

# Adopted Minutes Regular Council Meeting January 24, 2012

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 January 24, 2012.

COUNCIL PRESENT: Mayor Slavik, Councilmembers Stein, Willis, Johnson, Black, and Wosje.

ABSENT: Councilmember Bildsoe.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Parks and Recreation Director Evans, Public Works Director Cote, Community Development Director Juetten, Deputy Fire Chief Springer, Police Chief Goldstein, Deputy Police Chief Plekkenpol, and City Clerk Engdahl.

## Plymouth Forum

No one was present to address the Council.

## Presentations and Public Information Announcements

### **(4.02) Announcement of Fire and Ice Festival on February 4 at Parkers Lake Park**

Parks and Recreation Director Evans announced this year's Fire and Ice Festival on February 4 at Parkers Lake Park.

Mayor Slavik announced that the fieldhouse is open for walkers and joggers free of charge during the winter months.

## Approval of Agenda

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

## Consent Agenda

Item 6.17 was removed from the Consent Agenda and placed under General Business as item No. 8.03.

Motion was made by Councilmember Johnson, and seconded by Councilmember Black, to adopt the Consent Agenda that included the following items:

**(6.01)** Special Meeting minutes of January 3 and January 10 and Regular Meeting minutes of January 10.

**(6.02)** Resolution Approving Disbursements ending January 14, 2012 (Res2012-021).

**(6.03)** Resolution Approving Renewal of 3.2 Malt On-Sale and Off-Sale Liquor, Off-Sale Intoxicating Liquor, On-Sale and Sunday Intoxicating Liquor, and Wine Licenses for 2012 (Res2012-022).

**(6.04)** Resolution Approving Temporary On-Sale Liquor Applications for the Plymouth Arts Council for Events in 2012 (Res2012-023).

**(6.05)** Resolution Approving Change Order No. 1 for 2010 Mill and Overlay Project (10005 - Res2012-024) and a Resolution Approving Payment No. 2 and Final for 2010 Mill and Overlay Project (10005 – Res2012-025).

**(6.06)** Ordinance Amending Section 1015 of the City Code Concerning Utility Fees (Ord2012-02).

**(6.07)** Ordinance Amending Section 1015 of the City Code Concerning Water and Sanitary Sewer Permit Fees (Ord2012-03).

**(6.08)** Resolution Approving the Filling of Wetlands and the Wetland Replacement Plan Application for Crossroad Commons (2011014 - Res2012-026).

**(6.09)** Resolution Adopting Findings of Fact for Denial of 2012 Renewal Application for Massage Therapy Certificate for Yue Chang (Res2012-027).

**(6.10)** Resolution Approving a Final Plat and Development Contract for “Crossroads Commons” for Property located Southeast of Highway 55 and Cottonwood Lane (2011014-F – Res2012-028).

**(6.11)** Resolution Approving Joint Powers Agreement with State of Minnesota, Material Management Division, for the Cooperative Purchasing Venture (Res2012-029).

**(6.12)** Ordinance Amending the Zoning Ordinance to Classify Certain Land located at 14509 Gleason Lake Drive for Gleason Lake Heights (2011085 – Ord2012-04), Resolution Adopting Findings of Fact (Res2012-030), and a Resolution Approving a Preliminary and Final Plat for Hanson Builders, Inc. (2011085 – Res2012-031).

**(6.13)** Resolution Approving Acceptance of Emergency Grant Funds from Hennepin County Emergency Management (Res2012-032).

**(6.14)** Resolution Approving Amendment to Sanitary Sewer Service Agreement with Maple Grove for the Extension of Trunk Sanitary Sewer (3106 – Res2012-033).

**(6.15)** Resolution Approving the 2012 Pay Equity Report (Res2012-034).

**(6.16)** Resolution Approving the 2012 Pay Schedule for Members of the Plymouth Fire Department and Authorizing Reimbursement of One-Half the Disability Insurance Premium to the Fire Relief Association (Res2012-035).

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

With all members voting in favor, the motion carried.

## **Public Hearings**

### **(7.01) Denial of Renewal Application of Massage Therapy License for Steve Ekland**

Deputy Police Chief Plekkenpol stated tonight is the hearing on the appeal of the denial of a renewal application for a Massage Therapy License for Steve Ekland. He stated Mr. Ekland requested a hearing on the denial of this license.

Mayor Slavik opened the public hearing.

Deputy Police Chief Plekkenpol stated the Police Department conducted the background investigation of the renewal application and concluded that the application would be denied based on Section 1135.13, Subd. (a) and (b) of the City Code and being charged on April 28, 2011 for prescription fraud in Ramsey County.

Steve Ekland, applicant, stated he was addicted to drugs. However, after jail he went to treatment at Regency Hospital for 21 days and has been sober for nine months. He has been practicing massage for nine years and currently practices at Massage Retreat. In November 2011, he was approached by the University of Minnesota's swimming and diving team to be their therapist and he accepted. He stated his massage therapist license means a lot to him. He made a mistake, but his life has changed so much the past nine months and it has gone in a positive direction.

Mayor Slavik declared the public hearing closed.

Councilmember Stein asked Mr. Ekland if the University of Minnesota did a background check on him. Mr. Ekland replied yes, and from he understands, it was a very extensive background check.

Councilmember Willis noted that there was no conviction for the incident that occurred on April 28, 2011 in Ramsey County. He stated it might be in the community's best interest to acknowledge Mr. Ekland's commitment to his recovery and provide him a chance for licensure. Councilmembers Black and Wosje agreed. Councilmember Wosje added that he wants to make sure that the City is being consistent with the background investigations that if there isn't a conviction, staff will issue the certificate.

Councilmember Stein stated he doesn't feel that the Council can deny his license. Mr. Ekland doesn't own a massage therapy business so his problem wasn't due to his business.

Motion by Councilmember Stein, and seconded by Councilmember Willis, to adopt a Resolution Granting Appeal of Denial of Massage Therapist License for Steve Ekland (Res2012-036).  
With all members voting in favor, the motion carried.

## **General Business**

### **(8.01) Planned Unit Development Amendment for Improvements to Plymouth Auto Center at 16825 County Road 24 (2011072)**

Community Development Director Juetten stated this item was before the Council on January 10, 2012. Council approved portions of the application at that meeting, and what was held over to this meeting was the hours of operation. The current hours of operation are 6:00 a.m.-11:00 p.m. and the applicant is requesting 5:00 a.m.-11:00 p.m.

Councilmember Stein asked if the employees are allowed to be at the business before they open. Community Development Director Juetten replied yes, the employees can be there 24 hours.

Liz Nalezny, applicant, stated due to safety reasons, they need to have two employees on site. Therefore, they prefer to be open at 5:00 a.m. if they have two employees there.

Motion was made by Councilmember Willis, and seconded by Councilmember Stein, to deny the request to extend the business hours and keep the current hours.

Councilmember Wosje stated he wants to be supportive of the business community whenever possible. However, he also needs to take into account how the adjacent residents to this business feel. He stated he contacted the 12 of the 19 property owners in the area regarding the request to extend the business hours. Five of them had concerns with the extra hour. Therefore, he doesn't support the request to extend the business hours.

The Council voted on the motion, and with Willis, Wosje, Stein, and Slavik voting yes, and Black and Johnson voting no, the motion carried.

**(8.02) Site Plan Amendment for St. Jude Medical, 5050 Nathan Lane**

Jack Yates, applicant, provided a presentation on the expansion of their facility.

Councilmember Black asked about future traffic plans in this area and delivery times to this company. She stated there is a significant amount of traffic in the area with U.S. Foods to the north. Community Development Director Juetten showed the new access points to the frontage road. He stated the frontage road goes to Schmidt Lake Road and then out to Highway 169. He noted there signalization would be needed at the intersection of Nathan Lane and Schmidt Lake Road in the near future. St. Jude would be responsible for that improvement.

Councilmember Black suggested that this intersection be analyzed.

Mr. Yates stated there won't be an increase in deliveries as they aren't increasing the manufacturing staff. However, they do intend to do a noise study. He stated 75% of their employees is research and 25% is manufacturing with staggered shifts.

Motion was made by Councilmember Willis, and seconded by Councilmember Johnson, to adopt a Resolution Approving a Site Plan Amendment for St. Jude Medical to Construct a 275,000 square foot Building Addition, Parking Expansion and Related Site Improvements located at 5050 Nathan Lane (2011081 - Res2012-037). With all members voting in favor, the motion carried.

**(8.03) 2012 Street Reconstruction Project, Circle Park (12001)**

Councilmember Black stated she received a call from resident asking if there could be an alternative for a ribbon curb.

Mayor Slavik asked if it would be an additional burden to request bids for a ribbon curb. Public Works Director Cote cautioned that it might not be that simple to change to a ribbon curb in order to correct the drainage problems. He stated some areas do have ditches and culverts under the driveways, but there are other areas where there is no drainage and water sits on the side of the roadways.

Motion was made by Councilmember Willis, and seconded by Councilmember Stein, to adopt a Resolution Ordering Preliminary Engineering Report (12001 – Res2012-038), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Project Hearing on April 10 (12001 – Res2012-039), Resolution Approving Plans and Specifications, and Ordering Advertisement for Bids (12001 – Res2012-040), Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment (12001 – Res2012-041), and a Resolution Calling for an Assessment Hearing on April 10 (12001 – Res2012-042). With all members voting in favor but Black, the motion carried.

**Reports and Staff Recommendations**

**(9.01) Public Works Annual Report**

Public Works Director Cote presented the Public Works Department's 2011 Annual Report.

**(9.02) 2012 Goals and Legislative Priorities**

City Manager Ahrens stated the Council met on January 17 to develop their goals and legislative priorities for 2012.

Motion was made Councilmember Willis, and seconded by Councilmember Wosje, to adopt the 2012 Goals and Legislative Priorities. With all members voting in favor, the motion carried.

**Adjournment**

Mayor Slavik adjourned the meeting at 8:15 p.m.

  
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Sandra R. Engdahl, City Clerk