

**Adopted Minutes
Regular Council Meeting
March 23, 2010**

Deputy Mayor Bildsoe 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 March 23, 2010.

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

COUNCIL ABSENT: Mayor Slavik.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Administrative Services Director Portner, Community Development Director Juetten, Fire Chief Kline, Parks and Recreation Director Blank, Police Chief Goldstein, City Engineer Moberg, Recreation Superintendent Evans, Transit and Solid Waste Manager Hellekson, Planning Manager Senness, and Deputy City Clerk Olson.

Plymouth Forum

No one was present to address the Council.

Presentations and Public Information Announcements

(4.01) Announce Yard and Garden Expo, April 9-10 at the Plymouth Creek Center Fieldhouse

Recreation Superintendent Evans gave a presentation and listing of activities during the event.

(4.02) Announce Plymouth Metrolink Driver Awards

Transit and Solid Waste Manager Hellekson reported that they have conducted a survey for transit riders about the drivers. She introduced Jim Baldwin from First Transit. He introduced Dial-a-Ride Driver, Robin Gauna, and Fixed Route Driver, Michael Brinkley.

Deputy Mayor Bildsoe handed out Awards of Excellence to each recipient.

Fire Chief Kline announced the 50th Anniversary of the Plymouth Fire Department. He stated they will be holding a kickoff breakfast, and they will also be at many of the other community events throughout the year.

Deputy Mayor Bildsoe spoke about the *Plymouth News* "Financial Extra" that highlights the city's budget priorities and benchmarks the City's progress compared to other nearby cities. He suggests that residents read this as it clearly shows where Plymouth is financially. He congratulated staff member, Communications Coordinator LaFave, for her hard work on this publication.

Approval of Agenda

Councilmember Stein added set study sessions as item No. 9.3 under Reports and Staff Recommendations.

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

Consent Agenda

Item No.'s. 6.06 and 6.17 were removed from the Consent Agenda and placed under General Business as item No.'s 8.3 and 8.4 respectively.

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

(6.01) Approve proposed City Council Minutes

(6.02) Resolution Approving disbursements (Res2010-067).

(6.03) Resolution Approving 2010 Refuse Hauler License Renewals (Res2010-068).

(6.04) Resolution approving Application of Applebees, 3500 Vicksburg Lane, Suite 100, to extend the Licensed Premises on a Seasonal Basis (Res2010-069).

(6.05) Resolution Approving Final Plat for Taryn Hills Commercial Second Addition located at the southeast corner of 61st Avenue and Vicksburg Lane (2010011 - Res2010-070) and a Resolution Adopting Special Assessments (Res2010-084).

(6.06) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.3).

(6.07) Resolution Approving Final Plat for Taryn Hills 9th Addition located at the Southeast Corner of Vicksburg Lane and County Road 47 (2010012- Res2010-72) and a Resolution Adopting Special Assessments (Res2010-072).

(6.08) Resolution Approving Final Plat for Elm Creek Highlands 2nd Addition located at the Northeast Corner of Peony Lane and Schmidt Lake Road (2010013F – Res2010-073) and a Resolution Adopting Special Assessments (Res2010-086).

(6.09) Resolution Approving Conditional Use Permit for a Sports and Fitness Club in the I-2 Zoning District for Property located at 14130 23rd Avenue (Res2010-074).

(6.10) Resolution Approving Plans and Specifications for the South Shore Drive Bridge Replacement Project (4145 - Res2010-075).

(6.11) Resolution Approving Plans and Specifications and Order Advertisement for Bids for 2010 Street Reconstruction Project, East Parkers Lake and Parkers Lake Corporate Center Area (10001 – Res2010-076).

(6.12) Resolution Approving Plans and Specifications for the 2010 Sanitary Sewer Lining Projects (10003 – Res2010-077).

(6.13) Resolution Approving Plans and Specifications and Order Advertisement for Bids for 2010 Mill and Overlay Project (10005 – Res2010-078).

(6.14) Resolution Approving Agreement for Transit Convenience/Prepaid Fare Reimbursements (Res2010-066).

(6.15) Resolution Approving Renewal of Consumption and Display License for VFW Hamel (Res2010-079).

(6.16) Resolution Approving Hilde Plans and Specifications and Authorizing to Advertise for Bid (Res2010-080).

(6.17) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.4)

With all members voting in favor, except Councilmember Johnson on item No. 6.16, the motion carried.

Public Hearings

There were no public hearings.

General Business

(8.1) Sketch for Single-Family/Multiple Family Planned Unit Development (northwest corner of Vicksburg Lane and County Road 47 - DR Horton/Sand Companies - 2010004)

Planning Manager Senness identified the property parameters and indicated that the Planning Commission has identified three key questions regarding the proposal. They are:

- Given the site characteristics and the density requirements in, is the product mix acceptable? Other possibilities would be townhouses or a series of apartments in smaller densities.
- There is a single access point Council has the opportunity to waive the need for a second connection.
- There is potential for delay of construction on the apartment building. Sand Companies has contacted the Minnesota Housing Finance Agency for funding for this Work Force housing project and they will receive that information in a few months. There is a chance that the single family units will be built first and, if Sand Companies does not receive the funding, the City would need to find another developer for the apartment building of at least 67 units.

Planning Manger Senness stated that Councilmember Willis had requested an alternative resolution that would require the apartment building to precede or happen concurrently with the single-family home construction.

Councilmember Willis stated he has no disagreement with plan. He felt it is prudent for the applicants that Workforce Housing becomes feasible. He can support it so long as both phases come together.

Deputy Mayor Bildsoe stated that Council will not be approving the project tonight but just giving comments. It is an informal process and Council has also received all minutes of the Planning Commission.

Councilmember Black questioned the distance from County Road 47 and Vicksburg Lane west to the entrance. Planning Manager Senness stated that is approximately 1000 feet. City Engineer Moberg added that the County policy likes to see a ¼ mile distance which is about 1700 feet. Councilmember Black commented this needs a little more re-design.

Councilmember Black asked about another development coming into the area. Planning Manager Senness replied that it is owned by the School District. There are no current plans to develop but staff would like to see it developed or some kind of a connection made, if even emergency access, in the future.

Ron Mullenbach, D.R. Horton, stated they excited about layout of property. They have attended Planning Commission meetings and have met with property owners to discuss their concerns. He stated that based on density, residents are comfortable with it. They want to make sure it is developed appropriately in terms of access to County Road 47. Mr. Mullenbach said they always thought the apartments would be in the future but they have found a partner at this time and on the same timeline. When apartments start leasing, they will be closing with the single-family homes.

Mr. Mullenbach stated that the project engineers spoke with the County about the sightlines and access point, and the feedback they received from the County was that they were comfortable with it. D.R. Horton is working with the residents to make sure they have the best possible approach before they come forward with a preliminary plat.

Councilmember Johnson asked how the alternative resolution impacts them. Mr. Mullenbach stated that it has always been their intent to get the planned unit development approval with that number of units at the same time. If Sand Companies is no longer interested or cannot obtain funding, in the marketing stand point it is more profitable for the property owners to already have the plan approved with that number of apartments.

Councilmember Johnson asked if the alternative resolution will be a potential problem for them. Mr. Mullenbach said it would, and it would not be what the property owners desired.

Councilmember Stein inquired if there are currently any plans for County Road 47. City Engineer Moberg replied not currently, but they have County Road 47 listed in the 2013/2014 Capital Improvement Plan. He reported that a year ago, this section of County Road 47 was overlaid and the stoplight was installed at County Road 47 and Vicksburg Lane.

Councilmember Stein voiced his concern with left turns in and out and if there plans to do anything about that. City Engineer Moberg replied that one of the comments was that if the project were to move forward, bypass and turn lanes would need to be constructed.

Jamie Thelen, applicant, stated they develop multi-family, fully integrated housing projects. They would be looking for a letter of support from the Council and, if their funding is approved, they would start construction in summer of 2011 with completion in 2012. He stated there is a strong market in Plymouth for this type of housing project.

Neil Portis, applicant, stated they listened to the neighborhood concerns. The neighbors asked for additional green space. He stated that there are several things they can do to reach more green space in the front and rear of the building. He stated they are meeting the guidelines for parking spaces. If they went to 2.0 rather than 2.5 spaces per unit, it would increase green space in front of the property.

Richard Hennings, architect for the project, stated that by looping the water service, they can eliminate the fire lane. The building will be four stories. They would like to express vertically rather than a long, low slung building. They would see strong gables and projections to keep the façade moving around.

Gerald Cornish, 15920 County Road 47, stated that they purchased the property in 1981. They are excited about the plan and feel that it fits the City's vision and density requirements. They feel as a couple they would like to leave a nice legacy. He requested the Council to allow them to proceed with property on the west and then they would be happy to labor under the burden of the 67-unit apartment building.

Paul Wardell, 16395 County Road 47, stated that the applicants were good listeners to the neighborhood. They requested to move the apartment south to be respectful to their Maple Grove neighbor. He felt that looking at the plan, it is the best scenario for the density required. The concern is the left turn lane and widening of the road. The neighbors felt the access and egress of the point needs to be studied more closely. He stated that it is a hard thing for neighborhood as it used to be a rural area and they are looking at densities on the other side of the road at 25 times more than theirs. However, even though this is the best choice possible, it is still difficult to replace horses with houses.

Deputy Mayor Bildsoe applauded the developer for meeting with the neighborhood and entertaining and incorporating feedback from them as it makes for a better project.

Motion was made by Councilmember Johnson, seconded by Councilmember Murdock, to adopt the "original" Resolution Providing Informal Comments on a Sketch by DR Horton and Sand Companies for a Single-Family/ Multiple Family Development located at the Northwest Corner of Vicksburg Lane and County Rd 47 (Res2010-082).

Councilmember Willis asked to discuss staging of the project. He inquired if there is there any concern on the Council if the apartment building doesn't proceed . He felt that the apartments need to be there to support the workforce housing. How will the site be developed then. Councilmember Stein agreed and stated he supports the alternative resolution.

Councilmember Johnson thanked the developer for working with the density guiding and working with open space. Her concern is with forcing timing. She stated that they cannot control timing, and it will be driven by the market. She does not want to tie the hands of both the land owners and developers. She is impressed with the project coming forward and is compatible with the vision set by the City for the area.

Councilmember Black stated she supports the alternative resolution. She supports what is being presented and to keep in mind the opportunity for transit in this area.

A substitute motion was made by Councilmember Johnson, and seconded by Councilmember Murdock, to adopt the alternative Resolution with an amendment to item No. 3 to state, "In order to ensure that the city can meet its density goals for the entire site, construction for the apartment should attempt to be concurrent with the construction of the single family homes."

Councilmember Johnson does not want this to be a deal breaker.

Councilmember Stein asked how many homes would need to be built in place of the apartment to obtain L3 guiding. Community Development Director Juetten replied that it would be three homes to an acre. Councilmember Stein stated that perhaps the property could be split and re-guided.

The Council discussed splitting the property and re-guiding it or leaving it as part of the planned unit development.

Councilmember Black does not support changing the word must in the alternate resolution.

Motion was made by Councilmember Johnson, and seconded by Councilmember Murdock, to remove her amendment.

Deputy Mayor Bildsoe stated that anything tonight is not binding.

Mr. Mullenbach stated that it is problematic to wait because they need the apartments for density and infrastructure. Sand Companies need to know DR Horton is still on schedule for them to move forward with applying with funds. He addressed re-guiding and would be willing to work with the Council.

Councilmember Johnson thanked D.R. Horton for understanding the underwriting needs that need to be done.

Councilmember Black stated that she is waivering. She feels that is a risk for the City.

Councilmember Willis stated that the City shouldn't be at risk, it should be the developer and the land owner.

Councilmember Johnson stated she doesn't want to jeopardize the workforce housing.

Councilmember Stein inquired about the timing of the project. Mr. Mullenbach replied that they would be in the ground and cannot wait until October when Sands Companies will find out if they will be funded.

Sands Companies stated that the property does work ell as either market or work force housing. He stated that they have a letter of intent to purchase property. Community Development Director Juetten stated that the property does set itself up well for an multi-family apartment building.

Councilmember Black inquired about deadlines. Sands Companies replied that the application date fur funding is in June and the money is awarded in October by the Minnesota Housing Finance Agency. Sands Companies would come in for their planned unit development November/December with construction in spring.

With all members voting in favor, the motion carried.

Councilmember Stein requested Sands Companies send the Council updates from their application.

(8.2) Request of West Medicine Lake Community Club to Amend the Conditions in their Liquor License and Approve Renewal of Consumption and Display License

City Manager Ahrens gave a report on the community club. Over the course of many years, conditions have been placed on their licenses due to community concerns, those conditions have worked well. She explained the West Medicine Lake Community Club would like to extend their hours for non-alcoholic events Sunday through Thursday. They currently hold dance lessons and class length and clean up activities are limited by the current restrictions. Staff feels this is appropriate as there is little relation to the community club's liquor license.

The second request is to allow the establishment to host up to 10 events in a calendar year, Sunday through Thursday, that would allow the same hours as Fridays and Saturdays and also allow liquor at these events. Staff has more concerns with this request such noise, parking, traffic and signage. Since this is a significant change, it was mailed to residents within 500 feet of the establishment.

Pamela Hargrove, 18330 30th Place North, stated that she is the new manager for the community club. She stated that they are receiving more requests for usage of their facilities for Sunday through Thursday evenings. Couples are looking for more cost effective means for a reception and non-profits are looking for fund-raising facilities on Thursdays. She stated that the community club is open to different number of events if that is more palatable.

George Beckensten, 1745 Evergreen Lane North, stated that his residence is on the hill above the center, and he supports their request.

Marshall Gonyer, 1615 Evergreen Lane, wished to thank Council and staff for their hard work. He stated that the community club has always been a good neighbor and felt they can self-regulate. He felt that that they will be respectable neighbors; therefore, he supports the request.

Terry Royalty, 1731 West Medicine Lake Dive, stated that she is not affiliated with the club and would like to see them stay competitive in this economy. She supports the resolution.

Teresa Ockenden, 1475 Evergreen Lane North, spoke in favor of the resolution. She stated that the community club is an extremely generous neighbor. She want to see them stay in business and would like to see small community businesses succeed.

Motion was made by Councilmember Willis, seconded by Councilmember Johnson, to adopt a Resolution Approving a Consumption and Display License for West Medicine Lake Community Club (Res2010-083).

Councilmember Stein asked Police Chief Goldstein if there have been any complaints. Police Chief Goldstein replied that they have not received any complaints.

Councilmember Stein asked if they can provisionally add the 10 events and then re-evaluate at a later time. City Manager Ahrens replied that they could do so by adding in the second sentence

under the Condition 1 paragraph to read “Hours for events shall be 7:00 a.m. to 12:30 a.m. on Fridays and Saturdays, and up to 10 events per year Sundays through Thursdays, with the bar closing no later than 12:00 a.m. (midnight) on Friday and Saturday evenings.” City Manager Ahrens stated that regarding to the term provisionally, the club carries two liquor licenses and they could review the 10 events at the next liquor license renewal time.

Motion was made by Councilmember Stein, seconded by Councilmember Black, to amend the main motion to add language to the resolution to state “and up to 10 events per year.” This would be reviewed when the liquor licenses are renewed in 2011. With all members voting in favor of the amendment, the motion carried.

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

(8.3) Site Plan, Conditional Use Permit and Variance for a Montessori and Childcare Facility located at the Southeast Corner of 61st Avenue and Vicksburg Lane (Griffen Property Holdings LLC. - 2010006)

Paul Wardell, 16325 County Road 47, stated that their rural community is now becoming more developed, and he has concerns about visual clutter. He spoke about signs on sticks and felt that within Plymouth there should be monument signs to keep high class community feel. He showed pictures from his neighborhood showing both types of signs. He asked the Council to reconsider the types of signs to be used in Plymouth. He added that he is in favor of the Montessori school.

Deputy Mayor Bildsoe thanked Mr. Wardell for his comments and stated that staff and Council frequently discuss signs, and the provisions are reviewed annually as part of the Zoning Ordinance updates.

Motion was made by Councilmember Willis, seconded by Councilmember Johnson, to adopt a Resolution Approving a Site Plan, Conditional Use Permit, and Variance for Griffen Property Holdings, LLC for property located at the Southeast Corner of 61st Avenue and Vicksburg Lane (2010006 - Res2010-071). With all members voting in favor, the motion carries.

(8.4) Stimulus Recovery Act – Energy Efficiency and Conservation Block Grant

Councilmember Willis stated that his concern is since this project will be handled and overseen by a general contractor, and this is the only time the Council will see this item, he would like to see that the consultant make sure that local vendors in Plymouth are included when specifications are issued.

Motion was made by Councilmember Willis, and seconded by Councilmember Black, to Adopt a Resolution Accepting the Results of the Request for Proposal and Authorizing Staff to Execute a Guaranteed Energy Savings Agreement with McKinstry for the Completion of projects related to

the City's Energy Efficiency and Conservation Block Grant Award (2009020 – Res2010-081).
Withal members voting in favor, the motion carried.

Reports and Staff Recommendations

(9.1) Legislative Update

Administrative Services Director Portner provided updates on various bills that the City is interested in.

(9.2) Update on Post Office located at 3300 Plymouth Boulevard

City Manger Ahrens reported that they had been notified previously by the United States Postal Service that they are looking at disposing of the post office. She stated that staff has been working hard to show them the importance of the post office to the city center function in Plymouth. She stated on March 12, a for-sale sign was set up at the post office. She stated there are three options that can happen which are demolish the building and build new, remodel the facility and lease back counter space to the postal service, or remodel the building for all new uses. She stated that in its current state, the building is not up to City Center standards as the building is set up for storage, delivery and distribution.

Community Development Direction Juetten added that the value on the property and building is approximately \$3.8 million. There is a portion of the land, the pond and parking lot that is on City property and is an easement agreement. If they no longer operate, it becomes the City's property. They could require that to be removed or own it. At some point, the Council will need to decide what to with that property. He noted that the City has never inspected building as it is a federal building. If the building should be purchased by another entity, the City would to have inspect it. He asked for direction if the Council was interested in purchasing the property. He stated the many issues that would be involved such as funding, market analysis, code issues, and also ensuring the Postal Service is interested in a long term investment if they would remain at that building.

Deputy Mayor Bildsoe asked about the price and if the Postal Service has notified the public. Community Development Director Juetten reported that they do not need to notify public if they are selling, only if they Postal Service is relocating services.

Council directed staff to notify them as soon as they hear more about more developments with the post office.

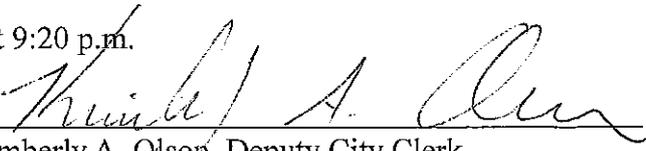
(9.3) Set Study Sessions

Councilmember Stein requested a study session be scheduled for an architectural standards follow up report. The Council set a study session on April 20, 2010 approving 5:30 p.m.

Councilmembers Stein, Johnson, and Black added discussion on boards and commissions to the pending study session list and slated it for mid to late summer.

Adjournment

Deputy Mayor Bildsoe adjourned the meeting at 9:20 p.m.



Kimberly A. Olson, Deputy City Clerk