

MINUTES

SPECIAL COUNCIL MEETING

JULY 23, 1973

A special meeting of the Village Council of the Village of Plymouth 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 July 23, 1973.

PRESENT: Mayor Hilde, Councilmen Spaeth, Seibold and Neils, Manager Willis, Attorney Drawz and Engineer Goldberg

ABSENT: Councilman Hunt

MINUTES - JULY 9, 1973 SPECIAL MEETING

MOTION was made by Councilman Seibold, seconded by Councilman Neils, to approve the minutes of the July 9, 1973 Special Council Meeting. Motion carried, four ayes.

MINUTES - JULY 16, 1973 REGULAR MEETING

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to approve the minutes of the July 16, 1973 Regular Council Meeting. Motion carried, three ayes, with Councilman Seibold abstaining.

BASS LAKE IMPROVEMENT ASSOCIATION

Virgil Schneider and Roger Bjorlin, representing the Bass Lake Improvement Association, presented the Council and staff with T-shirts with the Village logo to help publicize the new Village logo.

FOX MEADOWS APARTMENTS - SEEDING OF BERM

Don Russ, owner of the Fox Meadows Apartments, appeared before the Council requesting a change in his Development Contract which would allow him to seed the berm at the west edge of his property rather than sod as called for in both the Development Contract and the revised site plan. Mr. Russ explained he had two reasons for this request, the first being the expense of sodding, and secondly, he did not feel it was the type of area that would adapt itself to sod very well primarily because of the lack of water supply in the immediate vicinity, and certain areas where there will be heavy washout. He proposed to do this seeding of alfalfa or some ground cover of this type in the fall and indicated that they would be maintaining this berm full time until that time to correct any washout that may occur. Mr. Russ was agreeable with the suggestions of the Council to sod certain areas and mulch the seeding with straw similar to the process used by the Highway Department.

MOTION was made by Councilman Seibold, seconded by Councilman Neils, directing the Manager to prepare a change in the Development Contract that would enable the developer to eliminate sodding in the major portions where there is not much wash and in place to do a job of seeding, but that the developer give assurances that the seed catch no later than next Spring. Motion carried, four ayes.

ACCESS TO PROPERTY ADJACENT TO I-494 AND HIGHWAY 55

The Manager reported on recent discussions with the Harris brothers, owners of the property at the northwest corner of the subject intersection, who are proposing to develop their site with a restaurant and a Ramada Inn. In the development of their plans they have requested that an existing access platted immediately adjacent to the south-bound exit ramp of I-494 be allowed for ingress to their site. The staff indicated to them that this was not in accordance with Village policy and that they would not recommend it as a viable alternative on a long-term basis because of its closeness to the exit ramp from I-494 and the lack of distance for deceleration. At this point they brought up the situation on the southwest corner of the intersection where the Radisson Inn proposes to build. The Manager pointed out that this is a slightly different situation in that there is a street in existence there although Annapolis was never platted and at this time we do not know how the street was built. He explained that the question the Council needs to answer with respect to the Harris brothers request is whether the Council wants to encourage them to proceed with their development providing for ingress only from Highway 55 and what type of policy should be established on the other corner of the intersection. Previously a policy was established not to allow access within 1,000 feet of a highway interchange.

Councilman Spaeth stated that not only do we have an obligation to provide traffic safety but we also are obligated to promote development in the Village. Councilman Seibold pointed out that Annapolis Lane is a problem now, and if it is not platted he would like to see it closed right now. High density uses on that corner will really make it a bottleneck in the future. He stated he believed we will have the same problem with the Harris property and could not see where prohibiting that ingress would hamper the development of that area because they do have good visibility from both highways. Councilman Neils stated that where the Village has the opportunity to correct a situation in the platting process we have the responsibility to do so.

Mayor Hilde questioned the Council whether they felt obligated to answer the question the same for both properties. Councilman Seibold stated he did not feel this was necessary as each one should be handled as it comes before the Council. We may have to live with Annapolis Lane as it is an improved road, but that is no justification for creating another hazard on the opposite corner. Councilman Spaeth stated he felt both situations to be identical.

Mayor Hilde pointed out that allowing ingress at these points would not create a traffic hazard any worse than the cross traffic at a cloverleaf. This intersection will be a very busy place in the not too distant future, and traffic will not be able to move through there at the speeds used today. Councilman Spaeth stated he felt we should take full use of Highway 55 because if we do not the Highway Department will take every intersection away from us. Highway 55 is our main street, and he stated he did not believe we should worry about traffic going out of our Village. Councilman Neils pointed out that we must keep in mind that one of the principal factors that makes a corner valuable is its visual exposure to high traffic counts going past and that if we reduce speeds on Highway 55 it will reduce traffic volume and these developers will go to places like Highway 12 where they have both the high traffic speed and exposure.

Attorney Drawz pointed out there could be legal ramifications if both properties are not treated alike as they presently appear to have all the appearance of being very similar. If we are not going to treat each alike, careful attention should be taken to the reasons why. He suggested approaching both developers with the intent of closing both access points as the initial bargaining position. He explained that the Village does have the power to take a number of steps to control traffic. He stated it would appear Annapolis Lane would have to have a legal vacation to close it because it has been used as a public street for a number of years. The Village could take steps to change the flow of traffic on Annapolis. Mayor Hilde questioned the attorney if in the platting of the Harris property the Village has the right to remove the access without condemnation. Attorney Drawz stated he believed the Village could have a case because the access point is so close to the I-494 exit ramp.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, directing the Manager to: (1) investigate our total legal responsibility and rights in the case of both properties; (2) proceed to sit down with both developers with the idea of negotiating with them in a strong manner to remove the access at both these locations to the extent possible; and (3) take advantage of this opportunity to prod the Highway Department once again to notify them that development is pending on at least two or three corners of this intersection and tell them if they want right-of-way now is the time to buy it. Motion carried, four ayes.

WOOD CREEK ADDITION - SPECIAL ASSESSMENTS

The developers of Wood Creek requested Council consideration of an adjustment on their sanitary sewer and water lateral assessments levied against their property. The property was assessed water and sanitary sewer lateral charges along East Medicine Lake Boulevard for a distance of 800 feet. During recent special assessment reviews the Council determined that in those instances where platted land had been assessed for lateral benefit which because of subsequent development of land failed to provide such benefit that assessment should be rebated.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-293, A RESOLUTION RESCINDING THE SANITARY SEWER LATERAL ASSESSMENTS LEVIED AGAINST PLAT 43724, PARCEL 2580, BY LEVY #5096 IN THE AMOUNT OF \$12,000.00, AND THE WATER LATERAL ASSESSMENTS LEVIED BY LEVY #5091 IN THE AMOUNT OF \$4,400.00. Motion carried on a Roll Call vote, three ayes, with Councilman Neils voting nay.

RESOLUTION NO. 73-293

PROGRAMMED LAND, INC. - PETITION FOR IMPROVEMENTS (PROJECT NO. 306)

A petition was received from Programmed Land, Inc. for improvements on proposed Xenium Lane between the Chicago-Northwestern Railroad tracks and 1,320 feet south thereof of the same nature as those contemplated for the area to the north of the tracks under Project No. 301. It was their intent to be included with the project to the north to take advantage of the larger project costs.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-294, A RESOLUTION DECLARING THE ADEQUACY OF THE PETITION FOR IMPROVEMENTS ON XENIUM LANE 1,320 FEET SOUTH OF THE CHICAGO-NORTHWESTERN RAILROAD TRACKS AND ORDERING A PRELIMINARY REPORT FROM THE CONSULTING ENGINEERS ON SAID IMPROVEMENTS. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-294

The staff suggested that the plans and specifications for Project No. 301 be approved along with advertisement for bids to be opened on August 24 and considered by the Council on August 27 so that construction can begin this Fall. The Council felt it would be advantageous to proceed with the public hearing on the petition of Programmed Land, Inc. so that the two projects could be bid together if possible. The Engineer advised that the Village can take bids on this new project prior to the public hearing. He stated he believed that there would be enough time for the Consulting Engineer to come up with plans and specifications to be included as an alternate to the plans for Project No. 301 and that these could be deleted at the public hearing if the project was not ordered.

MOTION was made by Councilman Seibold, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-295, A RESOLUTION ORDERING A PUBLIC HEARING TO BE HELD ON THE PETITION OF PROGRAMMED LAND, INC. ON AUGUST 27, 1973 AND ORDERING THE PREPARATION OF FINAL PLANS AND SPECIFICATIONS AND THE ADVERTISEMENT FOR BIDS. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-295

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 73-296, A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR PROJECT NO. 301 AND ORDERING THE ADVERTISEMENT FOR BIDS TO BE OPENED ON AUGUST 24, 1973 AT 10:00 A.M. FOR COUNCIL CONSIDERATION ON AUGUST 27, 1973. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-296
PROJECT NO. 301 - APPROVAL
OF PLANS & SPECIFICATIONS
& ORDERING ADVERTISEMENT
FOR BIDS

AMENDMENT TO PARK ORDINANCE

At the previous Council meeting there was discussion regarding the problems that are being experienced in the Medicine Lake parks. The staff presented to the Council a proposed ordinance revision which would make it a misdemeanor to possess or consume any intoxicating or non-intoxicating liquor in any park or parkland area of the Village. It was felt this ordinance is too prohibitive in some instances but that immediate steps must be taken to eliminate the current problem. Further study will be given to refinement of the ordinance.

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt ORDINANCE NO. 73-15, AN ORDINANCE AMENDING CHAPTER V OF THE VILLAGE CODE BY ADDING A NEW SECTION (1.27) PROHIBITING THE POSSESSION OR CONSUMPTION OF INTOXICATING LIQUOR OR NON-INTOXICATING LIQUOR IN ANY VILLAGE PARK OR PARKLAND AREA. Motion carried on a Roll Call vote, four ayes.

ORDINANCE NO. 73-15

VACANCIES ON PLANNING COMMISSION

The Council reviewed the vacancies created on the Planning Commission by the resignation of Chairman Jim Wahl and Warren Chapman. The Council agreed to move Delano Erickson from his at-large position to replace Commissioner Chapman representing District #3. Councilman Neils was instructed to arrange for interviews of candidates for these two vacancies at 6:30 p.m. on August 13.

FISCAL DISPARITIES ACT

At the July 16 Council meeting the Manager was instructed to contact the Village of Burnsville to offer whatever assistance they required in their action on the Fiscal Disparities Act. The Manager reported they are informally seeking support from other communities to help defray the costs of this effort.

MOTION was made by Councilman Spaeth, seconded by Councilman Selbold, to adopt RESOLUTION NO. 73-297, A RESOLUTION AUTHORIZING THE JOINING IN WITH THE OTHER COMMUNITIES AND SUPPORT TO THEM THROUGH THE CONTRIBUTION OF \$1,000 TO SUPPORT THE LITIGATION ON THE FISCAL DISPARITIES ACT. Motion carried on a Roll Call vote, four ayes.

RESOLUTION NO. 73-297

1974 BUDGET AND SPECIAL ASSESSMENT HEARING CALENDAR

The Council reviewed the schedule of meetings for the coming three months:

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| Mon. August 6 | - Regular meeting (7:30 p.m.) |
| Mon. August 13 | - Interview Planning Commission applicants (6:30 p.m.) |
| | - Review Priorities and Objectives for '74 Fiscal year (7:30 p.m.) |
| Mon. August 20 | - Regular meeting (7:30 p.m.) proposed Budget to Council |
| Mon. August 27 | - Review Audit (7:30 p.m.) |
| Tues. September 4 | - Regular meeting & review Budget (7:30 p.m.) |
| Mon. September 10 | - Assessment Hearing No. 1 (7:30 p.m.) |
| | - Review Budget |
| Mon. September 17 | - Regular meeting (7:30 p.m.) |
| Mon. October 1 | - Regular meeting & Budget Hearing (7:30 p.m.) |
| Tues. October 2 | - Assessment Hearing No. 2 (7:30 p.m.) |
| Tues. October 9 | - Special meeting to adopt Budget and certify levy unless this can be taken care of on October 2 (7:30 p.m.) |
| Mon. October 15 | - Regular meeting (7:30 p.m.) |
| Mon. October 29 | - Study session (7:30 p.m.) |

It was suggested that a hearing on the Vicksburg Lane improvements be included with Assessment Hearing No. 1 on September 10 if it is ready.

METROPOLITAN COUNCIL POPULATION PROJECTIONS

The Council reviewed the population projections for the Village received from the Metropolitan Council. Concern was expressed over the fact that the population figures appeared to be low and that this could effect the Village in attracting development and also in matters such as metro sewers, mass transit, etc. It was suggested that the staff provide the Metropolitan Council with some statistics of new plats, schedules for construction, and number of apartment buildings being built in an attempt to get them to re-evaluate their projections.

MOTION was made by Councilman Seibold, seconded by Councilman Neils, directing the staff to develop some facts and request that the Metropolitan Council re-evaluate our population projections. Motion carried, four ayes.

1973 ADMINISTRATIVE PROJECTS

Mayor Hilde suggested that a new procedure be developed for keeping track of projects. The staff was directed to prepare a loose-leaf notebook so that as projects are added during the year they can be inserted in the book.

The Council reviewed the status of the 1973 Administrative Projects:

Manager:

Cleanup of Village: the Manager reported the cleanup program was moving ahead quite effectively. 6 or 7 neighborhoods participated in the neighborhood cleanup program, and through the hiring of some summer youth through the State all the major thoroughfares in the Village have been picked up and the first phase of the junk car program is completed. A walk around Medicine Lake is planned in August. Councilman Neils indicated he felt the program should be implemented earlier in future years and that greater attention should be given to the provision in the ordinance requiring grading. He suggested that it should be specifically stated in development contracts that at the end of the construction season all unbuilt lots be graded to the extent that it is reasonable to mow them.

Post Office: Plymouth residents are now able to use "Plymouth" as their mailing address along with the corresponding zip code. Post office requirements for our area are being reviewed by the Post Office at this time in view of the limited space in Wayzata. It was concluded that a meeting should be arranged with Post Office representatives to pursue the possibility of a Plymouth Post Office.

Water Safety Ordinance: It was decided to move this project to the first half of 1974.

Engineer and Attorney Agreements: The contract for the consulting engineers has been approved, and it was not felt that a contract is necessary for the attorney.

Departmental Priorities for Next Year: Will be discussed August 13.

Policy Manual: Completed.

People-oriented Services: The Manager reported this is a training program which involves an on-going effort. He was asked to make more effort on this and report back in September.

Village Logo: Completed.

Development Contract Format: The tools necessary to correct the problems experienced have been implemented in the development contract format. Councilman Neils suggested that parties entering into contracts with the Village be advised that the Village intends to enforce these provisions in the future.

Policy on Right-of-Way for County, State and Village Streets: Completed.

Park Dedication for Subdivision Variances: Completed.

Subdivision Guidelines: Completed.

Thoroughfare Alignments: Completed in areas where this alignment can be identified.

Ad Valorem for Temporary Funding of Storm Sewers: Will be incorporated in the financing of the Storm Sewer Plan.

Engineer:

Evaluation of Assessment Policies: The Manager indicated sections a and b are completed. With reference to the method of enforcing connections, it was agreed to let this go as there did not appear to be any advantage to enforcing this in view of the fact that the Village is collecting minimum billing from these people. The effects on the Sinking Fund will be studied along with the 5-year plan.

Project Records Requirements: Under way and will be due in December.

In-house Preparation of Assessment Rolls: The Manager reported the staff will be able to do this on new projects such as those discussed at this meeting.

Deferred Assessments: The Manager indicated most of the work has been completed. There has been a delay because some of the developers have requested more information. The Council indicated they wished this resolved as soon as possible.

Public Utility Regulations: Deadline moved to August 31, 1973.

Engineering Requirements: Completed.

Finance:

Evaluate Contingency Portion on Projects: The Manager indicated this is an on-going project but that we should have a good idea of this information following the completion of the projects presently under construction.

Planner:

Weed Control and Preservation of Topsoil: The weed control ordinance is completed. The regulations on preservation of existing topsoil will be included in the new Zoning Ordinance and Subdivision Regulations to be completed this Fall.

Plan Drawings for Fire Department: Plan drawings have been obtained on new projects coming in.

Construction Code: Recommendations will be completed sometime in August or September.

Revised Zoning Ordinance: The September deadline may not be met due to the vacancies on the Planning Commission.

1977 LANCON Project: There are some parcels that will probably have to go to condemnation.

Village Development Guide: It will probably be Spring, 1974 before this is completed.

Parks & Recreation:

Trails: The Manager reported on recent negotiations with the City of Minneapolis for trail easements across the Workhouse property.

Council:

Storm Sewer Plan: Completed.

Land Use Guide Plan: Completed.

Councilman Neils suggested that a water project for the east side of the Village be considered for the next year because of recent development in that area.

The Manager reported that our EPA grant application is fourth on the priority list. There will be a delay because the EPA is revising their guidelines, and in the future most of the money will probably be spent on treatment plants rather than pipe projects. Mayor Hilde asked for and was given a commitment from the Council to spend some money to pursue this application.

Mayor Hilde questioned the status of the two storm sewer projects on the 1973 construction program list. It was reported that some ditch work has been done in the Oakview Lane - 26th Avenue area which has solved the immediate problem and that the Alden Acres area has been done as a maintenance project.

Councilman Seibold brought to the Council's attention the problem of ice cream vendors in neighborhoods of the Village and that they are in violation of several traffic laws. A MOTION was made by Councilman Spaeth, seconded by Councilman Neils, directing the staff to look into this problem and suggest means by which we can regulate them. Motion carried, four ayes. (Amended 8/6/73)

Mayor Hilde adjourned the meeting at 11:45 p.m.


Sandra L. Haugen
Village Clerk