

M I N U T E S

SPECIAL COUNCIL MEETING

FEBRUARY 26, 1973

A special meeting of the Plymouth Village Council was called to order by Mayor Hilde at 7:30 p.m. in the Council Chambers of the Public Works Building, 14900 Twenty-third Avenue North, Plymouth, on February 26, 1973.

PRESENT: Mayor Hilde, Councilmen Spaeth and Neils, Manager Willis, Engineer Goldberg, Planner Overhiser, Finance Director Ricker, Park Director Burton, Fire Chief Bauer and Engineer Olson

ABSENT: Councilmen Hunt and Seibold on vacation

MINUTES - FEBRUARY 20, 1973 SPECIAL MEETING

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to approve the minutes of the February 20, 1973 Special Meeting. Motion carried, three ayes.

PERSONNEL POLICY CHANGES

The Manager reviewed for the Council the changes that have been made to pages 3-1, 3-2, 4-4, 5-8 and 5-12 of the Personnel Policy.

APPLICATION FOR GRANT UNDER WATER POLLUTION CONTROL ACT

Mayor Hilde inquired as to the status of our application for a grant for the construction of a sanitary sewer trunk line from lift station #1 to lift station A and whether or not the staff anticipated a request for an environmental impact statement. The Manager stated he believed we can anticipate such a statement. As to the availability of funds, the PCA has indicated there are similar type applications which have been submitted for up to 6 to 8 months which have not been funded. If the President's freeze continues, there is a probability that funding might not be available at all. Mayor Hilde stated he would like to encourage the staff and Council to not just follow along in a routine way on this application because of its critical nature but to look into statutes for the possibility of special provisions for emergency conditions. If there is a complete lack of funds in the EPA, we should also investigate the possibility of special legislation. Councilman Neils also suggested they investigate the possibility of going through the Health Department.

The Manager explained this project will come under a Policy 13 review by the Metropolitan Council. Mayor Hilde pointed out we have quite a sales job to do with the Metro Council staff. The Manager indicated his impression of the Metro Council staff is that if we have not demonstrated by the fact that we have a HRA or if we have not demonstrated that we have low cost housing, then, in fact, the words of our guide plan are meaningless.

Mayor Hilde stated we must point out to them that we have a very serious concern for this matter and hint to them that this will be the position we will take before the Metro Council. Add to it our other arguments and our inventory of housing and the fact

that it is not reasonable to expect an emerging community to have a HRA at this stage. The Manager also pointed out that the Metro Council is proposing legislation which would create a metro HRA agency. Councilman Neffis stated that instead of looking at what is possible to do under our goals, policies and ordinances and our inclination to be innovative in our housing developments, they look at old statistics which show that the average house in Plymouth built in 1972 was \$36,000 and, therefore, by inference our ordinances must preclude building of a house of any less cost than that. Mayor Hilde also pointed out that the nature of our land does not lend itself to tract housing. Councilman Spaeth agreed this has a bearing on the cost of development and pointed out that we have one of the first PUD plans in the metro area and that developments such as Chelsea Woods and Tiburon are all in the range where they could go FHA if they wanted to. We have done nothing to discourage it - the developers just do not want to do it here. The Manager indicated they have suggested to the Metro Council staff that they have more access to people who do these types of developments and that if they know of someone who wants to put together a development like this, they should come out and talk to the Village staff. Councilman Spaeth pointed out that our Guide Plan allows 3 units per acre and we will go to PUD's to cut down on sewer and water costs, and we have had discussions that we want mixed housing. Mayor Hilde pointed out that evidence of our concern for low cost housing is that we are suing them over their SAC policy which we feel is unfair to low cost housing. Also the four zones they established by criteria for the location of low cost housing places Plymouth in zone 3 indicating that we are not in an ideal spot for this type of development.

1972 LAWCON STATUS REPORT

The Planner explained that it was necessary to extend for the second time to the end of March options on nine parcels. Seven of these property owners have signed option extensions, and the other two have given verbal agreement. It is hoped that we should know the extent of State and County funding by the third week of March.

Councilman Spaeth questioned why the Village was obligated to pay the delinquent taxes on the properties. The Planner explained the property owners will have to pay any delinquent taxes but that as a condition to the options taken early in 1972 the Village agreed to pay the 1972 taxes payable in 1973.

The Referrals Committee of the Metropolitan Council is scheduled to review this project to determine whether or not it has regional significance at their meeting of March 1. Mayor Hilde questioned their criteria for determining regional significance. The Planner indicated if we can convince them that it is part of their linear parks system, we might have a chance of getting a statement that it is of regional significance.

1973 PROPOSED PARK IMPROVEMENTS

The Council reviewed the proposed program for park improvements during 1973 prepared by the staff and the Parks and Recreation Advisory Commission. The program called for \$53,075 of park improvements in nine areas:

1. Green Oaks Park (\$3,750) - play structures, benches, picnic table, gazebo, back stop
2. Circle Park (\$2,500) - play structures, benches, picnic table
3. Queensland Park (\$4,250) - play structures, benches, picnic tables, back stop, grading, basketball backboards

4. Meadowlawn Park (\$3,750) - play structures, benches, trees
5. Egan Park (\$1,000) - access road from Co. Rd. 47, grading
6. Timber Shores Park (\$1,275) - finish grading, back stop
7. E & W Medicine Lake Parks (\$15,500) - buoys, parking areas, beach improvements, picnic tables, benches, play structures, road, fence
8. Trails (\$16,000) - in area of Workhouse, Niagara Lane, Dunkirk Lane and Luce Line
9. Oakwood School (\$5,000) - lights for football field

Pete Thomsen, Chairman of the Parks and Recreation Advisory Commission, explained to the Council that the Commission had divided the Village into four segments and studied each very carefully to determine which areas were of the highest density and needed the priority work.

Because park development was given high priority at budget time, Mayor Hilde polled the Council if they felt they could proceed with approval of the proposals if given assurances that over-all park development be included in the 5-year plan. The Manager indicated this is an integral part of the 5-year plan. The Council felt they could proceed with final approval of all items with the exception of items 7 and 8.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-88, A RESOLUTION APPROVING THE PLANS AND EXPENDITURES FOR ITEMS 1 THROUGH 6 PLUS THE BUOYS FOR MEDICINE LAKE UNDER ITEM 7a. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-88

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-89, A RESOLUTION APPROVING IN CONCEPT FORM THE REMAINING ITEMS UNDER ITEM 7 AND ITEMS 8 AND 9 WITH THE DIRECTION THAT THE STAFF RETURN TO THE COUNCIL AS SOON AS POSSIBLE WITH FURTHER DETAILS ON THESE IMPROVEMENTS. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-89

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, directing the Manager to work out a contractual agreement with the Oakwood School defining the responsibilities for development, use and operation of the football field (Item #9). Motion carried, three ayes.

There followed discussion regarding the source of funds for these park improvements. Basically, there are two sources: (1) general ad valorem (both budgeted this year and the funds not spent last year) and (2) park dedication funds from developers. It was agreed that parks 1 through 4 are neighborhood parks and should be financed from the general fund. The remainder of the items were felt to be of community-wide significance and should be financed at least in part from the park dedication fund.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-90, A RESOLUTION APPROVING THE FINANCING OF ITEMS 1 THROUGH 4 FROM THE GENERAL BUDGET. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-90

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, directing the staff and Parks and Recreation Advisory Commission to develop a proposed policy for Council consideration which would indicate criteria for the expenditure of monies for park development in the future and that this policy be presented to the Council at the same time the final approval is taken under consideration for the remaining five items. Motion carried, three ayes.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-91, A RESOLUTION, NOTWITHSTANDING THE PREVIOUS MOTION, TEMPORARILY FINANCING ITEMS 5 AND 6 ALONG WITH THE BUOYS FOR MEDICINE LAKE UNDER ITEM 7a FROM THE GENERAL FUND. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-91

FIRE SPRINKLER SYSTEMS

The Council reviewed a report from Fire Chief Fran Bauer relative to his concern over the sprinkler systems required under the State Building Code and the potential increased cost of operating the Fire Department which might result. Chief Bauer indicated to the Council that proposed amendments to the State Code will be before the State Commission on March 5, 1973 and recommended that the Council defer any further discussion on this matter until after that meeting.

1972 GENERAL FUND REVENUE AND EXPENSES SUMMARY

Finance Director Ricker briefly reviewed the summary of the general operating fund for the year ending December 31, 1972. The figures presented have not been confirmed by the auditors, and it was agreed to defer detailed review of the report until the time the audit is finished.

PUMPHOUSE NO. 3 PROJECT NO. 122 - BID AWARD

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-92, A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO A CONTRACT WITH LEE RICHERT PLUMBING AND HEATING, INC. FOR THE CONSTRUCTION OF PUMPHOUSE NO. 3 FOR THE LOW BID OF \$44,075.00. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-92

PUMP & MOTOR FOR WELL NO. 3 PROJECT NO. 122 - BID AWARD

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-93, A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO A CONTRACT WITH TONKA EQUIPMENT COMPANY FOR THE PUMP AND MOTOR FOR WELL NO. 3 FOR THE LOW BID OF \$9,195.00. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-93

PROPOSED METROPOLITAN DEVELOPMENT GUIDE - OPEN SPACE

The Council was provided with a copy of the proposed Metropolitan Development Guide on Open Space to be discussed at a public hearing before the Metropolitan Council on March 1 along with a copy of the minutes of the Land Use Legislative Committee of the Metropolitan League of Municipalities. The Manager indicated from their initial review, the staff finds that there are no major items that conflict with our Village goals and objectives but that there are some minor items requiring comment from Village officials at this hearing.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, directing the staff to appear at the public hearing on March 1, 1973 representing the Village interests as indicated in the staff report dated February 22, 1973 and drawing from the report of the Metropolitan League. Motion carried, three ayes.

DR. DENNIS E. ARNE - AUTHORIZATION TO EXECUTE DEED

At the time the subdivision variance for Dr. Arne was approved on April 17, 1972, the Village granted a deed to Dr. Arne for the use of his present access until such time as an additional access might be provided in return for a dedication of right of way on Vicksburg Lane. The resolution approving these matters did not specifically mention the granting of this deed to Dr. Arne, and this has placed a cloud on the title to that property.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-94, A RESOLUTION AUTHORIZING THE MAYOR AND MANAGER TO EXECUTE THE DEED FOR THE USE OF THE PRESENT ACCESS. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-94

TOWNSHIP RELIEF ACT - SENATE FILE 410

The Council reviewed a proposed Resolution which opposed any change in the present township relief system as proposed in the bill currently before the State Senate. Mayor Hilde suggested certain amendments to the resolution which would both emphasize our opposition to the shifting of the welfare burden of the City of Minneapolis throughout the County and would propose that this assistance be obtained on a state-wide basis rather than a County basis because persons requiring relief assistance originate from throughout the state and tend to go to the core city. Councilman Spaeth stated he was concerned about proposing a state-wide system in view of the heavy relief burdens in some of the northern counties of the state and stated he would like to see some figures before proceeding with such a recommendation. Councilman Neils suggested that we might take another approach that if indeed it is the wish of the legislature to provide assistance for this poor relief program of Minneapolis that it not be done by readjustments in the distribution of property taxes. Following this discussion it was decided to defer any action on this matter until the next meeting.

USE OF TAX LEVY FOR STORM SEWER & STORM DRAINAGE PURPOSES

The Council had directed the staff to determine whether or not the Village has the authority to levy ad valorem taxes throughout the Village for storm sewer purposes. The

Council reviewed Attorney Lefler's opinion that the Village can levy up to five mills for such purposes and may use such funds for any lawful purpose within the Village.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, directing the staff to prepare a policy enabling the levy and use of ad valorem taxes for temporary funding of storm sewer or drainage projects which are too small to assess on an individual basis and to prepare a specific budget recommendation before the next budget session based upon a forecast of what we will need in the next five years. Motion carried, three ayes.

RIGHT OF VILLAGE TO REQUIRE PARK DEDICATION AS A CONDITION TO A SUBDIVISION WAIVER

On February 5 the Council requested a report concerning the propriety of obtaining park dedication contributions when subdivision waivers are considered. It was Attorney Lefler's opinion that if the Council deemed a park dedication to be in order, the applicant should be requested to plat or re-plat the parcel in question.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, directing the staff to prepare a policy resolution which would require that in the case of subdivision waivers park dedication be required for those cases where separate parcels are created which are specifically for building purposes and which would not be subject to re-platting in the future. Motion carried, three ayes.

TRAFFIC STUDY REPORT - COUNTY ROAD 15 BETWEEN I-494 AND COUNTY ROAD 73

In view of requests received from interested citizens, the Council decided to defer discussion of this matter until March 5 when these people can be present at the meeting.

VILLAGE LOGO

The Council again reviewed proposed logos for the Village, and the staff was directed to continue their work making an effort to incorporate a symbol which would denote "balance".

GUIDELINES TO MEMBERS OF BOARDS AND COMMISSIONS

On February 20 the Council directed the staff to prepare a policy resolution concerning the establishment of guidelines for members of Village boards and commissions. In reviewing the proposed resolution prepared by the staff, the Council discussed whether such a policy might not be either insulting or intimidating to individuals serving in these capacities and in some instances hurt innocent people. Councilman Neils suggested that rather than present a set of guidelines, the Council ask each board or commission to draft a proposed code for members of that particular commission in terms of responsibilities to the board and the Village for presentation to new appointees to that commission.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, that the proposed resolution be tabled. Motion carried, three ayes.

DOG ORDINANCE

The Council decided to defer action on the proposal to expand the ordinance prohibiting dogs from running at large in certain areas of the Village until the full Council is present.

PUBLIC EMPLOYMENT LABOR RELATIONS ACT - HOUSE FILE 295

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-95, A RESOLUTION EXPRESSING THE COUNCIL'S OPPOSITION TO THE ADOPTION OF HOUSE FILE 295 IN ITS PRESENT FORM AND ENCOURAGING CERTAIN AMENDMENTS BE MADE. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-95

C.C.R. REPORTS

This item was deferred until the full Council is present.

LOAD LIMITS ON VILLAGE STREETS

The staff reported that the County and State will have load limits placed on their roads March 5. A proposed resolution was presented to the Council which would enable the Village Engineer to establish load limits on certain streets throughout the Village as he determines necessary and would enable private parties to obtain permits for hauling conditioned on their posting with the Village either cash or a certified check in an amount to be based upon the anticipated potential damage which could be occasioned by such hauling.

There was lengthy discussion of the problems of determining which trucks cause damage in the event certain streets do start to break up and whether or not it is feasible to administer such a program on a load by load basis. The staff was directed to work on this matter further and return to the Council at the next meeting.

Mayor Hilde adjourned the meeting at 11:35 p.m.


Sandra L. Haugen
Village Clerk