings back to them. Mayor Smith provided Mr. Buehler with a set of the revised plans. Mr. Buehler inquired what time of day construction may begin, both during the week and on weekends.

Dennis Siemers, 7631 Edinborough Way, asked if a traffic engineer could look at traffic flow during the nighttime commute onto York Avenue from the 76th Street corridor. He inquired if a STOP light is planned for 76th Street and Edinborough. Engineer Hoffman said previously a discussion had been held about 76th Street and York Avenue, and 70th Street and York Avenue, both lacking left turn signals. The County is studying traffic in the area. He

acknowledged the area has problems and is being examined. Mr. Siemers commented I-494 is terrible and the state needs to be pressured to get the expansion of I-494 built.

Developer comment:

Brian Carey, United Properties, noted Buildings 1 and 2 are 100% leased and United Properties intends to continue with the task of completing the mixed use development. He introduced Greg Bennett from Smallwood, Reynolds, Stewart and Stewart, the designer/architect of the development since Phase 1.

Mr. Carey stated he would respond to previous questions regarding: green space, docks, traffic, landscaping, timing, and curb cuts off Minnesota Drive.

In 1995, when the Master Plan was presented, United Properties was able to depict very closely how Buildings 1 and 2 would look like. Buildings 3, 4 and 5 were a fond dream then and little time was spent on fine-tuning the plan. In 1995, building 3 shared a multi-level ramp with building 4 as well as another multi-level ramp built mostly above ground. Residents made it clear bringing density away from Edinborough Way was very important. Mr. Carey believes the revised Master Plan is a drastic reduction in density and traffic, and is a positive development for the neighborhood.

GREEN SPACE: After meeting with numerous neighbors in the area, the green space is conceptually less than shown on the 1995 Master Plan, however, the positive trade off is the lower level parking ramps.

DOCKS: The dock space on the 1995 plan had only been designed at the conceptual level. Today's plan depicts docks as needed for Buildings 3 and 4 to function. Screening of the docks with heavy coniferous landscaping would be desirable.

TRAFFIC: Good traffic flow in the area is essential. Mr. Carey said he intends to work with tenants and Analysts, Inc., to help make their business run profitably. Good traffic flow in the area would benefit everyone. United Properties has been involved in the I-494 issue and has designed within the proposed plan an interior road system, intending to alleviate pressure from the City roads. United Properties had a traffic study done by Benshoof and Associates when the 1995 Master Plan was approved. The study recommended that when one of the buildings on the east side of the site was developed, there would be a strong need for a traffic light, however, the density has been reduced in the area since the study was done.

LANDSCAPING: Landscaping will be compatible with the Centennial Lakes project. It has been United Properties intention to blend the 100 acres mixed use development into one unit instead of a set-aside office park. BRW, Landscape Architects have been hired to do the landscape design for Phase 1 and 2 buildings as well as 3, 4, and 5 and the park.

TIME OF CONSTRUCTION: Mr. Carey said construction should be similar to that of Edinborough and Centennial Lakes. He noted concrete is delivered from the suburbs before rush hour, if possible.

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RAMP VISIBILITY: Along with lowering the ramps considerably, United Properties is known to provide lush landscaping around their developments. Thick landscaping is planned to not only create a buffer and screen but to create an attractive approach zone.

CURB CUT OFF MINNESOTA DRIVE: No approval of the extra curb-cut on Minnesota Drive is requested at this time. Benshoof and Associates, as well as the architect, have informed United Properties the greater the number of outlets from a development, the less traffic congestion for people to be able to move more freely within the site. Mr. Carey commented the property where building 5 would be located is owned by the Hedberg family, and they will remain the owners during development of Buildings 3 and 4.

Mr. Bennett, showed an artist rendering of Buildings 3 and 4. The buildings would be constructed similarly to Phase 1 and 2, of architectural pre-casted materials, limestone facade treatment, and glazing and stone accents at the entry top. The parapet's will be designed to give each building their own identity.

Member Faust voiced concern over headlights from cars on the top level of the grade level parking ramp shining into windows at Edinborough. Brian Carey showed an artist rendering of a wall along the outside edge of the top level of the parking ramp. Member Faust said the area does not seem pedestrian friendly, e.g., no sidewalks along ramps, no sidewalks on 76th Street and no real exterior entrance to the lake area. Mr. Carey said there are sidewalks that loop around the entire road system serving the front of each building. A sidewalk runs along 76th Street as well as accesses the park.

Member Kelly asked where dock bays are located on buildings 1 and 2 and how many each building contains. Mr. Carey pointed out the location of the bays on the artists rendering. Two dock bays are planned for building 3 and three for building 4.

Member Maetzold asked how trucks will flow through the site. Mr. Carey said he needed to defer to BRW, the civil engineers on the site who were not present, to answer the question. Assistant Manager Hughes commented virtually all truck traffic would enter the site from Minnesota Drive on the south and would circulate and go out onto Edinborough Way, depending which building they were servicing. Some traffic could circulate out onto Minnesota Drive, however, because of the tight turning radii, truck traffic onto 76th would be minimal. The predominant type of truck coming into the area would be a step type van.

Member Maetzold said he believes truck traffic should be shifted to Minnesota Drive and 76th Street as much as possible. He suggested garbage pickup for the buildings be kept to daytime hours if possible because of proximity to residences. Brian Carey noted United Properties would be willing to provide signage directing traffic flow in the area as well as working with Analysts International to inform their vendors of these routes. Additionally, United Properties would commit to daytime trash pickup in the area.

Member Smith inquired whether turning radiuses could be reoriented to accommodate the southerly truck in/truck out movements off Minnesota Drive. He further suggested use of height bars to eliminate large truck traffic entering the site from Edinborough Way. He asked clarification of what time concrete construction trucks would arrive on the site.

Assistant Manager Hughes stated our noise ordinance regulates construction between 7:00 A.M. and 8:00 P.M. Brian Carey added construction would begin on the buildings first and then the ramps. If the plan is approved, groundbreaking would be in April. Concrete will be poured from April until the end of July.

Member Smith asked for more information on the single level parking to the east and northeast of the site. Mr. Carey said planned expansion parking would add 140 stalls (or one level) and make it flush with the existing ramp on the easterly side.

Member Hovland said he had not seen a landscaping or lighting plan. He suggested using conifers along Edinborough Way to provide a year round barrier. Brian Carey told he recently met with the Edinborough Homeowners Association and will again meet with them in April regarding landscaping and lighting. Responding to Member Hovland, Mr. Carey stated that ramp lighting will be box type and directed downward. Underground ramp lighting will be boxed and screened also. Member Hovland questioned the cost of the traffic semaphore on Edinborough Way and 76th Street and if the traffic lights at the 'McDonald's' corner would be borne by United Properties. Brian Carey answered United Properties, along with the developer of the Centennial Lakes Retail Center, will pay for the Edinborough Way and 76th Street light in its entirety. The City's policy is when the intersection is created by two private drives, it is the developers responsibility to pay for it. When an intersection is made up of public roadways, it is the City's responsibility. Engineer Hoffman clarified that part of the cost of the signal could be assessed back to property owners. Member Hovland inquired about the weekly level of truck traffic in the area. Brian Carey answered most of the truck traffic would be of the UPS variety. Full-blown semi trucks would only be used when a company moves into a building and those hours of admittance into the site could be controlled by the developer. Member Hovland asked if truck traffic is prohibited anywhere in Edina. Planner Larsen said the opposite is true, historically loading docks are a requirement to handle this type of thing. Brian Carey noted that if turning radiuses are widened, more green space will be lost.

Member Kelly asked 1) if both side entrances to building 3 are necessary; 2) what the impact will be with the elimination of the ceremonial drive; and, 3) what is the necessity of a third driveway entrance from Minnesota Drive. Brian Carey said the site is extremely tight. There is a 30 foot grade change on the easterly side from France Avenue to Edinborough with a body of water located in the center of the site so no grade change gets made up in that area. If an option existed to have a dock or drive-in on one side, it would have been done. Reducing the number of entrances to the site is cost effective and serving the building from one side would be desirable and require less concrete. Mr. Carey said United Properties felt moving the Edinborough curb cut approximately 150 feet north and the proposed reduction in density of buildings 3 and 4 by several hundred-thousand square feet all help to ease traffic concerns in the area. While United Properties is not asking for an additional entrance off Minnesota Drive now, when approval for building 5 is being sought, discussions of this sort might be necessary.

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Member Hovland asked if parking lot A has only one entrance/exit. Brian Carey said one entrance is shown while one is contemplated in a different location if grade concerns of approximately 10 feet can be met.

Member Faust asked whether walking paths are being planned. Brian Carey explained paths will encircle the lake and be included as part of the City's responsibility when developing the park.

Mayor Smith asked where United Properties is with the Edinborough entrance. Brian Carey said they would accommodate requests for signage, attempt to restrict parking and work to change turning radiuses to make signage functional. Mayor Smith asked if the park would be handicap accessible. Mr. Carey said the park would be handicap accessible in numerous locations. Mayor Smith inquired whether United Properties holds the option to buy the building 5 location and were they still interested in developing it. Brian Carey said they hold the option and are absolutely interested in developing the site.

Wayne Carlson, 7601 Edinborough Way, asked if it would be possible to close the Edinborough Way entrance and reorient the access closer to the commercial area rather than residential area on 76th Street. Brian Carey said 1) with a STOP light installed, a left turn would work at that location, 2) United Properties will restrict truck traffic onto Edinborough Way even though the street has been constructed to handle truck traffic and 3) the Edinborough entrance is critical and he would feel uncomfortable eliminating it.

Brock Buehler asked if consideration could be given to the interior road support system and questioned if France could be used as an entrance into the site as well.

Member Kelly reiterated he is not convinced three entrances to the building are necessary. He asked this to be reexamined. Planner Larsen clarified that the building have 1) a traditional driveway in front of the building with a front door to walk in, 2) truck docks to service the building, and 3) and an underground car parking entrance. Planner Larsen expressed concern that too much is being read into the Master Plan that was conceptual. Member Kelly asked if buildings 1 and 2 have underground parking. Brian Carey said there is underground parking in buildings 1 and 2.

Member Faust asked the reason for a driveway on the north west side of building 3 for handicap pick/up drop off when the front of the building could be used. Brian Carey noted the entrance is not only for handicap access but also provides access to underground parking.

Member Faust made a motion introducing the following resolution approving the modifications to the Master Plan, granting Final Site Plan approval for buildings 3 and 4 and Final Plat approval for South Edina Development Fourth Addition subject to: 1) Dedication of all necessary utility easements, 2) Dedication of sidewalk easements along West 76th Street and Minnesota Drive, 3) Discourage semi traffic east onto Edinborough Way, 4) Shifting the Minnesota Drive entrance further east from previously depicted on the Master Plan, 5) Developer erecting site signs orienting truck traffic off Minnesota Drive to service buildings 3 and 4, 6) Overall development plan would include a 60,000 square feet addition to building 3 subject to Analyst International returning before the

Council at a future date with a final development plans prior to construction, and 7) Building 5 not to exceed 15 stories.:

**RESOLUTION APPROVING THE MASTER SITE PLAN REVISIONS
APPROVING FINAL DEVELOPMENT PLAN AND GRATING FINAL PLAT
APPROVAL FOR SOUTH EDINA DEVELOPMENT FOURTH ADDITION**

BE IT RESOLVED BY THE City Council of the City of Edina, Minnesota, that the revisions as depicted on the Master Plan for Centennial Lakes Building III, dated February 11, 1998 are hereby approved.

BE IT FURTHER RESOLVED, by the City Council of the City of Edina, Minnesota, that the Final Development Plan presented by United Properties, a Minnesota Corporation is hereby granted approval.

BE IT FURTHER RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "SOUTH EDINA DEVELOPMENT FOURTH ADDITION", platted by United Properties, a Minnesota Corporation and presented at the regular meeting of the City Council on March 16, 1998, be and is hereby granted final plat approval.

Passed and adopted this 16th day of March, 1998. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Maetzold, Smith

Nay: Kelly

Motion carried.

SIXTY DAY EXTENSION FROM ACTION APPROVED TO JUNE 12, 1998, FOR CHRIST PRESBYTERIAN CHURCH EXPANSION

Planner Larsen explained that Christ Presbyterian Church submitted an application for a Conditional Use Permit on February 11, 1998. Under State law, the Council must make a decision on Christ Presbyterian Church's Conditional Use Permit application by April 14, 1998, unless Council grants itself an extension from action. Council may grant an extension of 60 days, according to State law.

The Planning Commission heard the request on February 25, 1998, and continued its hearing until April 1, 1998. The hearing was subsequently rescheduled for April 15, 1998. Consequently, no Council hearing will take place until after the initial 60 day period has expired. The earliest Council hearing on the request would be on May 4, 1998. Planner Larsen stated that in order to allow Council adequate time to receive the report of the Planning Commission and consider all the facts, staff recommends granting a 60 day extension that would extend the deadline for a Council decision until June 12, 1998.

Member Kelly made a motion granting a 60 day extension from action, to afford the Council adequate time to make a decision on the Conditional Use Permit application of Christ Presbyterian Church, until June 12, 1998. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

ORDINANCE NO. 1998-1 ADOPTED, AN ORDINANCE AMENDING SECTION 445, 1100, AND 185 OF THE CODE REGULATING THE DISCHARGE OF SURFACE WATER INTO THE SANITARY SEWER SYSTEM AND ESTABLISHING PENALTIES

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THEREFOR Engineer Hoffman reminded the Council at regular meetings of February 17, and March 2, 1998, a sump pump inspection program and ordinance changes were discussed and approved. Ordinance No. 1998-01 received First Reading at the March 2, 1998, meeting. Staff has prepared changes to the Ordinance and has added a findings and purpose section to the ordinance. Staff recommends second reading.

Engineer Hoffman noted that staff is proceeding with the sump pump property inspection program. A news release will appear in the Edina Sun, the March 18th edition. Approximately 7000 homes and businesses will receive notice from the City during the week of March 16, 1998, announcing property visits during the first phase of the inspection programs. An informational meeting will be held March 23, 1998, at Edina City Hall in the Council Chambers. Licensed City plumbers will also be invited to attend a meeting on how to properly inspect a property if the owner decides to have a private inspection versus City inspection. Additionally, a video is being prepared to be shown on the City's cable channel beginning the first week of the inspection program providing information about the program.

Public Comment

John Elliott, 5904 Lee Valley Road said he believes that Ordinance Nos. 445.07 and 445.08 state what connections can be made to the sanitary sewer system, making Ordinance No. 1998-01 seem redundant. He questioned whether the City was trying to circumvent the 4th Amendment with no requirement for a search warrant. Mr. Elliot said it seemed wrong to charge residents a \$100.00 fee to get into their homes.

Attorney Gilligan commented that Ordinance No. 445.07 and 445.08 are being clarified by Ordinance No. 1998-01. The bottom line is that each Edina residence needs a certificate from a plumber that their sump pump connection is in compliance.

John Pearson, 4239 Grimes Avenue, said he did not care if his home was inspected but what protection did he have if something were stolen or broken while the inspectors were in his home.

Engineer Hoffman noted the inspectors were bonded if anything were to happen to a home during the inspection process.

Roberta Castellano, 4854 France Avenue South, read a letter she prepared. She told of her hands'-on clean up of a relative's home following a sewer backup. Ms. Castellano thanked everyone involved in the mandatory sump pump inspection program.

Member Hovland introduced the following Ordinance and moved second reading:

**ORDINANCE NO. 1998-01
AN ORDINANCE AMENDING SECTIONS 185, 445, AND 1100
OF THE CITY CODE TO PROVIDE FOR THE INSPECTION OF PROPERTY TO
DETERMINE ILLEGAL CONNECTIONS TO THE SANITARY
SEWER SYSTEM AND TO PROVIDE A SURCHARGE
FOR NON-COMPLIANCE WITH INSPECTIONS AND
CONNECTION REQUIREMENTS**

The City Council of the City of Edina Ordains:

Section 1. Findings and Purpose: The Council finds that the discharge of water from any surface, groundwater sump pump, roofs, yards, lawns, streets, alleys, footing tile, or other natural precipitation into the City sanitary sewer system contributes to the flooding and overloading of the sanitary sewer system. Such overloading of the sanitary sewer system may result in sewage flowing into lower levels of City residences and businesses, creating hazardous public health conditions and significant damage to properties. The Council, therefore, determines that this ordinance is necessary to protect the health, safety, and welfare of its citizens through the regulation of connections to the City's sanitary sewer system.

Section 2. Subsection 445.07 of the City Code is amended to read as follows:

445.07 Certain Connection Prohibited; Inspections.

Subd. 1. Prohibited Discharges and Connections. No person, owner, lessee or occupant of any parcel of land, building or premises shall discharge, or permit to be discharged, directly or indirectly, into the sanitary sewer system: (i) any surface water or groundwater including water from roofs, yards, lawns, streets, alleys, groundwater sump pumps, footing tile, or other natural precipitation or (ii) any gravel, sand, dirt, or any other heavy material or any substance causing any extraordinary obnoxious odors or gases or (iii) swimming pool discharges not permitted by Subd. 2 of Subsection 450.12 of this Code. A sump pump discharge system shall have a permanently installed discharge line which provides for year-round discharge to either the outside of a building or structure in compliance with Subd. 3 of Subsection 1035.03 of this Code or is connected to the City storm sewer. The system shall consist of a discharge line without valving or quick connections or flexible sections which allows the redirection of the sump pump discharge into the sanitary sewer system. If connected to a City storm sewer, the system shall include a check valve and an air gap.

Subd. 2. Inspection. Every person, owner, lessee or occupant of any parcel of land, building or premises that discharges into the City's sanitary sewer system shall allow an employee of the City or a designated representative of the City to inspect the building or premises to confirm that the building or premises conforms to the requirements of Subd. 1 of this Subsection. In lieu of the City inspection the owner, lessee or occupant may furnish a certificate from a City registered State licensed plumber certifying that the building or premises is in compliance with the requirements of Subd. 1 of this Subsection. The City may periodically re-inspect any building or premises to determine continued compliance with the requirements of Subd. 1 of this Subsection.

Section 3. Subsection 445.08 of the City Code is amended to read as follows:

445.08 Removal of Prohibited Connections; Surcharge. Any person, owner, lessee or occupant, and any plumber or building contractor who has presently made or permitted to be made, or shall make or permit to be made, any connection or installation in violation of Subsection 445.07 shall immediately remove such connection or correct such an

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installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to such person, owner, lessee or occupant, the City may impose a surcharge in the amount provided in Section 185 of this Code. Such a surcharge may also be imposed upon any property owner, lessee, or occupant who, after 30 calendar day notice, refuses to allow their property to be inspected or fails to provide the certificate from a City registered State licensed plumber as required by Subd. 2 of Subsection 445.07. The owner, lessee, occupant of a building or premises found to be not in conformance as required in Subsection 445.07 during periodic reinspections may be subjected to a surcharge as provided in Section 185 of this Code, for all months between the two most recent inspections or a maximum charge not to exceed twelve (12) monthly surcharges. In addition, any such person, owner, lessee, occupant, plumber or building contractor may be subject to the provisions of Subsection 100.09 of this Code.

Section 4. Section 445 of the City Code is amended by adding a new Subsection 445.09 as follows:

445.09 Clear Water Sump Pits. The construction or installation of any clear water sump pit shall include the installation of a sump pump and sump pump discharge lines which meet the requirements of Subd. 1 of Subsection 445.07 and Subd. 3 of Subsection 1035.03 of this Code and all applicable codes.

Section 5. Subd. 4 of Subsection 1100.03 of the City Code is amended by adding a new paragraph as follows:

D. Surcharges for buildings or premises which are not in conformance with Subsection 445.08 of this Code.

Section 6. Schedule A of City Code Section 185 of the City Code is amended by adding a new fee number 76a as follows:

<u>SECTION NO.</u>	<u>SUBSECTION</u>	<u>PURPOSE OF FEE OR CHARGE</u>	<u>AMOUNT</u>	<u>FEE</u>
445	445.08	Surcharge for prohibited connection	\$100.00 per month	76a

Section 7. Effective Date. This ordinance shall be in full force and effect, after its adoption and publication according to law.

Adopted this 16th day of March, 1998.

Attest: _____

City Clerk

Mayor

Member Maetzold seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Ordinance adopted.

***BID AWARDED FOR GREENS MOWER AT BRAEMAR GOLF COURSE** Motion made by Member Maetzold and seconded by Member Hovland for award of bid for a greens mower at Braemar Golf Course to recommended low bidder, MTI Distributing Company at \$12,725.69.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR TRACTOR BACKHOE REPLACEMENT VEHICLE FOR THE STREET DEPARTMENT** Motion made by Member Maetzold and seconded by Member Hovland for award of bid for one tractor backhoe to Ziegler, Inc., under Minnesota State Contract #T622 at \$89,664.48.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR THREE 15,000 POUND GROSS VEHICLE WEIGHT PICK-UP TRUCKS FOR THE STREET DEPARTMENT** Motion made by Member Maetzold and seconded by Member Hovland for award of bid for three 15,000 pound gross vehicle weight trucks for the street department to Falls Automotive under Hennepin County Contract 4204F7-230 at \$69,665.00.

Motion carried on rollcall vote - five ayes.

LIQUOR LICENSE ISSUED FOR PIZZERIA UNO Manager Rosland explained a wine and 3.2 beer license had been applied for by Pizzeria Uno, 6740 France Avenue South by Ronald Busch. The license request must be considered a new license due to the partial change in ownership. Mr. Busch also operates the Pizzeria Uno Restaurant located in Minnetonka.

Chief Bernhjelm noted past inspections of the Edina restaurant have resulted in four "No Wine Manager on Duty" violations since October, 1996. He stated staff recommends approval of the applicant's licenses conditioned upon approval of the Minnesota Liquor Control Division, and with the understanding that during the next year, four inspections would be conducted. If any additional violations were found during these inspections, staff would request revocation of Pizzeria Uno's licenses by the City Council.

Following a brief Council discussion, **Member Faust made a motion granting issuance of a wine and 3.2 beer license to Pizzeria Uno at 6740 France Avenue South to include four inspections within the next six months.** Member Maetzold seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

3.2 BEER LICENSES RENEWED FOR VARIOUS RESTAURANTS Manager Rosland reminded the Council that Code Section 900 requires Council approve 3.2 beer licenses before issuance. Applications have been submitted with necessary documentation for renewal, all applicable fees paid, the Police Department has given their approval and staff recommends the following licenses for approval:

ON SALE - 3.2 BEER LICENSES

Chico's Tacos
Jerry's Foods
New Hong Kong Kitchen

OFF-SALE - 3.2 BEER LICENSES

Jerry's Foods

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Member Maetzold made a motion granting On-Sale 3.2 beer license renewals for Chico's Tacos, Jerry's Foods and New Hong Kong Kitchen and Off-Sale 3.2 Beer License for Jerry's Foods. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

WATER QUALITY REPORT PRESENTED Richard Pelinka, Utilities Superintendent said due to an unusual amount of water system discoloration (brown/red), staff is providing the Council with information on system operation, system disruptions and system enhancements. Edina has 18 wells and four filter plants. Seven of the wells are filtered and run all year while 11 are seasonally filtered and typically run May, June, July and August. The condition of the water, as pumped averages .3 to .5 parts per million (PPM) of iron prior to being filtered. A sampling of finished water at various locations ranges from < 0.1 at the YMCA and Lunds to 0.4 at Western Life at 78th Street.

- System Operation that causes brown water:
 - * Build-up of Iron and manganese sediment - Any change in flow direction or velocity caused by starting/stopping wells, filter plants or shut-downs of a section of main for repairs
- Other Operations that cause brown water:
 - * Flooding of hockey rinks
 - * Fires (building) requiring Fire Department use of hydrants
 - * Start-up of seasonal wells
 - * Power outages causing wells to stop and start - surging the system
 - * Shutting-down/turning-on watermain for service line or watermain repair or construction
 - * Age of system and unlined watermains
 - * Private softeners and filters not working properly
- Recommendations for system enhancements:
 - * More aggressive flushing program
 - * Feeding a phosphate based additive into the water system

Superintendent Pelinka introduced Steve Nelson, consultant with Progressive Consulting Engineers, who explained how the phosphate based additive works. Initially, the additive may cause old mineral deposits in the system to dislodge. Consumers may see rusty particles for the first month or two after addition of the additive. Taps should at this time be flushed until clear water appears as well as the faucet aerator flushed and replaced so flow is not inhibited. Mr. Nelson reiterated the negative impact of phosphate addition is very small compared to the amount that comes from industries producing foods and other products.

Mayor Smith inquired how residents would learn of this proposed process. Superintendent Pelinka suggested information be printed in About Town, an informational video be shown on Cable TV, an article in the Sun-Current, and the sign board in front of City Hall. Engineer Hoffman suggested notifying all residents via a letter detailing the proposed enhancements to the water system.

Following a brief Council discussion, **Member Maetzold made a motion to proceed with the addition of system enhancements to the Edina water system to reduce the brown/red water condition, to systematically and more aggressively flush the system and to notify all residents of these enhancements.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

***HEARING DATE SET OF APRIL 6, 1998, FOR PUBLIC DRAINAGE AND UTILITY EASEMENT VACATION FOR PARKWOOD KNOLLS 24TH ADDITION** Member Maetzold made a motion setting a hearing date of April 6, 1998, for Vacation of Public Drainage and Utility Easements at Parkwood Knolls 24th Addition.

Motion carried on rollcall vote - five ayes.

***HEARING DATE SET OF APRIL 20, 1998, FOR SIDEWALK IMPROVEMENT S-75 (MAPLE ROAD); STORM SEWER IMPROVEMENT STS-252 AND STREET RESURFACING IMPROVEMENT A-183 (WOODDALE GLEN); CURB AND GUTTER IMPROVEMENT A-095 (WOODDALE LANE)** Member Maetzold made a motion seconded by Member Hovland setting April 20, 1998, for hearing date for Sidewalk Improvement S-75 (Maple Road); Storm Sewer Improvement STS-252 and Street Resurfacing Improvement A-183 (Wooddale Glen); and Curb and Gutter Improvement A-095 (Wooddale Lane).

Motion carried on rollcall vote - five ayes.

NEW WINE AND 3.2 BEER LICENSES ISSUED FOR KITCHEN RESTAURANTS OF MINNESOTA, INC. DBA/YORKTOWN CINEMA GRILL Manager Rosland noted that City Code Section 900 requires Council approval of wine and beer licenses before issuance. The Police Department has completed their investigation and recommends the applicant, Kitchen Restaurants of Minnesota, Inc., dba/Yorktown Cinema, 3313 Hazelton Road for approval. Findings of a police background investigation were disclosed, all necessary documentation submitted and fees paid. Staff recommends approval of issuance of the licenses.

Member Faust made a motion granting approval for issuance of the new wine and 3.2 Beer Licenses for Kitchen Restaurants of Minnesota, Inc., dba/Yorktown Cinema Grill at 3313 Hazelton Road. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

DESIGNATION AND RESERVE OF FUND BALANCE UPDATE GIVEN Manager Rosland explained, in response to Council's request, Finance Director Wallin prepared a financial report detailing year-end projections for the City's General Fund revenues and expenditures. It is anticipated undesignated reserves for 1997 will be \$32,734. Presently, auditors are working on the City's financial statements and numbers will not be final until completion of the audit. Staff is recommending reserves to be designated as follows:

- \$150,000 to equipment replacement reserves. The additional amount would offset increases in equipment costs occurring over funded amounts.

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- \$600,000 for future capital improvements. The primary need is an update of City Hall.
- \$50,000 for converting additional City facilities to a keyless entry security system.

Under other revenue, the City budgeted to transfer \$400,000 from the liquor stores into the general fund. Staff recommended no liquor transfer to the general fund for 1997.

Member Maetzold made a motion approving the recommendation designating and reserving the estimated increase to surplus for year ending December 31, 1997. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

CLAIMS PAID Member Faust made a motion to approve payment of the following claims as shown in detail on the Check Register dated March 11, 1998, and consisting of 32 pages: General Fund \$237,976.87; C.D.B.G. \$781.00; Communications \$3,300.00; Working Capital \$45,571.31; Art Center \$8,093.61; Golf Dome Fund \$11,040.54; Swimming Pool Fund \$367.68; Golf Course Fund \$42,298.60; Ice Arena Fund \$45,846.45; Edinborough/Centennial Lakes \$37,477.54; Utility Fund \$77,691.56; Storm Sewer Utility Fund \$1,760.39; Liquor Dispensary Fund \$207,196.43; Construction Fund \$7,085.90; Park Bond Fund \$31,123.91; I-494 Commission \$22.36; TOTAL \$757,634.15; and for confirmation of payment of the following claims as shown in detail on the Check Register dated March 3, 1998, and consisting of 4 pages: General Fund \$312,111.93; Working Capital \$1,132.88; Art Center \$2,411.42; Golf Dome Fund \$5,735.18; Swimming Pool Fund \$296.25; Golf Course Fund \$4,168.31; Ice Arena Fund \$18,823.56; Edinborough/Centennial Lakes \$5,592.44; Utility fund \$19,326.68; Storm Sewer Utility Fund \$787.46; Liquor Dispensary Fund \$49,535.26; I-494 Commission \$1,143.00; TOTAL \$421,064.37. Member Maetzold seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Smith adjourned the meeting at 11:20 P.M.

City Clerk