

**Adopted Minutes
Regular Council Meeting
May 24, 2011**

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 24, 2011.

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

ABSENT: Councilmember Johnson.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Park Director Blank, Superintendent of Recreation Evans, Public Works Director Cote, Community Development Director Juetten, Planning Manager Thomson, Fire Chief Kline, Police Chief Goldstein, and City Clerk Engdahl.

Plymouth Forum

Judy Hanson, 4955 Peony Lane North, Mackenzie Neal, 12745 25th Avenue North, and Tara Wengronowitz, 16160 49th Place North, requested that the Council consider a social host ordinance similar to what other communities have adopted.

Mayor Slavik stated she's very familiar with this subject and will put this item on the study session topic list in order that a Council study session could be scheduled in the future. She will contact Ms. Hanson when a study session is scheduled.

Ron Goltz, 17615 8th Avenue North, stated even though the assessments have been adopted for his street reconstruction project, he questioned why his lot was assessed the same as the bare lots across the street from him that are wider and twice as deep as his. His lot is 57% of the size of those lots. He also questioned the placement of the sanitary sewer and waterlines. Lastly, he spoke of the liability claim that he submitted to the general contractor regarding damage to his vehicle during the construction and his concern that he hasn't been informed as to the status of that claim.

Mayor Slavik stated the assessment roll has been adopted. Therefore, the assessments are final. She directed staff to prepare correspondence to Mr. Goltz, with a copy to the Council, regarding his concerns as noted above.

David Larson, 2919 Troy Lane North, stated he's a volunteer firearm training instructor. He requested the use of the City's firearms range at Fire Station No. 3 for their youth firearm safety program. This facility would provide the classroom area for their classes as well as the firearms

range. He contacted staff regarding the use of this facility but was denied due to liability insurance, hiring a police officer, and setting a precedent for others to use the site. He noted that they do have liability insurance. He spoke of facilities in the southern part of the metro area that have facilities.

Mayor Slavik stated she's somewhat familiar with this issue, but she would be concerned about liability issues, parking, and use of the site. She asked if they have approached the Plymouth Gun Club as they have a range. Mr. Larson replied yes, but the answer is no. Their range is a shotgun only range, and the kids shoot 22's.

Mayor Slavik requested staff to provide a report to the Council, and the Council can take this into consideration when setting study sessions. If there is an interest to schedule a study session, staff will contact Mr. Larson.

Presentations and Public Information Announcements

(4.01) Recognition to Plymouth Police Explorers

Police Chief Goldstein introduced this year's Plymouth Police Explorers class and reported on their accomplishments at the recent spring conference.

Councilmember Black thanked all the volunteers and City staff who assisted with the special collection the past weekend.

Approval of Agenda

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

Consent Agenda

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

(6.01) Proposed minutes from the Special and Regular Meetings of May 10.

(6.02) Resolution Approving Disbursements ending May 14, 2011 (Res2011-156).

(6.03) Resolution Approving Purchase of Remote Chemical Capture Equipment, Associated Training and M-4 Rifles (Res2011-157).

(6.04) Resolution Approving Garbage Hauler License for Suburban Waste MN LLC, d/b/a Suburban Waste Services (Res2011-158).

(6.05) Resolution Awarding Contract for 2011 Mill and Overlay Project (11007 – Res2011-159).

(6.06) Resolution Ordering Preliminary Engineering Report for the 2011 Edge Mill and Overlay Project (11012 – Res2011-160), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the 2011 Edge Mill and Overlay Project (11012 – Res2011-161), Resolution Approving Plans and Specifications, and Ordering Advertisement for Bids for the 2011 Edge Mill and Overlay Project (11012 - Res2011-162), Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the 2011 Edge Mill and Overlay Project (11012 – Res2011-163), and a Resolution Setting Hearing for Proposed Assessment fro the 2011 Edge Mill and Overlay Project (11012 – Res2011-164).

(6.07) Resolution Approving the Filling of Wetlands and the Wetland Replacement Plan Application for Wood Crest 2nd Addition (2010094 - Res2011-165).

(6.08) Resolution Approving the Filling of Wetlands and the Wetland Replacement Plan Application for Hampton Hills 3rd Addition (2011002) and Hampton Hills Phase I Subdivision (2010043 - Res2011-166).

(6.09) Resolution Designating the Environmental Quality Committee to Review and Comment on the Draft Third Generation Watershed Management Plan for the Shingle Creek Watershed (Res2011-167).

(6.10) Resolution Approving Loan Agreements for Plymouth West View Estates, LLC, Housing Development (Res2011-168).

(6.11) Resolution Approving a Final Plat and Development Contract for Wood Crest of Plymouth 2nd Addition for Property located at 5600 and 5660 Vicksburg Lane (2010094-F - Res2011-169) and a Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Wood Crest of Plymouth Second Addition (2010094-F – Res2011-170).

(6.12) Resolution Approving a Final Plat and Development Contract for Hampton Hills 3rd Addition for Property located at 5313, 5323, and 5455 Juneau Lane (2011002-F - Res2011-171) and a Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Hampton Hills 3rd Addition (2011002-F – Res2011-172).

(6.13) Resolution Approving a Final Plat and Development Contract for Taylor Creek 2nd Addition for Property located at 5600 and 5660 Vicksburg Lane (2011013 - Res2011-175) and a Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Taylor Creek 2nd Addition (2011013 – Res2011-176).

(6.14) Resolution Approving a Site Plan Amendment and Conditional Use Permits for Bauer Design Build, LLC, to construct a 19,200 square foot Expansion for Twin City Fan Companies located at 5959 Trenton Lane (2011015 - Res2011-173).

(6.15) Resolution Approving Memorandum of Agreement with Minnehaha Creek Watershed Management District for the Chelsea Woods/Mews Channel Restoration Project (8113 – Res2011-174).

(6.16) Resolution Awarding the Contract for the 2011/2012 Property and Casualty Insurance to the League of Minnesota Cities Insurance Trust (Res2011-177).

(6.17) Resolution Approving to Designate Funding for Public Improvement Projects (Res2011-178).

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Vacation of Street, Drainage and Utility Easements for Wood Crest and Taylor Creek

Public Works Director Cote reported on the proposed vacation request.

Mayor Slavik opened the public hearing.

Mayor Slavik declared the public hearing closed.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Authorizing the Vacation of all Platted Drainage and Utility Easements within Lot 1 of Block 4 and Outlot B, Wood Crest of Plymouth Addition, Lot 3 of Block 1 and Lot 1 of Block 2, Taylor Creek Addition and a Street and Utility Easement in the Northwest ¼ of the Southwest ¼, Section 4-118-22 (Res2011-179). With all members voting in favor, the motion carried.

General Business

(8.01) Conditional Use Permits for Additional Lighting at Elm Creek and Zachary Playfields (2011021)

Community Development Director Juetten reported on the proposed Conditional Use Permits for additional lighting at Elm Creek and Zachary Playfields. He noted at the Planning Commission meeting, an adjacent property owner to the Zachary Playfield voiced concerns about glare from the proposed lighting and if there would be additional landscaping. Therefore, the Planning Commission added condition No. 6 to the resolution stating that City staff will work with that

property owner to develop an appropriate solution to the visual privacy and stray ball issues that currently exist.

Recreation Superintendent Evans stated she has met with that property owner to discuss her issues. Staff has taken several pictures and since that meeting, has tried a number of times to contact her, but to no avail. Staff would be willing to plant a few more trees, but they're waiting to hear from her.

Councilmember Stein stated he's also been in contact with that property owner, and he requested that staff notify him when they'll be meeting with her.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Willis, to adopt a Resolution Approving Conditional Use Permits for the City for Playfield Lighting at Elm Creek Playfield located West of the Wayzata Senior High School and Zachary Playfield located North of Rockford Road and West of Zachary Lane (2011021 – Res2011-180). With all members voting in favor, the motion carried.

(8.02) Market Study for the Four Seasons Mall Site

Planning Manager Thomson provided a brief update on the status of the market study for the Four Seasons Mall site. She stated on May 5 there was an open house at the Plymouth Creek Center, and the same presentation was given to the Planning Commission on May 18. She stated the purpose of the study was to review the demographics, trends, and site characteristics of the area. The study looked at projected market demand and uses for the site. The site could be attractive for mixed use. Comments given at the open house centered on land use, transportation, environmental and open space, and general comments regarding Wal-Mart. She stated the next step is the design process, and an open house would be held on the design on September 22.

Councilmember Stein asked if any of the economic considerations were taken into account for redevelopment of the site, such as what the property was purchased for. He stated one can't afford to construct a small mixed use development at this site. Therefore, how is this taken into account? Community Development Director Juetten replied during the design process, they'll look at the economics. What Wal-Mart paid for the site wasn't taken into consideration with the market study.

Councilmember Stein stated whatever type of development that would be suggested at this site needs to be realistic. The City shouldn't get people excited about something that might never be built or realized.

Community Development Director Juetten stated at the end of this process, there will be guiding principals for this site that will take into consideration the market study, feedback from the residents, Council, and the Planning Commission. The proposed guiding principals will protect some of the surrounding land uses and will be economically driven.

Jay Demma from Bonestroo, stated the market study focused on the demand factors by demographic situation and what's already out there in the market place.

Dave Sellergren, representing Wal-Mart, requested that the Council expedite this process. He requested that staff and the City consultants reach out to Wal-Mart. If the City is going to look at designing the land, Wal-Mart has the engineers to assist with that process. He stated there has been no opportunity to participate in the financial, demographic analysis, and more importantly, designing their property. He noted Wal-Mart hasn't filed a planning application due to the moratorium on the property.

Councilmembers Bildsoe, Willis, and Black voiced their disappointment with the correspondence Wal-Mart recently sent. They noted there were opportunities to have dialogue with the Council, especially on December 14, 2010 when the Council made the decision to participate in the market study and place a moratorium on the property as well as at the May 5 open house.

Mr. Sellergren stated when they were informed that staff was going to suggest the moratorium, it appeared that it was going to occur as the Council had accepted the funds for the study. Therefore, they respected the City's process so they, to some extent, took a back seat as that is what they thought they were supposed to do. He stated at the May 5 open house, they were in attendance, but there wasn't time for anyone to make a presentation as they broke up into small groups. It was made clear to Wal-Mart that the consultant would do the study without self-interested input from any of the parties in order to keep the process pure and unbiased.

Councilmember Willis stated Wal-Mart must have the resources to determine where they can build stores to make them viable locations. If Wal-Mart had a new store design, sharing of that information would've been invaluable. Mr. Sellergren agreed. He commented that prior to the adoption of the moratorium, they had a conversation with Mayor Slavik. Once the moratorium was adopted and the study was started, they felt they needed to take a step back in the process.

Councilmember Black stated Wal-Mart could've requested a study session to look at their different types of stores that would've been independent of the market study. She would be interested in seeing pictures of their newer smaller store.

Mr. Sellergren stated their smaller store is approximately 150,000 square feet, compared to the typical size store of 240,000 square feet, which is what they had in mind for this site. They intended to submit their planning application in January, but the moratorium was adopted in December.

Councilmember Stein asked why there wasn't one "big box" study undertaken to determine if the demographics would support that use. Community Development Director Juetten replied it was staff's intention to have a market study that wasn't influenced by staff, neighbors, or Wal-Mart. Proceeding forward, if it's the Council's intention to look at that use as one of the alternatives, staff would certainly do that. He stated that he did tell Mr. Sellgren that during the market study it wasn't a good time for them to get involved. However, with the design process, it would be helpful for Wal-Mart to be involved to a certain extent, such as with the condition of

the site, soil borings, etc. The market study looked at community retail, not "big box" specifically.

Councilmember Stein suggested that the City involve Wal-Mart as the City proceeds to the design study and using Wal-Mart for its design resources.

Councilmember Willis stated that the Wal-Mart ownership issue isn't going away with this study. Therefore, the Council needs to recognize that it's there, and he tends to think there is a way to bring in their input in analyzing the site. He doesn't want to do anything that indicates he wants to change the Comprehensive Plan nor that the City is changing course in the study process. The study process is going to assist the Council and the community in deciding what's desired for this property.

Councilmember Black agreed and stated if Wal-Mart presents a plan that fits the zoning, the Council is legally bound to consider that plan. She stated she doesn't want to raise the expectation that she's willing to change the guiding to C-3 or C-4. This property has very poor access, and there's a lot of traffic with C-3 and C-4 guiding.

Mr. Sellergren stated he believes the market study fell short to the extent of a general market retailer with grocery retail that meets a need and gravitates to the neighborhood market. He stated one thing that Wal-Mart does very well is figuring out where their stores will be successful and where customers will respond. He stated he's not sure if a market study can be a definitive basis on what should be located on this property. It could vary from the Comprehensive Plan.

Councilmember Murdock stated there is a lot of good information associated with the market study, and she's interested in seeing the different design options for this property. She noted that one of her biggest concerns is traffic, and she stated the City should look at having conversations with the County regarding Rockford Road.

Mr. Sellergren commented that they were approached by staff for a transit opportunity on this property, and they're not opposed to looking at that. However, they need to review traffic on Lancaster Lane and Rockford Road.

Mayor Slavik stated there has been an open process regarding the study of this property, and Wal-Mart hasn't been excluded in the process. She stated she was surprised to receive the recent type of correspondence from Wal-Mart. The correspondence appeared to be more threatening than cooperative. She also noted that the grant application for the market study was made before the City's involvement.

Councilmember Black stated she would be interested in seeing any studies that Wal-Mart has done with the property.

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

(8.03) 2010 Unaudited Financial Report and Transfers

City Manager Ahrens reported on the 2010 unaudited financial report and proposed transfers.

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving Transfer of Funds from the General Fund to Other Funds (Res2011-181), Resolution Adopting Amended Budgets (Res2011-182), Resolution Approving Transfer between Funds (Res2011-183), and a Resolution Approving Closure of Funds (Res2011-184). With all members voting in favor, the motion carried.

Reports and Staff Recommendations

(9.01) Legislative Update

Administrative Services Director Portner provided a legislative update to the Council that was included in their packet materials.

Adjournment

Mayor Slavik adjourned the meeting at 8:50 p.m.



Sandra R. Engdahl, City Clerk