

Adopted Minutes Regular Council Meeting February 26, 2013

Mayor Slavik called a Regular Meeting of the Plymouth City Council to order at 7:09 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on February 26, 2013.

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

ABSENT: Councilmembers Bildsoe and Black.

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 Police Chief Plekkenpol, Deputy Fire Chief Springer, and City Clerk Engdahl.

Plymouth Forum

Don Pedersen, 4320 Rosewood Lane, recommended a change to the City Code to clarify where dogs can be on and off leash, specifically as it relates to ponds. The current language is confusing as dog owners think they can have dogs off leash on a frozen pond. He provided suggested language to the Council.

Councilmember Willis asked what the problems are. Mr. Pederson replied residents like to use the frozen ponds for ice skating, broomball, etc., so it's not a place for unleashed dogs.

Councilmember Willis asked what if the dogs were on leash on a frozen body of water. Mr. Pedersen replied that would be fine.

Councilmember Wosje asked if someone wanted to train their dog at Parkers Lake Park, would they have to be 300 feet from the lake. Mr. Pedersen replied yes.

Mayor Slavik requested that the City Attorney and Police Chief review this request and prepare a report for a future Council agenda outlining any options and/or ramifications.

Presentations and Public Information Announcements

There were no presentations or public information announcements.

Approval of Agenda

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

Consent Agenda

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

- (6.01) Regular Council Meeting minutes of February 12.
- (6.02) Resolution Approving Disbursements ending February 16, 2013 (Res2013-046).
- (6.03) Resolution Accepting Donation from Heidi Fokken through the Plymouth Crime and Fire Prevention Fund (Res2013-047).
- (6.04) Resolution Accepting Donation of Vests for K9s (Res2013-048).
- (6.05) Resolution Accepting Donation of Veterinary Services for Police K9s from the Northwest Animal Hospital (Res2013-049).
- (6.06) Resolution Ordering Preliminary Engineering Report for the Sagamore Street Reconstruction Project (13005 – Res2013-050), Resolution Receiving Preliminary Engineering Report, Ordering Preparation of Plans and Specifications, and Calling for a Public Hearing for the Sagamore Street Reconstruction Project (13005 – Res2013-051), Resolution Approving Plans and Specifications, and Ordering Advertisement for Bids for the Sagamore Street Reconstruction Project (13005 – Res2013-052), Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the Sagamore Street Reconstruction Project (13005 – Res2013-053), and Resolution for Hearing on Proposed Assessment for the Sagamore Street Reconstruction Project (13005 – Res2013-054).
- (6.07) Resolution Approving the Lift Station Maintenance Agreement between the City of Plymouth and the Wayzata School District (Res2013-055).
- (6.08) Resolution Approving Agreement regarding Transfer of Certain Improvements between Cornerstone Commons and Villas at Cornerstone Commons Homeowners Associations and the City of Plymouth (Res2013-056).
- (6.09) Resolution Approving Purchase of Sidewalk Machine with Attachments (Res2013-057)
- (6.10) Resolutions Designating Municipal State Aid Streets for 2013 (Res2013-058 and Res2013-059).
- (6.11) Resolution Approving Leases with Spring Spectrum Realty Company to Mount Communication Equipment on Water Towers (Res2013-060).

(6.12) Approve Park and Recreation Advisory Commission's 2013 Work Plan and Goals.

(6.13) Approve Planning Commission's 2013 Work Plan.

(6.14) Resolution Approving Expenditure from the Resource Planning/DEA Fund for Police Equipment (Res2013-061).

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Appeal of Denial of Massage Therapy Certificate for Samantha Barth

Deputy Police Chief Plekkenpol stated this is the date of hearing by request of Samantha Barth for denial of a Massage Therapy Certificate. He stated Ms. Barth didn't state on her application that she had a criminal history. He stated the police department conducted the background investigation and discovered that she was arrested and convicted for criminal damage to property in 2004. She spent 15 days in jail and a subsequent four days in jail. She also has since violated her parole. He noted that an amended resolution denying the application is before the Council this evening.

Councilmember Wosje asked if Ms. Barth would've been truthful on her application, would the application have been approved. Deputy Police Chief Plekkenpol stated yes, as the crime committed isn't connected to the practice of massage therapy.

Mayor Slavik opened the public hearing.

Mayor Slavik declared the public hearing closed.

Motion was made by Councilmember Stein, and seconded by Councilmember Willis, to adopt the amended Resolution Denying the Massage Therapy Certificate for Samantha Barth (Res2013-062). With all members voting in favor, the motion carried.

General Business

(8.01) Variance for an Off-Site Business Sign for Plymouth Tire and Auto (Pauly Enterprises, Inc. – 2012092)

Community Development Director Juetten reported on the variance request for an off-site business sign for Plymouth Tire and Auto. He stated their current sign would be removed and relocated to the new location under the Perkins sign which would allow the business more visibility from I-494. The visibility of their current sign is blocked by trees. The new sign would be smaller than their current sign and would allow for more visibility for the business. The

existing sign on their property wouldn't be replaced. The Planning Commission voted unanimously to recommend denial as the request doesn't meet all of the applicable variance standards. However, since that conclusion is based on standards that are open to interpretation, the Council could reasonably reach another conclusion on the request. Staff has included in the packets a resolution for denial and a draft resolution for approval.

Councilmember Wosje asked if there are any other parties, other than Perkins, Days Inn, and Plymouth Tire and Auto on the private easement for the current Perkins sign. Community Development Director Juetten replied no. He stated the easement has been in place for approximately 30 years.

Councilmember Stein stated the City has allowed for off site signage for other businesses, such as Crown Plaza, and Allina to name a few. Community Development Director Juetten stated many off site signs are part of an approval process through planned unit developments and site plan approval processes. He stated from a staff's perspective, they try not to allow for off site signage. If there are unique situations, the Council can approve them on an individual basis.

Councilmember Willis stated since the proposed sign will be half the size of the existing sign, it's on property subject to a private lease, they're removing the larger sign and not replacing it on their property, is a better deal for the public. In this instance, as there is a private easement for the new sign location, it's a smaller footprint of a sign, it makes better sense than the existing sign. Councilmember Johnson agreed.

Beverly Kottas, applicant, stated it was good foresight by the developer who developed this quadrant, to have an easement for the highway signage. She stated it's difficult to see their current sign when the trees are all leafed out. She notified the owner of the sign for their new sign, and they have no concerns.

Motion was made by Councilmember Stein, and seconded by Councilmember Johnson, to adopt a Resolution Approving a Variance for Pauly Enterprises, Inc. to allow Off-Site Signage and Signage that would exceed the Maximum Allowable Size to be located at 2945 Empire Lane (2012092 – Res2013-063).

A friendly amendment was made by Councilmember Johnson to include in the findings that the "private easement allowing the sign has been in place since 1976." This friendly amendment was accepted.

With all members voting in favor of the amended motion, the motion carried.

Reports and Staff Recommendations

(9.01) Legislative Update

Mayor Slavik and Councilmembers Stein and Wosje provided updates on various bills that they've been tracking and providing testimony.

Adjournment

Mayor Slavik adjourned the meeting at 7:45p.m.


Sandra R. Engdahl, City Clerk