

# Adopted Minutes Regular Council Meeting July 13, 2010

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 July 13, 2010.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, Administrative Services Director Portner, City Attorney Knutson, Park Director Blank, Fire Chief Kline, Police Chief Goldstein, Public Works Director Cote, Community Development Director Juetten, Finance Manager Bursheim, Recreation Director Evans, and City Clerk Engdahl.

## Plymouth Forum

Stephanie Miller, who recently received the honor of Ms. Plymouth International, was presented her crown and sash.

## Presentations and Public Information Announcements

### **(4.01) National Park and Recreation Association Accreditation Team**

Park Director Blank introduced the National Park and Recreation Association Accreditation Team.

Mayor Slavik reminded everyone of the Farmers Market every Wednesday at 3 p.m. at the Ice Center parking lot.

### **(4.02) GFOA Award**

Administrative Services Director Portner presented the Certificate of Achievement for Financial Reporting from the Government Finance Officers Association for the period ending December 31, 2008.

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

Mayor Slavik congratulated the City of Eden Prairie for being named the No. 1 city according to Money Magazine. Plymouth was named No. 11.

### **Approval of Agenda**

Mayor Slavik added a closed session to discuss union negotiations as item No. 9.2 under Reports and Staff Recommendations.

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

### **Consent Agenda**

Item No's. 6.04, 6.07, 6.05, 6.15, and 6.16 were removed from the Consent Agenda and placed under General Business as item No's. 8.4-8.8 respectively.

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

**(6.01)** Approval of Regular Minutes from June 22.

**(6.02)** Resolution Approving Disbursements ending July 3, 2010 (Res2010-163).

**(6.03)** Resolution Appointing Election Judges for the 2010 Primary and General Elections (Res2010-164).

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

**(6.05)** (This item was removed from the Consent Agenda and placed under General Business as item No. 8.6).

**(6.06)** Ordinance Amending Chapter 10 of the Plymouth City Code concerning Park Facilities Fees (Ord2010-07) and a Resolution Approving Amendments to the Plymouth Creek Center Policy (Res2010-165).

**(6.07)** (This item was removed from the Consent Agenda and placed under General Business as item No. 8.5).

**(6.08)** Ordinance Approving Franchise to Wright-Hennepin Cooperative Electric Association (Ord2010-08), Resolution Approving Summary Publication of Ordinance (Res2010-166), and a Resolution Approving Ordinance No. 2010-08, an Ordinance Relating to a Franchise Agreement

between the City of Plymouth and Wright-Hennepin Cooperative Electric Association (Res2010-167).

(6.09) Resolution Authorizing Conveyance of Unplatted Parcel 06-118-22-11-0003 to the City of Plymouth for Public Use (Res2010-168).

(6.10) Resolution Approving Change Order No. 2 for Campus Drive/26<sup>th</sup> Avenue Mill and Overlay and Culvert Replacement Project (8107 – Res2010-169).

(6.11) Resolution Awarding Contract for the 2010 Temporary Overlay Project (10020 – Res2010-170).

(6.12) Resolution Authorizing an Application for Funding to MN/DOT for the Municipal Agreement Program (Res2010-171).

(6.13) Resolution Accepting Utilities for Continual Maintenance for Larkin Pond (2005078 – Res2010-172).

(6.14) Resolution Authorizing the Use of Central Count Election Equipment for the Tabulation of Absentee Ballots (Res2010-173).

(6.15) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.7).

(6.16) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.8).

(6.17) Resolution Approving Replacement of Hockey Rink at Plymouth Creek Park (Res2010-174).

(6.18) Ordinance Amending Chapter 10 of the City Code concerning Park Facilities Fees (Ord2010-09) and a Resolution Approving Amended Millennium Garden Rental Policy (Res2010-175).

(6.19) Resolution Identifying the Need for Livable Communities Demonstration Account Funding and authorizing an Application for Grant Funds (Res2010-176).

(6.20) Resolution Approving the Filling of Wetlands and the Wetland Replacement Plan Application for Hampton Hills Subdivision Phase I (2010043 – Res2010-177).

### **Public Hearings**

**(7.1) On Sale Wine and 3.2 Malt Liquor License Applications for SCLP Investments LLC, d/b/a Ketsana's Thai, 16605 County Road 24, Suite 205**

City Clerk Engdahl reported on the request of SCLP Investments LLC, d/b/a Ketsana's Thai, for On-Sale Wine and 3.2 Malt Liquor Licenses.

Mayor Slavik opened the public hearing for testimony.

Mayor Slavik declared the public hearing closed.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Willis, to adopt a Resolution Approving the On-Sale Wine and 3.2 Liquor Licenses for SCLP Investments LLC, d/b/a Ketsana's Thai, 16605 County Road 24, Suite 205 (Res2010-178). With all members voting in favor, the motion carried.

## **General Business**

### **(8.1) 2009 Comprehensive Annual Financial Report**

Aaron Nielsen, from the City's auditing firm, presented the 2008 Comprehensive Annual Financial Report and answered their questions.

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to adopt a Resolution Accepting the 2009 Comprehensive Annual Financial Report and Audit (Res2010-179). With all members voting in favor, the motion carried.

### **(8.2) Sale of General Obligation Open Space Bonds**

Jonathan North, from Ehlers, the City's bond consultant, presented the proposed bond sale.

Motion was made by Councilmember Willis, and seconded by Councilmember Black, to adopt a Resolution Approving the Solicitation of \$3,075,000 General Obligation Open Space Bonds, Series 2010A (Res2010-180). With all members voting in favor, the motion carried.

### **(8.3) Future Use of and Continued Approvals for Property located at 9805 Highway 55 (Quest Development, Inc. – 2005042)**

Community Development Director Juetten reported on the request for extension of a site plan, conditional use permits and variance for Quest Development for property located at 9805 Highway 55. He explained a four year approval was given in 2005, and in 2009, staff gave a one year extension. Due to the economy, it has been difficult for the property owner to develop this site. Therefore, the property owner is requesting another one year extension.

He stated the second item before the Council this evening is a discussion on the future use of this property. Due to the property's prominent location, staff and the property owner concur that a higher than typical residential density project may be a better use of the property than the

currently allowed project. The property is guided LA-4 which allows a density of 12 to 20 units per acre. Staff and the property owner have discussed two options for the site which would be a one- and two-level townhouse project and a multi-story apartment project. If the Council favors an apartment style project for the site, staff is requesting additional direction on whether the Council would support planned unit development (PUD) flexibility for density exceeding 20 units per acre. Currently, condominiums have been approved for this site.

Councilmember Bildsoe stated that he prefers a higher use residential use (four to five stories), and it would be nice if the units could be owner occupied. He doesn't support a townhouse use as it isn't dense enough, and it doesn't fit the site. He stated that he is concerned about access to the site, and he doesn't want to create a huge impact on the neighborhood until the Council has reviewed access solutions for the site.

Motion was made by Councilmember Johnson, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving a Site Plan, Conditional Use Permits, and Variance for Quest Development, Inc. for 51 Apartment Style-Units in Two Structures on Property located at 9805 Highway 55 (Res2010-181). With all members voting in favor, the motion carried.

Councilmember Johnson stated she agrees with Councilmember Bildsoe's comments regarding the use of this site, and she would be open to a PUD and discussions involving tax increment financing (TIF).

Councilmember Stein agreed that this site is very prominent as you enter Plymouth; therefore, it needs a strong architectural presence. He supports an apartment use that is bolder and has height with possible small office and/or convenience area on the first floor.

Councilmember Black stated she would interested in exploring the use of TIF for this site. Community Development Director Juetten stated staff hasn't reviewed the TIF that closely. The site would qualify for TIF, but staff hasn't reviewed the details on what those funds could be used for.

Mayor Slavik stated she would prefer owner occupied residential. She stated perhaps the development could be marketed towards the young professionals who commute to downtown Minneapolis and "empty nesters." She would also be open to exploring TIF for this site.

**(8.4) Rezoning, Preliminary Plat, and PUD General Plan for "Taylor Creek" for Property located at 5550 Vicksburg Lane (2010035)**

Councilmember Willis stated his issues regarding this development involve the front yard setbacks being reduced from 25 feet to 20 feet as a trade off for potentially preserving trees. He stated this isn't a good trade off for the public good. He stated his other issue is the east/west connector that goes to another development which is next on the agenda. He is concerned whether a 32 foot wide street is going to be adequate to carry that traffic. The street pattern would suggest that there wouldn't be another street intersecting Vicksburg Lane until you get south of the railroad tracks.

Steve Gardner, 10717 10<sup>th</sup> Avenue North, stated this item should've been on the regular agenda this evening, not the Consent Agenda. He voiced his concerns regarding the 126 oaks trees that will be removed due to this development, and he noted other developments (Trillian Woods, Taryn Hills, Willow development) where many trees have been cut down. With the Taryn Hills development alone, 6,300 trees were cut down. He provided a list of developments since 2001 where there have been an approximate total of 50,000 trees that have been cut down. He stated reducing the front yard setbacks and having a narrower road would be a plus in saving trees. He also suggested that the City require developers that black dirt be put under new sod rather than the sod being placed on top of clay soils.

Mayor Slavik stated the City purchased 57 acres of open space in 2009 through a referendum that the residents supported, which is preserving trees and open space. Park Director Blank added the City purchased 48 acres (Elm Creek property) and is in process or purchasing five to eight additional acres.

Mayor Slavik stated property owners have rights to clear cut their land prior to any development coming in. The City can't purchase all these parcels. Therefore, the City tries to balance growth, development, and property owners' rights.

Dave Gonyea, applicant, stated the 20 foot front yard setbacks were a trade off for tree preservation in the back yards. All homes in this development will be custom built and they might not even adhere to the 20 foot setback, but it's an option. They intend to save additional trees with these custom homes. He stated regarding the concern of Councilmember Willis relating to the minor collector street, they aren't concerned about the traffic. Hampton Hills is set up to have some their traffic go through Juneau and out this direction. Lastly, he stated the property owners will be installing, on average, \$20,000 in landscaping, so there will be black dirt under the sod.

Councilmember Bildsoe asked about the timing of this project and the improvements to the Vicksburg Lane intersection. Public Works Director Cote replied there will be interim improvements to Vicksburg Lane to accommodate the traffic. Based on their traffic analysis, there wouldn't be a large amount of traffic to be generated from these developments.

City Attorney Knutson stated the City Code requires four inches of top soil under new sod.

Councilmember Johnson asked how this requirement is inspected. Community Development Director Juetten replied it would be part of the building inspection.

Motion was made by Councilmember Willis that the front yard setbacks would be 25 feet. This motion failed for lack of a second.

Motion was by Councilmember Black, and seconded by Councilmember Johnson, to adopt an Ordinance Amending Chapter 21 of the City Code to Classify Certain Land located at 5550 Vicksburg Lane (2010035 – Ord2010-10), Resolution Approving Findings of Fact for the

Rezoning of Land located at 5550 Vicksburg Lane (2010035 – Res2010-182), and a Resolution Approving a Preliminary Plat and PUD General Plan for Taylor Creek, LLC, for “Taylor Creek” for Property located at 5550 Vicksburg Lane (2010035 – Res2010-183).

Councilmember Johnson asked if the developer would work with the City in making sure black dirt is placed under the sod. Mr. Gonyea stated they would include language in the purchase agreements to that effect.

With all members voting in favor, the motion carried.

**(8.5) Rezoning to RSF-2, Interim Use Permit for Grading and Preliminary and Final Plat for “Hampton Hills – Phase I” (2010043)**

Councilmember Willis stated approximately 200 units are going to be developed and the traffic might go north to Juneau Lane. If a person had the opportunity to drive on a new street to the west to Vicksburg Lane, would they use that or use Juneau Lane. He stated he thinks the traffic is going to move to the west. Therefore a 32 foot wide street might not be wide enough.

Steve Gardner, 10717 10<sup>th</sup> Avenue North, stated approximately 1,365 trees will be removed with this development. He disagrees that this is private property as a property owner just can't do whatever they desire with their property without the proper approvals. He asked staff how much of the property that was purchased as part of the open space referendum were wetlands, forest, open land, etc. Park Director Blank stated that he doesn't have that data with him this evening, but he could provide that information to Mr. Gardner.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Willis, to adopt an Ordinance Amending Chapter 21 of the City Code to classify Certain Land located East of 5550 Vicksburg Lane (2010043 – Ord2010-11), Resolution Approving Findings of Fact for the Rezoning of Land located East of 5550 Vicksburg Lane (2010043 – Res2010-184), Resolution Approving a Preliminary Plat, Final Plat, and Development Contract for Hampton Hills Investments, LLC for “Hampton Hills-Phase I” for Property located East of 5550 Vicksburg Lane (2010043 – Res2010-185), Resolution Approving an Interim Use Permit for Hampton Hills Investments, LLC for Property located at 5733, 5741, and 5743 Juneau Lane North (2010043 – Res2010-186), and a Resolution Adopting Assessments for Trunk Sanitary Sewer and Watermain for Hampton Hills (2010043-F – Res2010-187). With all members voting in favor, the motion carried.

**(8.6) Zoning Ordinance Amending to Add Architectural Design Standards for Townhouses and Apartments (2009027)**

At the request of Councilmember Willis, Community Development Director Juetten provided a brief report on this item.

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to adopt an Ordinance Amending Section 21115 of the City Code regarding Standards for Two Family,

Townhouse, Manor Home, Multiple Family Uses (2009027 – Ord2010-12) and a Resolution Approving Findings of Fact for a Zoning Ordinance Text Amendment regarding Architectural Standards for Attached Housing (2009027 – Res2010-188). With all members voting in favor, the motion carried.

**(8.7) Approve Plans and Specifications for Vicksburg Lane Overlay Project (10026)**

Councilmember Willis suggested that the Council proceed with this project, but the Council give some more thought on whether a three lane solution is the best.

Councilmember Black requested that a study that was completed on this roadway a few years ago be provided to the Council again. Councilmember Willis stated it would also be helpful if there is any data to the north. He stated that safety is important, but the system needs to work.

Councilmember Bildsoe stated his concern is the timing relative to what the County is doing with Highway 101. This road is being used as a detour. His concern is coordinating this with the opening of 101 whenever that occurs. He would like to make sure that we're not creating two major roads in the north and south in that part of Plymouth that are under construction during the same time.

Public Works Director Cote stated Highway 101 would reopen on September 3, and this project wouldn't be initiated until after that time. He stated the Minnesota Department of Transportation has done a speed study and is looking at making a temporary speed change to 45 mph.

Mayor Slavik stated staff needs to carefully monitor the traffic flow. Even with a 45 mph speed limit with three lanes, it would be too fast.

Police Chief Goldstein stated the types of crashes on that stretch of the roadway have been significant and so is the impact due to the speeds on the roadway. This stretch of roadway is a major concern for the police department.

Councilmember Black encouraged the Council to travel Schmidt Lake Road from Northwest Boulevard to Highway 169 where that roadway goes from three to four lanes and back to three lanes. It works very well on that roadway.

The Council requested more information on the striping.

Motion was made by Councilmember Willis, and seconded by Councilmember Black, to adopt a Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the Vicksburg Lane Overlay Project (10026 – Res2010-189).

Public Works Director Cote stated staff would seek bids as an alternate to put the striping as it currently is or striping it as three lane.

Councilmember Johnson suggested the Mayor send a letter to Minnesota Department of Transportation for clarification on their temporary 45 mph.

With all members voting in favor, the motion carried.

#### **(8.8) Authorize Parking Adjacent to 15605 and 15625 32<sup>nd</sup> Avenue North**

Councilmember Willis stated his issue revolving this request is that this is a private business that doesn't have on-site parking for their employees so they are forced to park on the street. He stated he doesn't like this as a practice, but he also doesn't have enough background on whether it's possible to have employee parking on site.

Mayor Slavik stated there are other situations in the community, such as on the west side of 494, on 20<sup>th</sup> Avenue in the commercial/industrial area, where parking is allowed on the street for businesses. She noted that this business has buses in their parking lot which takes up room for their employees to park their vehicles. She doesn't want to place a hardship on this business.

Councilmember Black Ginny asked if they are able to provide parking on the site for their employees. Public Works Director Cote replied they are finding it increasingly difficult to park on their site due to changeover in bus times. Many times they have multiple shifts on site at the same time.

Motion was made by Councilmember Johnson, and seconded by Councilmember Black, to adopt a Resolution Authorizing Parking on the South Side of 32<sup>nd</sup> Avenue adjacent to 15605 and 15625 32<sup>nd</sup> Avenue North (Res2010-190). With all members voting in favor but Willis, the motion carried.

### **Reports and Staff Recommendations**

#### **(9.1) Set Future Study Sessions**

The Council scheduled the following study sessions:

1. July 27 at 5:30 p.m. to discuss street reconstruction.
2. August 10 after the regular meeting to conduct quarterly update with the City Manager.
3. September 7 at 5:30 p.m. to discuss 2011 budget.
4. September 14 at 5:30 p.m. to discuss 2011 budget.
5. September 28 at 5:30 p.m. to discuss Northwest Greenway.

### **Closed Executive Session**

Mayor Slavik adjourned the Regular Meeting at 9:22 p.m. and the Council went into Executive Session beginning at 9:30 p.m. in the Parkers Lake Room to discuss union negotiations. All

Councilmembers were present. In addition, City Attorney Knutson, City Manager Ahrens, Police Chief Goldstein, Administrative Services Director Portner, and City Clerk Engdahl were present. The meeting was adjourned at 9:58 p.m.

  
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Sandra R. Engdahl, City Clerk