

Adopted Minutes Regular Council Meeting May 28, 2013

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 7:03 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on May 28, 2013.

COUNCIL PRESENT: Mayor Slavik, Councilmembers Stein, Bildsoe, Wosje, and Willis.

ABSENT: Councilmembers Johnson and Black.

STAFF PRESENT: City Manager Ahrens, Administrative Services Director Callister, City Attorney Knutson, Parks and Recreation Director Evans, Deputy Police Chief Plekkenpol, Public Works Director Cote, Community Development Director Juetten, Financial Manager Bursheim, Fire Chief Kline, Police Chief Goldstein, Senior Planners Drill and Doty, and City Clerk Engdahl.

Plymouth Forum

Steve Roell, 5915 Dunkirk Lane, stated over the weekend a surveyor was in his neighborhood for work that wasn't originally agreed to with Terra Vista. He was informed there was a permit application made to the City to construct a house adjacent to his property closer to what was agreed upon. He stated his property fronted the old Dunkirk Lane, and in the original discussions of that road out to the field due to how steep it was, he made some concessions on his driveway, which were based on conversations with City employees and site plans. He was told that there would be a retaining wall at the end of his driveway and a split rail fence. All that went away. The design of his driveway isn't working today. He lives within 750 feet of that lot and he questioned why he wasn't notified of the permit application. He's concerned that the permit will be approved, the basement will be poured, etc. He stated his driveway, rather than crossing over his neighbor's property, could go straight out to Dunkirk Lane with a little fill as there isn't the drop in the terrain as originally thought. He requested that the City delay approving the permit so that this situation can be discussed further.

Mayor Slavik requested that staff review the permit and process and send communication to Mr. Roell and the Council before anything is approved.

Presentations and Public Information Announcements

(4.01) Oath of Office to Police Officers Molly Sutherland and Sara Phillippe

City Clerk Engdahl administered the oaths of office to Police Officers Sutherland and Phillippe.

Mayor Slavik announced that the Medina Mayor Crosby recently passed away due to illness.

Approval of Agenda

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Willis, to approve the agenda. With all members voting in favor, the motion carried.

Consent Agenda

Motion was made by Councilmember Bildsoe and seconded by Councilmember Wosje, to adopt the Consent Agenda that included the following items:

- (6.01) Minutes of the Regular and Special Meetings of May 14.
- (6.02) Resolution Approving Disbursements ending May 18 (Res2013-149).
- (6.03) Resolution Approving Transfer between Funds (Res2013-150) and Resolution Adopting Amended 2012 Budgets (Res2013-151).
- (6.04) Resolution Approving an Encroachment Agreement for a Fence within a Drainage and Utility Easement in Lot 1, Block 4, Terra Vista (5920 Zanzibar Lane North – Res2013-152).
- (6.05) Resolution Approving a Tobacco License for Lan-Tay, Inc., d/b/a Rockford Road BP, 4090 Annapolis Lane (Res2013-153).
- (6.06) Resolution Approving a Lease with Landis+Gyr Technology Inc., to continue to have Communication Equipment on the Water Tower located at 4355 Zachary Lane North (Res2013-154).
- (6.07) Resolution Denying Comprehensive Plan Amendments to Reguide 12 Properties to LA-R2 and Two Properties to P-I and Adopting Findings (2013002 and 2013003 – Res2013-155).
- (6.08) Resolution Approving the Purchase of a Electric-Ice Resurface Machine (Res2013-156).
- (6.09) Resolution Approving Hennepin County Agreement for Plymouth Player Benches and Dugout Covers for Oakwood Park (Res2013-157).
- (6.10) Resolution Approving Hennepin County Construction Cost Sharing Agreement for Trails along CSAH 6 and CSAH 61 (Res2013-158).
- (6.11) Resolution Approving Increase to 2013 CIP Budget for Playground Retrofit Projects at Schmidt Lake Park and Mission Hills Park (Res2013-159).

(6.12) Resolution Authorizing an Expenditure from the Resource Planning/DEA Fund for Police Equipment (Res2013-160).

(6.13) Resolution Approving Ordering Preliminary Engineering Report for the Churchill Farms Edge Mill and Overlay Project (13021 – Res2013-161).

(6.14) Resolution Approving Designation for Funding for Public Improvement Projects (Res2013-162).

(6.15) Ordinance Amending Chapter VIII of the City Code Concerning Assessable Current Services (Ord2013-15).

(6.16) Resolution Approving Managed Print Services Contract (Res2013-163).

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Off-Sale 3.2 Malt Liquor License Application for Lan-Tay, Inc., d/b/a Rockford Road BP, 4090 Annapolis Lane

City Clerk Engdahl reported on the off-sale 3.2 malt liquor license application for Lan-Tay, Inc., d/b/a Rockford BP, 4090 Annapolis Lane.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Stein, and seconded by Councilmember Willis, to adopt a Resolution Approving Off-Sale 3.2 Liquor License for Lan-Tay, Inc., d/b/a Rockford Road BP, 4090 Annapolis Lane (Res2013-164). With all members voting in favor, the motion carried.

General Business

(8.01) Rezoning and Preliminary Plat Approval for Creek Ridge at 5405 Vicksburg Lane (2013018 – Ryland Homes)

Senior Planner Doty reported on the proposed rezoning and preliminary plat approval for Creek Ridge at 5405 Vicksburg Lane. He noted the wetland mitigation plan will be presented at the same time as final plat approval this summer. He stated the developer has reached an agreement with the O'Briens to purchase land south of Outlot A for two new single family lots. Regarding the temporary lift station, the Planning Commission added a condition that the developer is

responsible for the maintenance of this lift station for the life of it. Staff is recommending approval of this item per the Planning Commission.

Mark Sonstegard, with Ryland Homes, stated this is their fourth development in the City. He reiterated that in regards to Outlot A, they have an agreement with O'Brien family to purchase 1.2 acres to add two lots to their development.

Mayor Slavik asked if Outlot A is on top of the wetlands. Mr. Sonstegard replied they'll present a separate preliminary and final plat to work with the existing wetland and site buffer line. They'll incorporate a wetland delineation that was done a year ago.

Councilmember Willis requested comments from the O'Brien family.

Brady O'Brien, 5335 Vicksburg Lane, stated he's a little concerned about what's happening with the bridge project.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Willis, to adopt an Ordinance Amending Chapter 21 of the Zoning Ordinance to Classify Certain Lane located at 5405 Vicksburg Lane North (2013018 – Ord2013-16), Resolution Approving Findings of Fact for the Rezoning of Land located at 5405 Vicksburg Lane North (2013018 – Res2013-165), and a Resolution Approving a Preliminary Plat for the Ryland Homes for "Creek Ridge" for 21 Single Family Lots and One Outlot for Property located at 5405 Vicksburg Lane North (2013018 – Res2013-166). With all members voting in favor, the motion carried.

(8.02) Rezoning and Preliminary Plat Approval for Creekside Hills at 18940 and 19010 State Highway 55 and 13 Evergreen Road, includes Elm Creek Golf Course Site (2013020 – GWS Land Development of Plymouth)

Senior Planner Drill reported on the proposed rezoning and preliminary plat approval for Creekside Hills at 18940 and 19010 State Highway 55 and 13 Evergreen Road, which includes the Elm Creek Golf Course site. He showed the site and stated the north portion would be rezoned to RSF-3 (137-347 units – density slightly below the goal) and the southern portion to P-I. He stated staff is recommending the lower density to protect more of the existing land forms. Everything north of the creek is the residential area and south of the creek is the school district area. Access for the first phase of the development would be Evergreen Road. No more than 75 of the 156 could be developed until 54th Avenue is constructed to provide primary access to the site. The City has received correspondence from the City of Medina, the Wayzata School District, and several residents which is part of the public record.

Councilmember Willis asked if there will be right-of-way platted as part of this plat for the school property. Senior Planner Drill replied no.

Councilmember Willis asked if the plat is approved, what becomes of the existing buildings on the school district property. Senior Planner Drill replied he's unsure.

Fred Webber, 100 Clydesdale Trail, Medina, stated they are immediately to the west of this development and abut it. They live in a senior cooperative. Over the years, they have seen a lot of proposals for this property, and this is the best that has come along. However, they are concerned about the use of Evergreen Road due to safety issues on this road early in the morning and in the evening. He suggested the developer find another way into this development, such as Plymouth. Lastly, they are concerned about maintaining their ponds during the construction.

William Lough, 3861 Linden Drive, Medina, resident of Medina Highlands, stated the City of Medina asked the City of Plymouth to do a traffic study before approval of this plat. They are concerned about safety hazards for the elderly and for the children that have to cross County Road 101.

Mayor Slavik stated the issue of a traffic study was brought up at the Planning Commission meeting. A traffic study isn't warranted as the proposed density is below the guiding and Hennepin County also stated that it's not warranted.

Dennis Mortenson, 100 Clydesdale Trail, Medina, summarized correspondence that he sent to the City that was contained in the packet materials. He suggested that the developer be required to construct a fence with trees between their properties. There should be a three year guarantee on the trees. He stated they are concerned about their storm water retention ponds if people walk across their property. Lastly, 54th Avenue should be constructed as an egress for exit for the property, especially for construction vehicles.

Gerald Leinfelder, 3844 Linden Drive East, Medina, stated this is a wonderful development. However, he's concerned about the traffic on Evergreen Road. He requested the Council to consider designating 54th Avenue for access to this development rather than Evergreen Road. He noted the traffic study that was prepared in March 2001 for Evergreen Road and County Road 101. There has been a significant change in the traffic volumes on County Road 101 as there has been a 2% growth every year. With all the development to the north of them, the volume of traffic on that roadway has exceeded projections in that 12 year old report. If that's the traffic study that the County and City is basing their recommendations on, he thinks it's flawed.

Scott Johnson, Medina City Administrator, stated their main concern is the speed and volume of traffic on County Road 101 which is why their residents are requesting a traffic study.

Councilmember Bildsoe asked Mr. Johnson what the traffic study was when the Medina Highlands development went in. Mr. Johnson replied that traffic study was done in March 2001 and it looked at the whole area, with a prediction of 3% increase in traffic in 10 years, but there has been at least 2% growth every year. He requested that Hennepin County do a traffic study but he wasn't able to get the rationale for no traffic study. He didn't ask them about 54th Avenue or Lilac.

Councilmember Willis asked staff where the public utilities are stubbed in relation to the plat boundaries. Public Works Director Cote replied the sanitary sewer runs west of the site up

County Road 101 to the north. The watermain is in the frontage road of Highway 55 as well as connecting to the school district site. Ultimately, the watermain would be looped.

Councilmember Bildsoe stated when one is looking north on County Road 101, depending on traffic speeds and flow, there are some site issues. When that road was constructed, it was built for a lot more vehicles than what is out there today. Public Works Director Cote added the road is wide enough to make it a four lane if they ever decide to make it a four lane.

Councilmember Bildsoe asked if the capacity is increased on Vicksburg Lane and Peony Lane, will traffic be drawn from County Road 101. Public Works Director Cote replied yes, but unsure of the amount.

Councilmember Stein stated he's a little concerned about traffic. He asked about the timing of constructing 54th Avenue and who would pay for it. Public Works Director Cote replied the City doesn't have this road in the CIP, and phase 2 of this project can't begin unless the road is constructed.

Mayor Slavik asked what the classification is of Evergreen Road. Mr. Johnson replied a residential minor street.

Councilmember Stein asked Mr. Johnson if the 2001 traffic study took into consideration the redevelopment of the golf course. Mr. Johnson replied yes.

Councilmember Willis asked Wayzata School District officials in attendance what they intend to do with the buildings currently on their portion of the property and making a safe access to Highway 55 a secondary access. Superintendent Anderson and Director of Business and Finance Westrum replied they don't have a specific purpose identified for their portion of the site. At this time, there are no plans to demolish the existing buildings but rather looking at refurbishing them for meeting space. Regarding the secondary access off Highway 55, they are considering for a right turn in only to the golf course property for bus access heading west. They stated these are only preliminary discussions.

Councilmember Willis stated there needs to be further discussions with the school district to make sure that students don't leave the site on Highway 55 to only head west and then do a U-turn at the County Road 101 intersection.

Dave Gonyea, applicant, explained where they are constructing the road on the east side of the development. They wouldn't be presenting a final plat until late winter, with construction in 2014 which gives the school district time to evaluate their property.

Councilmember Bildsoe asked Mr. Gonyea if they have discussed with the Gramercy residents about constructing a fence, trees, and perhaps a fence around their ponds. Mr. Gonyea replied yes, as they also want the buffering.

Mr. Mortenson stated traffic backs up to Evergreen Lane in the mornings. The property at Hackamore Road has been sold to Lennar Homes so there will be even more traffic on County Road 101.

Councilmember Bildsoe stated the City's Comprehensive Plan looks at roads and future developments based upon proposed number of homes, and this development is lower in density levels than what was projected in the Comprehensive Plan. He asked staff if County Road 101 in this area has ever been identified as an issue. Public Works Director Cote replied the Comprehensive Plan does take into consideration the development of the entire City. Feeders from adjacent communities are fed into the plan. He hasn't recalled this area being an issue with Hennepin County and the City of Medina.

Councilmember Stein stated that he disputes the claim from the City of Medina that the traffic study prepared in 2001 was flawed.

Resident residing at 3861 Linden Drive West, Medina, stated she's more concerned about pedestrian traffic. She stated it's difficult to get across County Road 101 at Evergreen Road, and it's difficult to see pedestrians.

Mayor Slavik stated the City requires that sidewalks are constructed in neighborhoods for safety and park facilities are within a half mile for every resident.

Motion was made by Councilmember Wosje, and seconded by Councilmember Willis, to adopt an Ordinance Amending Chapter 21 of the City Code to Classify Certain Land located at 18940 and 19010 Highway 55 and 13 Evergreen Road for Creekside Hills (2013020 – Ord2013-17), Resolution Approving Findings of Fact for the Rezoning of Land located at 18940 Highway 55 and 13 Evergreen Road for Creekside Hills (2013020 – Res2013-167), Resolution Approving a Preliminary Plat for GWS Land Development of Plymouth, LLC for Creekside Hills for Property located at 18940 and 19010 Highway 55 and 13 Evergreen Road (2013020 – Res2013-168), Resolution Approving a Final Plat for GWS Land Development of Plymouth, LLC for Creekside Hills for Property located at 18940 and 19010 Highway 55 and 13 Evergreen Road (2013020 – Res2013-169).

Mayor Slavik stated this is a residential area, thus she doesn't understand the need for a traffic study. If it was a commercial use, then yes. She stated the City of Medina has the ability to do a traffic study if they feel this is going to be an issue.

With all members voting in favor, the motion carried.

Reports and Staff Recommendations

(9.01) Financial Overview

Administrative Services Director Callister presented a financial overview of the City.

Councilmember Bildsoe stated for future reports, he would like a breakdown of short and long term debt. He also requested that this information be put on the City's website.

Administrative Services Director Callister gave a brief legislative update.

Adjournment

Mayor Slavik adjourned the meeting at 9:13 p.m.



Sandra R. Engdahl, City Clerk