

# **Adopted Minutes Regular Council Meeting July 9, 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 July 9, 2013.

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

ABSENT: Councilmembers Wosje and Johnson.

STAFF PRESENT: Administrative Services Director Callister, City Attorney Knutson, Parks and Recreation Director Evans, Public Works Director Cote, Community Development Director Juetten, Deputy Fire Chief Springer, Police Chief Goldstein, Housing Manager Barnes, Park and Recreation Director Evans, Finance Manager Bursheim, and City Clerk Engdahl.

## **Plymouth Forum**

Dave Turbenson, 17105 19th Avenue North, discussed with the Council the buckthorn issue in Plymouth. He suggested that the City take a proactive approach and add a fee of 50 cents per month to the utility bills to pay for a program to stop the spread of non-native plants, removal of plants within 20 feet of trails, personal property removal, and corporate campus removal. He also suggested an annual fall curbside brush pickup for residents similar to what the City of Golden Valley offers.

Mayor Slavik requested staff to provide a report to the Council on how the City is combating buckthorn and non-native plants as well as what other cities are doing. A copy of this report should be provided to Mr. Turbenson as well. Councilmember Black added that she would like an estimate on additional efforts the City might want to undertake that could be incorporated into the budget process.

Ada Alden, 4780 Pineview Lane, stated in January 2013 it was decided by the Council that they would discuss the existence of the Human Rights Committee at a study session. A report was given to the Council on March 14. On June 25, the Council deleted the topic of the Human Rights Committee from the pending study session list. For a variety of reasons, she requested that the Council discuss the Human Rights Committee and keeping it a part of the City government's infrastructure.

Mayor Slavik confirmed that this topic was removed from the study session list. The Council is focusing on the budget which is taking up many of their meeting dates. She stated the Council recognizes the importance of human rights issues, which is why the Police Department works very actively in the community to address issues that might come up. The Council is informed of

any violations or perceived violations and takes action. In addition, the State Human Rights Commission provides services to all residents of Minnesota. Council has discussed with the Park and Recreation Department on fulfilling the educational role of the Human Rights Committee. This would be a more effective way in handling this area as this work wasn't being accomplished by the committee. She stated redirecting to staff from the committee level has been done in the past when the Council determined that the committee level wasn't effective. She thanked Ms. Alden for addressing the Council.

## **Presentations and Public Information Announcements**

### **(4.01) Proclaim August 6 as "Night to Unite"**

Police Chief Goldstein announced August 6 as "Night to Unite."

Mayor Slavik proclaimed August 6 as "Night to Unite."

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Accepting a \$500 Crime Prevention Grant from Target (Res2013-200). With all members voting in favor, the motion carried.

Mayor Slavik thanked the Plymouth Civic League and City staff for their work on Music in Plymouth last week.

## **Approval of Agenda**

The Council added approval of the City Manager employment agreement to the Consent Agenda as item No. 6.19, update on the Peony Lane project and staffing of West Medicine Lake boat launch as item No's. 9.01 and 9.01 under Reports and Staff Recommendations respectively.

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

## **Consent Agenda**

Mayor Slavik noted an amended resolution for item No. 6.06 was provided to the Council this evening.

By request of Councilmember Willis, item No. 6.11 was removed from the Consent Agenda and placed under General Business as item No. 8.06.

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

**(6.01)** Resolution Approving Tobacco License for Ayani Gas Corporation, d/b/a Sami's Stop, 9605 36th Avenue North (Res2013-201).

**(6.02)** Resolution Approving Disbursements ending June 29, 2013 (Res2013-202).

**(6.03)** Resolution Accepting Donation of a Canon Microprinter from the City of Robbinsdale (Res2013-203).

**(6.04)** Resolution Appointing Data Practices Responsible Authority and Compliance Official (Res2013-204).

**(6.05)** Resolution Allowing a Donation of One Ford Crown Victoria Police Interceptor Canine Cage to the Crystal Police Department (Res2013-205).

**(6.06)** Resolution Approving Payment No. 2 and Final for the Salt Storage Facility (11035 – Res2013-206).

**(6.07)** Resolution Approving Request for Payment No. 2 and Final for Plymouth Boulevard Mill and Overlay Project (12006 – Res2013-207).

**(6.08)** Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for Public Hearing for the Churchill Farms Edge Mill and Overlay Project (13021 – Res2013-208), Resolution Approving Plans and Specifications, and Ordering Advertisement for Bids for the Churchill Farms Edge Mill and Overlay Project (13021 – Res2013-209), Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the Churchill Farms Edge Mill and Overlay Project (13021 – Res2013-210), and a Resolution Calling for Hearing on Proposed Assessment for the Churchill Farms Edge Mill and Overlay Project (13021 – Res2013-211).

**(6.09)** Resolution Ordering Preliminary Engineering Report for the 2013 Cul-De-Sac Edge Mill and Overlay Project (13023 – Res2013-212), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the 2013 Cul-De-Sac Edge Mill and Overlay Project (13023 – Res2013-213), Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the 2013 Cul-De-Sac Edge Mill and Overlay Project (13023 – Res2013-214), and a Resolution Calling for Hearing on Proposed Assessment for the 2013 Cul-De-Sac Edge Mill and Overlay Project (13023 – Res2013-215).

**(6.10)** Resolution Dispensing with Statutory Requirements for Review by Planning Commission of Disposal of Real Property for Outlot C in Carlson Center Sixth Addition (Res2013-216).

**(6.11)** (Item was removed from Consent Agenda and placed under General Business as item No. 8.06).

**(6.12)** Resolution Approving a Final Plat and Development Contract for Pulte Homes of Minnesota LLC, for “Elm Creek Highlands East 4th Addition” located in Northwest Portion of Elm Creek Highlands East (2013056-F – Res2013-217) and a Resolution Adopting Assessments for Trunk Sanitary Sewer and Watermain for Elm Creek Highlands East 4th Addition (2013056-F – Res2013-218).

**(6.13)** Resolution Approving a Preliminary and Final Plat for InSite Architects for “West Suburban Health Campus Fourth Addition” for Property located at 3005 Campus Drive (2013039 – Res2013-219).

**(6.14)** Resolution Approving Lease Agreement between the City of Plymouth and the Plymouth Historical Society (Res2013-220).

**(6.15)** Resolution Accepting the Engineering Report and Authorizing the Advertisement for Bids for the Medicine Lake Retaining Wall (13020 – Res2013-221).

**(6.16)** Resolution Authorizing City Staff to Prepare Specifications and Solicit Bids for the Replacement of Engine 11 (Res2013-222).

**(6.17)** Resolution Approving the use of Houston-Galveston Area Council Purchasing Consortium for the Purchase of Fire Equipment and Apparatus (Res2013-223).

**(6.18)** Resolution Approving Compensatory Time Off Letter of Agreement between the City of Plymouth and Maintenance Employees (Res2013-224).

**(6.19)** Resolution Approving 2013 Compensation for City Manager (Res2013-225).

With all members voting in favor, the motion carried.

### **Public Hearings**

**(7.01) Vacation of Roadway (Street) Easements on Dunkirk Lane North within North ½ Section 5, Township 118, Range 22**

Public Works Director Cote reported on the proposed vacation.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion made by Councilmember Black, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving the Vacation of Roadway (Street) Easements on Dunkirk Lane North within North ½ Section 5, Township 118, Range 22 (Res2013-226). With all members voting in favor, the motion carried.

**(7.02) Vacation of a Portion of the Drainage Easement for Ponding and Utility Purposes within Lot 2, Block 1, West Suburban Health Campus Third Addition**

Public Works Director Cote reported on the proposed vacation.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion made by Councilmember Bildsoe, and seconded by Councilmember Willis, to adopt a Resolution Approving the Vacation of a Portion of the Drainage Easement for Ponding and Utility Purposes within Lot 2, Block 1, West Suburban Health Campus Third Addition (Res2013-227). With all members voting in favor, the motion carried.

**General Business**

**(8.01) 2012 Comprehensive Annual Financial Report**

Aaron Nielsen from MMKR, presented a brief overview of the 2012 Comprehensive Annual Financial Report, the special purpose audit report, and the management report.

Motion was made by Mayor Slavik, and seconded by Councilmember Black, adopting a Resolution Accepting the 2012 Comprehensive Annual Financial Report and Audit (Res2013-228). With all members voting in favor, the motion carried.

**(8.01.1) Certificate of Achievement for Financial Reporting**

Administrative Services Director Callister presented to the Council the Certificate of Achievement of Financial Reporting for the period ending December 31, 2011.

**(8.02) Rezoning and Preliminary Plat for “Cedar Hollow” (Highway 55 between 46th Avenue and Urbandale Court in the Wayzata School District – 2013022)**

Community Development Director Juetten stated this item was tabled at the June 25 meeting to allow the applicant additional time to consider alternatives to provide a second access to the development. After the meeting, the applicant submitted a revised concept plan that indicates a road extended to the south plat boundary and (using a ghost plat) indicates how the road could be eventually extended through the properties to the south and west to provide local street connections to Brockton Lane.

He stated due to wetlands on the adjacent properties near both the southwest and southeast corners of Cedar Hollow, the applicant has proposed to curve the road before it reaches the south plat boundary. More trees would be lost than previously proposed for this subdivision. This road

placement would allow the developer to add four additional lots to the plat and would allow a future developer(s) of the Busch properties to center the road between the estimated boundaries of the two off-site wetlands. The developer did look at making a connection to the west (connecting Cedar Hollow West). Given the amount of tree loss, wetland impact, and grade changes, he found that the proposed street connection to the south was preferable. He stated with the proposed road to the south, staff would not recommend having the park property separated by the street. Consequently, the land dedication is reduced from 4.88 acres to 2.38 acres. Staff anticipates requiring park land dedication on the Busch properties north of the existing greenhouses when they subdivide. The active portion of the park would not be developed (i.e. playground and other features) until the Bush properties subdivide.

Mayor Slavik asked where the closest neighborhood park would be for this development. Park and Recreation Director Evans replied Greenwood. Mayor Slavik stated she hopes that it's made clear to prospective residents that there won't be a neighborhood park for quite some time.

Councilmember Willis stated there's one lot sketched in the proposed park area, and he requested that this be removed. Community Development Director Juetten stated that lot is north of the tree area so that area is open. The Council has the discretion to make this lot part of the park dedication.

Kevin Clark, Applicant, stated the loss of the lot on the west that is being discussed is needed for the development for infrastructure costs they need to occur. They have tried on numerous occasions to reach out the Busch family but haven't received a return call.

The majority of the Council stated they desire to keep the west lot as part of the parkland.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Willis, to adopt an Ordinance Amending Chapter 21 of the City Code to classify Certain Land located South of Station Highway 55 between 46th Avenue and Urbandale Court (2013022 – Ord2013-21), Resolution Approving Findings of Fact for the Rezoning of Land located South of State Highway 55 between 46th Avenue and Urbandale Court (2013022 – Res2013-229), and a Resolution Approving Preliminary Plat for K. Hovnanian Homes of Minnesota, LLC for “Cedar Hollow” for Property located South of State Highway 55 between 46th Avenue and Urbandale Court with the removal of the lot on the southwest corner of the site which would be dedicated to parkland (Res2013-230). With all members voting in favor, the motion carried.

### **(8.03) Rezoning and Preliminary Plat for “Cedar Hollow West” (properties located at 4340 Brockton Lane in the Wayzata School District – 2013029)**

Community Development Director Juetten reported on the applications for Rezoning and Preliminary Plat approval for “Cedar Hollow West,” for properties located at 4340 Brockton Lane in the Wayzata School District. The Planning Commission on a 3-2 vote recommended approval of these requests at their June 5 meeting. He stated there were two items discussed at the Planning Commission meeting. The first item was where there should be an access to Cedar Hollow. He stated there would be two access points once the property to the north is developed

and potentially another one to the south when that's developed. The second item was whether this development is premature since there are no utilities to this property. Staff doesn't feel this is premature as there will be utilities when the property to the north is developed. Staff is comfortable with this preliminary plat going through.

Councilmember Willis asked with respect to parkland being dedicated on the easterly edge of the plat and trail access through the street, would there be a problem in getting a trail through on the southeast corner of the parkland. Community Development Director Juetten replied there would be some grade issues that would have to be addressed, but not as steep.

Mayor Slavik stated if the property to the north doesn't develop in the expected timeframe, what happens with this plat. Community Development Director Juetten replied without extensions, plats expire in two years.

Kevin Clark, applicant, stated in regards to the trail, this is a better connection. They fully expect the property to the north to develop.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Stein, to adopt an Ordinance Amending Chapter 21 of the City Code to classify Certain Land located at 4340 Brockton Lane (2013029 – Ord2013-22), Resolution Approving Findings of Fact for the Rezoning of Land located at 4340 Brockton Lane (2013029 – Res2013-231), and a Resolution Approving a Preliminary Plat for “Cedar Hollow West” for Property located at 4340 Brockton Lane (2013029 – Res2013-232). With all members voting in favor, the motion carried.

**(8.04) Reguiding, Rezoning, Preliminary Plat, Final Plat, Development Contract, and Site Plan for Park Nicollet Health Services (property located at 4155 County Road 101 – 2013028)**

Community Development Director Juetten reported on the applications for Reguiding, Rezoning, Preliminary Plat, Final Plat, Development Contract, and Site Plan for Park Nicollet Health Services for property located at 4155 County Road 101. He stated the Planning Commission recommended approval of these requests at their June 19 meeting. He stated access to the new frontage road for Len Busch Roses, drainage of the property, and traffic generated from the site were discussed at the Planning Commission meeting.

Bob Riesselman, Facility Manager for Park Nicollet/Methodist Hospital in St. Louis Park, requested support of their application. He stated with respect to the development agreement, they don't want to construct the other frontage road until it's necessary. Therefore, they requested that this clause be added to the development agreement.

Public Works Director Cote cautioned the Council in adding that condition. The City would be doing the developer a favor in not requiring the frontage road. The City should be in a better position than the developer.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Approving a Comprehensive Plan Amending to Reguide Roughly 7 Acres from LA-4 to CO (2013028 – Res2013-233), Ordinance Amending Chapter 21 of the City Code to classify Certain Land located at the Southwest Corner of Highway 55 and County Road 101 (20130258 – Ord2013-23), Resolution Approving Findings of Fact for the Rezoning of Land located at the Southwest Corner of Highway 55 and County Road 101 (2013028 – Res2013-234), Resolution Approving a Preliminary Plat, Final Plat, and Development Contract for Park Nicollet Health Services for Property located at the Southwest Corner of Highway 55 and County Road 101 (2013028 – Res2013-235), and a Resolution Approving a Site Plan for Park Nicollet Health Services for a New Clinic Facility and Related Site Improvements for Property located at 4155 County Road 101 (2013028 – Res2013-236). With all members voting in favor, the motion carried.

**(8.05) Request from Oppidan to Amend Minimum Assessment Agreement for the Fast Food Parcel (Tax Increment Financing District 1-3)**

Housing Manager Barnes reported on the request from Oppidan to amend the minimum assessment agreement for the fast food parcel for Tax Increment Financing District 1-3. McDonalds, which will develop one of the parcels, has indicated that the agreed upon value for their site is too high and is requesting that the minimum value be changed from \$2 million to \$1.4 million. As requested by Oppidan, the amendment would extend the district by one year (15.5 to 16.5 years) and increase the interest payment approximately \$40,000.

Paul Tuchey, from Oppidan, stated it was their mistake with the original request. The original \$2 million shouldn't have included the completed buildout of the space, including restaurant equipment, tables, chairs, and other FF&E that is the tenant's personal property and not part of the building.

Motion was made by Councilmember Willis, and seconded by Councilmember Black, to not approve this request. With Willis, Black, and Slavik voting yes, and Bildsoe and Stein voting no, the motion carried.

**(8.06) Ordinance Amending Section 1016 of the City Code concerning Plymouth Creek Center and Millennium Garden Fees and a Resolution Approving Amendments to the Plymouth Creek Center and Millennium Garden Policies**

A number of questions were raised with respect to the proposed changes to the police officer security section (events where liquor is served) of the current policy whereby staff is recommending that groups only pay for a police officer for the last four hours of the event, rather than six hours (typical length of event). Police Chief Goldstein requested that the Council table this item to the next meeting so that staff can discuss the proposed changes further.

Motion was by Councilmember Willis, and seconded by Councilmember Stein, to table this to item to August 13. With all members voting in favor, the motion carried.

## **Reports and Staff Recommendations**

### **(9.01) Peony Lane Update**

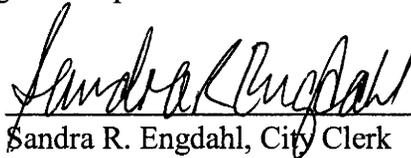
As requested by Councilmember Willis, Public Works Director Cote gave an update on the Peony Lane project. He stated the right-of-way acquisitions should occur in the next six months. The City is on schedule to start construction in 2014. The County has requested the City to do some work at the County Road 47/Lawndale Lane intersection which will take some coordination.

### **(9.02) West Medicine Lake Boat Launch**

Councilmember Black stated some of the Bassett Creek Watershed District commissioners have voiced concerns to her that the West Medicine Lake boat launch is open in the spring and fall, and they are concerned that the boats aren't being inspected for zebra mussels. She stated she would initiate a discussion at the budget study sessions on having a City employee be at this launch for those weekends during those times.

## **Adjournment**

Mayor Slavik adjourned the Regular Meeting at 9:08 p.m.

  
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Sandra R. Engdahl, City Clerk