

**Adopted Minutes
Regular Council Meeting
May 9, 2006**

Mayor Johnson 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 May 9, 2006.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, Fire Chief Klein, Police Chief Goldstein, City Attorney Knutson, Community Development Director Hurlburt, Administrative Services Director McGann, Park and Recreation Director Blank, Senior Planner Drill, Public Works Director Cote, and City Clerk Paulson.

Plymouth Forum

Dick Swenson, 18415 20th Avenue North, stated he has contacted the Police and Park and Recreation Departments regarding four-wheeler access to City's parks, streets, and lakes. He explained that he has a permit to hunt from his four-wheeler from the State of Minnesota, but the City won't allow him to access the parks, streets, and lakes. He suggested that the City allow four-wheeler access to parks, streets, and lakes, within a limited one mile radius from the resident's home.

Mayor Johnson stated this matter would be referred to the City Attorney to determine what options are available, and staff would contact him.

Presentations and Public Information Announcements

(4.01) Announcement of Human Rights Commission Essay Contest Winners

Human Rights Commission Chair Gwen Adams-Drew, Human Rights Commissioner Arthur Layton Jr., and Mayor Johnson presented awards to Meghna Sohoni, Elisabeth Hawthorne, Jason Lee, and Kimberly Perrine, winners of this year's essay contest.

(4.02) Proclamation Declaring "From Liberation to the Pursuit of Justice"

Mayor Johnson read a Proclamation declaring the week of April 23 through April 30 as "From Liberation to the Pursuit of Justice."

(4.03) Announcement of Recycling Drop-Off on May 20

Councilmember Black announced the Recycling Drop-Off day on May 20 at the Public Works

Maintenance Facility.

(4.04) Announcement of Councilmember Slavik being appointed to the Firefighter Training and Education Board

Councilmember Slavik announced that Governor Pawlenty recently appointed her to the Firefighter Training and Education Board.

Approval of Agenda

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

Consent Agenda

Councilmember Willis removed item No. 6.03, and it was placed under General Business as item No. 8.4.

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

(6.01) Minutes of the Special Meeting of April 18, 2006 Board of Appeal and Equalization Reconvened Meeting of April 25, and the Regular Council Meeting of April 25.

(6.02) Resolution Approving Disbursements for the period ending April 28, 2006 (Res2006-179).

(6.03) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.4).

(6.04) Resolution Awarding Contract for 2006 Street Reconstruction Project (6101 – Res2006-180).

(6.05) Resolution Approving Agreement for Wood Deck Encroachment into a Drainage/Utility Easement within Lot 20, Block 2, Cascades (Res2006-181).

(6.06.1) Resolution Approving Termination of Water Quality Pond Maintenance Agreement for Savannah (93112 – Res2006-182).

(6.06.2) Resolution Approving Termination of Water Quality Pond Maintenance Agreement for Cornerstone Commons (98194 – Res2006-183).

(6.07) Resolution Approving Application to extend the Licensed Premises for Woody's Carlson Parkway LLC d/b/a Woody's Grille Carlson Parkway, 220 Carlson Parkway (Res2006-184).

(6.08) Resolution Approving a Final Plat and Development Contract for “Taryn Hills 2nd Addition” for U.S. Home Corporation, for 14.51 Acres of Land located Northeast of County Road 47 and Vicksburg Lane (2006018-F – Res2006-185).

(6.09) Resolution Revising and Replacing Resolution No. 2006-116 adopted on March 14, 2006, Approving a Site Plan Amendment and Conditional Use Permits for Hempel Properties LLC to allow a New Retail Building with a Coffee Drive-Through and Modifications to the Existing Cub Foods Building for Property located at 4445 Nathan Lane (2005148 – Res2006-186).(Res2006-175).

(6.10) Resolution Awarding the Contract for Insurance for the 2006/2007 Insurance Program (Res2006-187).

Motion carried to approve the Consent Agenda.

Public Hearings

(There were no public hearings scheduled).

General Business

(8.1) Rezoning, PUD General Plan, and Preliminary Plat for “Villas at Bass Lake Creek”(southwest corner of intersection of Nathan Lane and Bass Lake Road – Lifestyle Properties – 2006006)

Community Development Director Hurlburt reported on the application of Lifestyle Properties for rezoning, preliminary plat, and PUD general plan approval for the construction of 25 single-family dwellings and 36 townhouses to be called the “Villas of Bass Lake Creek.” She illustrated the site and stated that the development would be served by a new street off Nathan Lane. She noted that there are a number of wetlands on the south and west side of the property, and Bass Lake Creek flows through the northern part of the property. She stated in 2005, there were two separate applications submitted for development of this property by variation of 13 apartment buildings. She stated these applications were denied by the City because the density was incompatible with surrounding neighborhoods, there wasn’t adequate transition, and the height of the buildings.

She stated the Planning Commission recommended approval of this project. She indicated that the majority of the issues that have been raised are about the impact to Bass Lake Creek, impacts to the wetlands, and access to the property. She stated regarding the concerns on the impact to Bass Lake Creek, the creek is impaired because of chlorides and what needs to occur to improve that. She stated the Engineering Department has reviewed the high water elevations on these ponds, and even with the heavy rains as of last night, they are performing the way they should be. Staff doesn’t have any concerns that there is a design flaw for drainage in the area. She

Adopted Council Minutes
Regular Meeting of May 9, 2006
Page 4 of 10

stated regarding using Nathan Lane to access this site, there has always been a concern of truck traffic on Nathan Lane, and staff doesn't feel that this development would exasperate that concern.

Jim Backer, 5694 Trenton Lane, President of Bass Lake Villas Townhome Association, stated this area would be better suited to lower density residential uses. The lower the density, the lower impact on the wetland area. He stated the Comprehensive Plan speaks to appropriate transitions, and this development does that. He stated their association supports this development, and they feel that this development is a great improvement over the previous proposals.

Community Development Director Hurlburt commented the density levels are below the guiding.

Jerry Unger, 10607 57th Place North, resident of Harrison Place Townhomes development, stated this proposal is the best they have seen from a building perspective and the density levels. However, he is disappointed on the progress for the environmental issues. He stated one issue is the Bass Lake Creek, which is an impaired body of water fueled by chlorides. With this proposed development, there would be more runoff on this creek. He stated he predicts that someday the Shingle Creek Watershed District is going to say that the creek needs to be repaired. He noted that there are improvements that could've been incorporated such as conveying storm water through wetlands and vegetation. There has been a long history of using wetlands and proving that running storm water through wetlands is valuable. He stated he disagrees with the developers on the water levels in the wetlands, and it concerns him that there could be areas that could be filled in from the high water mark. He indicated that one evening they measured the water in the pond in the southwest corner of the site, and it was over 914 feet. This could definitely subject some of the homes to flooding.

Bill Gleason, with Lifestyle Properties, stated they studied the wetland issue very thoroughly as well as an area study of the development to the west. He stated a lot of those numbers were from that study, and they are feeling very comfortable with those numbers.

Motion was made by Councilmember Black, and seconded by Councilmember Bildsoe, to adopt an Ordinance Amending Chapter 21 of the City Code to classify Certain Land located near the Southwest Corner of the Intersection of Nathan Lane and Bass Lake Road (2006006 – Ord2006-10), and a Resolution Approving Findings of Fact for the Rezoning of Land located near the Southwest Corner of the Intersection of Nathan Lane and Bass Lake Road (2006006 – Res2006-188).

Councilmember Black stated that with any development, Bass Lake Creek would be impacted. She stated in the future, as part of the discussion in the Comprehensive Plan, she would like to new developments to make the parking more pervious, thereby reducing the width of roads in the developments.

There being no further discussion and with all members voting in favor, the motion carried.

Motion was made by Councilmember Black, and seconded by Councilmember Bildsoe, to adopt

a Resolution Approving a Preliminary Plat for Lifestyle Properties for the “The Villas of Bass Lake Creek,” a Subdivision for Single Family Dwellings, Townhouse Dwellings, and Future Commercial Development North of the Creek located at the Southwest Corner of the Intersection of Nathan Lane and Bass Lake Road (2006006 – 189) and a Resolution Approving a PUD General Plan for Lifestyle Properties for Single-Family and Multiple-Family Dwellings on Property located near the Intersection of Nathan Lane and Bass Lake Road (2006--6 – Res2006-190). With all members voting in favor, the motion carried.

(8.1.1) Wetland Replacement Plan Application for the Villas of Bass Lake Creek

Public Works Director Cote reported on the proposed wetland replacement plan application for the “Villas of Bass Lake Creek.”

The consulting engineer for this project explained that they would replace the impacted wetlands on-site at a three to one ratio.

Motion was made by Councilmember Stein, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving Wetland Replacement Plan Application for the Villas of Bass Lake Creek (2006006 – Res2006-191). With all members voting in favor, the motion carried.

(8.2) Rezoning, Planned Unit Development General Plan, and Preliminary Plat for “Plymouth Crossroads Station” (south of Highway 55 and east of Cottonwood Lane – DJR Architecture, In. – 2005121)

Senior Planner Drill reported on the application of DJR Architecture for rezoning, preliminary plat, and PUD general plan approval for redevelopment of the Plymouth Shopping Center area located south of Highway 55 and east of Cottonwood Lane. He explained with this redevelopment, the existing shopping center and the Mr. Gas site would be removed. He noted that the developer has submitted a Tax Increment Financing (TIF) application, which is not part of the Council action this evening that would be for traffic and drainage improvements. He noted that these improvements would be required for any redevelopment of this site. Staff is in the process of reviewing the TIF application to determine if the project is eligible for TIF.

He stated the proposed PUD zoning would be consistent with the City’s Comprehensive Plan, it would provide the City with a higher level of regulatory control than could be achieved under conventional zoning. In addition, the development would incorporate common elements in the design and materials for buildings, as well as for landscaping and the walkway system, in order to create a united development, and lastly, adequate infrastructure is available to support the proposed development and rezoning of the development site.

He indicated that the preliminary plat would meet all of the City’s standards. The biggest challenge for this project is how it fits with the existing road system. He noted that the frontage road that currently exists in the front of the site would be removed and a new frontage road would be constructed around the back of the site. He discussed the uses for the proposed buildings to be located on the property and the three storm water holding ponds on the property. He showed the elevations of the buildings and the landscaping plan.

Adopted Council Minutes
Regular Meeting of May 9, 2006
Page 6 of 10

Councilmember Bildsoe asked if there are any City funds being spent on improvements to County Road 73. Public Works Director Cote replied no.

Councilmember Bildsoe commented that he doesn't like that the proposed gas station would be located at the northeast corner of the station so the back of it would be facing the new transit station.

A discussion was held on the traffic study held at the intersections involving Highway 55, West Medicine Lake Drive, and County road 73, and that the rating indicated that the intersections where the demand exceeds capacity, or a breakdown of traffic flow. Senior Engineer Drill stated the best remedy would be to construct Highway 55 to a six lane roadway.

Some of the Councilmembers suggested that the proposed trail be realigned due to the dangerous crossing at County Road 73.

Daniel LaFontaine, 11400 5th Avenue North, illustrated his concerns relative to the high water in his backyard which was due to some filling of the wetland in the mid 1980s which only left one culvert for the water to drain. This occurred after he constructed his home. He explained the culvert was placed at an elevation higher than the existing outflow elevation. The entire watershed area was raised 1.5 feet after the culvert was installed. He stated the proposed development's buildings won't get flooded, but his property is at a lower elevation which means he is at a greater risk. He stated his backyard has become very wet, which makes it very difficult to mow, and his sump pump runs every two minutes versus now and then.

Public Works Director Cote stated staff informed the developer the perimeters on what they need to review in this entire area that include hydraulic calculations, drainage plans, and the overflow on Mr. LaFontaine's property. He stated the City's requirement is that the emergency overland overflow swales must be a minimum of 18 inches below the lowest building opening, and Mr. LaFontaine has requested that it be lower than his yard elevation.

Roy Beacham, 825 Cottonwood Lane North, stated he is concerned about the landscaping on the west side of the property. He asked if the developer could consider more tree screening at the top of the hill. He also commented that he prefers the proposed location of the gas station as at one time it was to be in his view on the northwest part of the site.

Community Development Hurlburt added the hill is fairly large, and unless trees are planted at the top of the hill, they don't provide that much screening.

Bruce Thompson, 11018 Old County Road 15, stated his concerns regarding this development involve traffic, paths, walkways, and the trail crossing County Road 73. He stated it would be logical to make the trail part of the bike trail system. He noted that there needs to be turning restrictions at the point where the frontage road comes out to County Road 73. Public Works Director Cote cautioned that before considering any type of restriction, it would be better to evaluate the situation once the development is operational.

**Adopted Council Minutes
Regular Meeting of May 9, 2006
Page 7 of 10**

Mr. Thompson stated he is curious about the discussions that have been made with the State on the County Road 73/Highway 55 intersection. He asked with the frontage road being moved to the back of the development, if there could be additional plantings to assist in noise buffering. He attested to the Mr. LaFontaine's claim that there the wetland was filled many years ago.

Park and Recreation Director Blank discussed the possible options for the trail.

Councilmember Willis asked the owner of the site if he realizes that infrastructure improvements need to be made at Highway 55/County Road 73, and if this project could be economically viable without TIF. The owner replied that they realize infrastructure improvements need to be made at Highway 55/County Road 73. Regarding if this project would be economically viable without the use of TIF, he stated he is unsure until the costs of the improvements are determined. He stated the project is economically viable as it is drawn and shown.

Community Development Director Hurlburt stated that from a traffic and drainage standpoint, those improvements would need to take place for redevelopment of this site to occur. She stated the project might not be viable, and the use of TIF might be necessary, based on extraordinary costs for drainage and infrastructure improvements. However, that's a separate issue from tonight's applications.

Councilmember Willis stated he is concerned that the City could be "backed into" a situation that they would kill a project if the TIF isn't approved. He stated the previous filling on site has altered the drainage problem that needs to be addressed, as many of the costs that they are being incurred today wouldn't be occurring if that wouldn't have happened. He stated his concern is the use of TIF funds when the conditions that were created weren't by the direction of the City Council. He stated he likes the development, but he doesn't support the use of TIF.

Councilmember Hewitt stated that no matter what redevelops at this site, the culvert under Highway 55 and intersection improvements would need to be made.

The owner stated the Mr. Gas site, behind the existing retail sight behind the dry cleaners, and at the proposed bank building on the west side, those are three environmental concerns. They are working with the Minnesota Pollution Control Agency on wrapping those buildings separately.

Jerry Kennedy, 11255 Highway 55, stated that they purchased the property in 1978. In 1981 or 1982, they were approached by Schaffer Land Company about filling the site. They contacted staff and were told to fill out an application. They did, and the Engineering Department approved the fill. He stated that no fill was placed outside the area that was already covered. In 1994, a permit was received from the Corps of Engineers, and a 40-inch pipe was installed but no fill. He stated the elevation of the pipe was determined by the Department of Natural Resources. He noted that the frontage road flooded in 1978, and that won't go away until the problem under Highway 55 is addressed.

Motion made by Councilmember Stein, and seconded by Councilmember Hewitt, to adopt an Ordinance Amending Chapter 21 of the City Code to Classify 19.34 Acres of Land located south of Highway 55 and East of Cottonwood Lane and to Establish a Planned Unit Development

District (Ord2006-11), Resolution Approving Findings of Fact for Rezoning of Lane located South of Highway 55 and East of Cottonwood Lane (2005121 - Res2006-192), Resolution Approving a Preliminary Plat for DJR Architecture, Inc. for Property located South of Highway 55 and East of Cottonwood Lane (2005121 - 2006-193), and a Resolution Approving a PUD General Plan for DJR Architecture, Inc. for "Plymouth Crossroads Station" for Property located South of Highway 55 and East of Cottonwood Lane (2005121 - Res2006-194).

Councilmember Stein stated the TIF application and drainage issues can be worked out during the final plat process. He stated Mr. LaFontaine's drainage issue needs to be solved, and it's up to the developer to try to make this project financially feasible. He stated he likes this development as it would serve as a great gateway to the east side of Plymouth.

Mayor Johnson stated she agreed with Councilmember Stein.

Councilmember Hewitt reiterated that the drainage improvements need to be made for any redevelopment of this site. She stated she would like to view the applications that were submitted to the City in 1982 for filling of the site.

Councilmember Slavik voiced her support for the motion.

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to amend condition No. 19cc of the PUD General Plan Resolution to delete the words, "or 896 whichever is lower." With all members voting in favor, the motion carried.

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

The council took a 5 minute break.

(8.3) Repeal Interim Ordinance for Properties on Cottonwood Lane South of Highway 55

Community Development Director Hurlburt reported that on July 12, 2005, the Council approved an interim ordinance for 12 lots on Cottonwood Lane. Ten of those lots are guided LA-1 and two are guided Commercial. Of those guided for residential use, two lots are vacant. One lot is owned by the City and provides an easement for storm and sanitary sewer. The other was created in 2004 through the platting of an oversized lot. The most northerly lot on Cottonwood Lane is a non-conforming real estate business. The City has until July 12, 2006 to determine whether or not it is appropriate to change any of the guiding or zoning of these 12 properties. If the Council takes no action, the interim ordinance would sunset on July 12. She stated is recommending to adopt an ordinance repealing the interim ordinance on Cottonwood Lane south of Highway 55 and direct the Planning Commission to conduct a public hearing to consider reguiding the two lots on the east side of Cottonwood Lane from Commercial to LA-1.

Joe Cavanaugh, 3220 Niagara Lane, stated this area could be utilized better, and he suggested that there be LA-4 guiding. He stated he is opposed to rezoning the two lots on the east side of Cottonwood Lane from commercial to LA-1. He explained this area has a difficult transition

Adopted Council Minutes
Regular Meeting of May 9, 2006
Page 9 of 10

already going from commercial to residential to a church.

Roy Beacham, 825 Cottonwood Lane North, stated this is a viable neighborhood that is well shielded from the commercial and the church use. He indicated that there has been a great deal of speculation with the moratorium as some properties have been sold to individuals who don't reside there. He stated he supports the recommendation to reguide the two lots from commercial to LA-1.

Joe Cavanaugh, 275 Lakeview Road, Medina, stated their property is "sandwiched" between the church to the west and the proposed commercial development. He stated he would like to see retail/commercial guiding, but if the Council goes residential, he would support LA-4 guiding.

Daniel LaFontaine, 11400 5th Avenue North, stated he supports and appreciates the Planning Commission's recommendation to reguide to the two lots to LA-1. He stated these properties are quiet and wooded, and he noted that 610 Cottonwood Lane, located directly behind his property, has standing water on the property.

Motion was made by Councilmember Stein, and seconded by Councilmember Hewitt, to adopt an Ordinance Repealing an Interim Ordinance Temporarily Prohibiting the Issuance of Subdivision Approval and Zoning Approvals in a Designated Area South of Trunk Highway 55 on Both Sides of Cottonwood Lane (Ord2006-12). With all members voting in favor, the motion carried.

Motion was made by Councilmember Stein, and seconded by Councilmember Bildsoe, to direct the Planning Commission to conduct a public hearing to consider reguiding the two lots on the east side of Cottonwood Lane from commercial to LA-1.

Councilmember Stein stated by reguiding the lots to LA-1, the City would have more control if someone would purchase the properties and desires to reguide it to LA-2, LA-3, or LA-4.

Councilmember Black stated it would be difficult to support LA-2 due to the transit opportunities in close proximity.

Mayor Johnson asked the Cavanaugh's if they would be interested in a guiding higher than LA-1. They stated that they would support LA-3 guiding.

Councilmember Willis stated that this could create a problem with Mr. Beacham to the north, and it would make it difficult for that property to redevelop. He stated in due course, someone will acquire those properties and request a higher density development.

Councilmember Bildsoe stated he prefers to leave the guiding consistent with the neighborhood and let the market dictate what occurs in the future.

Councilmember Hewitt stated she doesn't support the motion, as the City shouldn't be reacting to what the market gives the Council. Therefore, she doesn't view it proactive if the property guides the lots to LA-1.

Councilmember Black stated both the LA-1 or LA-4 guidings aren't correct for this area. She stated the LA-1 guiding is very temporary. She suggested this area be reviewed as part of the Comprehensive Plan process and make it higher density that would save more of the trees.

Councilmember Slavik agreed that there isn't a good transition in this area. She stated she would support the motion, but she would consider proposals with higher densities in the future.

There being no further discussion and with all members voting in favor but Hewitt, the motion carried.

(8.4) Contract for Emergency Vehicle Pre-Emption Project (5126)

Motion was made by Councilmember Willis, and seconded by Mayor Johnson to adopt a Resolution Awarding Contract for Emergency Vehicle Pre-Emption Project, with an amendment to the second item in the resolution to state "2005 General Surplus, \$40,000" (Res2006-195).
With all members voting in favor, the motion carried.

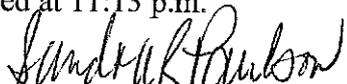
Report and Staff Recommendations

(9.1) Legislative Update

(There was no Legislative Update).

Adjournment

Mayor Johnson declared the meeting adjourned at 11:13 p.m.



Sandra R. Paulson, City Clerk