

Adopted Minutes Regular Council Meeting May 22, 2012

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 7:00 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on May 22, 2012.

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

ABSENT: Councilmember Johnson.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Park and Recreation Director Evans, Public Works Director Cote, Community Development Director Juetten, Deputy Police Chief Plekkenpol, Fire Chief Kline, Administrative Services Director Callister, and City Clerk Engdahl.

Plymouth Forum

Bill Griffith, attorney representing Kurt and Julia Kvistberg who reside at 316 Lanewood Lane North, stated they surveyed the residents in connection with the ongoing improvement project on their street, and 30 of the 33 residents support speed humps around Circle Park, bike trails, and more traffic calming measures. Since the project is ongoing and the City did apparently request an alternate bid for traffic calming measures, he requested that the Council direct staff to review that alternate bid.

Mayor Slavik stated part of the issue regarding the speed humps is that people have changed their minds throughout the process. The City conducted a speed study in this area which indicates that the majority of the traffic is traveling under the speed limit, and the number of trips per day in that neighborhood is less than what is allowed for the neighborhood. This information was taken into account during the design process of this project. Due to roadway widths and bike lanes, both sides of the street would need to be signed for no parking.

Mr. Griffith stated he did prioritize the improvements that had the most support from the residents. The residents desire traffic calming around the park. Mayor Slavik commented that there is already traffic calming as a natural way going around the park.

Mayor Slavik asked how far along this project is. Public Works Director Cote replied not too far, but staff needs clarification on the survey. There are 35 individual properties, and a number of the signatures on the petition are from the same property. Staff tries to reflect the number of properties, not the number of residents. He will provide that clarification to the Council when he reviews the survey.

Councilmember Wosje stated he chatted with half of the residents who are involved with this project, and he asked about speed humps, not about a bike path, to get a general consensus. Some residents wanted speed humps on Niagara Lane and some wanted them removed. He didn't see or sense a general consensus for speed humps. He noted that the park generally slows down the traffic. He stated there are issues with Lanewood Lane as the City wants that neighborhood to be safe, but getting to the right answer isn't as apparent as it might seem.

Councilmember Bildsoe asked if the City has a moratorium on speed humps. Public Works Director Cote replied only on the installation of new speed humps.

Don Moore, 205 Lanewood Lane, stated he chatted with a few people today who don't want speed humps as they'll ruin their cars. He stated if there are speed humps on Niagara Lane, there should be speed humps on the north and south ends of Circle Park. Motorists are taking a shortcut from Fourth Avenue over to Circle Park which he would like the police to monitor.

Public Works Director Cote stated he will review the survey that was given to the City this evening.

Larry Trocheil, 10810 50th Place North, stated he's representing 50th Place North cul-de-sac. He received correspondence from the City's housing inspector regarding a basketball hoop on their cul-de-sac as it's in violation of the City's ordinances. He stated 14 kids under the age of 15 use that basketball hoop, and 31 kids within one block of their house that use that basketball hoop and the playground. This basketball hoop has been at this location for eight years. He stated he has signed petitions from everyone in the neighborhood that support it; therefore, they are requesting a variance from the City Code to keep the hoop there.

Mayor Slavik stated if they allow this exception, then the Council would have to do it for everyone else in the City. She stated structures in the right-of-way pose a public safety issue and encouraging youth to play in the street. The City has basketball hoops in 30-40 of the City parks. She understands why the residents put it in the street, but it's an issue for snowplow drivers and emergency vehicles. She also noted they have sprayed basketball court markings on the street.

Mr. Trocheil stated they believe they received this correspondence because the housing inspector was in the area doing a remodel inspection. Mayor Slavik stated these types of situations are on a complaint basis.

The Council requested a report from staff on this issue, and it be placed on the June 26 regular agenda.

Presentations and Public Information Announcements

(4.01) Announcement of Plant Swap on June 4 and Garden Pot Recycling

Council Member Black announced the plant swap on June 4 from 4:30 p.m.-6:30 p.m. and garden pot recycling.

(4.02) Announcement of Arbor Day on May 22

Mayor Slavik read a proclamation declaring May 22 as “Arbor Day.”

Approval of Agenda

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

Consent Agenda

Item No. 6.09 was removed from the Consent Agenda and placed under General Business as item No. 8.02.

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

(6.01) Regular Council Meeting minutes of May 8.

(6.02) Resolution Approving Disbursements ending May 12, 2012 (Res2012-161).

(6.03) Resolution Approving Change Order No. 1 for the M.I.P. Water Tower Rehabilitation (10021 - Res2012-162).

(6.04) Resolution Ordering Preliminary Engineering Report for the Revere Lane/6th Avenue/Kilmer Lane Mill and Overlay Project (12005 – Res2012-163), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the Revere Lane/6th Avenue/Kilmer Lane Mill and Overlay Project (12005 – Res2012-164), Resolution Approving Plans and Specifications, and Ordering Advertisement or Bids for the Revere Lane/6th Avenue/Kilmer Lane Mill and Overlay Project (12005 – Res2012-165), Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for Revere Lane/6th Avenue/Kilmer Lane Mill and Overlay Project (12005 – Res2012-166), and a Resolution Calling for Hearing on Proposed Assessment for the Revere Lane/6th Avenue/Kilmer Lane Mill and Overlay Project (12005 – Res2012-167) and a Resolution Authorizing the Installation of “No Parking” Signs on Revere Lane, 6th Avenue, and Kilmer Lane (12005 – Res2012-168).

(6.05) Resolution Approving Change Order No. 2 for Well No. 17 (10024 – Res2012-169).

(6.06) Resolution Approving Encroachment Agreement for a Retaining Wall within a Drainage and Utility Easement in Lot 28, Block 4, Spring Meadows Addition at 15985 55th Avenue North (Res2012-170).

(6.07) Resolution Approving a Final Plat and Development Contract for GWS Land Development of Plymouth LLC for “Terra Vista” for Property located at the Southeast Corner of the Intersection of Dunkirk Lane and County Road 47 (2011095F – Res2012-171) and Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Terra Vista (2011095 – Res2012-172).

(6.08) Resolution Approving an Amendment to the “Trillium Woods” Development Contract (2008085F- Res2012-173).

(6.09) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.02).

(6.10) Resolution Approving Temporary Liquor License for Music in Plymouth Endowment Fund (Res2012-174).

(6.11) Resolution Awarding Bid for the Plymouth Creek Center Fieldhouse Turf Replacement (Res2012-175).

(6.12) Resolution Approving Designation of Funding for Public Improvement Projects (Res2012-176).

(6.13) Resolution Approving a Variance for David and Mary Schneider for Property located at 5870 Kirkwood Lane (2012027 – Res2012-177).

(6.14) Resolution Approving Amendment to Purchase Agreement for Outlot E, Hampton Hills 3rd Addition (Res2012-178).

With all members voting in favor, the motion carried.

Public Hearings

There were no public hearings scheduled.

General Business

(8.01) Sketch Review of Townhome Development at 10305 Bass Lake Road (Dominion, 2012020)

Community Development Director Juetten reported on the sketch review of a proposed 33-unit townhome development on a four acre site excluding the wetland at 10305 Bass Lake Road. He stated on May 2, the Planning Commission reviewed the sketch and approved comments. He noted that residents addressed the Planning Commission regarding access to the development (only one access off Bass Lake Road), the width of the private roadway being too narrow, grading, elevation, and runoff of the site, where snow removal would go for this property, and density. Since the Planning Commission meeting, the applicant has submitted a revised sketch plan to address many of those concerns. This includes moving the playground from the north end to the south end of the development, constructing a hammerhead to allow access to the east when that property develops, adding seven guest parking stalls in the future if necessary, increasing the width of the private roadway to 26.67 feet, installing automatic sprinklers in all structures on the site, and identifying five areas for snow storage on site.

Councilmember Black stated residents had raised questions regarding water issues, flooding, etc., but the City at this point in the process, isn't looking at that kind of detail. Public Works Director Cote replied that's correct, and if the development would proceed, it would need to follow the watershed district and City requirements for drainage.

Councilmember Black mentioned the correspondence received from the Astleford Family for property adjacent to this site. Community Development Director Juetten stated the Astleford Family is looking for commercial opportunities to the north of the property as well as the east of Nathan Lane. They are hoping to discuss some ideas with staff the mid part of June.

Councilmember Wosje asked the applicant if they have a policy of vehicles staying in the garages. Jeff Huggett, from Dominionium (applicant), replied they don't have a policy that states cars can't park on the driveways.

Councilmember Wosje asked if the City's overnight parking restrictions apply to private roadways. Community Development Director Juetten replied no.

Councilmember Black referenced correspondence referenced in the May 2 Planning Commission meeting minutes regarding the wetland between Harrison Place and the property to the west. The claim was made that the City lowered the outlet of that wetland to eight feet which was incorrect. The outlet elevation can't be altered without the Department of Natural Resources (DNR) approval. The City reconfigured the dam outlet so the water was being draining out of the wetland faster. The water is at the same elevation as it's always been.

Prior to introducing speakers on this item, Mayor Slavik requested comments be limited to the land use plan, not affordable housing.

Chris Pierson, 2830 Kimberly Lane, stated this appears to be a fairly reasonable use of the property and he commended the developer for addressing many of the concerns expressed by residents.

Tom Burke, 4925 Weston Lane, stated Interfaith Outreach and Community Partners are in support of this project.

Susan Gross, 5750 Trenton Lane North, stated this development is on the east side of Trenton Lane, so they overlook this property and the wetlands. One of their biggest concerns is to maintain the integrity of their neighborhood. She stated she's on a common drive which is unique. Snow removal is an issue even when snow plows are careful. There are huge piles of snow and the plows take half the landscaping with them. She stated in their development, the City required them put up no parking signs so she's unclear about why that's not needed with this development. They don't allow any parking on their common drive. They also have a hammerhead, and it does present itself as a wonderful place for kids to play. Residents in their development are concerned about piece meal developments and odd shaped parcels owned by a number of people. Their hope is that a developer will strive to maintain the integrity of the homes on Trenton Lane, and the City will support them.

Jerry Unger, 10607 57th Place North, stated he's a Harrison Place resident which is just to the west of Bass Lake Villas on the west side of Trenton Lane. He stated they are concerned about wetland considerations and traffic safety. Trenton Lane and Bass Lake Road would be a dangerous intersection which is a recipe for disaster. What Dominion is proposing would exasperate the situation even more. In 2006 they were told that the City would never allow in outlet onto Bass Lake Road, which he mentioned at the Planning Commission meeting. He spoke of his concerns regarding the drainage of this site. He doesn't feel a pervious surface will function in this area. There is a tremendous amount of runoff from this property that drains at a fast pace to the wetland. He noted that at times, there is six feet of water standing at the power box in this development. He requested that the Council reject this sketch plan.

Darrell Gauvite, 5550 Nathan Lane, disagreed with Mr. Unger regarding six feet of water standing at the power box. The 2006 development for this site failed due to the recession and economic downturn. He stated Dominion is a good company with a lot of experience. If the City would require a public road for this development, it would kill the project. The property can't accommodate a public roadway with a 50' easement. He requested the Council to be flexible in allowing a project with a private street.

Mary O'Connor, 5490 Balsam Lane, trusts that the DNR and staff will know how to manage this type of development. She stated high density housing is a good use for environmental impact. She supports this project.

Candace Rowlette, 10805 57th Avenue North, received clarification on how many units are allowed per acre for this development (6-12 units, 9 are being proposed) and that the property has been rezoned for multifamily housing.

Elizabeth Johnson, 730 Florida Avenue South, Executive Director of PRISM, stated they would be a partner with this project. They lend their support to this project because of the quality of Dominion. Dominion has a vested interest in putting forth a good project in Plymouth.

John Hasslen, 5704 Trenton Lane North, stated the access point doesn't alleviate the traffic that will be exiting onto Bass Lake Road. They widened the road which they appreciate, but they increased the amount of asphalt by 30%. The huge piles of snow and the drainage are going to affect the wetland. He presented 53 additional signatures from residents who are concerned about this project.

Jill Elles, 5700 Trenton Lane North, stated she lives in the Bass Lake Villas. She's concerned about the integrity of the wetland, traffic safety, and the size of the development, as it seems too large for a four acre site.

Chris Campbell, 5754 Trenton Lane North, stated the City needs to make sure they ask the right questions of Dominion as this land will eventually be developed. He stated it's a charge that this land is developed within the integrity of Plymouth, but this proposed development is inconsistent with that.

Jim Lyvers, 11265 53rd, stated his largest concern is the traffic on Bass Lake Road. Having a U-turn scenario on Bass Lake Road is incomprehensible as well as traffic flows with the neighborhood.

Mr. Huggett showed the proposed design of the townhomes. He stated regarding traffic concerns, the only way this property can be developed is with access to Bass Lake Road. They have tried to connect to the Astelford Family property to the east but at this time, they have no final plans for that property. He acknowledged the concerns about wetland and drainage, and they fully understand that they have to comply with the City's high standards and the watershed district's. Regarding the private road, this is the most reasonable way to develop this property. They increased the width of the road from 22' to 26.67'. There would be a public road access to Bass Lake Road. He showed a rendering of the cul-de-sac and the proposed snow storage areas. He noted the additional guest parking stalls penciled in if needed in the future.

Public Works Director Cote addressed Ms. Gross who questioned why there would be no parking signs in this development such as what's in her development. He stated he's unsure of the width of the street in her development, but the width of the street in this development is wider and could accommodate parking on one side of the street.

Mayor Slavik addressed the comment regarding piece meal developments, and she stated this occurs because there isn't just one property owner. The City can't require a property owner to wait for adjacent properties to develop. Regarding the comment about the property not accommodating a public road, she thinks it could, but it might not be the design that the developer favors.

Public Works Director Cote addressed the comment regarding additional accesses on Bass Lake Road. He stated the property owner can't be denied access to the property by the County or City. This is an existing access, and the County determines the access.

Councilmember Stein asked about snow storage and runoff. Public Works Director Cote explained at this stage of the process, staff doesn't have enough data or information to determine if it improves or dangers the wetland. He pointed that it's not illegal to dump snow on wetlands or retaining ponds. If this project proceeds, the watershed will review it for consistency with their rules.

Councilmember Stein asked if the private road is proposed to be pervious concrete. Public Works Director Cote replied staff also doesn't have sufficient information on this. Like any other best management practice and any other remedial measure for water quality, the developer will have to demonstrate that the design of the system will work. The developer will need to comply with requirements from the City and watershed district.

Councilmember Willis stated the property owner has a right to use their land per rules and regulations of the community. The process before the Council this evening is providing comments of a sketch review. The City doesn't have all the information that is necessary for a thorough review of substantive land issues. The developer has the right to proceed based upon the comments contained in the resolution, and they should be given the opportunity to meet the test. Therefore, he supports proceeding with the project for further analysis.

Councilmember Black asked if the intersection of Trenton Lane and Bass Lake Road warrant a stop light, and if staff has had any conversations with the County. Public Works Director Cote replied this intersection isn't on the County's "top 30" list for stop lights.

Councilmember Black requested that staff check with the County regarding a stop light at that intersection if the developer proceeds to the next step. She stated she is concerned about the U-turns on Bass Lake Road, but when the property develops to the east of this property, that should alleviate that situation. She voiced her support in proceeding with the project for further analysis.

Councilmember Stein stated he's also concerned about the access on Bass Lake Road and potential runoff from the site. These concerns could be studied further if the developer proceeds to the next step.

Motion was made by Councilmember Black, and seconded by Councilmember Willis, to adopt a Resolution Providing Informal Comments on a Sketch By Dominion for a Townhome Development located at 10305 Bass Lake Road (2012020 – Res2012-178).

Councilmembers Bildsoe and Wosje echoed the comments given above by fellow Councilmembers that the developer needs to work through the process if he wants to proceed which allows for more detailed review from the City and the watershed district.

Mayor Slavik stated she isn't sure that the developer adequately addressed the snow storage issue. In addition, the proposed private road wouldn't meet any of the City's standards which is why she doesn't support private roads due to long term maintenance. She's also concerned with the property only having one access.

There being no further discussion and with all members voting in favor, the motion carried.

(8.02) Approval of Public Improvement and Special Assessments Agreements for 11515 40th Avenue North and 4285 Larch Place North

Mayor Slavik asked if the City has a policy to address similar situations as to what's before the Council this evening. Public Works Director Cote replied currently the City Code doesn't prohibit this in lieu of direct payment for these types of improvements. The only option, other than the proposed agreements, was to shut off their utilities. The City is able under State Statute to do these improvements and access the costs back to the properties. He stated staff could write this into the City Code or policy.

Councilmember Bildsoe suggested there be a formalized policy for these situations.

Councilmember Stein asked if the interest rate that the City charges is the same that is charged for street reconstruction projects. Public Works Director Cote replied yes.

Councilmember Willis stated many of these situations require the best judgment from the Public Works Department as they aren't anticipated. Either the service needs to be repaired or the utilities are turned off.

Mayor Slavik requested that the Council act on the emergency issues before them this evening, but at a future Council meeting, adopt a formal policy.

Motion was made by Mayor Slavik, and seconded by Councilmember Stein, to adopt a Resolution Approving Public Improvement and Special Assessment Agreements for 11515 40th Avenue North and 4285 Larch Place North (Res2012-180) and to place this item on the pending study session list.

Councilmember Stein asked if these situations could qualify for existing loan programs through the Housing and Redevelopment Authority. Community Development Director Juetten stated that staff would look into it.

With all members voting in favor, the motion carried.

Reports and Staff Recommendations

(9.01) Fire Department Annual Report

Fire Chief Kline gave the Fire Department's annual report.

Adjournment

Mayor Slavik adjourned the meeting at 9:20 p.m.


Sandra R. Engdahl, City Clerk