

MINUTES

REGULAR COUNCIL MEETING

JUNE 4, 1973

A regular meeting of the Plymouth Village Council was called to order by Mayor Hilde at 7:35 p.m. in the Council Chambers of the Public Works Building, 14900 Twenty-third Avenue North, Plymouth, on June 4, 1973.

PRESENT: Mayor Hilde, Councilmen Hunt, Spaeth, Seibold and Neils, Manager Willis, Attorney Lefler, Engineer Goldberg, Planner Overhiser Village Assessors Pulju, Carroll and Hawkyard and Chief Appraiser Roy Johnson from Hennepin County

ABSENT: None

BOARD OF REVIEW

The Council met as a Board of Review to provide owners of real property in the Village an opportunity to appear and present any comments or suggestions relative to the valuation of the market value placed upon their property by the Village assessor as of January 2, 1973. The Manager instructed the property owners on the procedure to be followed in the presentation of their cases and explained the manner in which notice was given of this meeting. Mayor Hilde explained that it is the desire of the Council to maintain equitable valuations within the Village as well as with neighboring communities, particularly those with whom Plymouth shares school districts and county expenses. He pointed out that approximately 60% of the money raised from real estate property taxes goes to the school districts; 25% to county operations; 10% to the local municipality; and 5% to miscellaneous districts.

The hearing was opened at 7:45 p.m.

C. H. Mitchell, 18025 County Road (Plat 43730, Parcel 7751). Mr. Mitchell explained his valuation had been raised from \$30,000 in 1971 to \$30,900 in 1972 and to \$39,900 in 1973. His two bedroom, one story home was built in 1959 and is located on a little less than two acres of land. He questioned if a house depreciates at all and whether the valuation placed on it is the replacement value of the structure. He also asked if the new legislation regarding freezing of taxes would apply. The Manager explained that the assessor seeks to set a value that the property would sell for and that depreciation is not a specific criteria but is combined in the over-all economy of the community. He explained that the State Legislature did enact legislation which freezes taxes for people of 65 years of age or older. Mr. Johnson also pointed out that a 5% limitation has been placed on valuation increases for residential or agricultural properties.

Ray Rauch, 4400 Rauenhorst Circle (Plat 43721, Parcels 815, 1017, 2110, 2310, 5800, 6000, 6200 and Plat 43950, Parcels 4400, 4800, 5300, 8000, 8400, 8800). Mr. Rauch appeared representing the Rauenhorst Corporation which has just purchased this land known as the Circle Star Development. He indicated the purchase price to be \$980,770, and the assessed valuation is \$1,298,000.

The Board of Review was closed at 7:55 p.m. and continued until June 11, 1973.

MINUTES

MOTION was made by Councilman Neils, seconded by Councilman Hunt, to approve the minutes of the May 21, 1973 Regular Meeting with the following correction: Resolution No. 73-183 should refer to Contract No. 134 rather than No. 124. Motion carried, four ayes, with Councilman Seibold abstaining.

MAY 21, 1973
REGULAR MEETING
Item 5-A

PETITIONS, REQUESTS & COMMUNICATIONS

Belmar Builders in conjunction with their office site located adjacent to Fernbrook Lane and Highway 55 are working with Richard Nichols concerning a proposal for a restaurant and bar to be located on the southeasterly portion of that B-1 site. The Zoning Ordinance requires that in a planned business development approved by Conditional Use Permit a restaurant would be permitted. The developers presented for approval a general development plan for a planned business development.

BELMAR BUILDERS
PLANNED BUSINESS
DEVELOPMENT
Item 6-I

Councilman Spaeth referred to the original site plan which was presented to the Village at the time of rezoning. He pointed out that an extra building has been added on the south side and that the lots have been cut down in size. He stated that rather than getting a well planned office complex as originally proposed, we are getting a lot of jammed up blacktop and buildings. He stated he also felt the Cavanaugh Addition should have been notified of this change as they were reluctant to accept the original plan presented at the time of rezoning and have since had no voice in the development of this land because of a technicality of distance. The staff advised the Council that the general development plan presented to the Village when the land was rezoned was not attached and made a part of the ordinance of rezoning.

Councilman Neils stated he was not too concerned about what the original development plan was but that with a high quality corner like this that will generate a high volume of traffic he could not vote for a plan that in its platting and arrangement requires an easement driveway across another lot for the first building of the project.

Mr. Nichols addressed the Council and reviewed his background in the business. He stated he did not feel it feasible to add the triangular piece of land at Fernbrook and Highway 55 to his site in view of the price of the land and the fact that only parking could be placed upon it. He advised the Council that he desires to be in business by Fall.

The Council expressed concern over the sketchy general development plan which the developers do not intend to be a final plan. The Zoning Ordinance requires that the planned business development plan be approved by Conditional Use Permit prior to the approval of the restaurant. There was discussion whether a motel should be considered as part of this development in view of the development which is approved for the site on the south side of the highway and in view of the traffic and adverse effects it would have on the residential area to the west.

Dick Lundborg of Belmar Builders advised the Council that they are in negotiations with a motel chain and that this particular franchise would not be interested in promoting another restaurant as part of their complex. He stated he felt the approval of this restaurant would promote development of both the motel and the office park.

Councilman Neils stated his concern was the breaking off of the first piece of property in this development in an undesirable platting arrangement and that he would not be in favor of granting a Conditional Use Permit for this development until the developer presented a more definite site plan with everything locked up. The consensus of the Council was that they did not object to the location of the restaurant at this corner but that more detail should be given to what is going to happen to rest of the parcel.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to refer the matter back to the Planning Commission to come back with either rezoning for the restaurant and the restaurant alone or a revised planned business development where the buildings are tied down.

MOTION was made by Mayor Hilde, seconded by Councilman Spaeth, to amend the motion to indicate the Council would not favor the presence of a motel in this Planned Business Development that would be reconsidered. Motion carried, three ayes, with Councilmen Hunt and Neils voting nay.

Motion as amended carried, five ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-197, A RESOLUTION APPROVING THE CONSOLIDATION OF PARCELS 3214 AND 3260 OF PLAT 44352 REQUESTED BY ABBOTT LABORATORIES. Motion carried on a Roll Call vote, four ayes (Mayor Hilde absent).

RESOLUTION NO. 73-197
ABBOTT LABORATORIES
CONSOLIDATION OF
PLATTED PARCELS
Item 6-A

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-198, A RESOLUTION APPROVING THE CONSOLIDATION OF LOTS 27 AND 28, BLOCK 3, ELMHURST LAKEVIEW ADDITION AS REQUESTED BY DANIEL J. CASEY. Motion carried on a Roll Call vote, four ayes (Mayor Hilde absent).

RESOLUTION NO. 73-198
DANIEL J. CASEY
CONSOLIDATION OF
PLATTED LOTS
Item 6-B

MOTION was made by Councilman Seibold, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-199, A RESOLUTION APPROVING THE CONSOLIDATION OF LOTS 16 AND 17, BLOCK 1, SUBURBAN DALE ON PARKERS LAKE ADDITION AS REQUESTED BY HELEN L. GOODSPEED. Motion carried on a Roll Call vote, four ayes (Mayor Hilde absent).

RESOLUTION NO. 73-199
HELEN L. GOODSPEED
CONSOLIDATION OF
PLATTED LOTS
Item 6-C

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-200, A RESOLUTION APPROVING THE CONSOLIDATION OF LOTS 6 AND 7, BLOCK 1, ELMHURST GATEWAY ADDITION AS REQUESTED BY JOHN J. HACKETT. Motion carried on a Roll Call vote, four ayes (Mayor Hilde absent).

RESOLUTION NO. 73-200
JOHN J. HACKETT
CONSOLIDATION OF
PLATTED LOTS
Item 6-D

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-201, A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TEMPORARY SALES OFFICE ON LOT 17, BLOCK 1, OF AMBER WOODS, SUBJECT TO THE PROVISION THAT THE OFFICE USE BE DISCONTINUED WHEN THE SUBDIVISION IS 85% COMPLETED (122 OF 143 LOTS). Motion carried on a Roll Call vote, four ayes (Mayor Hilde absent).

RESOLUTION NO. 73-201
AMBER WOODS - CONDITIONAL
USE PERMIT FOR SALES
OFFICE
Item 6-E

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-202, A RESOLUTION APPROVING THE REVISED SITE PLAN FOR MINNESOTA EXTERIORS, INC. SUBJECT TO THE CONDITIONS SET FORTH IN RESOLUTION NO. 73-144 AND ANY ADDITIONAL FIRE LANES WHICH THE FIRE CHIEF MIGHT REQUIRE. Motion carried on a Roll Call vote, four ayes (Mayor Hilde absent).

RESOLUTION NO. 73-202
MINNESOTA EXTERIORS
REVISED SITE PLAN
Item 6-F

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-203, A RESOLUTION APPROVING THE FINAL PLAT OF CHELSEA WOODS FIFTH ADDITION. Motion carried on a Roll Call vote, three ayes (Mayor Hilde absent, and Councilman Hunt stepped down from the table on this item).

RESOLUTION NO. 73-203
CHELSEA WOODS 5TH ADD'N
FINAL PLAT
Item 6-G

Donald Russ presented to the Council a revised site plan and reviewed the changes that it has been necessary to make as a result of enforcement of fire code regulations. He advised that his request was for relief of his parking problem to allow for the removal of a garage structure and additional paving for open parking. Belmar Builders has conveyed to Russ Management Corp. a 40 foot parking easement over the north 40 feet of the lot immediately south of Fox Meadows.

FOX MEADOWS
REVISED SITE PLAN
Item 6-H

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-204, A RESOLUTION APPROVING THE REVISED GENERAL DEVELOPMENT PLAN DATED 2-5-73 AND THE REMOVAL OF THE GARAGE STRUCTURE NEAR THE SOUTH WALL OF BUILDING #2 WHEN THE 55 ADDITIONAL PARKING SPACES ARE ADDED OVER THE PARCEL ON WHICH BELMAR HAS GRANTED A PARKING EASEMENT AND THE RESHAPING AND SODDING OF THE BERMS ON THE SOUTH SIDE AND WEST SIDE OF THE SITE ARE COMPLETED.

RESOLUTION NO. 73-204

MOTION was made by Councilman Seibold, seconded by Councilman Spaeth, to amend the resolution to include the condition for approval that the perpetual easement be recorded with the Register of Deeds. Motion carried, five ayes.

Motion to adopt RESOLUTION NO. 73-204 as amended carried on a Roll Call vote, five ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to defer scheduling the public hearing on the application of Richard Nichols for an On Sale Liquor License for proposed Cyrano's Restaurant until the matter of the planned business development application of Belmont Builders is resolved.

RICHARD O. NICHOLS DBA
CYRANO'S RESTAURANT -
ON SALE LIQUOR LICENSE
Item 8-A

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to amend the motion to defer the matter until the next Council meeting. This motion and second were later withdrawn.

The motion to defer failed on a vote of 2-3 with Mayor Hilde and Councilmen Hunt and Seibold voting nay.

MOTION was made by Mayor Hilde, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-205, A RESOLUTION SCHEDULING THE PUBLIC HEARING ON THE APPLICATION OF RICHARD NICHOLS FOR AN ON SALE LIQUOR LICENSE FOR JULY 2, 1973. Motion carried on a Roll Call vote, four ayes, with Councilman Spaeth voting nay.

RESOLUTION NO. 73-205

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to indicate the Council's intention in noticing the public hearing for July 2 was only to expedite the petitioner's schedule if all other conditions develop satisfactorily. Motion carried, five ayes.

REPORTS BY OFFICERS, BOARDS & COMMITTEES

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-206, A RESOLUTION SETTING FORTH THAT THE DEDICATION OF POND AND DRAINAGE EASEMENTS OVER THE BASSETT CREEK FLOOD PLAIN AREA UNDER THE 890 ELEVATION LYING EAST OF THE BASSETT CREEK ON THE TRI-STATE AUCTION CENTER PROPERTY SHALL BE DEEMED ADEQUATE SATISFACTION OF CONDITION #6 OF RESOLUTION NO. 73-109. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-206
TRI-STATE AUCTION COMPANY
CLARIFICATION OF RESOLU-
TION APPROVING SITE PLAN
Item 7-A

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-207, A RESOLUTION DIRECTING THE INSTALLATION OF "NO PARKING" SIGNS ALONG THE NORTHERLY AND SOUTHERLY SIDES OF WATER TOWER CIRCLE WEST OF COUNTY ROAD 6 FOR A DISTANCE OF 700 FEET. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-207
WATER TOWER CIRCLE -
NO PARKING SIGNS
Item 7-B

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-208, A RESOLUTION DIRECTING THE INSTALLATION OF "NO PARKING FROM 8:00 A.M. TO 2:00 P.M. SCHOOL DAYS" SIGNS ON 2ND AND 3RD AVENUES BETWEEN VICKSBURG LANE AND RANCHVIEW LANE. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-208
2ND & 3RD AVENUES
NO PARKING SIGNS
Item 7-C

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-209, A RESOLUTION APPROVING NO. 9 AND FINAL PAYMENT ON CENTRAL AREA SEWER AND WATER PROJECT NO. 927 TO JOHNSON BROTHERS CONSTRUCTION IN THE AMOUNT OF \$500. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-209
CENTRAL AREA SEWER &
WATER PROJECT NO. 927 -
PAYMENT NO. 9 & FINAL
Item 7-D

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt ORDINANCE NO. 73-9, AN ORDINANCE AMENDING CHAPTER III, SECTION 3.12 OF THE VILLAGE CODE RELATIVE TO THE SALE OF NON-INTOXICATING MALT LIQUOR TO MINORS. Motion carried on a Roll Call vote, five ayes.

ORDINANCE NO. 73-9
SALE OF NON-INTOXICATING
MALT LIQUOR TO MINORS
Item 7-E

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt ORDINANCE NO. 73-10, AN ORDINANCE AMENDING CHAPTER V, SECTION 1.18 OF THE VILLAGE CODE RELATIVE TO THE DEFINITION OF A MINOR AND POSSESSION AND CONSUMPTION OF INTOXICATING AND NON-INTOXICATING LIQUORS. Motion carried on a Roll Call vote, five ayes.

ORDINANCE NO. 73-10
POSSESSION & CONSUMPTION
OF LIQUOR BY MINORS

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-210, A RESOLUTION AUTHORIZING THE RELEASE OF THE BOND FOR THE SEVEN PONDS ADDITION. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-210
SEVEN PONDS ADDITION
BOND RELEASE
Item 7-F

MOTION was made by Councilman Seibold, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-211, A RESOLUTION AUTHORIZING THE RELEASE OF THE BOND FOR THE AT THE LAKE APARTMENTS PROJECT. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-211
AT THE LAKE APARTMENTS
BOND RELEASE
Item 7-G

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-212, A RESOLUTION ACCEPTING THE FOX MEADOWS STORM SEWER SYSTEM UPON COMPLETION OF THE RESTORATION WORK. Motion carried on a Roll Call vote, four ayes, with Councilman Hunt abstaining.

RESOLUTION NO. 73-212
FOX MEADOWS STORM SEWER
Item 7-H

The Manager indicated that engineering and staff expenses incurred as a result of this repair project have not been billed to the developer as yet, and there was discussion whether the approval of the storm sewer system should be held up until these charges are paid. Attorney Lefler advised that he has been getting demands from the Clerk of Court to go to trial on the law suit brought by the Village against the developer on this matter and urged the Council to accept the project so that this suit can be resolved.

MOTION was made by Councilman Hunt, seconded by Councilman Neils, directing the staff to not drop the suit against the developer until they are satisfied that all costs have been recovered. Motion carried, five ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-213, A RESOLUTION ORDERING A FEASIBILITY REPORT ON THE IMPROVEMENTS OF SANITARY SEWER, WATER AND STREETS IN HUGHES 1ST AND 2ND ADDITIONS AND THE PROPOSED ROGER L. JOHNSON 1ST ADDITION. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-213
HUGHES/JOHNSON ADDITIONS
FEASIBILITY REPORT ON
SANITARY SEWER, WATER
& STREETS
Item 7-I

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-214, A RESOLUTION ORDERING THAT THE PRELIMINARY REPORT ON PROJECT NO. 107 BE UPDATED WITH REFERENCE TO THE IMPROVEMENT OF VICKSBURG LANE FROM COUNTY ROAD 6 TO COUNTY ROAD 15. Motion carried on a Roll Call vote, four ayes, with Councilman Neils voting nay.

RESOLUTION NO. 73-214
PRELIMINARY REPORT ON
STREET IMPROVEMENTS -
VICKSBURG LANE FROM CO.
RD. 6 TO CO. RD. 15
Item 7-J

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-215, A RESOLUTION APPROVING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$9,792 TO EAST MEDICINE LAKE WATER AND SEWER PROJECT NO. 123 TO BARBAROSSA AND SONS FOR SANITARY SEWER PROJECT NO. 303. Motion carried on a Roll Call vote, five ayes.

RESOLUTION NO. 73-215
E. MEDICINE LAKE WATER
& SEWER PROJECT NO. 123
CHANGE ORDER #3
Item 7-K

Following a brief discussion of the problem involved with the elevation of the sewer line in relation to the basement floor at this location, a MOTION was made by Councilman Hunt, seconded by Councilman Seibold, to defer further discussion of this matter until Mr. Bonestron is present to explain their position. Motion carried, five ayes.

SANITARY SEWER SERVICE
2790 EVERGREEN LANE
PROJECT NO. 126
Item 7-L

Regular Council Meeting
June 4, 1973
Page Eight

The staff reported on the progress of acquiring the parcels of land in the East and West Medicine Lake Park Acquisition Project. They explained the Village does have a legal obligation to offer relocation assistance to the people and that if they have not found a suitable location by the first of August, the Village will rent the residences to them at \$140 per month. Councilman Sraeth suggested the Village consider taking out insurance on these buildings and renting them out for a period of time rather than let them remain vacant.

1972 LAWCON PROJECT
STATUS REPORT
Item 8-B

MOTION was made by Councilman Neils, seconded by Councilman Hunt, directing the Manager to draft an appropriate resolution commending the Greenwood Elementary School teachers and principal for the effort they have gone to in arranging the "Children and the Law" program for the Greenwood pupils. Motion carried, five ayes.

GREENWOOD ELEMENTARY
SCHOOL

Mayor Hilde adjourned the meeting at 10:45 p.m.


Sandra L. Haugen
Village Clerk