

# Adopted Minutes Regular City Council Meeting May 24, 2016

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 7:00 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on May 24, 2016.

COUNCIL PRESENT: Mayor Slavik, Councilmembers Johnson, Beard, Willis, Carroll, and Prom, and Wosje.

ABSENT: None.

STAFF PRESENT: City Manager Callister, Administrative Services Director Fischer, Community Development Director Juetten, Public Works Director Cote, Park and Recreation Director Evans, Public Safety Director Goldstein, Fire Chief Coppa, City Attorney Knutson, Design Supervisor Payne, Transit Consultant Fyten, and Office Support Representative Gottschalk.

## Plymouth Forum

There was no one present to address the Council.

## Presentations and Public Information Announcements

### **(4.01) Recognition of Plymouth Explorers**

Public Safety Director Mike Goldstein and the Council recognized Plymouth Explorers and their recent achievements.

## Approval of Agenda

Motion was made by Councilmember Willis, and seconded by Councilmember Prom, to approve the agenda. With all members voting in favor, the motion carried.

## Consent Agenda

By request of Councilmember Willis, items 6.03 and 6.04 were removed from the Consent Agenda and placed under General Business as item No's. 8.02 and 8.03 respectively.

Motion was made by Councilmember Prom, and seconded by Councilmember Willis, to adopt the amended Consent Agenda that included the following items.

(6.01) Council Meeting from Special Meetings of May 3, 2016 and May 17, 2016 and Regular Minutes of May 10, 2016.

(6.02) Resolution Approving Disbursements ending May 14, 2016 (Res2016-164).

(6.03) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.02).

(6.04) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.03).

(6.05) Resolution Approving the Filling of Wetlands and the Wetland Replacement Plan Application for the Summers Edge Phase II (2016012) NW ¼ Section 18, T118N, R22W (Res2016-165).

(6.06) Resolution Approving Tobacco License for Ragma Inc. Corporation, d/b/a Paradise Liquor, 12 Nathan Lane (Res2016-166).

(6.07) Resolution Accepting Utilities for Continual Maintenance for Serenity on the Greenway 2nd Addition (2015057 – Res2016-167).

(6.08) Resolution Approving a One-Year Extension of the Preliminary Plat Approval for “Creekside Hills” (2013020 – Res2016-168).

(6.09) Resolution Approving Reassignment of Development Contracts for the Brynwood Development (2013095, 2015027, and 2015095 – Res2016-169).

(6.10) Resolution Approving Name for Neighborhood Park as Crooked Creek Park (Res2016-170).

(6.11) Resolution Approving Tobacco License Application of AMBE, LLC, d/b/a Freedom Valu, 4140 Berkshire Lane North (Res2016-171).

(6.12) Resolution Approving the Plymouth Presbyterian Church Park and Ride Agreement (Res2016-172).

(6.13) Resolution Approving Temporary Liquor License Application for the West Medicine Lake Community Club (Res2016-173).

(6.14) Resolution Approving Conditional Use Permit to Install Eight-Foot Fencing for Property Located at 2400 Xenium Lane North (2016029 – Res2016-174).

With all members voting in favor, the motion carried.

Without objection, the Council suspended the rules to move item No. 8.02 up on the agenda.

**(8.02) Approval of Plymouth Metrolink Service Adjustments (Previously item No. 6.03)**

Transit Consultant Fyten provided a brief overview of the new services proposed for the Plymouth Metrolink system which will include a new park and ride at Dunkirk Lane, increased service to Station 73, increased midday service, added service to the U of M/East Town, and a revised reverse commute service. He illustrated the routes and identified the extensions to route 774 and identified the extensions, adjustments to route 742, adjustments to route 747, and the new eastbound express services. He also spoke of the annual service costs for the new service plan, noting that all plans are funded under the current 2016-2017 budget.

Motion was made by Councilmember Willis, and seconded by Councilmember Johnson, to adopt a Resolution Approving the Route 774 Extension and Adjustments to Routes 742 and 747 (Res2016-183). With all members voting in favor, the motion carried.

**Public Hearings**

**(7.01) Public Hearing on Off-Sale Intoxicating Liquor Application for Ragma Inc. Corporation, d/b/a/ Paradise Liquor, 12 Nathan Lane North**

Administrative Services Director Fischer reported on the application.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Willis, and seconded by Councilmember Wosje, to adopt a Resolution Approving Off-Sale Liquor Application for Ragma Inc. Corporation d/b/a Paradise Liquors, 12 Nathan Lane. (Res2016-175). With all members voting in favor, the motion carried.

**(7.02) Public Improvement and Special Assessment Hearing for the 2016 Public Works Mill and Overlay Project (16003)**

Design Supervisor Payne reported on the proposed project. He also highlighted the correspondence received from the Hennepin County Assessor regarding the approximate additional value added to assessed properties (single family home would be \$1,500 to \$2,500 and the benefit for other types of housing would be between \$1,000 and \$2,000).

Mayor Slavik opened the public hearing.

Amanda Palm, 14705 31st Avenue North, spoke in opposition of the project as the repairs aren't necessary. She suggested that tar and aggregate would be the best option. She disagreed that the

assessed properties would be receiving any additional benefits or increased value to their properties.

Mayor Slavik closed the public hearing.

Public Works Director Cote and Design Supervisor Payne provided the following comments in response to questions raised by property owners and the Council:

- Confirmed the Cavanaugh development did have total reconstruction and curb and gutter in 1998, but it's nearing the 20-year point and is the length of time when these types of repairs would be needed. This improvement would add a minimum of seven years but could add 10 to 15 years to extend the lifespan of the roadway.
- This improvement will add to the crown of protection for the streets to assist with water runoff.
- Explained the rating method used to determine the worst streets in a project area. When an entire neighborhood is done at the same time, it gets the neighborhood onto the same maintenance schedule.

Mayor Slavik left the meeting (7:40 p.m.).

Motion was made by Councilmember Johnson, and seconded by Councilmember Prom, to adopt a Resolution Ordering Improvement for the 2016 Public Works Mill and Overlay Project (16003 – Res2016-176). With all members voting in favor, the motion carried.

Motion was made by Councilmember Carroll, and seconded by Councilmember Wosje, to adopt a Resolution Adopting Assessments 2016 Public Works Mill and Overlay Project (16003 – Res.2016-177). With all members voting in favor, the motion carried.

### **(7.03) Public Improvement and Special Assessment Hearing and Award Contract for the 2016 Contractor Mill and Overlay Project (16004)**

Design Supervisor Payne reported on the proposed project.

Deputy Mayor Willis opened the public hearing.

W. Rayford Johnson, 3010 Holly Lane North, stated that he has a concern with the milling proposed, particularly the cul-de-sac of 3010 Holly Lane area. He noted that there is a definite need for repair in that area. He stated the manholes and curbing were replaced in his area the previous summer and he asked how the assessment is made to determine which curb is to be replaced. He believes there is additional curb repairs that need to be made.

Public Works Director Cote stated staff evaluates the curb, and that cost is not assessed to the property owners. He offered to walk the area with Mr. Johnson to determine if additional repairs would be needed. He stated that not all cracked curbing is repaired, but a visual determination is made and would depend on whether there would be an impact to runoff or whether there is structural deficiency. He also added that staff is in the process of developing an in-house crack

seal program to provide a good product for residents. Staff hopes to experiment this process in some areas later this year.

Deputy Mayor Willis closed the public hearing.

Motion was made by Councilmember Johnson, and seconded by Councilmember Carroll, to adopt a Resolution Ordering Improvement for the 2016 Contractor Mill and Overlay Project (16004 – Res2016-178) and a Resolution Adopting Assessments 2016 Public Works Mill and Overlay Project (16004 – Res2016-179). With all members voting in favor, the motion carried.

Motion was made by Councilmember Prom, and seconded by Councilmember Wosje, to adopt a Resolution Awarding the Contract for the 2016 Contractor Mill and Overlay Project (16004 – Res2016-180). With all members voting in favor, the motion carried.

#### **(7.04) Public Improvement and Special Assessment Hearing for the 2016 Public Works Mill and Overlay Project (16019)**

Design Supervisor Payne reported on the proposed project.

Deputy Mayor Willis opened the public hearing.

Deputy Mayor Willis closed the public hearing.

Motion was made by Councilmember Wosje, and seconded by Councilmember Carroll, to adopt a Resolution Ordering Improvement for the 2016 Public Works Mill and Overlay Project Phase 2 (16019 – Res2016-181) and a Resolution Adopting Assessments 2016 Public Works Mill and Overlay Project Phase 2 (16019 – Res2016-182).

The Council commented on their support and the importance for a crack sealing program as it's an important factor in ensuring the appropriate lifespan of road projects.

With all members voting in favor, the motion carried.

### **General Business**

#### **(8.01) Consider Zoning Ordinance text amendment addressing definitions and home occupations (City of Plymouth – 2016025)**

Community Development Director Juetten reported on the proposed ordinance as recommended by the Planning Commission. He explained the proposed definition of family would be “a maximum of four individuals or two or more persons related by blood, marriage, adoption, or a functional family living together in a dwelling unit and sharing common cooking facilities.” He stated that children and relatives would not be counted against the four. The reason why this proposed ordinance is being presented to the Council, is that under the current ordinance, two

unrelated individuals couldn't live together. Staff believes that there could be numerous situations such as this in violation of the current zoning ordinance.

City Attorney Knutson added most people believe the current ordinance is very restrictive. He stated that there are many homes where two unrelated people are living together.

The Council provided the following feedback on this section of the proposed ordinance:

- Language appears to be so prescriptive that people would essentially be measuring square footage of bedrooms in terms of enforcement.
- There needs to be enforceable standards or there could be 20 individuals living in a single family house.
- Support for defining family as, "four adult individuals and anyone related by blood, marriage, or adoption to those individuals." Remove the "functional family" term.

Community Development Director Juetten also noted the proposed language in the ordinance concerning prohibited home occupation activities ("exterior storage of any brokered commodities," and "exterior storage of passenger automobiles and trucks not currently licensed by the State, or which are incapable of movement under their own power due to mechanical deficiency"). Public Safety Director Goldstein added that people that own dealerships will also use their property for storage of vehicles. He explained that if the vehicle is removed within the 96 hours, another vehicle is then stored on the site, and then another and another all without violating the 96 hours. He stated that he would recommend removing those activities from home occupations. He explained this activity is problematic for the neighbors as they didn't sign on to live next door to this type of activity.

The Council didn't support this proposed revisions to the prohibited home occupation activities and stated this section needs further review. They suggested that ordinance language specify that the vehicle needs to be registered to the property owner in order to store the vehicle for up to 96 hours. In addition, the language regarding exterior storage of brokered commodities should be reviewed further.

The Council tabled this item and requested further review and discussion by staff.

**(8.03) Rezoning and Preliminary Plat for "Summers Edge Phase II" for Property located at and near 4240 Brockton Lane (Summergate Companies – 2016012) (Previously item No. 6.04)**

Community Development Director Juetten reported on this development.

The comment was made that even though it's required for the developer to provide notice of the lights from the Busch greenhouses to prospective buyers and there would be a landscaping berm, buyers might not understand the brightness of the lights during certain growing seasons.

Motion was made by Councilmember Johnson, and seconded by Councilmember Wosje, to adopt an Ordinance Amending Chapter 21 (Zoning Ordinance) of the City Code to Classify

Certain Land located at and near 4240 Brockton Lane North (2016012 – Ord2016-17), Resolution Approving Findings of Fact for the Rezoning of Land located at and near 4240 Brockton Lane (2016012 – Res.2016-184), Resolution Approving Preliminary Plat for “Summers Edge Phase II” for Property located at and near 4240 Brockton Lane North (2016012 – Res2016-185), and a Resolution Approving Summary Publication of Ordinance No. 2016-17 (2016012 – Res2016-186). With all members voting in favor, the motion carried.

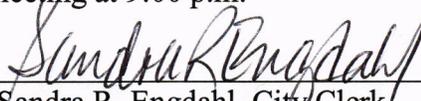
### **Reports and Staff Recommendations**

#### **(9.01) Legislative Update**

No update was given.

### **Adjournment**

Deputy Mayor Willis adjourned the regular meeting at 9:00 p.m.

  
\_\_\_\_\_  
Sandra R. Engdahl, City Clerk