

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

Mayor Slavik 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 13, 2007.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, Police Chief Goldstein, City Attorney Knutson, Park and Recreation Director Blank, Deputy Fire Chief Hurr, Financial Analyst Kohn, Assistant City Engineer Beckwith, Housing Manager Barnes, City Forester Buck, Senior Planner Drill, Community Development Director Juetten, Administrative Services Director McGann, and City Clerk Engdahl.

Plymouth Forum

There was no one present wishing to address the Council.

Presentations and Public Information Announcements

(4.01) Announcement of Governor's MnGREAT Award

Councilmember Black reported that on February 28, the City received the 2007 Governor's MnGREAT Award for the sustainable building practices employed in the recent public safety/city hall remodeling project.

(4.02) Oaths of Office to Police Officers Chris Hendrickson and Ryan Peterson

City Clerk Engdahl administered the oaths of office to Police Officers Hendrickson and Peterson.

(4.03) Announcement of Environmental Fair on March 27 at Pilgrim Lane Elementary School

City Forester Buck announced this year's Environmental Fair to be held on March 27 at 6:00 p.m.-8:00 p.m. at Pilgrim Lane Elementary School.

Approval of Agenda

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

Consent Agenda

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

- (6.01) Minutes from the Regular Council Meetings of February 27.
- (6.02) Resolution Approving Disbursements for the Period Ending March 2, 2007 (Res2007-095).
- (6.03.1) Resolution Approving Portable Toilet Bids for 2007 and 2008 (Res2007-096).
- (6.03.2) Resolution Approving Concrete Construction Work (Res2007-097).
- (6.03) Resolution Approving Asphalt Overlay Work for 2007 (Res2007-098).
- (6.04) Resolution Authorizing Staff to Finance Minor Billings for Projects Received after Project Closure (Re2007-099).
- (6.05) Resolution Approving a Variance to allow 53 percent Impervious Surface Area Coverage to allow Construction of a Home Addition by Skyline Design, Inc. for Property located at 959 Zanzibar Lane North (2007006 – Res2007-100).
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- (6.06) Resolution Appointing Insurance Agent of Record (Res2007-101).
- (6.07) Resolution Authorizing a Reallocation of CDBG Funds from the 2004, 2005, and 2006 GMDCA Account into the 2007 Affordable Housing Development Account for Hammer Residence Rehabilitation Project (Res2007-102) and a Resolution Authorizing the Application for and Allocation of Fiscal Year 2007 Community Development Block Grant Funds (Res2007-103).
- (6.08) Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Black Oaks Lane Reconstruction Project (6102 – Res2007-104).
- (6.09) Resolution Awarding Contract for Sunset Trail Retaining Wall Project (7103 – Res2007-105).
- (6.10) Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for 2007 Crack Repair Program (7118E – Res2007-106).
- (6.11) Resolution Approving Plans and Specifications and Ordering Advertisement Bids for 2007 Temporary Overlay Project (7123 – Res2007-107).
- (6.12) Resolution Authorizing Payment of 2007 Membership Dues for the Bassett Creek

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Watershed Management Commission (Res2007-108).

(6.13) Resolution Reducing Required Financial Guarantee for Plymouth Pointe Addition (92034 – Res2007-109).

(6.14) Resolution Authorizing the Mayor and City Manager to Enter into Service Agreements with Social Service Agencies for 2007 (Res2007-110).

(6.15) Resolution Authorizing the Mayor and City Manager to Execute Amendment No. 4 to the Park and Ride Agreement for Four Seasons Mall (Res2007-111).

(6.16) Resolution Approving Transfer of Funds from General Fund Street Reconstruction Fund (Res2007-112) and a Resolution Adopting Amended 2006 Budgets (Res2007-113).

(6.17) Resolution Awarding the Proposal for Utility Payment Lockbox Services to Wells Fargo Bank (Res2007-114).

(6.18) Resolution Amending the Professional Engineering Services Agreement with Howard R. Green Company for Intersection Improvement Project for County Road 61/County Road 47 (6108 – Res2007-115).

(6.19) Resolution Approving Temporary On-Sale Liquor License for Providence Academy (Res2007-116).

Motion carried to approve the Consent Agenda.

Public Hearings

Since the licensee wasn't present for item No. 7.01, the Council suspended the rules to move that item after item No. 7.04.

(7.02) Project Hearing for 2007 Mill and Overlay Project, Vicksburg Lane from 32nd Avenue to Old Rockford Road (7104)

Assistant City Engineer Beckwith gave a brief overview the proposed mill and overlay project for Vicksburg Lane from 32nd Avenue to Old Rockford Road.

Mayor Slavik opened the public hearing for testimony.

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

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to adopt a Resolution Ordering Improvement and Preparation of Plans and Specifications for 2007 Mill and Overlay Project (7104 – Res2007-117). With all members voting in favor, the motion

carried.

(7.03) Project Hearing for Street Lighting within Hawthorne Ponds Addition (7119)

Public Works Director Cote provided a report on the petitioned request by the neighborhood. He explained Excel Energy would install the six street lights with underground buried power at a cost of \$26,381. The City would bill the installation cost as well as the bi-monthly charge for these lights to the property owners.

Mayor Slavik opened the public hearing for testimony.

The following residents stated they object to the project due to the timeliness of the project, and the neighborhood not having a good opportunity to discuss this project:

John Hickman, 410 Narcissus Lane.
Mary Singleton, 530 Narcissus Lane.
Alec Albee, 17815 6th Avenue North.
Sid Stivland, 17725 6th Avenue North.
Mike Caticchio, 17805 4th Avenue North.
Bart Foreman, 405 Narcissus Lane.
John Garski, 340 Merrimac Lane.

Lynn Strauss, 17815 6th Avenue North, gave a handout to the Council listing the reasons why she objected to the project.

Ned Dau, 17825 4th Avenue North, spoke in favor of the project as it would coincide with the street reconstruction project, and the lighting would provide safety for pedestrians.

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 Bildsoe, and seconded by Councilmember Murdock, to not install the lights.

The majority of the Council acknowledged that this would be a good opportunity to install the street lights due to the street reconstruction project; however, there needs to be further discussion amongst the neighborhood, as the neighborhood is reasonably split on the issue.

With all members voting in favor, the motion carried.

(7.04) Purchase and Sale of Tax Forfeited Property to Plymouth Creek 5th Addition Homeowners Association

Administrative Services Director McGann provided an overview on this item, which would involve the sale and purchase of tax forfeited property to the Plymouth Creek 5th Addition Homeowners Association. This is "common area" beneath the townhouse units. The City would

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pay \$180.70 for the property, and the homeowners association would reimburse the City \$1,000 (covers the purchase price, deed preparation, recording fees, State deed tax, and City Attorney fees).

Mayor Slavik opened the public hearing for testimony.

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

Motion was made by Councilmember Willis, and seconded by Councilmember Black, to adopt a Resolution Authorizing the Purchase and Sale of Tax-Forfeited Property and Dispensing with Statutory Requirements for Review by Planning Commission of the Acquisition and Disposal of the Property (Res2007-118). With all members voting in favor but Hewitt and Bildsoe, the motion carried.

(7.05) On Sale and Sunday Intoxicating Liquor License for Suzanne's Cuisine, dba Suzanne's Cuisine, 14800 34th Avenue North (Plymouth Creek Center)

City Clerk Engdahl reported on the request of Suzanne's Cuisine for On Sale and Sunday Intoxicating Liquor Licenses at the Plymouth Creek Center.

Mayor Slavik opened the public hearing for testimony.

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

Motion was by Councilmember Black, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving On-Sale and Sunday Intoxicating Liquor Licenses for Suzanne's Cuisine, Inc. dba Suzanne's Cuisine, 14800 34th Avenue North (Res2007-119). With all members voting in favor, the motion carried.

(7.01) Continued Hearing for Tobacco Compliance Check Violation for Essex Court Gift Shop, 505 Highway 169

Police Chief Goldstein reported that this hearing was continued from the February 27 Council meeting as the licensee was out of town.

Mayor Slavik announced that this is the continued hearing of the violation.

Police Chief Goldstein reported on the details of the violation which occurred on November 8, 2006 when the clerk sold tobacco products to an underage buyer. The employee pled guilty to a misdemeanor, paid a fine of \$125, and was sentenced to five days which was stayed for one year.

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

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Hewitt, to adopt a Resolution Imposing a Civil Penalty Against Essex Court for Tobacco Compliance Check Violation – 15-day license suspension and administrative fine of \$750 (Res2007-120). With all members voting in favor, the motion carried.

General Business

Council suspended the rules to act on item No's. 8.03, 8.02, and 8.01 in that order.

(8.03) Variances to allow a Detached Garage in the Front Yard and for Impervious Surface Coverage for Property located at 9960 26th Avenue North (Scott and Mary Linnell – 2007004)

Community Development Director Juetten provided an overview on the request. He stated the Planning Commission recommended approving the Variances with the requirement that a maintenance agreement be submitted for the rain garden. He stated staff has included two resolutions—the resolution that staff recommended without a maintenance agreement for the rain garden, and the Resolution that the Planning Commission recommended with the requirement of a maintenance agreement for the rain garden.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to adopt a Resolution Approving Variances to Allow a Detached Garage in a Front Yard and for Impervious Surface Coverage for Scott and Mary Linnell for Property located at 9960 26th Avenue North (2007004 – Res2007-121) without requiring a maintenance agreement for the rain garden. With all members voting in favor, the motion carried.

(8.02) Rezoning from FRD to RSF-2 and Preliminary Plat for Property located at 3120 Dunkirk Lane (Gonyea Development, LLC – 2007002)

Community Development Director Juetten provided an overview on this proposed project. He noted the concerns that were voiced by residents at the Planning Commission meeting relative to drainage and increase runoff from this property (staff believes less water would be running off the property due to the rain garden in the southeast part of the property), the City purchasing the property for additional parkland (staff believes there are adequate parks in the area for the adjacent neighborhoods), and potential for improved trail access to the existing neighborhood parks (could extend the trail for Maple Creek Park farther north and west if residents supported more trails).

Mayor Slavik gave an alternative resolution to the Council that would require the developer to provide a 20-foot wide trail easement between Lot 5 and Lot 6 and construct an eight-foot wide bituminous trail within that easement.

Jackie Archbold, 16915 32nd Avenue North, stated she is objects to the project as the church property has become a play area for the entire neighborhood.

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Jupe Hale, 3210 Fountain Lane, stated he objects to the project. He requested additional time for the neighborhood to take part in the decision making process for this parcel and discuss what opportunities exist for this property. He asked if this property would be redeveloped, could there be a community gathering option adjacent to the southeast corner of the property.

Debbie Hale, 3210 Fountain Lane, stated she objects to the project as the church property is the park for the neighborhood.

Daryn McBeth, 29th Avenue North, agreed with Mr. Hale's comments and added if this project is approved, there needs to be a buffer for the wetland area, parks, and trails in this area.

Linda Vicary, 16705 32nd Avenue North, realizes that this area will be developed, but she's unsure if this is the right project. She stressed the need for crosswalks across Dunkirk Lane.

Gary Hughes, 16820 28th Avenue North, noted the high traffic speeds on Dunkirk Lane, and he stated access to and from this property would be a problem if one is making a left turn. In addition, the development wouldn't be compatible with the adjacent neighborhoods.

Tom Archibold, 16915 32nd Avenue North, requested further review of this property.

Guy D'Angelico, 16521 30th Avenue North, stated the lots seem very small for the size and price of the homes (\$700,000 to one million). He requested trails along the wetland to the east and to tie the whole area together on both sides of Highway 55 with trails for the City Center concept.

Bev Moos, 16540 30th Avenue North, stated she supports the project. She explained their property is to the south of the property, and she noted the cut through traffic and the activities at the church property that have been unacceptable. This proposed development would allow them to regain the private use of their property.

Robert Triebenbach, 16520 30th Avenue North, spoke of the volumes of traffic on Dunkirk Lane.

The Council discussed designating property located adjacent to the southeast part of the parcel as park property. This is property that the City hasn't planned on purchasing as part of the open space referendum approved in November 2006. This property would fit the description of a mini park classification as the site is approximately five acres. If this area would become a park, it would be marketed to the entire City which could cause problems with traffic. The alternative resolution that Mayor Slavik presented would allow for a trail connection from project property to an area that could connect to the Maple Creek neighborhood park, other trails, and retail areas. Concerns were raised that the proposed project wouldn't be compatible with surrounding properties, and the property should be developed with the same zoning standards for the areas south and west of the site. In addition, the amount of traffic traveling on Dunkirk Lane and trail and destination points that would be necessary. The Council discussed the suggestion for the developer to consider RSF-1 zoning on this property.

Tom Gonyea, developer, stated he understands that the neighborhood desires a park. He also stated that the homes to be constructed on these lots would be custom built homes, and he

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acknowledged that they could be constructed setback line to setback line. However, they would all fit within the City guidelines. Regarding the suggestion for RSF-1 zoning, they haven't reviewed that option.

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to refer this item back to the Planning Commission to conduct a hearing and consider rezoning the property to RSF-1 (approval of the Preliminary Plat was tabled). With all members voting in favor but Murdock and Stein, the motion carried.

(8.01) 2006 Annual Report and 2007 Work Plan for the Environmental Quality Committee

Mayor Slavik voiced her concerns on the list of "additional items" contained in the 2007 Work Plan. She stated she would like to remove those items as the Council hasn't really discussed those items, and the committee's focus in 2007 should be on the Comprehensive Plan update and the solid waste action plan.

Motion was made by Mayor Slavik, and seconded by Councilmember Hewitt, to approve the 2006 Annual Report and 2007 Work Plan with the exception of the additional topics listed at the end of the 2007 Work Plan. With all members voting in favor but Black, the motion carried.

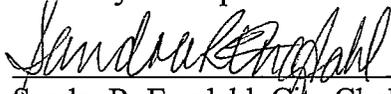
Reports and Staff Recommendations

(9.1) Legislative Update

There was no legislative update.

Adjournment

Mayor Slavik adjourned the meeting at approximately 10:47 p.m.



Sandra R. Engdahl, City Clerk