

**Adopted Minutes
Regular Council Meeting
February 13, 2007**

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 February 13, 2007.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, Police Chief Goldstein, City Attorney Knutson, Park and Recreation Director Blank, Fire Chief Kline, Public Works Director Cote, Community Development Director Juetten, Assistant City Engineer Beckwith, Design Engineer Renneberg, Administrative Services Manager McGann, and City Clerk Engdahl.

Plymouth Forum

Wally Charles, 3158 East Medicine Lake Boulevard, read a poem to the Council that he had written.

Presentations and Public Information Announcements

(4.01) Announcement of Hennepin County's Officer of the Year Award to Police Officer Dave Anderson

Police Chief Goldstein announced that Police Officer Dave Anderson received the 2006 Hennepin County's Traffic Safety Officer of the Year Award.

(4.02) Proclamation Declaring "2007 the Year to Get Ready"

Mayor Slavik read a Proclamation declaring "2007 the Year to Get Ready" for the American Red Cross campaign for 2007.

(4.03) Presentation of Award to Ellie Singer from Minnesota Recreation and Park Association

Park and Recreation Director Blank announced that Park and Recreation Advisory Commissioner Ellie Singer received an award from the Minnesota Recreation and Park Association.

Approval of Agenda

Adopted Council Minutes
Regular Meeting of February 13, 2007
Page 2 of 10

Mayor Slavik added setting future study sessions to the agenda as item No. 9.2 under Reports and Staff Recommendations.

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

Consent Agenda

Mayor Slavik removed item No. 6.14.1, and it was placed under General Business as item No. 8.1.

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

- (6.01) Minutes from the Special Meetings of January 8 and January 16 and Regular Meeting of January 23.
- (6.02) Resolution Approving Disbursements for the Period Ending February 2, 2007 (Res2007-057).
- (6.03) Ordinance Amending Chapters 5, 7, and 10 of the Plymouth City Code regarding License and Permit Fees (Ord2007-06), Resolution Authorizing Summary Publication of the Ordinance (Res2007-058), and a Resolution Approving Amendments to Park Policies (Res2007-059).
- (6.04) Resolution Authorizing the City Manager and Police Chief to enter into an Agreement with the Federal Government for Participation in the Federal Equitable Sharing Program (Res2007-060).
- (6.05) Resolutions Authorizing Summary Publication of Ordinance No's. 2007-04 and 2007-05 (Res2007-061, Res2007-062).
- (6.06) Resolution Approving a Conditional Use Permit for Acceleration Northwest and Orthopedic Fitness for a Sports and Fitness Club located at 2530 Xenium Lane North (2006116 – Res2007-063).
- (6.07) Resolution Approving a Conditional Use Permit for Fastenal to Allow 2 percent Accessory Retail in the I-1 Zoning District for Property located at 2530 Xenium Lane North (2006117 – Res2007-064).
- (6.08) Resolution Approving a Final Plat and Development Contract for Pearl of Plymouth, LLC for “Pear of Plymouth” for Property presently addressed as 3735 and 3855 County Road 101 (2005001-F – Re2007-065).
- (6.09) Resolution Approving Acquisition Agreement for Parcel No. 18 (PIN 22-118-22-33-0002) for Fernbrook Lane Improvements (1013 - Res2007-066).

Adopted Council Minutes
Regular Meeting of February 13, 2007
Page 3 of 10

(6.10) Resolution Approving Reduction in Retainage for 2006 Street Reconstruction Project (6101 - Res2007-067).

(6.11) Resolution Receiving Preliminary Engineering Report and Calling for a Public Hearing on 2007 Mill and Overlay Project, Vicksburg Lane from 32nd Avenue to Old Rockford Road (7104 - Res2007-068).

(6.12) Resolution Declaring Adequacy of Petition and Setting the Public Hearing for Considering Street Lighting within Hawthorne Ponds Addition (7119 - Res2007-069).

(6.13) Resolution Approving Final Release of Financial Guarantee for Jefferson at Plymouth (2001040 - Res2007-070).

(6.14.1) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.1).

(6.14.2) Accept the Plymouth Advisory Committee on Transit's 2006 Annual Report and 2007 Work Plan.

(6.14.3) Accept the Planning Commission's 2006 Annual Report and 2007 Work Plan.

(6.15) Resolution Approving Final Release of Financial Guarantee of Pike Lake Woods Addition (97079 - Res2007-071).

(6.16) Resolution Authorizing the Mayor and City Manager to Execute an Amended Development Contract for "Plymouth Crossroads Station" - a Redevelopment of the Plymouth Shopping Center Area located South of Highway 55 and East of Cottonwood Lane (2005121-F - Res2007-072).

(6.17) Resolution Approving Agreement with Hennepin County for Maintenance of Traffic Control Signal Systems (Res2007-073).

(6.18) Resolution Approving the Grade, Title, and Salary Range for IS Manager and Applications Manager in Information Technology (Res2007-074).

(6.19) Approve acquisition of Cisco Systems for IP Telephony for telephone and voice mail system.

(6.20) Resolution Approving Payment to Govern for Annual Software Maintenance (Res2007-075).

(6.21) Resolution Designating Funding for Public Improvement Projects (Res2007-076).

(6.22) Resolution Declaring Official Intent of the City to Reimburse Certain Expenditures from the Proceeds of Bonds to be issued by the City (Res2007-077).

Motion carried to approve the Consent Agenda.

Public Hearings

(7.01) Project Hearing for Hawthorne Ponds for 2007 Street Reconstruction (7101)

Design Engineer Rennenberg gave a brief overview of the proposed project. The project includes reconstruction of the street, watermain replacement, and replacement of curb and gutter and storm sewer where necessary. He stressed that all the streets have been rated by staff and are within the street reconstruction limits. All the streets in this area would then be on the same maintenance schedule. Properties would be assessed 40% of the street reconstruction costs, and curb and gutter and storm sewer replacement where necessary would be assessed at 100% for those costs. He noted some of the residents' concerns shared with staff that included:

1. *West side of Hawthorne Ponds has not seen that many watermain breaks.* Staff noted that there have been three breaks in this area in 25-30 years, and two of the breaks are likely caused by the ductile iron pipe corroding.
2. *Existing concrete curb and gutter does not need to be replaced.* Staff noted with the utility replacement/installation, it is estimated that more than half of the existing curb will be removed; therefore, it is more cost effective to replace it all at this time.
3. *The streets do not need to be replaced now.* (All streets are within the street reconstruction rating).
4. *The values of properties would not increase by the value of the proposed assessment.* (According to a market analysis completed by a certified appraiser, the assessments are substantiated).
5. *The storm sewer could be reduced or eliminated to save money.* (The proposed storm sewer system is designed to meet the current standards).

Mayor Slavik opened the public hearing for testimony.

Jennifer Martin, 17910 Queensland Court, voiced her opposition to the project for the west side of the proposed project area as there are no water issues in this area, they weren't part of the original petition drive, and they don't feel the value of their property would increase due to the improvements.

David Davenport, 17800 6th Avenue North, agreed with Ms. Martin's comments.

Ray Hackett, 505 Queensland Lane North, stated on their street there are at least 15 existing or potential lots that haven't been built upon; therefore, this project would be important to those property owners.

John Silbaugh, 17700 6th Avenue North, encouraged the Council to proceed with this project as the costs are going to increase. In addition, there is a lot of standing water in his neighborhood so drainage is an issue.

Adopted Council Minutes
Regular Meeting of February 13, 2007
Page 5 of 10

Annette Kaiser, 115 Queensland Lane, stated she doesn't support the proposed curb and gutters as they would prevent the water from draining on the lawns.

Mary Boehlke, 17935 2nd Avenue North, concurred with Ms. Martin's comments. She encouraged the Council to consider a more individualized approach for the west part of the project if some paving is needed or water issues that should be addressed.

Dmitry Osipov, 130 Queensland Lane, stated he's opposed to the project, and he stated the project needs to be further analyzed to determine if the project is really necessary.

Tom Karkela, 17910 2nd Avenue North, stated he's opposed to the project, and he noted that five of the seven lots in his cul-de-sac oppose this project.

Dennis Bilske, 18910 30th Avenue North, stated his lot at 440 Queensland Lane is being assessed at 2.5 times the normal assessment, which isn't equitable. He noted that in the future there could be 13 additional homes to be constructed on the north end of Queensland, so that should be taken into consideration with the design of the road and the sewer.

Lynn Strauss, 17815 6th Avenue North, stated the cost of the project is twice what they were told when they signed the petition. Therefore, the Council should consider a deviation from the 40% assessment rate.

Jeff Zipfel, 18140 3rd Avenue North, stated he supports the project as there is 200 feet of waterline that runs through his property. With the proposed project, that would be relocated back into the street.

Guillermo Irisarri, 18075 2nd Avenue North, stated he's on the west part of the development, and in 20 years he hasn't witnessed any water main breaks, but he has seen standing water. He is opposed to the project, but would consider improvements that would improve certain conditions.

Sid Stivland, 17725 6th Avenue North, stated they signed the petition several years ago with a whole different assumption as it relates to the cost. If this project were to be separated, the costs would increase for the east part.

Jonathan Hess, 18105 2nd Avenue North, agreed with Ms. Martin's comments. He stated the City would save money by not doing the west side of the project. Five of the six property owners in his neighborhood are opposed to the project.

Scott Johnson, 330 Merrimac Lane North, stated he doesn't support the high back curbs, and he stated all the water goes through his property (standing water three feet high) and drains to 3rd Avenue.

Joe Sorrentino, 525 Queensland Lane, stated he's opposed to the street reconstruction project for the west side. He noted that he would need to pay assessments on two of his additional lots on 6th Avenue. Those lots would need curb and gutter as currently there is a shallow curb. He

Adopted Council Minutes
Regular Meeting of February 13, 2007
Page 6 of 10

requested the Council to reduce the scope of the project with portions of the project that don't need to be done now.

Mark Washa, 205 Queensland Lane, stated their road was recently overlaid, and they received a good evaluation. He stated the proposed project would interfere with the extensive landscaping that has been done in the neighborhood.

Michael Olesen, 17800 3rd Avenue North, stated he had never seen the petition that was circulated a several years ago. Originally, it appeared there would be a \$6,000 assessment, but now that has doubled. The City should focus on where the problems are, not just broadening the project.

Eric Bruun, 215 Queensland Lane, stated he is opposed to the project. He stated including the west area is subsidizing the project for the east side.

Larry Aubuchon, 17930 Queensland Court, voiced his opposition to the project. He stated within the proposed project area, there are four to five cul-de-sacs that have been constructed in the 1980's that have adequate infrastructure. Therefore, those should be excluded.

Brad Washa, 17925 3rd Avenue North, stated he is opposed to the project.

Michael Boe, 17925 2nd Avenue North, stated he is opposed to the project.

Mike Caticchio, 17805 4th Avenue North, stated he supports the project for his area. However, he requested that they receive the same assessment rate that the Burl Oaks neighborhood received.

Steve Peschl, 17935 Queensland Court, stated he is opposed to the project.

There being no one else wishing to appear before the Council to give testimony, Mayor Slavik declared the public hearing closed.

Public Works Director Cote answered the questions that were raised during the hearing. He stressed that the watermain costs are not assessed, and the street reconstruction is warranted in this area. An overlay wouldn't be a cost effective way in addressing the pavement condition. The proposed high back curb is standard, and it keeps the water within the roadway while also defining the roadway so motorists don't drive on lawns. Mr. Bielski's assessment, which is 2.5 times the normal assessment, would be reviewed by the City Attorney. Due to the age of the petition, staff is recommending that six out of seven Councilmembers support the project.

The Council discussed removing the west part of the project. However, the streets would remain in poor condition, and a lot of City funds would be spent on asphalt and equipment costs in repairing potholes and watermains. It could be at least 10 years before this west neighborhood would receive a street improvement if it's removed from this project. In addition, if the entire project would be rejected, it would be impossible to replace with another project for this year. The Council also noted that street reconstruction costs would continue to increase in the future.

Adopted Council Minutes
Regular Meeting of February 13, 2007
Page 7 of 10

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Ordering Improvement and Preparation of Plans and Specifications for 2007 Street Reconstruction Project (7101), for only the original east area (Hawthorne Ponds petitioned area). The west area of the project would be excluded.

Mary Boehlke and Mary Mueller stated that the neighborhood would need time to reconsider if it's the Council's intention to exclude the west area.

City Attorney Knutson stated that the Council couldn't reconsider whatever action they take this evening. Therefore, the Council could approve the east area this evening and postpone the decision on the west area to the next meeting if that is what the Council desires.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to amend the main motion to table consideration of the west area of the project until February 27.

With Stein, Black, Willis, Bildsoe, and Murdock voting yes, and Hewitt and Slavik voting no, the motion carried.

The Council voted on the amended main motion and with Stein, Black, Willis, Bildsoe, and Murdock voting yes, and Hewitt and Slavik voting no, the motion failed.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Ordering Improvement and Preparation of Plans and Specifications for 2007 Street Reconstruction Project (7101), for only the original east area (Hawthorne Ponds petitioned area). The west area of the project would be excluded. With Black, Hewitt, Murdock, and Slavik voting yes, and Stein, Willis, and Bildsoe voting no, the motion failed.

Motion was made by Mayor Slavik, and seconded by Councilmember Willis, to reconsider the original motion, which is to adopt a Resolution Ordering Improvement and Preparation of Plans and Specifications for 2007 Street Reconstruction Project (7101 – Res2007-078), for only the original east area (*project area defined as property located west of County Road 101 to, and including, Queensland Lane, from the Luce Line Trail to 6th Avenue, including 2nd Avenue and 3rd Avenue west of Queensland Lane, and Narcissus Lane north of 6th Avenue, but excluding 6th Avenue east of Queensland Lane*), and to table consideration of the west part until February 27). With all members voting in favor but Hewitt, the motion carried.

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

(7.02) Project Hearing for City View Acres for 2007 Street Reconstruction (7107)

Design Engineer Rennenberg gave a brief overview of the proposed project. The project includes reconstruction of the street, watermain replacement, and replacement of curb and gutter and storm sewer where necessary. He stressed that all the streets have been rated by staff and are within the street reconstruction limits. Properties would be assessed 40% of the street

Adopted Council Minutes
Regular Meeting of February 13, 2007
Page 8 of 10

reconstruction costs, and curb and gutter and storm sewer replacement where necessary would be assessed at 100% for those costs.

Mayor Slavik opened the public hearing for testimony.

Imants Sturnieks, 16930 12th Avenue North, stated the drainage of his property flows to the pond. He stated 39 residents have signed a petition opposing the storm sewer.

Dan Aldrich, 1200 Dunkirk Lane, requested the Council to consider other options as the curb and gutter and storm sewer costs are increasing the assessments.

Kevin Knacke, 17020 12th Avenue North, voiced his support for the street resurfacing; however, the storm sewer and curb and gutters are discretionary.

Kurt Homan, 17220 9th Avenue North, agreed that the street needs to be reconstructed; however, the storm sewer wouldn't be effective for the drainage in the neighborhood. He is also opposed to the curb and gutter.

Mary Norton, 16615 14th Avenue North, voiced her opposition to the project. She presented a petition to the Council where nine of 10 property owners are opposed to the project.

Jonathan Walther, 17005 11th Avenue North, challenged the perception that costs are going to increase in the next five to 10 years, as there are ways to do things better. He requested that the curb and gutter and storm sewer portions of the project be deleted.

Jim Hembre, 16740 14th Avenue North, voiced his support for the project. He noted that the storm sewer goes across his property and there is standing water on his property in the spring.

Clinton Ashe, 18005 20th Avenue North, compared the proposed assessment rate of this project to the assessment rate that the Burl Oaks neighborhood received. He requested that the Council reconsider assessing 20%-25% of the project cost, rather than 40%.

Lynes Getten, 16800 9th Avenue North, stated his street is very short that doesn't go very far. Therefore they shouldn't be assessed at the full rate when they have only a half of a street.

Scott Qualle, 17030 13th Avenue North, stated the road conditions in his neighborhood are the worst in the City. He stated he supports the curb and gutter, but the storm sewer should only be installed where necessary.

Joe Abrahamson, 17301 14th Avenue North, agreed with Mr. Qualle, and he noted there a number of trees that are currently on the street. He questioned who would be responsible for the cost of removing those trees.

John Parod, 17320 14th Avenue North, stated he supports the road reconstruction, but questioned if the storm sewer is necessary for 13th and 14th Avenues.

Adopted Council Minutes
Regular Meeting of February 13, 2007
Page 9 of 10

John Hackenmueller, 1215 Dunkirk Lane, voiced his support for the street reconstruction but questioned the necessity of curb and gutter and storm sewer.

Bob Vansambeek, 17315 12th Avenue North, stated he supports the street reconstruction, but there is no point in constructing rain gardens when the natural flow of the land exists.

Leo Theis, 17135 12th Avenue North, stated he doesn't see a need for the proposed bump outs.

Jennifer Slater, 17130 11th Avenue North, stated she supports the road reconstruction. However, she requested redesigning the curb and gutter similar to the Burl Oaks neighborhood and offering seniors a deferment or pro rata on their assessments.

Linda Pinnell, 16635 14th Avenue North, stated she doesn't support the project as their streets are in good condition, and they don't need curb and gutter and storm sewer.

Tom Kampmann, 16815 14th Avenue North, questioned if property owners could have driveway work done, and if the row of trees on 6th would be removed.

Dan Merz, 17230 12th Avenue North, stated the bump outs are unnecessary. He questioned the need for the storm sewer.

Ken Campbell, 16820 and 16910 9th Avenue, questioned the need for the storm sewer as the area drains into Gleason Lake or sits in a holding pond. He stated he would support a change in the type of curb and gutter, similar to what the Burl Oaks neighborhood received. He supports reconstruction of the street.

Carol Burgess, 16705 12th Avenue North, agreed that the condition of the streets is bad; however, she would like to know what the plans are for the existing storm sewer.

Wayne Norton, 16615 14th Avenue North, stated he is opposed to the project.

There being no one else wishing to appear before the Council to give testimony, Mayor Slavik declared the public hearing closed.

Design Engineer Rennenberg discussed the plans for the storm sewer and stressed that the goal is to get the water off the street into a storm sewer system, whether it's the holding ponds or Gleason Lake. Regarding the curb and gutters in the Burl Oaks neighborhood and the proposed curb and gutters for this project, these are completely different areas considering the topography and the layout of the streets. He noted that majority of the trees along 6th Avenue would remain. Public Works Director Cote stated the pond near 14th Avenue would be reviewed as part of the City's pond maintenance program. He also stated that there is a senior citizen deferral program for senior citizens.

Councilmember Black suggested that staff review the option of ribbon curbs, as they could decrease the discharge into Gleason Lake with the storm sewer system. Due to the clay soils in the neighborhood, this type of curb might work better and still keep with the character of the

neighborhood.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to adopt a Resolution Ordering Improvement and Preparation of Plans and Specifications for 2007 Street Reconstruction Project (7101 – Res2007-079) and to direct staff to review/consider the option of ribbon curbs. With all members voting in favor but Bildsoe, the motion carried.

(7.03) Project Hearing for Black Oaks Lane for 2007 Street Reconstruction (6102)

Assistant City Engineer Beckwith reported on the proposed project which consists of street reconstruction, and curb and gutter and storm sewer installation. This is a joint project with the City of Minnetonka. Properties would be assessed 40% of the street reconstruction costs. The width of the roadway would be 22 feet, with parking on only one side of the street.

Mayor Slavik opened the public hearing for testimony.

John Penshorn, 120 Black Oaks Lane, provided a few comments regarding the final design of the hammerhead, the width of the road, and drainage of the area.

There being no one else wishing to appear before the Council to give testimony, Mayor Slavik declared the public hearing closed.

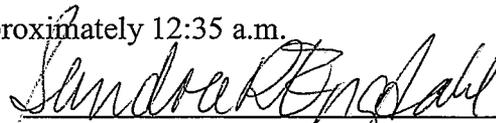
Motion was made by Councilmember Stein, and seconded by Councilmember Willis, to adopt a Resolution Ordering Improvement and Preparation of Plans and Specifications for Black Oaks Lane Reconstruction Project (6102 – Res2007-079). With all members voting in favor, the motion carried.

General Business

Motion was made by Councilmember Bildsoe, and seconded by Mayor Slavik, to postpone the remainder of the agenda items under General Business and Reports and Staff Recommendations to the February 27 Council meeting. With all members voting in favor, the motion carried.

Adjournment

Mayor Slavik adjourned the meeting at approximately 12:35 a.m.



Sandra R. Engdahl, City Clerk