

M I N U T E S
REGULAR COUNCIL MEETING
MARCH 5, 1973

A regular meeting of the Plymouth Village Council was called to order by Mayor Hilde at 7:40 p.m. in the Council Chambers of the Public Works Building, 14900 Twenty-third Avenue North, Plymouth, on March 5, 1973.

PRESENT: Mayor Hilde, Councilmen Hunt, Spaeth and Neils, Manager Willis, Attorney Lefler, Engineer Goldberg and Planner Overhiser

ABSENT: Councilman Seibold on vacation

PUBLIC HEARING

The petitioner requested the vacation of Union Terrace north of 32nd Avenue. Staff recommended approval of the vacation with the retention of a 10 foot utility easement along the north side and 15 feet along the west side of the street area to be vacated.

WAYNE JOPP
STREET VACATION
Item 4-A

The Public Hearing was opened at 7:47 p.m., and there being no one except the petitioner present to speak, the public hearing was closed.

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt **RESOLUTION NO. 73-96, A RESOLUTION APPROVING THE VACATION OF A PORTION OF UNION TERRACE LANE.** Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-96

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt **RESOLUTION NO. 73-97, A RESOLUTION DIRECTING THAT RESOLUTION NO. 73-96 NOT BE FILED WITH THE COUNTY UNTIL SUCH TIME AS A FINAL PLAT FOR THE PROPERTY LYING NORTH OF SAID VACATION IS FILED WITH THE COUNTY AND UNTIL EXECUTED DEEDS ARE FILED GRANTING THE UTILITY EASEMENTS REQUIRED.** Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-97

MINUTES

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to approve the minutes of the February 26, 1973 Special Meeting.

FEBRUARY 26, 1973
SPECIAL MEETING
Item 5-A

The Manager reported that Councilman Spaeth and Planner Overhiser had appeared before the Referrals Committee of the Metropolitan Council on March 1 and were successful in having the East and West Medicine Lake Park project designated as regional in scope. This will be before the full Metropolitan Council on March 8.

The Planner also reported on his appearance at the public hearing on March 1 on the proposed Metropolitan Development Guide on Open Space. He indicated there was quite a feeling for more municipal involvement at this hearing.

Motion to approve the minutes carried, three ayes, with Councilman Hunt abstaining.

PETITIONS, REQUESTS & COMMUNICATIONS

The petitioner requested the rezoning of approximately 12 acres located at the northwest corner of the intersection of Highway 55 and County Road 9 from R-0 to I-1. The subject property would be used by Bergerson-Caswell, Inc. for an office building and storage facilities and by the Kleven Floor Covering Company for an office and warehouse facility. The property is adjacent to land presently zoned industrial, and the proposed Guide Plan indicates industrial use for the land.

55 COMPANY
REZONING R-0 TO B-3
Item 6-A

The Council discussed the Zoning Ordinance regulation against zoning parcels of less than 20 acres to I-1. It was noted that in this particular case it would probably be allowed because the parcel is contiguous with land already zoned I-1. Councilman Neils pointed out that a smaller parcel must adapt itself to the existing platting of an adjacent larger parcel and stated he felt in this instance this would not be the case in that the smaller parcel would set the pattern for the larger parcel.

The question was raised whether the Council is prohibited by policy from rezoning land ahead of development. It was agreed this is not a prohibiting factor in that in some instances rezoning in advance of development regulates the land uses around it.

The Mayor pointed out that there were two or three items on the agenda involving rezoning or development in areas where sewer and water is not presently available, and the Council discussed at length the intent of their previous policy decision to prohibit development in areas where utilities are not available. Councilman Hunt stated he did not feel this development was of such a magnitude to be determined a major development as far as utilities are concerned. If this development was of such a nature that it would require the Village to run sewer and water out to it, he stated he would be against it. He added he could not see any other use other than I-1 for this triangular piece of land.

Councilman Spaeth stated his concern was that while this is not of significant size it might promote further development in the area and the Village might be forced to do something we do not want to do. He stated he felt there were other areas around County Road 18 and I-494 that should be developed first rather than going to the western boundary of the Village. Mayor Hilde stated his main concern is being drug into a premature sewer project by the PCA.

(Amend. 3-19-73)

The Mayor polled the Council on the application of the policy in this instance. Councilman Neils stated that on the basis of a zoning issue itself, he felt we should not rezone before adoption of the Guide Plan. In terms of the sewer and water problem, he stated he was against rezoning without utilities being available because it is difficult to know where to draw the line and the Village might find itself in a position where we are unable to restrict further developments from coming in. Councilman Hunt stated he did not feel this policy applies to a project of this size. Councilman Spaeth agreed with Councilman Hunt's statement but added his concern that we might be planting a little seed that will grow on us.

Mr. Fred Poisson appeared representing the petitioner and presented a proposed site plan for the development. He pointed out that both uses would have a minimal number of employees. The Kleven Company would like to start development as soon as possible, where the Bergerson-Caswell building would not be started for at least two years.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt the proposed Ordinance rezoning the land to I-1, Planned Industrial District. Attorney Lefler pointed out that it requires four votes to adopt a rezoning ordinance, and if it is defeated, the petitioner would be required to go through the entire process of public hearings, etc. again. The motion and second for the adoption of the ordinance amendment were withdrawn.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to defer action on the rezoning request of the 55 Company until such time as the Council has given study to development districts. MOTION was made by Mayor Hilde, seconded by Councilman Neils, to amend the motion to include action will be deferred until such time as the Guide Plan is adopted. Motion to amend the motion carried, four ayes. The motion as amended carried, three ayes, with Councilman Hunt voting nay.

The petitioner requested the rezoning of approximately 10 1/2 acres located at the southwest corner of County Road 18 and County Road 10 to B-3 in order to construct a Ford dealership. The area is not served by sewer and water but there is a possibility of going into New Hope, and also the area will be given consideration next month when the Council discusses development districts.

WALTON FORD
REZONING R-0 TO B-3
Item 6-C

Councilman Spaeth stated he felt strongly that this is an area where we are going to have to extend sewer and water services in the near future. Councilman Hunt pointed out that we are going to get much pressure to develop this area in view of the up-grading of County Road 18.

Mr. C. J. Walton appeared before the Council and reviewed some of the matters set forth in his letter to the Council dated March 2. He stated the Village of New Hope has indicated to him generally that they would be willing to supply utilities to a location that is not further than 300 feet outside of their boundary. He indicated

he would be willing to install the line under County Road 18 at his own expense or design and install a private sewer system including a holding tank to be used until such time as public sewer is available.

Donald Volness, 4915 Yorktown Lane, and Waldo V. Hasse, 4845 Yorktown Lane, stated they were concerned about the leap-frog of the sewer line to service this development, but did not see where there would be a problem in view of the petitioner's statements.

MOTION was made by Councilman Neils, seconded by Mayor Hilde, that action on this petition be deferred until such time as we can assure the availability of a sewer connection in the near future and until such time that a site plan and development contract are available for action along with the rezoning issue. Following discussion regarding the length of time it may take to guarantee utility services in this area and the possibility of the petitioner going elsewhere in view of his September 30 deadline, the motion and second for the above motion were withdrawn.

MOTION was made by Councilman Neils that action on this petition be deferred for a period not to exceed 60 days for consideration of sewer service to this project. Motion failed for lack of second.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt the proposed Ordinance rezoning the land to B-3, Service Business District. Councilman Neils stated he felt we should have some type of assurance that sewer will be available within a three to five year period so that would be the extent of a temporary solution. The motion and second for the adoption of the ordinance amendment were withdrawn.

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to defer action on this petition for rezoning until such time as the petitioner comes back with a sewer plan of some type - preferably a public sewer plan - that the Council finds acceptable. MOTION was made by Councilman Neils, seconded by Councilman Hunt, to amend the motion to also indicate informal favorable response by the Council for the petitioner's proposal. Motion to amend the motion carried, four ayes. Motion as amended carried, four ayes.

William Dickey and Don Ringrose presented to the Council the revised preliminary plat for Amber Woods. Because of soil conditions in the northern portion of the development, this area will not be developed but retained as open space and ponding area. The revised plat shows 143 lots. It was agreed that the engineering study of sewer availability will be considered at the same time the final plat is presented for approval.

DREYFUS - AMBER WOODS
REVISED PRELIMINARY PLAT
Item 6-B

MOTION was made by Councilman Hunt, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-98, A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR "AMBER WOODS" SUBJECT TO THE THREE CONDITIONS AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 28, 1973. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-98

Gary Freund, representing Northern Holding & Development Co., appeared before the Council requesting site plan approval and conditional use permits for the construction of a building at 11120 West Highway 55 to house Village Sports, Inc. and Wheel Goods Corporation.

WHEEL CENTER - SITE PLAN
& CONDITIONAL USE PERMITS
Item 6-D

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-99, A RESOLUTION APPROVING THE SITE PLAN FOR THE WHEEL CENTER BUILDING SUBJECT TO THE EIGHT CONDITIONS AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 28, 1973. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-99

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-100, A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT FOR VILLAGE SPORTS, INC. TO OPERATE A RETAIL CENTER FOR SNOWMOBILES AND MOTOR BIKES AND A SERVICE DEPARTMENT WITHIN A B-3 SERVICE BUSINESS DISTRICT. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-100

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-101, A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT FOR WHEEL GOODS CORPORATION TO OPERATE A RETAIL BICYCLE STORE AND SERVICE CENTER WITHIN A B-3 SERVICE BUSINESS DISTRICT. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-101

Mrs. Donnelly requested reconsideration of her request for a Conditional Use Permit for a home occupation denied by the Council on February 20, 1973 and explained to the Council the limited nature of her business and the few patrons she would have visiting her home beauty shop. She was requested to contact the neighbors to explain her proposal to them and return to the Council with their reactions.

PATRECIA DONNELLY
CONDITIONAL USE PERMIT
Item 6-F

The petitioner requested site plan approval for the construction of a plastic tooling and manufacturing plant in the I-2 district south of the Walton Ford site. Sewer service is also not available to this site, and the petitioner proposed to install a private system.

WILLIAMS ENGINEERING, INC.
SITE PLAN APPROVAL
Item 6-E

(Amend. 3-19-73)

MOTION was made by Councilman Neils, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-102, A RESOLUTION APPROVING THE SITE PLAN FOR WILLIAMS ENGINEERING, INC. SUBJECT TO THE SEVEN CONDITIONS AS SET FORTH IN THE STAFF REPORT DATED FEBRUARY 28, 1973. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-102

REPORTS BY OFFICERS, BOARDS & COMMITTEES

At the request of the Sunset Hill School, this item was deferred until the meeting of March 19, 1973.

COUNTY ROAD 15
TRAFFIC STUDY REPORT
Item 7-A

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt ORDINANCE NO. 73-4, AN ORDINANCE AMENDING CHAPTER III, SECTION 7.11 OF THE VILLAGE CODE TO PROHIBIT DOGS FROM RUNNING LOOSE IN ANY PLATTED AREAS OF THE VILLAGE. Motion carried on a Roll Call vote, four ayes.

ORDINANCE NO. 73-4
AMENDMENT TO DOG
ORDINANCE
Item 7-B

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, directing the Manager to withhold enforcement of the new ordinance until such time as the Village has made the appropriate announcement to the citizens. Motion carried, four ayes.

The staff presented to the Council a proposed policy resolution establishing load limits on the Village streets and providing for the issuance of permits by the Village Engineer to permit overweight vehicles on certain streets to facilitate the movement of construction materials. Parties requesting these permits would be required to post cash with the Village to cover any damage which might be caused to Village streets because of these overweight vehicles. There was discussion regarding the problems of determining which vehicles cause damage in view of the fact that school buses and garbage trucks also use these streets. Attorney Lefler explained that the language of the policy resolution would place the burden of proof upon the owner of the overweight vehicle rather than upon the Village to prove that his vehicle did not cause the damage.

LOAD LIMITS
Item 7-C

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-103, A RESOLUTION ADOPTING THE POLICY FOR LOAD LIMITS ON VILLAGE STREETS. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-103

MOTION was made by Councilman Neils, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-104, A RESOLUTION OPPOSING CHANGE IN THE ADMINISTRATION OF DIRECT RELIEF IN HENNEPIN COUNTY. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-104
TOWNSHIP RELIEF ACT
SENATE FILE #410
Item 7-D

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-105, A RESOLUTION APPROVING THE BOND REDUCTION ON FAZENDIN PARK 1ST AND 2ND ADDITIONS FROM \$8,500 TO \$575.

RESOLUTION NO. 73-105
FAZENDIN PARK 1ST & 2ND
ADD'N - BOND REDUCTION
Item 7-E

Councilman Neils questioned if the park improvements have been completed and the bonding for these improvements. Staff explained this bond covers only street improvements and that the park improvements are not bonded but part of the contractual obligation.

Motion to adopt RESOLUTION NO. 73-105 carried on a Roll Call vote, three ayes, with Councilman Neils voting nay.

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-106, A RESOLUTION REQUIRING THE DEVELOPER OF FAZENDIN PARK 3RD AND 4TH ADDITIONS TO FURNISH THE VILLAGE A LETTER OF CREDIT IN THE AMOUNT OF \$7,025 TO COVER THE BALANCE OF THE WORK. Motion carried on a Roll Call vote, three ayes, with Councilman Neils voting nay.

RESOLUTION NO. 73-106
FAZENDIN PARK 3RD & 4TH
ADD'N - BOND REDUCTION
Item 7-F

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-107, A RESOLUTION DESIGNATING (1) DUNKIRK LANE FROM CO. RD. 6 TO CO. RD. 24, (2) 26TH AVENUE FROM CO. RD. 18 TO E. MEDICINE LAKE ROAD, AND (3) FERNBROOK LANE FROM CO. RD. 6 TO CO. RD. 9 AS MUNICIPAL STATE AID STREETS. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-107
ADDITIONS TO MUNICIPAL
STATE AID ROAD SYSTEM
Item 7-G

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, directing the staff to invite the Metropolitan Council staff to Plymouth to give their presentation regarding the Metropolitan Housing and Redevelopment Agency proposals. Motion carried, four ayes.

METROPOLITAN COUNCIL
HOUSING PRESENTATION
Item 7-H

DISBURSEMENTS

MOTION was made by Councilman Hunt, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-108, A RESOLUTION APPROVING FOR PAYMENT THE DISBURSEMENTS FROM THE GENERAL FUND, WATER FUND, SEWER FUND AND CONSTRUCTION FUND FOR THE PERIOD ENDING FEBRUARY 23, 1973. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-108
DISBURSEMENTS FOR PERIOD
ENDING FEBRUARY 23, 1973
Item 8-A

Mayor Hilde adjourned the meeting at 11:00 p.m.


Sandra L. Haugen
Village Clerk