

**Adopted Minutes
Regular City Council Meeting
April 8, 2014**

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 6:55 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on April 8, 2014.

COUNCIL PRESENT: Mayor Slavik, Councilmembers Bildsoe, Johnson, Prom, Stein, Willis, and Wosje.

ABSENT: None.

STAFF PRESENT: City Manager Callister, City Attorney Knutson, Recreation Manager Michaud, Community Development Director Juetten, Public Works Director Cote, Parks and Recreation Director Evans, Senior Planner Drill, Police Chief Goldstein, and Administrative Services Director Fischer.

Plymouth Forum

Terrie Christian, 9910 South Shore Drive, approached the Council regarding the property at 9909 South Shore Drive and stated that for many years water has been running from this property over into the park and across South Shore Drive. She presented several photographs of the property and surrounding area taken on April 2nd and after the recent snowstorm and stated that the runoff from melting snow was carried all the way across the trail. She stated this has happened many times over the years and she recently learned that the rain garden in this area is not intended to address runoff from the property but is intended to take care of runoff from the road. She urged the Council to address the flooding issues and to consider options for treating the runoff from this property before going into Medicine Lake.

Mayor Slavik requested that staff provide the Council with a recommendation to address Ms. Christian's concerns.

Presentations and Public Information Announcements

(4.01) Announce Yard and Garden Expo on April 11-12

Recreation Manager Michaud announced the Yard and Garden Expo on April 11-12 at Plymouth Creek Center. She stated the Expo is a fundraiser with a \$5 entry fee used for continued improvements at the Millennium Garden and will feature a flower boutique and eco-learning center followed by a plant sale on Saturday. She indicated there would also be a free kids' environmental fair on Saturday featuring the Minnesota Zoomobile and U of M Raptor Center.

Approval of Agenda

Mayor Slavik added Plymouth Ice Center Dry Land Training Facility and Fernbrook Lane culvert failure under General Business as item No's. 8.04 and 8.05 respectively.

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

Consent Agenda

By request of Councilmember Stein, item 6.04 was removed from the Consent Agenda and placed under General Business as item No. 8.06.

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

- (6.01) City Council meeting minutes from March 25, 2014.
- (6.02) Resolution Approving Disbursements ending March 29, 2014 (Res2014-103)
- (6.03) Resolution Approving Final Plat for "Spring Meadows 3rd Addition" located at the northeast corner of Dunkirk Lane and 54th Avenue (2014014-F) (Res2014-104).
- (6.04) This item was removed from the Consent Agenda and placed under General Business as item No. 8.06.
- (6.05) Resolution to Receive the Bass Lake Watershed Water Quality Improvement Study and Authorize a Request for Proposals for Design of an Alum Treatment Facility to Benefit Bass Lake (10231 – Res2014-105).
- (6.06) Resolution Accepting Donation of Permanent Easement for Street, Drainage, and Utility Purposes (Res2014-106).
- (6.07) Resolution Approving a Contract with Hennepin County for Assessing Services in 2015 and 2016 (Res2014-107).

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Public Hearing on Wine and On-Sale 3.2 Liquor Applications of Srisainavram Inc., d/b/a Bawarchi Indian Cuisine, 187 Cheshire Lane North

Administrative Services Director Fischer reported on applications received for an on-sale wine and 3.2 liquor license from Bawarchi Indian Cuisine located at 187 Cheshire Lane North.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Johnson, to adopt a Resolution Approving On-Sale Wine and 3.2 Liquor License for Srisainavram, Inc., d/b/a Bawarchi Indian Cuisine, 187 Cheshire Lane North (Res2014-108). With all members voting in favor, the motion carried.

General Business

(8.01) Site Plan and Variance for a New Office Building for Property located at the Southwest Corner of Schmidt Lake Road and Highway 169 (2013098)

Senior Planner Drill presented the site plan and setback variance request for a new office building on the southwest corner of Schmidt Lake Road and Highway 169. He stated that access to the site is through a shared driveway in front of the Holiday building and ponding would occur in the existing pond south of Holiday. He stated that the setback variance is requested along the east side in an area of the southbound on-ramp to Highway 169 and the site plan complies with all other City regulations and requirements.

Motion was made by Councilmember Stein, and seconded by Councilmember Wosje, to adopt a Resolution Approving a Site Plan and Variance for United Properties for a New Office Building for Property located at the Southwest Corner of Schmidt Lake Road and Highway 169 (2013098) (Res2014-109). With all members voting in favor, the motion carried.

(8.02) Rezoning, Preliminary Plat, and Variance for “Rose Garden” located south of Highway 55 and west of County Road 101 (Landform Professional Services – 2014007)

Senior Planner Drill explained this site is guided LA2 and is zoned FRD Future Restricted Development and approximately half of the site is taken by wetlands and a wetlands buffer. He stated the proposal includes rezoning to multi family 2 and a Preliminary Plat for 22 dwellings and 11 two-unit townhome buildings and a variance to allow private access on future Hamel Road that is classified as a major collector road. He presented the site plan depicting townhome buildings as well as the private drive system, ponding area and retention basin.

Councilmember Johnson asked if staff considered whether it is necessary to keep the frontage road denoted as a major collector road and questioned whether it is going to serve that area as a frontage road even though it requires weaving around the new Park Nicollet building.

Senior Planner Drill replied that staff reviewed this during the last Comprehensive Plan update and even though it would have lower traffic volumes and serve as a minor collector, it would serve as a frontage road from Hamel to 101 and a backage road around the Park Nicollet site.

Councilmember Johnson questioned the need for discussion about where this development might be going and how that road is going to function and whether this might be an opportunity to scale it down to the next level.

Senior Planner Drill indicated the road is being built less than the normal standard for a major collector and includes a 50' right of way and a 28' wide street instead of 32'.

Councilmember Willis stated the site plan shows this road taking a little different alignment and goes further down to the south and east to the point where the medical facility is going to be and is not going to be a major collector but is going to be an important connection point to get on the south side of 55. He felt there might be some benefit to having Hamel Road go further to the south and east along the south side of Highway 55 and then turn southerly towards the Park Nicollet facility, adding he has had some conversations with staff and asked if there was any interest on the part of the Council to have a further discussion about this alignment, adding this would provide a potential opportunity for the developer to move the development slightly to the east and use up the balance of the property and might help them address some of the wetland issues and result in a better overall development.

Councilmember Johnson agreed with Councilmember Willis and stated she would be interested in further discussing the road alignment.

Councilmember Stein asked if there is visitor parking provided on site.

Senior Planner Drill replied visitor parking is included as one of the conditions in the resolution and the ordinance specifies half a spot per unit.

Kendra Lindahl, Landform Professional Services representing SVK Development, appeared before the Council and introduced Mr. Scott Kevitt and Mr. Mike Kevitt from SVK Development and Mr. Reid Schultz, the designer of the project. She stated this is a challenging site and they have worked hard with City staff along with the neighbors and Park Nicollet to ensure compliance with the ordinance standards. She advised they reached a verbal agreement today with the adjacent landowners to purchase the triangle parcel and they are working to put together a concept plan that can make that remnant parcel part of this development and creating a better road alignment. She indicated their agreement with the landowners is contingent on realigning that road and having 24 units to pay for the additional road right of way, adding that they believe they can come up with a solution that will work for all parties and addresses the Council's concerns. She acknowledged that the concept plan does not show all the parking required on the site and those details will be worked out and they are committed to return in short order if the road alignment and concept plan are approved.

Mayor Slavik expressed concern about the private drive and stated the Council has struggled with that concept in the past, adding she would not support the proposed development because of

the private drive. She indicated there are private drives in other areas of the City where the homeowners association desires the City to take over the roads because they were not constructed properly resulting in the roads falling back onto the taxpayers and she did not want to saddle a future Council with having to reconstruct these roads in the future. She requested that the Council have a separate discussion about allowing private roads in the Ordinance. She also expressed concern about the homeowners association requirement that all homeowners are required to park their vehicles in their garages and not store anything that would prevent vehicle parking in their garages, adding she did not think it was fair to put the City in the middle of that and it was also not fair to future property owners when a property turns over. She stated if there is not adequate parking and storage, then there are too many units on the site and the developer should appropriately size the development to allow adequate parking and she did not think that half a spot per unit was adequate.

John Mastley, representing the Mel Mastley Estate, stated they have been talking with SVK about this new road concept and combining the properties and stated if SVK cannot put 24 units on the site, then they do not have a deal.

Larry Tolle, 4429 Urbandale Court, stated his main concern has to do with the extra traffic generated by adding 22 homes on this site and another development to the west of him that will add 50 homes. He stated he was hopeful that the City could come up with a solution for the frontage road to alleviate some of the traffic in this area.

Councilmember Johnson questioned whether the frontage road needs to be a frontage road or whether there was some way to provide better access to the homes. She acknowledged the private drive might not be ideal but was open to the idea of having a private drive in this area. She noted that all these taxpayers are paying property taxes that pay for public roads and they do not get the benefit of public road services because they have to pay for their private drive through HOA fees and they are subsidizing the streets in the City. She stated she appreciated what the estate was doing to work with the developer and urged the Council to verbally indicate what direction it wanted to go before taking a vote, adding she did not want to approve something the Council is not comfortable with.

Scott Kevitt, SVK Development, stated they have an excavation company and they would be doing the streets in this development, adding that all units they have done in the past have been solidly built with all work done in-house.

Mayor Slavik requested further information about the wetlands and the Planning Commission comment that some of the units are being pushed further into the wetland area

Senior Planner Drill explained that the comment was made that these buildings were filling the wetland to create the buffer around the back of the building but it appears they addressed that by moving units 15 and 16 away from the wetland.

Ms. Lindahl stated this property has to be rezoned and go through the public hearing process, which is why they are asking for approval of the preliminary plat that staff and the Planning Commission recommended, with the next step being the TEP panel to discuss sequencing

flexibility for units 15 and 16 and that would come to the Council in May. She stated they still have work to do with staff on the wetlands and come back to the Council for approval of the final plat and the approval tonight means that Park Nicollet can work on their alternate utility plan and any delay means that Park Nicollet would have to go back to their old plan.

Councilmember Johnson indicated this Council has considered preliminary plats in the past and worked to change them at the meeting and asked if SVK was open to changing the southeast corner on the plat tonight.

Ms. Lindahl replied they were open to having that discussion.

Motion was made by Councilmember Prom, and seconded by Mayor Slavik, to table City Council action on this matter until April 22, 2014.

Councilmember Johnson felt it was important to keep moving on this item because Park Nicollet has a great opportunity to do something here with their utilities and she did not want to see that opportunity lost because it will help them save money and it would be better in the long run for those utility alignments and she would like to preserve that opportunity.

Mayor Slavik agreed but did not feel that tabling this item would injure Park Nicollet.

Councilmember Prom felt that the Council should have everything on the table before taking action.

Motion was made by Councilmember Johnson to suspend the rules as it relates to the motion on the floor. This motion failed for lack of a second.

Community Development Director Juetten pointed out that they would have to start the process over on the triangle parcel so the earliest the developer could come back is late May or early June. He explained that the Council could approve the Preliminary Plat as presented this evening with the condition in the resolution that states the developer has to redesign units 15 and 16 to avoid the wetlands and if the developer cannot avoid the wetlands, they lose those units and must decide whether to proceed with building 21 units rather than 22 units.

City Attorney Knutson advised that if the Council approves the Preliminary Plat with conditions, the developer would come back with a Final Plat that meets those conditions and the City would have to approve the Final Plat.

Ms. Lindahl stated they could come back to the City Council on April 22nd but would not have anything further than what was discussed this evening, adding that tabling this matter is a denial and they would have to go back to the Planning Commission and present a new plan to the City Council in June.

The Council voted on the motion and with Stein, Bildsoe, Prom, and Slavik voting yes, and Willis, Johnson, and Wosje voting no, the motion carried.

(8.03) Notice of Vacancy on the Planning Commission

The Council directed staff to not advertise the vacancy on the Planning Commission but contact the candidates that were interviewed for the recent Ward 4 Council seat to see if any of them are interested in being on the Planning Commission and report back to the Council.

(8.04) Plymouth Ice Center Dry Land Training Facility

Parks and Recreation Director Evans requested that the Council authorize staff to advertise for bids for the dry land training facility at the Plymouth Ice Center. She stated this is a private/public partnership between the City, Acceleration Northwest, and Wayzata Youth Hockey to construct a 7,500 square foot dry land training facility at the Ice Center. She explained that Acceleration Northwest will lease space from the City and contribute the first full year of the lease for construction and Wayzata Youth Hockey is contributing \$528,000 or 40% of the overall project cost. She stated if the Council authorizes the construction of the facility after receiving bids, construction would take place in June-November 2014. She indicated this project is in the City's 2014 CIP, scheduled at \$1,320,000, and the project is being financed with an internal loan from the field house fund.

Motion was made by Councilmember Willis, and seconded by Councilmember Bildsoe, to adopt a Resolution Authorizing the Advertisement for Bids for the Plymouth Ice Center Training Facility (40021 – Res2014-110). With all members voting in favor but Stein, the motion carried.

(8.05) Fernbrook Lane Culvert

Public Works Director Cote provided an update on the Fernbrook Lane culvert crossing and advised that a portion of the roadway has been closed for public safety reasons due to the structural failure of the culvert. He presented several photographs of the culvert and stated the culvert was inspected last year with MN/DOT and the inspections did not reveal any of these problems. He stated that \$200,000 is in the 2014 CIP to address holes developing in the bottom of the culvert but the City does not have funds budgeted to replace the culvert. He requested that the Council declare an emergency and order staff to proceed with a plan of action to hire a consultant to design a fix for the culvert. He stated that staff will contact suppliers of concrete pipe and the City would like to purchase materials on hand and hire a contractor to make the repairs immediately. He advised that the City has permits underway to permanently replace the pipe, adding that the DNR has expressed concern about the spawning season and the City has remedies in place to keep aquatic species out of the immediate area.

Councilmember Bildsoe requested further information about the reasons for the culvert failure and asked if there is something going on with the soils.

Public Works Director Cote stated that the City will perform forensics on the culvert once it is removed, adding that staff believes the failure has a lot to do with the age of the culvert and the fact that it is corrugated metal pipe.

Mayor Slavik declared an emergency and asked the Council to affirm that emergency and approve the resolution.

Motion was made by Councilmember Willis, seconded by Councilmember Johnson, to adopt a Resolution Declaring Emergency to allow the Expedient Repairs of the Failing Culvert under Fernbrook Lane at Plymouth Creek (Res2014-111). With all members voting in favor, the motion carried.

(8.06) Approve Abatement of Hazardous Building at 12125 24th Avenue North

Community Development Director Juetten stated that on December 31, 2013, the house at 12125 24th Avenue North was substantially destroyed by fire. He advised that the City sent a letter on February 13, 2014, to all owners of record giving them 30 days to remove the building and nothing happened during that 30 days so the City Attorney prepared an order that will be delivered to the property owners instructing them that they have five days to construct a fence around the structure and if that does not happen in five days, the City will put up the fencing; in addition, the order states that the property owners have 20 days to remove the building and if the building is not removed, the City Attorney's office will take the order to the courts on the 21st day to receive sign-off from the court to allow the City to start the process of hiring a contractor to demolish the building and assess the cost back to the property owner.

Levi Geinert, 2330 Kirkwood Lane, stated he was concerned about summer weather approaching and any fumes or toxins coming from this site if there are further delays in removing the building. He stated they are concerned that at the eleventh hour the property owners will say they will do something and then 30 days after that nothing is done and they want to make sure there are no further delays.

Gerald Kegler, 12135 24th Avenue North, presented photographs of the property and thanked Councilmember Stein and City staff for their responsiveness. He stated the property is an eyesore and there is an awful smell coming from the property and they are concerned that the smell might also be toxic. He stated they are increasingly concerned about public safety as the lack of snow makes it easier for potential trespassing and two boys were recently seen trying to climb through a window. He stated there is also a ladder propped up against a tree and this is an invitation for someone to trespass or get injured on the property and requested that a security fence be placed on the property as soon as possible. He thanked the Council for its attention and urged prompt resolution of the matter.

Cathy Naborowski, 2335 Kirkwood Lane North, stated she had concerns about the timing of the order and asked what would happen if the homeowners responded on day 19 by stating they would fix the property and whether that would stop the clock. She also asked about the City's process if the property owners do not make a good faith effort to fix the property.

Community Development Director Juetten stated if the property owner walked in on day 20 and said they want to do the repairs themselves, the City would require them to provide a signed contract with start and finish dates, as well as proof of payment to a contractor, and that they have paid for a demolition permit and the permit has been issued.

City Attorney Knutson advised that the order states the property owner has to complete the work within 20 days.

Anne Pierce, 12135 24th Avenue North, asked if they or someone from the City can remove the ladder.

City Attorney Knutson advised that as part of securing the building, the ladder would be removed after the five-day time period referenced earlier.

Steve Roe, 2405 North Kirkwood Lane North, requested information about the fencing material. He also thanked the City for being responsive to residents.

Community Development Director Juetten advised that the fence would be a typical snow fence type material surrounding the property.

Motion was made by Councilmember Bildsoe, seconded by Councilmember Johnson, to adopt a Resolution Ordering Securing, Abatement and Demolition of a Hazardous Building (Res2014-112). With all members voting in favor, the motion carried.

Reports and Staff Recommendations

(9.01) Legislative Update

City Manager Callister provided a brief legislative update.

Adjournment

Mayor Slavik adjourned the meeting at 8:50 p.m.



Sandra R. Engdahl, City Clerk