

**Adopted Minutes
Regular Council Meeting
October 23, 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 October 23, 2007.

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

ABSENT: None.

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

Plymouth Forum

There was no one present to address the Council.

Presentations and Public Information Announcements

(4.01) Announcement of "Catch the City Spirit Campaign"

Senator Ann Rest was unable to attend the meeting regarding this announcement. This item would be on a future Council meeting agenda.

(4.02) Announcement of Certificate of Commendation to Plymouth from Governor Pawlenty related to Manufacturers' Week and TURCK, Inc.

Mayor Slavik read the Certificate of Commendation from Governor Pawlenty related to Manufacturers' Week and TURCK, Inc.

(4.03) Recognize Administrative Services Director Jean McGann

Administrative Services Director McGann announced her resignation effective November 9. The Council thanked her for her service and wished her well.

(4.04) 2006 Life Safety Achievement Award

Mayor Slavik acknowledged the Fire Department for receiving the 2006 Life Safety Achievement Award.

General Business

(8.1) Award Sale of \$2,810,000 General Obligation Open Space Bonds, Series 2007A

Representatives from Ehlers and Associates reported that Stifel, Nicolaus and Company, Inc., provided the low proposal for the bond issue with a true interest rate of 3.8592%.

Motion was made by Councilmember Hewitt, and seconded by Councilmember Bildsoe, to adopt a Resolution Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$2,715,000 General Obligation Open Space Bonds, Series 2007A (Res2007-458). With all members voting in favor, the motion carried.

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 Black, and seconded by Councilmember Hewitt, to adopt the Consent Agenda that included the following items:

(6.01) Minutes from the Regular Meeting of October 9.

(6.02) Resolution Approving Disbursements for the Period Ending October 13, 2007 (Res2007-443).

(6.03) Resolution Approving Payment No. 2 and Final for 2007 Sanitary Sewer Lining Project (7106 - Res2007-444).

(6.04) Resolution Approving Request for Payment No. 2 and Final for 2007 Seal Coat Program (7117E - Res2007-445).

(6.05) Resolution Accepting Utilities for Continual Maintenance for Bassett Creek Crossing (2005093 - Res2007-446).

(6.06) Resolution Authorizing the City to accept Grant Funds from the Target Greatland to be used to purchase Equipment by the Police Department (Res2007-447).

Motion carried to approve the Consent Agenda.

Public Hearings

(7.1) On-Sale Liquor and Sunday Liquor License Applications from Kobe Operating, LLC d/b/a Kobe Japanese Restaurant, 1555 34th Avenue

City Clerk Engdahl reported on the request of Kobe Operating, LLC d/b/a Kobe Japanese Restaurant, 1555 34th Avenue, for On-Sale Liquor and Sunday Liquor Licenses.

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 Hewitt, and seconded by Councilmember Black, to adopt a Resolution Approving On-Sale Liquor and Sunday Liquor Licenses for Kobe Japanese Restaurant, 1555 34th Avenue (Res2007-448). With all members voting in favor, the motion carried.

(7.2) Assessments for Vicksburg Lane Mill and Overlay Project (7104)

Assistant City Engineer Beckwith provided the overview of the project.

Mayor Slavik opened the public hearing for testimony.

Audrey Friedman, 16105 38th Avenue North, Secretary of Sugar Ridge Homeowners Association, stated notice of public hearing was sent to the management company of the homeowners association, not individual property owners. She asked why the property between 36th and 38th isn't being assessed.

Stephen Mann, from Mann Theatre, voiced his objection to the proposed assessment.

John Farnham, 325 Narissus Lane North, requested that the Council reevaluate the percentage of the project cost that is being assessed to property owners.

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

Assistant City Engineer Beckwith stated public hearing notices were sent to property addresses according to Hennepin County records. He stated the property between 36th and 38th isn't being assessed because access isn't on Vicksburg Lane. Mayor Slavik added how the assessment rate has been gradually increased over the past few years to the current rate of 40%.

Motion was made by Councilmember Stein, and seconded by Councilmember Willis, to adopt a Resolution Adopting Assessments for 2007 Mill and Overlay Project for Assessments up to \$5,000 (Res2007-449), Resolution Adopting Assessments for 2007 Mill and Overlay Project for Assessments from \$5,001 to \$10,000 (Res2007-450), and a Resolution Adopting Assessments for 2007 Mill and Overlay Project for Assessments from \$10,001 and Higher (Res2007-451). With all members voting in favor, the motion carried.

(7.3) Assessments for Black Oaks Lane Reconstruction Project (6102)

Assistant City Engineer Beckwith provided the overview of the project.

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 Black, and seconded by Councilmember Bildsoe, to adopt a Resolution Adopting Assessments for Black Oaks Lane Reconstruction Project for Assessments up to \$5,000 (Res2007-452) and a Resolution Adopting Assessments for Black Oaks Lane Reconstruction Project for Assessments from \$10,001 and Higher (Res2007-453). With all members voting in favor, the motion carried.

(7.4) Assessments for City View Street Reconstruction Project (7107)

Civil Engineer Renneberg provided the overview of the project.

Mayor Slavik opened the public hearing for testimony.

Daniel Van Horn, 17300 13th Avenue North, requested a new layout of his property and the differential of the square footage. He mentioned concerns regarding the sod and his fence. He is opposed to the assessment as he doesn't feel the City could justify that his assessed property value has increased due to this improvement.

Written objections from 17330 14th Avenue North, 1320 Garland Lane North, 17301 14th Avenue North, 17320 14th Avenue North, 1730 14th Avenue North, and 17300 13th Avenue North, were made part of the record.

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 Adopting Assessments for 2007 Street Reconstruction Project for Assessments from \$0 to \$5,000 (Res2007-454) and a Resolution Adopting Assessments for 2007 Street Reconstruction Project for Assessments from \$5,001 to \$10,000 (Res2007-455). With all members voting in favor, the motion carried.

(7.5) Assessments for Hawthorne Ponds Street Reconstruction Project (7101)

Civil Engineer Renneberg provided an overview of the project.

Mayor Slavik opened the public hearing for testimony.

Adopted Council Minutes
Regular Meeting of October 23, 2007
Page 5 of 6

Dennis Bilski, 18910 30th Avenue North, stated his lot at 440 Queensland Lane is being assessed at twice the rate for a single-family residential lot assessment (\$15,752.60), as staff has noted that this property is significantly larger than the average single-family lot in the area and could be subdivided. In addition, there were two water and sewer hookups at the start of construction. He stated that he has no intention to subdivide the lot, and there is only one water connection after the improvement.

Steven Peschel, 17935 Queensland Court, voiced his opposition to the assessment and noted that sod still hasn't been laid on his property. He asked what penalties the City is assessing against the contractor for not meeting the completion date.

Mike Caticchio, 17805 4th Avenue North, voiced his opposition to the proposed assessment, and he asked a number of questions involving actual charges of the project, the assessment rate, how staff hours are being charged, and why the lot at 6th and Queensland isn't being assessed.

John Silbaugh, 17700 6th Avenue North, voiced his opposition to the proposed assessment, and he questioned the project cost being lower than the City's estimate (passing savings onto property owners).

Dale Anderson, 17830 3rd Avenue North, stated he is opposed to the assessment and requested a breakdown of his assessment.

Michael Olson, 17800 3rd Avenue North, stated he is concerned that there is no drainage on the roadway, and that the big pond in their front yard would probably overflow and damage their driveway.

Written objections received from property owners at 17910 2nd Avenue North, 17930 Queensland Court, 17800 3rd Avenue North, and 440 Queensland Lane, were made part of the record.

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

Civil Engineer Renneberg and Public Works Director Cote addressed residents questions including, but not limited to, the schedule for laying of sod, penalties for contractor's delays, the design engineering budget covering staff's time, staff's estimates for projects being conservative, and there are no savings that are passed on to the property owners from staff's estimates and the actual project costs. They noted that the property located at 6th and Queensland isn't being assessed as they have no driveway access on Queensland. Regarding the pond located in front of 17800 3rd Avenue North, staff would be evaluating this situation to make sure the drainage flows to the pond. If the pond isn't working correctly, perhaps a shallow perforated pipe would need to be installed. They also encouraged residents to contact staff if they desire the actual breakdown of the project cost and/or their individual assessments.

Motion was made by Mayor Slavik, and seconded by Councilmember Black, to adopt a Resolution Adopting Assessments for 2007 Street Reconstruction Project for Assessments from

Adopted Council Minutes
Regular Meeting of October 23, 2007
Page 6 of 6

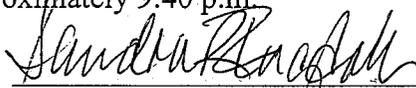
\$5,001 to 410,000 (Res2007-457) and a Resolution Adopting Assessments for 2007 Street Reconstruction Project for Assessments from \$10,001 and Higher (Res2007-456). In addition, they directed the City Attorney and Public Works Director to prepare an assessment agreement for 440 Queensland Lane for the November 13 Council Meeting. The suggested agreement would be to assess the property for one single family lot plus storm sewer, and defer the remainder of the assessment until development. 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 9:40 p.m.



Sandra R. Engdahl, City Clerk