

# Adopted Minutes

## Regular City Council Meeting

### August 9, 2016

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 8:00 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on August 9, 2016.

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

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, and City Attorney Knutson.

#### Plymouth Forum

Diann Moeller, 6130 Quinwood Lane North, stated they recently sold their home, which was located behind Providence Academy, and it sold well under the appraised value due to the dome and other improvements at the school.

Mayor Slavik and Councilmember Johnson thanked Ms. Moeller for her comments.

Art Ruder, 2730 Garland Lane North, commented on the difficulties regarding the Ponderosa project and requested the City reduce their assessed amount.

Public Works Director Cote acknowledged the difficulties and delays with this project. He also noted that the many of the utilities were mismarked, barely below grade, and have been hit by the construction equipment. A meeting was recently held with the contractor to discuss these issues, expectations of the City, and better communication to the residents and the City.

Motion by Councilmember Johnson, seconded by Councilmember Beard, to suspend the rules of the Public Forum. With Johnson and Beard voting yes, and Wosje, Slavik, Willis, Carroll, and Slavik voting no, the motion failed.

The Council directed staff to provide options and a report regarding the Ponderosa project at a City Council meeting.

Julie Witt, 11015 45th Avenue North, requested the Council review the City's noise ordinance as it pertains to when construction activities can begin and the penalties for violation.

The Council directed staff to provide a report to the Council regarding this specific ordinance and how it compares to other cities and the enforcement of construction times.

## **Presentations and Public Information Announcements**

### **(4.01) Recognize Plymouth Explorers – Public Safety Director Mike Goldstein**

Public Safety Director Goldstein reported on the recent activities of the Plymouth Explorers and their first place finishes in a competition held in Arizona.

## **Approval of Agenda**

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

## **Consent Agenda**

It was noted the amended resolution for item No. 6.20 that was provided to the Council this evening. In addition, the event for item No. 6.18 has been changed to October 14.

By the request of Councilmember Willis, item No. 6.12 was removed from the Consent Agenda and placed under General Business as item No. 8.01.

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

- (6.01)** Special and Regular Meeting Minutes of July 12, 2016.
- (6.02)** Resolution Approving Disbursements ending July 30, 2016 (Res2016-233).
- (6.03)** Accept financial review for year ending December 31, 2015.
- (6.04)** Resolution Approving Designated Funding for Public Improvement Projects (Res2016-234).
- (6.05)** Resolution Accepting Grant from The Firehouse Subs Public Safety Foundation for an Automated External Defibrillator (Res2016-235).
- (6.06)** Resolution Accepting Donation of Fitness Equipment (Res2016-236).
- (6.07)** Ordinance Amending Chapter 9 of the Plymouth City Code Concerning Fire Prevention Code (Ord2016-21) and Resolution Approving Summary Publication of Ordinance No. 2016-21 (Res2016-237).

**(6.08)** Resolution Approving Purchase of Lighting Fixtures from Lumen Signs and Lighting for the Public Works Facility Expansion Project (15020 - Res2016-238).

**(6.09)** Resolution Awarding Contract for the 2017 Pedestrian Ramp and Concrete Replacement Project (17001 - Res2016-239).

**(6.10)** Resolution Accepting Streets for Continual Maintenance for Cedar Hollow (2013069 – Res2016-240), Resolution Accepting Streets for Continual Maintenance for Copper Creek (2013111 – Res2016-261), and Resolution Accepting Streets and Utilities for Continual Maintenance for Rose Garden (2014007 – Res2016-262).

**(6.11)** Resolution Approving Plans and Specifications and Ordering the Advertisement for Bids for the Schmidt Lake Stormwater Lift Station Rehabilitation Project (15004 - Res2016-241).

**(6.12)** (This item was removed from the Consent Agenda and placed under General Business as item No. 8.01).

**(6.13)** Resolution Approving Maintenance Agreements with ISD 281 and ISD 284 for Filtration Basins at Armstrong and Wayzata High Schools (Res2016-243).

**(6.14)** Resolution Approving First Amendment to the Maple Creek Meadows Development Contract (Res2016-244).

**(6.15)** Resolution Approving Amendment No. 1 to the Master Lease Agreement between the Metropolitan Council and the City (Res2016-245).

**(6.16)** Resolution Approving Change Order No. 1 for the Old Rockford Road Overlay and Trail Project (16005 and 40063 - Res2016-246).

**(6.17)** Resolution Approving Request for Payment No. 3 and Final Traffic Signals at Schmidt Lake Road and Fernbrook Lane, Schmidt Lake Road and Cheshire Parkway, and Schmidt Lake Road and Nathan Lane (8121 and 12010 - Res2016-247).

**(6.18)** Resolution Approving Temporary Liquor License Application for the West Medicine Lake Community Club on October 14 (Res2016-248).

**(6.19)** Resolution Approving Final Plat and Development Contract for “Elm Creek Meadows” for Property located at 16910, 17010, and 17210 County Road 47 (2016014-F - Res2016-249) and Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Elm Creek Meadows (2016014-F – Res2016-250).

**(6.20)** Ordinance Amending Chapter 21 of the City Code to Classify Certain Land located at 14800 County Road 47 (2016040 - Ord2016-22), Resolution Approving Findings of Fact for the Rezoning of Land located at 14800 County Road 47 (Res2016-251), Resolution Approving a Preliminary Plat for Lanewood Estates, LLC, for “Lanewood Estates” for Property located at

14800 County Road 47 (2016040 - Res2016-252), and Resolution Approving Summary Publication of Ordinance No. 20016-22 (Res2016-253).

**(6.21)** Ordinance Amending Chapter 21 of the City Code to Classify Certain Land located at 17135 Old Rockford Road (2016044 - Ord-23), Resolution Approving Findings of Fact for the Rezoning of Land located at 17135 Old Rockford Road (2016044 – Res2016-254), Resolution Approving a Preliminary Plat for Landform Professional Services, LLC, for “Creekside Woods for Property located at 17135 Old Rockford Road (2016044 – Res2016-255), and Resolution Approving Summary Publication of Ordinance No. 2016-23 (Res2016-256).

**(6.22)** Resolution Approving Amendment to Development Contract for Dunkirk Gateway (2016114-F – Res2016-257).

With all members voting in favor, the motion carried.

### **Public Hearings**

**(7.01) Public Hearing on Off-Sale Liquor License application from Target Corporation, d/b/a Target Store T-0664, located at 4175 Vinewood Lane North**

Administrative Services Director Fischer reported on the application.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Carroll, and seconded by Councilmember Prom, to adopt a Resolution Approving Off-Sale Liquor License for Target Corporation (Res2016-258). With all members voting in favor, the motion carried.

**(7.02) Public Hearing on Off-Sale Intoxicating Liquor License and Off-Sale 3.2 Malt Liquor License Applications from Lakes Venture, LLC, d/b/a Fresh Thyme Liquor and Fresh Thyme Farmers Market, 15760 32nd Avenue North**

Administrative Services Director Fischer reported on this application.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Willis, and seconded by Councilmember Carroll, to adopt a Resolution Approving Off-Sale Liquor and Off-Sale 3.2 Malt Liquor License for Fresh Thyme Liquor and Fresh Thyme Farmers Market (Res2016-259). With all members voting in favor, the motion carried.

**(7.03) Public Hearing on Vacation of Ponding and Street and Utility Easements within Camelot Nine at Begin**

Public Works Director Cote reported on the vacation.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Willis, and seconded by Councilmember Johnson, to adopt a Resolution Approving the Vacation of Ponding and Street and Utility Easements within Camelot Nine at Begin (Res2016-260). With all members voting in favor, the motion carried.

**(7.04) Public Hearing on Vacation of a Portion of a Street Easement in Lot 1, Block 1, Greentree Forest 2nd Addition**

Public Works Director Cote reported on the vacation.

Mayor Slavik opened the public hearing.

Bill Kullman, 2905 Troy Lane North, expressed concern about changes on the street and inquired what the new easement will be. Public Works Director Cote replied it will be 26 feet on one side of the roadway.

Bryan Boyington, 18305 30th Place North, inquired about the location of his property line. Mayor Slavik noted the survey submitted by the applicant is the used as part of this application.

Mr. Boyington expressed concern regarding potential excavation and the drainage pipes through his property. Public Works Director Cote clarified this would be addressed when the Council receives an application for the subdivision (lot split).

David Larson, 2919 Troy Lane North, voiced his opposition to the vacation request and potential lot split as it would negatively affect his property value.

Melissa Laatsch, 2915 Troy Lane North, inquired how often the City vacates easements.

Brett Carlson, 2921 Troy Lane North, inquired why there are two property identification numbers on the Hennepin County website if the property hasn't been subdivided yet. Staff verified that there is only property identification number.

Mayor Slavik closed the public hearing.

In response to questions by the Council, Community Development Director Juetten clarified if the vacation easement is granted and the property is large enough to be subdivided, it would be hard for the Council to find reasons to deny the lot split. If the vacation is denied, the property

owner would be required to submit the application for the lot split. The Council would be required to outline a public purpose for denial.

Jonathan Stamps, 2930 Urbandale Lane North, representing applicant Sheila Stamps, stated the vacation is required before they can subdivide the lot. They've taken steps to acquire the square footage that is needed.

Motion was made by Councilmember Wosje, and seconded by Mayor Slavik, to direct the City Attorney to prepare findings of fact for denial of this vacation.

City Attorney Knutson advised if this application is denied, it can be resubmitted.

With Wosje and Slavik voting yes, and Prom, Willis, Carroll, Johnson, and Beard voting no, the motion failed.

Motion was made by Councilmember Willis, and seconded by Councilmember Beard, to adopt a Resolution Approving the Vacation of a Portion of Street Easement in Lot 1, Block 1, Greentree Forest 2nd Addition (Res2016-263). With all members voting in favor but Wosje, the motion carried.

## **General Business**

### **(8.01) Approval of Agreement with the Minnesota Department of Transportation for Storm Sewer Installation within Kilmer Lane and 24th Avenue North (Previously item No. 6.12)**

At the request of Councilmember Willis, Public Works Director Cote explained the drainage from Highway 169 currently flows into Medicine Lake. With the installation of the new storm sewer, it will direct that drainage to the water quality pond that is designed to treat the water before it discharges into the lake.

In response to questions by the Council, Public Works Director Cote also provided the following comments:

- Water quality pond is a newer pond, and staff will review the benefits of dredging it periodically.
- Minnesota Department of Transportation is providing oversized pipes so that in the future when improvements are made to address ditch and road issues, it will be able to handle additional water.
- Kilmer Lane Park area will not be addressed as part of this project, but this project will accommodate it when addressed in the future. It is programmed in the five-year Capital Improvement Program.
- Since this is a linear improvement, it doesn't appear that this will go through the Bassett Creek Watershed District.

Motion was made by Councilmember Carroll, and seconded by Councilmember Prom, to adopt a Resolution Approving Agreement with the Minnesota Department of Transportation for Storm Sewer Installation within Kilmer Lane and 24th Avenue North (Res2016-242). With all members voting in favor, the motion carried.

### **Reports and Staff Recommendations**

There were no reports or staff recommendations.

### **Adjournment**

Mayor Slavik adjourned the regular meeting at 8:40 p.m.

  
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Sandra R. Engdahl, City Clerk