

M I N U T E S
REGULAR COUNCIL MEETING

APRIL 2, 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 April 2, 1973.

PRESENT: Mayor Hilde, Councilmen Spaeth, Seibold, Neils and Hunt (arrived at 7:50 p.m.), Manager Willis, Attorney Lefler, Engineer Goldberg and Planner Overhiser

ABSENT: None

MINUTES

MOTION was made by Councilman Seibold, seconded by Councilman Neils, to approve the minutes of the March 19, 1973 Regular Meeting. Motion carried, three ayes, with Mayor Hilde abstaining.

REGULAR MEETING
MARCH 19, 1973
Item 4-A

PETITIONS, REQUESTS & COMMUNICATIONS

The Council was presented with four requests for lot consolidations. The Manager explained these were not legal consolidations but would combine property for tax purposes only. There was discussion regarding the Council's original intent in granting these consolidations, and the Mayor polled the Council whether they felt we should continue with these practices in view of the fact that it has now been learned that combining lots into one legal description would require the process of replating. It was the consensus of the Council that they would have no objection in the cases where the new combined parcel is not larger than one building lot but that the consolidation process should not provide assessment sanctuaries. It was agreed that making a legal consolidation of the lots would be preferable but that the costs involved might be prohibitive.

CONSOLIDATIONS RESULTING
FROM SPECIAL ASSESSMENTS
Item 5-E

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to adopt **RESOLUTION NO. 73-129, A RESOLUTION APPROVING THE CONSOLIDATION OF LOTS OWNED BY HARVEY O. BREVIK TO CREATE TWO PARCELS: PARCEL A (LOTS 17 AND 18) AND PARCEL B (LOTS 19 AND 20) IN BLOCK 5, SUBURBAN DALE ON PARKERS LAKE ADDITION.** Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-129
HARVEY O. BREVIK

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt **RESOLUTION NO. 73-130, A RESOLUTION APPROVING THE CONSOLIDATION OF LOTS OWNED BY JAY L. SKARNES AND ASHBEL M. KOLLER TO CREATE TWO PARCELS: PARCEL A (LOTS 8 AND 9) AND PARCEL B (LOTS 10 AND 11) IN BLOCK 6, MAYWOOD PARK ADDITION.** Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-130
JAY L. SKARNES &
ASHBEL M. KOLLER

MOTION was made by Councilman Seibold, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-131, A RESOLUTION APPROVING THE CONSOLIDATION REQUESTED BY EDWARD A. EGAN TO COMBINE LOTS 15 AND 16, BLOCK 4, LAKESIDE ADDITION INTO ONE PARCEL. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-131
EDWARD A. EGAN

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-132, A RESOLUTION APPROVING THE CONSOLIDATION OF LOTS OWNED BY WILLIAM BRAATZ TO CREATE THREE PARCELS: PARCEL A (LOTS 19, 20 AND 21), PARCEL B (LOTS 4 AND 5) AND PARCEL C (LOTS 1, 2 AND 3) IN BLOCK 2, SUBURBAN-DALE ON PARKERS LAKE ADDITION. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-132
WILLIAM BRAATZ

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, directing the Manager to prepare an informational report indicating the typical cost involved in consolidating by registered land survey short form platting. Motion carried, five ayes.

Litton Industries (BelMar Builders) presented their site plan for approval for their Phase III expansion. The Planning Commission and staff recommended approval with two conditions relative to drainage and landscaping plans and bonding.

LITTON INDUSTRIES -
SITE PLAN APPROVAL
Item 5-A

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-133, A RESOLUTION APPROVING THE SITE PLAN OF LITTON INDUSTRIES FOR THEIR PHASE III ADDITION SUBJECT TO THE TWO CONDITIONS AS SET FORTH IN THE STAFF REPORT DATED MARCH 22, 1973. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-133

The Planning Commission proposed an amendment to the Zoning Ordinance which would define day care centers and nursery schools and make provision for allowing them in residential districts by Conditional Use Permit when located in a church or private or public school. It would require that both the day care centers and nursery schools be licensed by the State of Minnesota.

ZONING ORDINANCE AMEND-
MENT - DAY CARE CENTERS
AND NURSERY SCHOOLS
Item 5-C

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt ORDINANCE NO. 73-5, AN ORDINANCE AMENDING SECTIONS 4, 6 AND 7 OF THE ZONING ORDINANCE TO PROVIDE FOR DAY CARE CENTERS AND NURSERY SCHOOLS BY CONDITIONAL USE PERMIT. Motion carried on a Roll Call vote, five ayes.

ORDINANCE NO. 73-5

MOTION was made by Councilman Hunt, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-134, A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE GREENWOOD BAPTIST CHURCH TO ESTABLISH A DAY CARE CENTER WITHIN THEIR FACILITY AT 3120 DUNKIRK LANE UNTIL JULY 1, 1974. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-134
GREENWOOD BAPTIST CHURCH
CONDITIONAL USE PERMIT
FOR DAY CARE CENTER
Item 5-D

The staff indicated they were not in a position to recommend approval of the Development Contract because of some problems in the park dedication area. W. H. Williams explained he felt the 10% park dedication was excessive considering the additional drainage easement he is required to give the Village and the fact that half the land is under Pinetree Pond. The Manager explained the process by which the market value of land is determined - in this instance \$15,000 - and that the park dedication ordinance does not address itself to granting credits for flood plain storage. The Council agreed the \$15,000 figure was accurate but that the 10% dedication requirement is not equitable in the cases of small parcels of land such as this. Councilman Neils pointed out the intent of the ordinance was to apply to larger parcels of land prior to platting and that once the platting has occurred it raises the marketability of the land and increases its value.

WILLIAMS WOODS - FINAL PLAT,
DEVELOPMENT CONTRACT AND
SETBACK VARIANCES
Item 5-B

MOTION was made by Mayor Hilde, seconded by Councilman Spaeth, to defer action on the Final Plat and Development Contract of Williams Woods and directed the staff, on the basis of the foregoing discussion, to develop an amendment to our policy resolution on park dedication whereby small parcels of land are valued in the same manner as similar types of land within a larger piece of land.

MOTION was made by Councilman Neils to amend the motion to include the setting of a ceiling that park dedication not exceed \$250 per dwelling unit in an R-1 or R-2 area. Motion failed for lack of second.

Motion carried, five ayes.

The petition of Wayne R. Jopp requested the creation of three parcels from existing Lots 1 and 2, Block 2, Med-O-Lake Acres 2nd Addition and the vacated portion of Union Terrace Lane on the north side of 32nd Avenue. Attorney Bert Nygaard appeared representing Mr. Jopp. The staff explained the manner in which the two existing lots were assessed in 1970 and proposed that parcel #3 be considered as an additional lot to be created and assessed for water and sewer lateral charges on its 107.8 foot frontage. After discussion regarding these assessments, the Council concluded the assessment should be based on the total frontage of the three lots on 32nd Avenue and that the original assessment rate should be used with interest capitalized from the date of the assessment roll.

WAYNE R. JOPP
DIVISION OF PLATTED LOTS
Item 5-F

MOTION was made by Councilman Scibold, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-135, A RESOLUTION APPROVING THE DIVISION OF LOTS 1 AND 2, BLOCK 2, MED-O-LAKE ACRES 2ND ADDITION AND THE VACATED PORTION OF UNION TERRACE LANE TO CREATE THREE PARCELS. Motion carried on a Roll Call vote, three ayes, with Councilman Hunt abstaining and Councilman Spaeth voting nay.

RESOLUTION NO. 73-135

The staff recommended that the foregoing Resolution not be filed with the County until conditions contained in a proposed second resolution were met. Councilman Seibold questioned whether park dedication was in order for this new building lot. The Manager explained this new lot was created in large measure from the vacated street right of way and that he did not feel park dedication should be required.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-136, A RESOLUTION PROVIDING THAT RESOLUTION NO. 73-135 NOT BE FILED WITH THE COUNTY UNTIL THE FOUR CONDITIONS AS SET FORTH IN THE STAFF REPORT DATED MARCH 26, 1973 ARE MET.

RESOLUTION NO. 73-136

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to amend condition #3 to take into account an additional assessment such that the net result would be an assessment for the total frontage on 32nd Avenue North with interest capitalized from the date of the assessment roll. (Amend. 4-16-73)

Motion to adopt RESOLUTION NO. 73-136 as amended carried on a Roll Call vote, three ayes, with Councilmen Hunt and Spaeth voting nay.

The petitioner requested the division of Lot 1, Lake Park Acres Addition, into two parcels of 20,163 square feet and 19,808 square feet respectively. It was the staff's recommendation that the division be denied because of the fact that sanitary sewer is not available. Mark Burns appeared representing the petitioner and explained they wish to divide the southern lot off to be sold as a building lot but that they have no intention of selling the northern lot at this time. He stated they were under the impression that utilities could be made available to this southern lot. There followed discussion whether or not the development policy would apply in this instance in view of the fact that the petitioner is requesting that a building lot be broken off from another parcel. There was also discussion regarding whether or not park dedication should be required and if additional street right of way was necessary.

ORPHA KRANZ - DIVISION
OF PLATTED LOT
Item 5-I

MOTION was made by Councilman Neils, seconded by Councilman Hunt, to defer action on the request of Orpha Kranz pending recommendations from the Manager on street right of way, exact location of sewer and water service with respect to this southern parcel and consideration of park dedication requirements. Motion carried, five ayes.

The petitioner petitioned for the division of Lots 11 and 12, Block 4, Greentree Forest Second Addition to create 3 parcels. It was the staff's recommendation that the matter be deferred until the park dedication policy referred to in Item 5-B previously is resolved.

ROBERT G. RODERICK &
WALLACE B. BLACK -
DIVISION OF PLATTED LOTS
Item 5-G

MOTION was made by Councilman Hunt, seconded by Councilman Neils, that this item be laid over until the next meeting. Motion carried, five ayes.

REPORTS BY OFFICERS, BOARDS & COMMITTEES

The Manager explained that the Village towing contract has expired and has been continued on an informal basis because of some concern expressed regarding the application of the ordinance. Councilman Hunt stated the majority of the complaints he had received involved people not being able to call their own towing contractor. The Council felt motorists should be able to do so if their vehicle is not hindering traffic. Councilman Spaeth also pointed out the problem of people being unable to reach their homes because of lack of snow plowing and having no alternative but to park on the street. The Manager explained that the police cannot use the County radio to have calls placed to independent towing companies but that in many instances they will drive a motorist to a phone. There are instances, however, when there is an accident involved or they have received another call when this is not possible. It was the general opinion of the Council that the ordinance does not need changing but that it is a judgment factor on the part of the officers involved to aid motorists whenever possible when a vehicle is not posing a safety hazard.

VILLAGE TOWING CONTRACT
Item 6-D

MOTION was made by Mayor Hilde, seconded by Councilman Spaeth, directing the Manager to indicate to the Police Department that it is the desire of the Council to practice as much courtesy as possible in these cases and offer as much practical assistance as the situation will allow to persons needing a tow particularly if the citizen wishes to get to a telephone to call his own service. Motion carried, four ayes, with Mayor Hilde voting nay, indicating he felt the Police Department was at present doing a good job in this area.

The Manager indicated the staff will now solicit bids so that a new contract can be awarded.

When the Comprehensive Sewer Plan was adopted, it was indicated to the Metropolitan Sewer Board that the Village would be considering the possibility of deviating a portion of the flow in the northern portion of the Village into Maple Grove and/or Brooklyn Park. The Manager indicated that planning a 5-year Capital Improvement Program will be somewhat limited if we do not at this time undertake a study to determine what areas could reasonably be served to the north and pursuing this with the Metropolitan Sewer Board to see if this is possible. There has been increased interest from developers in the northeastern part of the Village for development. A report was reviewed from Consulting Engineer Bonestroo setting forth the specifics of the study to be made at a cost not to exceed \$2,500.

SANITARY SEWER SERVICE IN
NORTHERN PART OF VILLAGE
Item 6-G

Hans Hagen of Ban Con, Inc. appeared before the Council explaining they have a purchase agreement on 120 acres on the south side of Pike Lake. He requested the Council consider negotiating with Maple Grove to extend sewer service from another development of theirs on the north side of the lake to serve this proposed development area and also the Pike Lake Addition. He stated this extension would provide capacity for 10 to 15 years.

Mayor Hilde questioned the Council if they were in favor of encouraging a good deal of development this far from the nucleus of the Village and undertake the improvements that would be necessary. Councilman Hunt pointed out that the proposed Ban Con development would require only a few blocks of trunk line and that the developer would install their own utilities thereby causing no bonded indebtedness to the Village. Councilman Neils stated he did not feel the Village should encourage development in this area if capacity is not available to the north as it would allow a very significant leapfrog over undeveloped areas.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-137. A RESOLUTION ACCEPTING THE PROPOSAL FOR THE STUDY AS OUTLINED IN THE REPORT FROM (Amend. 4-16-73) ENGINEER BONESTROO. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-137

There was discussion regarding the initiation of negotiations with Maple Grove, and it was felt this should be pursued along the lines of the proposal received from Mr. Bonestroo.

Councilman Neils left the Council Chambers during discussion of this item.

PROPOSED METROPOLITAN
RATE AUTHORITY
Item 6-F

The Council reviewed a report regarding the establishment of a Metropolitan Rate Authority which would regulate the electrical energy rates of the Northern States Power Company. The report contained uniform electric franchise and a joint powers agreement.

John Mertz of N.S.P. explained to the Council that this proposal closely resembles the Metro Gas Authority and indicated that N.S.P. does not object to any knowledgeable rate regulations and is not opposed to this proposal.

MOTION was made by Councilman Seibold, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-126, A RESOLUTION AUTHORIZING PARTICIPATION IN THE METROPOLITAN RATE AUTHORITY, DIRECTING THE EXECUTION OF A JOINT POWERS AGREEMENT AND DESIGNATING SHERMAN GOLDBERG AS OUR MEMBER ON THE BOARD. Motion carried on a Roll Call vote, three ayes, with Councilman Spaeth abstaining.

RESOLUTION NO. 73-126

When the Amber Woods development was approved, the Council directed that a resolution be drafted which would clearly indicate the Council's intent not to extend sewer service beyond the 120 acres included within the Amber Woods project and the Hughes and Johnson additions. This resolution was presented to the Council for approval.

TEMPORARY CAPACITY FROM
NORTHWEST TO SOUTH SEWER
DISTRICT
Item 6-H

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-128, A RESOLUTION LIMITING THE TEMPORARY EXTENSION OF SEWER CAPACITY IN THE SOUTH SEWER DISTRICT FOR THE NORTHWESTERN QUADRANT OF COUNTY ROAD 24 AND STATE HIGHWAY 101 TO NOT MORE THAN 120 ACRES TO INCLUDE ONLY THE AMBER WOODS PLAT, THE HUGHES 1ST AND 2ND ADDITIONS AND THE PROPOSED ROGER L. JOHNSON 1ST ADDITION.

RESOLUTION NO. 73-128

Mayor Hilde raised the question of whether this additional flow will cause difficulties with the interceptor between Lift Station A and Lift Station 1 in view of the freeze on Federal funding for this type project. It was concluded that this additional flow will create a heavier burden on this line but that since the approval has already been given for this extension, (Amend. 4-16-73) the only alternative available at this time is to restrict any further development in this area as proposed by the resolution.

Motion to adopt RESOLUTION NO. 73-128 carried on a Roll Call vote, five ayes.

MOTION was made by Mayor Hilde, seconded by Councilman Hunt, directing the staff to undertake a comprehensive study of the capacity and design problems associated with this interceptor and consideration of its present capacity and how much additional capacity it can handle in terms of hookups, etc. and also any alternative ways of increasing the capacity without a full-blown project. Motion carried, five ayes.

The petitioners requested the creation of three parcels from one existing parcel located at 12500 Ridgemount Avenue. The staff recommended approval of the division conditioned on the payment of park donation and REC charges for both water and sewer on the two new parcels.

HALVORSON, SMITH &
BETZLER - DIVISION
OF PLATTED LOTS
Item 5-H

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-138, A RESOLUTION APPROVING THE DIVISION OF PLAT 44680, PARCEL 8220 INTO THREE PARCELS. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-138

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-139, A RESOLUTION REQUIRING THAT RESOLUTION NO. 73-138 NOT BE FILED WITH THE COUNTY UNTIL SUCH TIME AS THE POLICY ON PARK DEDICATION AND ANY OTHER PENDING QUESTIONS REGARDING ASSESSMENTS ARE RESOLVED TO THE COUNCIL'S SATISFACTION. Motion carried on a Roll Call vote, four ayes, with Councilman Spaeth voting nay.

RESOLUTION NO. 73-139

MOTION was made by Councilman Seibold, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-140, A RESOLUTION APPROVING FOR PAYMENT REQUEST FOR PAYMENT NO. 13 IN THE AMOUNT OF \$1,811.88 TO JEROME BEGIN CONTRACTING COMPANY ON PROJECT NO. 227. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-140
JONQUIL LANE STREET
PROJECT NO. 227 -
PAYMENT NO. 13
Item 6-A

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-141, A RESOLUTION APPROVING FOR PAYMENT REQUEST FOR PAYMENT NO. 13 IN THE AMOUNT OF \$5,470.56 TO JEROME BEGIN CONTRACTING COMPANY ON PROJECT NO. 018. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-141
PARKERS LAKE STREET
PROJECT NO. 018 -
PAYMENT NO. 13
Item 6-B

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-127, A RESOLUTION AUTHORIZING THE FIRMS OF BONESTROO, ROSENE, ANDERLIK & ASSOCIATES, INC. AND BANISTER, SHORT, ELLIOTT, HENDRICKSON & ASSOCIATES TO PREPARE ENGINEERING REPORTS TO DETERMINE THE FEASIBILITY OF PROVIDING TREATMENT OF THE VILLAGE WATER SYSTEM. Motion carried on a Roll Call vote, four ayes, with Councilman Hunt voting nay.

RESOLUTION NO. 73-127
WATER TREATMENT STUDY
Item 6-C

The Manager presented to the Council a proposed weed ordinance. At the present time the Village is governed by State Statutes regulating the control and eradication of noxious weeds. The proposed ordinance would also call for the cutting and removal of grass and other vegetation and the grading and maintenance of vacant lots within 100 feet of residential districts. Councilman Neils stated he felt the 15% administration charge over actual costs should be increased to 25%. The Manager explained this is a question of how much of the total costs the Village wishes to recover. A good deal of the work involves getting voluntary compliance.

VILLAGE CLEAN-UP
PROGRAM
Item 6-E

The Council discussed whether or not open farm land and unplatted areas should be included within these regulations. It was felt these areas could be deleted in that the State Statutes take care of the noxious weed problems in these areas.

Councilman Hunt suggested the inspectors when sending out first notices to property owners also supply the names of a couple cutters advising the people that these people will do the job for a certain rate, but that if they do not have the cutting done themselves, they will be assessed a higher rate when the Village is required to do the work.

The Council authorized the staff to proceed with an ordinance amendment along the lines of the ordinance proposed deleting reference to open land.

The staff also presented to the Council proposals for a general Village clean-up which would either involve the Village contracting with private haulers to do curbside pickup on certain days or contracting with dumping sites for the privilege of permitting Village residents to dump there within a specified period of time. The Manager also submitted a proposal of obtaining the services of an employee through the Urban Corps Program and the creation of Neighborhood Environmental Awareness Teams (NEAT) for neighborhood clean-ups.

After lengthy discussion of various alternatives and problems involved, a MOTION was made by Councilman Neils, seconded by Councilman Hunt, directing the staff to proceed with the NEAT proposal and concurrently proceed with the offer to any neighborhood to pick up their junk on a specific plan program basis. The staff was also directed to advertise the fact that most of the haulers servicing Plymouth will pick up whatever the residents have, and it is the policy and desire of the Council that everyone cooperate in this clean-up of the Village by making sure that their property is picked up and clean and that they take advantage of these two alternatives. Motion carried, five ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-142, A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CLEANING, REPAIRING AND PAINTING THE INTERIOR AND EXTERIOR OF THE WATER TOWER AND ORDERING THE ADVERTISEMENT FOR BIDS. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-142
PAINTING WATER TOWER -
ADVERTISEMENT FOR BIDS
Item 6-I

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-143, A RESOLUTION APPROVING FOR PAYMENT THE DISBURSEMENTS FROM THE GENERAL FUND, CONSTRUCTION FUND, WATER FUND, SEWER FUND AND SPECIAL ASSESSMENT FUND IN THE TOTAL AMOUNT OF \$85,916.60 FOR THE PERIOD ENDING MARCH 23, 1973. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-143
DISBURSEMENTS FOR PERIOD
ENDING MARCH 23, 1973
Item 7-A

Mayor Hilde adjourned the meeting at 12:20 a.m.

Sandra L. Haugen
Village Clerk