

**Adopted Minutes
Regular Council Meeting
September 25, 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 September 25, 2007.

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

ABSENT: Councilmember Hewitt.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Fire Chief Kline, Public Works Director Cote, Community Development Director Juetten, Police Chief Goldstein, Administrative Services Director McGann, Park and Recreation Supervisor Greupner, Planner Doty, and City Clerk Engdahl.

Plymouth Forum

There was no one present to address the Council.

Presentations and Public Information Announcements

(4.01) Announcement of Plymouth on Parade on September 29

Park and Recreation Supervisor Greupner announced Plymouth on Parade to be held on September 29.

(4.02) Watering Restrictions

City Manager Ahrens announced that staff recommends to lift the water restriction that would expire on September 30 due to the more favorable weather conditions for watering. The Council unanimously approved this request.

Approval of Agenda

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

Consent Agenda

Councilmember Bildsoe requested a minor correction to page 5 of the September 11 Regular Council meeting minutes.

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Item No's. 6.04 and 6.16.1 were removed from the Consent Agenda and placed under General Business as item No's. 8.05 and 8.06 respectively.

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

- (6.01)** Minutes from the Regular and Special Meetings of September 11.
- (6.02)** Resolution Approving Disbursements for the Period Ending September 15, 2007 (Res2007-388).
- (6.03)** Resolution Receiving Feasibility Report, Ordering Improvements and Preparation of Plans and Specifications for Wood Creek Erosion Repair Project (6103 – Res2007-389).
- (6.04)** (This item was removed from the Consent Agenda and placed under General Business as item No. 8.05).
- (6.05)** Resolution Adopt Special Assessment Bond Rate (Res2007-390).
- (6.06)** Resolution Approving a Variance to allow 200-watt Light Fixtures that are not fully Shielded at Parkers Lake Park located at 15500 County Road 6 (2007076 – Res2007-391).
- (6.07)** Resolution Approving a Variance for Rear Yard Setback for Steele Construction Services Inc. for Property located at 5300 Norwood Lane North (2007079 – Res2007-392).
- (6.08)** Postpone approving request for payment No. 21 for the Vicksburg Lane Pumping Station (3108).
- (6.09)** Resolution Receiving Non-Degradation Report for the Municipal Separate Storm Sewer (MS4) General Permit (7108 – Res2007-393).
- (6.10)** Resolution Requesting Payment No. 2 and Final for 2007 Temporary Overlay Project (7123 – Res2007-394).
- (6.11)** Resolution Setting Hearing on Proposed Assessment for 2007 Mill and Overlay Project (7104 – Res2007-395) and a Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Roll for 2007 Mill and Overlay Project (7104) – Res2007-413).
- (6.12)** Resolution Terminating Water Quality Pond Maintenance Agreement for Westbranch 4th Addition (97134 – Res2007-396).
- (6.13)** Resolution Approving Wetland Replacement Plan Application for County Road 101 Improvements from 14th Avenue to County Road 24 (5102 – Res2007-397).
- (6.14)** Resolution Awarding Contract for Wikman Erosion Project (6113 – Res2007-398).

(6.15) Resolution Approving an Exemption and Authorizing the Mayor to Sign the Wetland Conservation Act Certificate of Exemption Form for Wikman Erosion Control Project (6113 – Res2007-399).

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

(6.16.2) Resolution Setting Hearing on Proposed Assessment for 2007 Street Reconstruction Project (6102 – Res2007-400) and a Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Roll for 2007 Street Reconstruction Project (6102 – Res2007-401).

(6.16.3) Resolution Setting Hearing on Proposed Assessment for 2007 Street Reconstruction Project (7107 – Res2007-402) and a Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Roll for 2007 Street Reconstruction Project (7107 – Res2007-403)

Motion carried to approve the Consent Agenda.

Public Hearings

(7.1) Vacation of Platted Drainage and Utility Easement along the Common Lot line of Lots 2 and 3, Block 1, Park Place

Public Works Director Cote reported on the proposed Vacation.

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 Bildsoe, and seconded by Councilmember Stein, to adopt a Resolution Authorizing the Vacation of a Platted Drainage and Utility Easement along the Common Lot Line of Lots Two and Three, Block One, Park Place (Res2007-404). With all members voting in favor, the motion carried.

General Business

(8.05) One-Year Extension of the Site Plan and Conditional Use Permit Approvals for Family Hope Services for Property located at the Southeast Corner of County Road 101 and 40th Avenue (2003002)

Councilmember Willis expressed his concern that the Council is being requested to approve

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another extension, and he would like assurance from the applicant that this would be their last.

Kurt Smith, 6600 West Shore Drive, Board Member of Family Hope Services, stated they have had some difficulty in reaching their financial campaign goal. They are in the process of starting another campaign fund needed to acquire the property.

Motion was made by Councilmember Willis, and seconded by Councilmember Murdock, to adopt the Resolution with the addition of a clause stating, "The applicant shouldn't expect that the City will renew the extension after the current term." With all members voting against the motion except Murdock and Willis, the motion failed.

Motion was made by Mayor Slavik, and seconded by Councilmember Willis, to adopt a Resolution Approving a One-Year Extension of the Site Plan and Conditional Use Permit Approvals for Family Hope Services for Property located at the Southeast Corner of County Road 101 and 40th Avenue (2003002 – Res2007-405) and a Resolution Approving Amendment to the Contract for Deed with Family Hope Services Incorporated (2003002 – Res2007-406). With all members voting in favor, the motion carried.

(8.06) Setting Hearing on Proposed Assessment for 2007 Street Reconstruction Project (7101)

Dale Anderson, 17830 3rd Avenue North, representing the Hawthorne Ponds Homeowners Association, expressed his concern on how the project would be assessed when the engineer's estimate is less than the actual bid. Therefore, the property owners don't feel they should be assessed for anything over actual cost.

Bill Muske, 17825 3rd Avenue North, stated he's concerned about methodology to assess property owners, and trying to understand if there are other costs other than outside contractors that are included, such as engineering and overhead.

John Farnham, 325 Narcissus Lane North, requested that the issue be resolved on the how the assessments are charged.

Gary Johnson, 17910 3rd Avenue North, stated residents should only be assessed for actual costs of the project, not engineering and overhead.

Mayor Slavik stated of the \$2.2 million that the City budgeted, approximately \$1.8 million would be assessed. She stated that the funds haven't been appropriated for this project. Those figures were only estimates. Therefore, there are no savings to pass on to the property owners. The City only assesses the actual costs of the project. Public Works Director Cote added the City assesses 15% for engineering and administration costs, and the design engineer's budget is funded through this 15%. He stated that it's difficult for the City Engineer to make estimates due to many changing factors in the economy, which is why the estimates are conservative. With this particular project, a number of bids were very favorable and lower than the engineer's estimate; however, there were a number of bids that were very close to the engineer's estimate. Administrative Services Director McGann added the City needs to collect 105% in order to make

the debt service payments, which is a State requirement. The City also offers the flexibility of making prepayments, in which only principal is collected, not interest.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Black, to adopt a Resolution Setting Hearing on Proposed Assessment for 2007 Street Reconstruction Project (7101 – Res2007-407) and a Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment Roll for 2007 Street Reconstruction Project (7101 – Res2007-408). With all members voting in favor, the motion carried.

(8.1) Comprehensive Plan Amendment, Rezoning, Preliminary Plat and Variances for “Homeland” Property located at 4520 Holly Lane (Greg Hoglund and Gary Anderson – 2007060)

Planner Doty reported on the request to reguide a 0.7 acre site located at 4520 Holly Lane North from P-I to LA-1, rezone from FRD to RSF-1, preliminary and final plat approval to create two lots, and lot Variances to allow two 15,400 square foot lots, where 18,500 square feet is specified in the RSF-1 Zoning District. The Planning Commission and staff support the reguiding, but not the other requested approvals. He noted that the two lots wouldn't meet the minimum lot area of the proposed district, and the subject property wouldn't be compatible with the existing properties in the neighborhood.

Greg Hoglund, applicant, stated this is the original home on the golf course. At this time they have no intention of constructing a home on this property. Regarding the denial of the rezoning, it couldn't be divided in such a way to meet the 18,500 square feet of the RSF-1 requirements. He stressed that this is a substandard lot that isn't compatible with the existing properties. The stake for this property is in the middle of Holly Lane, and the legal description is over 39,800 square feet. Therefore, it meets the RSF-1 requirements for lot sizes of 18,500. Lastly, according to the Comprehensive Plan, this property should accommodate one to two dwelling units. The rezoning of the site would be consistent with the guiding in the Comprehensive Plan. He noted that there is a second hookup for City services on this property. This is a lot that can and should be subdivided in the future. He indicated that there is no neighborhood opposition to these requests.

City Attorney Knutson noted that the area under a public street isn't considered part of the lot size.

Motion was made by Councilmember Black, and seconded by Councilmember Willis, to adopt a Resolution Approving a Comprehensive Plan Amendment for Greg Hoglund and Gary Anderson for Property located at 4520 Holly Lane North (2007060 – Res2007-409). With all members voting in favor, the motion carried.

Motion was made by Councilmember Stein, and seconded by Councilmember Black, to adopt a Resolution Denying a Rezoning, Preliminary Plat, Final Plat, and Variances for Two Single-Family Lots to be known at “Homeland” located at 4520 Holly Lane North (2007060 – Res2007-410). With all members voting in favor, the motion carried.

(8.2) Site Plan, Conditional Use Permits, and Variances for Two Four-Story Office Buildings for Property located in the Northwest Quadrant of Highways 55 and 169

Community Development Director Juetten reported on the proposal.

Dave Bade, representing the applicant, provided a brief overview of the project and answered the Council's questions.

Motion was made by Councilmember Black, and seconded by Councilmember Murdock, to adopt a Resolution Approving a Site Plan, Conditional Use Permits, and Variances for Duke Realty, LP to allow Construction of Two Office Buildings for Property located in the Northwest Quadrant of Highway 55 and Highway 169 (2007071 – Res2007-411). With all members voting in favor, the motion carried.

(8.3) Public Facilities Plan Chapter of the Comprehensive Plan Update (City of Plymouth – 2005050)

Planner Doty discussed the proposed public facilities plan chapter of the Comprehensive Plan.

Councilmember Black requested to insert language regarding green building principals, when it's economically feasible.

Motion was made by Councilmember Black, and seconded by Councilmember Stein, to adopt a Resolution Approving Preliminary Public Facilities Plan Chapter for the 2008 City of Plymouth Comprehensive Plan Update (2005050 – Res2007-412) with the addition of language regarding green building principals when it's economically feasible. With all members voting in favor, the motion carried.

Reports and Staff Recommendations

There were no Reports and Staff Recommendations.

Adjournment

Mayor Slavik adjourned the meeting at approximately 8:40 p.m.



Sandra R. Engdahl, City Clerk