

MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 21, 2001
7:00 P.M.

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica and Mayor pro tem Kelly.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Housh approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

*MINUTES OF THE REGULAR MEETING OF AUGUST 7, 2001, APPROVED Motion made by Member Masica and seconded by Member Housh approving the Minutes of the Regular Meeting of August 7, 2001, as presented.

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2001-57, PRESENTED TO FAIRVIEW SOUTHDALE HOSPITAL

Mayor pro tem Kelly said that Fairview Southdale Hospital had been recognized as one the best performing hospitals for treating heart attacks and cardiovascular needs. Member Hovland made a motion, seconded by Member Masica to adopt the following resolution of appreciation for Fairview Southdale Hospital.

RESOLUTION NO. 2001-57
APPRECIATION TO SOUTHDALE
FAIRVIEW HOSPITAL

WHEREAS, Fairview Southdale Hospital has been caring for residents of Edina and the southwest metropolitan area for more than 35 years; and

WHEREAS, with 2,200 employees and more than 600 volunteers, the hospital is one of the largest employers in the City; and

WHEREAS, the hospital continues to make improvements to become one of the premier cardiac care hospitals in the nation in a time when cardiovascular disease is the leading cause of death in the United States, killing nearly a million Americans each year; and

WHEREAS, the hospital was recently recognized as one of the best-performing hospitals for treating heart attacks and cardiovascular needs in a recent study entitled "Solucient 100 Top Hospitals: Cardiovascular Benchmarks for Success;"

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council, City staff and all Edina residents hereby express their thanks and congratulations to

FAIRVIEW SOUTHDALE HOSPITAL

For being one of just 30 community hospitals on the list for treating heart attacks and cardiovascular disease and otherwise providing excellent health care for area residents.

Passed and adopted this 21st day of August 2001.

Ayes: Hovland, Housh, Masica, Kelly

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Motion carried.

VARIANCE APPROVED FOR 4309 BRANSON STREET Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Assistant Planner

Assistant Planner Aaker stated that on June 19, 2001, the City Council continued action on the frontyard setback variance for a garage addition, case file #B-01-30 for a ten-foot frontyard setback variance from Ethel Mahoney, 4309 Branson Street, to allow the construction of a two-car garage in front of her existing home. The Council requested the proponent physically demonstrate the hardship involved in building a garage in the rearyard. Ms. Aaker reported that the Zoning Board of Appeals heard and unanimously approved the variance at their May 17, 2001 meeting. Following on May 29, 2001, the City Clerk received an appeal of the Zoning Board's decision from Dana J. Powell, 4311 Branson Street.

Ms. Aaker explained the subject property was located on the south side of Branson Street consisting of a 1¼ -story home with no garage. The homeowner petitioned the City to construct a garage in front of the existing house. Edina's Zoning Ordinance requires any home addition to maintain the average front yard setback that is occurring on the subject side of the block between intersections. The average front yard setback on the block as established by the homeowner and her contractor is approximately 46 feet; the proposed garage would maintain a 36-foot frontyard setback.

Ms. Aaker said the homeowner has lived in her home on Branson for nearly 32 years and there has never been a garage on the property. The homeowner proposed building a two-car garaged attached in the front yard area with an eight-foot gap between the front of the house and the back wall of the garage to allow for a patio area. This would allow the homeowner to maintain a front bedroom window.

Ms. Aaker said the setbacks along Branson Street vary from 62.5 feet to 35.5 feet from the street. The new garage would be approximately 37.17 feet from the street. Branson Street curves, giving the appearance of inconsistent front yard setbacks. The new garage would not be the closest structure on the block. The architectural styles and the years the homes were built on the block also vary. The design of the proposed addition and materials would compliment the existing materials and architecture of the home.

Ms. Aaker stated the property owner has submitted a letter, a cost estimate and a survey of the property and had brought a model of the property as well.

Member Hovland asked if staff had any recommendation based upon Mrs. Mahoney's work. Ms. Aaker replied that she did not have a recommendation, but pointed out that the Zoning Board had unanimously approved the variance so they felt Mrs. Mahoney had adequately demonstrated hardship.

Member Housh asked if the cost differential were known of building the garage in the backyard versus the front yard. Ms. Aaker said she believed the difference to be approximately \$40,000.

Member Kelly asked what did the Zoning Board find as the distinction between the other homes on Branson and Mrs. Mahoney's home with building a rearward garage. Ms. Aaker replied that she believed they granted the variance because of the lots: topography, the mature trees and the expense of construction in the rearward. Member Kelly stated he felt there would be precedent set if the frontyard variance were granted. He voiced his concern stating that the rearward construction would be possible.

Member Masica said she had been to the property; and offered a compromise suggesting that Mrs. Mahoney pull the new garage back eight feet until it was flush with the house reducing the requested variance from ten feet to two feet. Member Masica said she understood this was not Mrs. Mahoney's first choice, but that perhaps this was a livable compromise.

Member Housh stated he totally agreed with Member Masica's suggestion. He added that he also had visited the site and understood the challenge of the topography.

Proponent Comment

Ethel Mahoney, 4309 Branson Street, said she felt the garage made more sense in the front yard. Using her model, she demonstrated the backyard's drop of eight feet. Mrs. Mahoney stated that she did not feel there was adequate room to place a driveway on the east side of her home. She would also have to move her air conditioner if the garage were installed on that side. Mrs. Mahoney said she would rather move her garage back four feet and maintain at least a walkway between the house and garage, but she would agree to moving the garage flush with the house if that were her only alternative.

Public Comment

Carolyn Mueller, 4311 Branson Street, urged the Council to deny the variance saying that she felt approving the variance would set precedent. Ms. Mueller stated she wanted to maintain her site lines in the front yard. She said the garage addition would visually block the view from her sunroom. Ms. Mueller said her husband had a petition signed by nine different property owners opposing the variance from the front yard setback.

Dana Powell, 4311 Branson Street, urged the Council to deny the variance. Mr. Powell said that moving the air conditioner should not be considered a hardship since many people have to move air conditioners. In addition, if the air conditioner would need to be located in the front yard, it would not be the only one on Branson so located.

Sharon Brenny, 4401 Branson Street, explained that the homes on both sides of her have just recently sold. She expressed her concern that granting a frontyard variance would set precedent and could adversely affect her property if her neighbors chose to put frontyard additions onto their homes.

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Lane Ayres, 4407 Branson Street, said he lived seven houses west of the proponent and that he had two concerns. First, in Mr. Ayres opinion, building a garage in front of the house would be unattractive aesthetically and secondly, allowing the variance would set precedent.

Judith Eisenthuth Cameran, 4310 Branson Street, said she has been a 43-year resident and neighbor of Mrs. Mahoney. She stated that Mrs. Mahoney has been a wonderful asset and good citizen. Ms. Cameran added that the addition would be well planned and designed and in her opinion would make Mrs. Mahoney's home more attractive. In addition, Mrs. Mahoney's backyard drops off eight feet making it difficult to situate a garage and driveway. Ms. Cameran said that she did not think there were valid reasons for denying the variance in light of the hardships present in this case.

Member Hovland made a motion closing the public hearing seconded by Member Masica.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

Council Action

Member Masica acknowledged this was a difficult issue when neighbors disagree. Some compromise must be achieved. Member Masica stated she believed building the garage in the rearyard would constitute hardship. Therefore, she stated that she could support granting the variance, but amending it by pulling the garage back eight feet until it was flush with the wall of the house.

Member Hovland commented that variance cases are very factually intensive and in his opinion it would be very uncommon to set precedent by granting a variance when each case must be viewed on its own merits. The hardship must be demonstrated. The Zoning Board believed this was the case and Member Hovland said he supported their decision. He added that he could also support amending the decision and granting the two-foot variance.

Member Housh said he appreciated the work of the Zoning Board of Appeals, noting it was a unanimous vote to grant the variance originally. He commended Member Masica for suggesting the compromise stating his opinion that this would be supported by his vote.

Member Kelly said he would not support granting the requested variance in any form. He added that it has become common to hear complaints about overbuilding. Member Kelly said he personally takes a very strict view of what constitutes a hardship. Therefore, if a homeowner buys and lives in a home without a garage for years, he would find it difficult to say building a garage in the rearyard was a hardship.

Member Masica made a motion to grant a two-foot frontyard variance to Ethel Mahoney, 4309 Branson Street, allowing the construction of a two-car garage built flush with the front wall of the house. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica

Nay: Kelly

Motion carried.

***PRELIMINARY PLAT APPROVAL CONTINUED TO SEPTEMBER 4, 2001, FOR PARKWOOD KNOLLS 26TH ADDITION, REPLAT OF OUTLOT A PARKWOOD KNOLLS 25TH ADDITION (PARKWOOD KNOLLS CONSTRUCTION COMPANY)**

Motion made by Member Masica and seconded by Member Housh to continue the Preliminary Plat Approval to September 4, 2001, for Parkwood Knolls 26th Addition, Replat of Outlot A, Parkwood Knolls 25th Addition (Parkwood Knolls Construction Company).

Motion carried on rollcall vote - four ayes.

ORDINANCE NO. 2001-6 GRANTED FIRST READING, AN ORDINANCE AMENDING SECTION 900 ALLOWING ONE CORPORATE ENTITY TO HOLD UP TO THREE LIQUOR LICENSES Mr. Hughes stated that the Council had directed staff to prepare an ordinance amendment allowing one corporate entity to hold up to three on-sale intoxicating liquor licenses after a request from Southdale Shopping Center. Following a brief discussion Member Hovland made a motion granting first reading to Ordinance No. 2001-06 as follows:

**EDINA ORDINANCE NO. 2001-06
AN ORDINANCE AMENDING SECTION 900.08 OF THE CITY
CODE TO PERMIT A PERSON TO POSSESS OR HOLD AN
INTEREST IN UP TO THREE ON-SALE INTOXICATING
LIQUOR LICENSES AT ONE TIME IN THE CITY**

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. Subparagraph N. of Section 900.08 of the City Code is hereby amended to read as follows:

“N. If for an On-Sale Intoxicating Liquor License, any person who holds an interest in an On-Sale Intoxicating Liquor License or has made application for such a license for more than three locations in the City. It is the intent hereof that no person may possess or hold an interest in more than three On-Sale Intoxicating Liquor Licenses at one time in the City. For purposes hereof, “interest” includes any pecuniary interest in the ownership, operation, management or profits of the establishment, but does not include: i) bona fide loans, rental agreements, open accounts or other obligations held with or without security arising out of the ordinary and regular course of business or selling or leasing merchandise, fixtures or supplies to such establishment or ii) any interest of five percent or less in any corporation holding an On-Sale Intoxicating Liquor License.”

Section 2. This Ordinance shall be in full force and effect upon passage and publication. Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS APPROVED Mayor pro tem Kelly indicated that members of the Community Education Services Board require re-appointment for terms to June 30, 2002.

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Member Housh said he would be abstaining from the motion and vote on the re-appointments.

Following a brief discussion, **Member Masica made a motion re-appointing the following members to the Community Education Services Board:**

Bethany Brand	At-Large Appointment
Scot Housh	Council Appointment
Linda Presthus	Park Board Appointment

for a term to June 30, 2002. Member Hovland seconded the motion.

Ayes: Hovland, Masica, Kelly

Abstaining: Housh

Motion carried.

***PETITION RECEIVED REQUESTING A CROSSWALK ON THE NORTH EDGE OF PARK FROM RESIDENTS OF 7200 AND 7201 YORK AVENUE** Motion made by Member Masica and seconded by Member Housh acknowledging receipt of a petition from residents of 7200 and 7201 York Avenue requesting a crosswalk on the north edge of the park property.

Motion carried on rollcall vote - four ayes.

CONCERNS OF RESIDENTS - COMMITTEE FOR PARKWOOD KNOLLS TRAFFIC CALMING Jack Falker, 5716 View Lane, reviewed a presentation from the Parkwood Knolls neighborhood committee as follows:

SURVEY RESULTS:

- 65 surveys were sent to residents on the primary eastern ingress/egress streets of Parkwood Knolls (Schaefer, Stauder Circle, South Knoll, View Lane)
- 50 surveys were returned (77% response rate)
- Overwhelming support for a professional consulting study with a focus toward development of traffic calming measures

SURVEY FORMAT:

- 9 questions regarding neighborhood traffic patterns
- Results graded on 5-point scale: strongly agree, agree, no opinion, disagree or strongly disagree
- Comment space provided

QUESTION #1: I think there is a problem with the speed of traffic on my street.

Answer: 41 respondents strongly agree
4 agree (total of 90% in agreement)
3 no opinion
1 disagree
1 strongly disagree

QUESTION #2: I think there is a problem with the speed of traffic generally in our neighborhood.

Answer: 36 respondents strongly agree
5 agree (total of 82% in agreement)

6 no opinion
2 disagree
1 strongly disagree

QUESTION #3: I think there is a problem with the amount of traffic on my street.

Answer: 32 respondents strongly agree
14 agree (total of 92% in agreement)
1 no opinion
1 disagree
1 strongly disagree

QUESTION #4: I think there is a problem with the amount of traffic generally in our neighborhood.

Answer: 25 respondents strongly agree
16 agree (total of 82% in agreement)
7 no opinion
1 disagree
1 strongly disagree

QUESTION #5: I think there is a development problem on my street with cut-through traffic from OPUS and the Highway 62/169 interchange during rush hours.

Answer: 33 respondents strongly agree
9 agree (total of 84% in agreement)
6 no opinion
1 disagree
1 strongly disagree

QUESTION #6: I think there is a developing problem generally in our neighborhood with cut-through traffic from Opus and the Highway 62/169 interchange during rush hours.

Answer: 31 respondents strongly agree
12 agree (total of 86% in agreement)
5 no opinion
1 disagree
1 strongly disagree

QUESTION #7: I think there is a problem with STOP sign compliance on my street.

Answer: 19 respondents strongly agree
15 agree (total of 68% in agreement)
12 no opinion
3 disagree
1 strongly disagree

QUESTION #8: I think there is a problem with STOP sign compliance generally in our neighborhood.

Answer: 17 respondents strongly agree
19 agree (total of 72% in agreement)
11 no opinion
2 disagree
1 strongly disagree

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QUESTION #9: I would like to see a professional consulting study conducted on the ingress/egress street of Parkwood Knolls, with a focus toward development of well-engineered traffic calming measures.

Answer: 40 respondents strongly agree
6 agree (total of 92% in agreement)
1 no opinion
2 disagree
1 strongly disagree

Jack Falker concluded that:

- The survey was highly successful with an excellent response rate
- There is a significant agreement on the violation of laws in Parkwood Knolls, i.e. disregard for speed limits and STOP sign non-compliance
- There is an agreement that there is a growing problem with cut-through traffic from OPUS/169 area
- The survey stands as a residents' petition for action by the City of Edina, i.e. a professional consulting study with a focus toward development of well-engineered traffic calming measures

Mr. Falker asked that a traffic calming study be completed this fall. He believes that traffic cutting through the neighborhood can be made so difficult drivers will cease doing so.

Matt Thompson, 5700 Camelback Drive, stated he was a fifteen year resident. He said he fears for the safety of his family and neighbors.

Claudia Sutherland, 5712 View Lane, reported that she had two workman almost killed by traffic on View Lane. She has a neighbor whose mailbox has been knocked down six times. Ms. Sutherland said this was a bitter issue and must receive attention.

Bill Joas, 6612 Parkwood Road, stated he grew up in the Parkwood Knolls area and that the traffic in the neighborhood has changed. He urged the Council to develop some traffic calming measures to afford the neighborhood some relief.

Sally Euson, 5720 View Lane, requested that in addition to calming traffic measures, the Council direct that speed control be increased.

Nancy Nystrom, 5800 View Lane, stated that two years ago she thought the study done indicated the problems were speed and volume of traffic. Ms. Nystrom stated that she did not want speed bumps installed because she felt the value of her home would be adversely affected. She stated you cannot make the neighborhood a closed community.

David Euson, 5720 View Lane, noted that he believed the issue to be one of safety not property values.

Eloise Giannobile, 5708 View Lane, stated she was a long term resident who did not allow her children and now her grandchildren to play in the front yard because of traffic. She said something must be done before there is a loss of life.

Eileen Falker, 5716 View Lane, pointed out that Parkwood Knolls does not have sidewalks for walking or riding bikes and are therefore relegated to the streets. Something must be done and done soon about the speeds.

Nancy Alexander, 5601 Schaefer Road, reported that she has had her mailbox taken out many times by drivers running the STOP sign by her home. She urged the Council to find a solution.

Linda Witzel, 5700 View Lane, noted she was sixteen year resident. Ms. Witzel said the traffic has been a long term problem and stated that the neighborhood needs some traffic calming measures for her and her neighbors peace of mind. She added the street is too busy to walk to retrieve her mail, she drives her car to the mailbox.

Paul Mooty, 5320 Kelsey Terrace, expressed his frustration with the traffic volumes and speed. He said he would support any measures to slow traffic.

Mayor pro tem Kelly indicated that traffic is not only a problem in Parkwood Knolls but in various places in Edina. He said residents have asked that STOP signs be placed in their areas and they just do not work. He believes one solution is the installation of sidewalks. He is not convinced that any calming methods will slow people down. The City has used the Country Club area as a test case and no good answers have come forward.

Engineer Hoffman explained that even though the County did not have the signal at Vernon and Gleason to alleviate traffic congestion from the OPUS complex on their list of projects, signal installation is a few weeks away. He indicated a number of things have been tried in the Parkwood Knolls neighborhood. Mr. Hoffman elaborated the neighborhood wants to try raised crosswalks, raised areas at STOP signs, etc., as a means of calming the traffic.

Mayor pro tem Kelly inquired whether any of the attempts in other areas have worked. Mr. Hoffman said some things have worked, others have not. Much has to do with neighborhood acceptance. Mr. Kelly said more data needs to be gathered from cities who have implemented calming devices about their effectiveness. He added concerned neighborhoods should be noticed when the issue is on the Council agenda.

Member Housh said he was at the Country Club meeting on July 12. No consensus was reached by the committee.

Member Hovland believes the Parkwood Knolls residents have reached a consensus already and are resigned to the fact that there will be cut-through traffic. They are asking that traffic be calmed.

Member Housh reminded the Council the biggest issue at present is that crime is going down and traffic is going up. He suggested even though the Country Club Committee has not finished their work, the City should find a way to honor the Parkwood Knolls group's

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request to study the issue. He believes the best time to do this would be after signals are installed and when there is staff time, consultant time and relevant data points in place.

Mayor pro tem Kelly said we need to solicit information from the federally funded traffic study completed in the City of Minneapolis. The information could be shared at a meeting where the public would be in attendance but no public comments taken.

Member Masica concurred with Mayor pro tem Kelly. She added she likes the idea of sidewalks separating the public from traffic and of four way STOP signs. She asked why Parkwood Knolls has such flagrant traffic violations. Chief Siitari stated he does not believe Parkwood Knolls is unique with traffic violations. He asked traffic officers to monitor View Lane. The officers spent 17 ½ hours on View Lane and issued 1.25 warnings per hour. Other Edina areas are up to 3 warnings per hour. He asked residents to name the worst spots and suggested officers be dispatched to those areas. Member Masica asked if any value would be derived from placing the speed trailer in the area. Mr. Siitari said this had been done and the results of the trailer were in the 39th percentile when placed in the area.

Mr. Falker asked that Mike Monahan, Consultant with SRF, Inc. spend personal observation time in Parkwood Knolls. Mayor pro tem Kelly stated Mr. Monahan would not make a Council presentation without personal observation of the area.

Nancy Nystrom said she agreed with sidewalks being installed in Parkwood Knolls. She voiced concern if speed bumps were considered because the area is hilly and speed bumps divert water. Member Hovland reminded the Council when Maple Road residents were before the Council for a similar concern, they were encouraged to put in curb and gutters as well as sidewalks.

Member Hovland asked if camera mounted enforcement has been considered for traffic control. Mr. Hoffman said this was a state issue and was before the legislature near the end of the session but it did not gain approval.

No Council action was taken.

***CLAIMS PAID** Member Masica made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated August 8, 2001, and consisting of 36 pages: General Fund \$291,103.36; Communications Fund \$7,975.99; Working Capital Fund \$12,015.37; Construction Fund \$191.82; Art Center Fund \$3,452.52; Golf Dome Fund \$466.86; Aquatic Center Fund \$9,812.07; Golf Course Fund \$41,844.53; Ice Arena Fund \$4,138.18; Edinborough/Centennial Lakes Fund \$10,184.93; Liquor Fund \$197,368.31; Utility Fund \$28,841.89; Storm Sewer Fund \$2,757.50; \$; Payroll Fund \$350,000.00; TOTAL \$960,153.33; and the following claims as shown in detail on the Check Register dated July 16, 2001, and consisting of 37 pages: General Fund \$236,178.25; Communications Fund \$471.86; Working Capital Fund \$45,495.62; Construction Fund \$450,997.13; Art Center Fund \$11,490.21; Golf Dome Fund \$690.42; Aquatic Center Fund \$5,289.48; Golf Course Fund \$48,774.37; Ice Arena Fund \$21,544.21; Edinborough/

Centennial Lakes \$17,937.56; Liquor Fund \$116,262.47; Utility Fund \$383,498.54; Storm Sewer Fund \$1,084.09; Recycling Fund \$29,618.50; TOTAL \$1,369,332.71.

Rollcall:

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

There being no further business on the Council Agenda, Mayor pro tem Kelly declared the meeting adjourned at 9:15 P.M.

City Clerk