

Adopted Minutes

Regular Council Meeting

January 8, 2013

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 January 8, 2013.

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

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 Deputy Clerk Baird.

Plymouth Forum

There was no one present to address the Council.

Presentations and Public Information Announcements

(4.01) Announce “Skate with the Mayor”

Mayor Slavik announced her “Skate with the Mayor” event for January 18 at Parkers Lake.

(4.02) Update from Police Department

Councilmember Stein had previously requested an update on preparedness information regarding the recent shootings in Newton, Connecticut from the Police Department.

Police Chief Goldstein reported that the Police Department is doing everything they possibly can with the established comprehensive safety plans that were established many years ago. Relationships have been enhanced to include training exercises with the schools and other community/state organizations. Plymouth is considered to be a leader in many categories with other government entities. The residents are pleased with the City’s performance in these areas as is evidenced by the recent citizen survey.

The Police Department is very active in statewide programs and legislation. Deputy Police Chief Plekkenpol has been an active participant in the planning of the statewide plan for emergencies.

Police Chief Goldstein has also helped with legislation reform for changing school gun laws, and recently had input in the “Demand to Plan” program in Washington this spring.

After the tragedy that recently occurred in Newton, Connecticut, the Police Department held active shooter training exercises and plans to further enhance this process to include the Fire Department this spring to test new procedures.

Another shooting that recently occurred closer to home was at the Action Signage company in Minneapolis. While nothing can prevent the improbable from happening, actions are being taken to be prepared to handle these situations the best that is possible. The Police Department does have plans in place and continues to review those plans.

Wayzata and Robbinsdale School Districts have taken great strides to change policies and procedures. Robbinsdale School District was awarded three grants to help enhance their infrastructure. Wayzata High School has recently revamped their front entry to be more secure. The Police Department continues to train with the school districts to be prepared.

Approval of Agenda

Motion was made by Councilmember Willis, and seconded by Councilmember Stein, to approve the agenda:

Consent Agenda

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

- (6.01) Approve proposed City Council Minutes for Special Meetings of November 20, December 4 and December 11, 2012; and the Regular Meeting of December 11, 2012.
- (6.02) Resolution Approving Disbursements ending December 29, 2012 (Res2013-001).
- (6.03) Appointment of City Health Officer for 2013.
- (6.04) Appointment of City Council Secretary for 2013.
- (6.05) Resolution Appointing Official Depositories for City Funds for 2013 (Res2013-002).
- (6.06) Resolution Designating the Plymouth Sun Sailor as the City of Plymouth’s Official Newspaper for 2013 (Res2013-006).
- (6.07) Resolutions Approving Preliminary Plat and Final Plat for Hampton Hills Investment, LLC/Hampton Hills South Plateau 3rd Addition (2012093 – Res2013-003) and Adopting

Assessments for Trunk Sanitary Sewer and Water Main Hampton Hills South Plateau 3rd Addition (Res2013-004).

(6.08) Resolution Approving Payment for Purchases that May Exceed \$100,000 (Res2013-005).

(6.09) Approve Sale of Police Canine to Sergeant Robert Topp.

(6.10) Approve Environmental Quality Committee's 2012 Annual Report and 2013 Work Plan.

(6.11) Approve Plymouth Advisory Committee on Transit's 2013 Work Plan.

(6.12) Resolution Accepting Utilities for Continual Maintenance for Terra Vista (2011095 – Res2013-007).

(6.13) Resolution Approving Grant Agreement with Metropolitan Council Transit Capital Financial Assistance for repairs to Plymouth Metrolink Station 73 and the Reserve (Res2013-008).

(6.14) Resolution Approving a Grant Agreement with Metropolitan Council Transit Capital Financial Assistance to Replace Bus Shelters (Res2013-009).

(6.15) Resolution Awarding the Contract for the 45th Avenue and Nathan Lane Drainage Improvement Project (11021 – Res2013-010).

(6.16) Resolution Approving the Termination of Assessment Agreement for Carlson Center 12th Addition (Res2013-011).

(6.17) Ordinance Amending Sections 1015 and 1016 of the City Code for 2013 increases to Park Facility Fees (Ord2013-002, Res2013-012).

(6.18) Resolution Approving the Park Master Plan for Fairway Greens Neighborhood Park and Approval to Proceed with Development (Res2013-013).

(6.19) Ordinance Amending Section 1015 of the City Code Regarding Water and Sewer Connection Charges and Area Charges (Ord2013-003).

(6.20) Resolution Approving a Conditional Use Permit to Exceed 50% Office Use in the I-2, General Industrial Zoning District for Property Located at 13005 16th Avenue North (2012100 – Res2013-014).

(6.21) Ordinance Amending Section 1015 of the City Code regarding Water and Sanitary Sewer Fees (Ord2013-004).

With all members voting in favor, the motion carried.

Public Hearings

(7.01) Vacation of a portion of a Drainage and Utility Easement for Outlot A, Terra Vista Addition

Public Works Director Cote reported on the proposed vacation.

Mayor Slavik opened the public hearing.

Mayor Slavik closed the public hearing.

Motion was made by Councilmember Willis, and seconded by Councilmember Johnson, to adopt a Resolution Authorizing the Vacation of a Portion of a Platted Drainage and Utility Easement within Outlot A and Two Temporary Cul-de-Sac Easements in Terra Vista Addition (Res2013-015). With all members voting in favor, the motion carried.

General Business

(8.01) Consider Lawful Gambling Request of Hamel-Plymouth VFW Post 5903, 19020 Hamel Road

Administrative Services Director Callister stated that the City is in receipt of a request by the Hamel-Plymouth VFW Post 5903 to amend the current Lawful Gambling ordinance to eliminate or strike the distance requirements in the charitable gambling ordinance for fraternal organizations only. Currently the building is located within 75' of residential properties.

Councilmember Black asked what type of residences are located within 75' of the establishment. Administrative Services Director Callister replied single family residences.

Councilmember Johnson asked if this was the only fraternal organization in Plymouth. Community Services Director Juetten replied yes.

Paul Mercer, Quartermaster of Hamel-Plymouth VFW Post 5903 addressed the Council. He stated that their neighbors have no objections to charitable gambling at the VFW.

Councilmember Willis asked how long this post has been in existence? Mr. Mercer replied that they celebrated their 50th anniversary last year. They were established as an organization in 1972 and moved to Plymouth a few years later.

Councilmember Wosje asked if this amendment were granted, what would the purpose be for having lawful gambling, what would be the Lions Club share and how would this benefit the community?

Mr. Mercer replied that first the VFW takes care of the veterans, widows, orphans of the organization. The VFW is very active in the community, supporting the programs for softball, teachers, firefighters, and parades. The VFW likes to do good for the community. Currently WWII veterans make up a majority of the membership. If charitable gambling were allowed, the increased revenue would permit the VFW to give back that much more to the members and community without having to raise the membership dues.

Mayor Slavik read the description of a non-profit organization which is “a branch, lodge, or chapter of a national or state organization registered by the IRS as a 501C8 or 501C10 non-profit organization exists for the common business fraternal or other interest of its members. The term does not include college and high school fraternities and sororities.”

Administrative Director Callister displayed a map illustrating the residences located within 75' of the VFW.

Councilmember Stein asked if we allow the exception, would this change the liquor license application process. Administrative Director Callister replied no.

Mayor Slavik stated that her concern is that if the City allows this exception, how this would affect future establishments.

Councilmember Johnson stated that when the ordinance was drafted, there was a lot of thought to protect the City's residents. To her knowledge, the City has not experienced any trouble or has heard of any problems in relation to any gambling in the City. However, resident input should be heard. This should move to the next level.

Councilmember Willis stated that he would like to maintain some conservatism on this ordinance. He has no objection to the amendment; however it should be changed to add a clause to the effect of a fraternal organization occupying the same site since 1975. Therefore if a new organization came in they would also have to apply for a variance or exemption.

Motion was made by Councilmember Willis, and seconded by Councilmember Johnson to accept the ordinance as amended, and to change Section 1105.11, Subd. 4 to read “Except for a premises permit issued to a fraternal organization for a location at which the fraternal location has been since on or before 1975,” (Ord2013-001). With all members voting in favor, the motion carried.

(8.02) Consider Conditional Use Permit for Amerco Real Estate Co./Truck and Trailer Rental in conjunction with Self Storage at 1225 Highway 169

Community Development Director Juetten gave a report on the application for a conditional use permit for Amerco Real Estate Company to operate a U-Haul facility at 1225 Highway 169. They are also requesting two variances. Staff recommends all applications be approved except the parking of additional vehicles in the front lot. The Planning Commission recommended that all items be approved, under the condition that the applicant come back with landscaping plan that

would not completely screen but buffer the parking view to the public. A revised plan has since been submitted by the applicant which shows more trees and shrubs.

Councilmember Black asked how many vehicles they want to park in the front, and where the employees are parking? Community Development Director Juetten said the applicant requests 30-40 vehicles be on-site in the front lot. The main administration use is in the front of the building, so the employees would park in front.

Councilmember Willis questioned why there are three exits into the street? If the variance is granted, would the applicant still need the far east access? Maybe the driveway should be closed to reduce traffic congestion. It is close to the intersection. Community Development Director Juetten said that it is an existing access.

There was further discussion on the amount of vehicle parking in the front lot. The consensus was that no more than seven vehicles should be allowed.

David Pollock, Principal Planner and representative for U-Haul America International Real Estate spoke on behalf of the applicant. U-Haul is a community driven company. They offer employment opportunities to residents as well as donating funds to local charities, schools and organizations. In regards to the application, U-Haul is requesting the variances because the existing vacant building can be adapted to fit the operational needs of the company with added access points and additional parking. This site was preferred over developing raw land.

The building will be a combination of rental trucks, open warehouse storage, self storage, and retail sales. The northeast corner of the facility will have a retail showroom where 80% of the activity happens. Rear parking would be inconvenient for employees who would have to continually move vehicles. Customers want to see the vehicles they are going to rent, therefore parking the vehicles in the front would be better suited for business. The parking on the north side of the building would be for self storage rental customers to access their rental space. Most of the traffic generated from this facility would be at the beginning and end of each month when most people move. Traffic counts are estimated to be 20-30 trips per day.

Councilmember Willis continued to express concern over so many driveways and asked if it would be possible to remove one. Mr. Pollock explained that with customers, whom seldom drive big trucks, there is a need to have ease-in and out-of the parking lot and into traffic.

Councilmember Stein stated that he doesn't see traffic being a problem. He is more concerned with the parking of vehicles in the front lot. He asked Mr. Pollock how many trucks they wish to park in the front? Mr. Pollock replied 30-40 vehicles. Councilmember Stein stated that he is concerned about the City image when trucks are on display. He stated he would support the variances if parking was limited to seven vehicles.

Motion was made by Councilmember Johnson and seconded by Councilmember Stein to adopt the Resolution Denying a Variance for Screening and Approving a Conditional Use Permit, and Drive-Aisle Variance and a Site Plan Amendment to Allow a Truck and Trailer Rental Operation

Accessory to a Self-Storage Facility at 1225 State Highway 169 (2012091). This was staff's recommendation.

Motion to amend was made by Councilmember Stein and seconded by Councilmember Black to limit parking on the east side of the property to seven spaces;"

Councilmember Willis asked Fire Chief Kline if there was any fire protection needed in the facility because of the storage space? Fire Chief Kline said it would be upgraded to code use.

Councilmember Johnson clarified that her motion was intended to grant the applicant's request. Therefore she withdrew her motion.

Motion was made by Councilmember Johnson and seconded by Councilmember Wosje to adopt a Resolution Approving a Conditional Use Permit, Screening and Drive-Aisle Variances and a Site Plan Amendment to Allow a Truck and Trailer Rental Operation Accessory to a Self-Storage Facility at 1225 State Highway 169 (2012091) .

Motion to amend was made by Councilmember Stein and seconded by Councilmember Black to limit parking to seven spaces on the east side of the site.

Councilmember Stein stated he wants the business to move forward, the parking request is excessive.

Councilmember Johnson is not concerned with the parking. The City should help a business be successful. The business should be able to decide how many spaces they need.

Councilmember Willis stated the requested amount of parking will negatively impact the potential future development to the north of the property.

Mr. Pollock stated the Planning Commission approved 30-40 parking spaces. Their business could settle for 25-30 spaces.

Motion to amend the amendment was made by Councilmember Johnson and seconded by Councilmember Wosje to limit the parking to twenty-five.

Matt Oelschlager, a representative for the current owner of the property spoke to the Council in favor of the proposal.

The motion to limit the parking to twenty-five failed with Bildsoe, Johnson and Wosje voting aye; Stein, Black, Willis and Slavik voting nay.

Motion to amend was made by Councilmember Willis seconded by Councilmember Black to limit the parking to ten.

Mr. Pollock addressed the Council and stated that their company would like to be a part of the community. They want to be successful. Ten spaces will not work for the business. Mr. Pollock withdrew the application and said the company will look for another property.

No further action on the motions was necessary because the applicant withdrew the application.

Councilmembers Johnson, Black and Stein stated they were disappointed that an agreement couldn't be reached between the City and the applicant.

Councilmember Wosje understands the applicant's business and that they need to be successful. It is because they have been in business for over 60 years that proves they are a successful company and it is too bad that the Council was not more supportive.

Councilmember Willis respects the fact that the applicant's business model has worked for them for 60 years. However, the Council represents the residents in our community and what they like. U-Haul made an application, the Council considered it, attempted to work with it, but ultimately U-Haul didn't want to work with what the City was willing to provide.

Councilmember Stein agreed that the variance request for 40 vehicles was unrealistic. The applicant chose to pick a site that wasn't zoned for their business. The Council feels that the variance is inappropriate for this particular site. In the past we have worked with other companies and were able to reach an agreement with some sort of variance.

Mayor Slavik stated that she has never had a developer stand up and walk away. Usually they alter their plans and come back with changes that the Council ultimately approves. There was a workable solution here tonight, unfortunately they chose to withdraw.

Reports and Staff Recommendations

(9.01) Set Future Study Sessions

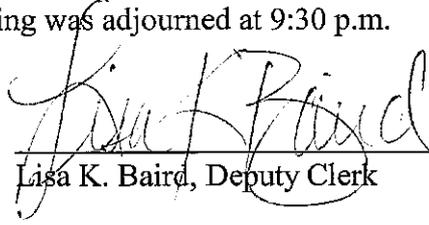
The Council scheduled the following study sessions:

- January 15 at 5:15 p.m. to meet with MNDOT on I-494.
- A special meeting immediately following the special meeting at 6:00 p.m. on January 15 to complete the City Manager evaluation.
- February 12, 5:30 p.m. to discuss the Park Replacement Funds.
- A special meeting to meet with area legislators, with a date to be determined by availability of legislators (possible dates of January 29, February 5 or February 19).

Adjournment

Mayor Slavik adjourned the meeting at 8:28 p.m. The council then went into a closed session to discuss labor negotiations. This meeting was held in the Parkers Lake Room with Mayor Slavik,

Councilmembers Wosje, Willis, Johnson, Black, Bildsoe and Stein, City Manager Ahrens, and Administrative Director Callister. The meeting was adjourned at 9:30 p.m.



Lisa K. Baird, Deputy Clerk