

Adopted Minutes Regular Council Meeting June 26, 2012

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 7:05 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on June 26, 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, Engineer Renneberg, Planning Manager Thomson, Police Chief Goldstein, Fire Chief Kline, Administrative Services Director Callister, and City Clerk Engdahl.

Plymouth Forum

Diane Stueven, 6100 Shenandoah Lane North, stated she is appearing on behalf of residents who reside at Vicksburg Commons. She stated they have an issue with traffic and speed on County Road 47. The posted speed limit is 50 mph and motorists exceed that. She stated her service dog was hit on May 19. There are 118 children who reside in this development so she's grateful that it was her dog that was hit rather than a child. She requested sidewalks/trails, crosswalks, speed humps on Shenandoah Lane, additional signage, and lowering the speed limit on County Road 47.

Mayor Slavik stated the City can't raise and lower speed limits. Engineer Renneberg stated the City could request the County to conduct a speed study on County Road 47.

Mayor Slavik stated regarding speed humps on Shenandoah Lane, they aren't effective due to emergency vehicles trying to get over them, and the City isn't adding any in the community. She directed staff to look at the possibilities of installing crosswalks in that development and to look at trails in the area.

Julie Perrus, representing Kurt and Julia Kvistberg who reside at 316 Lanewood Lane North, stated they appeared at the May 22 Council meeting concerning traffic calming measures in the Circle Park neighborhood in conjunction with the street reconstruction project. At that meeting, they presented a petition from the neighborhood requesting speed humps around Circle Park. She explained the traffic converted from Niagara Lane to Lanewood Lane is a concern. She requested that staff work with the residents in figuring out the implementation of speed humps with the alternative bid.

Councilmember Wosje stated prior to this project, he spoke with a lot of residents in the Circle Park neighborhood. There was a strong consensus from Niagara Lane residents for the speed humps; however, with the Lanewood Lane residents, there wasn't a consensus. He stated this past weekend he chatted with Lanewood Lane residents, and 25 out of the 27 residents want speed humps. He read correspondence from Brian Weekley, 630 Lanewood Lane, who is opposed to the speed humps. He suggested that once the construction is completed, the City conducts another study to see what the level of traffic and speed is. Therefore, he suggested no action at this time.

Councilmember Stein noted that when streets are repaired, speed of traffic tends to increase. Speed humps don't help as they slow down the traffic when approaching them and speeding up of traffic on the other end.

Councilmember Black suggested that staff look at the barriers in the middle of Vicksburg Lane at the railroad crossing as a traffic calming measure in this neighborhood. Perhaps this would work near the Circle Park neighborhood.

Councilmember Willis stated traffic around Circle Park is one way around the park so those barriers wouldn't serve a function. Councilmember Black stated the barriers could be used to narrow the roadway.

Mayor Slavik stated the nature of the roadway around Circle Park is a natural traffic calming measure. She stated that the City will do a follow-up after the road construction is completed.

Presentations and Public Information Announcements

(4.01) Announcement of 5k Run on June 30 and Music in Plymouth on July 3

Members of the Plymouth Civic League announced this year's Music in Plymouth on July 3 and the 5k run on June 30.

(4.02) Acceptance of Donation from Wayzata Youth Hockey Association for Technology at the Plymouth Ice Center

Greg Gibson, from the Wayzata Hockey Association, presented a donation in the amount of \$9,000 to the City for purchase of multi-media audio visual technology at the Plymouth Ice Center.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Accepting a Donation from the Wayzata Hockey Association for Technology at the Plymouth Ice Center (Res2012-181). With all members voting in favor, the motion carried.

Approval of Agenda

Discussion of the railroad crossing on Vicksburg Lane was added to the agenda as item No. 9.01 under Reports and Staff Recommendations.

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

Consent Agenda

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

- (6.01) Regular and Special Council Meeting minutes of May 22.
- (6.02) Resolution Approving Disbursements ending June 16, 2012 (Res2012-182).
- (6.03) Resolution Approving Encroachment Agreement for a Garage Wall Support Structure within a Drainage and Utility Easement in Lot 4, Block 6, Harrison Hills Second Addition at 5415 Ximines Lane North (Res2012-183).
- (6.04) Resolution Accepting Utilities for Continual Maintenance for Elm Creek Highlands East (2010048 – Res2012-184).
- (6.05) Resolution Appointing Financial Concepts, Inc. as the City's Agent of Record/Benefits Consultant for Medical and Dental Insurance (Res2012-185).
- (6.06) Resolution Extending the Licensed Premises for Old Chicago, 3505 Vicksburg Lane (Res2012-186).
- (6.07) Resolution Approving Home Occupation License for Maria Finterikou Kirsch to Operate a Personal Fitness Business out of the Home located at 6120 Lanewood lane North (2012006 – Res2012-187).
- (6.08) Resolution Approving a Conditional Use Permit for Accessory Retail for Bujold Homes dba Hobby Zone for Property located at 3700 Annapolis Lane (2012028- Res2012-188).
- (6.09) Resolution Approving Variances for Sally Usselman for Property located at 10215 South Shore Drive (2012030 – Res2012-189).
- (6.10) Resolution Approving a Sign Variance for Imaginality Designs for Park Place Apartments located at 34th Avenue and Fernbrook Lane (2012035 - Res2012-190).
- (6.11) Resolution Approving a Variance for HGA, Inc. for Hazelden Center located at 11505 36th Avenue (2012040 - Res2012-191).

(6.12) Ordinance Amending Section 1016 of the City Code Concerning Park Facilities Fees (Ord2012-19).

(6.13) Resolution Approving 2012 Trail Improvement Projects (Res2012-192).

With all members voting in favor, the motion carried.

Public Hearings

There were no public hearings scheduled.

General Business

(8.01) Financial Review for Year Ending December 31, 2011

Administrative Services Director Callister reported on the financial review for year ending December 31, 2010 and recommended year end budget adjustments.

Motion was made by Councilmember Willis, and seconded by Councilmember Black, to adopt a Resolution Approving Transfer between Funds (Res2012-193) and a Resolution Adopting the Amended 2011 Budgets (Res2012-194). With all members voting in favor, the motion carried.

(8.01.1) 2011 Comprehensive Annual Financial Report

Finance Manager Bursheim introduced Aaron Nielsen, MMKR, who discussed the 2011 Comprehensive Annual Financial Report.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Wosje, to adopt a Resolution Accepting the 2011 Comprehensive Annual Financial Report and Audit (Res2012-195). With all members voting in favor, the motion carried.

(8.01.2) Certificate of Achievement for Financial Reporting

Administrative Services Director Callister presented to the Council the Certificate of Achievement for Financial Reporting from the Government Finance Officers Association of the United States and Canada for the City's 2010 Comprehensive Annual Financial Report.

(8.02) Basketball Structures in the Right-of-Way

Planning Manager Thomson summarized the staff report on the history of basketball structures in the right-of-way.

Councilmember Wosje asked if there has been a history of liability claims/concerns with this issue. City Manager Ahrens replied the City hasn't had any injury claims that she's aware of, but there have been street reconstruction/snowplowing/paving operations that have damaged the basketball structures. Those claims were denied.

Councilmember Wosje asked what the current process is to remove basketball structures that are in the right-of-way. Planning Manager Thomson replied once a complaint is received, a letter is sent to the property owner to remove the structure. If the structure isn't removed, it's referred to the City Attorney, and ultimately to court.

Mayor Slavik stated there are driveways that access directly onto County roads, and if the City permitted them in the right-of-way, could the County say no? Therefore, this wouldn't apply to everyone.

Councilmember Willis stated streets serve the purpose of getting in and out the neighborhoods and they shouldn't be play lots. He's not comfortable in encouraging people to play in the street.

Mayor Slavik stated her family has a basketball hoop, but it's in their driveway. She acknowledged that it would probably be better in the street as they have a slope to their driveway. It's not fair to allow the structures on cul-de-sacs but not on busier roads. She stated there are neighborhood parks located within one-half mile of every neighborhood. She reiterated the problems that basketball structures cause for snowplowing and emergency vehicle access. She noted that no other city is allowing these structures in the roadways. She also asked about skateboard ramps and eventually allowing them in the right-of-ways.

Councilmember Black stated there are other basketball options in the City's neighborhood parks within walking distance for neighborhoods.

Councilmember Bildsoe noted there are over 800 cul-de-sacs in the City, and he's looking at all the liability associated with these structures and somebody being hurt. Therefore, he doesn't support allowing these structures in the right-of-way.

Councilmember Wosje asked if there is less of a liability issue for the structures that the City doesn't have knowledge of. City Attorney Knutson replied if the City has knowledge about a hazard and ignores it, there is greater liability exposure. Once the City is aware of hazards on a complaint or drive-by basis, the City has greater exposure.

Councilmember Wosje asked if the snowplow drivers notice these structures in the streets, does that mean the City knows about them? Planning Manager Thomson replied the snowplow drivers are the ones that issue the complaints to staff.

Councilmember Wosje asked if an ordinance could be crafted to allow basketball structures in cul-de-sacs where there is less traffic. City Attorney Knutson cautioned the Council that not all cul-de-sacs are identical. Therefore, the City would essentially be endorsing this activity on cul-de-sacs because the City made a finding that it was safe. In addition, how would the City handle

the request of a resident who resides on a short street and the speed limit is less than 20 mph. Therefore, he cautioned creating an ordinance to allow these structures on cul-de-sacs.

Councilmember Stein stated this issue was discussed a number of years ago and no action was taken. He stated there are neighborhood parks, driveways for basketball hoops, and the City needs to treat all residents the same in allowing structures in the right-of-way.

Nancy Trochhi, 10816 50th Place North, questioned the fairness concern as this works for them and it's a gathering place for their neighborhood. She stated this is a very small and quiet cul-de-sac. She stated they are seeking a variance from the City Code which is no different than other requests for variances.

Mayor Slavik stated this request is different than planning and building variances. The Council is supporting the ordinance that is in place, and there is no variance for this ordinance. She reiterated that this is an equity and fairness issue for all residents. The Council needs to base their decisions on the interests of the community at large.

Larry Trocheil, 10810 50th Place North, noted that staff hasn't recalled any injuries/liability claims that have arisen due to basketball structures in the right-of-way. He asked how many kids have been abducted in City parks the past 30 years. Mayor Slavik replied none. He stated their concern is letting the kids out of their site as they're under 14 years old.

Mary Rollins, 10705 50th Avenue North, stated this is a special neighborhood with the number of children who live on the cul-de-sac. She stated if the Council is concerned about safety issues, there are no street lights at Saratoga and Schmidt Lake Road and no crosswalks. Mayor Slavik stated some neighborhoods don't want street lights. There is a petition process for street lights.

Sarah Keller, 10820 50th Place North, lives next to Trocheils, stated this is a unique neighborhood. They've considered putting a basketball hoop in the driveway but they have such a slope to the driveway that the kids would have to run in the street to get the ball which could be a more dangerous situation. They use this cul-de-sac space year around.

Mayor Slavik thanked the residents for participating in the process, and stated that the Council won't be taking any action on the request.

(8.03) Debt Study

Administrative Services Director Callister discussed the debt study report. He suggested that the Council consider paying off the 2003B G.O. Street Reconstruction Bonds.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Authorizing Pre-Payment of the \$1,465,000 General Obligation Street Reconstruction Bonds, Series 2003B (Res2012-196). With all members voting in favor, the motion carried.

Reports and Staff Recommendations

(9.01) Report on Vicksburg Rail Crossing

Councilmember Black stated she has received comments from bikers regarding the narrowness of Vicksburg Lane for bikers since the barriers near the tracks have been put up. She asked if the Council is interested in directing staff to look at fixing that temporarily so there is a safe crossing for bikers. Bikers are essentially in the lanes of traffic.

It was suggested that this item be reviewed in conjunction with the Capital Improvement Plan later this year.

Park and Recreation Director Evans reported the 10-year trail study should be ready for the Council in August.

Reports and Staff Recommendations

There were no reports and staff recommendations.

Adjournment

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



Sandra R. Engdahl, City Clerk

