

**MINUTES**

**REGULAR COUNCIL MEETING**

**AUGUST 6, 1973**

A regular meeting of the Village Council of the Village of Plymouth 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 August 6, 1973.

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

**ABSENT:** Councilman Neils

**MINUTES**

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to approve the minutes of the July 23, 1973 Special Council Meeting with the following correction: Page 8, last paragraph, insert the words "make recommendations to the Council" in place of "suggest means by which we can regulate them". Motion was carried, three ayes with Councilman Hunt abstaining.

**JULY 23, 1973  
SPECIAL COUNCIL MEETING**

**PETITIONS, REQUESTS AND COMMUNICATIONS**

Mrs. Ouverson requested approval of a Conditional Use Permit for a home occupation to establish a bridal shop in her residence at 710 Orchid Lane for a one year period.

**DARLA OUVERSON  
CONDITIONAL USE PERMIT  
ITEM 5-T**

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth to adopt RESOLUTION NO. 73-298. A RESOLUTION APPROVING THE REQUEST OF DARLA OUVERSON FOR A CONDITIONAL USE PERMIT TO OPERATE A HOME OCCUPATION BRIDAL SHOP IN HER RESIDENCE AT 710 ORCHID LANE FOR A PERIOD OF ONE YEAR.

**RESOLUTION NO. 73-298**

MOTION was made by Councilman Seibold, seconded by Councilman Hunt, to amend this Motion to prohibit any on-street parking by any customers. Amendment carried on a Roll Call vote, four ayes. Motion, as amended, carried on a Roll Call vote, four ayes.

Mr. Johnson requested that the existing portion of Lot 10, Greer's Orchard Tract, be further subdivided.

**JERRY LEE JOHNSON  
DIVISION OF PLATTED LOT  
(A-495) ITEM 5-H  
RESOLUTION NO. 73-299**

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold to adopt RESOLUTION NO. 73-299. A RESOLUTION TO SUB-DIVIDE AN EXISTING PLATTED LOT, 330 WEDGEWOOD LANE, INTO TWO (2) PARCELS OF APPROXIMATELY 22,000 SQUARE FEET AND APPROXIMATELY 55,000 SQUARE FEET. Motion carried on a Roll Call vote, four ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 300. A RESOLUTION ORDERING THAT THE CLERK NOT ISSUE A CERTIFIED COPY OF RESOLUTION NO. 73-299 TO THE COUNTY FOR FILING PURPOSES UNTIL SUCH TIME AS JERRY LEE JOHNSON HAS SATISFIED THE PARK DEDICATION POLICY OF THE VILLAGE, BEING A PAYMENT OF \$150 TO THE PARK DEDICATION FUND. Motion carried on a Roll Call vote, three ayes with Councilman Hunt voting nay.

Mrs. Broman requested a Conditional Use Permit for a home occupation beauty salon to be operated in her home at 4055 Glacier Lane.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-301. A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION BEAUTY SALON TO CAROL BROMAN AT 4055 GLACIER LANE, FOR ONE YEAR, WITH THE PETITIONER AS THE ONLY OPERATOR. Motion carried on a Roll Call vote, four ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-302. A RESOLUTION GRANTING A 15 FOOT VARIANCE PER STAFF RECOMMENDATIONS FOR LOT 4, BLOCK 4, SKY LINE HILLS ADDITION. Motion carried on a Roll Call vote, three ayes with Councilman Seibold voting nay.

Mr. Mjorud has requested a Conditional Use Permit for a home occupation architectural service to be operated in his home at 12400 - 12th Avenue North. This request is a continuation of a Conditional Use Permit granted in December, 1971.

MOTION was made by Councilman Seibold, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-303. A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION ARCHITECTURAL SERVICE TO AL MJORUD AT 12400 - 12TH AVENUE NORTH. Motion carried on a Roll Call vote, four ayes.

Mr. Wilkinson sought a variance to place a house 29 feet from Orleans Lane north of 28th Avenue, but request was denied by the Board of Zoning Adjustment. After much discussion on how the house could be set on the lot, Mr. Wilkinson assured the Council that his direct neighbor did not object to placing the house closer to the lot line.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-304. A RESOLUTION GRANTING THE VARIANCE TO BE A 10 FOOT SIDE YARD ON THE WESTERLY SIDE AND 34.7 FEET SET BACK FROM ORLEANS LANE. Motion carried on a Roll Call vote, four ayes.

At this point the Mayor stepped down.

RESOLUTION NO. 73-300

CAROL BROMAN  
CONDITIONAL USE PERMIT  
ITEM 5-U

RESOLUTION NO. 73-301

APPEAL BY MRS. OLLIE  
PETERSON FROM DECISION OF  
BOARD OF ZONING ADJUSTMENT  
ITEM 5-D  
RESOLUTION NO. 73-302

AL MJORUD  
CONDITIONAL USE PERMIT  
(A-353) ITEM 5-V

RESOLUTION NO. 73-303

APPEAL BY CARL B. WILKINSON  
FROM DECISION OF BOARD OF  
ZONING ADJUSTMENT ITEM 5-C

RESOLUTION NO. 73-304

Mr. Don Russ, owner of Fox Meadow apartments, requested consideration of the requirements of sodding the berm along the westerly side of the Fox Meadow apartment development.

FOX MEADOW FIRST ADDITION  
AMENDMENT TO DEVELOPMENT  
CONTRACT (A-230) ITEM 5-A

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-305. A RESOLUTION ALLOWING THE SEEDING OF THE MAJOR PORTIONS OF THE BERM CONSTRUCTED ALONG THE WESTERLY SIDE OF THE APARTMENT BY THE SPRING OF 1974. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-305

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-306. A RESOLUTION ESTABLISHING A POLICY REGULATING THE ISSUANCE OF ON-SALE LIQUOR LICFNSES. Motion carried on a Roll Call vote, three ayes.

POLICY REGULATING THE  
ISSUANCE OF ON-SALE  
LIQUOR LICENSES ITEM 5-B  
RESOLUTION NO. 73-306

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-307. A RESOLUTION APPROVING THE STORM DRAINAGE PLAN PREPARED BY BONESTROO, ROSENE, ANDERLIK & ASSOCIATES; DATED MARCH, 1973. Motion carried on a Roll Call vote, three ayes.

STORM DRAINAGE PLAN  
ITEM 5-E  
RESOLUTION NO. 73-307

Mrs. Gustafson, of 2770 Larch Lane, brought an apartment assessment error to the attention of the Council. She was over-charged on her water assessment by Levy #5331 for Lot 30, Block 1, Elmhurst Lakeview Addition, Plat 44120, Parcel 7500.

ASSESSMENT ROLL CORRECTION  
MRS. M.J. GUSTAFSON  
PLAT 44120, PARCEL 7500  
ITEM 5-F

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-308. A RESOLUTION REDUCING THE WATER ASSESSMENT LEVIED AGAINST PLAT 44120, PARCEL 7500, BY LEVY #5331 \$264.00 REPRESENTING THE DELETION OF 16.5 ASSESSABLE FEET AT \$16/FT. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-308

There was further discussion on this point, and it was agreed that Mrs. Gustafson was also over-charged on her sewer assessment and that she was also entitled to this refund.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-308 A. A RESOLUTION REDUCING THE SANITARY SEWER ASSESSMENT LEVIED AGAINST PLAT 44120, PARCEL 7500, BY LEVY #4179 \$115.50 REPRESENTING THE DELETION OF 16.5 ASSESSABLE FEET AT \$7/FT. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-308 A

MOTION was made by Councilman Seibold, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-309. A RESOLUTION COMPLYING WITH THE PROVISIONS OF SECTION 462.358, SUBDIVISION 4, MINNESOTA STATUTES, AND CHAPTER VII OF THE VILLAGE CODE AS RELATED TO THE DIVISION OR CONSOLIDATION OF PLATTED LOTS HEREBY APPROVED WITH RESPECT TO THE FOLLOWING DESCRIBED PARCELS:

PARCEL A

THE EAST 105.00 OF THE WEST 195.00 FEET OF LOT 4, BLOCK 1 "KLAUSMAN'S ADDITION" AS MEASURED AT RIGHT ANGLES TO THE WEST LINE THEREOF. SUBJECT TO EASEMENTS OF RECORD, IF ANY.

PARCEL B

LOT 4, BLOCK 1, "KLAUSMAN'S ADDITION" EXCEPT THE WEST 195.00 FEET AS MEASURED AT RIGHT ANGLES TO THE WEST LINE THEREOF. SUBJECT TO EASEMENTS OF RECORD, IF ANY.

Motion carried on a Roll Call vote, three ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-310. A RESOLUTION ORDERING THE VILLAGE CLERK NOT TO ISSUE A CERTIFIED COPY OF RESOLUTION NO. 73-309 TO THE COUNTY FOR FILING PURPOSES UNTIL SUCH TIME AS RUTH HARRIES HAS SATISFIED THE PARK DEDICATION POLICY OF THE VILLAGE, BEING A PAYMENT OF \$150 TO THE PARK DEDICATION FUND. Motion carried on a Roll Call vote, three ayes.

RESOLUTION NO. 73-310

At this point the Mayor returned to the meeting.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-311. A RESOLUTION DENYING THE REQUEST BY ELECTRIC REPAIR & CONSTRUCTION COMPANY, INC. BECAUSE: (1) THE REZONING REQUEST IS CONTRARY TO SEVERAL BASIC TENETS OF THE GOALS, OBJECTIVES AND CRITERIA AS RELATES TO GOAL A: SUITABLE HOUSING & ENVIRONMENT, OBJECTIVE #3, CRITERIA 5., GOAL C: SECURITY, OBJECTIVE #2 CRITERIA 1-4; (2) THE PROPOSED CHANGE IS CONTRARY TO THE COMPREHENSIVE MUNICIPAL PLAN ADOPTED JULY 2, 1973; AND THE AREA PROPOSED FOR CHANGE IS NOT PRESENTLY SERVICED BY SEWER AND WATER. Motion carried on a Roll Call vote, four ayes.

ELECTRIC REPAIR & CONSTRUCTION REZONING FROM I-1 TO I-2 (A-478) ITEM 5-I RESOLUTION NO. 73-311

There was much discussion on the Elm Creek Conservation Management & Protection Area, and it was felt that the staff should be directed to further investigate the matter of dividing cost sharing. It was felt that Plymouth should adopt a cooperative policy with communities which would be necessary to work out these problems. It was questioned whether or not Plymouth should get involved. It would be better for these communities to work out their own problems together, rather than have a government type arrangement work them out. Plymouth should work with these communities and "not drag their feet".

ELM CREEK CONSERVATION MANAGEMENT & PROTECTION AREA ITEM 5-J

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, requesting that the staff pursue and follow up this matter with particular concern to the voting criteria and cost sharing, and report back to the Council. Motion carried on a Roll Call vote, four ayes.

At their May 31, 1973 meeting, the Council passed the Resolution accepting the Fox Meadow storm sewer subjected to completion of the restoration work. The restoration work has been completed and is acceptable. The staff recommended final acceptance of the project.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 73-312. A RESOLUTION ACCEPTING THE FOX MEADOW STORM SEWER; deleting the following language from the last paragraph of the proposed resolution: "...and further that the bond for said project be released upon receipt of payment of monies due from Belmar Builders to cover Village expenses." Motion carried on a Roll Call vote, four ayes.

Attorney Lefler recommended that we not release the bond until the law suit between the Developer and Paving Contractor is resolved.

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-313. A RESOLUTION STATING THAT THE STREET CONSTRUCTION ON SARATOGA LANE NORTH OF 32ND AVENUE WITHIN THE MED-0-LAKES ACRES SECOND ADDITION IS ACCEPTED AND FURTHER THAT THE BOND BE REDUCED FROM \$800.00 TO \$0 UPON RECEIPT OF MONIES TO COVER VILLAGE EXPENSES INCURRED RELATIVE TO SAID PROJECT. Motion carried on Roll Call vote, four ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-314. A RESOLUTION RELEASING THE BOND ON THE PLYMOUTH PLAZA PROJECT. Motion carried on Roll Call vote, four ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-315. A RESOLUTION AUTHORIZING PAYMENT ON REQUEST FOR PAYMENT NO. 1 IN THE AMOUNT OF \$8,486.91 ON EAST MEDICINE LAKE STREETS PROJECT NO. 123-001 TO ALEXANDER CONSTRUCTION COMPANY. Motion carried on Roll Call vote, four ayes.

MOTION was made by Councilman Selbold, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-316. A RESOLUTION AUTHORIZING PAYMENT ON REQUEST FOR PAYMENT NO. 2 IN THE AMOUNT OF \$24,705.90 ON PUMPHOUSE NO. 3 PROJECT NO. 122 TO LEE RICHERT PLUMBING & HEATING COMPANY. Motion carried on Roll Call vote, four ayes.

FOX MEADOW STORM SEWER  
ITEM 5-K

RESOLUTION NO. 73-312

BOND RELEASE MED-0-LAKE  
ACRES SECOND ADDITION (A-64)  
ITEM 5-L  
RESOLUTION NO. 73-313

PLYMOUTH PLAZA BOND (A-114)  
ITEM 5-M  
RESOLUTION NO. 73-314

EAST MEDICINE LAKE STREETS  
PROJECT NO. 123-001  
PAYMENT NO. 1  
ITEM 5-N  
RESOLUTION NO. 73-315

PUMP HOUSE NO. 3  
PROJECT NO. 122  
PAYMENT NO. 2  
ITEM 5-O  
RESOLUTION NO. 73-316

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-317. A RESOLUTION AUTHORIZING PAYMENT OF REQUEST FOR PAYMENT NO 1 IN THE AMOUNT OF \$8,275.50 ON DEEP WELL PUMP NO. 3 PROJECT NO. 122 TO TONKA EQUIPMENT COMPANY. Motion carried on Roll Call vote, four ayes.

DEEP WELL PUMP NO. 3  
PROJECT NO. 122  
PAYMENT NO. 1  
ITEM 5-P  
RESOLUTION NO. 73-317

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-318. A RESOLUTION APPROVING CHANGE ORDER NO. 5 IN THE AMOUNT OF \$251.84 ON EAST MEDICINE LAKE SEWER & WATER PROJECT NO. 123-134 TO BARBAROSSA & SONS. Motion carried on Roll Call vote, three ayes with Councilman Spaeth voting nay.

EAST MEDICINE LAKE WATER  
& SEWER PROJECT NO. 123-134  
CHANGE NO. 5  
ITEM 5-C  
RESOLUTION NO. 73-318

MOTION was made by Councilman Hunt, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-319. A RESOLUTION AWARDED ONE TRUCK 27,500 G.V.W. CAB AND CHASSIS TO THE LOW BIDDER - TOWNS EDGE FORD FOR \$5,069.00. Motion carried on Roll Call vote, three ayes with Councilman Spaeth voting nay.

EQUIPMENT BIDS: ITEM 5-R  
27500 G.V.W. TRUCK  
AIR COMPRESSOR  
TRACTOR  
RESOLUTION NO. 73-319

Mayor Hilde asked if we kept track of mileage, and it was learned that they had the capability of doing so, but were not presently do so. Mayor Hilde also brought up the following points: (1) cost per mile, and (2) experience in getting parts. There has been some difficulty in obtaining parts for certain makes and it was felt that records should be kept with this information on file. Mayor Hilde asked if the Council had an interest in having this information on record at some later time, and it was agreed that the Foremen should handle this.

MOTION was made by Councilman Seibold, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-320. A RESOLUTION AWARDED THE BID FOR ONE AIR COMPRESSOR TO THE LOW BIDDER - HALL EQUIPMENT COMPANY FOR \$5,287.00. Motion carried on Roll Call vote, four ayes.

RESOLUTION NO. 73-320

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt to adopt RESOLUTION NO. 73-321. A RESOLUTION AWARDED THE BID OF ONE TURF TRACTOR WITH ATTACHMENTS TO VALLEY EQUIPMENT FOR \$6,938.67. Motion carried on Roll Call vote, four ayes.

RESOLUTION NO. 73-321

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-322. A RESOLUTION APPROVING THE REQUEST OF LUNGGREN BROS. CONSTRUCTION COMPANY FOR A SALES OFFICE CONDITIONAL USE PERMIT WITHIN A RESIDENTIAL DWELLING ON LOT 1, BLOCK 2 IN WOOD CREEK PLAT, BEING SUBJECT TO THE OFFICE BEING DISCONTINUED WHEN 85% (50 of 59 LOTS) OF THE DEVELOPMENT IS COMPLETED. Motion carried on Roll Call vote, four ayes.

LUNGGREN BROS. CONSTRUCTION  
CONDITIONAL USE PERMIT FOR  
SALES OFFICE ITEM 5-S  
RESOLUTION NO. 73-322

REPORTS BY OFFICERS, BOARDS & COMMITTEES

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-323. A RESOLUTION APPOINTING SUSAN L. LARSEN AS THE CLERK FOR THE VILLAGE OF PLYMOUTH, EFFECTIVE JULY 30, 1973. Motion carried on Roll Call vote, four ayes.

APPOINTMENT OF VILLAGE  
CLERK ITEM 6-A  
RESOLUTION NO. 73-323

The Manager submitted reports on the 1973 Village Environmental and Weed Programs. He indicated that the aggressive program to combat local pollution problems, while seasonal, has thus far been very encouraging. In addition the 8 inch weed ordinance has been enforced vigorously and has received a good deal of acceptable public comment. He indicated that both programs should be continued during 1974 and perhaps started earlier than June.

1973 VILLAGE ENVIRONMENTAL  
PROGRAMS & WEEK PROGRAM  
ITEMS 6-B AND 6-C

Councilman Seibold directed the staff to send out the Manager's report to each Homeowner President and a cover letter to the four Homeowner Presidents thanking them for their help in organizing the clean-up program.

MOTION was made by Councilman Seibold, seconded by Councilman Hunt, to adopt a program to combat local pollution problems. Motion carried on a Roll Call vote, four ayes.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, to accept the Supplement Report on the Comprehensive Sewer Plan for further review and study. Motion carried on Roll Call vote, four ayes.

REPORT ON SUPPLEMENT TO  
COMPREHENSIVE SEWER PLAN  
ITEM 6-D

LICENSES & PERMITS

MOTION was made by Councilman Spaeth, seconded by Councilman Hunt, to adopt RESOLUTION NO. 73-324. A RESOLUTION APPROVING THE RENEWAL OF CESSPOOL PUMPING LICENSES FOR THE FOLLOWING:

CESSPOOL PUMPING LICENSE  
RENEWAL ITEM 7  
RESOLUTION NO. 73-324

1. Elmer J. Peterson Company
2. Northerr. Cesspool Company
3. Bob's Plumbing

Motion carried on Roll Call vote, four ayes.

DISBURSEMENTS

MOTION was made by Councilman Hunt, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-325. A RESOLUTION APPROVING THE LIST OF DISBURSEMENTS FROM THE GENERAL FUND, CONSTRUCTION FUND, WATER FUND AND SEWER FUND IN THE TOTAL AMOUNT OF \$62,704.05 FOR THE PERIOD ENDING JULY 20, 1973. Motion carried on Roll Call vote, four ayes.

DISBURSEMENTS FOR PERIOD  
ENDING JULY 20, 1973  
ITEM 8  
RESOLUTION NO. 73-325

MISCELLANEOUS

Mayor Hilde brought up several points for discussion:

- (1) Article put out by the Manager of New Hope used to keep legislators and others up to date on Village affairs.

MOTION was made by Councilman Hunt, seconded by Councilman Spaeth, directing the Manager to prepare such periodic newsletters and to distribute them to County Commissions, Metro Council, etc. Motion carried on Roll Call vote, four ayes.

- (2) Calendar change for the month of October: A regular meeting is scheduled for October 1, 1973. The meeting originally scheduled for October 2, 1973 will be changed to October 4, 1973. The October 4th meeting will combine budget, public hearing and assessment hearings #2.

(3) Police Negotiation

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 73-326. A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND MANAGER TO SIGN THE LABOR AGREEMENT BETWEEN THE VILLAGE AND THE PLYMOUTH POLICE ASSOCIATION.

RESOLUTION NO. 73-326

MOTION was made by Mayor Hilde, seconded by Councilman Hunt, commending and thanking the members of the Police Department and the Manager for the fine way in which they worked together on this agreement. The Council appreciates the gentlemenly approach on both sides, and certainly the citizens will be the beneficiary of this.

The Manager was directed to send a letter to the Police officers expressing the Council's appreciation in arriving at a contract settlement.

(4) E.P.A. Grant

The mayor indicated that the Council had done additional research on the E.P.A. Grant application. Until such time as new WPCA-34 rules are approved by the P.C.A. and the E.P.A. projects will not be funded. Therefore the Village will have to have an input to these hearings at the new WPCA-34, as to promote the future favorable review of the application.

Mayor Hilde adjourned the meeting at 9:40 p.m.

  
Susan L. Larsen  
Village Clerk