

Adopted Minutes Regular City Council Meeting May 10, 2016

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 10, 2016.

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

ABSENT: None.

STAFF PRESENT: City Manager Callister, Community Development Director Juetten, Public Works Director Cote, Park and Recreation Director Evans, Public Safety Director Goldstein, Fire Chief Coppa, City Planner Drill, City Attorney Knutson, and City Clerk Engdahl.

Plymouth Forum

David Cade, 1760 Garland Lane North, referenced an incident that occurred on July 23, 2015 at Arby's on Highway 55, which resulted in a Plymouth police officer fatally shooting a suspect. He believes that this incident is still under investigation with the Bureau of Criminal Apprehension. However, the police officer was nominated by the City's Public Safety Director for a commendation award and received that award at the recent Police Chief's Conference. He stated this award is premature as the public doesn't have enough knowledge to make a judgement and it creates a bias about what happened with this incident. He requested that the Public Safety Director implement procedures and actions that would prevent a similar situation from occurring again.

Mayor Slavik thanked him for his comments and stated the Police Department is well trained for these types of situations.

Presentations and Public Information Announcements

There were no presentations and public information announcements.

Approval of Agenda

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

Consent Agenda

By request of Councilmember Willis, item No.'s 6.03, 6.04, and 6.06 were removed from the agenda and placed under General Business as item No.'s 8.001, 8.03, and 8.04 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) Special and Regular Meeting Minutes of April 26, 2016.
- (6.02) Resolution Approving Disbursements ending April 30, 2016 (Res2016-152).
- (6.03) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.001).
- (6.04) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.03).
- (6.05) Received 2017 Suburban Rate Authority budget.
- (6.06) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.04).
- (6.07) Resolution Approving Trade Name Change for Tobacco and 3.2 Off-Sale Malt Liquor Licenses for Rainbow Foods #1566 to Cub Foods #1566 at 16705 County Road 24 (Res2016-153).
- (6.08) Resolution Approving Final Plat for "The Preserve at Meadow Ridge" for Property Located at 18035 County Road 47 (2015113F – Res2016-154) and Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Preserve at Meadow Ridge (2015113F – Res2016-155).
- (6.09) Resolution Approving a Conditional Use Permit for Davron Gafurov for Limited Motor Vehicles Sales at 14050 23rd Avenue (2016019 – Res2016-156).

With all members voting in favor, the motion carried.

Public Hearings

There were no public hearings.

General Business

(8.001) Plans and Specifications and Order Advertisement Bids for the Old Rockford Road Overlay and Trail Project (16005 and 40063) (Previously item No. 6.03)

The question was asked regarding the width of the trail that is required by Hennepin County to qualify for a grant, the paving of shoulders, and if issues have been resolved with the Summer Creek Homeowners Association. Park and Recreation Director Evans replied in the area that the trail goes from 12 feet wide to 10 feet wide, it runs through a wetland and the narrower width avoids further impacts to the area. Staff has received a variance from Hennepin County for a narrower path, and it complies with the grant. Public Works Director Cote added the current gravel shoulders will be paved for erosion control.

Park and Recreation Director Evans noted the issues that haven't been resolved with the Summer Creek Homeowners Association, but staff has been in contact with them. The Summer Creek Homeowners Association has presented five requests to staff, and the City isn't able to meet the following:

- Narrow the trail in front of their property. The City can't meet this request because it doesn't change any impact to trees.
- Relocation of five spruce trees. The City is only able to relocate four.
- Requested plantings and a fence at a cost of \$17,000. Staff is obtaining cost estimates for a cheaper fence.

David Christopherson, Treasurer of Summer Creek Homeowners Association, commented the trail leading west of Yuma Lane is a major concern to them.

The Council directed staff to submit a written request to Summer Creek Homeowners Association to participate in the cost of the fence that would meet their specifications.

Motion was made by Councilmember Johnson, seconded by Councilmember Willis, to adopt a Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the Old Rockford Road Overlay and Trail Project (16005 and 40063 - Res2016-157) and to direct staff to send communication to the Summer Creek Homeowners Association regarding the cost of the fence. With all the members voting in favor, the motion carried.

(8.01) Reguiding, Rezoning, PUD General Plan, and Preliminary Plat for "Begin Oaks," for Property located at 5635 Yucca Lane (Pulte Homes of Minnesota – 2016009) (tabled from April 26)

Senior Planner Drill reported on the proposed project. He stated this item was continued from the April 26, 2016 Council meeting to allow the applicant to: 1) gather additional information regarding street access to Cheshire Parkway; 2) consider revising the plans to address the 16 proposed rowhome units that would be near existing single-family homes in the northeast portion of the site; and 3) consider additional buffering in the southwest portion of the site, between the

existing townhomes in The Reserve and the proposed single-family homes east of the wetland and pond.

Paul Heuer, Pulte Homes, reported they changed the homes in the northeast corner to single-family home and conducted a traffic analysis at Cheshire Parkway and 56th Avenue.

Bryant Ficek, Spack Consulting, provided feedback on the traffic analysis:

- Are there any problems at the existing intersection? There was an issue found in the left turn lane for cars looking for northbound traffic. The problem showed there isn't enough time to make a left turn with the traffic going 40 mph.
- What can be done? 1) Intersection conflict warning signal; 2) Narrowing lanes on Cheshire Parkway which causes a drop in speed; 3) Install a northbound escape acceleration lane; 4) Access restriction and ban the left turn; and 5) Install a roundabout.

Mr. Ficek provided the following comments in response to questions raised by the Council:

- A radar sign flashing speed to motorists that supports the northbound acceleration lane would be a good suggestion as radar has been successful in lowering speeds. Cheshire Parkway currently has 5,000 cars per day and the proposed development would increase that number approximately 800 cars.
- Cheshire Parkway is a collector road intended to move traffic. The most challenging aspect of the intersection is a combination of the site distance based on the vertical curvature and grades in the area with high speeds.
- There would be no significant traffic impacts by adding an intersection at 56th Avenue and Cheshire Parkway that would make the existing situation worse. There are issues with access spacing if the intersection was installed at 56 ½ Avenue or 57th Avenue.
- The advantages of the roundabout are the traffic control, all vehicles are going in the same direction, it's designed to make the vehicles slow down, and the number of crashes are decreased. The disadvantages are the steep grades and an imbalanced traffic flow.
- With access at 56th Avenue, approximately 200 vehicles will turn into the development. If access is at 56 ½ Avenue, those cars will continue through. These numbers are approximate as no actual numbers have been studied.

Mr. Heuer spoke of the difficulties with the proposed 57th Avenue configuration:

- The development would need to be connected to sewer that is on the opposite side of Cheshire Parkway and would result in closure of the road and the regional trail for seven working days.
- Large electrical boxes would need to be relocated and Trillium Woods would be without power during that time.
- In reference to public safety and due to the type of work needed to be done, the road would need to be closed entirely for the seven days with no option of only closing half at a time.

Mr. Heuer spoke of the difficulties with the proposed 56 ½ Avenue configuration:

- It would mean longer streets, more storm sewers and cutting into an existing median on Cheshire Parkway.
- There would be a different type of impact for left turning movement out of Begin Oaks.
- It wouldn't impact the sewers and there is no need to dig under Cheshire Parkway.

The question was raised if traffic mitigation measures would assist if the intersection is at 56th Avenue. Public Works Director Cote stated the data doesn't suggest there is a problem, but there have been many changes in the area. An additional technique that could be used are intersection warning signs. Public Safety Director Goldstein added the potential solutions provided will be helpful. No matter where intersection is located, there will be increased concerns.

Larry Rodgers, 14314 56th Avenue North, commented the speed limit is too high, a pedestrian crossing should be considered, and a stop sign at the intersection.

Lisa Vertelney, 13866 54th Avenue North, Unit 4, commented on tree 115 and stated visually doesn't look like lowest point. She would also like to discuss the size of trees along the wetland in the southwest corner.

Douglas Schroeder, 5525 Fernbrook Lane, stated there is a need for a pedestrian crosswalk at 56th Avenue if the intersection is there. He supports the speed warning signal, an acceleration lane and an intersection at 56 ½ Avenue. This would also keep the pedestrian traffic from crossing at 56th Avenue.

Mayor Slavik spoke of how speed limits are set on local roads (Minnesota Department of Transportation), crosswalks and how people do not stop, stop signs, the roundabout, and a flashing yellow sign at 56 ½ Avenue. Public Works Director Cote added this area isn't recommended for a stop sign.

Senior Planner Drill commented on tree 115 and stated the tree is right on the edge of the lowest point of elevation. In reference to the trees planted along the wetland, the resolution requires the trees to be 2 ½ inch caliper deciduous and a 6-foot minimum height for conifers.

The suggestion was made to increase the number of trees in the rear yard of the 10 lots that back up to the wetland in the southwest portion of the site.

A discussion was held whether the intersection should be at 56th Avenue or 56 ½ Avenue with traffic calming measures.

It was confirmed by Mr. Heuer that they would donate up to \$25,000 to the City for traffic calming measures if the 56th Avenue access is chosen.

Motion was made by Councilmember Carroll, seconded by Councilmember Beard, to adopt an Ordinance Amending Chapter 21 (Zoning Ordinance) of the City Code to Classify Certain Land Located at and near 5635 Yucca Lane, and to establish a Planned Unit Development District (2016009 – Ord2016-16), Resolution Approving a Comprehensive Plan Amendment to regulate

roughly 70 acres from P-I to LA-2 for “Begin Oaks” (2016009 – Res2016-158), Resolution Approving Findings of Fact for the Rezoning of Land Located at and near 5635 Yucca Lane (2016009 – Res2016-159), Resolution Approving Summer Publication of Ordinance No. 2016-16 (Res2016-160), and Resolution Approving a PUD General Plan and Preliminary Plat for “Begin Oaks” for roughly 70 acres located at and near 5635 Yucca Lane (2016009 – Res2016-161) (intersection to be located at 56th Avenue and Cheshire Parkway).

Motion was made by Councilmember Johnson, seconded by Councilmember Wosje, to amend the main motion to reword condition No. 11a of Resolution Approving a PUD General Plan and Preliminary Plat to state, “four trees shall be planted in the rear yard of each of the 10 single-family lots that back up to the wetland in the southwest portion of the site (shown as Lots 98-107 on the preliminary plat). Half of those trees shall be deciduous (minimum caliper of 2.5 inches), and half shall be conifers (minimum height of six feet).” With Willis, Carroll, Johnson, Wosje, and Slavik voting yes, and Prom and Beard voting no, the motion carried.

Motion was made by Councilmember Carroll, seconded by Councilmember Beard, to amend the main motion to add a new condition No. 16 of the Resolution Approving a PUD General Plan and Preliminary Plat to state, “requiring the following improvements relating to the Cheshire Parkway/56th Avenue intersection: a) an acceleration lane on Cheshire Parkway for the left turning movement from eastbound 56th Avenue to northbound Cheshire Parkway; b) an active traffic detection sign to provide early warning of northbound traffic on Cheshire Parkway coming from the south for drivers turning left from eastbound 56th Avenue to northbound Cheshire Parkway; c) an electronic sign in the area south of 56th Avenue that provides both the posted speed limit and actual speed of vehicles heading northbound on Cheshire Parkway.”

Mr. Heuer stated that they would pay for all three of the measures noted above.

The Council voted on the amendment. With all the members voting in favor, but Prom, the motion carried.

The majority of the Council accepted the offer from the applicant to pay for the entire cost of the traffic mitigation measures as noted in the amendment which would be noted in the final resolution.

The Council then voted on the separate documents:

Resolution Approving Comprehensive Plan Amendment: With all the members voting in favor but Prom, the motion carried.

Ordinance Approving Planned Unit Development: With Beard, Willis, Carroll, Wosje, and Slavik voting yes, and Prom and Johnson voting no, the motion carried.

Resolution Approving Findings of Fact: With all the members voting in favor, the motion carried.

Resolution Approving Summary Publication: With all the members voting in favor, the motion carried.

Resolution Approving PUD General Plan and Preliminary Plat: With Beard, Willis, Carroll, Wosje, and Slavik voting yes, and Prom and Johnson voting no, the motion carried.

(8.02) Medical Cannabis Ordinances

Community Development Director Juetten reported that the Council discussed language/restrictions regarding medical cannabis at a study session held on April 26, 2016. Based on that discussion, staff has prepared draft ordinance language. He noted the definitions of medical cannabis and qualifying medical conditions in the draft ordinance are the same as those found in State Statute.

The Council directed staff to remove the 1,000 foot setback from a religious institution as it's ambiguous on how a religious institution is defined, and there are no other ordinances that use a religious institution as a setback.

(8.03) Metrolink Transit Service Request for Proposals *(previously item No. 6.04)*

The comment was made that the proposals might come in higher than anticipated due to higher wages for bus drivers and the dedicated driver force.

Motion was made by Councilmember Willis, seconded by Councilmember Johnson, to adopt a Resolution Authorizing a Transit Services Request for Proposals (Res2016-162). With all the members voting in favor, the motion carried.

(8.04) Temporary Liquor License for Hopkins Area Jaycees *(previously item No. 6.06)*

Park and Recreation Director Evans stated local charitable organizations were contacted for this event to serve the liquor, but there was no interest. The Hopkins Area Jaycees will be profiting from the sale of liquor at the event, but it would be minimal.

Motion was made by Mayor Slavik, seconded by Councilmember Carroll, to adopt a Resolution Approving Temporary Liquor License Application of the Hopkins Area Jaycees for Event at the Hilde Performance Center (Res2016-163). With all the members voting in favor, the motion carried.

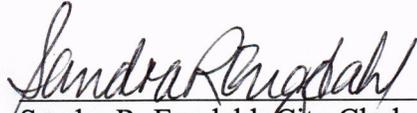
Reports and Staff Recommendations

(9.01) Legislative Update

City Manager Callister provided a brief legislative update.

Adjournment

Mayor Slavik adjourned the regular meeting at 9:25 p.m.



Sandra R. Engdahl, City Clerk