

Adopted Minutes Regular Council Meeting August 24, 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 August 24, 2010.

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

ABSENT: Councilmember Willis.

STAFF PRESENT: Administrative Services Director Portner, City Attorney Knutson, Recreation Director Evans, Fire Chief Kline, Police Chief Goldstein, Public Works Director Cote, Planning Manager Senness, and City Clerk Engdahl.

Plymouth Forum

There was no one present to address the Council.

Presentations and Public Information Announcements

(4.01) Accomplishments of Explorers

Police Chief Goldstein introduced the Plymouth Explorers and reported on their accomplishments this year.

(4.02) 90th Anniversary of the League of Women Voters

Mayor Slavik read a proclamation declaring the 90th anniversary of the League of Women Voters.

Approval of Agenda

Mayor Slavik added setting future study sessions as item No. 8.3 under General Business.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Stein, 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 Minutes from July 27 and Regular Minutes from August 10.

(6.02) Resolution Approving Disbursements ending August 14, 2010 (Res2010-218).

(6.03) Resolution Electing to Continue Participating in the Local Housing Initiatives Account Program under the Metropolitan Livable Communities Act Calendar Years 2011 through 2020 (Res2010-219).

(6.04) Resolution Approving a One-Year Extension of the Final Plat approval for “McCoy Estates,” a Two-Lot Residential Subdivision for Property located at 11210 Sunset Trail (2007062 – Res2010-220).

(6.05) Resolution Awarding Contract for South Shore Drive Rehabilitation Project (10002 – Res2010-221).

(6.06) Resolution Approving a One-Year Extension of the Preliminary Plat Approval for “Trillium Woods,” a Subdivision for a Continuing Care Retirement Community located at the Southeast Corner of County Road 47 and Juneau Lane (2008085 – Res2010-222).

(6.07) Resolution Approving a One-Year Extension of the Development Approvals for Duke Realty for Waterford Business Park located Northwest of Highway 55 and Highway 169 (2007071 – Res2010-223).

(6.08) Resolution Authorizing the Shingle Creek Watershed Management Commission to Exceed the Administrative Budget Cap (Res2010-224).

(6.09) Resolution Approving Winter Activities Permit with Three Rivers Park District for use of Regional Parks (Res2010-225).

(6.10) Resolution Approving an Interim Use Permit for Hampton Hills Investment, LLC, for Property located at 5313 Juneau Lane North (2010068 - Res2010-226).

(6.11) Ordinance Amending Section 21100 of the City Code to Expand Seasonal Sales at Plymouth Station for Sports Hut (2010057 – Ord2010-17), Resolution Approving Findings of Fact for Amending the Zoning Ordinance Text to Expand Seasonal Sales at Plymouth Station for Sports Hut for Property located at 16705 County Road 24 (2010057 – Res2010-227), and a Resolution Approving a PUD Amendment to Expand Seasonal Sales at Plymouth Station for Sports Hut located at 16705 County Road 24 (2010057 – Res2010-228).

With all members voting in favor, the motion carried.

Public Hearings

(7.1) Vacation for a Portion of a Platted Drainage and Utility Easement within Lot 3, Block 1, Forster Preserve Plat 4

Public Works Director Cote reported on the request which would be for the construction of a pool. He noted that the easement is an unusual large easement, and there appears to be no utilities located in the easement. Therefore, staff would like to do further research on the origins of this easement. He requested that the Council continue this hearing to September 14.

Mayor Slavik opened the public hearing for testimony.

Motion was made by Councilmember Black, and seconded by Councilmember Bildsoe, to continue the hearing to September 14. With all members voting in favor, the motion carried.

General Business

(8.1) Rezoning, Preliminary Plat, and PUD General Plant for “Steeple Hill” (northwest corner of County Road 47 and Vicksburg Lane – D.R. Horton/Plymouth Housing Group, LLC – 2010052)

Planning Manager Senness reported on the request for rezoning from FRD to PUD, Preliminary Plat approval for “Steeple Hill,” and a PUD general plan for 37 single-family homes and a 67-unit apartment for the 18 acre site located at the northwest corner of Vicksburg Lane and County Road 47 as recommended by the Planning Commission. She noted that the applicant has also requested approval of a wetland mitigation plan which is the next item on tonight’s agenda. She stated that the developer would be submitting an application for work force housing funding through the State.

Councilmember Stein stated he doesn’t support the side yard setbacks as noted in the approving resolution which are eight feet for the living area and six feet for the garage side.

Planning Manager Senness stated with the six foot setback, there could be the living area above the garage. The designs of the homes were such that with this situation, it wouldn’t be a problem. This change provides more flexibility in the design of the homes.

Ron Mullenbach, representing D.R. Horton for the single-family portion of the site that is named Steeple Hill, stated they will be proceeding with the Sands Company for the application to Department of Housing and Finance Agency for the workforce housing. They met with area residents prior to the sketch plan and preliminary plat going to the Planning Commission. The residents’ main concerns are access on County Road 47, Vicksburg Lane, and the screening on

the southerly property lines to the south. Regarding County Road 47, the current access on that roadway will include a right turn lane into the project for west bound traffic, and left turn lane for east bound traffic with a by-pass lane. There will be an additional lane for exiting the property. Regarding screening the property, they are looking at opportunities to spade larger trees on the south side of the property. They have discussed with the property owner who resides directly north of the apartment portion to “hand pick” his trees on his own property for screening purposes. Regarding the setback concern that Councilmember Stein raised, because of the density guiding on this property, they have had to have a certain number of units in meeting the guiding use of property. This set them at 37 single-family lots, which only leaves them with so much buildable area. In the design of the homes, because they are limited on width and depth on the geometry of the site, in order to have a variety of styles and square footages, some of the homes show living area above or some show living area behind the garage. If they do that, they will have 28 variations of plans. There would only be 14 variations of plans if they have to use eight foot side yard setbacks. From the street view, one wouldn’t be able to tell architecturally any difference.

Councilmember Stein asked with or without the area above the garage, are the footprints of the home essentially the same. Mr. Mullenbach replied yes. The difference becomes how wide of variation can you provide for the homes by extending the living area above the garage or wrapping behind the garage.

Mayor Slavik asked if staff has had any issues with homeowners not maintaining retaining walls if there isn’t a homeowners association such as in this case. Planning Manager Senness replied she’s not aware of any of those problems. If there would be any issues, it would be the homeowners’ responsibility.

Neil Fortier, representing Plymouth Housing Group, LLC, stated he’s here to answer any additional questions.

Councilmember Stein suggested the developer provide notification to potential single-family owners of the apartment use on this property.

Motion was made by Councilmember Black, and seconded by Councilmember Bildsoe, to adopt an Ordinance Amending Chapter 21 of the City Code to Classify Certain Land located at the Northwest Corner of Vicksburg Lane and County Road 47 (Ord2010-180, Resolution Approving Findings of Fact for the Rezoning (Res2010-229), Resolution Approving a Preliminary Plat for “Steeple Hill” for Property located at Vicksburg Lane and County Road 47 (Res2010-230), and a Resolution Approving a PUD General Plan for Steeple Hill on Property located at Vicksburg Lane and County Road 47 (Res2010-231).

Harlan Peterson, 6205 Comstock Lane, stated he owns the two acre piece of land to the west of this development. He is concerned on how he can get sewer to his property. It seems that the City decided that from his property to the west, they couldn’t connect to the sewer line on the project property, but they would have to go .5 mile to the west to service three homes.

Public Works Director Cote stated a significant portion of Plymouth in this area is serviced by the City of Maple Grove for sewer. The project this evening is under agreement with the Metropolitan County. Mr. Peterson's property was excluded from that agreement. In the future, not knowing how the rest of the northwest area is going to be developed, it could be difficult to get sewer to those properties. It's physically possible to connect these three properties into that sewer line, but fiscally it's concerning as the CIP and the agreement with Maple Grove would need to be amended, and there would be a \$30,000 assessment. He explained what the City typically does, by the public improvement assessment policy, which is to have developers install a sewer line so that properties can connect further down and area charges are received, but the area charges for this development wouldn't cover that cost for those three properties that aren't part of the agreement.

Councilmember Stein asked as northwest Plymouth develops, the three properties at some time in the future will have access to sewer. Public Works Director Cote replied that is typically the case. The sewer for the properties is to the west, and as property develops from the west to the east, they could connect.

There being no further discussion and with all members voting in favor, the motion carried.

(8.1.A) Wetland Replacement Plan Application for West view Estates/Steeple Hill (2010052)

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Johnson, to adopt a Resolution Approving the Filling of Wetlands and the Wetland Replacement Plan Application for West View Estates/Steeple Hill (2010052 – Res2010-232). With all members voting in favor, the motion carried.

(8.2) Vicksburg Lane Design and Contract (10026)

Public Works Director Cote stated this is essentially the continued discussion from the August 10 Council meeting. One of the items that was discussed was redesigning this road as a three lane roadway with a center left turn lane. In the packet of materials, staff included the 2004 Vicksburg Lane Corridor Study. He cautioned the Council that when that study was prepared, there were other factors that went into the study that included the extension of Medina Road, and traffic volumes to grow considerably which hasn't been evident. In addition, the CIP also had the improvement for another lane on I-494.

He discussed the four alternates that contractors could submit bids on:

1. Alternate A: overlay of Shenandoah Lane from Vicksburg Lane to 24th Avenue
2. Alternate B: option of striping Vicksburg Lane as three lane roadway.
3. Alternate C: option of striping Vicksburg Lane to the existing condition, a four lane street.

He stated staff is recommending award of the base bid plus alternatives A and C, which would restripe Vicksburg Lane as it currently exists. He noted that changing this roadway to a three lane is somewhat untimely as it won't give motorists an opportunity to adjust before winter. In addition, staff wasn't sure of MN/DOT's position with the 45 mph for a temporary one year period. Based on the discussion of the August 10 Council meeting, there was no consensus from the Council on what the preference is. He noted the number of emails that have been received from residents where they're also not sure. Therefore, he again recommended four lanes as it currently exists, and staff would be directed to study the 45 mph speed limit to determine impacts on safety and vehicle speeds. Data would be collected quarterly and a final report would be presented to the Council for consideration in one year.

Councilmember Bildsoe wished the City could do more to provide safety to the road but due to the fact that there isn't adequate amount of time to stripe the road before snow falls and Highway 101 still closed, it won't work.

Motion was made by Councilmember Bildsoe, and seconded by Mayor Slavik, to adopt a Resolution Awarding Contract for Vicksburg Lane Overlay Project (base bid plus alternatives A and C), and staff is directed to study the 45 mph speed limit to determine impacts on safety and vehicle speeds with a final report to be presented to the Council for consideration in one year (Res2010-233).

Councilmember Murdock voiced her support for the motion on the table. She stated residents communicated to the Council that they were opposed to the three lane striping. Safety might be improved with right turns out of the developments, but the left turn lanes out of the developments would be difficult.

Councilmember Johnson asked if the City should increase the educational efforts and traffic enforcement in this area. She stated it's important to make residents safe and keep them educated. As she understands it, if the speeds aren't enforcement, the speed limit could eventually be increased. She asked staff if the Council would have the option of revisiting the three lane design in the future if the 45 mph isn't favorable for the City.

Public Works Director Cote replied striping the roadway as a four lane doesn't preclude anything in the future. He stated in terms of education, just the fact that the Council is discussing this for the third or fourth time, there is awareness with the residents. Staff needs to educate motorists if there has been a change in the speed limit.

Police Chief Goldstein added that this area of the City is a main concern for their department. With all due respect, MN/DOT doesn't have the authority to influence the City's enforcement discretion. Their department will use a City mailer, cable news television show, and message board for a certain period of time. Once that time has passed and the police officers have issued warnings, etc. the police officers will utilize their normal realm of discretion and issue citations if warranted. Hopefully, the Council and the residents can convince MN/DOT to keep the 45 mph designation long term.

Mayor Slavik indicated her support for the motion.

Councilmember Black stated she doesn't support the motion, but she will support it anyway. She stated she doesn't feel there will be a significant decrease in the speed limit. She compared this roadway to Northwest Boulevard where the 45 mph doesn't work. She would like to revisit this issue if the speed limit goes back up to 50 mph. She wouldn't support updating the SRF study until that time.

Councilmember Stein stated that he's disappointed that the road won't be striped as a three lane roadway. It's necessary to keep the road at four lanes due to the County not getting their road projects completed and the speed limit set by MN/DOT.

There being no further discussion and with all members voting in favor, the motion carried.

(8.3) Set Future Study Sessions

The Council scheduled a special meeting with Hennepin County Sheriff Stanek on September 28 at 5:30 p.m. to discuss a proposed communications facility. They scheduled a special meeting on October 12 at 5:30 p.m. to discuss the Northwest Greenway.

Reports and Staff Recommendations

There were no reports and staff recommendations.

Adjournment

Mayor Slavik adjourned the meeting at 8:24 p.m.



Sandra R. Engdahl, City Clerk