

Adopted Minutes Regular Council Meeting June 14, 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 June 14, 2011.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Park Director Blank, Public Works Director Cote, Administrative Services Director Portner, Community Development Director Juetten, Fire Chief Kline, Police Chief Goldstein, Reconstruction Program Manager Paumen, Transit/Solid Waste Manager Hellekson and Office Support Representative Tieg-Roussell.

Plymouth Forum

David Larson, 2919 Troy Lane North, who also addressed the Council at the May 24 meeting, reiterated his request to use the City's firearms range at Fire Station No. 3 for their youth firearm safety program. Police Chief Goldstein provided Mr. Larson with the follow-up report that staff provided to the Council on this request.

Presentations and Public Information Announcements

(4.01) Announcement of 5K Run on June 25 and Music in Plymouth on June 29

Barbara Willis, Tom Barran, and Mele Willis announced this year's 5K run on June 25 and Music in Plymouth on June 29.

(4.02) Recognition of Parks and Recreation Director Eric Blank

The Council recognized Parks Director Blank for his 31 years of service to the City. Mayor Slavik read a proclamation and wished him well on his retirement.

Approval of Agenda

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

Consent Agenda

Item No's. 6.14, 6.07, 6.09, 6.10, and 6.13 were removed from the Consent Agenda and placed under General Business as item No's. 8.02, 8.03, 8.04, 8.05, and 8.06 respectively.

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

- (6.01) Proposed minutes from the Regular Meeting of May 24.
- (6.02) Resolution Approving Disbursements ending June 4, 2011 (Res2011-185).
- (6.03) Ordinance Amending Chapter 8 of the Plymouth City Code Concerning Park Regulations (Ord2011-13).
- (6.04) Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Roll for County Road 101 from 13th Avenue to 30th Avenue Reconstruction Project (5102 – Res2011-186) and a Resolution Setting Hearing on Proposed Assessment for County Road 101 from 13th Avenue to 30th Avenue (5102 – Res2011-187).
- (6.05) Resolution Approving Change Order No. 1 to Becker Arena Products and Change Order No. 1 to Odessa II (Res2011-188).
- (6.06) Resolution Approving Assignment of Election Equipment Contract with Hennepin County (Res2011-189).
- (6.07) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.03).
- (6.08) Resolution Approving Request for Payment No. 2 and Final for the 2010 Temporary Overlay Project (10020 - Res2011-190).
- (6.09) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.04).
- (6.10) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.05).
- (6.11) Resolution Approving Dispensing with Statutory Requirements for review by Planning Commission for Conveyance of Property (Res2011-191).

(6.12) Resolution Approving Conditional Use Permits for the City for Playfield Lighting Projects (2011025 - Res2011-192).

(6.13) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.06).

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

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Assessment Hearing for 2010 Street Reconstruction Project (10001)

Reconstruction Program Manager Paumen reported on the 2010 East Parkers Lake and Parks Lake Corporate Center Reconstruction project. He reviewed the construction improvements and proposed assessment fees.

Mayor Slavik opened the public hearing.

John Hatlestadt, 14515 17th Avenue North, representing Parkers Lake Homeowners Association, requested the contractor review issues still not completed to satisfaction on the project. His issues involve a concrete ridge on his driveway and dead sod.

Don Bergeron, Executive Vice President, Daily Printing 2333 Niagara Lane, stated the assessment for the street reconstruction is not affordable for Daily Printing. The company has suffered considerable losses over the past year and currently his employees are working with 15% wage reduction. He requested consideration of paying the assessments on the developed portion of the property and payment in full on the rest of the property when it is developed.

John Nagengast, 14610 17th Avenue North, stated the intersection at the end of his driveway during the winter months accumulates melting snow which grows to a large ice skating pond due to the construction project. He contacted staff and was told they will distribute more salt in this area. This didn't remedy the problem and the ice grew 4-6 inches deep. He has a problem with paying an assessment for a project that was not done correctly.

Dean Jacobson, 1206 Harbor Lane North, showed pictures of hanging utility wires spliced with black tape and appear to be secured with a shoelace type material. This corner was a bus stop but it was relocated due to safety issues. He stated that mowing around the utility pole is not safe. He also has dead sod and cracks in the new concrete driveway.

Richard Schmidt, 14310 13th Avenue, objects to the \$8,000 assessment as he's retired and this causes great financial difficulty. He felt the City proceeded with the project without consulting

residents of the area. The interest rate on the assessment seems high, and the assessment payment options need clarification. Xcel Energy has excavated an area of the street improvement twice and would like to know if residents are being assessed for that as well. He requested a detailed report on the construction expenses.

Lawrence McRoberts, 1705 Fernbrook Lane, stated the ice problem caused by the improvement project is an issue. He stated that he plows snow and takes care of the drains to try and keep the ice under control. This could affect property resale values and the issue needs to be addressed by the contractor.

Dennis Curran, 1465 Kingsview Lane North, inquired if the properties not bordering the road improvement, but use it for their only access to their home, are assessed for the road improvements.

Mayor Slavik declared the public hearing closed.

Public Works Director Cote responded to resident concerns. He stated that the contractor does have a number of issues that need to be addressed and the project still falls under the two-year warranty. The Engineering Department will contact the responsible utility provider regarding the unsecured wires and requested repair. The City will inspect the sod, however, the warranty period has expired. The drainage issue is actively being addressed with hopes to resolve this summer.

If for some reason the issue is not resolved before the cold weather, Mayor Slavik requested that sand and salt for that area be a priority.

Councilmember Johnson asked staff if they felt the drainage issue would be resolved this summer. Public Works Director Cote replied they are working to at least make the issue better.

Reconstruction Program Manager Paumen stated there is a settlement from utility repair and this is under warranty by the contractor. Due to Xcel Energy digging up the street, they compromised one of the sewer mains which is why the street was excavated more than once after the improvement project was completed. Xcel Energy is responsible for those repair costs.

Mayor Slavik asked how the Daily Printing property was assessed. Public Works Director Cote replied the assessment is large due to the size of the parcel. This is a unique situation where it is not totally developed but commercial properties are treated alike. He stated if Daily Printing is opposed to the assessment, they must file a written objection this evening.

Mayor Slavik asked Daily Printing if their intention is to submit a written objection on the assessment. They replied yes, and it will be given to staff this evening.

Public Works Director Cote will forward the detailed report requested by Mr. Schmidt. He explained that the interest rate for the proposed assessment is determined by City Policy.

Councilmember Murdock explained the Senior Citizen Assessment Deferral, meaning interest will accumulate on the assessment until the property is sold and must be paid at the time of sale.

Public Works Director Cote explained that the area had been programmed for improvements for a number of years. A neighborhood meeting and public hearing were held on the project along with opportunities to meet with staff before the project began. The improvement area had a history of watermain issues due to aging, but the roadway was the first issue that needed repair. It was economically sound to replace the watermain with the improvement project in order to maintain the City's infrastructure.

Mr. Schmidt felt the public hearing was more of a presentation rather than input from the residents. Mayor Slavik responded that residents have the opportunity to express ideas and the Council welcomes feedback from residents. Councilmember Bildsoe added that a public hearing on this project was held during a council meeting to solicit input from residents.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to adopt a Resolution Adopting Assessments for 2010 Street Reconstruction Project, East Parkers Lane and Parkers Lake Corporate Center Areas (10001 – Res2011-193) and a Resolution Authorizing “No Parking” for the 2010 Street Reconstruction Project (10001 – Res2011-194). With all members voting in favor, the motion carried.

Mayor Slavik directed staff to follow-up with residents regarding their concerns.

General Business

(8.01) Credit Card Payments for City Fee

Councilmember Johnson requested item No. 8.01 be moved to the last item of discussion on the agenda. Mayor Slavik moved item No. 8.01 as the final item for discussion under General Business.

(8.02) Ordinance Amending Chapter 21 of the City Code to Classify Certain Land located at 5550 Dunkirk Lane for Spring Meadows 2nd Addition (2011019)

Councilmember Bildsoe requested eliminating item No. 13 of the Preliminary Plat Resolution regarding the trail easement between lots 8 and 9, block 4. The developers are opposed to this requirement as there could be other options.

Motion was made by Councilmember Johnson, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving Preliminary Plat and Variances for Spring Meadows 2nd Addition with the deletion of condition No. 13 (2011019-2011-195).

Councilmember Stein inquired how the proposed easement affects the park trail projects. Park Director Blank replied the intention is to plan for access to a future 40-acre park. The easement

is a safeguard for public interest. The proposed easement would provide direct access to the future park and a walking loop for the area residents. This item doesn't need to be addressed until final plat and grading is proposed to the Council which will provide facts to make an informed decision. The trees in question on the proposed easement are not a major issue as they are well spaced to allow ample room for a pathway.

Councilmember Black asked if the Dunkirk and Vicksburg trails could be used for the trail access. Park Director Blank replied that the access via Dunkirk or Vicksburg would be .25 mile walk and would not connect trails in the favored walking loop structure.

Developer Dave Gonyea, 10580 Old County Road 15, stated the grade of a one foot slope to every four feet could be an incline issue. He stated there are three potential access points within a half mile and trees will have to be removed to accommodate a trail at lots 8 and 9.

Councilmember Stein stated the City is known for the trail system and would like to know what alternatives there are for trail use. Mr. Gonyea stated with the elevation and grade of the development, there may not be acceptable solutions.

Councilmember Willis requested tabling this item for two weeks.

Park Director Blank stated the proposed trail easement is located in phase two. The developer will be submitting phase one for plat approval and phase two is approximately two years out.

City Attorney Knutson stated the City is required to prove a final plat that meets all the conditions and it must be in the resolution and be as specific as possible.

Motion was made by Councilmember Willis, and seconded by Councilmember Stein, to table this item to June 28. With all members voting against the motion but Murdock, the motion failed.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to amend the main motion to include item No. 13 stating, "A trail easement shall be provided between Lots 8 and 9, Block 4, unless the City Council deletes this requirement at the time of final platting for this area" (2011019-Res 2011-195). With Councilmembers Murdock, Stein, Black, Willis, Slavik voting in favor and Councilmembers Johnson and Bildsoe against, the amendment to the motion carried.

The Council voted on the amended main motion and the motion carried.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to adopt an Ordinance Amending Chapter 21 (Zoning Ordinance) of the City Code to Classify Certain Land Located at 5550 Dunkirk Lane for Spring Meadows 2nd Addition (2011019-Ord 2011-15) and a Resolution Approving Findings of Fact for the Rezoning of Land located at 5550 Dunkirk Lane (2011019-Res 2011-199). With all members voting in favor, the motion carried.

Mayor Slavik stated this will come back to Council with the final plat for further determination. At that time Council will be provided with information on tree preservation with or without the trail, other access points to parks, and sidewalks plus the walking trail access.

(8.03) Payment No. 2 and Final for Wild Wings Flood Protection Improvement Project

Councilmember Black stated there are issues with the project; therefore, she requested delaying payment until the project is completed correctly.

Motion was made by Councilmember Black, and seconded by Councilmember Johnson, to table this item to June 28. With all members voting in favor, the motion carried.

(8.04) Engineering Proposals for Project No's. 10021, 11011, and 10034

Councilmember Willis asked if any of the towers could be taken out of service in the future and still meet the demands. This could be a cost saving measure. Public Works Director Cote replied the M.I.P. tower could potentially be taken out of service but considering demand during peak services, it is preferable to keep the tower in use.

Motion was made by Councilmember Willis, and seconded by Councilmember Johnson, to adopt a Resolution Receiving Engineering Proposals and Designating the Engineer for City Project No's. 10021, 11011, and 10034 (Res2011-196). With all members voting in favor, the motion carried.

(8.05) Policy for Advertisements for the Plymouth Metrolink Facilities and Fleet

Councilmember Willis requested further discussion regarding projected revenues derived from bus advertising.

Motion was made by Councilmember Willis and seconded by Councilmember Johnson, to postpone this item and discuss it at a joint meeting with the Plymouth Advisory Committee on Transit on August 9 at study session on August 9 at 6 p.m. With all members voting in favor, the motion carried.

(8.06) Ordinance Amending Chapter 21 of the City Code to Amend Seven Ponds North Amendment for Plymouth Station for Property locate at 16705 County Road 24 (2011028)

Councilmember Willis stated this is a request for the sales of clothing at the former Plymouth Station Shopping Center, not to exceed 10,000 square feet. The location has 6,656 square feet. Therefore, he requested approving 6,656 square feet and re-visit if the need arises.

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to amend the Ordinance Amending Chapter 21 of the City Code to Amend Seven Ponds North Amendment for Plymouth Station for Property locate at 16705 County Road 24 (2011028 – Ord2011-14), Resolution Approving Findings of Fact (2011028 - Res2011-197), and a

Resolution Approving PUD General Plan Amendment to Allow an Additional Use for Property located at 16705 County Road 24 (2011028 – Res2011-198) with the square footage amended to 6,656 square feet. With Councilmembers Murdock, Stein, Black, Willis, Bildsoe, Slavik voting in favor, and Councilmember Johnson voting against, the motion carried.

(8.01) Credit Card Payments for City Fees

Administrative Services Director Portner reviewed the credit card payment process and fees if the City implements this service. Councilmembers were in agreement that the process should be implemented.

Councilmember Willis inquired about the software installation costs. Administrative Services Director Portner responded the costs were budgeted for 2011.

Councilmember Bildsoe would like no fee for credit card payment at this time and inquired about using PayPal. Administrative Services Director Portner stated PayPal required an expense and using the Govern software was more beneficial for the City.

Mayor Slavik favors a credit card fee up front as credit/debit card users are accustomed to convenience use fees. Councilmember Johnson agreed.

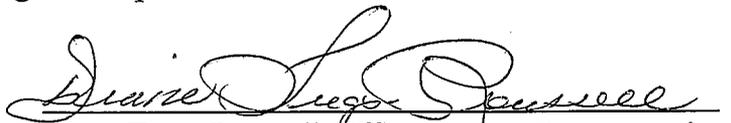
City Manager Ahrens stated credit card fees are paid by department's budgets that incur the fees. Council directed staff to look at options to recover credit card fees.

Reports and Staff Recommendations

There were no reports or staff recommendations.

Adjournment

Mayor Slavik adjourned the meeting at 9:40 p.m.


Diane Tieg-Roussell, Office Support Representative