

**Adopted Minutes
Regular Council Meeting
February 28, 2006**

Mayor Johnson called a Regular Meeting of the Plymouth City Council to order at 7:08 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on February 28, 2006. Boy Scout Troop 539 led the Council in the Pledge of Allegiance.

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

ABSENT: None.

STAFF PRESENT: City Manager Ahrens, Fire Chief Kline, Police Chief Goldstein, City Attorney Jamnik, Administrative Services Director Hahn, City Forester Buck, Park and Recreation Director Blank, Public Works Director Cote, and City Clerk Paulson.

Plymouth Forum

There was no one present to address the Council.

Presentations and Public Information Announcements

There were no presentations or public information announcements.

Approval of Agenda

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

Consent Agenda

Councilmember Willis removed item No. 6.09, and it was placed under General Business as item No. 8.5.

Councilmember Black removed item No. 6.24, and it was placed under General Business as item No. 8.6.

Motion was made by Councilmember Bildsoe, and seconded by Councilmember Stein, to adopt the amended Consent Agenda that included the following items:

(6.01) Minutes of the Special and Regular Meetings of February 7.

Adopted Council Minutes
Regular Meeting of February 28, 2006
Page 2 of 8

(6.02) Resolution Approving Disbursements for the Period Ending February 17, 2006 (Res2006-080).

(6.03) Resolution Approving One Current Model Wheel Loader with Snow Plow and Wing (Res2006-081).

(6.04) Resolution Authorizing a Reallocation of CDBG Funds from the 2004 Trails Program into the 2006 CAPSH Program (Res2006-082) and a Resolution Authorizing the Application for and Allocation of Fiscal year 2006 Community Development Block Grant Funds (Res2006-083).

(6.05) Resolution Approving a Site Plan Amendment and Conditional Use Permit for Woody's Grille located at 200 Carlson Parkway (2005114 – Res2006-085) and an Interim Use Permit (Res2006-084).

(6.06) Resolution Approving Site Plan Amendment, Conditional Use Permit Amendment and Variance to allow an Addition at Plymouth Presbyterian Church located at 3755 Dunkirk Lane North (2005149 – Res2006-087).

(6.07) Resolution Revising and Replacing Resolution No. 2004-315 Approving a Site Plan Amendment and Variances for Willow Woods Estates located at 10810 South Shore Drive (2004068 – Res2006-086).

(6.08) Resolution Approving Final Plat and Development Contract for "Churchill Ridge" for Property located at 18820 County Road 24 (2004107-F – Res2006-088).

(6.09) (Item was removed from the Consent Agenda and placed under General Business as item No. 8.5).

(6.10) Resolution Waiving the Requirement for a Sidewalk for Property located at the Northeast Corner of the Intersection of 28th Avenue North and Pilgrim Lane (2005003 – Res2006-089).

(6.11) Acceptance of 2005 Park and Recreation Advisory Commission Annual Report.

(6.12) Resolution Authorizing the Mayor and City Manager to Enter into Service Agreements with Social Service Agencies for 2006 (Res2006-090).

(6.13) Resolution Approving Abatement of a Hazardous Building located at 9930 26th Avenue North (Res2006-091).

(6.14.1) Resolution Approving State of Minnesota Agency Agreement between Department of Transportation and City of Plymouth for Federal Participation in Preliminary Engineering for Fernbrook Lane/T.H. 55, 27th Avenue North to 34th Avenue North (89297 – Res2006-092).

(6.14.2) Resolution Receiving Engineering Proposals and Designating the Engineer for Fernbrook Lane/Highway 55, 27th Avenue North to 34th Avenue North (1013 – Res2006-093).

(6.15) Resolution Approving Plans and Specifications, Approving an Agreement Amendment, and Ordering Advertisement for Bids for Circle Park Pond Excavation Project (5115 – Res2006-094).

(6.16) Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for County Road 6 Water Tower Rehabilitation Project (5124 – Res2006-095).

(6.17) Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for Emergency Vehicle Pre-Emption Projects (5126 – Res2006-096).

(6.18) Resolution Awarding Bid for Well No's. 7 and 12 Maintenance Project (5133 – Res2006-097).

(6.19) Resolution Authorizing "No Parking" Restriction on the North Side of 15th Avenue between Xenium Lane and 1,000 feet to the East (Res2006-098).

(6.20) Approval of the Metropolitan Partnership Grant Agreement.

(6.21) Resolution Approving Procedure for Updating the Surface Water Section of the Comprehensive Plan and Water Resources Management Plan (Res2006-099).

(6.22) Resolution Accepting Utilities for Continual Maintenance for the Fields of Nanterre 2nd Addition (2004043 – Res2006-100).

(6.23) Resolution Authorizing Payment of Dues to the Northwest Suburban Chamber of Commerce (Res2006-101).

(6.24) (Item was removed from the Consent Agenda and placed under General Business as item No. 8.6).

With all members voting in favor, the motion carried.

Public Hearings

(7.1) Assessments for 2005 Weed Eradication and Destruction, Roll 1

Administrative Services Director Hahn reported on the proposed assessment.

Mayor Johnson opened the public hearing for testimony.

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

Motion was made by Councilmember Slavik, and seconded by Councilmember Bildsoe, to adopt a Resolution Adopting Assessments for 2005 Weed Eradication and Destruction, Roll 1 (Res2006-102). With all members voting in favor, the motion carried.

(7.2) Assessments for 2005 Removal and Destruction of Diseased Trees, Roll 1

Administrative Services Director Hahn reported on the proposed assessments.

He noted correspondence received from Don Myron who didn't feel as if he received adequate time to remove his diseased tree. However, staff believes adequate time was given.

Mayor Johnson opened the public hearing for testimony.

Don Myron, 2425 Merrimac Lane North, spoke of his difficult experience of trying to remove his diseased tree after he was notified by staff to remove the tree. In order to remove the diseased tree, he needed access to the adjacent property, and trying to determine who was the owner of the adjacent property tended to be a difficult and lengthy process for him. He stated the initial notice that he received from the City stated that he had 20 days to remove the tree. Since this didn't provide adequate time for him, he requested an extension from City staff, and he was granted an extension. He noted that if he wouldn't have been granted an extension that he suggested that he could just lay the tree down and debark it which would assist in controlling the spreading of the disease. Once he determined that the County owned the adjacent property, he contacted them, and they gave him permission to cross their property, provided that he would replace any trees that he damaged. He was able to locate a tree removal company, and they informed him that they could remove the tree for \$200 on September 28. He informed staff of this and stated that the City wouldn't need to get involved with any tree service. However, the City had the tree removed on September 26. Therefore, he requested that rather than being assessed \$962.65, the City assess him \$200 which he would've paid his own contractor.

Brady O'Brien, 5335 Vicksburg Lane, stated he doesn't recall the date that he was contacted by Mr. Myron to cut down his tree, but believes it was two weeks prior to September 26 when the City's contractor cut down the tree on September 26.

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

City Forester Buck stated they sent a notice to Mr. Myron on July 16 requesting that he remove the diseased tree. Mr. Myron contacted staff on July 21 requesting an extension. Staff granted the extension through September 1. On September 1, Mr. Myron requested an additional extension, and staff indicated that no further extensions would be granted. Mr. Myron informed the City that the tree would be down by the end of the month. He stated staff waited an additional few weeks to direct the City contractor to remove the tree after September 1 in order to give Mr. Myron additional time to remove the tree. Staff waited until the contractor removed all the other trees on the list before Mr. Myron's tree was cut down on September 26.

Adopted Council Minutes
Regular Meeting of February 28, 2006
Page 5 of 8

Councilmember Stein asked if staff received a call that Mr. Myron was going to cut down the tree on September 28. City Forester Buck replied yes. However, at any point, staff would've given direction to the contractor, and once a date is set, staff doesn't negotiate a different date with the contractor.

Councilmember Bildsoe requested clarification on the need to remove the tree within 20 days of the date of the notice. City Forester Buck explained the removal period is defined in the State Statutes. He also noted that Mr. Myron's tree was in a very visible location on Highway 101, and other residents who received orders to remove their trees could question why that tree is still standing after the 20 day period. He also stated that during the summer there had been landscaping in this area, such as trees being cut, woodchips around the trees, so staff assumed that Mr. Myron would cut down the tree by September 1.

Mr. Myron stated he was in a very difficult position as he couldn't get to the tree without getting permission from the County to cross their property. He noted that it was around September 12 when he received permission from the County.

Motion was made by Mayor Johnson, and seconded by Councilmember Bildsoe, to adopt a Resolution Adopting Assessments for 2005 Removal and Destruction of Diseased Trees, Roll 1 (Res2006-103).

Councilmember Willis stated that he is somewhat concerned what Mr. Myron went through, and he's not blaming anyone, but it was miscommunication on his part. He suggested that perhaps the Council could resolve some of Mr. Myron's concerns by reducing his assessment by half, which would still be twice the amount that his contractor would've charged.

Motion was made by Councilmember Willis, and seconded by Councilmember Hewitt, to amend the main motion to reduce Mr. Myron's assessment to \$481.32. With Slavik, Stein, Black, Bildsoe, and Johnson voting no, and Willis and Hewitt voting yes, the motion failed.

Motion was made by Councilmember Hewitt, and seconded by Councilmember Slavik, to amend the main motion to reduce Mr. Myron's assessment by \$100 (administrative fee), so his assessment would be \$862.65. With Slavik, Black, Willis, and Hewitt voting yes, and Stein, Bildsoe, and Johnson voting no, the motion carried.

Motion was made by Councilmember Willis, and seconded by Councilmember Hewitt to move forward with the revised assessment roll. With all members voting in favor, the motion carried.

The Council voted on the amended main motion and with all members voting in favor, the motion carried.

General Business

(8.1) Update on I-394 MnPass Project

Nick Thompson, from the Minnesota Department of Transportation, provided an update on the I-394 MnPass Project. He noted that the daily operating cost of the system is \$4,300, and they receive approximately \$4,000 per day in revenue. He stated the revenue is used to first pay for the construction and operation of the system, and after these two areas are paid, the remainder of the revenue is split between enhancing transit opportunities and making road improvements to I-394. He stated they will be increasing their marketing efforts in order to increase ridership. He also noted that if another road is added to the system, their costs are cut in half.

The Council voiced their concern to Mr. Thompson on any possibility of toll lanes on I-494, which means that Plymouth residents would have toll lanes a lot through the City. The Council also discussed concerns they had received from residents on the pricing structure, and Mr. Thompson explained how the pricing structure is determined. He also noted that hopefully in mid March they would have a comprehensive mid market research report completed.

(8.2) Submission of Mandate Reform Suggestions to State Auditor

The Council discussed submitting a list of 94 mandates that are in need of reform or funding by the State Auditor. City Manager Ahrens noted that over the past few months, the State Auditor's Office has been collecting resolutions from local governments dealing with mandate form. These would be mandates where local governments believe are in particular need of reform.

Motion was made by Councilmember Stein, and seconded by Councilmember Bildsoe, to adopt a Resolution Authorizing Submission of Mandate Relief Suggestions to the State Auditor (Res2006-104).

The suggestion was made that in addition to sending this Resolution to the State Auditor's Office, and a top 12 list that staff had prepared also be sent along with a letter from the City.

Motion was made by Councilmember Stein, and seconded by Councilmember Bildsoe, to replace the words "mandate reform" in the Resolution with "mandate relief" and to send the list of the top 12 items along with a letter to the State Auditor's Office. With all members voting in favor, the motion carried.

The Council voted on the amended main motion and with all members voting in favor, the motion carried.

(8.3) Ordinance Amending Hours of Construction for Weekend and Holiday Hours

Community Development Director Hurlburt reported on the proposed Ordinance amending the hours of construction for weekend and holiday hours. She noted that at the February 7 Council Study Session, the Council directed staff to prepare this Ordinance.

Motion was made by Councilmember Hewitt, and seconded by Councilmember Bildsoe, to adopt an Ordinance Amending the City Code Section 105 Concerning Definitions and Section 2025 Concerning Noise (2006009 – Ord2006-07). With all members voting in favor, the motion carried.

(8.4) Appointment to Environmental Quality Committee

Motion was made by Councilmember Slavik, and seconded by Councilmember Stein, to adopt a Resolution Appointing Carlos Gutierrez to the Environmental Quality Committee (Res2006-105). With all members voting in favor, the motion carried.

(8.5) Establish 2006 Pay Schedule for Members of the Plymouth Fire Department

Councilmember Willis requested that this item be deferred until the Council discusses the fire staffing study at the April 18 Study Session. He noted that in terms of compensation, the City has the highest pension for any firefighter in the state. Therefore, compensation isn't lacking.

Motion was made by Councilmember Willis, and seconded by Mayor Johnson, to table this item to April 18.

Fire Chief Kline explained that with their duty officer program, there is a rotating coverage schedule for the weekends. He stated this would be an incentive pay to recognize the rotation which is mandatory. He stated it isn't imperative that this pay needs to be approved this evening as it wouldn't impact the current compensation program for firefighters. He noted that they recommended an effective date of January 7 so there would be retroactive pay.

Councilmember Willis stated that he has no recollection that this was discussed when the Fire Department budget was presented.

City Manager Ahrens stated this proposal was made by the Fire Department for their department request. She doesn't recall any discussion by the Council nor was it in the written materials prepared for the Council. She stated she is unsure if the Council received the original requests from the each department last year.

Councilmember Stein asked if this program was recommended to the Council. City Manager Ahrens replied it wasn't specified in any material that was given to the Council as there wasn't a line item for it in the budget.

There being no further discussion and with all members voting against the motion but Willis and Johnson, the motion failed.

Motion was made by Councilmember Slavik, and seconded by Councilmember Black, to adopt a Resolution Rescinding Resolution 2005-468 and Establishing 2006 Pay Schedule for Members of the Plymouth Fire Department (Res2006-106). With all members voting in favor, the motion carried.

(8.6) Approve Tiling of Lobby at the Plymouth Ice Center

Councilmember Black stated that she is concerned about using park dedication funds for this expenditure.

Adopted Council Minutes
Regular Meeting of February 28, 2006
Page 8 of 8

Motion was made by Councilmember Black, and seconded by Councilmember Willis, to fund this project from the 2005 surplus funds. This motion was withdrawn upon further discussion of funding options.

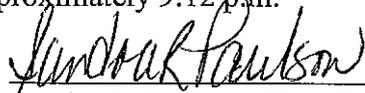
Motion was made by Councilmember Slavik, and seconded by Councilmember Bildsoe, to adopt a Resolution Approving Tiling of the New Lobby at the Plymouth Ice Center by increasing the loan amount on the project (Res2006-107). With all members voting in favor, the motion carried.

Reports and Staff Recommendations

(There were no Reports and Staff Recommendations).

Adjournment

Mayor Johnson adjourned the meeting at approximately 9:12 p.m.



Sandra R. Paulson, City Clerk