

# Adopted Minutes

## Regular Council Meeting

### April 10, 2012

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 6:20 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on April 10, 2012.

COUNCIL PRESENT: Mayor Slavik, Council Members Willis, Bildsoe, Black, Johnson, and Wosje.

ABSENT: Council Member Stein.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Park and Recreation Director Evans, Public Works Director Cote, Community Development Director Juetten, Police Chief Goldstein, Deputy Fire Chief Springer, Public Safety Education Specialist Cwayna, Reconstruction Program Manager Paumen, and City Clerk Engdahl.

Mayor Slavik moved the annual update from Commissioner Johnson prior to the Plymouth Forum.

#### **(4.01) Annual Update by Hennepin County Commissioner Jeff Johnson**

Hennepin County Commissioner Johnson provided his annual update to the Council. He spoke of the County's budget and the initiative to reduce the number of watershed districts in the county from 11 to 4.

The Council requested his support for upgrades to County Road 47 and third lane on I-494.

Mayor Slavik mentioned a concern from a resident regarding the County's property at 17815 County Road 101 that needs some maintenance.

#### **Plymouth Forum**

Monty John of the Mehr Family, 133 25<sup>th</sup> Avenue North, St. Cloud, stated recently they tried to obtain copies of oaths of office for three police officers. City staff indicated they couldn't provide this information as it's classified as private data. The City Attorney also provided to him a copy of Minnesota Statute 13.43 regarding personnel data. He stated a ruling by the U.S. Supreme Court states that police officers need oaths of office to identify themselves. Their uniforms and badges aren't enough to prove that, as others can purchase that equipment and state that they are sworn police officers. He stated oaths of office should be public data. He gave materials to the Council to support his request.

Police Chief Goldstein explained that the oath in an of itself can be supplied at any time, but once it's signed by the officer, it becomes personnel data and therefore is private data. He stated he's unfamiliar with the U.S. Supreme Court ruling that Mr. John is referring to. However, if someone is stopped for an altercation, those are sworn police officers. He stated in court, it's proven before any testimony is given, that the police officer(s) is employed, licensed with the P.O.S.T. Board and the community they're serving.

The Council requested that the City Attorney discuss with Mr. John his request.

### **Presentations and Public Information Announcements**

#### **(4.02) Announcement of Primavera on April 12-16 at the Plymouth Creek Center**

Parks and Recreation Director Evans announced this year's Primavera on April 12-16 at the Plymouth Creek Center.

#### **(4.03) Announcement of Yard and Garden Expo on April 13-14 at the Plymouth Creek Center Fieldhouse**

Parks and Recreation Director Evans announced this year's Yard and Garden Expo on April 13-14 at the Plymouth Creek Center Fieldhouse.

#### **(4.04) Announcement of Pool Safety Program**

Public Safety Education Specialist Cwayna announced the Pool Safety Program and a Workshop on pool safety that is scheduled on April 28 from 11:00 a.m.-1:00 p.m. at Pointe Apartments.

City Manager Ahrens introduced Dave Callister, the City's new Administrative Services Director. He officially starts on April 16.

### **Approval of Agenda**

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

### **Consent Agenda**

Item No. 6.03 was removed from the Consent Agenda and placed under General Business as item No. 8.01.

Motion was made by Council Member Willis, and seconded by Council Member Bildsoe, to adopt the amended Consent Agenda that included the following items:

(6.01) Special Council Meeting minutes of March 13 and the Regular Council Meeting minutes of March 27.

(6.02) Resolution Approving Disbursements ending March 31, 2012 (Res2012-107).

(6.03) (This item was removed from the Consent Agenda and placed under General Business as item No. 8.01).

(6.04) Resolution Approving a Final Plat and Development Contract for “Hampton Hills South Plateau” for Property located at 5313 Juneau Lane (2011097-F – Res2012-108) and a Resolution Adopting Assessments for Trunk Sanitary Sewer and Water Main for Hampton Hills South Plateau (2011097 – Res2012-109).

(6.05) Resolution Approving a Site Plan Amendment and Variances for Carlson Real Estate Company to construct a 1,872 square foot Detached Accessory Building and Related Site Improvements at One Carlson Parkway (2012009 - Res2012-110).

(6.06) Resolution Approving a Variance for Damien and Julie Mickshl to allow a Detached Accessory Building in a Front Yard for Property located at 17330 11<sup>th</sup> Avenue North (2012017 - Res2012-111).

(6.07) Resolution Approving Agreement regarding Transfer of Certain Improvements between Silverthorne Homeowners Association and City of Plymouth (Res2012-112).

(6.08) Resolution Awarding Contract for 2012 Street Crack Repair Program (12011 – Res2012-113).

(6.09) Resolution Approving the Plymouth Police Department’s Participation in the Minnesota Driving Diversion Program (Res2012-114).

(6.10) Resolution Approving a One-Year Extension of Development Approvals for RBC Tile and Stone located at 1820 Berkshire Lane North (2008012 – Res2012-115).

(6.11) Resolution Authorizing Expenditure from the DWI Resource Planning Fund for Technology Upgrade (Res2012-116).

(6.12) Resolution Approving Temporary Liquor License for the Whole Learning Center (Res2012-117).

(6.13) Resolution Approving Renewal of Consumption and Display License for VFW Hamel, 19020 Hamel Road (Res2012-118) and a Resolution Approving Renewal of Consumption and Display License for West Medicine Lake Community Club (Res2002-119).

With all members voting in favor, the motion carried.

Mayor Slavik moved the annual legislative update prior to the Public Hearing.

## **Reports and Staff Recommendations**

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

City Manager Ahrens provided an update on various legislative bills.

## **Public Hearings**

### **(7.01) Project and Assessment Hearing, Award Contract, and Authorize “No Parking” for 2012 Street Reconstruction, Circle Park (12001)**

Reconstruction Program Manager Paumen reported on the proposed street reconstruction project for the Circle Park neighborhood that is contained in the Capital Improvements Program for 2012. Construction would begin this season and end in September depending on the weather. He noted that as part of the design of this project, staff is proposing to reinstall the four speed humps on Niagara Lane.

Council Member Wosje stated residents are concerned about the “milestone” dates of the construction, such as when they won’t be able to access their driveways, the roadway, etc. Reconstruction Program Manager Paumen stated that once the pavement is torn up, it will be the better part of the summer that they are traveling on gravel surface. Public Works Director Cote added that those dates will be available once the contract is awarded.

Mayor Slavik opened the public hearing.

Brian Weekley, 630 Lanewood Lane North, stated if residents on Niagara Lane desire the speed humps, they should pay for them as the residents on Lanewood Lane don’t want them. He asked what the speed humps cost.

Mary Melvin, 630 Niagara Lane North, stated she supports the project. She wished there weren’t speed humps on Niagara Lane. She recalled that a few years ago when this project was before the Council, Niagara Lane already had storm sewer installed so their assessments would be less.

Judy Piroyan, 515 Lanewood Lane North, asked about the width of the street around Circle Park, and if adding curb and gutter would make that wider than 20’.

Jean Brummer, 515 Niagara Lane North, asked if driveways will be put back in to their current state, whether they are blacktop or cement. She stated she has two driveways and would she be assessed for two driveways. Lastly, would she need to locate storage for her motor home for the summer since she won’t be able to access the road.

Mary Critelli, 445 Lanewood Lane North, asked if residents can replace their driveways and how far into their properties they'll be replaced. She also noted that recently the City filled potholes on the street and she questioned why since this project is being proposed.

Mayor Slavik declared the public hearing closed.

Public Works Director Cote provided the following answers to questions that were raised at the hearing:

1. Each speed hump costs \$1,100 and the cost of the speed humps is included in the total cost of the project.
2. Storm sewer on Niagara Lane: The Public Improvement Assessment Policy was amended after the original project came forward. The Council amended the policy in order to make greater equity for street, curb and gutter, and storm sewer.
3. The proposed width of the street around Circle Park is 20' feet from the back of the curb which is similar to what it is currently.
4. The contractor needs to keep the road open for residents to access their properties. Other than the curing of the concrete, it should be accessible for a motor home. The contractor will inform residents when they can't access their properties.
5. Driveways will be constructed with the same materials they currently are.
6. There is no additional assessment for a second driveway. Staff and the contractor will meet with residents regarding any questions on their driveways.
7. The potholes were filled as staff felt the street needed the maintenance with or without the Council approving the project.

Regarding the speed humps, Council Member Wosje stated he has made contact with a number of residents on Lanewood Lane and Niagara lane, and a large majority of the residents on Niagara Lane support them. He referenced the traffic study that indicates the amount and speed of traffic was reduced by one third after they were constructed in 2001.

Motion was made by Council Member Willis, and seconded by Council Member Wosje, to adopt a Resolution Ordering Improvement for the 2012 Street Reconstruction Project (12001 – Res2012-120), Resolution Adopting Assessments for 2012 Street Reconstruction Project (12001 – Res2012-121), Resolution Authorizing “No Parking” on a portion of the 2012 Street Reconstruction Project (12001 – Res2012-122), and a Resolution Awarding Contract for 2012 Street Reconstruction Project (12001 – Res2012-123). With all members voting in favor, the motion carried.

## **General Business**

### **(8.01) Ordinance Amending Chapter XI of the City Code Concerning Guest Registration at Hotels**

Mayor Slavik stated at the February 21 Council study session, the Council provided feedback to staff on requiring all guests, with the exception of youth under the age of 18, to register their name and address with some type of identification with the hotel. The ordinance before the Council this evening doesn't have that requirement. She stated providing a form of identification to prove someone's identity and address shouldn't pose a hardship. This would provide a tool for the Police Department when there are unlawful activities occurring at hotels and it would provide a safeguard for residents. Therefore, she requested that the original language to require all guests to present a drivers license, Minnesota identification card, or identification sufficient to identify them be added to this ordinance and bring back that version to the Council at the next Council meeting.

Motion was made by Council Member Johnson, and seconded by Council Member Black, to adopt the ordinance as presented by staff and contained in the Council packets.

Council Member Johnson stated she's concerned that by adding the language Mayor Slavik is requesting, it could go a little too far, and she would be uncomfortable in placing requirements on hotels that will also put a burden on law abiding citizens. She stated if the Council supports the additional language that Mayor Slavik is requesting, she suggested that be considered at a future meeting where representatives of the hotels can be present. She supports the ordinance that is before the Council this evening.

Council Member Bildsoe stated the proposed ordinance is being recommended by the Police Department, but perhaps there needs to be additional language as Mayor Slavik is suggesting. He asked Police Chief Goldstein if the proposed ordinance solves the problems that the Police Department is trying to address. Police Chief Goldstein replied the proposed ordinance before them tonight is an exact reflection of what's already in state law except for someone who gives a false name. The Police Department would be satisfied with the ordinance that is before the Council this evening, and it could be reviewed further in the future.

Council Member Johnson requested clarification if all guests would need to show identification such as Mayor Slavik is requesting or just the person reserving the room. She gave an example of a sports team who would in town for the weekend but not all players had an identification on them. Police Chief Goldstein stated State law already requires the hotel to gather the identity of the individuals who stay overnight. The provision that staff is recommending is a verbal notification of the guests that are over 18.

Mayor Slavik stated just recently there were four arrests in Plymouth involving illegal activities at hotels, and with the additional language that she's recommending, she's trying to give assurance of safety to residents and the business community that these activities won't be tolerated. Council Member Johnson agreed with Mayor Slavik but stated she's not ready to make that kind of decision this evening without proper notification to the hotels so they can comment on it.

Council Member Bildsoe asked if there are other communities that have this type of ordinance. Police Chief Goldstein replied there are approximately 10 communities that staff contacted, and they're all looking at Plymouth for direction.

Motion was made by Mayor Slavik, and seconded by Council Member Bildsoe, to amend the main motion to add the additional language to the ordinance as recommended by Mayor Slavik.

Motion was made by Council Member Johnson, and seconded by Council Member Bildsoe, to table this item to May 8. Staff is to add the original language as requested by Mayor Slavik stating the identifications that can be used to prove identities of guests. The proposed ordinance should be given to the hotels so there is public process. With all members voting in favor, the motion carried.

### **Adjournment**

Mayor Slavik adjourned the meeting at 7:56 p.m.

  
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Sandra R. Engdahl, City Clerk