

# Adopted Minutes Regular City Council Meeting April 26, 2016

Deputy Mayor Willis 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 26, 2016.

COUNCIL PRESENT: Councilmembers Johnson, Wosje, Beard, Willis, and Prom. Mayor Slavik and Councilmember Carroll arrived at 7:25 p.m.

ABSENT: None.

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, Fire Chief Coppa, City Planner Drill, City Engineer Renneberg, City Attorney Knutson, Senior Planner Drill, Planner Berglund, Community Relations Officer Long, Public Safety Education Specialist Cwayna, and Office Support Representative Gottschalk.

## Plymouth Forum

David Hackbarth, 10717 Tenth Avenue North, Lot C-19, Sun Valley Mobile Home Park, stated his taxes and rent increased due to an increase in the appraised value of the mobile home park. Deputy Mayor Willis suggested he discuss options with the County Assessor's office.

## Presentations and Public Information Announcements

### **(4.01) Presentation of Helen Keller Award**

Members of the Plymouth Lyons Club presented the Helen Keller Award to Community Relations Officer Long and Public Safety Education Specialist Cwayna.

## Approval of Agenda

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

## Consent Agenda

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

- (6.01)** Regular Meeting Minutes of April 12, 2016.
- (6.02)** Resolution Approving Disbursements ending April 16, 2016 (Res2016-122).
- (6.03)** Resolution Approving Findings of Fact and Decision for Appeal by Tierra Kirstin Jackson-Campbell of Denial of 2016 Massage Therapist Certificate. (Res2016-123).
- (6.04)** Resolution Amending the Plymouth Firefighters Relief Association Bylaws Related to Vesting (Res2016-124).
- (6.05)** Resolution Renewing Joint Powers Agreement with the St. Paul Fire Department for Fire Training Facility (Res2016-125).
- (6.06)** Resolution Awarding the Contract for the Phase 2 Flashing Yellow Arrow Signal Project (15008 – Res2016-126).
- (6.07)** Resolution Declaring Adequacy of Petition and Ordering Preliminary Engineering Report for the 2016 Public Works Mill and Overlay Project Phase II (16019 - Res2016-127), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the 2016 Public Works Mill and Overlay Project Phase II (16019 – Res2016-128), Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the 2016 Public Works Mill and Overlay Project Phase II (16019 – Res2016-129), and Resolution for Calling for Hearing on Proposed Assessment for the 2016 Public Works Mill and Overlay Project Phase II (16019 – Res2016-130).
- (6.08)** Resolution Authorizing Installation of No Parking Signs on the West Side of Nathan Lane from Schmidt Lake Road to 100 Feet North of the North Property Line of 5005 Nathan Lane (Res2016-131).
- (6.09)** Ordinance Amending Chapter 21 of the Plymouth City Code, entitled the Plymouth Zoning Ordinance (2015085 – Ord2016-11), Ordinance Amending Chapters 5, 9, and 10 of the Plymouth City Code (2015085 – Ord2016-12), and Resolution Approving Summary Publication of Ordinance No. 2016-11 and Ordinance No. 2016-12 (Res2016-132).
- (6.10)** Resolution Authorizing Request for Proposal and Distribution for Community Development Software (Res2016-133).
- (6.11)** Resolution Approving a Variance to Allow a Fuel Island to be located in the Front Yard at the City of Plymouth Public Works Facility for Property Located at 14900 23rd Avenue (2016005 - Res2016-134).
- (6.12)** Ordinance Amending Chapter 21 (Zoning Ordinance) of the City Code to Classify Certain Land East of the Intersection of State Highway 55 and Old Rockford Road (2016008 –

Ord2016-13), Resolution Approving Findings of Fact for the Rezoning of Land located East of the Intersection of State Highway 55 and Old Rockford Road (2016008 - Res2016-135), Resolution Approving a Site Plan and Conditional Use Permit for Senior Apartment Building on Property located East of the Intersection of State Highway 55 and Old Rockford Road (2016008 – Res2016-136), and Resolution Approving Summary Publication of Ordinance No. 2016-13 (Res2016-137).

**(6.13)** Resolution Approving the Filling of Wetlands and the Wetland Replacement Plan Application for “Cherrywood Pointe of Plymouth” Section 7, T118N, R22W (2016008 – Res2016-138).

**(6.14)** Resolution Approving Polling Location for Precinct 1 for the 2016 Elections (Res2016 – 139).

**(6.15)** Resolution Approving Appointment to Ward 1 Position on the Planning Commission (Res2016 – 140).

**(6.16)** Resolution Approving Variance to the Monument Sign at Meadow Ridge Elementary School for Property Located at 17905 County Road 47 (2016016 – Res2016-141).

**(6.17)** Resolution Approving Final Plat and Development Contract for “Enclave on the Greenway 2nd Addition” for Property located North of 56th Avenue and East of Troy Lane (2016021 – Res2016-142), and Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Enclave on the Greenway 2nd Addition (2016021 – Res2016-143).

**(6.18)** Ordinance Amending Chapter IV of the Plymouth City Code Regarding Rental Licensing (Ord2016-14), and Resolution Approving Summary Publication of Ordinance No. 2016-14 (Res2016-144).

**(6.19)** Resolution Authorizing Music in Plymouth Bus Wrap (Res2016-145).

**(6.20)** Resolution Approving a Conditional Use Permit for a Daycare/Preschool for Property Located at 3200 Harbor Lane (2016017 – Res2016-146).

With all members voting in favor, the motion carried.

### **Public Hearings**

#### **(7.01) Public Improvement and Special Assessment Hearing for the Ponderosa Reconstruction Project (16008)**

City Engineer Renneberg reported on the proposed project. This project is unique in that it meets the criteria for a mill and overlay, but a reconstruction is recommended due to the condition of the water main and the significant excavation required to replace it. Staff requested Council to consider four options on how to proceed with the project:

1. Assess improvements per the Public Improvement Assessment Policy at \$7,869.33 per property.
2. Assess improvements excluding any costs associated with the water main replacement at the standard 40% assessment rate which would be an assessment of \$4,324.63 per property.
3. Assess each property \$1,000 as the streets meet the criteria for a mill and overlay project.
4. Change the scope of the project to a mill and overlay, leave the existing water main in place and repair it as needed in the future. Each property would be assessed \$1,000.

Mayor Slavik and Councilmember Carroll arrived at the meeting.

City Engineer Renneberg also provided the following information in response to Councilmembers' questions:

- The surrounding neighborhoods would receive a mill and overlay this summer which would last seven to ten years. At that time, if the streets require additional work, a different project other than a mill and overlay could be considered.
- Since 1995, all the water main breaks have been in different locations and not at the same time. There is 3,318 feet of water main in this neighborhood and there have been 16 breaks. A water main break can happen at different isolated points and there is no way to predict when or where it will happen. It can happen at any joint, fitting, or valve, and anywhere along the linear amount of pipe.
- In the last 10 years when utilities have been replaced with street projects, the City has paid the utility portion, but shared the cost of the street replacement with the property owners.
- If the City did a reconstruction and assessed the homeowners accordingly, the total cost would be \$1,400,000. A total of \$400,000 would be covered with assessments, with a remaining cost to the City of \$1 million. For a reconstruction assessed as a mill and overlay, the project would cost \$1,400,000 minus \$50,000 in assessments and a cost to the City of \$1,350,000. A mill and overlay would cost approximately \$150,000.
- It costs \$5,000 to \$10,000 per water main break to repair and can go up to \$200,000.
- Historically, utilities have been replaced because a street reconstruction was needed. In this case, the street does not need to be replaced, but the utilities do.

Mayor Slavik opened the public hearing.

Stan Hamilton, 2825 Garland Lane North, voiced his support for Option 2.

Charles Mann, 2835 Garland Lane North, regarding Option 1, questioned if the assessment would increase property values by \$8,000. The City of Minnetonka is doing the same project for a neighborhood with no assessment to the homeowners.

James Miller, 2720 Garland Lane North, stated he doesn't support an assessment more than \$1,000. Since the aging infrastructure is known, he suggested the City create a depreciation

schedule and plan to repair the infrastructure so it can be part of homeowner's property taxes every year instead of a lump sum.

Dennis Bedwer, 2555 Garland Lane North, stated the \$8,000 assessment is more than burdensome for property owners on a fixed income. It shouldn't be the burden of the property owners to repair the water main. He supports the \$1,000 assessment.

Anand Joglehay, 2820 Fountain Lane North, stated staff informed him that the resurfacing of the roadway would suffice.

Casey Osterholt, 2710 Garland Lane, commented there is not a proper return on this investment. If the number of water main breaks doubles over the next 10 years, it still doesn't make sense to spend the money on reconstructing the road.

Mr. Bedwer stated several years ago the road was seal coated and why did the City not consider a reconstruction project at that time.

Mayor Slavik closed the public hearing.

Public Works Director Cote clarified Options 1 and 2. In Option 1, the homeowners would be assessed 40% of the total project cost for the reconstruction project. In Option 2, the City pays 60% of the cost of the road plus the cost to replace the water main, and the property owner pays 40% of the cost of the road.

The majority of the Council stated they supported Option 2. The reasons included full reconstruction is needed at some point, the street would last 20 to 30 years, and if there are water main breaks after a new mill and overlay is constructed, the street would have patches and make the mill and overlay less effective.

Motion was made by Councilmember Wosje, and seconded by Councilmember Prom, to adopt a Resolution Ordering Improvement for Ponderosa Street Reconstruction Project (16008 – Res2016-147), Resolution Adopting Assessments for Ponderosa Street Reconstruction Project (16008 – Res2016-148), and Resolution Awarding Contract for Ponderosa Street Reconstruction Project (16008 – Res2016-149) for Option 2.

A roll call vote was taken separately on each of the resolutions.

Resolution ordering the improvement for Option 2 - with Slavik, Wosje, Prom, Willis, Carroll and Johnson voting yes, and Beard voting no, the motion carried.

Resolution adopting assessments for Option 2 - with Slavik, Wosje, Prom, Willis, Carroll and Johnson voting yes, and Beard voting no, the motion carried.

Resolution awarding contract for Option 2 - with Slavik, Wosje, Prom, Willis, Carroll and Johnson voting yes, and Beard abstaining, the motion carried.

**(7.02) Public Hearing on Ordinance Amending Section 2.07 of the City Charter Concerning Council Vacancies (tabled from April 12)**

City Attorney Knutson reported on the proposed ordinance as recommended by the Charter Commission.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Johnson, and seconded by Councilmember Prom, to adopt an Ordinance Amending Section 2.07 of the City Charter Concerning Council Vacancies (Ord2016-15), and Resolution Approving Summary Publication of Ordinance No. 2016-15 (Res2016-150). With all the members voting in favor, the motion carried.

**General Business**

**(8.01) Site Plan Amendment and Conditional Use Permit for Building Additions and Related Site Improvements to Pilgrim Lane Elementary School for Property located at 3725 Pilgrim Lane (Wold Architects and Engineers – 2016008)**

Planner Berglund reported on the proposed project. He stated the old section of trail would be removed and allow people to cross at the intersection of 38th Avenue to connect with Pilgrim Lane. He discussed the two resolutions contained in the packet materials. He stated Option B resolution, under condition No. 3, language was added to state, "The portion of the building used for community education purposes shall not exceed 20 percent." He stated this was to keep the community education portion accessory to the principle use, which is an elementary school.

Motion was made by Councilmember Willis, seconded by Councilmember Prom, to adopt a Resolution Approving Site Plan Amendment and Conditional Use Permit for Building Additions and Related Site Improvements to Pilgrim Lane Elementary for Property located at 3725 Pilgrim Lane North (2016018 – Res2016-151), Option B Resolution. While the Council was voting on this motion, motion was made by Councilmember Johnson, seconded by Councilmember Willis, to table the vote while they spoke with Mr. Gerber. With all members voting in favor, the motion carried.

Jim Gerber, representing the Robbinsdale School District, stated the neighbors' concerns about extra traffic relates more toward the adult community education programs, which would be less than 20%. The before and after school programs and summer programs that relate to children will exceed the 20% that is noted in the resolution.

Motion was made by Councilmember Willis, seconded by Councilmember Prom, to amend the main motion to amend Condition No. 3 in the Resolution to state, "The portion of the building used for adult community education purposes shall not exceed 20%." With all members voting in favor, the motion carried.

The Council voted on the amended main motion. With all members voting in favor, the motion carried.

**(8.02) Reguiding, Rezoning, PUD General Plan, and Preliminary Plat for “Begin Oaks,” for Property located at 5635 Yucca Lane (Pulte Homes of Minnesota – 2016009)**

Senior Planner Drill reported on the proposed project. He noted when homes built in areas that were previously wetland, there are additional specifications required on the foundations. This includes soil corrections if needed and testing to make sure the ground is solid. If it is not solid, they are required by code to construct pilings. Public Works Director Cote added that the incidental wetland is a wetland that wasn't created by nature. He further stated that there is no assurance that homeowners might not have water issues in the future.

Lisa Vertelney, 13866 54th Avenue North No. 4, expressed concern about foundations cracking with the large equipment needed for the project and asked why the holding pond is being moved. She had additional question regarding tree No. 115, environmental concerns with the cottonwood tree and honeybees, the number of ash trees left and how it relates to the requirement of keeping 50% of them, and the process of replanting trees.

Doug Schroeder, 5525 Fernbrook Lane North, presented a petition to the Council requesting relocation of the proposed 56th Avenue and Cheshire Lane intersection to 57th Avenue.

Joseph Cardamone, 5555 Fernbrook Lane North, expressed disappointment that they weren't contacted by Pulte Homes in the earlier stages of planning. The above mentioned intersection has poor sight lines and landscaping and topography that make the intersection challenging. Due to the steep hill and challenging weather in the winter, he doesn't support a four way stop at the intersection. He also requested this intersection be relocated to 57th Avenue.

Charis VanEe, 13884 54th Avenue North No. 1, stated her home backs up to a heavily wooded area, and she appreciates that the developer plans to leave a small line of tree barrier. However, she expressed concern if the area isn't properly marked, trees could be removed that shouldn't be.

Paul Heuer, representing Pulte Homes, complimented staff for their responsiveness and clarity. He reported on the changes made to the concept plan based on comments received by the Council. Mr. Heuer commented they had originally planned for the intersection at 57th Avenue and Cheshire Lane. However, the survey showed obstructions that would make construction challenging. Therefore, they relocated it to 56th Avenue. There would be dedicated right and left turn lanes into the development.

Bob Molsted, Pulte Homes engineer, commented the site distance requirement for a 35 mph street is 220 to 250 feet. There is a hydrant at 310 feet that is visible, so it does meet the site parameters. The concerns at 57th Avenue include the new pedestrian underpass, a retaining wall with wetland impacts and the need for additional tree removal, land grades that would create sanitary sewer challenges, and several power lines and boxes that would need to be considered.

The Council discussed their concerns regarding the intersection at 56th Avenue, which included the actual speed of vehicles, and the future need for a traffic signal on 57th Avenue due to the amount of traffic. Some members expressed support of moving the intersection to 57th Avenue or between 56th and 57th Avenues.

Park and Recreation Director Evans commented the trail would have to be realigned and the slope would need to be ADA accessible. There would be a substantial cost but it could be done as long as it meets the grades. The additional costs are not budgeted in the Capital Improvement Program.

Mr. Heuer stated the pond needed to be located where proposed because it is the lowest point. Due to the requirements of the pond, the tree in that area cannot be on an island and will have to be removed. He stated they are preserving approximately 60% of the trees on the site, which includes the trees that are transplanted. They will make sure they save the trees along the perimeter of the site with tree preservation fences. There are rigid regulations and inspections are required for those fences.

Mr. Heuer noted the area that is an incidental wetland. It was not a wetland before the golf course and was excavated to be used as an irrigation pond. There is a well house that pumped well water into that wetland to keep it wet and then that water was pushed through pipes throughout the golf course. He stated there are no typical wetland subsoils in that wetland.

Discussion was held on the ash trees in the development. Community Development Director Juetten stated the ash trees are healthy living trees, so it's not required they have to be replaced.

The suggestion was made to increase the landscape buffer of the lots from the existing property owners. Mr. Heuer stated they would be amenable to increasing that buffer.

In addition to relocating the 56th Avenue intersection to 57th Avenue, the Council requested that the row homes in the northeast part of the development (Yucca Lane), be replaced with a cul-de-sac with single family homes. This would allow for a better neighborhood transition.

The Council directed staff to analyze ash trees and how they may be reviewed with future developments.

Motion was made by Councilmember Carroll, seconded by Councilmember Johnson, to table this item to the May 10 Council meeting. With all the members voting in favor, the motion carried.

## **Reports and Staff Recommendations**

### **(9.01) Legislative Update**

There was no legislative update.

**Adjournment**

Mayor Slavik adjourned the meeting at 10:53 p.m.

  
\_\_\_\_\_  
Sandra R. Engdahl, City Clerk