

Adopted Minutes Regular City Council Meeting May 26, 2015

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 May 26, 2015.

COUNCIL PRESENT: Mayor Slavik, Councilmembers Willis, Carroll, Wosje, Beard, and Prom.

ABSENT: Councilmember Johnson.

STAFF PRESENT: City Manager Callister, Administrative Services Director Fischer, Community Development Director Juetten, Public Works Director Cote, Park and Recreation Director Evans, Public Safety Director Goldstein, City Engineer Renneberg, Construction Supervisor Paumen, City Attorney Knutson, and City Clerk Engdahl.

Plymouth Forum

There was no one present to address the Council.

Presentations and Public Information Announcements

There were no presentations or public information announcements.

Approval of Agenda

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

Consent Agenda

By request of Councilmember Beard, Item No's. 6.04 and 6.12 were removed from the Consent Agenda and placed under General Business as No's. 8.02 and 8.03 respectively.

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

(6.01) Council Meeting minutes from the Special and Regular Meetings of May 12, 2015.

- (6.02) Resolution Approving Disbursements ending May 16, 2015 (Res2015-140).
- (6.03) Resolution Approving a Tobacco License for JD Christensen Liquors, Inc., D/B/A Plymouth Liquor Barrel, 1100 State Highway 55 (Res2015-141).
- (6.04) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.02.).
- (6.05) Resolution Approving a Final Plat and Development Contract for “Brynwood 2nd Addition” (2015027 - Res2015-142) and Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main Brynwood 2nd Addition (2015027-F – Res2015-143).
- (6.06) Resolution Approving Application of Mount Olivet Lutheran Church for Temporary Liquor License (Res2015-144).
- (6.07) Resolution Approving Filling of Wetlands and the Wetland Replacement Application for the Ferndale Terrace Addition, SW ¼, Section 30, T118N, R22W (2013074 - Res2015-145).
- (6.08) Resolution Approving Filling of Wetlands and the Wetland Replacement Application for the Summers Edge Addition, NW ¼, Section 18, T118N, R22W (2015030 - Res2015-146).
- (6.09) Resolution Approving Filling of Wetlands and the Wetland Replacement Application for the GWS Elementary School Addition NE ¼, Section 6, T118N, R22W (2014121 - Res2015-147).
- (6.10) Ordinance Amending Chapter 21 of the Plymouth City Code, entitled the Plymouth Zoning Ordinance (2014100 - Ord2015-14), Ordinance Amending Chapters 5 and 20 of the Plymouth City Code (2014100 – Ord2015-15), Resolution Approving Summary Publication of Ordinance No. 2015-14 and Ordinance No. 2015-15 (Res2015-148)
- (6.11) Ordinance Amending Chapter 21 (Zoning Ordinance) of the Plymouth City Code to Amend Section 21655.43 Trillium Woods PUD (2015018 – Ord2015-16), Resolution Findings of Fact (2015018 – Res2015-149), and a Resolution Approving a PUD General Plan Amendment for a Master Sign Plan at Trillium Woods Located at the Southeast Corner of Juneau Lane and County Road 47 (2015018 – Res2015-150).
- (6.12) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.03).
- (6.13) Resolution Adopting Data Practice Policies (Res2015-151).

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Off-Sale Liquor Application from JD Christensen Liquors, Inc., d/b/a Plymouth Liquor Barrel, 11000 State Highway 55

City Clerk Engdahl reported on the application for an Off-Sale Liquor license from JD Christensen Liquors Inc., d/b/a Plymouth Liquor Barrel, 11000 State Highway 55.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Willis, and seconded by Councilmember Wosje, to adopt Resolution Approving Off-Sale Liquor Application from JD Christensen Liquors, Inc. d/b/a Plymouth Liquor Barrel, 11000 State Highway 55 (Res2015-152). With all members voting in favor, the motion carried.

(7.02) Public Improvement and Assessment Hearing and Award Contract for the 2015 Mill and Overlay Project (15002.1)

Construction Supervisor Paumen reported on the project and illustrated the areas included in this project. If this project is approved, the project will begin in May 2015 and be completed September 2015.

Mayor Slavik opened the public hearing.

Karl Nelson, 14375 Eighth Avenue North, stated he opposes the project.

Jackie Tyszka, 1040 Fernbrook Lane, stated she opposes the project. She explained her neighborhood has one entrance and everyone in that development should share the cost of the overlay for that entrance street.

Sarah Cranny, 915 Fernbrook Lane, stated she opposes the project. She views this project as maintenance, not an improvement. Therefore, it wouldn't add any value to her home.

Steve Parker, 600 Harbor Lane, stated he opposes the project. He also views this project as maintenance, and the cost should be covered by property taxes.

Mike Breckenridge, 800 Ithaca Lane, stated he understood that property taxes covered the costs to reconstruct streets.

Bill Underwood, 725 Ithaca Lane, questioned why he's being assessed.

Stephen Wardleworth, 5340 Norwood Lane North, voiced his support for the project.

Jerry Rex, 5320 Norwood Lane North, stated he supports the project.

Nick Johnson, 5575 Ximines Lane, stated he supports the project.

Rosaline Filkowski, 5985 Wedgewood Lane No. 45, questioned why everyone in her area is being assessed \$500 when they live on private roads. She stated her neighborhood is paying \$85,000 for 3/10 of a mile and requested the assessment be lowered or reconsidered. She requested that this project be noticed as street maintenance, no improvement, so it can be considered a tax deduction.

Kathleen Zimmerschied, 6050 Yucca Lane, stated she thought this was a full reconstruction project.

The following property owners submitted written appeals to their assessments:

Joe and Sarah Cranny, 915 Fernbrook Lane North
Steve and Kathy Parker, 600 Harbor Lane North
Art and Jackie Tyszka, 1040 Fernbrook Lane
Karl and Terry Nelson, 14375 Eighth Avenue North

Mayor Slavik closed the public hearing.

Mayor Slavik and Public Works Director made the following statements in response to the questions raised:

- The amount being assessed per property doesn't cover the entire cost of the mill and overlay project. The property taxes cover the remainder. The City has made an effort to keep the assessment process consistent so that each property is only paying one time and the same amount.
- The issue of townhomes with private roads being assessed—only townhomes on the public roads are being assessed.
- This project isn't considered a general maintenance project. Maintenance covers pothole patching, street sweeping, road signs and overlays on small sections of the road. This project is more comprehensive than that.
- The wording in the notices for this project are per State Statute (reconstruction vs. maintenance).

Mayor Slavik requested staff send Ms. Zimmerschied a copy of the original letter that was sent to residents about the project detail and assessment amount.

Councilmember Prom asked staff to explain the cost of this project and the amount being assessed. Construction Supervisor Paumen replied the total cost of the project is \$2,776,093.11 and the proposed amount assessed is \$1,299,034.13, which covers less than half the cost of the project.

By request of Councilmember Slavik, Construction Supervisor Paumen explained the street rating system, especially as it relates to Eighth Avenue and Fernbrook Lane.

Councilmember Wosje asked if the ages of the streets were known in this project area or when was the last time there was any reconstruction. Supervisor Paumen stated work had been done sometime in the 1990s.

Councilmember Prom asked if it is a conflict of interest for him since he will be assessed for the project. City Attorney Knutson replied no.

Councilmember Wosje stated even though some streets aren't in as bad of a condition currently, they will continue deteriorate. Therefore, it makes sense to do all the streets in the neighborhood at this time and at a lower cost. Councilmember Carroll agreed.

Motion was made by Councilmember Prom, and seconded by Councilmember Carroll, to adopt Resolution Ordering Improvement for the 2015 Mill and Overlay Project (15002.1 - Res2015-153), Resolution Adopting Assessments 2015 Mill and Overlay Project (15002.1 – Res2015-154), and Resolution Awarding Contract for the 2015 Mill and Overlay Project (15002.1 – Res2015-155). With all members voting in favor, the motion carried.

General Business

(8.01) PUD General Plan, and Preliminary and Final Plat for Retail Building with Drive through in the Crossroads Commons PUD south of the Highway 55 Frontage Road between West Medicine Lake Drive and County 73 (Oppidan – 2015005)

Community Development Director Juetten summarized the staff report. The applicant is requesting approval of a PUD general plan to allow construction of a 6,152 square foot multi-tenant retail building with drive through in the east portion of the Crossroads Commons site and a preliminary and final plat to establish a separate lot for the proposed retail building and one outlot for future commercial development. The Planning Commission rendered a split vote (3-3) on a motion to recommend denial of the request. Staff finds the proposed plan is inconsistent with the intent of a PUD in two areas: 1) It leaves a remnant outlot with limited potential to develop in such a way to achieve a unified, integrated end product; and 2) It assumes shared access and parking without any proposed or approved PUD general plan for the remnant outlot.

Councilmember Wosje asked about the plan from 2005. Community Development Director Juetten replied that plan included seven buildings all on one site. In 2011, that application didn't proceed when Oppidan amended the PUD and that action voided everything that was done previously. Currently, this application is working off the 2011 PUD. The 2011 PUD allowed The Waters, McDonalds, and Outlot B for future development. The applicant is now requesting that Outlot B be split into two parcels, one for development now and one for future development.

Tom Ryan, 5125 South County Road 101, Minnetonka, representing Oppidan, reported a potential use for the site could be a two-story office building, but a third party has control of part of Outlot B.

By request of Councilmember Prom, Mr. Ryan clarified that 2,500 square feet will be Caribou Coffee and 3,500 square feet will be retail space.

Councilmember Carroll asked Mr. Ryan about the potential use of the two-story office building. Mr. Ryan replied the intended use is driven by the traffic from McDonalds and The Waters.

Councilmember Wosje asked Mr. Ryan why both outlots couldn't be developed instead of just one. Mr. Ryan replied they were approached by Caribou Coffee, and they were able to get that land under control with the bank. The bank continued to market the other site which is now also under control, but not as far along in the process as the applicant.

Councilmember Carroll asked Mr. Ryan if he could present a unified proposal with the other developer. Mr. Ryan replied they are trying to move as quickly as possible with their own tenant, but has discussed the access and the signage with the other developer.

Councilmember Willis stated he would not vote favorably on this application as presented and suggested tabling this application to give the applicant time to meet with the other developer. Councilmember Prom agreed.

Councilmember Beard asked about Tax Increment Financing (TIF) associated with this project. Community Development Director Juetten replied TIF paid for the demolition, soil remediation, and the frontage road.

Councilmember Carroll asked Mr. Ryan if he would prefer this application be tabled or denied. Mr. Ryan replied tabled.

Motion was made by Councilmember Wosje, and seconded by Councilmember Willis, to table this item to the June 23, 2015 Council meeting.

Mr. Ryan asked the Council what they would prefer to see on other site. Councilmember Willis stated he would like more detail as to what would occur with Outlot B.

With all members voting in favor, the motion carried.

(8.02) Resolution Supporting Capital Appropriation Request for the Plymouth Ice Center
(Previously item No. 6.04)

Councilmember Beard requested a separate vote on this item.

Motion was made by Councilmember Carroll, and seconded by Councilmember Prom, to adopt a Resolution Supporting Capital Appropriation Request for the Plymouth Ice Center (Res2015-156). With Wosje, Willis, Carroll, Slavik and Prom voting yes, and Beard voting no, the motion carried.

(8.03) Designate Consultant and Approve Agreement for Water Meter Replacement Project
(Previously item No. 6.12)

Councilmember Beard asked questions relating to the number of water meters the City has, downsizing commercial sized water meters, and the cost of the project. Administrative Services Director Fischer stated the City has approximately 22,000 meters and this project covers approximately 16,000 meters. Some newer businesses use less water than their previous owner and require a smaller meter. The cost of the consulting project is \$187,000.

Motion was made by Councilmember Beard, and seconded by Councilmember Willis, to adopt Resolution Designating Consultant and Approving Agreement Water Meter Replacement Project (15022 - Res2015-157). With all members voting in favor, the motion carried.

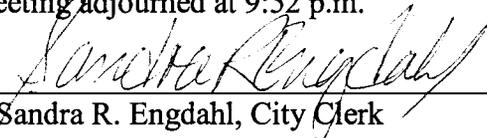
Reports and Staff Recommendations

(9.01) Legislative Update

City Manager Callister and Councilmember Wosje provided brief legislative update.

Adjournment

Mayor Slavik adjourned the regular meeting at 8:45 p.m. Following adjournment of the Regular Meeting, the Council received the quarterly City Manager update. This update was held in the Parkers Lake Conference Room with City Manager Callister, Administrative Services Director Fischer, Mayor Slavik, Councilmembers Prom, Willis, Carroll, Wosje, and Beard present. Councilmember Johnson was absent. The meeting adjourned at 9:52 p.m.



Sandra R. Engdahl, City Clerk