

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

CITY COUNCIL MEETING

Approved Minutes
Regular Meeting
Meeting #5

7:00 p.m.
February 20, 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, A. Ornat, S. Peterson,
and V. Wilcox.
Absent: H. Harden

Approved Amendments
to Bloomington
Convention and Visitors
Bureau Bylaws
Item 7.3

Motion made by Peterson, seconded by Wilcox, and all voting aye, to approve the amendments to the bylaws of the Bloomington Convention and Visitors Bureau.

Bonnie Carlson, President and CEO of the Bloomington Convention and Visitors Bureau (BCVB) began by updating the Council on the activities of the BCVB during the past year. She presented their new brand identify and logo – “Destination Bloomington.” She provided various statistics relating to their web site, on-line reservation program, and hotel occupancy rates. In addition to implementing the on-line reservation program last year, she mentioned the corporate partnership program in which the Bureau packages value for corporate partners in return for their dollars and support. She reported that the Bureau is in the final stages of their annual report preparation and that they are planning a strategic planning session in May. She proceeded to acknowledge BCVB members Kevin Sawatsky, Chair and Mike Roddy, General Manager Radisson South Hotel who were in attendance as well as Mayor Winstead, Councilmember Wilcox and Larry Lee.

Carlson proceeded to explain the proposed amendments to their bylaws and summarized them as follows:

- Increase from 9 to 12 total directors.
- Increase from 2 to 3 City appointed directors.
- Classify owners, officers or employees of airlines as business community representatives instead of hospitality industry representatives.
- Creation of term limit of two consecutive terms, except for City representatives who serve at the City Council’s discretion.
- Increased the number of Executive Committee members from five to six and established that the Board shall appoint an Executive Committee.
- Deleted Article IX that prohibited the BCVB from soliciting memberships. This provision dates back from the time that the BCVB separated from the Bloomington Chamber of Commerce.

Ornat suggested a change in the language proposed to clarify that Council Members can serve more than one-year terms, however, Carlson explained that the bylaws do state that appointed directors shall serve at the discretion of the Bloomington City Council and could, therefore, serve more than two terms. Ornat also expressed a concern about the attendance policy of City Council appointed directors to the Board and that the City Council needs to have a policy in place to handle removal of any of its appointed directors who may not be fulfilling their obligation to the Board. She requested that the Council be kept abreast of the Council appointed Board members and their attendance at the meetings.

Carlson reminded everyone about the Diamond Service Awards ceremony to be held on March 8 at the Radisson South Hotel that recognizes the front line employees in Bloomington’s service industry.

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 Waste Abatement Incentive Fund Agreement with Hennepin County Item 6.1	Motion made by Ornat, seconded by Fossum, and all voting aye, to approve the Municipal Waste Abatement Incentive Fund Agreement with Hennepin County. Through an agreement with Hennepin County, funds will be provided for the design and construction of “Integrated Recycling and Resource Management Tool Kits.” The total project cost will be \$59,600. Bloomington staff will insure that the “tool kits” are easy to understand and use, clearly demonstrate the important role of waste reduction, recycling, composting and resource conservation and enhance school curricula. The kits to be ready for distribution and use beginning with the 2001-2002 school year.
Acknowledged Lodging and Liquor Tax Penalty Abatement for Thunderbird Hotel and Convention Center Item 6.2	Motion made by Ornat, seconded by Fossum, and all voting aye, to acknowledge receipt of the report of the penalty abatement of \$1,042.29 for the Thunderbird Hotel and Convention Center for the forgiveness of their liquor and lodging tax penalty. The City Manager, as authorized by Section 4.18c of the City Code, has abated this penalty.
Authorized Contract Extension for 2001 with Synagro Midwest, Inc. for Disposal of Lime Softening Waste Item 6.3	Motion made by Ornat, seconded by Fossum, and all voting aye, to authorize the contract extension for the year 2001 with Synagro Midwest, Inc. for the disposal of lime softening waste currently stored in the lagoons at 110 th Street and Nesbitt Avenue (Project 1998-601). This is the third and final extension of the contract with no increase in cost. The estimated amount for the contract extension for the year 2001 is \$250,000. Funds are budgeted in Activity 8111 for this project.
Approved a Cooperative Agreement with Richfield Regarding Penn Avenue Bridge Item 6.6A	Motion made by Ornat, seconded by Fossum, and all voting aye, to approve a cooperative agreement with the City of Richfield relative to the right-of-way acquisitions necessary in Bloomington for the construction of the new Penn Avenue bridge over I-494. The agreement contemplates that Bloomington would acquire the necessary easements and/or property for the project and that Richfield would then reimburse Bloomington for all costs incurred in that process.
Authorized Staff to Set “Just Compensation” and Make Offers for Penn Avenue Bridge Right-of-Way Acquisitions Item 6.6B	Motion made by Ornat, seconded by Fossum, and all voting aye, to authorize and direct staff to set the “just compensation” figures for the acquisitions in conjunction with the Penn Avenue bridge right-of-way acquisitions once the appraisals have been reviewed and certified and to make offers. The “just compensation” figures must be established in an amount not less than the certified appraisal amount. Once the appraisals have been reviewed, certified and “just compensation” figures established, offers would then be made to property owners after consultation with Richfield, as contemplated by the cities’ cooperative agreement.
Approved Settlement with Acceleration Minnesota – 9801 James Circle Tenant Item 6.7	Motion made by Ornat, seconded by Fossum, and all voting aye, to approve a settlement with Acceleration Minnesota, one of the tenants in the Axman building at 9801 James Circle. Settlement involves the City’s acquisition of certain fixtures in that space in the total amount of \$26,813 and the payment of a lump sum relocation payment of \$20,000 (the standard relocation payment amount a displaced party may claim in lieu of actual expenses). The business is also permitted to remain in operation on the premises rent-free until April 22, 2001; utilities and other operational expenses continue to be the businesses’ responsibility.
Approved Agreement with the Lower Minnesota River Watershed District Item 6.8	Motion made by Ornat, seconded by Fossum, and all voting aye, to approve the agreement between the Lower Minnesota River Watershed District (LMRWD) and the City of Bloomington. The agreement defines the proposed relationship of the LMRWD and the City of Bloomington. In general, the policies in the LMRWD Plan are similar to those in the City of Bloomington Comprehensive Surface Water Management Plan. No major adjustments will need to be made by City staff to enforce the LMRWD Plan.

<p>Approved Human Services Division Budget Adjustment for Funds Received from the FamiLink Collaborative Item 6.9</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to approve a budget adjustment for funds received from the FamiLink Collaborative as a result of (federal LCTS – local collaborative time spent monies) being designated to operate the Bloomington FamiLink Resource Center. The City has received Federal (LCTS) dollars in the amount of \$5,832.64 that are designated to support the operation of the Resource Center. The following budget adjustments in 2001 are required: \$5,832.64 – Revenue Fund – Human Services (6400) 101-6426-399.55-11 transferred to Expenditures Fund – Human Services (6400) 101-6426-499.67-08.</p>
<p>Authorized Balance of the Partial Relocation Claim for Marine Electric at 8904 James Circle Item 6.10</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to authorize the balance of the partial relocation claim up to the remaining \$36,923.57 for Marine Electric at 8904 James Circle. Conworth Inc., the City’s relocation firm for the new Police/City Hall, Conworth Inc. requested a partial relocation claim for Marine Electric in the amount of \$86,923.57. Staff has authority and has paid \$50,000.00. The primary reason for the increase is the increased inventory from the time of the relocation estimate to the time for relocation.</p>
<p>Approved Purchase of Grass Seed and Fertilizer for Use By Park Maintenance and Golf Courses Item 6.12</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to approve the purchase of grass seed and fertilizer under Hennepin County Contract #0561A0 during 2001 from JRK, Inc., Eagan, MN; North Star Turf, Inc., St. Paul, MN; Farmer’s Mill & Elevator, Castle Rock, MN; Turf Supply Company, Eagan, MN; and Simplot Partners, Roseville, MN for a total expenditure of \$39,577.80 for use by Park Maintenance and the City’s Golf Courses. Funding for these purchases is available in the 2001 Budget, Park Maintenance Activity 101-7724-452.67-08 and Recreational Facilities Activities 540-8420-451.67.10 and 540-8430-451.67.10.</p>
<p>Approved Extension of Contracts for Fine Sealcoat Aggregate and Commercial Asphalt Item 6.13</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to approve extension of the contracts with Meridian Aggregates for FA-2 and FA-3 Fine Sealcoat Aggregate at the price of \$17.79 and \$17.64 per ton, respectively, and Commercial Asphalt for PG58-28 Bituminous Patch Material at the price of \$25.90 per ton, for one additional twelve-month period through February 28, 2002. These materials are to be used for the maintenance and repair of City streets during the 2001 road construction season.</p>
<p>Approved Request for Proposals for Janitorial Services for City Buildings Item 6.14</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to approve the Request for Proposals to provide a contract for janitorial cleaning services for seven City facilities. The current two-year contract expires April 30, 2001. Funding for this service is annually budgeted in the Facilities Replacement and Maintenance Fund, Activity 6901 and the Recreational Facilities Fund, Activity 8420. Annual expenditures for 2000 were approximately \$175,000.00.</p>
<p>Approved Bidding Schedule for the Public Works Facility Expansion Project Item 6.15</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to approve the bidding schedule for the Public Works Facility Expansion Project. Notice of the Invitation to Bid will be published in the Bloomington Sun-Current, Construction Market Data, Dodge Reports, and Finance and Commerce. Funding for this project is available in the Facilities Replacement and Maintenance Fund, Activity 6904.</p>
<p>Approved Purchase of 2000 Caterpillar from Ziegler, Inc. Item 6.16</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to approve the purchase of a 2000 Caterpillar 950G wheel loader under State of Minnesota Contract #425196 from Ziegler, Inc. in the amount of \$149,569.00 plus applicable sales tax. This equipment will be used by the Street Maintenance Division and will replace City Unit #26, a 1989 Schaeff HSC40 Superhoe. Funding for this purchase is available in the 2001 Equipment Replacement Fund, Activity 617-0618-499.70-42.</p>
<p>Approved Purchase of Two 2001 Model LT-9500 Sterling Tandem-axle Cab Chassis from Lakeland Truck Center Item 6.17</p>	<p>Motion made by Ornat, seconded by Fossum, and all voting aye, to approve the purchase of two 2001 model LT-9500 Sterling tandem-axle cab chassis under State of Minnesota Contract #425862 from Lakeland Truck Center in the amount of \$142,594.00 plus applicable sales tax. The equipment will be used by the Street Maintenance Division for a variety of work activities and will replace City Unit #93, 1990 International and City Unit #98, a 1989 Ford. Funding for the purchase of these units is available in the 2001 Equipment Replacement Budget, Activity 617-0618-499.70-42.</p>

Awarded a Contract to HTPO for Professional Services for Phase I of the Normandale Soccer Fields Project at 9700 France Avenue
Item 6.4

Motion made by Ornat, seconded by Wilcox, and all voting aye, to award a contract for Professional Services to Hansen, Thorp, Pellinen & Olson, Inc. (HTPO) of Eden Prairie in the amount of \$38,000.00 based on construction of Phase I in 2001 for work on the Normandale Soccer Fields Project located adjacent to Normandale Community College, 9700 France Avenue. Funding for this project is through Parks and Recreation with State matching funds "Mighty Kicks Grant."

Postponed to March 5, 2001, Awarding a Contract for Professional Services for the East Bush Lake Road Bikeway Project
Item 6.5

Motion made by Ornat, seconded by Wilcox, and all voting aye, to postpone to the Regular Council meeting on March 5, 2001, the awarding of a contract for Professional Services for the East Bush Lake Road Bikeway Project.

Approved Addendum to Software Maintenance Agreement with Accela
Item 6.11

Motion made by Ornat, seconded by Peterson, and all voting aye, to approve an addendum to the software maintenance agreement with Accela, the vendor of the City's building permit software. The addendum provides that Accela will install computer equipment and software at the City's site so that permit applications, payments, and inspection scheduling can be accomplished via the Internet. Accela's name for this feature is Velocity Hall.

Questions were raised by Peterson regarding how much of the building permit fee goes toward the activities that will be replaced by the internet building permit application. Peterson suggested that in the future, since it might be less expensive to issue permits via the internet, that the permit fees for internet permits could be less costly than those permits obtained at the counter.

Larry Lee, Community Development Director, replied that less than 10% because most of the cost is in the issuing of the permit, which will take place anyway. Lee stated that saving approximately 10% on each permit multiplied by many permits would result in more savings. He added that staff would provide Council with future data on the efficiency and cost of the software and what savings are generated by providing this internet service.

Approved On-Sale Beer 3.2% "Special Event" License Application for Nativity of Mary Church at 9901 Lyndale Avenue South
Item 4.1

Motion made by Wilcox, seconded by Peterson, to approve an On-Sale Beer 3.2% "Special Event" license application for Nativity of Mary Church, 9900 Lyndale Avenue South for their Mardi Gras event to be held Saturday, February 24, 2001 from 10:00 a.m. – 10:00 p.m. Motion passed 5-1-0 (Ornat opposing).

Adopted Ordinance Amending Code Regarding Conditional Uses Allowed in I-2 and I-3 Zoning Districts
Item 4.2A
O-2001-7

Motion made by Peterson, seconded by Fossum, and all voting aye, to adopt an ordinance amending Chapter 19 of the City Code to allow retail sales of marine equipment as a conditional use in the I-2 and I-3 zoning districts for Marine Electric/Dan's Southside Marine, Case 10000E-00. The change would allow the applicant to apply for a conditional use permit to relocate an existing business from 9804 James Avenue South.

Bob Hawbaker, Senior Planner, provided background stating that Marine Electric is a tenant in one of the buildings being acquired for the new Police/City Hall facility and has entered into a purchase agreement for the Flame Metals building west of the Public Works building on 98th Street. He explained that a code amendment is required to allow the type of sales that will be generated by Marine Electric in the I-2 and I-3 Industrial, Zoning Districts. He stated that the conditions of approval address the issue of where the boat storage and boat display can be located.

Adopted Resolution
Approving Conditional
Use Permit for Marine
Electric/Dan's
Southside Marine at
1900 West 98th Street
Case 3370A-00
Item 4.2B
R-2001-11

Motion made by Peterson, seconded by Ornat, and all voting aye, to adopt a resolution approving a conditional use permit for the retail sales of marine equipment at 1900 West 98th Street, Case 3370A-00, for Marine Electric/Dan's Southside Marine, subject to the following 9 conditions of approval and 5 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Proof of filing this conditional use permit with Hennepin County be provided to the Planning Manager;
2. A SAC questionnaire be completed and submitted to the Department of Public Works;
3. Access, circulation and parking plans be approved by the City Traffic Engineer;
4. The existing soil vapor extraction mediation system continues to be operated and the results of the operation be reported to the Minnesota Pollution Control Agency (MPCA);
5. Any excavation or removal of soil is permitted only after review and approval of the MPCA or its designee. Should the MPCA not assume responsibility for this review, upon delegation of authority by the MPCA, such approval may be assumed or waived by the Issuing Authority; cleaning methods and disposal of waste products from cleaning the building be approved by the MPCA. Should the MPCA not assume responsibility for this review, upon delegation of authority by the MPCA, such approval may be assumed or waived by the Issuing Authority;

and subject to the following additional conditions of approval:

6. Exterior storage of all products shall only be allowed in the north 300 feet of the property. No boat storage or display, permanent or temporary, be permitted south of the north 300 feet of the property;
7. All loading and unloading occur off public streets;
8. Only customer and employee parking is permitted in the parking lot to the east of the building;
9. No off-site storage be allowed without approval of the City of Bloomington;

and subject to the following Code requirements:

1. Signage comply with the requirements of Chapter 19, Article X of the City Code;
2. Landscape plan be approved by the Planning Manager (Sec 19.52);
3. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
4. No outside storage for businesses not located in the building be permitted. (Sec 19.26(b)); and
5. No seasonal storage of customer's boats is permitted on the site (Sec 19.26(b)).

Postponed Adoption of
the Comprehensive Plan
2000 to March 19, 2001
Item 4.3

Motion made by Wilcox, seconded by Peterson, and all voting aye, to postpone to the Regular Council meeting on March 19, 2001, the resolution adopting the Comprehensive Plan 2000 as a result of the Metropolitan Council delaying action on Bloomington's Comprehensive Plan 2000 until February 21, 2001. City adoption of the Plan cannot occur until after the Metropolitan Council has taken action.

Adopted Resolution
Increasing the City
Manager's Annual
Salary for the Year 2000
Item 4.4
R-2001-12

Motion made by Fossum, seconded by Peterson, and all voting aye, to adopt a resolution increasing the City Manager's salary for the Year 2000 as follows: annual salary of \$112,410, one-time lump sum payment of \$1,877, and \$500.00 per month for automobile expense reimbursement allowance. The Council recently concluded a performance review with the City Manager resulting in these adjustments for the Year 2000 as his salary had not been increased since January 1, 1999.

Mayor Winstead explained that over the past few months, Council has met to review the City Manager's performance and that it was extensive and that the City Manager met or exceeded Council's expectations in all seven of the major areas reviewed. He stated that in addition to meeting alone, Council took input from one of the represented units and took input from Mr. Bernhardson.

Item 4.4 continued	Ornat inquired as to why Council does not receive salary and benefit information regarding the cities of Minneapolis and St. Paul for comparison. She also inquired if those cities also have to abide with the ceiling or caps for the City Manager's salary in accordance with the Governor's salary.
	Winstead stated that Minneapolis and St. Paul have different forms of government than Bloomington and that the salaries are not very comparable as they utilize a City Administrator or a City Coordinator rather than a City Manager.
	In regard to the caps, Bernhardson explained that all cities in the state are subject to the same caps with the exception of several positions in the City of Minneapolis that have been given exemptions to them.
	Winstead stated that he would like staff to research the salary cap issue and look at what warrants and merits a salary cap and what has been implemented in other states as well as look at the exemptions that have been made to the salary cap in Minnesota.
	Ornat added that she would like to see the Council become more active in goal setting so that the City Manager and the management staff will know and understand Council's direction more clearly.
Postponed Indefinitely Ordinance Awarding Cable Television Franchise to Everest Connections Corporation Item 4.5	Motion made by Peterson, seconded by Abrams, and all voting aye, to postpone indefinitely adoption of an ordinance awarding a cable television franchise to Everest Connections Corporation and approval of the franchise agreement. Dave Ornstein, City Attorney, provided information that Everest Connections may be involved in a potential merger and therefore staff is recommending that the item be continued indefinitely and that the ordinance would be readvertised and brought back when it is right for action.
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.
Appointments to the Advisory Board of Health Item 3.1A	Motion made by Peterson, seconded by Ornat, and all voting aye, to appoint Gregory Hanson and Janet Hovey as Providers on the Advisory Board of Health for two-year terms expiring on December 31, 2002. Motion made by Peterson, seconded by Ornat, and all voting aye, to appoint Carolyn Byers as Consumer on the Advisory Board of Health for a two-year term expiring on December 31, 2002.
Postponed Nominations and Appointments to Human Rights Commission to March 5, 2001 Item 3.1B	Motion made by Wilcox, seconded by Peterson, and all voting aye, to postpone to the Regular Council meeting on March 5, 2001, nominations and appointments to the Human Rights Commission to allow for interested applicants to get their applications submitted.
Appointment to Merit Board Item 3.1C	Motion made by Ornat, seconded by Peterson, and all voting aye, to appoint David Irvin to the Merit Board for a three-year term expiring on December 31, 2003.
Boards/Commissions Communications Item 7.1	No boards/commissions communications reported.
Status of Action Items Item 7.2	Status of Action items were provided to Council with Manager's Information on February 16, 2001.

Bernhardson stated that the League of Minnesota Cities is soliciting the names of any council members interested in serving on policy committees for the National League of Cities Conference (NLC) and that Fossum expressed an interest in the one on Public Safety. He inquired if anyone else was interested in any of the committees and that their names would be included in a letter that was going to be sent to the NLC.

Mayor Winstead also requested that the City Manager look into Bloomington's participation in and requirements regarding affordable housing in light of a settlement issue regarding affordable housing that is presently occurring in Minneapolis.

Mayor presented a draft memo to Council regarding special elections to fill Council vacancies and requested that the Council discuss the matter at one of the next Council meetings as an item under Other Business. It was suggested that the Council would want to take public input on the matter as articles have appeared in the Bloomington Sun-Current suggesting that the filling of vacancies of less than two years on the Council be handled by appointment of the Council until the expiration of the term given the cost of special elections. He explained that any change in the City Charter regarding the filling of Council vacancies would need to be reviewed and approved by the Bloomington Charter Commission which would then make a recommendation to the Council for adoption of an ordinance amending the Charter.

Abrams suggested that an announcement of a public hearing or a decision by the Council on the matter not occur until after the Special Election on March 20, 2001, so as not to confuse the general public and voters.

Approved Revised Final
Development Plan for
Walser BPG, LLC at
4401 West 80th Street
Case 5751A-01
Item 5.1

Motion made by Ornat, seconded by Abrams, to approve the revised Final Development Plan for a Class I and II motor vehicle sales dealership to alter building placement and size for Walser BPG, LLC at 4401 West 80th Street, Case 5751A-01 subject to the following 28 conditions of approval and 11 Code requirements as set forth by the Planning Division Staff. Motion passed 5-0-1 (Peterson abstaining).

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 Manager and City Engineer in order to review the conditions of approval prior to application for any grading or building permits;
3. Exterior building materials be as approved by the Planning Manager;
4. Building plans shall identify trash and recyclable material collection and storage area(s) provided within the building(s) as approved by the Fire Marshal and the Planning Manager;
5. All disturbed areas shall be sodded except as other stabilizing covers may be approved by the Planning Manager as part of the approved landscape plan;
6. Wetland delineation be completed as approved by the City Engineer;
7. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
8. Connection charges shall be satisfied as determined;
9. A SAC questionnaire shall be completed and fees be satisfied;
10. Access, circulation and parking plans be approved by the City Traffic Engineer;
11. The driveway design be as approved by the City Traffic Engineer
12. Approved erosion control measures be in place prior to issuance of grading permits;
13. A 20 foot permanent street easement be provided by document along West 80th Street, as approved by the Traffic Engineer;
14. A 10 foot drainage and utility easement be provided by document along West 80th Street as approved by the City Engineer;
15. A 10 foot sidewalk/bikeway easement 20 feet to 30 feet from the north property line be provided by document as approved by the City Traffic Engineer;
16. A street modification agreement for West 80th Street be executed with the City by the developer and the applicant;
17. Plans shall be reviewed and approved by the Nine Mile Creek Watershed District;
18. Standby fuel provisions be approved by the Fire Marshal;

And subject to the following additional conditions of approval:

19. No more than three vehicles shall be displayed on the three approved display pads on the north side of the building and all vehicles shall have a 20 foot setback from the planned widened right-of-way line for West 80th Street;
20. No loudspeaker paging system shall be used;
21. Wetland permit for construction of outlet shall be obtained;
22. All construction related parking, loading and unloading, staging, and material storage shall occur on-site and off of adjacent public streets except as may be approved by the Director of Public Works for a temporary period.
23. Alterations to utilities be at the developer's expense;
24. Approved and installed erosion control barriers shall be maintained in an effective and functional condition throughout the construction period and shall not be removed until all disturbed areas are stabilized in an approved manner and removal is authorized by the Issuing Authority;
25. Required on-site storm water retention ponds shall be maintained in an effective and functional condition;
26. All inventory or stock loading and unloading shall occur on site and off of public streets;
27. All 96 customer, service, and employee parking spaces shall be clearly signed by the opening of the business;
28. An eight (8) foot high block screening wall be provided along the south side of the service area exit drive as approved by the Planning Manager;

and subject to the following Code requirements:

1. All site setbacks shall be based upon the planned widened right-of-way for the abutting public street (Sec. 19.42);
2. Three foot high solid screening be provided along West 80th Street as approved by the Planning Manager (Sec. 19.52);
3. Five foot high solid screening be provided along the abutting residentially zoned property line as approved by the Planning Manager (Sec 19.52);
4. Landscape plan be approved by the Planning Manager (Sec 19.52);
5. All rooftop equipment be fully screened (Sec. 19.52.01);
6. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
7. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code 3802; Uniform Fire Code Ch. 10.306);
8. Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73);
9. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
10. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
11. A uniform sign design shall be submitted for approval by the Planning Manager; in accordance with the requirements of Chapter 19, Article X of the City Code.

Hawbaker provided the staff report explaining that the Walser Group is proposing some minor changes to their previously approved development plan and that they are requesting to increase the size of the approved building by about 5,300 square feet making the total size of the building 38,000 square feet. The additions are to the write-up area and to the loading dock area. He stated that notices were sent to those within 500 feet of the proposed development and that a hearing was advertised. However, he stated that no comments were received on the proposal.

Item 5.1 continued

Wilcox expressed his concerns that when the proposal first came through for approval, the site was tight and now it's back with two more expansion requests. His other concern is in regard to the prior approval and the current request regarding the green area and paving requirement and why does the requirement for green area seem to have gone down with the current request for more building area rather than go up. His concern is that now there are two car dealerships on the site, a bigger building, and yet the parking requirement drops. He explained that he does not want to see a jam up of vehicles on this site as has happened with other car dealerships in other locations across the freeway.

Hawbaker stated that the requirement hasn't changed as it is based on the size of the parking lot and not the size of the total site. He also clarified that the parking space requirement for a car dealership is based on the display and storage space, which is different than the requirement based on occupancy for an office or a retail space. Therefore, in this case, the number of parking spaces is unrelated to the size of the building.

Speaker #1: David Phillips, Phillips Architects & Contractors, Inc.

He explained that in both the previous development plan and this plan, the green space requirement is exceeded by about 25% in the parking lot and that the minimum requirement was overstated when the first development plan was approved. Mr. Phillips stated upon review of all the conditions, they do accept all of the conditions attached to this approval.

Approved Five-Year
Temporary Conditional
Use Permit for
Bloomington Ice Garden
at 3400 West 98th Street
Case 7324A-00
Item 5.2

Motion made by Wilcox, seconded by Ornat, to approve a five-year renewal of a temporary conditional use permit for transient merchant sales events for Bloomington Ice Garden at 3400 West 98th Street, Case 7324A-00 subject to the 6 conditions of approval and 1 Code requirement as set forth by the Planning Division Staff and the Hearing Examiner. (Motion passed 5-0-1 (Peterson temporarily absent.)

1. No temporary on-site or off-site signage, including posters and portable signs, shall be allowed;
2. No transient merchant sale or show shall be conducted on-site at the same time as a formal skating show or event;
3. The scheduling of events shall be coordinated with events at the National Guard Training and Community Center to insure adequate parking for activities at both facilities;
4. Evidence of all necessary State and local licenses, including food service licenses, be provided to the Manager of Building and Inspection prior to each show or sales event;
5. No single merchant sales events shall be permitted;
6. Future requests for renewal of this temporary conditional use permit may be considered by the Hearing Examiner;

and subject to the following Code requirement:

1. Food service plans for all shows and sales events be approved by the Environmental Services Division (Sec. 14.360).

Approved Final Site and
Building Plans for
Bloomington Education
Center at 8900 Portland
Avenue South
Case 10494A-01
Item 5.3

Motion made by Wilcox, seconded by Ornat, and all voting aye, to approve the final site and building plans for additions and modifications to an existing school for Bloomington Public School District #271 (Bloomington Education Center), 8900 Portland Avenue, Case 10494A-01, subject to the following 7 conditions of approval and 8 Code requirements as set forth by the Planning Division Staff:

1. Exterior building materials be approved by the Planning Manager;
2. Trash and recyclable material collection and storage area be provided within the building as shown on the plans in Case 10494A-01;
3. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
4. A SAC questionnaire be completed and submitted to the Department of Public Works;
5. Access, circulation and parking plans be approved by the City Traffic Engineer;

Item 5.3 continued

And subject to the following additional conditions of approval:

6. All pickup and drop-off occur on site and off public streets;
7. All loading and unloading occur on site and off of public streets;

and subject to the following Code requirements:

1. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1 and M.R. Chapter 1306; Uniform Fire Code Sec. 1003);
2. Landscape plan be approved by the Planning Manager (Sec 19.52);
3. All rooftop equipment be fully screened (Sec. 19.52.01);
4. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
5. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
6. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
7. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code; and
8. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code.

Hawbaker explained that the changes to the building are minor including two additions on the north side, a rebuilding of the canopy on the east side, and some additional screen walls on the west side and on the north side around the mechanical equipment. He explained that on the night that this item was originally scheduled to go before the Planning Commission, the meeting was cancelled due to a storm. Staff is forwarding the recommendation directly to the City Council and received no inquiries about this item. He explained that staff is requiring, as part of the conditions of approval, the requirement for the installation of the standard 3-foot high screening wall along public streets. He stated that staff recommends approval with the conditions as presented in the agenda item, therefore, it is coming to Council without the approval or recommendation of the Planning Commission.

Approval of Minutes

Motion was made by Wilcox, seconded by Fossum, to approve the minutes of the August 21, 2000 Budget Workshop as presented. Motion passed 5-0-1 (Abrams abstaining).

Motion was made by Wilcox, seconded by Fossum, to approve the minutes of the October 2, 2000, Regular meeting as presented. Motion passed 5-0-1 (Ornat abstaining).

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:20 p.m.

Barbara Clawson
Council Secretary