

**CITY OF PLYMOUTH
AGENDA
SPECIAL COUNCIL MEETING
MARCH 22, 2016, 5:30 p.m.
MEDICINE LAKE CONFERENCE ROOM**

1. CALL TO ORDER

2. TOPICS

- A. Ordinance Amending Section 2.07 of the City Charter concerning Council vacancies
- B. Appeal process for massage therapy licenses
- C. Public Works Maintenance Facility Project
- D. Set future study sessions

3. ADJOURN



**SPECIAL
COUNCIL MEETING**

March 22, 2016

To: Dave Callister, City Manager

Prepared by: Roger Knutson, City Attorney

Reviewed by:

Item: Ordinance Amending Section 2.07 of the City Charter
Concerning Council Vacancies

BACKGROUND:

At the December 10, 2014 annual Charter Commission meeting, Commissioner Doherty made the suggestion to consider amending the City Charter regarding vacancies in light of issues the City of Maple Grove had a few years ago on removing a councilmembers that had been convicted of embezzlement. Staff researched the issue and concluded that a city charter cannot add an additional basis for removal due to preemption of State Statutes.

At its December 9, 2015 annual meeting, again by request of Commissioner Doherty, the Commission discussed updating Section 2.07 of the City Charter concerning Council vacancies and bringing the language in compliance with State Statutes. Staff was requested to prepare the attached ordinance for Council consideration.

As requested by the Council, staff invited Charter Commission members to attend this study session.

ATTACHMENTS:

Ordinance

**CITY OF PLYMOUTH
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2016-

**AN ORDINANCE AMENDING THE PLYMOUTH
CITY CHARTER CONCERNING COUNCIL VACANCIES**

PREAMBLE

WHEREAS, pursuant to Minn. Stat. § 410.12, Subd. 7 the Charter Commission has recommended to the City Council that the Charter be amended as provided herein; and

WHEREAS, Minn. Stat. § 410.12, Subd. 7 provides that upon recommendation of the Charter Commission the City Council may enact a Charter Amendment by ordinance.

THE CITY OF PLYMOUTH ORDAINS:

SECTION 1. Chapter 2, Section 2.07 of the City Charter is amended to provide:

Section 2.07 Council Vacancies.

A vacancy in an elective office exists for the following reasons specified by law.

- ~~(a) failure of a person elected to an office to qualify on or before the date of the second regular meeting of the council in the year subsequent to the election;~~
- ~~(b) death of the officer;~~
- ~~(c) resignation of the officer;~~
- ~~(d) except as provided in section 2.05, the officer ceasing to be a resident of the city or of the ward from which elected;~~
- ~~(e) continuous absence of the officer from the city for more than 90 days;~~
- ~~(f) conviction of the officer of a felony either before or after qualification for office;~~
- ~~(g) failure of the officer without good cause to perform the duties of office for a period of three consecutive months;~~
- ~~(h) removal of the officer from office; or~~
- ~~(i) a reason specified by law.~~

When a vacancy occurs for a reason specified, the council shall, at its next regular meeting, by a resolution stating its findings, declare the vacancy to exist. When a vacancy exists, the council must forthwith appoint an eligible person to fill the vacancy until the next regular municipal election when the office is filled for the unexpired term. If the Council does not appoint an eligible person within 60 days after the vacancy is declared, the Mayor shall appoint an eligible person to fill the vacancy on or before the next regular council meeting. If a vacancy occurs and exists in an

elective office after the last day for filing affidavits of candidacy for that office, the person elected to fill that office is deemed to have been appointed for the unexpired term.

SECTION 2. This Ordinance shall take effect ninety (90) days after its passage and publication.

ADOPTED by the City Council this 12th day of January, 2016.

Kelli Slavik, Mayor

ATTEST:

Sandra R. Engdahl, City Clerk



**SPECIAL
COUNCIL MEETING**

March 22, 2016

To: Dave Callister, City Manager

Prepared by: Sandy Engdahl, City Clerk

Reviewed by: Luke Fischer, Administrative Services Director

Item: **Appeal Process for Massage Therapy Licenses**

BACKGROUND:

The City Code provides a process for revocation or suspension of individual massage therapist or massage therapy center certificates that are issued administratively following completion of criminal background investigations. Currently, the City Manager can revoke or suspend certificates, with a final appeal process with the Council, if requested. The majority of the violations that involve a revocation or suspension of certificates contain the disclosure of sensitive information that may not be conducive for a public hearing that is televised. Recently, staff recommended denial of an application that was undergoing a criminal investigation and another recommendation for denial was accompanied by lewd photography and other illicit information.

Airing this information at a regular council meeting and revoking licenses in this public format sends a clear message to potential applicants that this behavior will not be tolerated. It also makes public very lewd information from a small segment of the Plymouth business community. As a general comment, this is not reflective of all the high quality contributions our businesses make to the community and staff believes broadcasting these revocations could cast the broader business sector in a negative light.

Staff recommends that the City Clerk be authorized to revoke or suspend certificates and the final appeal to be heard by the City Manager, rather than the Council. While staff firmly believes the Council can appropriately address these cases, there remains a question of whether or not the details belong in the public realm. Therefore, staff recommends utilizing an administrative process for license violations, which still provides due process beyond staff through the courts.

ATTACHMENTS:

Ordinances

CITY OF PLYMOUTH
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 2016-

**AN ORDINANCE AMENDING CHAPTER XI OF THE PLYMOUTH
CITY CODE CONCERNING MASSAGE THERAPY CENTER BUSINESSES**

THE CITY OF PLYMOUTH ORDAINS:

SECTION 1. Section 615.07 of the Plymouth City Code is amended to provide:

615.07. Granting or Denial of Licenses. License applications shall be reviewed by the Police Department, Community Development Department, County Health Department as directed by the City Clerk. The review shall include an inspection of the premises covered by the application to determine whether the premises conform to all requirements of this Code. Recommendations of each department shall be made in writing to the City Clerk. Thereafter, licenses shall be granted or denied by the ~~City Manager~~City Clerk subject to the provisions of this Section. The applicant may appeal to the ~~Council~~City Manager from the ~~City Manager's~~City Clerk's decision.

SECTION 2. This ordinance shall be effective following its enactment.

ADOPTED by the City Council of the City of Plymouth, Minnesota this ____ day of

_____, _____.

Kelli Slavik, Mayor

ATTEST:

Sandra Engdahl, City Clerk

CITY OF PLYMOUTH
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 2016-

**AN ORDINANCE AMENDING CHAPTER XI OF THE PLYMOUTH
CITY CODE CONCERNING MASSAGE THERAPY**

THE CITY OF PLYMOUTH ORDAINS:

SECTION 1. Section 1135.17 of the Plymouth City Code is amended to provide:

1135.17. Revocation and Suspension of Certificate.

Subdivision 1. Grounds. A Certificate may be revoked or suspended or not renewed by the ~~City~~ City Clerk ~~Manager~~ for any of the following:

- A. Fraud, deception or misrepresentation in connection with the securing of certification.
- B. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs defined in either 26 USC Sec. 4731 or Minnesota Statutes, Chapter 152, as amended, barbiturates, hallucinogenic drugs, amphetamines, Benzedrine, Dexedrine, or other sedatives, depressants, stimulants or tranquilizers.
- C. Conduct inimical to the interests of the public health, safety, welfare or morals.
- D. Engaging in conduct involving or demonstrating moral turpitude, including, but not limited to, prostitution.
- E. Failure to comply with the requirements of this Section.

Subdivision. 2. Appeal. The Applicant/Certificate holder may appeal a denial, suspension, revocation or non-renewal ~~to~~ by the City Clerk to the City Manager within 30 days of the date of notice. If no appeal is received within this time period, the denial, suspension, revocation, or non-renewal shall stand. ~~The Council~~ City Manager shall consider the appeal ~~at the next regularly or specially scheduled Council meeting 10 days after service of the noticed of appeal upon the City Clerk by the Applicant/Certificate holder.~~ Hearing on the appeal shall be open to the public and the Applicant/Certificate holder shall have the right to appear and be represented by legal counsel and to offer evidence in behalf of certification. At the conclusion of the hearing, or as soon thereafter as practicable, the ~~Council~~ City Manager may order:

- A. That the denial, revocation, suspension or non-renewal by the ~~City Manager~~ City Clerk be affirmed.
- B. That the denial, revocation, suspension or non-renewal by the ~~City Manager~~ City Clerk be lifted and that the Certificate be issued or returned to the Certificate holder.

C. The ~~Council~~City Manager may base ~~its~~an order regarding the Certificate upon any additional terms, conditions and stipulations which ~~it~~the City Manager may, in ~~its~~the City Manager's discretion, impose.

SECTION 2. This ordinance shall be effective following its enactment.

ADOPTED by the City Council of the City of Plymouth, Minnesota this _____ day of _____, _____.

Kelli Slavik, Mayor

ATTEST:

Sandra R. Engdahl, City Clerk

**SPECIAL COUNCIL
MEETING**

To: Dave Callister, City Manager

Prepared by: Doran Cote, Public Works Director

March 22, 2016

Item: Public Works Maintenance Facility Expansion (15020) Update

1. ACTION REQUESTED:

Public Works Maintenance Facility Expansion Update (15020).

2. BACKGROUND:

In March, 2014, staff retained the services of Oertel Architects to examine the existing Public Works Maintenance Facility site and to perform a space needs analysis based on existing and future operational and space needs for Public Works and Park Maintenance. This study recommended a series of expansions on the site including an expansion of the existing vehicle storage to the west and north ends of the building, the addition of partially automated vehicle wash bays and repurposing and expanding the old Central Water Treatment Plant.

After retaining an architect to prepare plans for the proposed expansion, it was determined that the original plan would not provide for the space needs and circulation on the treatment plant site could be unworkable. The plans were revised and presented to the City Council at a Study Session October 2015. The revised plans allow for all of the expansion needs to be accommodated on the existing Public Works building utilizing current circulation patterns.

Bids for the Public Works Maintenance Facility Expansion were received and opened publicly on February 25, 2016. One bid was withdrawn and one bid was for the elevator only and was excluded. The two remaining bids are as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate #1</u>	<u>Unit Price #1</u>	<u>Unit Price #2</u>
Rochon Corporation	\$8,498,000	\$249,000	\$3,600	\$42.00
Jorgenson Construction	\$8,720,000	\$125,000	\$3,000	\$23.00
Engineer's Estimate	\$8,277,000	\$280,000	N/A	N/A

The Base Bid is for the expansion, Alternate #1 is for the fuel island canopy, Unit Price #1 is for furnishing and installing skylights and Unit Price #2 is for removing and replacing asphalt. The Unit Price items will be used as needed during construction.

The apparent low bid of \$8,747,000 including Alternate #1 is approximately 2% above the engineer's estimate for construction of \$8,557,000 including Alternate #1. Staff have reviewed the information submitted by Rochon Construction to comply with the Responsible Bidder Evaluation Policy and finds the information acceptable. Rochon Corporation has completed similar projects in Savage, Mahtomedi, Rockford and Bloomington.

The City Council has a number of options to consider moving forward including:

1. The Council could award the bid to Rochon Corporation for the entire project including Alternate #1.
2. The Council could award the bid to Rochon Corporation for the entire project excluding Alternate #1 and reducing project costs by \$249,000. The canopy could be bid at a future date.
3. The Council could reject all bids and re-bid the project later this year for construction next year.
4. The Council could reject all bids and split the project up into phases as determined by staff and award separate bids for the phases with first phase commencing this year and other phases in a subsequent year or in the future.

Attached to the staff report is the Maintenance Facility Master Plan with one suggested phasing option.

3. BUDGET IMPACT:

The Public Works Maintenance Facility Expansion is identified in the City's 2016 – 2020 CIP for construction in 2016 with an estimated cost of \$7,000,000. An updated cost was presented to the City Council on January 26, 2016 of \$9,300,000. The estimated total project cost at the time of the bid opening was \$9,770,000 including contingencies, engineering and administration. The estimated total cost based on the low base bid including 14% for contingencies, engineering, administration, furniture, special inspections and testing and HVAC commissioning with Alternate #1 (fuel canopy) is \$10,000,000.

Funding would be \$4,000,000 from the Construction Improvement Fund (413), \$1,000,000 from 2013 General Fund Reserves (400), \$1,070,000 from 2014 General Fund Reserves (400), \$130,000 from Facilities Management for currently programmed improvements for a total designated funding of \$6,200,000. The remainder is not currently designated. Staff is proposing that the remaining \$3,800,000 be funded from the 2015 surplus reserves and from reserves in the Construction Improvement Fund, if necessary.

4. ATTACHMENTS:

Maintenance Facility Master Plan with Optional Phasing
Public Works Expansion Sources

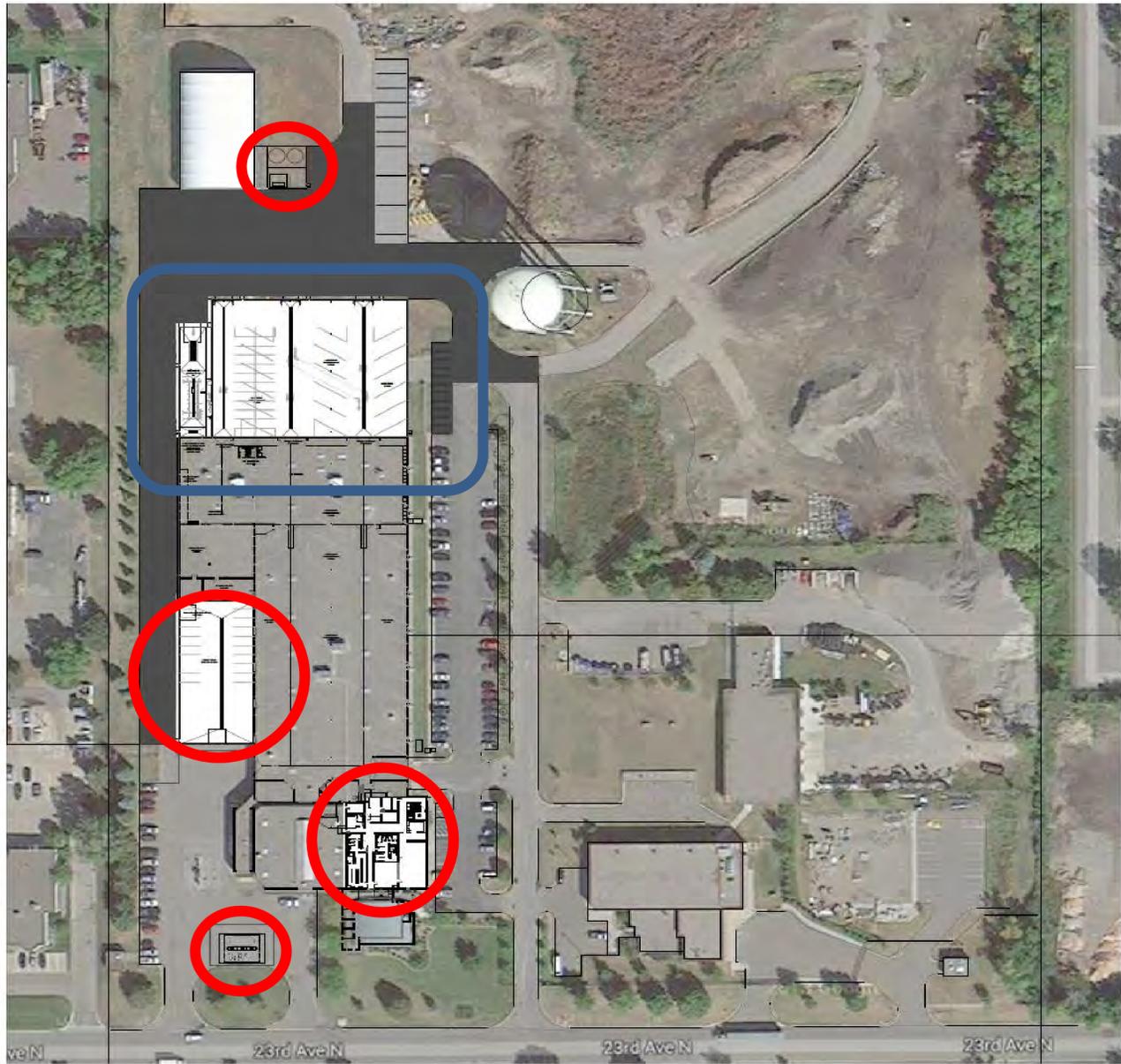


Phase 1



Future Phase

1 WHOLE SITE CAMPUS PLAN



OERTEL ARCHITECTS, LTD

1775 SOUTH AVENUE, SUITE 100, PLYMOUTH, MI 48170
PHONE: 313.761.0310 WWW.OERTELARCHITECTS.COM

PRELIMINARY PLANNING SCHEMATIC DESIGN

CITY OF PLYMOUTH
PUBLIC WORKS CAMPUS
FACILITY ADDITIONS AND RENOVATIONS

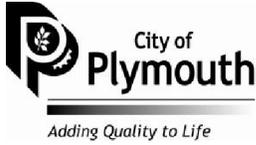
SITE PLAN
STUDY

AO

Public Works Expansion Project

Rochon Corporation	Construction	8,498,000	Constructions Improvement Fund (413)	4,000,000
	Alternate 1 - Fuel Canopy	249,000	General Fund Reserves (2013)	1,000,000
	Contingency	780,000	General Fund Reserves (2014)	1,070,000
	Brine Equipment	105,000	Facilities Management	136,000
	Furniture	175,000	Grants	200,000
	Special Inspections, Testing, and HVAC commissioning	60,000	Undesignated	3,984,019
	Engineering and Administration	523,019		
	TOTAL:	\$10,390,019	TOTAL:	\$10,390,019
			Possible sources for Undesignated:	
			2015 surplus	
		Construction Improvement Fund (413)		

Updated 3-17-2016



Agenda
Number: **2D**

**SPECIAL
COUNCIL MEETING**

March 22, 2016

To: Mayor and Council

Prepared by: Dave Callister, City Manager

Reviewed by:

Item: Set Future Study Sessions

Currently, there are no study sessions to be scheduled. However, Councilmembers may add requests or schedule study session topics.

Calendars are attached to assist with scheduling of study sessions.

Pending Study Session Topics (at least 3 Council members have approved the following study items on the list):

Trail/sidewalk snow removal routes for 2016-2017 (JJ, MB, JWo) *(Later in 2016)*

Other Council requests for Study Session Topics:

None at this time.

Staff requests for Study Session Topics:

Transit Update

March 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
		1 PRECINCT CAUCUSES	2 CANCELED PLANNING COMMISSION MEETING Council Chambers	3	4	5 11:00 AM-2:00 PM Spring Bridal Expo Plymouth Creek Center
6	7	8 5:30 PM SPECIAL COUNCIL MEETING Group Home Licensure and 2016 Council Goals and Legislative Priorities Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	9 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	10	11	12
13 1:00 PM - 4:00 PM Healthy Living Fair Plymouth Creek Center Daylight Savings Time Begins	14	15	16 7:00 PM PLANNING COMMISSION MEETING Council Chambers	17	18	19
20	21	22 5:30 PM SPECIAL COUNCIL MEETING Ordinance amending Section 2.07 of the City Charter concerning Council vacancies, Appeal process for massage therapy licenses, and Public Works Maintenance Facility Project Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	23	24 CANCELED HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	25	26
27	28	29	30	31		

Modified on 03/09/16

CHANGES ARE MADE IN RED

SUN	MON	TUES	WED	THUR	FRI	SAT
					1	2
3	4	5	6 7:00 PM PLANNING COMMISSION MEETING Council Chambers	7	8 6:00 PM - 9:00 PM PLYMOUTH HOME EXPO Plymouth Creek Center	9 9:00 AM - 1:00 PM PLYMOUTH HOME EXPO Plymouth Creek Center
10	11	12 7:00 PM REGULAR COUNCIL MEETING Council Chambers	13 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	14	15 Time Varies PRIMAVERA Plymouth Fine Arts Council Show Plymouth Creek Center	16 9:00 AM - 12:00 PM City Sampler Plymouth City Hall Time Varies PRIMAVERA Plymouth Fine Arts Council Show Plymouth Creek Center
17 Time Varies PRIMAVERA Plymouth Fine Arts Council Show Plymouth Creek Center	18	19 6:00 PM SPECIAL COUNCIL MEETING Economic Development Authority organization Medicine Lake Room	20 7:00 PM PLANNING COMMISSION MEETING Council Chambers 4:30 - 7:00 PM 2016 Hennepin County Open Book on Valuation Medicine Lake Room	21	22	23
24	25	26 5:30 PM SPECIAL COUNCIL MEETING Medical cannabis ordinance Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	27	28 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	29	30

Modified on 02/09/16

CHANGES ARE MADE IN RED

May 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
1	2	3 5:30 PM SPECIAL COUNCIL MEETING Comprehensive Plan draft vision, goals, and policies Medicine Lake Room	4 7:00 PM PLANNING COMMISSION MEETING Council Chambers	5	6	7
8	9	10 5:30 PM SPECIAL COUNCIL MEETING Universal Playground and Miracle Playfield at Zachary Playfields Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	11 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	12 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Council Chambers	13	14
15	16	17 6:00 PM SPECIAL COUNCIL MEETING Public Safety update Medicine Lake Room	18 7:00 PM PLANNING COMMISSION MEETING Council Chambers	19	20	21 10:00 AM - 2:00 PM BARK IN THE PARK Hilde Performance Center
22	23	24 7:00 PM REGULAR COUNCIL MEETING Council Chambers	25	26 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	27	28
29	30  MEMORIAL DAY Observed CITY OFFICES CLOSED	31				

Modified on 03/09/16

CHANGES ARE MADE IN RED

3400 Plymouth Boulevard
Plymouth, MN 55447

OFFICIAL CITY CALENDAR

Phone: 763-509-5000
Fax: 763-509-5060

June 2016

SUN	MON	TUES	WED	THUR	FRI	SAT
			1 7:00 PM PLANNING COMMISSION MEETING Council Chambers	2	3	4
5	6	7	8 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Medicine Lake Room	9 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Plymouth Creek Center	10	11
12	13	14 7:00 PM REGULAR COUNCIL MEETING Council Chambers	15 7:00 PM PLANNING COMMISSION MEETING Council Chambers	16	17	18
19	20	21	22	23 7:00 PM HOUSING AND REDEVELOPMENT AUTHORITY (HRA) MEETING Medicine Lake Room	24	25 8:00 AM Music in Plymouth 5K Fun Run
26	27	28	29 5:00 - 10:15 PM Music in Plymouth Hilde Performance Center	30		

Modified on 12/29/15

CHANGES ARE MADE IN RED