

# Adopted Minutes Regular Council Meeting June 24, 2008

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 24, 2008.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Police Chief Goldstein, Public Works Director Cote, Administrative Services Director Portner, Park and Recreation Director Blank, Fire Chief Kline, Community Development Director Juetten, Sergeant Kuklok, Captain Webb, Finance Manager Bursheim, Transit and Solid Waste Manager Helleckson, Recycling Coordinator Hageman, and City Clerk Engdahl.

## Plymouth Forum

There was no one present to address the Council.

## Presentations and Public Information Announcements

### **(4.01) Recognition to Retiring Deputy Police Chief Joel Franz**

The City Council and Police Chief Goldstein recognized retiring Deputy Police Chief Joel Franz.

### **(4.02) Acceptance of Community Partnership Grant from Center Point Energy**

Bob Yerxa, from Center Point Energy, presented a Community Partnership Grant from Center Point Energy for the purchase of a remote controlled robot that provides real time video of hostile or dangerous environments.

Motion was made by Councilmember Willis, and seconded by Councilmember Hewitt, to adopt a Resolution Accepting the Donation from Center Point Energy (Res2008-189). With all members voting in favor, the motion carried.

Mayor Slavik announced Music in Plymouth on July 2 at 5:00 p.m. at the Hilde Performance Center as well as the 5K run on June 28. She also recognized Planning Commissioner Frank Weir who recently passed away.

Councilmember Black reported on the utility bill brochure produced by staff that outlines the City's water system and water restrictions.

## Approval of Agenda

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

## Consent Agenda

Mayor Slavik removed item No. 6.09 and stated this would be on a future agenda. Item No's. 6.13 and 6.17 were removed from the agenda and placed under General Business as item No's. 8.6 and 8.7 respectively. By request of applicant, item No. 6.18 was removed and placed under General Business as item No. 8.05.

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

- (6.01)** Minutes from the Special and Regular Council Meetings of June 10, 2008.
- (6.02)** Resolution Approving Disbursements for Period ending June 14, 2008 (Res2008-190).
- (6.03)** Resolution Approving a Preliminary and Final Plat for Two Single-Family Lots to be known as "E and E Addition" for Property located at 13025 47<sup>th</sup> Avenue North (2008029 - Res2008-191).
- (6.04)** Direct staff to forward comments to the City of Medina and the City of Maple Grove's Comprehensive Plans (2005050).
- (6.05)** Resolution Authorizing an Interfund Loan for Advance of Certain Costs in Connection with the Plymouth Housing and Redevelopment Authority's Tax Increment Financing District No. 1-3 (Res2008-192).
- (6.06)** Resolution Appropriating Funds from the Transit Fund for Improvements to the Cub Food Park and Ride Lot (8122 – Res2008-193).
- (6.07)** Resolution Repealing Policy Relating to Youth Advisory Council (Res2008-194).
- (6.08)** Resolution Approving Reduction in Retainage for 2007 Street Reconstruction Project (7101 – Res2008-195).
- (6.09)** (This item was removed from the Consent Agenda).
- (6.10)** Resolution Approving Change Order No. 1 for Sunset Trail Retaining Wall Project (8103 – Res2008-196) and a Resolution Approving Request for Payment No. 1 and Final for Sunset Trail Retaining Wall Project (8103 – Res2008-197).

(6.11) Resolution Terminating Water Quality Pond Maintenance Agreement for Hidden Terrace (2001107 – Res2008-198).

(6.12) Resolution Approving BMP Maintenance Agreement for Retention and Surface Water Treatment located at 13600 Industrial Park Boulevard (Res2008-199).

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

(6.14) Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for 2008 Trial Improvement Project (8112 - Res2008-200).

(6.15) Resolution Approving Proposal for Bocce Ball Courts at Plymouth Creek Center (Res2008-201).

(6.16) Resolution Adopting the City of Plymouth Expense Reimbursement and Travel Policy (Res2008-202).

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

(6.18) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.05).

(6.19) Resolution Approving Old Chicago's Application to Extend the Licensed Premises for an Outdoor Event (Res2008-203).

Motion carried to approve the Consent Agenda.

### **Public Hearings**

There were no public hearings.

### **General Business**

**(8.05) Findings of Fact Denying a Planned Unit Development Amendment and Preliminary Plat for the Rottlund Company Inc. for the Reserve 3<sup>rd</sup> Addition for Property located West of Cheshire Parkway and North of 55<sup>th</sup> Avenue (2008003)**

Tim Whitten from Rottlund Company, requested that the review period be extended as they are continuing to work through the Council's concerns on this development.

Motion was made by Councilmember Black, and seconded by Councilmember Willis, to approve a 60-day extension per request of the applicant. With all members voting in favor, the motion carried.

### **(8.1) Receive the 2007 Comprehensive Annual Report**

Aaron Nielsen, from Malloy, Montague, Karnowski, Radosevich and Company, the City's auditing firm, provided a brief overview of the 2007 Comprehensive Annual Financial Report.

Motion was made by Councilmember Black, and seconded by Councilmember Bildsoe, to accept the 2007 Comprehensive Annual Financial Report. With all members voting in favor, the motion carried.

### **(8.2) West Medicine Lake Park Building Project**

Park and Recreation Director Blank reported on the proposed West Medicine Lake Park building project which was discussed at a Special Meeting prior to the Regular Meeting this evening.

Motion was made by Councilmember Stein, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving the Development of Bid Documents and the Securing of Bids for West Medicine Lake Building (Res2008-205). With all members voting in favor, the motion carried.

### **(8.3) Conditional Use Permit and Site Plan Amendment for the "Shops of Plymouth Town Center" (3550 Vicksburg Lane North – Inland Commercial Property Management, Inc. – 2007114)**

Community Development Director Juetten on the revised design of the proposed "Shops of Plymouth Town Center."

Rick Plessnerr, from Inland Commercial Property Management, and their architect discussed their revised plans for this development per the Council's discussion on May 13. He indicated that they have also worked with staff on the landscaping plan to incorporate the City's engineering standards for the center island plantings.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Slavik, to adopt a Resolution Approving a Site Plan Amendment and Conditional Use Permit for Inland Commercial Property Management, Inc. to allow a New Retail Building and Modifications to the Site for Property located at 3550 Vicksburg Lane (2007114 – Res2008-206) with the plans as presented this evening, which shows a park on the south side of the building.

Motion was made by Mayor Slavik, and seconded by Councilmember Bildsoe, to amend the main motion to amend condition No. 6 of the Resolution to restrict deliveries from 12:00 a.m. to 6:00 a.m. With all members voting in favor, the motion carried.

With all members voting in favor of the amended main motion, the motion carried.

### **(8.4) Recycling Contract**

Transit and Solid Waste Manager Hellekson and the City's consultant discussed the recycling proposals received from Allied Waste Services, Eureka Recycling, and Waste Management.

They stated there are two methods of calculating the revenue sharing for the proposals, and with both methods, Waste Management would be lower. They noted that there could be an increase in the solid waste fee to residents depending on which proposal the Council would accept.

Jennifer Klennert from Waste Management, and Tim Brownell from Eureka Recycling, briefly discussed their respective proposals, and the services they would offer to the residents.

A considerable amount of discussion was held regarding single versus dual stream recycling, types of recycling containers, education component for residents, and the “bottom line” cost for the residents.

Motion was made by Councilmember Willis, and seconded by Councilmember Hewitt, to direct staff to analyze the proposals for the July 8 Council meeting, as it relates to revenue sharing, with the Option B calculation for Waste Management A.4.1 and Eureka Recycling, so there is a better determination as to the cost for residents. In addition, staff should include a table outlining the current system. With all members voting in favor, the motion carried.

**(8.5) Final Plat and Development Contract for “Hidden Acres Addition” (4225 and 4245 Dunkirk Lane North – Schuette R/E Group, LLC – 2007070F)**

Community Development Director Juetten reported on the proposed request for Final Plat and Development Contract approval for “Hidden Acres Addition.”

Holly Stillday, 4215 Dunkirk Lane, voiced her objection to her property not being included as part of this development.

City Attorney Knutson stated that the City can’t force the developer to include Ms. Stillday’s property as part of this development

Tom Schuette, applicant, stated they met with Ms. Stillday a year ago and indicated that her property wouldn’t fit with the development nor would it work economically since they couldn’t add another lot to their development by acquiring her property.

Motion was made by Councilmember Black, and seconded by Mayor Slavik, to adopt a Resolution Approving a Final Plat and Development Contract for Schuett R/E Group, LLC for “Hidden Acres Addition” for Property Presently Addressed as 4225 and 4245 Dunkirk Lane North (2007070-R – Res2008-207). With all members voting in favor but Stein, the motion carried.

**(8.6) Modification of Storm Water Pollution Prevention Program to include Best Management Practices for the Shingle Creek Chloride Total Maximum Daily Load Plan**

Public Works Director Cote discussed the best management practices for Shingle Creek Watershed District.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to adopt a Resolution Approving Modification of Storm Water Pollution Prevention Program to include

Best Management Practices for the Shingle Creek Chloride Total Maximum Daily Load Plan (Res2008-208). With all members voting in favor, the motion carried.

**(8.7) Joint Powers Agreement with the City of St. Paul regarding Public Safety related to 2008 Republican National Convention**

Councilmember Willis led the Council in a discussion of the City's participation of 17 police officers assisting the City of St. Paul with security measures for the 2008 Republican National Convention. The City of St. Paul is receiving Federal funding to cover the costs; however, what if there wouldn't enough Federal funding to cover those costs. Also, there could be liability costs to the City if an officer would be injured.

City Attorney Knutson stated the City of St. Paul is confident that there would be sufficient funds to reimburse cities. If that's not the case, the City would be notified, and the City could cancel their participation.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Stein, to adopt a Resolution Authorizing the City Manager and the Police Chief to enter into a Joint Powers Agreement with the City of St. Paul regarding Public Safety related to 2008 Republican National Convention (2008-209). With all members voting in favor but Willis, the motion carried.

**Reports and Staff Recommendations**

**(9.1) Report on 2008 Budget Status**

Administrative Services Director Portner provided a report on the 2008 budget status.

**(9.2) Report on Funding Sources for Temporary Overlays on Balsam Lane/Forestview Lane/48<sup>th</sup> Avenue and 18<sup>th</sup> Avenue**

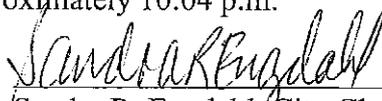
Motion was by Councilmember Hewitt, and seconded by Councilmember Black, to fund the temporary overlays from the street reconstruction fund.

Motion was made by Councilmember Willis, and seconded by Councilmember Murdock, to amend the main motion to fund the projects from the general fund reserves, rather than increasing the street maintenance budget from \$380,000 to \$500,000. With Murdock and Willis voting yes, and Hewitt, Bildsoe, Stein, Black, and Slavik voting no, the motion failed.

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

**Adjournment**

Mayor Slavik adjourned the meeting at approximately 10:04 p.m.

  
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Sandra R. Engdahl, City Clerk