

# Adopted Minutes Regular City Council Meeting June 24, 2014

Deputy Mayor Bildsoe 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 June 24, 2014.

COUNCIL PRESENT: Deputy Mayor Bildsoe, Councilmembers Johnson, Prom, Stein (via Skype), Willis, and Wosje. Councilmember Stein Skyped into the meeting through Item No. 7.03 from 200 Royce Boulevard, Oak Brook Terrace, Illinois.

ABSENT: Mayor Slavik.

STAFF PRESENT: City Manager Callister, Administrative Services Director Fischer, Community Development Director Juetten, Park and Recreation Director Evans, Public Works Director Cote, Fire Chief Kline, Police Chief Goldstein, Assistant City Engineer Renneberg, Engineer Payne, Recreation Manager Michaud, City Attorney Knutson, and City Clerk Engdahl.

## Plymouth Forum

There was no one present to address the Council.

## Presentations and Public Information Announcements

### **(4.01) Presentation of \$1,500 CenterPoint Energy Community Partnership Grant**

Steve Marsh, Field Supervisor for Center Point Energy, presented a \$1,500 CenterPoint Community Partnership Grant to the City. The grant will be used to purchase a gas-monitoring device.

### **(4.02) Recognition to Abbott Northwestern – West Health for their 2014 Event Sponsorship of \$6,000**

Recreation Manager Michaud stated that Abbot Northwestern West Health has been part of the Plymouth community since 1992. They have most recently have been involved with the Walk with a Doc program. Jason Gains spoke on behalf of Abbot Northwestern West Health. He stated he was very impressed with the Plymouth community and thanked the City for their partnership. They continue to add more services to the Plymouth facility for the benefit of the Plymouth residents.

Deputy Mayor Bildsoe presented Abbott Northwestern West Health with a plaque for their sponsorship.

**(4.03) Recognition to Retiring Firefighter Henry Ahrens**

The Council recognized retiring firefighter Henry Ahrens for his 25 years of service to the City. Fire Chief Kline gave a summary of Henry Ahrens' 25 year career and thanked him for his service. Deputy Mayor Bildsoe presented Henry Ahrens with a plaque.

Councilmember Johnson thanked those individuals who have committed to serving as election judges for this year's elections.

**Approval of Agenda**

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

**Consent Agenda**

By request of Councilmember Wosje, item No. 6.09 was removed and placed under General Business as item No. 8.02.

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

**(6.01)** City Council meeting minutes from June 10, 2014.

**(6.02)** Resolution Approving Disbursements ending June 14, 2014 (Res2014-215).

**(6.03)** Resolution Appointing Election Judges for the 2014 Primary and General Elections (Res2014-216).

**(6.04)** Resolution Approving a Tobacco License for Uppsala LLC, d/b/a/ Cub Foods, 10200 6<sup>th</sup> Avenue North (Res2014-217).

**(6.05)** Resolution Awarding Contract and Approving Supplemental Agreement No. 1 for Peony Lane North of Schmidt Lake Road (10015) (Res2014-218).

**(6.06)** Resolution Approving Master Partnership Agreement with the State of Minnesota (MnDOT) (Res2014-219).

(6.07) Resolution Authorizing A Request for Proposal Process for Catering Services at the Plymouth Creek Center (Res2014-220).

(6.08) Resolution Accepting Donations and Sponsorships for City of Plymouth Special Events, Programs and Park Projects (Res2014-221).

(6.09) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.02).

(6.10) Resolution Approving Temporary Liquor License for West Medicine Lake Community Club (Res2014-222).

With all members voting in favor, the motion carried.

### **Public Hearings**

#### **(7.01) Public Hearing on Vacation of Ingress/Egress and Rain Garden Easement within Lots 2 and 3, Block 1, Epiphany 2<sup>nd</sup> Addition**

Public Works Director Cote advised that application was made by United Properties. This property was originally platted and proposed to be built on in the early to mid 2000's. A new development is now being proposed with the building closer to the east property line with the rain garden in the middle. Staff contacted the utilities companies affected and they had no comments or concerns. Staff recommends vacating the easement.

Deputy Mayor Bildsoe opened the public hearing.

Deputy Mayor Bildsoe closed the public hearing.

Motion was made by Councilmember Willis, and seconded by Councilmember Wosje, to adopt a Resolution Authorizing the Vacation of Ingress/Egress and Rain Garden Easement within Lots 2 and 3, Block 1, Epiphany Second Addition. (Res2014-223). With all members voting in favor, the motion carried.

#### **(7.02) Public Hearing and Special Assessment Hearing for Greentree and Loffhagen Edge Mill an Overlay Project (14016)**

Engineer Payne advised that the Greentree and Loffhagen Edge Mill and Overlay Project includes the streets west of County Road 61, east of Cheshire Lane, north of 1st Avenue, and south of Carlson Parkway and the streets in the Greentree West, Greentree West 2nd Addition, and Bay Pointe on Mooney Lake subdivisions with the addition of Brockton Lane from 24th Avenue to County Road 24. The Council has included this project in the 2014 capital improvement program. The project is needed because substantial pavement deficiencies exist. Maintenance costs will continue to increase as the roads further deteriorate. The work will be

performed by the Street Maintenance Department and expected to start July 21st and would be finished near the end of August.

Councilmember Wosje inquired why Brockton Lane was in better condition than the other streets. Engineer Payne replied he understands that work had been performed on Brockton Lane after the church went in. The north end of Brockton Lane is in rough shape.

Joan Johnson, 18725 28th Avenue North, stated she has concerns with drainage and requested catch basins installed on or around Xanthus Street and 28th Avenue North. She feels this would prevent the pooling of standing water at the intersection. There has been ongoing damage to that intersection because of the standing water. It was repaired once in the summer of 2012. It also appears that 40 years of growth of trees and shrubs has filled in the easement behind 2710 Xanthus and behind 28th Avenue North and the water flows to the street rather than in their back yards.

Debby Hannigan, 18920 27th Avenue North, stated she feels that the roads are in dire need and the project should proceed, but many are opposed to the individual assessments. She feels streets and roads are part of the basic infrastructure and should be funded by property taxes. The City may need to rethink their budgeting instead of charging assessments. She presented a petition to Deputy Mayor Bildsoe.

Larry Christofaro, 18910 27th Avenue North, stated he supports the petition, but would like to discuss the quality of the repairs that have been made so far. He showed a picture of an area on the west side of the park that has a protrusion from the sidewalk. There are issues with how the curb was connected to existing walkways and the angles. Deputy Mayor Bildsoe asked for clarification of where the protrusion was. Mr. Christofaro advised the one in discussion is on the south side of the park, but feels they should all be reviewed. Public Works Director Cote advised they will need to review the areas and make sure they comply with the ADA regulations. They can do that in the next week or two.

Engineer Payne advised they are not proposing catch basins on Xanthus Lane. When paving mill and overlay, they will put more crown on the streets to help with drainage. Ms. Johnson stated that the pump from their yard kicks it onto the street makes it pool at 28th Avenue and Xanthus. She feels it would be more costly to add it later on and thinks it should be done with this project.

Councilmember Johnson inquired if staff could look at the issue and report back to Council. Engineer Payne replied staff can do that and many of these issues came up after the plans were drawn because of the wet spring. Sump pumps in the area are running continually. They will look to see if there is adequate storm water drainage.

Councilmember Prom suggested Water Resources Manager Asche look at the area and any projects in the future.

Deputy Mayor Bildsoe requested Director Cote follow up with Ms. Johnson.

Councilmember Willis inquired about drainage easement between the two homes where the vegetation is overgrown. Public Works Director Cote stated they would look into that also.

Deputy Mayor Bildsoe advised that the assessment policy has been in place for a long period of time. They feel this is the best way to pay for the road repairs. In the long run it saves taxpayers money because the maintenance is less. He feels the cost sharing arrangement they have right now and the new strategy of mill and overlay benefits everyone in the City. He noted that the petition received will become part of the public record.

Councilmember Johnson stated that the newer management program spreads the funding out. The Legislator does put levy limits on the City. The assessment policy might not be perfect for everyone, but road repairs are a major expense for the City.

Ms. Hannigan inquired where she can see where the property tax dollars are going each year. Deputy Mayor Bildsoe replied that the budget is on the City's website. They also mail the financial extra to all homeowners each year.

Deputy Mayor Bildsoe directed staff to also look into the trails at 28th Avenue and Xanthus.

Motion was made by Councilmember Willis, and seconded by Councilmember Wosje, to adopt Resolution Ordering Improvement for the Greentree and Loffhagen Edge Mill and Overlay Project (14016 - Res2014-224) and to adopt Resolution Adopting Assessments Greentree and Loffhagen Edge Mill and Overlay Project (14016 - Res2014-225). With all members voting in favor, the motion carried.

### **(7.03) Public Hearing and Special Assessment Hearing and Award Contract, Meadow Lawn Estates Edge Mill and Overlay Project (14004)**

Engineer Payne reported on the Meadow Lawn Estate edge mill and overlay project. The project area includes the streets west of Lancaster Lane, east of Zachary Lane, north of 36th Avenue, and south of Rockford Road, as well as Wellington Lane and 35th Place, south of 36th Avenue, excluding the area northwest of and including 40th Avenue and Revere Lane (reconstructed in 2006), 40th Avenue from Revere Lane to Pilgrim Lane (overlaid in 2010) and Pilgrim Lane from 36th Avenue to Lancaster Lane (overlaid in 2010). This project is in the 2014 Capital Improvement Program. This project is needed due to the fact that pavement deficiencies exist and maintenance costs will continue to increase as the road further deteriorates. Pedestrian ramps will be installed per ADA guidelines. Construction would start in the middle of July and be completed by the end in August.

Councilmember Prom inquired how many years after the mill and overlay is done would a street need to be reconstructed. Engineer Payne replied it could have another mill and overlay before it would need to be reconstructed.

Councilmember Prom suggested that Water Resources Manager Asche also look at the area along Pilgrim Lane for drainage issues and to see if catch basins are needed. Engineer Payne

advised they did look at addressing that flooding issue with the Four Seasons Mall project. Public Works Director Cote stated the drainage issue is not on Pilgrim Lane, it is due to the drainage of Four Seasons Mall and the mall project would help the area drain faster.

Councilmember Johnson inquired when these streets were last reconstructed. Public Works Director Cote advised these streets are original and they did receive a seal coat in the last 15 years.

Deputy Mayor Bildsoe opened the public hearing.

Roy Heinrich, 10915 38<sup>th</sup> Avenue North, advised he moved into the area in 1973 and most of the areas are on original roads. He currently lives on 38th Avenue just before the curve that goes into Ximines Lane. He indicated that the area by Gonyea's 3rd development is on several feet of fill and it is not doing well at all. Some of his neighbors were wondering about the timeline of the inconvenience. He also inquired how the outlot that the Pheasant Hills Homeowner's Association would be assessed at that same curve.

Marge Beard, 10910 34<sup>th</sup> Avenue North, has been noticing that the Council is holding these public hearings every month and they deal with hundreds of roads. Residents appear to be shocked to learn of an assessment. She suggested using some informal communication via the website, newspaper, and newsletter to educate people about the process and upcoming projects. She feels the residents know the area the best and their input might be valuable.

Warren Solom, 3620 Trenton Lane, inquired when his street was re-built. He knows it was completely re-built but does not remember when. He stated his street does not look that bad and he does not feel it needs to be repaired.

Deputy Mayor Bildsoe closed the public hearing.

Deputy Mayor Bildsoe asked staff to respond to Mr. Solom about his street.

Public Works Director Cote advised that the maintenance work should be done around July 11th. The only inconvenience will be the noise and the roads will be fully open the entire time. The project should take about six weeks. They will take another look and the curve at Ximines and 38th Avenue and the outlot is proposed to be assessed \$1,000 like the rest of the properties.

Deputy Mayor Bildsoe noted that on occasion they get a petition from residents that want to have this done to their roads. Public Works Director Cote stated that there is a five-year capital improvement plan on the website that includes maps of the proposed areas. The first two years of the CIP are the only committed years as priorities can change and a street could go to pieces in one spring. They can put the five-year maps on the website. They do hold a neighborhood meeting well before the Council meetings.

Deputy Mayor Bildsoe stated the road projects are listed in Plymouth newsletter before the construction season.

Councilmember Wosje stated that two years ago the City did a survey and the residents stated the number one way they get information is from the newsletter. He suggested having an insert in the newsletter about upcoming road construction. Councilmember Johnson stated the newsletter goes out to everyone and feels it would be better to mail notices to just the areas affected. City Manager Callister stated he would review the communication process about the projects.

Motion was made by Councilmember Johnson, and seconded by Councilmember Wosje, to adopt Resolution Ordering Improvement for the Meadow Lawn Estates Edge Mill and Overlay Project (14004 - Res2014-226) and to adopt Resolution Adopting Assessments Meadow Lawn Estates Edge Mill and Overlay Project (14004 - Res2014-227) and to adopt Resolution Awarding the Contract for the Meadow Lawn Estates Edge Mill and Overlay Project (14004 - Res2014-228). With all members voting in favor, the motion carried.

*Councilmember Stein signed out of Skype and left the meeting.*

**(7.04) Public Hearing on Application of Lund Food Holdings, Inc., d/b/a/ Rainbow, 16705 County Road 24, for an Off-Sale 3.2 Liquor License**

City Clerk Engdahl reported on the application of Lund Food Holdings, d/b/a Rainbow, 16705 County Road 24, for an Off-Sale Liquor License.

Deputy Mayor Bildsoe opened the public hearing.

Sandra Seebold, store director at the Rainbow Foods, introduced herself and stood for questions.

Deputy Mayor Bildsoe closed the public hearing.

Motion was made by Councilmember Willis, and seconded by Councilmember Wosje, to adopt Resolution Approving Off-Sale 3.2 Liquor License for Lund Food Holding, Inc., d/b/a Rainbow at 16705 County Road 24 (Res2014-229). With all members voting in favor, the motion carried.

**(7.05) Public Hearing on the application of Uppsala LLC, d/b/a/ Cub Foods, 10200 6th Avenue North, for an On-Sale 3.2 Liquor License**

City Clerk Engdahl reported on the application of Uppsala LLC, d/b/a Cub Foods, 10200 6th Avenue North, for an On-Sale 3.2 Liquor License.

Deputy Mayor Bildsoe opened the public hearing.

Deputy Mayor Bildsoe closed the public hearing.

Motion was made by Councilmember Wosje, and seconded by Councilmember Johnson, to adopt Resolution Approving Off-Sale 3.2 Liquor License for Uppsala LLC, d/b/a/ Cub Foods at 10200 6th Avenue North (Res2014-230). With all members voting in favor, the motion carried.

## General Business

### **(8.01) Consider Vacancy on the Plymouth Advisory Committee on Transit**

City Clerk Engdahl reported on the vacancy. Council directed staff to advertise this opening in the City's official newspaper and on the buses in order to get system user representation on the commission.

### **(8.02) Ordinance Amending Chapter 10 of the Plymouth City Code Concerning Plymouth Creek Center and Open Play Fees**

Councilmember Wosje requested a discussion on the proposed rate increases, specifically the open playtime revenue. He feels the 100% increase from \$2 to \$4 is too high and he would like to see the rate at \$3. Park and Recreation Director Evans advised that the \$2 rate for open play has not increased since they opened. The rate is based on comparable peer cities. Other peer cities are in the \$5 rate. Councilmember Willis stated he supports the staff recommendation of the \$4 increase.

Councilmember Johnson inquired if the rate is a flat rate or by age. Park and Recreation Director Evans replied it is a flat rate that only the participants pay. Open playtime is Monday, Wednesday and Friday from 10:30-1:30. They have equipment, inflatables and other expensive items available for use. Councilmember Johnson inquired if there was a sliding fee scale for lower income families. Park and Recreation Director Evans stated there is not. She reminded Council that the facility is funded by enterprise funds and not subsidized by the general fund. They currently have over 6,000 participating in the program and Staff is comfortable with the increase. Councilmember Willis stated he feels there should be exceptions made to families experiencing economic difficulties. Councilmember Wosje advised that this is a great value at \$2, but if they are trying to get it up to market rate he would like to see the fee increase staged over a period of two to three years. Councilmember Prom advised he is support of the increase. There are a lot of the parks and trails that do not cost residents anything to use. Councilmember Johnson noted that everyone is paying for this facility because it was a referendum. She appreciates that this is a rare space in the wintertime for children to use. One thing she would like to consider is offering a number of passes to places of worship and non-profits that may be involved with families in need.

Motion was made by Councilmember Willis, and seconded by Councilmember Johnson, to adopt an Ordinance amending City Code 1016.01 for rental fees for the Plymouth Creek Center Fieldhouse and Open Play Rates (Ord2014-21).

An amendment to the main motion was made by Councilmember Johnson, and seconded by Deputy Mayor Bildsoe, to direct staff to look into an offering passes to area non-profits. With all members voting in favor, the motion carried.

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

### **Reports and Staff Recommendations**

Councilmember Willis stated that with the unusual weather pattern, perhaps the Council needs to discuss design standards for streets for drainage of more intense weather events. Public Works Director Cote stated that this change has already been made in the design standards for new projects. Deputy Mayor Bildsoe stated the Council can discuss this during the budget discussions.

### **Adjournment**

Deputy Mayor Bildsoe adjourned the meeting at 9:01 p.m.

  
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Sandra R. Engdahl, City Clerk