

CITY OF BLOOMINGTON
2215 WEST OLD SHAKOPEE ROAD
HENNEPIN COUNTY, MINNESOTA 55431

CITY COUNCIL MEETING

Approved Minutes
Organizational/Regular Meeting
Meeting #1

7:00 p.m.
January 2, 2001
Council Chamber

Call to Order and Pledge to Flag	Mayor Gene Winstead called the meeting to order and led the Council and audience in the pledge of allegiance to the flag.
Roll Call	Present: Mayor Winstead, Councilmembers D. Abrams, M. Fossum, H. Harden, A. Ornat, S. Peterson, and V. Wilcox.
Mayor Presented Service Plaques to Commission Members Tsukayama and Olander	Mayor Winstead presented recognition plaques to Dean Tsukayama for serving six years on the Advisory Board of Health and to Lee Olander for serving six years on the Planning Commission. Michelle LaBeau was not present to receive her plaque for six years of service on the Advisory Board of Health but will be forwarded to her by Health Administrator.
Proclamation Declaring January 15 as Martin Luther King Day	Mayor read and presented a proclamation declaring January 15, 2001, as Martin Luther King Day in Bloomington to Gary Boettcher of the Human Rights Commission.
Opened Public Comment Period	The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda. No one came forward to speak, so the Council returned to its regular agenda.
Approved Transfer of Park Donations to the Park Development Fund Item 6.2	Motion made by Abrams, seconded by Peterson, and all voting aye, to approve the transfer of Park Donation money received in the Escrow Fund in 2000 (\$227,387 through 12/27/00). The funds will be transferred to the Park Development Fund (411) as a year-end housekeeping item that follows the transfer policy of previous years. The transfer will be part of the December 31, 2000 closing.
Approved Budget Adjustments for the Public Health Local Collaborative Time Study (LCTS) Funds Item 6.3	Motion made by Abrams, seconded by Peterson, and all voting aye, to approve the line item adjustments in the 2001 Budget for the Public Health Local Collaborative Time Study (LCTS) Funds, as provided in the agenda item, in order to properly account for the functions of the fiscal host (City of Bloomington), which include compensation to the City's Public Health Division for services provided.
Approved the 2001 Community Health Services (CHS) Agreement Between the City and the City of Edina Item 6.4	Motion made by Abrams, seconded by Peterson, and all voting aye, to approve the 2001 Community Health Services (CHS) Agreement between the City of Edina and City of Bloomington, through its Health Division, in which Bloomington will receive \$186,865 in quarterly payments of \$46,716.25 each for community health services rendered. The proposed 2001 reimbursement is slightly less than a 3 percent increase over the 2000 rate. In addition to the contractual CHS agreement, the Health Division receives revenues from other fees and grants for providing public health services for the City of Edina. Approval of this agreement requires no budget adjustments.
Accepted and Approved Submittal of the Second Generation Richfield-Bloomington Watershed Management Plan to the Board of Water and Soil Resources Item 6.5	Motion made by Abrams, seconded by Peterson, and all voting aye, to accept and approved submittal of the Second Generation Richfield-Bloomington Watershed Management Plan to the Board of Water and Soil Resources (BWSR) for final approval. The Plan has been completed in conformance with Minnesota Rules, Chapter 8410 as administered by the Minnesota Board of Water and Soil Resources. Once the Plan has been approved by BWSR, the City Council, along with the Richfield City Council, will officially adopt the Plan as the Richfield-Bloomington Watershed Management Organization Board.

<p>Approved Transmittal of Letter to Metropolitan Council in Support of Metropolitan Parks Commissioner Mike Bosanko Item 6.6</p>	<p>Motion made by Abrams, seconded by Peterson, and all voting aye, to approve the transmittal of a letter to the Metropolitan Council in support of the reappointment of Mike Bosanko as District C Representative to the Metropolitan Parks and Open Space Commission (MPOSC). Mr. Bosanko is a Bloomington resident and a strong advocate of regional parks and an experienced MPOSC member.</p>
<p>Awarded Contract to Ingram Excavating for the 2000-905 Storm Water Pond Maintenance Project Including the 2000-907 Storm Water Pond Maintenance Project Item 6.7</p>	<p>Motion made by Abrams, seconded by Peterson, and all voting aye, to award a contract to Ingram Excavating in the amount of \$248,049.00 for the 2000-905 Storm Water Pond Maintenance Project that also includes the 2000-907 Storm Water Pond Maintenance Project. The project consists of:</p> <p>Schedule A: Approximately 14,000 cubic yards of muck excavation. (Funding available from the 2000 Storm Water Utility in conjunction with the approved Edina/Bloomington Agreement and the MarketPointe Development Agreement.)</p> <p>Schedule B: Approximately 2,000 cubic yards of muck excavation. Approximately 64 lineal feet of 15" RCP storm sewer. Approximately 690 tons of Rip Rap. Approximately 192 tons of granular fiber. (Funding available from the 2000 Storm Water Utility.)</p>
<p>Awarded Contract to Cutler-Magner Company for Quicklime at the Water Treatment Plant Item 6.8</p>	<p>Motion made by Abrams, seconded by Peterson, and all voting aye, to award an annual contract to Cutler-Magner Company to furnish and deliver quicklime for use at the Bloomington Water Treatment Plant during 2001 at a cost of \$65.04 per ton. Annual usage for 2001 is estimated at 2900 tons.</p>
<p>Approved Purchase Agreement for Acquisition of Milhoff Steel at 1820 West Old Shakopee Road for New City Hall/Police Facility Item 6.9</p>	<p>Motion made by Abrams, seconded by Peterson, and all voting aye, to approve the purchase agreement for the City's acquisition of the Milhoff Steel site at 1820 West Old Shakopee Road. The basic terms of the purchase are as follows:</p> <ol style="list-style-type: none"> 1. Total settlement figure, including purchase price and relocation benefits for both owner (the Robert W. Hofmeister Trust) and tenant (Milhoff Steel Products), of \$1,483,600. 2. Closing on January 12, 2001. 3. Proration of taxes to closing (2000 taxes were \$16,013; no specials exist). 4. Tenant may continue to occupy premises rent-free until 2/1/02; tenant continues to be responsible for utilities and other operational expenses and maintenance. 5. City takes property "as is", except that escrows are retained to cover contamination matters, any unpaid obligations of the Tenant, and to secure a timely vacation of the premises.
<p>Approved Temporary Use of Tenant Space at 9801 Logan Avenue By Marine Electric, Inc. Item 6.10</p>	<p>Motion made by Abrams, seconded by Peterson, and all voting aye, to authorize staff to permit Marine Electric, Inc. (currently a tenant at 9800 Logan Avenue) to use certain vacant tenant space at 9801 Logan Avenue on a temporary basis for the storage of its boat and trailer inventory. Conditions for use to be established by staff, but no charge is proposed to be made for the use, which would be permitted until 3/31/01, Marine Electric's move-out date from the remainder of the new City Hall site.</p>

Approved Contract to Provide Environmental Health Services to the City of Richfield

and
Continued to January 16 the Contract to Provide Building and Inspection Services to the City of Richfield

Item 6.1

Motion made by Wilcox, seconded by Fossum, and all voting aye, to approve the contract to provide the City of Richfield with Environmental Health Services for a period from January 1, 2001 through December 31, 2002 for a sum of \$67,615.00 in 2001 and \$67,905.00 in 2002.

Motion made by Wilcox, seconded by Ornat, and all voting aye, to continue to the January 16, 2001, Regular Council meeting, the contract to provide Building and Inspection Services to the City of Richfield for a period from January 1, 2001 through December 31, 2002 for a sum of \$72,165.00 in 2001 and \$72,125.00 in 2002 to allow for staff to provide Council with additional information regarding staffing and how it will affect the customer service aspect in Bloomington.

Concern was expressed by Wilcox regarding the impact the additional workload from the City of Richfield, especially the Best Buy Project, will have on the City of Bloomington Building and Inspection staff as Bloomington was not intending to hire any additional full-time building inspectors. Wilcox also questioned the clause in the contract that states the City of Bloomington holds harmless the City of Richfield and that Bloomington will assume the liability. Wilcox also had concern with the two-year length of the contract. He suggested that because of the anticipated workload the next phase of the Mall of America project will be generating for Bloomington inspectors that perhaps Bloomington should discuss the possibility of a shorter contract term length and that it may be time for Richfield to hire another full-time inspector rather than contract with Bloomington.

Larry Lee, Community Development Director, stated that he and Building & Inspection Manager Duke Johnson met with the lead staff member from Richfield to discuss the amount of development Richfield projects over the next two years. Although the workload will increase for Bloomington inspectors, the City has not proposed any increase in personnel, therefore, the City will not end up with a surplus of personnel to find positions for once the work has been completed in Richfield.

Bernhardson stated that as has been done in the past, Bloomington could hire part-time inspectors to help out with the Bloomington workload if necessary.

In regard to the liability issue, City Attorney Dave Ornstein explained that it is not unusual when Bloomington employees are performing the activities because it just states that Bloomington will hold harmless the City of Richfield for any negligence attributable to the conduct of our employees engaged in special services. He explained that a Bloomington inspector would not be held liable while performing general duties to the public unless he was performing a special duty for the plaintiff, which would be extremely rare.

Abrams inquired what is the benefit to Bloomington if it enters into this agreement with Richfield.

Lee explained that Richfield has not had the work to warrant two full-time inspectors in this area and that the extra work did allow Bloomington to have two full-time trade inspectors in every area and provides good coverage for Richfield.

Staff is to provide Council with some detailed information regarding the anticipated workload and how the staffing will be handled by Bloomington in order to perform the inspections for both Bloomington and Richfield. Wilcox also suggested that staff look at the possibility of a shorter contract commitment.

Ratified Mayor's Appointment of Deputy Mayors
Item 3.1

Motion made by Peterson, seconded by Abrams, and all voting aye, to ratify the Mayor's appointment of Michael Fossum (January – April), Heather Harden (May – August), and Steve Peterson (September – December) as Deputy Mayors for the 4-month terms as listed in 2001.

Appointed Secretary to the Council
Item 3.2

Motion made by Wilcox, seconded by Peterson, and all voting aye, to appoint Barbara Clawson as Secretary to the Council.

Designated Regular Council Meeting Days Item 3.3	Motion made by Wilcox, seconded by Fossum, and all voting aye, to designate the first and third Mondays of each month at 7:00 p.m. for regular Council meetings unless the Council determines in advance, based on public convenience and/or necessity, that such regular meetings should be scheduled on other Mondays of each month, with the fourth Monday of the month for a study meeting. When the day fixed for any regular Council meeting falls upon a day observed by the Council as a legal holiday, such meeting shall be held at the same hour and place on the next succeeding business day, unless another day is designated in advance by the Council.
	Peterson inquired if the study meeting scheduled for August 27 could be changed to August 13. Staff recommended that the calendar be adopted as is and that it could be amended in the future if staff determines that that particular study meeting could be charged to another date.
Designated Official Depositories for 2001 Item 3.4	Motion made by Wilcox, seconded by Peterson, and all voting aye, to designate Wells Fargo Bank of Minnesota, N.A., U.S. Bank, and Wells Fargo (Minnetonka Office) – worker’s comp fund managed by Berkely Administrators as the official depositories for 2001.
Approved City’s Fiscal Advisor Item 3.5	Motion made by Peterson, seconded by Wilcox, and all voting aye, to approve Springsted, Inc. as the City’s Public Finance Advisors. The 2001 proposed hourly rates and insurance costs are the same as the rates charged in 2000.
Approved City’s Joint Bond Counsel Item 3.6	Motion made by Wilcox, seconded by Fossum, and all voting aye, to approve Gray, Plant, Mooty & Bennett, P.A. (Gray, Plant & Mooty) and Kennedy & Graven, Chartered, (Kennedy & Graven) as joint Bond Counsel to provide the City with bond counsel services.
Designated the City’s Official Legal Newspaper Item 3.7	Motion made by Fossum, seconded by Peterson, and all voting aye, to designate the <u>Bloomington Sun Current</u> as the City’s official legal newspaper for 2001. Their bid of \$1.40 per line for first insertion and \$.65 per line for subsequent insertions is the same rate as charged to the City in 2000.
Adopted a Resolution Designating the Director and Alternate Director to the Suburban Rate Authority (SRA) Item 3.8 R-2001-2	Motion made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution designating Jim Gates as the Director of the Suburban Rate Authority (SRA) and Mark Bernhardson to serve as the Alternate in 2001. The SRA is a joint powers organization comprised of 36 member cities representing a combined population of over 850,000, that was formed in 1963, and reorganized in current form in 1974 when the State Legislature vested all regulation of public utilities in the Public Utilities Commission.
Reappointments to the I-494 Corridor Commission Item 3.9	Motion made by Wilcox, seconded by Ornat, and all voting aye, to reappoint Councilmember Mike Fossum and Larry Lee as Representatives to serve on the I-494 Corridor Commission in 2001. The Corridor Commission is a joint powers organization consisting of representatives from Bloomington, Eden Prairie, Edina, Minnetonka, Richfield, Plymouth and Maple Grove. The Corridor Commission was established in 1988 to implement travel demand management (TDM) strategies and to pursue mobility improvements within the I-494 corridor.
Reappointments to the I-35W Solutions Alliance Item 3.10	Motion made by Wilcox, seconded by Peterson, and all voting aye, to reappoint Councilmember Heather Harden as Bloomington’s Representative Member, Charles Honchell as the City’s Staff Representative, and Cynthia Hunt as the Business Representative on the I-35W Solutions Alliance. The I-35W Solutions Alliance is a joint powers group made up of communities along and near I-35W from Minneapolis south to Lakeville.
Nominations and Appointments to the Advisory Board of Health Item 3.11	Motion made by Peterson, seconded by Ornat, and all voting aye, to nominate Beverly Dorsey, Cliff Phibbs, and Sharon Pressler to the Advisory Board of Health. Motion made by Peterson, seconded by Wilcox, and all voting aye, to appoint Beverly Dorsey (consumer), Cliff Phibbs (provider), and Sharon Pressler (consumer) to two-year terms expiring on 12/31/02.

Nominations and Appointments to the Board of Review Item 3.12	<p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to nominate Jack Baloga, William Campbell, John Buckley, James Hild, and Douglas Vincent for consideration on the Board of Review.</p> <p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to reappoint Jack Baloga and William Campbell to two-year terms, expiring 12/31/02 on the Board of Review.</p>
Reappointment to the Housing and Redevelopment Authority Item 3.13	<p>Motion made by Fossum, seconded by Ornat, and all voting aye, to reappoint Mark Schneider to a five-year term expiring on 12/31/05 to the Housing and Redevelopment Authority Board.</p>
Appointments to the Human Rights Commission Item 3.14	<p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to reappoint Gary Boettcher, Leo Espinoza, Kevin Kelleher, Todd Anderson, Ted Nemzek and appointed Rebecca Johnson to two-year terms expiring 12/31/02 on the Human Rights Commission.</p> <p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to solicit for youth applicants and not reappoint at this time.</p> <p>Due to the two youth having less than 75% attendance, discussion took place regarding the fact that it is mandatory that commissioners with less than 75% attendance be removed from their commission per an ordinance. This information prompted Council to question the Housing and Redevelopment Authority commissioner as well as the Advisory Board of Health commissioner, both of whom have attendance that is less than 75%.</p> <p>Ornstein replied that the Housing and Redevelopment Authority is not a commission within the meaning of the ordinance and, therefore, is not subject to the ordinance requirement. He also explained that a commissioner cannot be reappointed within one year of being removed due to unsatisfactory attendance.</p>
Reconsidered Action Taken on the Appointments to the Advisory Board of Health Item 3.11	<p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to reconsider Council's earlier motion to reappoint Beverly Dorsey (consumer), Cliff Phibbs (provider), and Sharon Pressler (consumer) to the Advisory Board of Health.</p> <p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to delete the appointment of Beverly Dorsey from the original motion due to her failure to comply with attendance requirements and to solicit additional applicants for consideration to fill that appointment on the Advisory Board of Health.</p>
Nominated Bill Peterson and Continued Nominations to January 16 or February 5 to Solicit Additional Names to the Merit Board Item 3.15	<p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to nominate Bill Peterson and continue to the January 16 or February 5, 2001, Regular Council meeting to allow for the solicitation of additional names, if that has not already been done, for consideration of an appointment to the Merit Board.</p> <p>Wilcox raised the question regarding why there is no term limit for members of the Merit Board.</p> <p>Ornstein explained that the Merit Board was created by statute and the City Charter and that the requirements governing the length of terms and number of terms allowed on the various City commissions and boards in the City Code don't apply to the Merit Board. He also explained that the duties and decisions of the Merit Board are not subject to City Council review. He explained that in a disciplinary action, if the Merit Board decides to suspend an employee, a court would review that decision and not the City Council. He stated that the Council does, however, have the authority to appoint the Board Members but the Legislature ultimately would dictate the term limits of that particular board.</p>

Nominations and Appointments to the Parks, Arts, and Recreation Commission Item 3.16	<p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to nominate Sarah Maxwell, Diane Bump, Patrick Fisher, Dennis Porter, Roger Willette, and John Kline for consideration to the Parks, Arts and Recreation Commission.</p> <p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to appoint John Kline to the Youth position for a one-year term expiring 12/31/01 on the Parks, Arts and Recreation Commission.</p> <p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to reappoint Sarah Maxwell, Patrick Fisher, and appoint Roger Willette to three-year terms expiring on 12/31/03 on the Parks, Arts and Recreation Commission.</p>
Nominations and Appointments to the Traffic and Transportation Advisory Commission Item 3.17	<p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to reappoint Chuck Siggerud to the Professional position on the Traffic and Transportation Advisory Commission for a three-year term expiring 12/31/03.</p> <p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to nominate James Meyers and Harvey Felber for consideration to the Citizen-at-large position on the Traffic and Transportation Advisory Commission.</p> <p>Motion made by Peterson, seconded by Ornat, and all voting aye, to reappoint James Meyers to the Citizen-at-Large position on the Traffic and Transportation Advisory Commission to a three-year term expiring 12/31/03.</p>
Nominations and Appointments to the Planning Commission Item 3.18	<p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to add the name of Joseph Yenkosky to the following list of Planning Commission nominations: Daniel Baker, Jack Casey, Mary Hoeve, Louis Iacovo, Amy Krauss, Peter Nelson, Roger Olson, Ron Sarat, Jack Torvick, and Sam Watters.</p> <p>Motion made by Peterson, seconded by Wilcox, and all voting aye, to appoint Louis Iacovo, Jr. to a three-year term expiring on 12/31/03 to the Planning Commission.</p>
Appointment to the Employees' Advisory Committee Item 3.19	<p>Motion made by Wilcox, seconded by Abrams, and all voting aye, to reappoint Councilmember Alisa Ornat as the Council's Representative on the Employees' Advisory Committee for 2001.</p>
Appointment to the Convention & Visitors' Bureau Board of Directors Item 3.20	<p>Motion made by Peterson, seconded by Abrams, and all voting aye, to reappoint Councilmember Vern Wilcox to serve a three-year term expiring on 12/31/03 to the Convention & Visitors' Bureau Board of Directors. Larry Lee is currently serving a three-year term that expires 12/31/02. Mayor Winstead is currently serving an At-Large term on the Board that expires 12/31/01.</p> <p>Harden stated for the record that she is interested in serving on the Convention & Visitors' Board of Directors in the future.</p> <p>Winstead also stated that he is currently serving on the Board as a Member-At-Large and not as a Council appointment and that when the City seat does come up, he would be interested in changing his designation to a City seat. He added that future discussion of the Board's bylaws regarding term lengths could result in changes to those term lengths.</p>
Approved Appointment of City's External Auditors Item 3.21	<p>Motion made by Wilcox, seconded by Ornat, and all voting aye, to approve the appointment of Deloitte & Touche as the City's external auditors for the year 2001.</p>
Directed City Attorney to Research Term Limits on the Merit Board	<p>Council directed City Attorney Dave Ornstein to research the statute regarding term limits in regard to the Merit Board and will report back to the Council what would be involved in the process to change or impose term limits if the Council so desired to make a change and that it may have to be changed through a Charter amendment.</p>

Closed Public
Comment Period

The Mayor asked if anyone else wished to address the Council during the public comment period or it would be closed. No one came forward to speak and the public comment period was closed.

Approved a Major
Revision to the Final Site
and Building Plans to
Relocate an Approved
Tower at 4001 West
102nd Street (Jefferson
High School)
Case 7189C-00
Item 4.2

Motion made by Fossum, seconded by Harden, to approve a major revision to the final site and building plans to relocate an approved cellular tower and associated compound 90 feet to the south at 4001 West 102nd Street, Case 7189C-00, subject to all original conditions of approval being carried forward (listed below) except for the following revised conditions. Motion passed 6-0-1 (Ornat abstaining).

3. Lighting plan be approved by the Proactive Police Services Unit of the Police Department;
4. Deleted;
8. Grading, drainage, and erosion control plan approved by City Engineer. Submit copy of Lower Minnesota Watershed District permit and comments;

Bob Hawbaker, Senior Planner, presented a staff report indicating that this is a joint application between Sprint PCS and VoiceStream Wireless who will be colocating on this tower. He explained that last fall the Council approved a conditional use permit and plan to locate a new tower, 115 feet in height, at a location adjacent to the south wall of the building. However, he stated that because of the new addition to the high school and some changes to the exiting of the building, the tower would block a required fire or emergency exit to that building. Therefore, the alternative is to move that tower approximately 90 feet to the southeast. He stated that it has a minimal impact as it is still hundreds of feet away from adjacent residential property and staff recommends approval of the proposal. He stated that it was brought back to Council because of the neighborhood input when the tower application was first presented.

When asked by Wilcox why this change in application didn't go through the entire public hearing process, Hawbaker stated that the use had already been approved and that it's a question of whether 90 feet is a major change.

Wilcox requested that staff show the photographs of camouflage ideas for power poles that was presented at the conference in Boston attended by Wilcox, Harden and Fossum. Hawbaker showed a photograph of the pole camouflaged by a palm tree.

Winstead restated that the new pole location would put it farther from the one residential neighborhood in the circle while maintaining a distance even farther than that from the residents to the south.

Speaker #1: Robert Swenson, 3709 West 104th Street

He inquired as to the height of the tower and how it will affect the view from his home looking to the west.

Hawbaker explained that the tower will be 115 feet in height and that it was previously approved by Council and that Council is only approving the relocation of the tower 90 feet to the southeast. He described the tower as a monopole tower with antennas hung close to the tower. He also explained that the height of the tower is based on the coverage area for the signals by the telecommunication providers and that it is unlikely that the tower could go any higher.

1. A development agreement including all conditions of approval be executed by the applicant and the City;
2. Fence plan be approved by the Police Department's Proactive Police Services unit. The applicant shall secure the site with a wrought iron fence with angled bar tops, 8 to 14 feet in height;
3. ~~The applicant shall replace the existing wall mounted light fixture with a new 90 degree cutoff fixture (shoebox or similar design) of a minimum of 150 watts; Lighting plan be approved by the Proactive Police Services Unit of the Police Department;~~
4. ~~Revised fire hydrant location to be approved by the Fire Marshal. To be accessible the proposed hydrant must be relocated outside of the fenced area; Deleted~~
5. Revised antenna mount plan to be approved by the Planning Manager. Antenna mounts shall be of arm design, with antennas and arms located as close to the tower as is technically feasible;

6. The tower shall be painted a light gray color as approved by the Planning Manager (staff recommends Pratt and Lambert 1310 Armory Gray or an equivalent color);
7. Utility plan showing proposed electric and telephone lines and all existing utilities be approved by the City Engineer. All utilities must be underground;
8. ~~Erosion control plan to be approved by the City Engineer;~~ Grading, drainage, and erosion control plan approved by City Engineer. Submit copy of Lower Minnesota Watershed District permit and comments;
9. Locate and mark existing utilities in the area to avoid conflicts with construction;
10. Tower be designed to allow flexibility in the location of a third provider's antennas;

and subject to the following additional conditions:

11. Before an additional provider colocates on this tower, a minor revision to the final site and building plans must be submitted and administratively approved;
12. The painted surface of the tower shall be maintained in good condition, free from rust or other blemishes;
13. The tower shall be designed and constructed to allow reduction in height to between 95 and 100 feet above grade. The applicant or tower owner shall remove that portion of the tower and lightning rod above 100' within 30 days if the tower ceases to be a "multi-user tower" for a consecutive period of twelve months or more;
14. Tower use shall be limited to cellular, PCS, or ESMR antennas unless other uses are specifically and individually approved by the Issuing Authority;
15. In the event that the proposed facility causes interference with a public safety communication system, the applicant shall eliminate that interference;

and subject to the following City Code requirements:

1. Before the issuance of a building permit, the applicant shall submit a copy of relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site (Sec. 19.63.05 (k) (1));
2. Before the issuance of a building permit, the applicant shall submit a stamped report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the City's structural and electrical standards (Sec. 19.63.05 (n) (3) (B));
3. Before the issuance of a building permit, the applicant shall provide proof of compliance with regulations administered by the Federal Aviation Administration (Sec. 19.63.05 (n) (3) (A)).
4. The tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users (Sec. 19.63.05 (c) (2));
5. The applicant shall remove the tower and associated facilities within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Manager (Sec. 19.63.05 (k) (1));
6. The tower owner shall allow shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use (Sec. 19.63.05 (n) (2));
7. The applicant shall notify the Bloomington Chief of Police that service is about to commence at least ten days before the commencement of service and shall allow the City and County to spot test for interference problems during the testing process (Sec. 19.63.05 (m));
8. No lighting shall be attached to the tower unless specifically required by the Federal Aviation Administration (Sec. 19.63.05 (h)) and;
9. No signs shall be displayed within the lease area other than warning or equipment information signs smaller than six square feet in size (Sec. 19.63.05 (I)).

Adopted a Resolution Amending the Bloomington Comprehensive Plan Land Use Designation from Office to Medium-density Residential for Property at 5380 West Old Shakopee Circle Case 10538A-00 Item 4.3A R-2001-1

Motion made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution amending the Bloomington Comprehensive Plan to reflect a change in land use designation of the property at 5380 West Old Shakopee Circle from Office to Medium Density Residential.

Hawbaker described the property as having been vacant forever and that it has been difficult to redevelop because of the steep slopes. He explained that there are currently two Comprehensive Plans. One Plan has been approved by Council and has been sent to the Metropolitan Council which is in the process of reviewing it that designates the parcel as Medium Density Residential. However, the existing Comprehensive Plan which the new Plan replaces, still shows this as Office. He stated that it was staff's recommendation to process an application that brings the existing Comprehensive Plan into conformance with the new replacement Plan. He explained that the two large lots to the north were changed from Medium Density Residential to Low Density Residential and were subsequently rezoned to RS-1 Large Lot Single-Family and given the development potential and surrounding land uses, it was designated for Medium Density Residential. He explained that the proposal for four townhouses is consistent with that recommendation and that it has been through public hearings at the Planning Commission with some minor adjustments. He stated that staff and the Planning Commission recommend approval.

Abrams inquired if the same neighbors who had expressed concern for the project a year ago or more still had concerns or if they are now more comfortable with the idea.

Hawbaker replied that a couple of neighbors did come to the initial Planning Commission hearing and that none of them returned for the second public hearing and that their concerns dealt more with the two lots to the north rather than this one and that they were satisfied with the rezoning.

Speaker #1: John Barnes, Sunde Land Surveying

He stated that the parcel will be subdivided into four individual townhome lots for individual ownership. He said that someone could purchase them to rent them but that the intent is that they be marked as individual townhomes with individual owners.

Adopted an Ordinance Approving the Rezoning from Single-family Residential R-1 to Single-family Residential (Planned Development) R-1(PD) at 5380 West Old Shakopee Circle Case 10538B-00 Item 4.3B O-2001-1

Motion made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance to rezone the property at 5380 West Old Shakopee Circle from Single-Family Residential R-1 to Single-Family Residential Planned Development R-1(PD) and thereby amend Section 19.73(A)(1) of the City Code, Case 10538AB-00, subject to the following 22 conditions and 6 Code requirements being satisfied prior to the issuance of any grading or building permits as set forth by the Planning Division Staff and the Planning Commission:

1. A Development Agreement that includes all conditions of approval shall be executed by the applicant and the City and shall be properly recorded by the applicant with proof of recording provided to the Manager of Building and Inspection Division;
2. The applicant and contractor shall complete a pre-construction meeting with the Planning Division, Building and Inspection Division, and the City Engineering Division to review the conditions of approval prior to application for any grading or building permits;
3. Exterior building materials shall be as shown on the plans approved in Case 10538B-00;
4. A landscaping bond be provided to the Manager of Building and Inspection Division;
5. An erosion control surety be provided as approved to the Manager of Building and Inspection Division;
6. Connection charges be satisfied;
7. A SAC questionnaire be completed and fees be satisfied;
8. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
9. Utility easements be provided by document in recordable for the sanitary sewer and storm sewer placements on 10700 Normandale Boulevard as approved by the City Engineer;
10. A drainage easement be provided by document in recordable form for the overflow drainage of the retention pond across 10700 Normandale Boulevard as approved by the City Engineer;

Item 4.3B continued

11. Approved erosion control measures shall be in place prior to issuance of grading permits;
12. Access, circulation and parking plans be approved by the City Traffic Engineer;
13. The driveway design be as approved by the City Traffic Engineer;
14. Grading plans shall be reviewed and approved by the Lower Minnesota River Watershed District;
15. A drainage easement for the retention pond overflow be provided by document across the north part of the property to the south, 10700 Normandale Boulevard, as approved by the City Engineer;
16. A signed construction agreement for general grading and overflow mat placement on 10700 Normandale Boulevard shall be provided as approved by the City Engineer;

and subject to the following additional conditions of approval:

17. All disturbed areas shall be sodded except as may otherwise be approved by the Planning Manager as part of the approved landscape plan;
18. All construction related parking, loading and unloading, staging, and material storage shall occur on-site and off of adjacent public streets except as approved by the Director of Public Works for a temporary period.
19. Alterations to utilities be at the developer's expense;
20. Required on-site storm water retention ponds shall be maintained in an effective and functional condition;
21. Safety fencing around the storm water retention pond be provided as required by the Planning Manager;
22. All trash and recyclable material be stored within the units except on trash pickup day;

and subject to the following Code requirements:

1. Platting in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03) shall be required in order to provide for divided interest land ownership;
2. Landscape plan shall be approved by the Planning Manager (Sec 19.52);
3. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
4. Fire lanes shall be posted as approved by the Fire Marshal (Sec. 8.73);
5. Utility plan showing location of existing and proposed water main and fire hydrant locations shall be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C); and
6. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code.

Approved the Preliminary and Final Development Plan for a Four-Unit Townhouse Development at 5380 West Old Shakopee Circle
Case 10538B-00
Item 4.3C

Motion made by Peterson, seconded by Wilcox, and all voting aye, to approve the preliminary and final development plan for a four-unit townhouse development at 5380 West Old Shakopee Circle, Case 10538B-00, subject to the same 22 conditions of approval and 6 Code requirements as listed above.

Item 7.1

No boards/commissions communications reported.

Item 7.2

Status of Action Items provided to Council.

Adopted the 2001
Legislative Policies as
Presented with the
Ability to Make Future
Amendments
Item 7.3

Motion made by Harden, seconded by Abrams, and all voting aye, to adopt the 2001 Legislative Policies as presented with the ability to amend the policies in the future as more information is provided and if desired by Council.

Abrams brought up the issue of ramp meters and that the impression he has gotten is that turning off the ramp meters was probably better for Bloomington than it was for other places because it allowed commuters to stop off and commerce in Bloomington without the hassle of waiting at a ramp meter to get back onto the freeway and that staff had received a comment to that same effect. He stated that perhaps the City should encourage its Legislative Delegation to encourage the Department of Transportation to throttle back a little on the ramp meters.

Bernhardson stated that staff would like to bring further information regarding the ramp meters to the Council in a couple of weeks and that an amendment to the Legislative Policies could be made at that time. He stated that there are 59,000 residents in Bloomington that work and that an estimated 20,000 people live and work in Bloomington. He added that there are 100,000 jobs in Bloomington of which 80,000 employees are commuting from outside the community and questioned what impact does that have on Bloomington being a desirable place to come to work. He stated that staff would get additional information to Council to help them develop a position on that issue. He added that staff would like to get information to Council on how much the ramp meters have already been altered in Bloomington.

Adopted the Pension
Residual Asset Fund,
Facilities Replacement
and Maintenance Fund,
and Art Center Capital
Fund 2001 Proposed and
2002 Conceptual
Budgets
Item 7.4

Motion made by Peterson, seconded by Wilcox, and all voting aye, to adopt the amended 2000 Pension Residual Asset Fund, adopt the Proposed 2001 Pension Residual Asset Fund and the 2002 Conceptual Budget. Because the City received the pension residual assets in 1999, staff recommended that the 2000 Pension Budget be amended to reduce the pension reimbursement revenue from \$26,000,000 to \$0 to recognize that the funds were received in 1999. Staff also recommended that the 2000 transfer out budget be increased from \$5,020,000 to \$5,500,000 to reflect current estimates.

Motion made by Peterson, seconded by Wilcox, and all voting aye, to adopt the Facilities Replacement and Maintenance Fund 2001 Proposed and 2002 Conceptual Budget.

Motion made by Peterson, seconded by Wilcox, to adopt the Art Center Capital Fund 2001 Proposed and 2002 Conceptual Budget. Motion passed 6-1-0 (Ornat opposing).

Ornat explained that she is voting against this budget to represent those voters who voted against the bond referendum and because she believes the Arts groups will be coming forward to ask for more money to cover furniture and fixtures in the future and believes it will be a vicious circle of money being spent in this one area.

Wilcox also added that he supported the referendum when it came through for a vote but that it was his understanding that the \$7.2 million did reflect the building, furnishings, etc. and that is his intention going forward.

Heaton provided background on the budgets explaining that these are the last three that need to be adopted for 2001. She explained that the last three budgets are more capital budgets than operating and that these budgets accumulate dollars over a long period of time and then are expended over one year to intentionally draw down those funds. She stated that the budgets are preliminary in nature and are subject to change as land prices become final and the construction process begins and contracts are in place. She explained that any contract over \$25,000 would have to come back to Council for approval, bids would have to be approved by Council, and there will be many opportunities to amend the budget as figures come forward. One change Heaton explained that has already taken place is that the arts center has been scaled back from 48,000 square feet to 40,000 square feet and some scaling back of 15% on the City Hall project has also taken place to bring it back in line with the numbers.

She began with the Facilities and Maintenance Fund that has three components:

1. Maintenance (funded by space and occupancy charges that are included in all of the budgets that have been approved – approximately \$1.4 million to pay for the utilities and all of the costs of the space for the City's current buildings).
2. Replacement (funded by a user fee set up strictly for replacement, strategic priority funding, capital funds, residual pension assets, land proceeds from the sale of the existing City Hall, and interest and bond proceeds). Total revenues for 2001 and 2002 are approximately \$25 million and the capital that has been accumulating over the years will be expended for capital costs and for the debt service related to that plus a transfer out of \$4 million that goes toward the share of the Public Works improvements that are not related to Utilities. She stated that the balance will be drawn down so that the balance by the end of 2000 will be \$7.6 million and drawing down another \$5.1 million would leave the working capital balance at \$2.5 million. She explained the actual cost of the City Hall facilities are estimated to be between \$31-34 million depending on the land costs. The pension contribution is between \$16.5 and \$17.5 million. She stated that the bonds could be sold as early as spring 2001. Initially, she stated staff was anticipating a \$3.6 million bond sale but the range is now \$3.6 - \$7 million and that it might be more advantageous to increase the bond amount if the interest earning potential warrants. She stated that even at \$7 million, it is totally supported by user fees and would not result in a tax increase.

Harden clarified that the bonds that will be sold in the spring of 2001 would be the ones that the City would sell to the public to help finance the City Hall project. She inquired whether or not the financing committee has taken into consideration movements of the Federal government.

Heaton replied that it has been considered but that advice is also that once the City is within a two-year window of expending the money, the City would be in a position to earn interest on money outstanding until it is expended so there are some interest earnings that the City could retain. But she said there a number of IRS regulations to be considered.

Bernhardson added that staff would bring to the Council that information and what the expectations are with the rates at the time as well as what the offset would be on interest earned during that period by issuing early.

Heaton continued by stating that the working capital goal after the construction is going to be approximately \$2.5 - \$4 million.

3. Revenues (Public Works activity) include the transfer of \$4 million, plus Utilities will be paying approximately \$5,798,000, plus interest earnings estimated at \$60,000 for a total of \$9.9 million which is included in capital. She explained that the Public Works building is proposed to be completed in 2001, therefore, there will be a \$0 balance at the end of 2001.

She proceeded to explain the Pension Residual Asset Fund because one of its primary expenditures is a portion of the facilities. \$26.6 million in revenues were received in 1999 but the only revenues in the future are the interest earnings on the \$26.6 million. A transfer of \$16.5 - \$17.5 million is a transfer out for the police portion of the new Police/City Hall plus \$1 million earmarked in 2002 for the Public Safety Training Center, and the remaining money would be used to offset Police costs over a 20-year period.

Item 7.4 continued

The last fund is the Art Center Capital Fund which received \$7.1 million as a result of the bond referendum proceeds and an additional \$500,000 in interest earnings is projected during the construction period, which will fund the total cost budgeted of \$7.626 million through 2002. There is a contingency of \$600,000 that will stay in place until the construction manager is satisfied that the building is complete at which time the remaining funds could be applied to furniture, fixtures, and equipment. She stated that a separate funding campaign is planned to help pay for furniture, fixtures, and equipment. She explained that the interest from the \$1 million endowment that has been in place since November, beginning in January 2001, will be going toward building the reserve and to help gear up and pay for operations when it opens. She stated that the fund will be phased out once the building is complete.

She explained that the request for Council action tonight is to amend the 2000 budget to reduce it from \$26 million to \$0 and to increase the transfer out from \$5,020,000 to \$5.5 million, and adopt all of the 2001 budgets and give concept approval to the 2002 budgets.

To answer a question from Council regarding why the costs for the Arts Center is \$7,626,446 rather than the \$7.2 figure that was approved for the referendum, Heaton stated that the \$7.2 million represented the amount of debt to be issued. She stated that it was raised to include the \$70,000 in financing costs plus an allowance for contingencies.

Bernhardson stated that these budget numbers have been discussed with the Arts people and they are in agreement with how the contingency would work.

Ornat asked for reassurance that there would still be a Facilities Maintenance Fund ongoing once the portion for the Public Works facility is phased out. Heaton explained that there won't be any funds left in the Public Works building portion of the fund once the building is complete.

Heaton stated that the estimates for furniture and fixtures closely aligns with the amount of the contingency and that choices may have to be made as to what items are included because once the contingency amount is used up, it's gone.

Winstead requested that staff provide more detailed information to Council regarding the expenses planned for the furniture, fixtures, and equipment as the budget will be tight.

Motion was made by Peterson, seconded by Wilcox, to approve the three budgets as stated in the staff report and the amendment to the Pension Residual Asset Fund. No vote was taken.

Ornat requested that the three budgets be taken separately.

Approval of Minutes

Motion was made by Wilcox, seconded by Fossum, to approve the minutes of the September 18, 2000, Council meeting, as presented. Motion passed 6-0-1 (Abrams abstaining).

Ornat Requests Staff to Research Creekside Center Building

Ornat requested staff to research the expected life of the Creekside Center building and the feasibility of future collaborations with the private sector to possibly build a private/public community center, which could also house an indoor aquatic facility.

Harden Thanks Fellow Council Members on Her First Year Anniversary on the Council

In recognition of her one year completion on the City Council, Harden thanked fellow Councilmembers Ornat, Wilcox and Winstead along with City staff for their support and assistance during the past year.

Fossum Thanks Public Works for Efficient Street Snowplowing

Fossum thanked the Public Works employees for keeping the streets plowed so efficiently after the many recent snowfalls. He applauded their efforts as Bloomington does a good job of cleaning up after snowfalls compared to some other communities.

Wilcox Provides Council with Six Characteristics of Leadership Adopted by the Galaxy Youth Center

Wilcox requested that the Council be given a copy of the Six Characteristics of Leadership, which was created by youth members attending a recent retreat and were later adopted by the Galaxy Youth Center.

Mayor Thanked Council and Staff

Mayor Winstead also thanked his fellow Council Members and staff upon the completion of his first year as Mayor.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:56 p.m.

Barbara Clawson
Council Secretary