

M I N U T E S

SPECIAL COUNCIL MEETING

March 24, 1975

A special meeting of the Plymouth City Council was called to order by Acting Mayor Hunt at 7:30 P.M. in the Council Chambers of the Public Works Building, 14900 Twenty-third Avenue North, on March 24, 1975.

PRESENT: Acting Mayor Hunt, Councilmen Neils, Seibold and Spaeth, Manager Willis, Engineer Goldberg, Planner Dillerud, Attorney Lefler, Consulting Engineer Olson, and Deputy City Clerk Bolnick. (Councilman Neils arrived at 7:40 P.M.)

ABSENT: Mayor Hilde

MINUTES

MOTION was made by Councilman Spaeth, seconded by Acting Mayor Hunt, to approve the minutes of the March 17, 1975 regular Council meeting. Motion carried, two ayes. Councilman Seibold abstained.

MINUTES- REGULAR  
COUNCIL MEETING -  
March 17, 1975  
Item 4

PETITIONS, REQUESTS AND COMMUNICATIONS

It was the recommendation of staff that the City Council adopt a resolution denying the request of Daniel Ralicki and Dr. Arnold Leonard for a density of 96 units on their site plan for South Shore Villa Apartments.

SITE PLAN - SOUTH  
SHORE VILLA  
APARTMENTS  
Item 5-A

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 75-144, A RESOLUTION DENYING PETITIONERS' REQUEST FOR APPROVAL OF SITE PLAN WITH 96 UNITS, AND DIRECTING THAT SITE BE DEVELOPED IN ACCORDANCE WITH CURRENT ZONING STANDARDS - SOUTH SHORE VILLA APARTMENTS. Motion carried on a roll call vote, three ayes.

RESOLUTION NO. 75-144

The City is in receipt of a petition from Rolf E. A. Erickson for installation of sewer and water to serve Lots 29 and 30, Block 5, Suburbandale on Parkers Lake.

PETITION FOR UTILITIES -  
LOTS 29 & 30, BLOCK 5,  
SUBURBANDALE ON PARKERS  
LAKE  
Item 5-B

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 75-145, A RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT - UTILITY INSTALLATION - LOTS 29 & 30, BLOCK 5, SUBURBANDALE ON PARKERS LAKE. Motion carried on a roll call vote, three ayes.

RESOLUTION NO. 75-145

Manager Willis explained that subsequent to the March 17 Council meeting, the City Planner and City Engineer reviewed the proposed preliminary plat for Playhouse Industrial Park 2nd Addition specifically in terms of Medina Road alignment. It was their recommendation that the cul-de-sac arrangement would be the most feasible. The planner presented a map showing proposed alignment of Medina Road.

The Council discussed assessing procedure for the two lots to the south of the alignment. It was suggested that state aids may be used for that segment.

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 75-146, A RESOLUTION APPROVING PRELIMINARY PLAT - PLAYHOUSE INDUSTRIAL PARK SECOND ADDITION. Motion carried on a roll call vote, four ayes.

MOTION was made by Acting Mayor Hunt, seconded by Councilman Neils, to accept the general alignment as indicated by the staff diagram presented by the Planner, to be used as future plats come in. Motion carried, four ayes.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 75-147, A RESOLUTION STIPULATING THAT AT TIME OF FINAL PLAT, OUTLOT A BE DEDICATED TO THE CITY FOR PONDING - PLAYHOUSE INDUSTRIAL PARK SECOND ADDITION. Motion carried on a roll call vote, four ayes.

MOTION was made by Acting Mayor Hunt, seconded by Councilman Seibold, that the City Engineer be directed to look at the Medina Road alignment to determine what portion could be used for state aid funding and report back to the Council with this information. Motion carried, four ayes.

MOTION was made by Councilman Seibold, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 75-148, A RESOLUTION APPROVING REQUEST FOR PAYMENT NO. 6 - PROJECT NO. 302 - WATER TREATMENT PLANT. Motion carried on a roll call vote, four ayes.

MOTION was made by Councilman Seibold, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 75-149, A RESOLUTION APPROVING REQUEST FOR PAYMENT NO. 5 - PROJECT NO. 304 - HUGHES-JOHNSON ADDITION

PRELIMINARY PLAT -  
PLAYHOUSE INDUSTRIAL  
PARK 2ND ADDITION  
Item 5-C

RESOLUTION NO. 75-146

RESOLUTION NO. 75-147

REQUEST FOR PAYMENT NO.  
6 - PROJECT NO. 302 -  
WATER TREATMENT PLANT  
Item 5-D  
RESOLUTION NO. 75-148

REQUEST FOR PAYMENT NO.  
5 - PROJECT NO. 304 -  
HUGHES-JOHNSON ADDITION  
Item 5-C  
RESOLUTION NO. 75-149

Councilman Neils questioned reducing the retainage to 2%. Engineer Goldberg explained that there were some items that were not paid for when Payment No. 4 was handled, and that amount was considered when the request for Payment No. 5 was processed. He also stated that there was little work left to do on this project -- mostly clean-up.

Motion to adopt Resolution No. 75-149 carried on a roll call vote, three ayes. Councilman Neils voted nay.

#### REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

Manager Willis stated that he and Councilman Spaeth and Engineer Goldberg had met with Dick O'Fallon to discuss the upcoming City of Plymouth/Bassett Creek Flood Control Commission joint informational meeting. Manager Willis noted that information was provided from Mr. O'Fallon to Council members for their review prior to the meeting.

BASSETT CREEK FLOOD  
CONTROL COMMISSION  
Item 6-A

Mr. Willis also provided a draft of a letter to be forwarded to Mr. O'Fallon in his capacity as chairman of the Bassett Creek Flood Control Commission, stating the City's preference of Plan 8 of the Commission's feasibility report. It was suggested that copies of the letter, as well as copies of drainage maps and other materials depicting Plymouth's attempts at keeping water in the City by ponding, to other communities within the watershed district.

MOTION was made by Councilman Seibold, seconded by Councilman Neils, to direct staff to send the letter and other information as discussed above to the other communities in the watershed district. Motion carried, four ayes.

Manager Willis stated that he had received quotes on the City's general liability insurance from Anderson Brothers Agency on the Agricultural Company and from the North Shore Agency on Home Insurance Company. He noted that the premiums are substantially apart: total premiums from Home Insurance Company - \$19,500; Agricultural Insurance Company - \$26,361.

1975 GENERAL LIABILITY  
INSURANCE PROGRAM  
Item 6-B

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 75-150, A RESOLUTION AWARDED CONTRACT FOR PROPERTY, PUBLIC LIABILITY AND AUTO INSURANCE COVERAGE TO HOME INSURANCE COMPANY FOR A PERIOD OF ONE YEAR, COMMENCING APRIL 1, 1975, AND DESIGNATING NORTH SHORE AGENCY, INC. AS AGENT OF RECORD.

RESOLUTION NO. 75-150

Councilman Seibold noted that this commitment would be for one year only, but pointed out certain factors the Council should consider both now and in future deliberations. It would be advantageous to take all lines of coverage with one company. Caution should be exercised when accepting a company with rates quite divergent from other carriers. Such a company may be presently "buying business", but may substantially increase rates at some future point in time. If, in fact, any individual carrier succeeds in becoming the municipal carrier, potentially driving out other municipal dealers, it may work to the disadvantage of the municipalities.

Motion to adopt Resolution No. 75-150 carried on a roll call vote, four ayes.

It was the recommendation of staff that Lundgren Brothers be reimbursed by the City for sewer and water services constructed to serve properties outside their plat, at the City's request, and that a hearing be called to access costs.

MOTION was made by Councilman Seibold, seconded by Acting Mayor Hunt, to adopt RESOLUTION NO. 75-151, A RESOLUTION REIMBURSING LUNDGREN BROTHERS AND DIRECTING THAT THE CITY PROCEED IN ACCORD WITH STATE STATUTE 429 TO RECOVER COSTS. Motion carried on a roll call vote, three ayes. Councilman Spaeth abstained.

MOTION was made by Acting Mayor Hunt, seconded by Councilman Neils, to direct staff to check, before disbursement takes place, how the service gets to the lots; if it goes across any other lots, to check that proper easements are granted. Motion carried, four ayes.

MOTION was made by Councilman Neils, seconded by Acting Mayor Hunt, to adopt RESOLUTION NO. 75-152, A RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT - PROJECT NO. 512 - SHILOH ADDITION (PARCELS OUTSIDE PLAT LINES). Motion carried on a roll call vote, three ayes. Councilman Spaeth abstained.

MOTION was made by Councilman Spaeth, seconded by Councilman Neils, to adopt ORDINANCE NO. 75-6, AN ORDINANCE AMENDING CHAPTER VIII, SECTIONS 8 AND 9 OF THE CITY CODE RELATING TO SANITARY SEWER AND WATER USER CHARGES. Motion carried on a roll call vote, four ayes.

SHILOH ADDITION  
Item 6-C

RESOLUTION NO. 75-151

RESOLUTION NO. 75-152

AMENDMENT TO CITY CODE -  
SANITARY SEWER & WATER  
USER CHARGES  
Item 6-D  
ORDINANCE NO. 75-6

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to direct staff to prepare recommendations for 1976 escalation of area and REC charges and rates, those recommendations to be prepared and submitted with the 1976 proposed sewer and water fund budgets. Motion carried, four ayes.

Engineer Goldberg submitted a report explaining the repair work needed for Deep Well No. 2, and estimating costs for same.

Councilman Spaeth stated that the well is not old enough to have that extent of problems. Councilman Neils said that on the average, pumps of this size must be pulled every five years.

Councilman Spaeth said that some wear and tear was caused by the angle construction. Engineer Goldberg said that Layne Minnesota did the repair work necessitated by that situation.

MOTION was made by Councilman Seibold, seconded by Councilman Neils, to adopt RESOLUTION NO. 75-153, A RESOLUTION ORDERING REPAIR WORK FOR DEEP WELL NO. 2 AND ORDERING THE FINANCE DIRECTOR TO TRANSFER FUNDS TO PAY FOR SAME. Motion carried on a roll call vote, three ayes. Councilman Spaeth voted nay.

Manager Willis provided Council members with copies of a bill to be presented in the State Legislature which would amend the Open Meeting Law. The bill is supported by the Minnesota League of Municipalities.

MOTION was made by Councilman Neils, seconded by Councilman Seibold, to adopt RESOLUTION NO. 75-154, A RESOLUTION SUPPORTING PROPOSED AMENDMENTS TO THE STATE'S OPEN MEETING LAW. Motion carried on a roll call vote, four ayes.

Engineer Goldberg discussed the procedures to be followed at Wednesday night's public hearing re FAU Project No. 506 - T.H. 101 and County Road 6.

Manager Willis discussed proposed housing legislation, to be introduced by Senators Coleman and Nelson. He said that it would be very difficult for Plymouth to exist under the provisions of the proposed Housing Recovery Act of 1975, considering Plymouth's utility planning.

REPAIR WORK ON DEEP  
WELL NO. 2 - PROJECT  
NO. 004  
Item 6-E

RESOLUTION NO. 75-153

PROPOSED AMENDMENTS -  
OPEN MEETING LAW  
Item 6-F

RESOLUTION NO. 75-154

FAU PROJECT NO. 506 -  
T.H. 101/C.R. 6  
Item 6-G

PROPOSED LAW-HOUSING  
RECOVERY ACT OF 1975  
Item 6-H

It was the consensus of the Council members that the legislation would be detrimental to Plymouth.

MOTION was made by Acting Mayor Hunt, seconded by Councilman Neils, to direct staff to prepare a strongly-worded resolution in opposition to the proposed Housing Recovery Act of 1975 for forwarding to appropriate officials, such draft to be provided for Council consideration at the March 26, 1975 Council meeting. Motion carried, four ayes.

Manager Willis explained that an update to the Preliminary Report on Project No. 202 - Interceptor Sewer - Lift Station 1 to Lift Station A - was suggested because the project is included in the 5-year CIP but is proposed for earlier consideration so that the existing load does not become too critical.

Consulting Engineer Olson explained the four alternatives as included in the Preliminary Report Supplement No. 2, dated March 17, 1975. Mr. Olson also distributed a diagram of cash flow comparisons for the alternatives.

MOTION was made by Councilman Seibold, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 75-155, A RESOLUTION ORDERING FINAL PLANS AND SPECIFICATIONS FOR PROJECT NO. 202 - INTERCEPTOR SEWER - LIFT STATION 1 to LIFT STATION A.

Councilman Neils asked if the City would have the authority to order the project and fund it from ad valorem. Attorney Lefler replied that it would be in order, within the levy limitations.

Councilman Neils said over a million dollars worth of work might be involved, and prospects for federal aid are nil. The City may have little revenue to fund those costs. If the line is put in and development does not take place for five years, the City may have to go to ad valorem to some extent.

Motion to adopt Resolution No. 75-155 carried on a roll call vote, four ayes.

#### LICENSES AND PERMITS

MOTION was made by Councilman Spaeth, seconded by Councilman Seibold, to adopt RESOLUTION NO. 75-156, A RESOLUTION APPROVING GARBAGE HAULER LICENSES FOR BROWNING-FERRIS INDUSTRIES OF MINNESOTA, INC. AND G & H SANITATION, INC. Motion carried on a roll call vote, four ayes.

INTERCEPTOR SEWER -  
LIFT STATION 1 TO LIFT  
STATION A - PROJECT  
No. 202

RESOLUTION NO. 75-155

GARBAGE HAULER LICENSES  
Item 7  
RESOLUTION NO. 75-156

MISCELLANEOUS

Council members noted receipt of two letters from constituents: (1) requesting that snow removal from sidewalks adjacent to schools be done by the City; and (2) requesting change in sewer and water billing procedure for final bills. The letters were referred to staff.

MOTION was made by Councilman Seibold, seconded by Councilman Neils, to accept the letter regarding snow removal near schools and directing the staff to respond to the letter and indicate that the staff has been directed to come back with recommendations for Council policy regarding the matter. Motion carried, four ayes.

Engineer Goldberg showed Council members plans for a pumphouse for Well No. 4

Motion was made by Councilman Spaeth, seconded by Councilman Neils, to adopt RESOLUTION NO. 75-157, A RESOLUTION ORDERING ADVERTISEMENT FOR BIDS - PROJECT NO. 507-01 - PUMPHOUSE FOR WELL NO. 4. Motion carried on a roll call vote, three ayes. (Councilman Seibold was away from the Council table during the vote.)

MOTION was made by Councilman Neils, seconded by Councilman Spaeth, to adopt RESOLUTION NO. 75-158 A RESOLUTION ORDERING ADVERTISEMENT FOR BIDS - PUMP FOR WELL NO. 4 - PROJECT NO. 507-02. Motion carried on a roll call vote, three ayes. (Councilman Seibold was down from the Council table.)

Manager Willis stated that he and Representative Heintz had appeared before a House committee that morning in an attempt to have Plymouth removed from the MTC Taxing District. They were not successful, losing by a 4-3 vote of the committee. They will continue to seek removal from the taxing district, turning attention now to the State Senate.

Acting Mayor Hunt adjourned the Council meeting at 9:40 P.M.

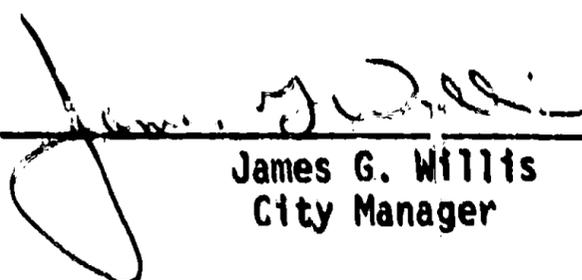
LETTERS FROM  
CONSTITUENTS

PROJECT NO. 507-01 -  
PUMPHOUSE FOR WELL NO.4

RESOLUTION NO. 75-157

PROJECT NO. 507-02 -  
PUMP FOR WELL NO. 4  
RESOLUTION NO. 75-158

MTC TAXING DISTRICT

  
James G. Willis  
City Manager