

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

CITY COUNCIL MEETING

Approved Minutes
Regular Meeting
Meeting #6

7:00 p.m.
March 5, 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.

Youth Advocacy Fund
Appeal by Bloomington
Community Foundation
and Bloomington
Education Foundation
Item 7.3

Gill Williams, President of the Bloomington Community Foundation, introduced Julie Smith, Education Foundation of Bloomington, who made a presentation on Youth Advocacy. She explained the program as a combined effort of the Bloomington Community Foundation and the Education Foundation of Bloomington to raise start-up programs funds to assist non-profit organizations that will provide children in need of the following: supervised after school activities for children at risk, athletic opportunities for multicultural audiences and children with disabilities, and lessons or trips such as speech class, art instruction and wilderness adventures; winter coats, backpacks, school books and supplies; ESL and conflict resolution programs; and home computers with training through a student-created computer recycling program. Smith explained that Youth Advocacy Program is seeking funds specifically for a Bloomington recycling program to encourage people to recycle their home computers that could be upgraded and delivered to the homes of children in need. She stated that a portion of the start-up dollars Youth Advocacy is seeking would be used to pay for marketing the idea of recycling home computers.

Harden agreed that the home recycling program was a good way to provide kids with computers and suggested that perhaps the City could use its curbside clean-up program to help inform the public that Bloomington Youth Advocacy is looking for recycled computers to be refurbished for use by kids. Another suggestion was to mention the need for used computers in the next update of the City of Bloomington Green Pages.

Accepted the Advisory
Board of Health
2000 Annual Report and
the 2001 Work Plan
Item 7.1

Motion made by Wilcox, seconded by Ornat, and all voting aye, to accept the 2000 Annual Report and 2001 Work Plan.

Karen Zeleznak, Health Administrator, explained that Bev Heise, Chairperson of the 2000 Advisory Board of Health could not attend this meeting to report on the 2000 Annual Report but recognized her efforts as the Chair in 2000. She then introduced the current Chair, Sharon Pressler, to summarize the 2000 Annual Report and present the 2001 Work Plan of the Advisory Board of Health.

Pressler reported that in 2000, the Advisory Board of Health focused on the following three major areas: senior health, particularly the prevention of falls; tobacco use issues; and two new program areas funded with tobacco endowment dollars (Hennepin County Tobacco Grant and the Youth Risk Behavior Grant), some of which will continue into 2001. She noted the five areas of focus by the Board for 2001 as follows: Emerging Health Issues and City Council Priorities (including the soliciting and consideration of nominations for recognition of excellent service through a Food Safety Award), Public Health Planning and Evaluation, Adolescent Health, Senior Health (continuation of fall prevention activities), and Advisory Board of Health Development. When asked by Council if the fall prevention activities information was posted in the various senior citizen buildings around Bloomington, Pressler confirmed that it was and is at Creekside Community Center also.

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 Solicitation of Donations by Human Services Division Senior Program Volunteers Item 6.1	Motion made by Harden, seconded by Peterson, and all voting aye, to approve the solicitation of donations by Human Services Division Senior Program Volunteers from Bloomington businesses for door prizes and awards for the following three events: Bloomington Senior Program's Spring Dance (April 25, 2001), Fun Walk for National Health and Fitness Day (May 31, 2001), and an Essay Contest (Month of May).																																																									
Set Schedule for 2001-1 Street Improvement Project (Pavement Management Program) Reconstruction Item 6.2	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to set the schedule for the 2001-1 Street Improvement Project (Pavement Management Program) Reconstruction. The following list of streets have been proposed for reconstruction:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 30%;"><u>Street</u></th> <th style="text-align: left; width: 30%;"><u>From</u></th> <th style="text-align: left; width: 30%;"><u>To</u></th> </tr> </thead> <tbody> <tr><td>1. W. 96th St.</td><td>Bloomington Ferry Rd.</td><td>Yukon Ave. So.</td></tr> <tr><td>2. Yukon Ave. So.</td><td>Yukon Cir. (n. of 96th)</td><td>West 96th St.</td></tr> <tr><td>3. Yukon Court</td><td>Yukon Ave. @ W. 97th St.</td><td>West Terminus</td></tr> <tr><td>4. W. 98th St. N. Service Rd.</td><td>Little Rd.</td><td>W. 98th St. (Approx. Johnson Ave. So.)</td></tr> <tr><td>5. Abbott Ave. So.</td><td>W. 102nd St.</td><td>W. 98th St.</td></tr> <tr><td>6. Ivy Lane</td><td>West Terminus</td><td>Penn Ave. So.</td></tr> <tr><td>7. Maple Ave. So.</td><td>Penn Ave. So.</td><td>Ivy Lane</td></tr> <tr><td>8. Queen Ave. So.</td><td>Russell Ave. So. (Approx. 97½ St.)</td><td>W. 98th St.</td></tr> <tr><td>9. Colfax Ave. So.</td><td>W. 84½ St.</td><td>W. 85th St.</td></tr> <tr><td>10. W. 85th St.</td><td>Colfax Ave. So.</td><td>Lyndale Ave. So.</td></tr> <tr><td>11. Aldrich Ave. So.</td><td>W. 84th St.</td><td>W. 85th St.</td></tr> <tr><td>12. Mission Rd.</td><td>Hopkins Rd.</td><td>Nicollet Ave. So.</td></tr> <tr><td>13. Wentworth Ave. So.</td><td>W. 107th St.</td><td>Mission Rd.</td></tr> <tr><td>14. E. 99th St.</td><td>Columbus Ave. So.</td><td>Elliot Ave. So.</td></tr> <tr><td>15. E. 100th St.</td><td>Park Ave. So.</td><td>11th Ave. So.</td></tr> <tr><td>16. E. 101st St.</td><td>Chicago Ave. So.</td><td>Elliot Ave. So.</td></tr> <tr><td>17. Chicago Ave. So.</td><td>E. 101st St.</td><td>E. 98th St.</td></tr> <tr><td>18. Elliot Ave. So.</td><td>E. 102nd St.</td><td>E. 98th St.</td></tr> </tbody> </table>	<u>Street</u>	<u>From</u>	<u>To</u>	1. W. 96 th St.	Bloomington Ferry Rd.	Yukon Ave. So.	2. Yukon Ave. So.	Yukon Cir. (n. of 96 th)	West 96 th St.	3. Yukon Court	Yukon Ave. @ W. 97 th St.	West Terminus	4. W. 98 th St. N. Service Rd.	Little Rd.	W. 98 th St. (Approx. Johnson Ave. So.)	5. Abbott Ave. So.	W. 102 nd St.	W. 98 th St.	6. Ivy Lane	West Terminus	Penn Ave. So.	7. Maple Ave. So.	Penn Ave. So.	Ivy Lane	8. Queen Ave. So.	Russell Ave. So. (Approx. 97½ St.)	W. 98 th St.	9. Colfax Ave. So.	W. 84½ St.	W. 85 th St.	10. W. 85 th St.	Colfax Ave. So.	Lyndale Ave. So.	11. Aldrich Ave. So.	W. 84 th St.	W. 85 th St.	12. Mission Rd.	Hopkins Rd.	Nicollet Ave. So.	13. Wentworth Ave. So.	W. 107 th St.	Mission Rd.	14. E. 99 th St.	Columbus Ave. So.	Elliot Ave. So.	15. E. 100 th St.	Park Ave. So.	11 th Ave. So.	16. E. 101 st St.	Chicago Ave. So.	Elliot Ave. So.	17. Chicago Ave. So.	E. 101 st St.	E. 98 th St.	18. Elliot Ave. So.	E. 102 nd St.	E. 98 th St.
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Approved Change Order #1 for the Water Treatment Plant and Well Field Expansion Project Item 6.3	Motion made by Harden, seconded by Peterson, and all voting aye, to approve Change Order #1 to the Water Treatment Plant and Well Field Expansion Project. The change is required to make the necessary construction modifications to the Sam H. Hobbs Water Treatment Plant consisting of six items detailed in the Change Order document. The changes are both additions and deletions with the greatest value of work being the reservoir concrete restoration at \$133,782. The total change order will add \$139,771 to the contract for a total contract amount of \$14,129,771.00 and funding is available in the Utility Budget.																																																									
Approved Renewal Agreement with Recreational Sports Officials Association for 2001-2002-2003 Seasons Item 6.4	Motion made by Harden, seconded by Peterson, and all voting aye, to approve renewal of agreement with the Recreational Sports Officials Association for the 2001-2002-2003 seasons, providing officials for the adult softball, basketball and football leagues. The costs of officials is included in the respective sports team registration fees. Funds are provided in Activities 6301, 6303, and 6309.																																																									
Accepted Preliminary Summary Report on 2000 Financial Operations Item 6.5	Motion made by Harden, seconded by Peterson, and all voting aye, to accept the Preliminary Summary Report on 2000 Financial Operations as required by Section 7.12 of the City Charter, which states, "Once each year on or before the last day of February, the City Manager shall submit a report to the Council covering the entire financial operations of the City for the last year." The City's financial statement will be audited throughout the months of March and April by the City's independent auditors, Deloitte & Touche. The completed 2000 Financial Report, with auditor's opinion and comments, will be presented to the City Council upon completion of their fieldwork for review before actual release in May.																																																									

<p>Accepted and Thanked Various Donors for their Donations to the Human Services Division, the Human Services Senior Dance, the Human Services Division Essay Contest, Public Health, and the Human Services Division Fun Walk Item 6.6</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to accept and thank the following donors for a variety of donations made to the Human Services Division as presented by staff: Creekside Woodshop Club, Aardvark Records, Action Hair, Alleluia Shop, Anonymous, Audio Book Express, Ax-man Surplus, Bakers Square, Bennigans, Bloomington Chrysler Jeep, Bloomington Drug and Gift, Bloomington Garden Center & Landscape Co., Burger King, Byerly's, Camelot Jewelers, Company's Coming, Cub Foods, Dairy Queen, Daisy Floral, Denny's, Do It Best Hardware, Famous Dave's, Fields of View Photo, For Pet's Sake, Freeway Toyota, Gateway Country, Great Clips, Hair Unlimited, Hancock Fabrics, Hanna Anderson Outlet Store, Harold Chevrolet, Health & Happiness Café, Herbergers, House of Frames, Jiffy Lube, Kentucky Fried Chicken, Kinko's, LaMirage, La Tortilla Ria, Lunds, MGM Liquor Warehouse, Mail Boxes, Etc., McDonalds Michael's Hallmark, Mickey's 'N Mine Tailoring Plus, Music Go Round, One Hour Martinizing, Papa Murphy's, Paradise Car Wash, Payless Shoe Source, Penn Lake True Value, Perkins, Play It Again Sports, Proex/Wolf Camera, Rainbow Foods, Schuler Shoes, Skogland Jewelers, Southport Cleaners, Inc., Southtown Tire and Service, State Sewing Center, Stretch & Sew Fabrics, Pohland's Super Value, Target, TCF Bank, Timber Lodge Steakhouse, Toys "R" Us, U.S. Navy Recruiting Office, United Penn Lake, Inc., Video City, Wally's Roast Beef, Walser Bloomington Dodge, Washhouse-Hallmark, Edward Jones Investments, St. Stephen's Lutheran Church, Born Again Jocks, Bloomington Drug, Chippewa Spring Water, Chanhassen Dinner Theatre, Health Partners, Chez Daniel, Bloomington Park Tavern, Chili's, and Arby's.</p>
<p>Approved Specifications and Bidding Schedule to Secure a Contract for Curb, Gutter, and Sidewalk Replacement as Needed by Public Works Item 6.7</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to approve the specifications and approved the bidding schedule to secure a contract for curb, gutter, and sidewalk replacement as needed by the Public Works Street Maintenance and Utilities Divisions. Funding for this contract is available in the 2001 Budget, Street Maintenance Activities 7622 and 7624, and Utilities Activities 8131 and 8231.</p>
<p>Approved Specifications and Approved Bidding Schedule to Secure Bituminous Material for Street Maintenance Item 6.8</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to approve the specifications and approved the bidding schedule to secure a contract for the purchase of CRS-2, CRS-2P, and CSS-1 bituminous material for use by the Street Maintenance Division for various street maintenance and repairs during the 2001 season. Funding for this contract is available in the 2001 Street Maintenance Budget, Activity 7623.</p>
<p>Approved Purchase of Four Mowers for Use by Park Maintenance and Dwan and Hyland Greens Golf Courses Item 6.9</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to approve the purchase of four Toro Groundsmaster mowers from MTI Distributing in the amount of \$60,450.25 under State of Minnesota Contract #425965. This equipment will be used by Park Maintenance and Dwan/Hyland Greens Golf Courses. Funding for the purchase of these units is available in the 2001 Equipment Replacement Budget, Activity 617-0618-499-70.42 and the 2001 Recreational Facilities Fund, Activities 540-8420-451-70.41 and 540-8430-451-70.41.</p>
<p>Approved Purchase of Two Ford Cab/Chassis for Use by Park Maintenance and the Utilities Divisions Item 6.10</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to approve the purchase of two Ford F-350 Cab/Chassis with Bodies from Airlake Ford-Mercury in the amount of \$73,621.52 plus 6.5% Minnesota State Sales Tax under State of Minnesota Contract #426448 for use by the Park Maintenance and Utilities Divisions. The equipment will be used for general hauling and winter plowing and are scheduled to replace Unit #603, a 1992 Chevrolet truck and Unit #171, a 1989 Chevrolet truck. Funding is available in the 2001 Equipment Replacement Budget, Activity 617-0618-499-70.42.</p>
<p>Awarded Contract to Asplundh Tree Experts for Diseased Tree Removal in the East and West Districts in 2001 Item 6.11</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to award a contract to Asplundh Tree Experts for diseased tree removal in both the East and West Districts during 2001, from both public and private property within Bloomington, at the unit prices bid for an estimated total contract of \$127,770.54. Funding is available in the 2001 Park Maintenance Budget, Activity 7731.</p>

<p>Awarded Contract to Asphalt Surface Technologies Corporation for Spring Street Sweeping of City Streets and Islands East of I-35W Item 6.12</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to award a contract for spring street sweeping services to Asphalt Surface Technologies Corporation (ASTECH) in the amount of \$41,000.00 for street sweeping and island cleaning services to assist City staff with the spring sweeping program. The area to be swept under this contract includes City streets and islands east of Interstate 35W. Funding is available in the 2001 Street Maintenance Budget, Activity 530-8306-433-63.24.</p>
<p>Awarded Contract to WSB & Associates, Inc. for Professional Engineering Services for East Bush Lake Road Bikeway Project Item 6.14</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to award a contract for Professional Engineering Services for the East Bush Lake Road Bikeway Project (TEA 21 funding) between Chalet Road and West 106th Street to WSB & Associates, Inc. in the base (not to exceed) quote amount of \$192,376.00. The contract does not include wetland delineation/mitigation and retaining wall design as the extent of those items cannot be determined until the preliminary design stage is complete.</p>
<p>Approved Addendum to Contract with Stork Twin City Testing Corporation for Work Related to the Water Treatment Plant and Well Field Expansion Project Item 6.15</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to approve an addendum to the contract with Stork Twin City Testing Corporation for independent laboratory and materials testing services to include additional inspection and testing for reinforced steel, masonry, welding, and high strength bolting in an amount not to exceed \$7,500.00. These testing services are to be conducted as part of the construction of the Bloomington Water Treatment Plant and Well Field Expansion Project. The \$7,500.00 increases the total contract amount to \$35,268.20. Funding is available in the Water Utility Operating Fund 510, Activity 8111.</p>
<p>Approved Application for Extension Grant from the Minnesota Department of Human Services for Reducing Alcohol Use Among Youth Item 6.16</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to approve an application for an 18-month extension grant from the Minnesota Department of Human Services for reducing alcohol use among youth. The grant, 'Building Community Assets to Reduce Youth Alcohol Problems in Bloomington, Edina, and Richfield, is intended to strengthen family and community assets that promote healthy youth development, prevent and reduce youth alcohol problems. The proposed grant request is for \$87,310 during the funding period July 1, 2001, through December 31, 2002.</p>
<p>Postponed to March 19, 2001, an Agreement with Metropolitan Council Regarding Sanitary Sewer Pipe Near TH 77 and 84th Street Item 6.13</p>	<p>Motion made by Harden, seconded by Peterson, and all voting aye, to postpone to the March 19, 2001, Regular Council meeting, an agreement with Metropolitan Council concerning a section of the sanitary sewer pipe located near TH 77 and 84th Street. The pipe serves the Airport South area and commercial uses along the south side of I-494 east of Abbott Avenue.</p>
<p>Approved Special Event On-Sale Intoxicating Liquor License for the Normandale Community College Foundation Event Item 4.1</p>	<p>Motion made by Peterson, seconded by Abrams, and all voting aye, to approve a Special Event On-Sale Intoxicating Liquor License for the Normandale Community College Foundation for an event at Normandale Community College, 9700 France Avenue South, on Saturday, April 28, 2001, from 6:00 p.m. – Midnight.</p> <p>Ornat inquired if there were any problems with this event last year and whether or not the ending time of midnight was a problem.</p> <p>Staff stated that the same event times were approved last year and that there were no reported problems and that because it is a special event by invitation, no problems are anticipated with this year's event.</p>

Adopted Resolution
Approving the
Preliminary and Final
Plat of West 78th Street
Addition, 4700, 4900 and
4950 West 78th Street
Case 2643A-01
Item 4.2A
R-2001-14

and

Motion made by Peterson, seconded by Wilcox, and all voting aye, to approve the following:

- A. Preliminary and final approval of the plat of West 78th Street Addition, located at 4700, 4900 and 4950 West 78th Street for West 78th Street for Bloomington Associates LLC, Case 2643A-01, and adopted a resolution granting final approval and approval of the subdivision agreement subject to a review of the title by the City Attorney, and receipt of the necessary documents and deposits, subject to the following 12 conditions as set forth by the Administrative Subdivision Review Committee:
1. 20' temporary construction and grade alteration easement along Nord Avenue and 15' wide temporary construction and grade alteration easement along the proposed West 78th Street and along the southerly boundaries of Lots 1, 2, Outlot B and Outlot A adjacent to the future 494 R.O.W. be provided.
 2. Provide 10' drainage and utility easements along future West 78th Street, along the southerly boundaries of Lots 1, 2, Outlot B and Outlot A adjacent to the future 494 R.O.W.; and a 12' drainage and utility easement along Nord Avenue and 5' drainage and utility easement along all internal lot lines.
 3. 10' sidewalk/bikeway easement along Nord Avenue and the proposed future street frontages be provided.
 4. Provide common maintenance agreement between developer and property owner and easement for sanitary sewer and water laterals from Computer Avenue to and across the Seagate property.
 5. Abandonment of any walkway easements associated with the pedestrian bridge located on the north side of the proposed plat.
 6. Limited access easements to be approved by the City Engineer.
 7. Wetland Replacement plans to be approved by the City Council Item 4.2C.
 8. The Nine Mile Creek Watershed District approve mitigation of the existing wetlands.
 9. Park dedication to be paid in cash.
 10. Future connection charges to be paid prior to permitting.
 11. A subdivision agreement to be provided by the developer and approved by the City Engineer and Attorney.
 12. Grading, drainage, utility and erosion control be approved by the City Engineer.

Documents are being prepared for Items 1, 3, 4, 5, 6 and 7. Item 2, to be accomplished on the final plat. Item 9, Park Dedication to be in cash. Item 8 to be accomplished prior to issuance of permits. Item 10, connection charges if any, shall be paid prior to issuance of utility permits. Subdivision agreement has not been received. The subdivision deposit has been received.

Adopted an Ordinance
Vacating Drainage and
Utility Easements Over
and Across 4700 and
4900 West 78th Street for
Ryan Company
Case 2643B-01
Item 4.2B
O-2001-8

and

- B. Adopted an ordinance to vacate certain easements for drainage and utility purposes over and across all of Lots 1 and 2, A.D.C. Addition, 4700 and 4900 West 78th Street, for Ryan Co. The vacation is requested to clear title and replat the property. The vacation follows the replatting of the property in Item 4.2A.

Approved the Wetland Conservation Act Project Decision on the Wetland Replacement Plan for the A.D.C. Addition at 4700, 4900 and 4950 West 78th Street
Case 2643C-01
Item 4.2C

C. Approved the Wetland Conservation Act Project Decision on the Wetland Replacement Plan for the A.D.C. Addition, 4700, 4900 and 4950 West 78th Street. The proposed development impacts existing wetlands, which are under the Local Government Unit (LGU) jurisdiction for the Wetland Conservation Act of 1991. The Application for Wetland Replacement proposes to fill 0.18 acres of Type 5 wetland and 0.08 acres of Type 1 wetland. The proposed replacement, at a 2:1 ratio, consists of 0.52 acres of new wetland to be located in Greenfield, Minnesota. No permits shall be issued until the following items are submitted to the City:

1. Declaration of Restrictions and Covenants from landowner of Replacement Wetland.
2. Proof of good title from landowner of Replacement Wetland.
3. Proof of good title from landowner of Impacted Wetlands.
4. Landowner's Affidavit from landowner of Replacement Wetland.
5. Consent to Replacement Wetland from landowner of Replacement Wetland.
6. \$75.00 wetland plan review fee.
7. Irrevocable Letter of Credit to guarantee successful completion of wetland replacement.
8. Contractor's Responsibility Form.
9. Agreement between Ryan Companies and Centennial Golf Course.
10. Letter from owner or agency who will be responsible for wetland monitoring.
11. Construction plans for the replacement wetland to include, at a minimum, replacement boundary and type, existing and proposed contours, erosion control, proposed vegetation plan.

Adopted Resolution Authorizing Redemption of 1991 Single-Family Mortgage Revenue Bonds
Item 4.5
R-2001-13

Motion made by Ornat, seconded by Fossum, and all voting aye, to adopt a resolution authorizing the redemption of 1991 Single-Family Mortgage Revenue Bonds of approximately \$6,270,000 of housing mortgage bonds currently outstanding. These bonds were issued jointly with Stearns County Housing and Redevelopment Authority, the Dakota County Community Development Agency, and the Washington County Housing and Redevelopment Authority. The resolution authorizes staff to take all actions necessary to provide for the sale of the securities and the redemption of the bonds.

Nominated and Appointed Robert R. Peters to the Human Rights Commission
Item 3.1

Motion made by Wilcox, seconded by Fossum, and all voting aye, to nominate Robert R. Peters for consideration of appointment to the Human Rights Commission to fill a vacant adult position with a term expiring on December 31, 2001.

Motion made by Ornat, seconded by Wilcox, and all voting aye, to appoint Robert R. Peters to fill a vacant adult position on the Human Rights Commission expiring on December 31, 2001.

Appointed Shelly Pederson and Abrams to the Highway 169 Corridor Management Plan Advisory Committee
Item 3.2

Motion made by Harden, seconded by Ornat, and all voting aye, to appoint Shelly Pederson, City Engineer, as the City technical staff member to the Technical Advisory Committee of the 169 Corridor Management Plan Advisory Committee and to appoint Abrams as the Council representative to the 169 Policy Committee to provide communication, advocacy for the corridor, and make recommendations to implementing agencies.

Harden stated that because she is currently involved in two transportation-related committees, she spoke with Abrams who expressed an interest to be involved also and he has agreed to serve on the policy committee for the 169 corridor.

Appointed Abrams as Interim Deputy Mayor from March 9-14, 2001

Motion made by Peterson, seconded by Ornat, and all voting aye, to appoint Councilmember Dave Abrams to serve as Interim Deputy Mayor from March 10 – 14, 2001, as appointed Deputy Mayor Mike Fossum is attending the National League of Cities Congressional Cities Conference in Washington, D.C.

Winstead stated that the Council should have a policy in place that defers the role of Deputy Mayor automatically to a designated Council Member when the Deputy Mayor is not available. Staff to look at determining a policy for that purpose.

<p>Postponed to March 19, 2001, Adoption of the Comprehensive Plan 2000 Item 4.3</p>	<p>Motion made by Ornat, seconded by Peterson, and all voting aye, to postpone until the March 19, 2001, Regular Council meeting, the resolution adopting the Comprehensive Plan 2000 as Metropolitan Council has delayed action on Bloomington's Comp Plan 2000 until March 7, 2001, and the City cannot adopt the Plan until the Metropolitan Council has taken action.</p>
<p>Adopted Ordinance Vacating Drainage and Utility Easements at 8124 West 86th Street Circle and 8200 Oakmere for Gruggen Grant Addition Item 4.4 O-2001-9</p>	<p>Motion made by Ornat, seconded by Wilcox, and all voting aye, to adopt an ordinance to vacate easements for drainage and utility purposes over and across all of Lot 3, Block 3, Bogens Anderson Lake Addition and Lot 9, Dixon's Oakmere. This vacation of drainage and utility easements located at 8124 West 86th Street Circle and 8200 Oakmere Road by Terry Gruggen is to clear title and replat the property for new lot line change. Approval of the ordinance is subject to the filing of the final plat of the Gruggen Grant Addition.</p> <p>Bernhardson stated that these vacation of easements are a result of a follow-up of the subdivision that Council previously approved.</p>
<p>Status of Action Items Item 7.2</p>	<p>Bernhardson provided the Council with the Status of Action updates and requested that they contact him with any questions and/or comments.</p> <p>Bernhardson requested that Charles Honchell, Public Works Director, provide Council with some background on the issue of whether or not the City wants to pursue undergrounding the distribution lines at the intersection of Normandale Boulevard and Old Shakopee Road in an effort to garner some direction from Council.</p> <p>Honchell explained that staff had previously indicated a desire to expand the undergrounding of utility lines and poles all along Old Shakopee Road similar to the Ring Route and Airport South area. Staff previously determined that it would be appropriate to underground the utilities in the areas of Normandale and Old Shakopee, France and Old Shakopee, possibly in the vicinity of the new city hall, and possibly other areas to the east. He explained that staff discussed this possibility with Northern States Power/Excel and received a price of \$212,000 for them to underground their portion of the line. He stated that this price is not guaranteed and that Excel would have to do a study but that Public Works staff has experienced reasonable results with NSP's estimates in the past. However, the City then contacted Hennepin County and they concurred that if the undergrounding were to occur that they would pay up to \$84,000 of the cost. Unfortunately, the other utilities that are on the same poles, Honchell reported, i.e. Cable, wanted \$70,000 to relocate their utilities and it is unknown what the telephone company would want the City to pay for the relocation of their utilities, etc. He explained that staff now has concerns that the costs are beginning to escalate due to all of the other users and is now requesting direction from the Council as to whether or not staff should continue to pursue obtaining utility relocation costs from the other utilities involved. Honchell stated that they are looking at the area of the intersection of Normandale Boulevard and Old Shakopee Road itself and approximately 400 feet in each direction.</p> <p>To answer the Mayor's inquiry as to how this situation relates to the moving of other utilities required as a result of roads, light rail, etc., Honchell stated that the City has franchises with various utilities and that those franchises state that if they are requested by the community to relocate their facilities, essentially in kind, that they will do so without charging the City. However, if the City requests a betterment such as undergrounding, the utilities have taken the position that the City should pay for it which is what the City has done along the Ring Road. The City has paid for the differential in undergrounding costs.</p> <p>Dave Ornstein, City Attorney, further explained that the franchise agreements are fairly clear on that issue and added that if the City were to adopt an ordinance requiring the undergrounding of distribution lines within the city, that the utilities do have the right to go to the Public Utilities Commission (PUC) to seek the authority to surcharge their customers. He stated that it is not as clear in regard to transmission lines.</p>

Item 7.2 continued

Honchell requested Council's input as to whether or not staff should proceed with the possibility of undergrounding the distribution lines or not because the step would be for Excel to do the actual engineering design for the undergrounding which the City would have to pay for even if it decided not to go underground.

Fossum stated that because there is no compelling evidence to support pursuing undergrounding in this area, he would not support further exploration of the matter.

Peterson inquired if the City could prohibit the expansion of distribution facilities unless they are transitioned underground.

Ornstein replied that it would depend on the situation and whether or not there could be a determination made that there could be a threat to the public health, safety, and welfare. Ordinarily, the City can't dictate the level of their distribution or transmission lines because it is not a municipal authority. He stated that the City does not have any decision-making authority over the extent of the power that they're going to distribute and that's a matter between the utility company and the PUC.

Both Wilcox and Peterson stated that they do not support spending additional cost to explore the possibility of undergrounding in the area of Normandale and Old Shakopee Road making that a majority on the Council who share that opinion.

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.

Approval of Minutes

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

Motion made by Wilcox, seconded by Ornat, and all voting aye, to approve the February 20, 2001, Special Meeting and Regular Meeting minutes, as presented.

Motion made by Peterson, seconded by Fossum, to approve the October 30, 2000, Study Meeting minutes, as presented. Motion passed 5-0-2 (Ornat and Wilcox abstaining).

Motion made by Wilcox, seconded by Ornat, and all voting aye, to approve the January 16, 2001, Joint Port Authority/City Council Meeting, as presented.

Approved Renewal of
Three-Year Temporary
Conditional Use Permit
for Executive Sales &
Leasing, 9311 Bryant
Avenue
Case 6354A-01
Item 5.1

Motion made by Ornat, seconded by Abrams, and all voting aye, to approve the renewal of a three-year temporary conditional use permit for the sale of Class II automobiles at 9311 Bryant Avenue, Case 6354A-01, for Executive Sales & Leasing, subject to the following 3 conditions as set forth by the Planning Division Staff and the Planning Commission:

1. Number of vehicles for sale on the premises be limited to a maximum of five vehicles;
2. All vehicles associated with this use be located within the fenced storage area as shown on the site plan in Case File 6354A-01; and
3. No temporary signs relating to the used vehicle sales shall be permitted. All other signs shall conform to the requirements of Chapter 19, Article X of the City Code.

Approved One-Year
Interim Use Permit for
Special Events for the
Mall of America at 8200
28th Avenue South and
8201 24th Avenue South
Case 9628A-01
Item 5.2

Motion made by Wilcox, seconded by Peterson, and all voting aye, to approve a one-year Interim Use Permit for Special Events on the property located at 8200 28th Avenue and 8201 24th Avenue, Case 9628A-01, for the Mall of America, subject to the following 19 conditions as set forth by the Planning Division Staff and the Planning Commission and the added condition set by Council that professional sporting events are not to be a permitted use covered by this Special Events permit:

1. A Special Event Series event agreement with no more than eight events between May 1, 2001 through October 31, 2001, including all conditions of approval and providing for the submission of a monthly schedule of events, be executed by the applicant and the City no later than April 30, 2001;
2. Individual event set up be in accordance with a site plan submitted 14 days prior to an event as approved in accordance with the special event notification requirements in the Interim Use Agreement;
3. Site security and traffic control plan, as deemed necessary by the Director of Community Development, be approved by the Bloomington Police Department and submitted to the Director of Community Development at least 14 days prior to an individual event;
4. Permits for any tents or temporary structures be obtained and installed and used according to requirement(s) approved by the Fire Marshal and Manager of Building and Inspection;
5. Advertising signs (temporary) be limited to an event boundary fence and area inside of the fence;
6. Food service to be provided in accordance with the permit and requirements of the Environmental Health Services Division;
7. Fire lanes on the site must remain open and be posted as approved by the Fire Marshal;
8. All crowd queuing, loading and unloading, and site service shall occur on the site or on any portion of the public street that may be closed specifically for the event;
9. Handicapped parking, access and accessible toilet facilities be provided in accordance with plans approved by the Director of Community Development;
10. Site restoration and surrounding site(s) cleanup be completed no later than 36 hours from the completion or termination of an event;
11. Applicant shall reimburse the City for staff costs incurred as a result of the event;
12. Electrical and gas installations shall be installed in accordance with the requirements and permits issued by the Building and Inspection Division and/or the Fire Marshal;
13. All alcoholic beverage service, if requested, be provided in accordance with a City of Bloomington special event license, City Code and State law;
14. Amplified music shall not extend beyond 10:00 p.m. and as listed on the special event license for each individual event, as appropriate;
15. Environmental Health Services Division staff to review any amplification plan and monitor volumes during events as appropriate;
16. The applicant shall reimburse the City for all costs, at a rate of \$50 per hour plus postage, associated with the required notice to all property owners within 500 feet of any event;
17. Individual event attendance limits be approved by the Director of Community Development;
18. Any individual event occupying the property for more than 14 days shall require a separate Interim Use Permit approved by City Council subject to Section 19.40.08.01(e)(1),(2),(3),(4),(5) and (6); and
19. No on-site or off-site temporary residential use or camping as noted in Section 14.283(g), License Restrictions.
20. Professional sports events are not included in events which may occur under this interim use permit.

Larry Lee, Community Development Director, explained that the staff and the Mall have combined the summer interim events use into one application and this is the annual permit application. He stated that the permit is for the period of May 1 – October 31, 2001, and that the land swap may occur during the period of this permit. However, the applicant has been made aware of the situation and that use permits in the City run with the property and not with the applicant. Therefore, if the same events are proposed on a different property, a different application would have to be made. Lee suggested that if a new application would be needed that they come into the City and apply six weeks prior to any scheduled event.

Item 5.2 continued

Speaker #1: Neal Blanchett, Larkin Hoffman Law Firm, Representing the Mall of America
He explained that the actual date of the swap could be as early as June 15 but that there are currently only events scheduled in April and May, therefore, no currently scheduled events would be affected. There intent would be to contact the Metropolitan Airports Commission to request their cooperation in allowing events to occur on the parcel to the east should the swap occur.

Wilcox inquired if there would be a special approval required if the Minnesota Twins were intending to play on that site like they requested last year.

Lee replied that there are a number of other issues that would need to be approved if a temporary ballpark were to be constructed on that property that would not be covered by this permit and that they would need to come back to the Council for further approvals.

Approved Conditional
Use Permit for an
Accessory Structure for
at 2373 East Old
Shakopee Road for
T.J. Hammerstrom
Case 5569A-01
Item 5.3
R-2001-15

Motion made by Ornat, seconded by Abrams, and all voting aye, to approve a conditional use permit for a 120-square foot accessory structure in the side yard at 2373 East Old Shakopee Road, Case 5569A-01, for T.J. Hammerstrom, subject to the following 4 conditions as set forth by the Planning Division Staff and the Planning Commission:

1. The conditional use permit only apply to the accessory building shown in case file 5569A-01;
2. Exterior building materials be approved by the Planning Manager;
3. The accessory building shall be removed if a principal use other than a single family home occupies the property; and
4. No additional driveway access shall be permitted along East Old Shakopee Road.

Discussion of
Commission Attendance
Requirements

Peterson brought up the issue of looking at the attendance requirements on the City's boards and commissions and whether or not other special activities and meetings that require the attendance of commissioners should be counted as part of the attendance record.

Ornstein stated that there would be the potential for calling meetings just to fulfill the attendance requirements. He stated that the Council could define what constitutes a meeting within the meaning of the attendance requirement and suggestions could be made to the City for the purposes of drafting an ordinance.

Abrams stated that with Boards like the Advisory Board of Health that meet so infrequently, it's very easy to miss two meetings in a year because of special circumstances and inquired if the Council wanted to review the current rules, particularly in regard to those that meet infrequently (fewer than eight times each year), to allow three missed meetings before being removed.

Fossum stated that the individuals on commissions that do meet infrequently know well ahead of time what those dates are and should be able to meet the standard set by the Council.

Harden stated that she concurred with both Abrams and Peterson and that she would be open to looking at what other meetings should be included in a particular commission's attendance quota, especially if they are meetings that all of the commission members agree should be included.

Bernhardson stated that staff could look into the matter and provide Council with some information for their determination as to whether or not they would want to bring the matter back for future Council discussion.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:13 p.m.

Barbara Clawson
Council Secretary