

# Adopted Minutes Regular Council Meeting January 26, 2010

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 7:06 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on January 26, 2010.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Park Director Blank, Administrative Services Director Portner, Community Development Director Juetten, Deputy Fire Chief Springer, Police Chief Goldstein, Superintendent of Recreation Evans, Public Works Director Cote, Housing Manager Barnes, Reconstruction Program Manager Paumen, and City Clerk Engdahl.

## Plymouth Forum

No one was present to address the Council.

## Presentations and Public Information Announcements

### **(4.01) Announcement of Fire and Ice Festival on February 6**

Recreation Superintendent Evans reported on this year's Fire and Ice Festival at Parkers Lake Park on February 6.

### **(4.02) Announcement of "Skate with the Mayor" on January 29**

Mayor Slavik announced the "Skate with the Mayor" on January 29 at Parkers Lake.

## Approval of Agenda

Councilmember Willis requested item No. 8.2 be tabled to February 9.

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

## Consent Agenda

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

- (6.01) Approval of Special and Regular Meeting minutes of January 12, 2010.
- (6.02) Resolution Approving Disbursements ending January 16, 2010 (Res2010-028).
- (6.03) Resolution Approving Amendment to Sanitary Sewer Service Agreement with Maple Grove for the Extension of Trunk Sanitary (3106 – Res2010-029).
- (6.04) Resolution Ordering Preliminary Engineering Report for the South Shore Drive Rehabilitation Project (10002 – Res2010-030).
- (6.05) Resolution Accepting Streets for Continual Maintenance for Taryn Hills 5<sup>th</sup> Addition (Res2010-031).
- (6.06) Resolution Approving Cost Sharing Agreement with Metropolitan Council for the Elm Creek Interceptor and Plymouth Lateral (Res2010-032).

With all members voting in favor motion carried.

## Public Hearings

### **(7.1) Project Hearing for 2010 Street Reconstruction Project, East Parkers Lake Area (10001)**

Reconstruction Program Manager Paumen gave a presentation on this proposed reconstruction project that is included in the Capital Improvements Program for 2010. The proposed construction schedule would be May through the end of October.

Councilmember Bildsoe requested clarification on the benefit of adding curb and gutter and how that impacts the storm sewers. Reconstruction Program Manager Paumen replied with the addition of curb and gutter, there would be adequate storm sewer to get the water where it has to go. The additional storm sewer extensions from the low portions of the street would run into the pipe.

Councilmember Bildsoe asked about the number of watermain breaks in this area and how that compares to other areas in the City. Reconstruction Program Manager Paumen replied the number of watermain breaks is somewhat comparable to the West Medicine Lake project. He noted that the soils in this area are more granular.

Councilmember Black asked if there is a water quality pond proposed with this project. Reconstruction Manager Paumen replied staff has identified a location, but that is still being reviewed.

Councilmember Bildsoe noted correspondence received from a resident on the type of plastic water pipe that the City would be using for this project. Public Works Director Cote clarified that the resident referred to a certain type of watermain material. That type of pipe is for interior facilities. The type of pipe that the City uses is recommended by the Minnesota Department of Health.

Councilmember Johnson asked if the Council has the option of delaying the assessment hearing to 2011 if this project proceeds. Public Works Director Cote replied yes.

Mayor Slavik opened the public hearing.

Chris Empson, 1470 Juneau Lane North, asked for a potential one year reprieve on this project which would allow the residents additional time to recover from the economy.

Penny Hatcher, 15800 16<sup>th</sup> Avenue North, stated she is speaking on behalf of her mother, Irene Hatcher, who resides at 14325 17<sup>th</sup> Avenue North. She's requested clarification how the units are determined, how Lions Park and the swamp are figured, if there is an alternative solution to concrete curbs and gutters as many of the neighborhoods currently don't have curbs and gutters, and who is paying the other percentage that the residents aren't picking up. Lastly, she asked if there are Federal stimulus funds or park funds (for the repairs on the Luce Line trail) available for this project.

David Whitehouse, 14320 14<sup>th</sup> Avenue North, voiced his opposition to the project. In light of the current economic times, he requested that this project be tabled.

Diane Kieckhefer, 1500 Glacier Lane, stated she just moved to her home less than six months ago; therefore, the proposed assessment would place her in an unfortunate financial position. She stated these are older working class neighborhoods that don't have the funds for the assessments.

K.C. Kessel, 1420 Juneau Lane North, stated he's opposed to this project due to the economy. He appreciated the suggestion in delaying the assessment payments for one year. He noted that 30 years ago they were assessed for a storm sewer upgrade so are the residents being assessed for that again?

Marsha Videen, 1151 Kingsview Lane North, stated they need this improvement. She stated the materials and labor isn't going to get any cheaper. She indicated that when the watermains have broken, vehicles have fallen into the asphalt.

Lou Millman, 14720 11<sup>th</sup> Avenue North, stated he supports the project. It should've been clear to people who have purchased homes in this neighborhood that the streets needed to be repaired.

He stated his gets damage to his vehicle just trying to drive down the road. He agrees that the economy is hard, but this project is necessary, and it will provide jobs for people.

Ken Ninda, 1410 Juneau Lane North, stated the road isn't that bad when you get down to the main road. Since they moved in, there has been a development of homes on the lake, and there's a lot of traffic that originates in the Kingsview Lane area. He asked if those residents would contribute as they drive on their road more than the residents. He asked what the life expectancy is for the watermains and the piping of water and sewer systems. He stated at the bottom of Juneau Lane and 14<sup>th</sup> Avenue, he doesn't see a problem with that road other than some stress cracks. He asked how long that water/sewer system would last, and he asked if it wouldn't be better to drain the water to the west side.

Chad Hwider, 14420 17<sup>th</sup> Avenue North, just north of County Road 6, stated it's hard to look at the street everyday and think that it needs to be repaired.

Mayor Slavik declared the public hearing closed.

Public Works Director Cote clarified the following questions and issues that were raised during the public hearing:

1. A unit is a single family lot that is buildable and isn't sub-dividable. The park property consists of five units.
2. The benefits of curbs—they minimize damage to boulevards from snowplows and mail delivery vehicles. They keep cars in the roadway, they hold the roadway better than asphalt, and they channel water to the storm sewer better.
3. Residents are charged 40% of the project cost and the rest of the taxpayers pick up 60% of the costs. Developers pay 100% of the project cost for new roads, and that cost is passed onto the individual homebuyers.
4. No Federal stimulus funds are available for this project.
5. The Pillar Home development's roads were paid (Kingsview North to Juneau Lane), 100% by the developer and passed onto the individual homeowners.
6. Park funds wouldn't be used for the streets around Parkers Lake. Very difficult to have park budgets pay for a street that is open to all residents.
7. The deferral program is that is available for disabled citizens and senior citizens.
8. The storm sewer assessment 30 years ago was for the upgrades to the Parkers Lake outlet.
9. Regarding the shelf life of a watermain and sewer, staff is very confident that it will last much longer than the current watermain.
10. Water quality ponds adjacent to 494 on ramp are proposed with this project. Staff is still evaluating the storm sewer system and its potential. If this area is protected wetlands, staff can't dig a pond for treatment. However, staff is evaluating if it would be feasible to locate the ponds there.
11. The estimates were figured conservatively on the high end.

Mayor Slavik noted that when she was the ward councilmember for this ward eight years ago, she received many complaints on the conditions of the roads.

Councilmember Johnson stated that that staff can't just do the sections that are poor. It's better to do the streets and utilities at the same time.

Motion was made by Councilmember Johnson, and seconded by Councilmember Black, to adopt a Resolution Ordering Improvement and Preparation of Plans and Specifications for the 2010 Street Reconstruction Project, Parkers Lake Area (10001 – Res2010-033).

Motion was made by Councilmember Johnson, and seconded by Councilmember Bildsoe, to delay the assessment hearing until 2011 for taxes payable in 2012.

Councilmember Willis stated he is anxious to see how the bids come in, and the proposed assessments can be recalculated. The Council would then know that the impact would be to the street reconstruction fund to hold the interest rate for another year if assessments are approved in 2011 and levied for 2012 taxes.

The Council voted on the amendment. With all members voting in favor, the motion carried.

Councilmember Murdock stated she wouldn't be supporting the motion to proceed with the project this year due to the concerns that have been expressed by the residents.

Councilmembers Bildsoe, Johnson, and Stein agreed that the Council should proceed to see how the bids come in.

Mayor Slavik stated there needs to be an investment in the community, and older streets need to be improved in order to maintain property values. She also questioned that if this project isn't approved for this year, when will it get done? She stated she's hopeful that the City will receive favorable bids with the assessments being delayed for one year.

The Council voted on the amended motion and with all members voting in favor but Murdock, the motion carried.

## **(7.2) Vacation of a Portion of a Platted Drainage Easement within Lot 5, Block 5, Sunny Acres Second Addition**

Public Works Director Cote reported on the proposed vacation.

Mayor Slavik opened the public hearing.

Mayor Slavik declared the public hearing closed.

Motion was made by Councilmember Black, and seconded by Councilmember Willis, to adopt a Resolution Authorizing the Vacation of a Portion of a Platted Drainage Easement within Lot 5, Block 5, Sunny Acres Second Addition (Res2010-034). With all members voting in favor, the motion carried.

## General Business

### **(8.1) Modifications of Development Program for Development District No. 7 and Tax Increment Financing District 7-6 and Redevelopment Plan for Redevelopment Project Area No. 1 and Tax Increment Financing District 1-1**

Housing Manager Barnes reported on the proposed modifications to the Tax Increment Financing Plan for TIF District 7-6 and the Tax Increment Financing Plan for TIF District 1-1. He noted that the Council discussed these projects at the Study Session held on January 12.

Councilmember Willis continued voicing his concerns that the TIF Districts are being extended beyond the life with additional increment given to TIF Districts 1-1 and 7-6. He stated there is no apparent need to call upon these future revenue streams today, but he's concerned not knowing what the future holds in these districts.

Councilmember Bildsoe asked if there is a concern in the Housing and Redevelopment Authority having more funds. Housing Manager Barnes replied the issue is if the TIF district is extended beyond the date, any portion of the remaining captured TIF will stay with that district a longer period time.

Councilmember Willis stated he doesn't see a compelling reason to approve the changes in the plan. If the money is available in the TIF Districts, it will be expended. The Council will need availability of funds in the future as there continues to be pressure to the general tax levy.

Councilmember Johnson asked if the Council doesn't take action tonight on the proposed modifications, is there anything prohibiting it coming back in the future when the City sees there would be more monies needed. Housing Manager Barnes replied there would be added costs. To get to this point, the City has expended \$15,000 to \$20,000. The City would expend the same amount if this is initiated in the future. He commented that staff and the City's financial consultants don't know if there will be changes in the Legislature to cities to cover debt service in the future. The bonds that were issued on the building are escalating through the years, and there could be increased maintenance and utility costs in the future. He noted that the funds that are set aside could be used for any affordable housing project in the City as long as the projects meet certain requirements. That's one possibility for the funds if the HRA didn't need them for Vicksburg Crossing.

Councilmember Black asked what occurs if the accumulated funds if they aren't used. Housing Manager Barnes replied they could be pooled for another project or returned to the County.

Mark Ruff, the City's consultant from Ehlers, stated the proposed action this evening is basically a policy issue for the Council. He asked if the Council wants to increase the availability of resources for affordable housing and be able to react fairly quickly to those opportunities or shut down the TIF districts after they have fulfilled their purpose? He stated the only other risk is if the City doesn't take action, there is always the chance that the Legislature will close the

opportunity for the City which is always a risk. He noted that the State has loosened the rules for funds for affordable housing.

Motion was made by Councilmember Stein, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving Modifications to the Tax Increment Financing Plans for Tax Increment Financing District No. 1-1 and for Tax Increment Financing District No. 7-6 (Res2010-035). With all members voting in favor but Willis, the motion carried.

**(8.2) 2010 Metro Cities Dues**

This item was tabled to February 9.

**(8.3) Appointment to Human Rights Commission**

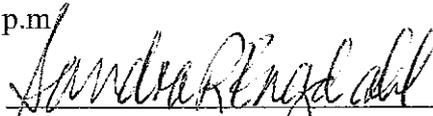
Motion was made by Councilmember Bildsoe, and seconded by Councilmember Johnson, to adopt a Resolution Appointing Jenna Mitelman to the Human Rights Commission for a term to expire January 31, 2011 (Res2010-036). With all members voting in favor, the motion carried.

**Reports and Staff Recommendations**

There were no reports and staff recommendations.

**Adjournment**

Mayor Slavik adjourned the meeting at 8:48 p.m.

  
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Sandra R. Engdahl, City Clerk