

Adopted Minutes Regular City Council Meeting April 22, 2014

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 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, Community Development Director Juetten, Public Works Director Cote, Park and Recreation Director Evans, Senior Planner Drill, Planning Manager Thomson, Police Chief Goldstein, Fire Chief Kline, Administrative Services Director Fischer, and City Clerk Engdahl.

Plymouth Forum

Ketan Kakkad, 5050 Olive Lane North, approached the Council on behalf of the Elm Creek Highland Neighborhood in front of Wayzata High School and stated they are experiencing a continuing problem with the high school students using their neighborhood as an extra parking lot. He stated they have contacted the high school and were told there was nothing they could do because it is outside their jurisdiction and the high school suggested they ask the Council to install a no parking sign for high school students. He felt that if parking were prohibited from 7:00 a.m.-10:00 a.m., it would eliminate most of those cars. He presented several photographs and stated there is not enough room for vehicles to pass through when all the cars are parked on the street and requested help from the Council to install no parking for high school students between the hours of 7:00 a.m. and 10:00 a.m.

Councilmember Johnson stated the City had the same problem in other neighborhoods and reached agreement with the neighbors to post restricted parking signs that successfully deterred long-term day parking.

Mr. Kakkad stated he spoke with ten of his neighbors and eight of them have signed a petition requesting the signs and two of the neighbors are not in agreement with the parking restrictions.

Mayor Slavik requested that City staff look into this matter further and make a recommendation to the Council within the next couple of weeks.

Presentations and Public Information Announcements

(4.01) Announcement of Waffle Breakfast

Fire Chief Kline announced the 5th Annual Fire Department Waffle Breakfast on Sunday, May 4th, at Fire Station No. 3 from 8:00 a.m. to 1:00 p.m. Proceeds support the activities of the Plymouth Crime and Fire Fund.

(4.02) Announcement of Walk with the Mayor

Mayor Slavik announced the Walk with the Mayor event on Monday, May 5th, from 6:00-7:00 p.m. She stated the event is free and is part of the “Step to it Challenge” and residents are asked to sign up and log their steps from May 4 to May 31.

(4.03) Announcement of Drop-Off Day on May 3

Councilmember Prom announced the Drop-Off Day on Saturday, May 3rd, at the City Maintenance Facility from 7:30 a.m. – 2:00 p.m.

(4.04) Announcement of “Live at the Hilde” on June 6

Councilmember Bildsoe announced “Live at the Hilde” on Friday, June 6th, at 7:30 p.m. featuring Gear Daddies and Gary Louris and Karen Grothberg of the Blackhawks.

Approval of Agenda

Mayor Slavik requested the addition of General Business item 8.05 to extend the emergency declaration of the culvert on Fernbrook Lane and the addition of General Business item 8.06 to set future study sessions. She noted that at the conclusion of tonight’s City Council meeting, the Council would meet in closed session to discuss property acquisition at 5805 Lawndale Lane North.

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

Consent Agenda

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

(6.01) City Council meeting minutes from April 8, 2014.

(6.02) Resolution Approving Disbursements ending April 12, 2014 (Res2014-113).

(6.03) Resolution Approving Watercraft Inspection Project Cooperative Agreement and Temporary Use of West Medicine Lake Park Boat Lunch between the Three Rivers Park District and the City of Plymouth (Res2014-114).

(6.04) Resolution Ordering Preliminary Engineering Report for the Parkers Lake North Edge Mill and Overlay Project (14015 – Res2014-115); Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the Parkers Lake North Edge Mill and Overlay Project (14015- Res2014-116); Resolution Approving Plans and Specifications, and ordering Advertisement for Bids for the Parkers Lake North Edge Mill and Overlay Project (14015- Res2014-117); Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the Parkers Lake North Edge Mill and Overlay Project (14015 - Res2014-118); and Resolution for Hearing on Proposed Assessment for the Parkers Lake North Edge Mill and Overlay Project (14015- Res2014-119).

(6.05) Resolution Awarding the Contract for the 2014 Sanitary Sewer Lining Project (14018 - Res2014-120).

(6.06) Resolution Revoking Municipal State Aid Streets 54th Avenue from CSAH 101 to Peony Lane, 57th Avenue from Vicksburg Lane to Cheshire Lane (Res2014-121) and Resolution Designating Municipal State Aid Streets – Part of Hamel Road from Brockton Lane to Old Rockford Road, Part of Brockton Lane from Medina Road to Hamel Road, Part of Medina Road from Brockton Lane to CSAH 101, Part of Sunset Trail from CSAH 61 to Pineview Lane (Res2014-122).

(6.07) Resolution Approving the Plans and Specifications and Ordering the Advertisement for Bid for the Kingswood Farms Lift Station Rehabilitation (14009- Res2014-123).

(6.08) Resolution Approving Changes to Polling Locations for City Elections (Res2014-124).

(6.09) Resolution Approving a Conditional Use Permit for Buell Consulting on behalf of Verizon Wireless to Install Telecommunications Antennas on the Existing Xcel Transmission Tower (2014003) (Res2014-125).

(6.10) Resolution Approving a Site Plan Amendment and Variances for Len Busch Roses at 4045 County Road 101 (2014009 - Res2014-126).

(6.11) Resolution to Award the Contract for 2014-2015 Property and Casualty Insurance to the League of Minnesota Cities Insurance Trust (Res2014-127).

(6.12) Resolution Approving the 2014-2015 Labor Agreement Between the City of Plymouth and Law Enforcement Labor Services (LELS) - Sergeants (Res2014-128).

(6.13) Resolution Approving the 2014-2015 Labor Agreement Between the City of Plymouth and Law Enforcement Labor Services (LELS) – Patrol (Res2014-129).

(6.14) Resolution Approving a Home Occupation License for Erin Grubescic to Operate a Hair Salon Business Out of the Home Located at 18215 20th Avenue North (2014012 - Res2014-130).

With all members voting in favor, the motion carried.

Public Hearings

There were no public hearings.

General Business

(8.01) Consider Rezoning, Preliminary Plat, and Variance for “Rose Garden” Located South of Highway 55 and West of County Road 101 (Landform Professional Services – 2014007) (Tabled from April 8, 2014)

Senior Planner Drill advised this proposal was continued from April 8 and at that time, the applicant was hoping to purchase the triangle piece of property and incorporate it into the development, however, that plan did not work out so the developer is requesting approval of a revised plan that eliminates two dwelling units to avoid wetland impacts and adds 15 guest parking spaces in three locations. He added the developer would construct the entire Highway 55 frontage of the Hamel Road collector and has agreed to dedicate half of the right of way.

Kendra Lindahl, Landform Professional Services, stated they have been working for the past two weeks to address the Council’s concerns by eliminating two units and they are asking for approval of 20 units.

John Mastley, representing the Mel Mastley Estate, informed the Council that the sale of their parcel is not going to work out and they wished to state for the record that when this triangle parcel gets developed, they hope the Council will consider re-guiding the parcel towards office if it is by itself or connected with the Park Nicollet property. He stated that they plan to continue to farm the property and use the right of way off Highway 55, adding they do not need any other road at this time and hope a road does not go in until someone buys their land or they develop it.

Councilmember Johnson asked if the developer has ruled out purchasing the Mastley property in the future to include it in their development. She stated she was concerned about making sure the City was coordinating land uses and the flow of the frontage road in this area so that the City does not end up with a remnant piece of property.

Mike Kevitt, SVK Development, stated they have ruled out purchasing the Mastley parcel at this time.

Councilmember Johnson asked if the City or developer would provide notification to adjacent property owners that farming would continue to take place on the Mastley parcel.

Ms. Lindahl stated they would have no objection to putting something in their sales materials and HOA documents about the farming activity.

Mayor Slavik applauded the developer’s willingness to make revisions based on the City Council’s comments and coming up with a better plan, but stated she still has concerns about the private drive.

Motion was made by Councilmember Johnson, and seconded by Councilmember Bildsoe, to adopt an Ordinance Amending Chapter 21 (Zoning Ordinance) of the City Code to Classify Certain Land Located South of Highway 55 and West of County Road 101 (Ord2014-15); a Resolution Approving Findings of Fact for the Rezoning of Land Located South of Highway 55 and West of County Road 101 (Res2014-131); and a Resolution Approving a Preliminary Plat and Variance for Landform Professional Services for "Rose Garden" for Property Located South of Highway 55 and West of County Road 101 (2014007 - Res2014-132). With all members voting in favor but Mayor Slavik, the motion carried.

(8.02) Consider Hilde/Veterans Memorial Master Plan and Authorization to Bid Project

Park and Recreation Director Evans explained that the Phase 1 improvements at the Hilde were completed in 2010 and the Phase 2 improvements include a veterans memorial as well as improvements to the north entrance, central entrance, pond plaza, restroom facilities, utilities and electrical. She stated the project is scheduled in the 2014 capital improvement program and will use funding from the Community Improvement Fund. She reviewed the project timeline and stated that construction would commence after Music in Plymouth in 2014 and be completed before the start of Music in Plymouth in 2015. She then introduced George Watson from WSB & Associates.

Mr. George Watson presented several drawings of the Phase 2 improvements and explained that the north entry will be enhanced to match the south entry and includes a sign matching the south entry sign. He stated the restroom facility includes two accessible toilets with sinks and running water, adding these improvements are intended to serve daily use and small events at the facility and during major events, portable toilets will still be required. He stated the central entrance will be located at the intersection of 35th Avenue and Plymouth Boulevard and will include a double-sided signboard for advertising of events. He indicated that they worked closely with staff and a subcommittee of the City Council to create the veterans memorial which is intended to be a living memorial located north of the northern edge of the City Hall parking lot. He stated the veterans memorial would include a POW MIA flag, fountain, donor recognition space, and bronze service emblems in the pavement. He explained that the wall itself will have veteran's names in two columns per segment of granite with enough room for 1,400 names and will be made of native Minnesota black granite.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Johnson, to adopt Resolution of Approval of the Hilde Performance Center (Phase 2) & Veterans Memorial Master Plan and Authorization to Bid (40011 - Res2014-133). With all members voting in favor, the motion carried.

Mayor Slavik expressed the City Council's thanks and appreciation to Park and Recreation Director Evans and her staff for their work on this project.

(8.03) Consider Zoning Ordinance Text Amendment to Allow Docks as a Principal or Accessory Use in Residential Districts

Planning Manager Thomson stated that this item resulted from an appeal October 2013 from Daniel Gustafson after he appealed staff's interpretation that a dock is an accessory use and without a principal use would not be allowed on his property on the south end of Medicine Lake. She stated when the Council affirmed staff's interpretation, Mr. Gustafson requested a text amendment to allow docks with or without a principal building with no setbacks to the side lot lines. She advised that the Planning Commission held a public hearing and has recommended that the part of Mr. Gustafson's appeal that addressed the allowance of a dock with or without a principal structure move forward, but with the addition of a six foot setback requirement to the side lot lines, which is the current setback for accessory uses in residential zoning districts. She indicated that staff reviewed the implications of the text amendment as it relates to allowing a dock with or without a principal building and found no precedent and that docks are a unique, temporary facility that would not affect all properties in the City.

Margaret Evavold, attorney representing Joe Kenyon and Lymari Santana, adjacent property owners to Mr. Gustafson's property, expressed her client's strong opposition to the proposed text amendment. She presented several pictures of her client's property and Mr. Gustafson's property and stated they have a petition signed by several neighboring property owners expressing their opposition to the text amendment. She stated if the proposed amendment were allowed, the Council would be eliminating the only regulation of docks and changing the ordinance to allow a dock without a principal structure could lead to unintended consequences for the City, e.g., a lakeshore property owner, even with a large piece of property, could install several docks on his property, rent them out, commercialize the space, and there would be nothing to prohibit that activity and such an action would result in significantly greater traffic through the residential neighborhoods and negatively impact the property rights of her clients and others, adding they do not think that adopting a citywide ordinance in the interest of a single property owner was warranted under the circumstances. She stated they agree with the Planning Commission's recommendation regarding the setback requirements but are strongly opposed to the proposed text amendment.

Jim Erickson, representing Mr. Gustafson, stated it was unfortunate and unnecessary that they are here and offered to meet with the neighbors and counsel to work this out. He stated the first part of the proposed text amendment eliminates the provision requiring a principal building in order to have dock and his client supports that text amendment. He stated that they have no opinion regarding the second part of the text amendment dealing with setbacks, adding that they do not think it impacts Mr. Gustafson, his property rights, his riparian rights, nor his grandfathered rights. He then presented three sets of photographs to the Council.

Councilmember Prom stated he was opposed to the first part of the text amendment and stated these types of situations cause more problems than they solve and the lack of enforcement causes problems for other property owners.

Councilmember Johnson requested clarification regarding the outcome to Mr. Gustafson if the Council approves the Planning Commission's recommendation.

Community Development Director Juetten stated if the City Council approves the text amendment as presented, the City would enforce it and Mr. Gustafson would not be allowed to

put a dock on his property. He added that Mr. Gustafson could come back and request a variance, but without a variance he could not put a dock on the property based on staff's interpretation and discussion with the City Attorney. He noted if Mr. Gustafson can meet the setback requirements, he could add a dock.

Mayor Slavik indicated this amendment does not only apply to one property and asked if staff has considered the ramifications and/or negative impact on other properties throughout the City.

Planning Manager Thomson stated there are perhaps two or three other lots in the City that are as narrow as this property.

Councilmember Stein expressed concern about the setback requirements and suggested tabling this matter to provide an opportunity to do aerial surveys this summer and prevent any unintended consequences from approving the text amendment.

Councilmember Johnson stated she appreciated the fact that a specific situation has propelled this issue to the City Council but this text amendment affects the entire City and wanted to make sure the City Council was cautious in moving forward on this.

City Attorney Knutson advised that the City Council has until May 15, 2014, to vote up or down on this application.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Prom, to direct the City Attorney to prepare Findings of Fact for Denial of this Application for the May 13 Council meeting.

Mayor Slavik stated she would support the motion, however, she wanted to be clear that she does not support the ability to put a dock on a 5' strip of land without setbacks.

With all members voting in favor, the motion carried.

(8.04) Notice of Vacancy on the Planning Commission (*tabled from April 8, 2014*)

It was the consensus of the City Council to direct staff to advertise the vacancy on the Planning Commission and to notify those individuals currently serving on other boards and commissions about the vacancy on the Planning Commission.

(8.05) Fernbrook Lane Culvert

Public Works Director Cote presented a photograph of the culvert project and stated the crews have made significant progress. He advised that the emergency declaration approved at the last Council meeting was for four weeks and the end date of that declaration is between Council meetings and the proposed resolution extends the emergency declaration for three weeks to provide additional time if necessary to complete the project.

Motion was made by Mayor Slavik, and seconded by Councilmember Bildsoe, to adopt a Resolution Extending Emergency Declaration to Allow the Completion of the Repairs to the Failing Culvert under Fernbrook Lane at Plymouth Creek Center (Res2014-134). With all members voting in favor, the motion carried.

Mayor Slavik thanked Public Works Director Cote for his role in this project and expressed appreciation for all the work that City staff has done on this project.

(8.06) Set Future Study Sessions

The City Council set the following study sessions:

May 27 at 6:00 p.m. – Quarterly update with City Manager
June 24 at 5:30 p.m. – Joint meeting with HRA to discuss redevelopment of City Properties.
July 22 at 5:30 p.m. – Snow removal and policies
August 19 at 6:00 p.m. – Budget and CIP
August 26 at 5:30 p.m. – Budget and CIP (if necessary)
October 28 at 5:30 p.m. – Budget

Reports and Staff Recommendations

(9.01) Legislative Update

City Manager Callister presented a brief legislative update.

Adjournment

Mayor Slavik adjourned the meeting at 8:40 p.m. The Council went into closed session to discuss acquisition of 5805 Lawndale Lane North. The closed session was called to order by Mayor Slavik at 8:50 p.m. in the Parkers Lake Conference Room. Mayor Slavik, Councilmembers Johnson, Wosje, Prom, Stein, Bildsoe, and Willis, City Manager Callister, Park and Recreation Director Evans, Public Works Director Cote, Community Development Director Juetten, Administrative Services Director Fischer, and City Clerk Engdahl were present.

Mayor Slavik adjourned the closed meeting at 9:30 p.m.



Sandra R. Engdahl, City Clerk