

**Adopted Minutes  
Regular Council Meeting  
May 22, 2007**

Mayor Pro-tem Bildsoe 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 22, 2007.

**COUNCIL PRESENT:** Mayor Pro-tem Bildsoe, Councilmembers Hewitt, Murdock, Stein, Black, and Willis.

Mayor Slavik arrived at 7:31 p.m.

**ABSENT:** None.

**STAFF PRESENT:** City Manager Ahrens, City Attorney Knutson, Police Chief Goldstein, Fire Chief Kline, , Park and Recreation Director Blank, Community Development Director Juetten, Administrative Services Director McGann, City Engineer Moberg, Planning Manager Senness, and Deputy City Clerk Olson.

**Plymouth Forum**

Terrie Christian, 9910 South Shore Dr., addressed the Council on the issue of invasive plant species in Medicine Lake. She stated she is a member of Association of Medicine Lake Area Citizens. She reported there are very large amounts of Eurasian milfoil in the lake and it has also just been treated for curly leaf pond weed. She stated that AMLAC would like part of the budget to go towards treating Eurasian milfoil. She informed the Council about what Three Rivers Park District is doing to prevent foreign vegetation coming into the lakes. She asked Council to take action regarding milfoil in Medicine Lake. Mayor Pro-tem Bildsoe thanked Ms. Christian and suggested that she speak to staff and several Councilmembers on the issue. Councilmember Black stated that much discussion has taken place on this topic and she would like to see the information that has been gathered put in a Council Information Memorandum. She stated that the Three Rivers Park District has agreed to harvest milfoil this year within 150 feet of the shoreline. She would like to see a staff report on this brought to the full Council for discussion.

Liz Nalezny, 16825 Co. Rd. 24, stated she is a board member of the Plymouth Crime and Fire Prevention Fund as well as an employee at Plymouth Station Auto Center and Plymouth Station Holiday. They have operated barbecue booths at Music in Plymouth and at the Plymouth Station store with one hundred percent of proceeds going to the Crime and Fire Prevention Fund. She informed the Council that the Plymouth Civic League will not allow them to share a booth at Music in Plymouth this year. Mayor Pro-tem Bildsoe thanked her and the Crime and Fire Prevention Fund for their great work in helping the Police and Fire Departments obtain much needed equipment. Mayor Pro-tem Bildsoe asked staff to follow up and provide Council more information as well as keep Ms. Nalezny informed.

**Presentations and Public Information Announcements**

**(4.01) Announcement of Human Rights Commission Essay Contest Winners**

Plymouth Human Rights Commission Chair Ada Alden presented awards and gift certificates to the winners of the Plymouth Human Rights Student Essay Contest.

**(4.02) Proclamation Declaring May 22 as "2007 Minnesota Teacher of the Year Michael Smart Day"**

Mayor Pro-tem Bildsoe thanked Mr. Smart for his work in the community and read the proclamation declaring May 22, 2007 as "2007 Minnesota Teacher of the Year Michael Smart Day".

**(4.03) Recognize Explorers**

Police Chief Goldstein recognized the work of the Plymouth Police Explorers and the awards won at the annual state competition.

**Approval of Agenda**

Councilmember Willis requested that item 8.03 be moved prior to 8.01.

It was motioned by Councilmember Black, seconded by Mayor Slavik, to approve the agenda as amended. With all members voting in favor, the motion carried.

**Consent Agenda**

Item 6.09 was moved from the consent agenda to the first item under General Business.

It was motioned by Councilmember Bildsoe, seconded by Councilmember Murdock, to approve the agenda as amended with the following items:

**(6.01) Approve proposed City Council Minutes**

**(6.02) Approve disbursements (Res 2007-226)**

**(6.03) Approve bids for Timbershores Park playground (Res 2007-227)**

**(6.04) Approve contract with the State of Minnesota for Institution Community Work Crew Program (Res 2007-228)**

**(6.05) Approve plans and specifications and advertise for bids for facilities management/condition assessment (Res 2007-229)**

(6.06) Approve Award of Property and Liability Insurance with the League of Minnesota Cities Insurance Trust (Res 2007-230)

(6.07) Award contract for the County Road 47/County Road 61 intersection improvement project (6108) (Res 2007-231)

(6.08) Approve repeal of various City policies (Res 2007-232)

(6.09) This item was removed from the consent agenda and placed under General Business.

(6.10) Approve Zoning Ordinance Text Amendment, Site Plan Amendment and Conditional Use Permit to allow a dog day/overnight boarding use with an outdoor play area at 2067 East Center Circle, Building 6. *Camp Bow Wow*. (2007033) (Res 2007-233) (Res 2007-234) (Ord 2007-11)

(6.11) Approve setback Variance for installation of an in-ground swimming pool for property located at 13010 Sunset Trail. *Custom Pools, Inc.* (2007022) (Res 2007-235)

(6.12) Adopt Plymouth Goose Management Program Policy (Res 2007-236)

(6.13) Approve termination of Water Quality Pond Maintenance Agreement for Plymouth Woods Office Center (97160) (Res 2007-237)

(6.14) Approve authorization to proceed with 2007 park improvements projects (Res 2007-238)

(6.15) Approve award contract for the refurbishment quint fire apparatus (Res 2007-239)

Motion carried to approve the Consent Agenda.

### Public Hearings

**(7.01) 3.2 On Sale and Wine Liquor licenses for Qdoba Mexican Grill, 4345 Nathan Lane North**

City Manager Ahrens reported on the 3.2 On-Sale and Wine Liquor license applications

Mayor Slavik opened the public hearing for testimony.

There being no one wishing to appear before the Council to give testimony, Mayor Slavik declared the public hearing closed.

It was motioned by Councilmember Bildsoe, seconded by Councilmember Hewitt, to adopt a resolution approving 3.2 On-Sale and Wine Liquor License Applications for Warner Company Inc., d/b/a Qdoba Mexican Grill, 3245 Nathan Lane North. (Res 2007-240). With all members voting in favor, the motion carried.

General Business

**(6.09) Approve Zoning Ordinance Text Amendment to allow dry cleaners with processing facilities as an allowed use in the commercial zoning districts. *O'Bresky Cleaners, Inc.* (2007031)**

Mayor Slavik had concerns with this use in neighborhood commercial areas as well as it's proximity to the City Center. She stated her concern that if this is approved it would open the way for dry cleaning processing in all areas of the city.

Dan O'Bresky, applicant, stated that he was surprised this was taken off the consent agenda. He stated that most concerns with dry cleaning processing are environmental issues. He described the more environmentally friendly product they would be using in their dry cleaning.

Mr. O'Bresky reported that in Plymouth most stores are drop stores, which causes more movement of the clothes. He stated that consumers want to talk to people that actually work on their clothing. Drop stores generally do about half the business of wet stores. The current site will have two deliveries a day – one for pickup and one for drop off. The number of employees will be about ten employees.

Mayor Slavik asked the applicant if they plan on expanding. Mr. O'Bresky replied that it is simply too expensive to expand in a commercial area and if they wanted to expand, they would pursue an industrial site.

Mayor Slavik thanked the applicant for bringing a more environmentally friendly product to the area. She is concerned about allowing this kind of use in all neighborhood/commercial areas and the precedent it would set for other applicants. She did not want to see a large processing plant in a neighborhood/commercial area. Mr. O'Bresky replied that he had proposed limiting the size of the facility to 3,000 square feet. Mayor Slavik inquired why the 3,000 square foot limitation was taken out. Community Development Director Juetten stated that it has never been a position of staff or Council to regulate the size of a commercial business. The Zoning Code does not regulate any other retail use.

Councilmember Black stated that she did not see a requirement for a customer drop off and pick up area and inquired if it would be appropriate to make that a requirement in neighborhood/commercial zones.

It was motioned by Councilmember Willis, seconded by Councilmember Bildsoe, to table this item to the next Council meeting.

Councilmember Black asked the applicant what impact this will have on the business. Mr. O'Bresky stated that a two week delay should not have a significant impact on the property purchase. He added that he also did not want to rush the Council to make a decision.

Mayor Slavik would like to delay this item until the next meeting and hear from staff the

ramifications of limiting square footage on a commercial property.

Mr. O'Bresky stated that he is not available on June 12 for the next regular meeting. Mayor Slavik stated that the intent would be to come up with a solution with staff and have it placed on the consent agenda.

With all members voting in favor but Black, the motion carried.

**(8.03) Consider Proposed Land Use Changes for Five Areas in the Existing Urban Service Area. *City of Plymouth.* (2005050)**

Planning Manager Senness stated that open houses were held and the Planning Commission recently reviewed these areas as well. She stated that Council should be in receipt of some letters that came in after the staff report was completed and these should be considered part of the public record.

**Area E-- Little Peninsula --**

It was motioned by Councilmember Bildsoe, seconded by Councilmember Black, to change the guiding of Little Peninsula from LA-2 to LA-1. With all members voting in favor, the motion carried.

Planning Manager Senness indicated that in the future these items will need a supermajority vote. She added any changes done to night will be put in infrastructure planning.

**Area F -- Four Season, southwest corner of Rockford Rd and & Hwy 169**

Councilmember Black asked about the transit center in conjunction with commercial/office rather than retail. She had concerns about transit and commercial office supporting each other. Planning Manager Senness replied that the property is located in an area with lots of multi-family housing and it is a good location for the transit station.

Councilmember Black inquired about mixed use. Planning Manager Senness stated that mixed use guiding calls for both residential and commercial uses. Councilmember Black would like to defer any action and asked staff if that would pose a problem. Community Development Director Juetten replied that the process would most likely be the same for both kinds of uses in relation to studying infrastructure such as sewer, water, transportation, etc.

Councilmember Hewitt emphasized the importance of transit remaining a strong component in this area.

Council directed staff to defer this item until fall.

**Area G-northwest quadrant of 55 and 9**

Planning Manager Senness stated that the Planning Commission voted for no change to the

guiding at this time as they did not want to send the message that these two businesses are not wanted in the city.

Council agreed that the changes for the wetlands are acceptable.

Councilmember Hewitt stated her concerns with Dundee selling the property. She said access to Highway 55 is a big issue. Councilmember Hewitt expressed her concerns about leaving the property as commercial only for the sake of expansion. Planning Manager Senness replied that Council might consider language that states if the property should redevelop, it should be commercial office.

Councilmember Bildsoe stated that realistically they are giving the decision to future Councils if this option is taken. Councilmember Black replied that even though it is non-binding it gives direction for the future. She stated that are really only two options: signal direction or change the zoning on the property. Councilmember Bildsoe felt that only changing the text is a weak planning process. Councilmember Willis agreed and stated that text conveying intent is not going to serve the purpose. He supports the designation of commercial office.

Councilmember Hewitt inquired how a commercial office zoning designation would impact the Dundee expansion. Planning Manager Senness replied that it would make it a legal non-conforming site and they would not be allowed to expand. Councilmember Hewitt cannot support the change in zoning if it limits Dundee in that manner.

Councilmember Bildsoe had concerns that if viewed by developers it will be shown as commercial and will not see the intent of commercial office. City Manager Ahrens and City Attorney Knutson clarified that it could be shown on the map.

It was motioned by Councilmember Black, seconded by Mayor Slavik, to keep guiding as Commercial with a footnote that if the property is developed it should be Commercial Office. With all members voting in favor but Bildsoe, the motion carried.

#### **Area H- North of 55, west of 169**

Councilmember Black stated that she was hesitant to change the guiding from industrial..

It was motioned by Councilmember Stein, seconded by Councilmember Hewitt, to leave the area as currently guided but to insert text that in the future the city would like to take direction of the proposed land use guide as indicated on the map.

A friendly amendment was made by Councilmember Black to amend the main motion to leave everything below the railroad tracks as industrial and to change the guiding north of the railroad tracks as proposed. With Councilmembers Stein and Hewitt accepting the amendment and only Black voting yes, the motion failed.

Linda Fischer of Larkin Hoffman Daly & Lindgren Ltd, gave a presentation to the City Council. She stated that their firm represented six property owners that own land in the Area H as follows:

JGM Properties, Inc./Medicine Lake Properties, United Products, Ryerson Steel, Core-Mark International, Inc. SJH Real Estate LLC and Nathan Lane Associates/Hedberg Associates, and TriCor Properties.

Councilmember Willis left the meeting at 8:35 p.m.

Ms. Fisher stated the concerns property owners had about the reguiding of Area H. If the property was reguided to Commercial Office, the properties would become legal non-conforming uses and would not be allowed to expand or move to any other part of the parcel. This would have a major effect on all properties.

Councilmember Bildsoe stated that they should either make the decision to reguide for the long term or leave it as it is. He felt that a text amendment would lead to ambiguity and would not be fair to the landowners.

With all members voting in favor but Bildsoe and Black, the main motion carried.

Ms. Fischer inquired about the timeline. Planning Manager Senness stated they are working on the land use plan now. In the infrastructure planning, staff would use existing zoning. Community Development Director Juetten stated that the RFP that went out with this area showed it as a special study area with the zoning now and in the future. Planning Manager Senness stated that the land use plan will be completed this summer. Ms. Fisher asked if this will come back to Council before the final Comprehensive Plan when a supermajority vote will be needed for any changes. Councilmember Black stated that this should not come up again before the final Comprehensive Plan changes. Community Development Director Juetten added that the final Comprehensive Plan approval will be in December or January.

#### **Area I- Southeast quadrant of 55 & Vicksburg**

It was motioned by Councilmember Stein, seconded by Councilmember Bildsoe, to change the guiding from Industrial to Commercial. With all members voting in favor, but Hewitt and Slavik, the motion carried.

#### **(8.01) Consider Variances to allow Construction of a New Home on a Non-Conforming Lot and for Impervious Surface Coverage for Property located at 2560 Medicine Lake Boulevard East. Cory & Ellen Tell. (2007024) (Tabled from May 8)**

Corey Tell, applicant, gave a presentation about the two variances he is seeking. He stated the reasons for placement of the home on the lot due to some grading issues. He also addressed concerns from the neighboring property owner about obstructing the view of the lake. He felt that the home fits into the neighborhood in regard to setbacks. He stated that he and his wife plan on living in the home for the long term. He said it was not feasible to put the driveway in the back of the lot.

Councilmembers Black and Bildsoe stated that they were pleased that Mr. Tell was present to

make his presentation and are now comfortable supporting the resolution.

It was motioned by Councilmember Black, seconded by Councilmember Hewitt, to approve Variance to allow construction of a new home on a non-conforming lot and for impervious surface coverage (Res 2007-241). With all members voting in favor, the motion carried.

**(8.02) Consider Planned Unit Development Amendment to Reconfigure the Existing Changeable Message Board on the Sign Kiosk adjacent to Highway 55 from Manual to Electronic. *Hans Hagen Homes*. (2007020)**

Community Development Director Juetten explained the current sign on the property. The applicant is proposing an electronic reader board. He stated that there have been recent discussions in the area about electronic signs and what effect electronic signs have on traffic. He stated that there are three options the Council can do:

1. Table the item and ask staff to come back with more info
2. Deny the request
3. Approve the request

Community Development Director Juetten reported that staff looked at the proposal to see if it is consistent with the comp plan and also the impact on the Zoning Ordinance. The Zoning Ordinance only addresses the issue of traffic safety.

John Rask, representing Hans Hagen Homes, gave a presentation. He stated that there are 27 individual tenants. When the property was originally developed, there were limitations put on signage as well as some exceptions. Some of the tenants have no visual signage from Highway 55. He stated that they are trying to avoid temporary signage and are willing to limit the sign changing to twice a day.

Mr. Rask reported that the proposed sign is the same as signs used by the state highway dept and a danger to drivers does not exist.

Councilmember Hewitt inquired if they were willing to do a smaller electronic sign that would meet requirements. Mr. Rask replied they need room to advertise store names as well as special promotions.

It was motioned by Councilmember Hewitt, seconded by Mayor Slavik, to deny the request.

Councilmember Hewitt felt that it would be acceptable if it was in line with the Zoning Code. Councilmember Black asked if the sign is approved, would this set precedence. City Attorney Knutson replied that it would not. Mayor Slavik stated that even though there is no legal precedence, she can see other developers wanting an electronic sign whether or not it is a PUD.

Councilmember Stein indicated he found the electronic sign more aesthetically pleasing and would rather table the item and have staff review the Zoning Ordinance.

Councilmember Hewitt asked if the applicant was willing to reduce the size of the sign or if it was all or nothing. Mr. Rask replied that they do not want to reduce the size of the sign and would prefer to wait until the Zoning Code is studied again for this issue.

Councilmember Murdock was inclined to support this request as she felt the proposed sign would be neater and cleaner. Councilmember Black would not support a denial but would support tabling the item and have staff come back with recommendations.

Mayor Slavik was comfortable with language enacted in 2005 and did not feel the industry has changed enough to warrant a change in the Zoning Ordinance.

It was motioned by Councilmember Black, seconded by Councilmember Stein, to table the item to a date uncertain and direct staff to review the ordinance and come back with recommendations. With Murdock and Stein voting yes and Bildsoe, Hewitt, Black, and Slavik voting no, the motion failed.

It was motioned by Councilmember Hewitt, seconded by Mayor Slavik, to deny the request and direct staff to review this during the Zoning Ordinance annual update. With Hewitt, Black and Slavik voting yes, and Bildsoe, Murdock, and Stein voting no, the motion failed.

It was motioned by Councilmember Black, seconded by Councilmember Murdock, to approve the sign amendment with the condition that the sign only change twice a day. With Murdock and Stein voting yes, and Bildsoe, Hewitt, Black, and Slavik voting no, the motion failed.

It was motioned by Councilmember Hewitt, seconded by Councilmember Bildsoe, to deny the request. With Bildsoe, Hewitt, Slavik voting yes and Murdock, Stein and Black voting no, the motioned failed.

City Attorney Knutson suggested tabling this item until seven members of Council are present.

Councilmember Bildsoe said he would support the motion to direct staff to review the Zoning Code if it came back again.

It was motioned by Councilmember Bildsoe, seconded by Councilmember Hewitt, to deny the request and direct staff to review this section of the code at the next annual update of the Zoning Code (Res 2007-242). With Bildsoe Hewitt, Black and Slavik voting yes, and Stein and Murdock voting no, the motion carried.

### **Reports and Staff Recommendations**

#### **(9.1) Consider Appointments to the Environmental Quality Committee and Shingle Creek Watershed Commission**

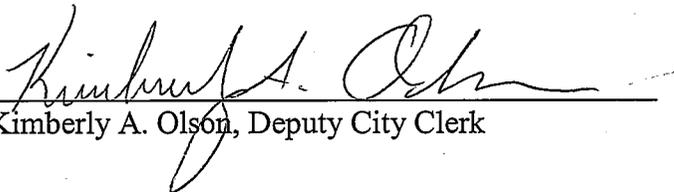
It was motioned by Councilmember Black, seconded by Councilmember Hewitt, to table this item to the next regular meeting. With all members voting in favor, the motion carried.

**(9.2) Legislative Update**

There was no legislative update.

**Adjournment**

Mayor Slavik adjourned the meeting at 10:17 p.m.

  
\_\_\_\_\_  
Kimberly A. Olson, Deputy City Clerk