

Adopted Minutes Regular Council Meeting May 8, 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 May 8, 2012.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, City Attorney Knutson, Park and Recreation Director Evans, Public Works Director Cote, Community Development Director Juetten, Police Chief Goldstein, Fire Chief Kline, Administrative Services Director Callister, and City Clerk Engdahl.

Plymouth Forum

There was no one present to address the Council.

Presentations and Public Information Announcements

(4.01) Announcement of Special Drop Off Day on May 19

Council Member Black announced the Special Drop off Day on May 19 at the Plymouth Maintenance Facility from 7:30 a.m.-2:00 p.m.

Mayor Slavik reported on a recent meeting that she and the City Manager had with Hammer Residence.

Approval of Agenda

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

Consent Agenda

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

(6.01) Regular Council Meeting minutes of May 1 and Bus Tour with Planning Commission on May 1.

(6.02) Resolution Approving Disbursements ending April 28, 2012 (Res2012-140).

(6.03) Resolution Approving Application to extend the Licensed Premises for Lotus Group, LLC, d/b/a Thai Table Restaurant, 10100 6th Avenue, Suites 114 and 115 (Res2012-141).

(6.04) Resolution Ordering Preliminary Engineering Report for the Kingsview Heights Edge Mill and Overlay Project (12002 – Res2012-142), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the Kingsview Heights Edge Mill and Overlay Project (12002 – Res2012-143), Resolution Approving Plans and Specifications, and Ordering Advertisement or Bids for the Kingsview Heights Edge Mill and Overlay Project (12002 – Res2012-144), Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for Kingsview Heights Edge Mill and Overlay Project (12002 – Res2012-145), and a Resolution Calling for Hearing on Proposed Assessment for the Kingsview Heights Edge Mill and Overlay Project (12002 – Res2012-146).

(6.05) Resolution Ordering Preliminary Engineering Report for the Plymouth Boulevard Mill and Overlay Project (12006 – Res2012-147), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the Plymouth Boulevard Mill and Overlay Project (12006 – Res2012-148), Resolution Approving Plans and Specifications, and Ordering Advertisement or Bids for the Plymouth Boulevard Mill and Overlay Project (12006 – Res2012-149), Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for Plymouth Boulevard Mill and Overlay Project (12006 – Res2012-150), and a Resolution Calling for Hearing on Proposed Assessment for the Plymouth Boulevard Mill and Overlay Project (12006 – Res2012-151).

(6.06) Resolution Dispensing with Statutory Requirements for Review by Planning Commission for Conveyance of Property (Res2012-152).

(6.07) Resolution Approving Hennepin County Residential Recycling Grant Agreement (Res2012-153).

(6.08) Resolution Approving Land Purchase Agreement between the City and LeeAnn and Myron Kuklock (Res2012-154).

(6.09) Ordinance Amending Sections 940, 1015, 1017, and 1018 of the City Code (Ord2012-17), and a Resolution Approving Summary Publication of Ordinance (Res2012-155).

(6.10) Resolution Approving a Revised Final Plat and Development Contract for “Crossroads Commons” for Property located Southeast of Highway 55 and Cottonwood Lane (2011014-F – Res2012-156).

(6.11) Resolution Approving Change Order No. 1 for Bass Lake Wetland Drainage Improvement (9127 - Res2012-157).

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Assessment Hearing for 2011 Mill and Overlay, Lancaster Lane (11010)

Public Works Director Cote reported on the proposed assessments.

Mayor Slavik opened the public hearing.

Mayor Slavik declared the public hearing closed.

Motion was made by Council Member Willis, and seconded by Council Member Bildsoe, to adopt a Resolution Adopting Assessments for 2011 Mill and Overlay Project for Lancaster Lane from 36th Avenue to County Road 9 (11010 – Res2012-158). With all members voting in favor, the motion carried.

General Business

(8.01) Ordinance Amending the City Code Regarding Hotel Registrations (*tabled from April 10*)

Mayor Slavik noted the current motion that is on the table which is adoption of the proposed Ordinance presented at the April 10 Council meeting with an amendment for additional language regarding visual inspection of photo identification from all overnight guests who are 18 years of age and older.

Police Chief Goldstein stated that staff contacted the seven hotels in the City. They support the proposed ordinance from the April 10 meeting as the majority of them currently verify identifications of individuals who've reserved rooms. They aren't doing this for all guests in the room as they don't know how many people will be in the room if others arrive later. If guests pay with cash, they request identification if there would be a problem as well as using photo identification if the guests are paying by credit card. The visual verification for those checking into a room who are over 18 have controversial feelings from the hotels. This system would be convenient for some of their guests, but it would be problematic for an event planner who has set aside a block of rooms for a group where room keys are given behind the scenes without

everyone standing in the lobby to check in upon arrival. He stated the language in the proposed ordinance regarding it's a misdemeanor to provide false identification is the piece that assists the Police Department.

Council Member Johnson asked if the basis of this ordinance is due to the peddlers and solicitors that canvass the community in the summer months. Police Chief Goldstein replied yes. He stated it's not the larger groups, such as athletic teams or corporate groups that come into the City. He indicated that it's hard to follow-up with investigations when the identity of others staying in the rooms is unknown.

Council Member Bildsoe stated if the problem the City is trying to address involves peddlers and solicitors, then the City should review how they are licensed. He stated he's trying to understand why the City hasn't enforced the State law with those hotels that have had problems. Police Chief Goldstein stated the police has used their discretion in working with the hotels in a manner to address the problem. He stated it's always better to generate voluntary compliance and more proactive approach and partnership so the City doesn't alienate themselves from the hotel community. The hotels belong to professional associations that deal with the hospitality industry, and it's hard to find a hotel in the State that follows the letter of the law.

Council Member Bildsoe commented that businesses are a contributing part of the community, and if they know there is a problem that is creating a hardship, they should deal with the problem and enforce the statute.

Council Member Johnson stated there is an education process for the hotel community. Using discretion and working with hotels is a good approach. She appreciates Council Member Bildsoe mentioning the licensing issue. She stated she would prefer to address the specific problem and not put a burden on the businesses or guests. Also, try to find how to narrow in on the problem specifically and work with the hotels who'll work voluntarily with the City in reviewing this issue.

Council Member Bildsoe asked staff to explain the existing State law. Police Chief Goldstein stated any overnight guest is to give their name, address, and vehicle identifiers.

Council Member Stein stated the proposed ordinance is just duplicating State law; a law that hasn't been aggressively enforced by the City or the hotels. He asked if all peddlers and solicitors need to be licensed. City Attorney Knutson replied peddlers need to be licensed but not solicitors. Solicitors register with the City, but there is no license fee and a background investigation.

Council Member Stein suggested adding a line to the peddler and solicitor license applications for the applicants to provide their local address of where they are staying while they are canvassing the community.

Council Member Johnson requested and received clarification from the City Attorney that State law doesn't require an identification for everyone that checks into a hotel. The hotel has the option of requesting identification.

Council Member Stein stated he doesn't see it as a burden for someone to show their identification to the hotel clerk as State law requires guests to furnish their names.

Michael Serr, representing the Crown Plaza Hotel, stated they want to work with the issues that the City is presented with, whether it's peddlers and solicitors or any criminal activity. He explained that it's an industry standard for hotels, whether they receive cash or credit card, to get a photo identification from the guest who reserved the room. The guest is also asked how many people are staying with them and their names for charging purposes at the hotel. Therefore, they aren't opposed to that. He stated what they're opposed to is checking the identifications of individuals who are with a corporate, church, etc. group where the guests are preregistered and the keys are given to the tour planner. They have the names of the guests, but they don't check the identifications as that would be an inconvenience. The tour planners pay for the rooms and keys are given to them ahead of time to give to the guests. This would put a burden on these companies and tours, and they would explore other hotel options. He stated he's worked at this hotel for 19 years, and he can't recall an incident where there was criminal activity. They do want to work with the City, but at the same time they want to protect the corporate and tour operators. He also mentioned the weddings on the weekends where the father of the bride will reserve and pay for 10 rooms. With the amendment on the table, they would now require all those guests to show photo identification. Lastly, he stated that they check in over 100,000 guests a year, and this isn't a big issue for them. He suggested that the City deal with the hotels who are having problems.

Council Member Bildsoe stated in the hospitality industry, it's important to create an environment that people feel safe. Requiring photo identification for all guests could be a burden for some, but it would create an environment where a person knows who is there.

Michelle Rein, representing the Residence Inn, stated her average length of stay for her guests is five nights or more. They also have guests that have stayed up to three years. The majority of their guests are in transition between moves, house fires, etc. Sixty percent of their guests are part of the Marriott reward program so they have their identification. For those guests that aren't part of that program, it could place a burden on those guests in requesting their previous address. When guests check in, they do capture their names, addresses, and vehicle information (many of the vehicles are rental vehicles).

Council Member Bildsoe stated that he wouldn't be supporting the amendment as he believes the City's intent could be accomplished in another way, such as reviewing the ordinance for the licensing of peddlers and solicitors. He stated there is an education component that needs to be communicated that it's a misdemeanor to provide false identity. He suggested revisiting this issue in approximately one year. Council Members Johnson and Black agreed with his comments.

By request of Council Member Willis, representatives of the hotels that were present noted how many rooms they have at their hotels:

Comfort Inn: 116 rooms
Days Inn: 113 rooms
Best Western Kelly Inn: 149 rooms
Crown Plaza: 243 rooms
Country Inn Suites: 135 rooms
Marriott Residence Inn: 118 rooms

Mayor Slavik stated this was an issue that was brought to the Council for a tool to assist the Police Department in keeping the community safer. She will be supporting the amendment. She stated maintaining public safety is a priority for her. People are used to showing identifications so she doesn't view it as an inconvenience, and all hotels would need to follow the ordinance. She would also support looking at this issue again in a year. She asked when this is reviewed again, how will staff measure whether the ordinance is effective. Police Chief Goldstein stated he's unsure.

Mayor Slavik stated the biggest issue is with the peddlers and solicitors, but prostitution and drug dealers can also pose problems. The amendment requiring visual inspection for all guests that are 18 and over would assist in dealing with those issues.

Council Member Stein stated he wouldn't be supporting the amendment as it's not necessary at this time. He requested changing the peddler and solicitor application forms to include the local address where they are staying when they're canvassing the community. The proposed amendment isn't how the hotels want to operate their businesses, and it's not welcoming to their guests. For drug and prostitution cases, the Police Department can handle these with their sting operations.

Council Member Wosje stated he also wouldn't be supporting the amendment as we would be penalizing law abiding citizens. The Police Department can continue to work with the hotels.

Council Member Black stated she's very interested in seeing how the hotels are currently applying with State law and what they need to do that. She suggested getting all hotels to comply with State law and then look at it post peddler and solicitor season as to what the issues are to see if there is a decline with these issues.

Mayor Slavik and Council Member Bildsoe withdrew their amendment to the main motion.

Motion was made by Council Member Johnson, and seconded by Council Member Wosje, to call the question. With all members voting in favor, the motion carried.

The Council voted on the main motion which was adoption of the proposed ordinance from the April 10 meeting (Ord2012-18). With all members voting in favor, the motion carried.

City Manager Ahrens stated staff will add the requested language to the peddler and solicitor applications. She stated the peddler and solicitor ordinance was reviewed a couple of years ago, but staff will provide a report back to Council.

Council Member Bildsoe requested that the peddler and solicitor ordinance be reviewed the first quarter of 2013, the Police Department work with the hotels in complying with State law, and enforce the State law with discretion.

Reports and Staff Recommendations

(9.01) Police Department Annual Report

Police Chief Goldstein gave the Police Department's annual report.

(9.02) Legislative Update

City Manager Ahrens gave a brief legislative update.

(9.03) Future Study Sessions

The Council scheduled the following study sessions:

1. May 22 at 5:30 p.m. to discuss general fund surplus allocations and loss control program.
2. June 26 at 5:30 p.m. to receive the transit report.

The Council cancelled the June 12 regular Council meeting.

Adjournment

Mayor Slavik adjourned the meeting at 9:10 p.m.


Sandra R. Engdahl, City Clerk