

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

CITY COUNCIL MEETING

Approved Minutes
Regular Meeting
Meeting #18

7:00 p.m.
August 6, 2001
Council Chamber

Call to Order and
Pledge to Flag

Mayor Gene Winstead called the meeting to order and Girl Scout Troop #644 presented the colors and led the Council and audience in the pledge of allegiance to the flag.

Girl Scouts of Troop #644 of the Westwood Service Unit introduced themselves:
Libby Tousignant, Molly Johnson, and Katie Anderson.

Roll Call

Present: Mayor Winstead, Councilmembers D. Abrams, M. Fossum, H. Harden, A. Ornat,
S. Peterson, and V. Wilcox.

Proclamation Declaring
August 7, 2001 as
National Night Out

Mayor Winstead read the proclamation declaring August 7 as National Night Out and presented it to Police Chief Willow. Chief Willow reported that there were 285 parties scheduled which is an increase over the 236 that were held in 2000. He introduced Sergeant Todd Lewis, Proactive Police Unit and Nikki Pearson, Event Coordinator and encouraged anyone needing more information to contact them. He thanked Lewis and Pearson for all of their work in organizing this special night and stated that the Mayor and City Council Members would be riding along with officers as they made their rounds to the various block parties. Sgt. Lewis passed out t-shirts promoting the event to the Council Members.

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.

Speaker #1: George Emanuelson, 8014 Russell Avenue South
He requested that the "No Parking" sign be removed in the cul-de-sac at 8000 and 8014 Russell.

Bernhardson stated that someone from Traffic would make contact with Mr. Emanuelson on the matter.

Adopted a Resolution
Granting an
Administrative Variance
at 3113 West 88th Street
for Jerry Davern
Case 10540A-01
Item 6.1
R-2001-89

Motion was made by Fossum, seconded by Peterson, and all voting aye, to adopt a resolution granting an administrative variance to reduce the front yard setback from 35 feet to 31 feet for a garage addition for Jerry Davern at 3113 West 88th Street, Case 10540A-01, subject to the following 4 conditions as set forth by the Hearing Examiner:

1. The exterior, finish, and roof line of the garage shall match that of the principal structure;
2. Building plans shall be approved by the Building and Inspections Department;
3. The existing drainage pattern shall not be altered to cast additional drainage onto abutting properties; and
4. Variance shall apply only to the 26-foot by 23-foot garage addition approved in Case 10540A-01.

Adopted a Resolution Granting an Administrative Variance at 9901 Lyndale Avenue South for 9900 Shoppes Case 4586A-01 Item 6.2 R-2001-90

Motion was made by Fossum, seconded by Peterson, and all voting aye, to adopt a resolution granting an administrative variance to reduce the sign setback from 20 feet to 1 foot for a new pylon sign for 9900 Shoppes at 9901 Lyndale Avenue South, Case 4586A-01, subject to the following 5 conditions as set forth by the Hearing Examiner:

1. Subject to Uniform Sign Design requirements of Section 19.109 of Bloomington City Code;
2. Sign permit to be obtained before installation of the sign;
3. No part of the sign shall be more than 20 feet above final grade;
4. The maximum sign surface shall not exceed 100 square feet;
5. Signs located within public right-of-way are subject to removal at the owner's expense within 60 days of the City's issuance of a notice to remove for any street improvement, construction and maintenance purposes.

Adopted a Resolution Granting an Administrative Variance at 8600 Nicollet Avenue South for Health Partners, Inc. Case 6520A-01 Item 6.3 R-2001-91

Motion was made by Fossum, seconded by Peterson, and all voting aye, to adopt a resolution granting an administrative variance to increase a wall sign from 24 square feet to 108.3 square feet for Health Partners, Inc. at 8600 Nicollet Avenue South, Case 6520A-01, subject to the following 2 conditions as set forth by the Hearing Examiner:

1. Sign permit to be obtained before installation of the sign; and
2. Variance shall only apply to the 108.3 square foot sign approved in Case 6520A-01.

Adopted a Resolution Granting an Administrative Variance at 8121 Blaisdell Avenue for Linda K. Williams Case 10558AB-01 Item 6.4 R-2001-92

Motion was made by Fossum, seconded by Peterson, and all voting aye, to adopt a resolution granting an administrative variance to reduce side yard setback for an existing driveway from 2 feet to 1 foot (Case 10558A-01) and to increase the impervious surface coverage from 35% to 38% for a new garage and driveway (Case 10558B-01) for Linda K. Williams, at 8121 Blaisdell Avenue, subject to the following 7 conditions as set forth by the Hearing Examiner:

1. The exterior, finish, and roof line of the garage shall match that of the principal structure;
2. All necessary building permits be obtained prior to construction;
3. The existing drainage pattern shall not be altered to cast additional drainage onto abutting properties;
4. Driveway plan and site grading shall be approved by the Engineering Department;
5. The garage area shall not exceed the area of the principal dwelling;
6. The height of the garage shall not exceed the height of the principal dwelling; and
7. Variance shall apply only to the 24-foot by 30-foot garage approved in Case 10558AB-01.

Set the Schedule for the 2001 Assessment Rolls No. 1, 2, and 3 Item 6.5

Motion was made by Fossum, seconded by Peterson, and all voting aye, to set the schedule for the 2001 Assessment Rolls 1, 2 and 3. Roll No. 1 deals with special assessments for streetscape maintenance performed in 2000, in the area of West 98th Street and Lyndale Avenue. Roll No. 2 deals with assessments for the 2000-101 Street Improvement Project, for various streets in the Pavement Management Reconstruction Program, PMP. Roll No. 3 deals with assessments for 2000-401 Utility and Street Improvement Project (110th Street extension).

Approved an Assessment Hearing for Delinquent Tree Removal Charges Item 6.8

Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve an assessment hearing for delinquent tree removal charges.

Approved a Certificate of Appropriateness to Rehabilitate a Class I Historic Structure at 11245 Bloomington Ferry Road for Jeff Thibert Case 10559A-01 Item 6.9

Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve a Certificate of Appropriateness to rehabilitate a Class I Historic structure at 11245 Bloomington Ferry Road, Case 10559A-01, for Jeff Thibert subject to the following 1 condition as set forth by the Planning Division Staff:

1. Additional review and revisions to the Certificate of Appropriateness be completed administratively.

<p>Approved Request for Proposals Guidelines for Human Services Contracts in 2002 Item 6.10</p>	<p>Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve the Request for Proposals Guidelines for the Human Services contracts for 2002. The Guidelines are to be used by Human Services Agencies when submitting a funding proposal to the City for human services to be provided in 2002.</p>
	<p>\$163,017 is proposed to be available for Human Services contracts in 2002 that includes \$20,000 in Community Development Block Grant (CDBG) Community Services money.</p>
<p>Approved Transfer of \$11,600 in Planning Funds for Work on Revision of Zoning Ordinance Item 6.12</p>	<p>Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve a transfer of \$11,600 in Planning Funds from 5201-417-62.21 (Professional Services-Other) to 5201-417-60.11 (Part-time). This would be for an intern to assist staff with the repetitive work of revising the zoning ordinance.</p>
<p>Approved List of Judges for the City Primary Election and the General Election Item 6.13</p>	<p>Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve the list of judges for the City Primary Election to be held September 11, 2001 and the City General Election to be held November 6, 2001, as presented in the staff materials.</p>
<p>Approved the Solicitation of Sponsorships and Donations for the 2001 River Rendezvous Item 6.14</p>	<p>Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve the solicitation of sponsorships and donations by the Parks and Recreation Division for the 2001 River Rendezvous. In an effort to augment the City's budget for River Rendezvous, staff will contact community businesses, organizations, and individuals to solicit sponsorships and donations through a letter over Mayor Winstead's signature.</p>
<p>Awarded Contract to Bloomington Heating & Air Conditioning for Equipment at Dwan Golf Course Clubhouse Item 6.16</p>	<p>Motion was made by Fossum, seconded by Peterson, and all voting aye, to award a contract to Bloomington Heating & Air Conditioning in the amount of \$26,900 for the installation of new makeup air and rooftop condensing units for the kitchen area at the Dwan Golf Course Clubhouse. These units will replace the existing equipment at this location.</p> <p>Funding for this contract is available in the 2001 Recreation Facilities Fund, Activity 540-8420-451-70.21.</p>
<p>Approved Addendum to the SRF Consulting Group, Inc. Contract for Airport South AUAR Item 6.17</p>	<p>Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve a third addendum to the agreement between the City of Bloomington and SRF Consulting Group, Inc. in the amount of \$44,000 for work related to the FAA needs in the Airport South AUAR. SRF is to analyze and model the environmental impacts of potential development in Airport South and to recommend mitigation measures to address immediate and future issues and needs.</p> <p>Funds for this work would be from the Port Authority and this approval is contingent upon their approval and funding for this addendum.</p>
<p>Approved Exterior Building Materials for the New Police/City Hall/Arts Center Item 6.6</p>	<p>Motion was made by Abrams, seconded by Peterson, and all voting aye, to approve the exterior building materials of brick, quarry stone, and copper for the new Police/City Hall/Arts Center facility and makes the finding that semi-precious metal such as copper meets the definition of "masonry construction or an equivalent or better" contained in the zoning code.</p> <p>Abrams suggested that the definition of semi-precious metals that meet the brick or better standard as stated in the City Code needs to be further defined and clarified in the Code for future builders.</p> <p>Larry Lee, Community Development Director explained that two of the semi-precious metals that are typically used in buildings are titanium and copper and that more specific examples could be included in the ordinance that would be coming to the Council for their approval in the future.</p>

<p>Ratified the 2001/02 Fire Pension Contribution Item 6.7</p>	<p>Motion was made by Peterson, seconded by Harden, and all voting aye, to ratify the 2001/02 Fire Pension contribution. The Fire Department Relief Association's certification of the Pension Fund financial requirements was submitted to the City. Calculations indicate the necessary appropriation for the 2002 Budget to meet the current normal cost and to retire any accumulated deficit within the Legislative time period designated is \$0.00, resulting in no levy amount.</p> <p>To answer Peterson's inquiry regarding future funding of the pension, Chief Financial Officer Terri Heaton stated that the pension is very strong and should be self-funding for the next 5-10 years and possibly beyond.</p>
<p>Accepted Various Donations to Various City Activities Item 6.11</p>	<p>Motion was made by Fossum, seconded by Abrams, and all voting aye, to accept and thank the following donors for making various donations to the City: Floral arrangements valued at \$200 from Yetta Hoffberg to Human Services; \$100 from Bloomington Area Shrine Club to Fire Prevention; kitchen utensils and coffee pot valued at \$212 from Memorial Trust Fund to Human Services; and \$5,000 from Bloomington Athletic Association to the Smith Park for the field irrigation system.</p>
<p>Awarded Contracts to Advanced Environmental Restoration and Veit & Company for Work Related to the New Police/City Hall/Arts Center Facility Item 6.15</p>	<p>Motion was made by Peterson, seconded by Harden, and all voting aye, to award Contract Category 1 for abatement to Advanced Environmental Restoration in the amount of \$159,000 and to award Contract Category 2 for demolition, excavation, grading, and storm sewer to Veit & Company in the amount of \$651,319,000 for work related to the new Police/City Hall/Arts Center facility.</p> <p>Funding for this project is available in the Facility Replacement and Maintenance Fund, Activity 69.02.</p> <p>Harden reported that the demolition bid package for the new city hall project came in nearly \$500,000 under budget and other good news is that the Port Authority lease revenue bonds came in \$360,000 under the original estimate. Therefore, \$850,000 in savings has been realized on this project over the last week.</p>
<p>Adopted a Resolution Accepting the Resolution Approving the Transfer of Control of Nortel Cable Associates, L.P. to AOL Time Warner Item 4.6 R-2001-86</p>	<p>Motion was made by Peterson, seconded by Abrams, and all voting aye, to adopt a resolution approving the acceptance of the resolution approving the transfer of control of Nortel Cable Associates, L.P., the cable television franchisee, to AOL Time Warner.</p> <p>No public testimony received.</p>
<p>Approved a Joint Powers Agreement Between Bloomington, Eden Prairie, Edina, and the Metropolitan Airports Commission for a Public Safety Training Center Item 4.10 R-2001-87</p>	<p>Motion was made by Wilcox, seconded by Fossum, and all voting aye, to adopt a resolution approving a Joint Powers Agreement with the Cities of Bloomington, Eden Prairie, and Edina, and the Metropolitan Airports Commission. The agreement has been formulated by the communities to provide a government structure and foundation to move ahead with construction of a public safety training center that would be used for both police and fire training.</p> <p>Lt. Paul McCullough stated that this project has been in the works for the last seven years and that a State grant in the amount of \$500,000 was received as the State recognized the desirability to assist in regional training centers for public safety. He stated that the Joint Powers Agreement explains how the three cities will operate the training center.</p> <p>Chief Willow added that this facility will be state-of-the-art and will provide excellent training for both police and fire in Bloomington and the other communities involved. He acknowledged the work that Lt. Paul McCullough has contributed towards the project including coordinating the efforts of four entities, the Legislature, and lobbyists who were working on this particular bill.</p> <p>No public testimony was received.</p>
<p>Closed Public Comment Period</p>	<p>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.</p>

<p>Postponed the Amendment to the Pawnbroker's License Ordinance to August 20, 2001 Item 4.1</p>	<p>Motion was made by Wilcox, seconded by Abrams, and all voting aye, to postpone to the August 20, 2001, Regular Council meeting, the ordinance amendment to the Pawnbroker's License Ordinance.</p>
<p>Nominations and Appointments to the Human Rights Commission Item 3.1</p>	<p>Motion was made by Wilcox, seconded by Ornat, and all voting aye, to put the names of Jennifer Dahm and Andi Price into nomination for the youth position on the Human Rights Commission.</p> <p>Motion was made by Peterson, seconded by Ornat, and all voting aye, to appoint Arthur Parks to the Human Rights Commission for a term expiring on December 31, 2002 to fill the vacancy created by the resignation of Rebecca Johnson.</p> <p>Motion was made by Peterson, seconded by Ornat, and all voting aye, to appoint Andi Price to the youth position on the Human Rights Commission for a term expiring on December 31, 2001.</p>
<p>Closed the Public Hearing for Item 4.2A</p>	<p>Motion was made by Fossum, seconded by Peterson, and all voting aye, to close the public hearing.</p>
<p>Adopted a Resolution Approving a Conditional Use Permit for a Car Wash and Service Station for a Holiday Station Store at 4 and 20 West 98th Street Case 10545C-01 Item 4.2A R-2001-95</p>	<p>Motion was made by Peterson, seconded by Fossum, to approve a conditional use permit for a car wash and service station as part of a Holiday Station Store at 4 and 20 West 98th Street, Case 10545C-01, subject to the following 12 conditions of approval plus an additional Council recommended Condition #13, staff recommended Condition #14, and 12 Code requirements as set forth by the Planning Division Staff and the Planning Commission. Motion passed 6-1-0 (Abrams opposing).</p> <p>Abrams had suggested as a friendly amendment adding a condition relating to the hours of operation for the car wash limiting them to 7:00 a.m. to 9:30 p.m. Peterson accepted the amendment. However, Bernhardson stated and Ornstein concurred that an effort to limit the hours of operation for the car wash should be done through an ordinance that would apply to all similarly situated service stations in the city. Ornstein stated that a condition could be added related to requiring the car wash to operate in a quiet mode during certain hours as had been mentioned during the discussion of the item.</p> <p>Abrams modified his initial amendment to limit the hours of the car wash to requiring that the car wash operate in a quiet mode between the hours of 9:30 p.m. and 7:00 a.m.</p> <p>Harden requested a separate vote on the amendment to the main motion.</p> <p>Motion to amend the main motion was made by Abrams, seconded by Peterson, to add a condition #13 requiring the car wash to be operated in a quiet mode between the hours of 9:30 p.m. and 7:00 a.m. Motion passed 5-2-0 (Harden and Ornat opposing).</p> <ol style="list-style-type: none"> 1. Exterior building materials be approved by the Planning Manager; 2. Photometric lighting plan be submitted for approval by the Planning Manager; 3. Sidewalk be installed through the new and redesigned driveways as approved by the City Engineer at the developer's expense; 4. A uniform sign design be submitted for approval by the Planning Manager; 5. Grading, drainage, utility and erosion control plans be approved by the City Engineer; 6. A SAC questionnaire be completed and submitted to the Department of Public Works and fees be satisfied; 7. Review and approval by the Nine Mile Creek Watershed District be completed; 8. Access, circulation and parking plans, to include all access, circulation and parking related easements of record, be approved by the City Traffic Engineer; 9. Erosion control measures be in place prior to issuance of grading permits;

Item 4.2A continued

and subject to the following additional conditions of approval:

10. Alterations to utilities be at the developer's expense;
11. All pickup and drop-off occur on site and off of public streets;
12. All loading and unloading occur on site and off of public streets;
13. The car wash and any equipment associated with the car wash shall be operated with all doors and other openings closed between the hours of 9:30 p.m. and 7:00 a.m.;
14. The permitted period to obtain a building permit for the proposed development shall be extended from one year to November 1, 2002;

and subject to the following Code requirements:

1. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
2. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
3. Three foot high solid screening be provided along Nicollet Avenue and West 98th Street as shown on the landscape plan. (Sec. 19.52);
4. Five foot high screening be provided along the North property line as approved by the Planning Manager (Section 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. Food service plans be approved by the Environmental Services Division (Sec. 14.360);
11. Accessible parking be designated with standard signage as approved by the Planning Manager (Mn Bldg. Code Chapter 1340); and
12. Merchandise storage shall comply with the requirements of Section 19.52 of the City Code.

Approved the Final Site Plan and Building Plans for a Holiday Station Store at 4 and 20 West 98th Street
Case 10545A-01
Item 4.2A

Motion was made by Peterson, seconded by Wilcox, to approve the final site plan and building plans for a Holiday Station Store at 4 and 20 West 98th Street, Case 10545A-01, subject to the following 13 conditions of approval and the 12 Code requirements as set forth by the Planning Division Staff and the Planning Commission. Motion passed 6-1-0 (Abrams opposing).

1. Exterior building materials be approved by the Planning Manager;
2. Photometric lighting plan be submitted for approval by the Planning Manager;
3. Sidewalk be installed through the new and redesigned driveways as approved by the City Engineer at the developer's expense;
4. A uniform sign design be submitted for approval by the Planning Manager;
5. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
6. A SAC questionnaire be completed and submitted to the Department of Public Works and fees be satisfied;
7. Review and approval by the Nine Mile Creek Watershed District be completed;
8. Access, circulation and parking plans, to include all access, circulation and parking related easements of record, be approved by the City Traffic Engineer;
9. Erosion control measures be in place prior to issuance of grading permits;

and subject to the following additional conditions of approval:

10. Alterations to utilities be at the developer's expense;
11. All pickup and drop-off occur on site and off of public streets;
12. All loading and unloading occur on site and off of public streets;
13. The permitted period to obtain a building permit for the proposed development shall be extended from one year to November 1, 2002.

and subject to the following Code requirements:

1. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
2. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
3. Three foot high solid screening be provided along Nicollet Avenue and West 98th Street as shown on the landscape plan. (Sec. 19.52);
4. Five foot high screening be provided along the North property line as approved by the Planning Manager (Section 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. Food service plans be approved by the Environmental Services Division (Sec. 14.360);
11. Accessible parking be designated with standard signage as approved by the Planning Manager (Mn Bldg. Code Chapter 1340); and
12. Merchandise storage shall comply with the requirements of Section 19.52 of the City Code.

Adopted a Resolution Granting Preliminary and Final Plat Approval for Holiday Nicollet Addition at 4 West 98th Street for Holiday Companies Case 10545B-01 Item 4.2B R-2001-93

Motion was made by Peterson, seconded by Wilcox, to approve the preliminary and final plat of Holiday Nicollet Addition, Case 10545B-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 12 conditions and 1 Code requirement as set forth by the Development Review Committee. Motion passed 6-1-0 (Abrams opposed).

1. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
2. Access, circulation and parking plans be approved by the City Engineer;
3. Common driveway/access/parking agreement with Burger King be provided as approved by the Traffic Engineer, and proof of filing be provided to the Manager of Building and Inspection;
4. Provide 5 executed Subdivision Agreements with proof of filing to the City Engineer;
5. Rights-of-way be dedicated as shown on the attached proposed final plat;
6. Vacate existing easements – See subsequent Council Item 4.2C.
7. Drainage and Utility easement be provided 10 feet along all street frontages and 5 feet along all internal lot lines as shown on the attached proposed final plat;
8. A 10-foot sidewalk/bikeway easement be provided by document along West Old Shakopee Road and Nicollet Avenue as approved by the City Engineer and proof of filing be provided to the Manager of Building and Inspection;
9. Park Dedication be paid prior to issuance of permit;
10. Connection Charges to be determined shall be satisfied prior to issuance of Utility Permit;
11. Sidewalk be installed along West Old Shakopee Road and Nicollet Avenue;
12. A letter of approval with any conditions shall be obtained from the Watershed District and submitted to the City Engineer.

The following Code requirement shall be met:

1. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03).

Adopted an Ordinance to Vacate Drainage, Utility, Sidewalk, Traffic Control and Street Easements at 4 West 98th Street Item 4.2C O-2001-25

Motion was made by Peterson, seconded by Wilcox, to adopt an ordinance to vacate certain easements for drainage, utility, street, sidewalk, and traffic control purposes over and across Lot 1, Block 1, Swanson's Standard Oil Addition located at 4 West 98th Street. Motion passed 6-1-0 (Abrams opposing).

Winstead introduced the applications by Holiday Companies by explaining that the Council had received lots of citizen input regarding this proposal and that it really is an issue between the landowner, the lessee (Pohland's Grocery Store), and the potential new tenant (Holiday Station Stores). He clarified for the audience that it was not directed, promoted, or put forth by the City.

Londell Pease, Planner, provided the staff report on the Holiday Station Store proposal. He explained that the parcel containing the grocery store and the vacant gas station is owned by Highland Management Group. He stated that Highland has owned the grocery store parcel for a number of years and leases it to Pohland's SuperValu which expires in 2002. Highland purchased the Amoco station site a couple of years ago to combine the two sites. He stated that approximately two years ago staff reviewed a proposal by Pohland's to expand but it would have required several variances to accommodate gas pumps and would not have provided any transportation improvements due to a lack of space. Pease explained that Highland proposes to remove the 13,000 square foot grocery store and the 2,000 square foot service station and lease the land to Holiday. Holiday then intends to construct a 3,900 square foot convenience store and 1,400 square foot car wash with six pump islands. He stated that the entire project is from private redevelopment efforts. He proceeded to provide some history regarding the land use regulations that have been applied to the property. He stated that the gas station and car wash are permitted uses in the General Business designation of the Comprehensive Plan. Regarding the traffic analysis, he stated that the traffic would significantly reduce based on the Institute of Transportation Engineers (ITE) Trip Generation Manual as it relates to original destination trips because users of the gas station/car wash would stop on their way to another destination. As a result of this proposal, Pease stated that the right-of-way would be expanded to enhance the existing roadway system to include a free right turn lane from southbound Nicollet Avenue onto westbound 98th Street. He stated that the proposed landscape plan would create a landscape berm with a thick wall of bushes that would discourage pedestrian traffic trying to cut across Nicollet Avenue from the high school. He stated that an effort is being made that would combine the entrance into the gas station with the entrance into the Burger King site.

Regarding the use analysis, Pease stated that the convenience store is a permitted use in the zoning district and the car wash and gas station would be conditional uses. He added that the proposed redevelopment provides greater separation and open space while complying with the City Codes. He showed a graphic illustrating the locations of current gas stations in the city (35 stations). On the graphic, Pease pointed to five gas stations that are proposed to be removed based on current plans (Oxboro redevelopment plans and I-35W expansion plans). He continued to explain what a conditional use permit is stating that according to Minnesota statutes, it must comply with standards and criteria in the City's ordinance. He proceeded to explain the findings in the Central Business Zone one by one that must be met in order to approve this proposed use. He concluded by stating that staff and the Planning Commission recommend approval of the project with the 12 conditions and 12 Code requirements.

In response to Peterson's inquiry as to the potential of a City redevelopment of the four corners, stated that the Housing and Redevelopment Authority (HRA) did look extensively at the redevelopment possibilities in that area and it determined that in order to build a 15,000-20,000 square foot grocery store, three businesses and seven residential properties would have to be acquired and that it would not be financially feasible. He added that the marketplace does not appear to be currently investing in the 10,000-20,000 square foot size grocery store space.

Fossum inquired if there has been any talk about the Cub Foods at 84th & Lyndale closing.

Pease stated that no applications have come to the City for redevelopment of that site and that as far as staff knows, full operation of that store would continue.

Abrams stated that he would support a condition added that would restrict the hours of operation to reasonable and that allowing the car wash to operate at 1:00 a.m. may not be considered a reasonable use of the property.

City Attorney Dave Ornstein recommended that the way to address the concerns regarding the hours of operation in proximity to a residential neighborhood would be in the form of an ordinance that would apply to other cases also rather than trying to make it a condition of the conditional use permit unless the applicant agrees to the condition at which point it could be imposed. He stated that a future ordinance could be applied to existing businesses as well as businesses operating subsequent to that as the City has the authority to impose reasonable conditions for the public health, safety, and welfare that would apply to existing uses.

To clarify the difference between a permitted use and a conditional use as defined by the courts in Minnesota, Ornstein explained that the Comprehensive Plan designates the car wash and gas station as conditional uses in the Central Business Zone and the grocery part of it is a permitted use. He stated that the only review the Council has of a permitted use is in the final site and building plans and that the Council has never denied a final site and building plan for a permitted use. He stated there is more discretion on the part of the City Council regarding conditional uses because it has been determined that due to the nature of the uses, there may be some inherent hazard. He stated that the conditional use permit should be granted unless the Council finds that there would be an adverse impact on the surrounding area, or there is an inconsistency with the Plan or with the Zoning Code. If there is evidence that the findings can't be made, then the basis for the opposition should be articulated and a request of the City Attorney for a resolution of denial should be made. He explained that the property owner has the right to use the property in a reasonable manner that is usually defined by the Zoning Code. He summarized by stating that there would be a legal basis to deny the application if there is evidence in the record, other than just generalized neighborhood opposition, that would dictate that one or more of the findings could not be made.

The Mayor asked for a show of hands from those in the audience opposed to the Holiday Station Store proposal with the majority of them indicating their opposition.

Speaker #1: Don Olson, 1313 East 94th Street

He submitted a letter to the Council and stated that the loss of the grocery store in east Bloomington is more important than the addition of the Holiday station. He mentioned the other two Holiday stations located at 90th & Penn Avenue and one at 79th Street & Nicollet. He stated that the 79th & Nicollet location is on a corner and does not have landscaping around it and does not have a traffic flow corner. He added that the grocery store is important to the seniors. He mentioned the other grocery stores that have closed in east Bloomington, two Country Clubs and the Walsh's store. He stated that shopping at Cub or Rainbow takes a half an hour longer. He stated that the characteristic of Bloomington would indicate a greater need for a grocery store than a gas station. He questioned the need for another car wash as there are several in Bloomington now. He suggested that the City help SuperValu stay in Bloomington by finding another location for it.

Speaker #2: Norm Raymond, 8711 Nicollet Avenue South

He stated that Pohland's assisted him with the storage of salmon he caught in Alaska and donated gift certificates to be given away during a benefit that was held for his family members. He mentioned that Pohland has allowed the use of his lot for overflow parking when needed at Kennedy High School.

Mayor requested that representatives from Holiday Companies speak at this time.

Speaker #3: Dave Hoeschen, Director of Real Estate for Holiday Station Stores

He stated that they believe they are bringing forward a good product and that it appears that the real issue is that Mr. Pohland operated a successful grocery store for many years offering services that no one has been able to do and that he will be very missed in the community. However, he stated that the landlord has not been receiving the amount of rent in recent years typical of the market rate for this type of land. He stated that it is only fair that the landlord be able to lease the land to whichever tenant he chooses when the current lease is up. He believes Holiday will be successful in that location as the access and layout of the station and the offerings in the store will be of interest to many people. He stated that Holiday would like to operate the gas station and the car wash 24 hours per day to be competitive, however, would consider operating the car wash in a quieter mode (operate with doors closed) after 10:00 p.m. He added that Holiday would like the opportunity to test the market with the 24-hour operation but that it could be scaled back if the traffic does not support it.

Speaker #4: Dean Pohland, SuperValu Owner

He publicly thanked all of his customers and everyone who spoke out on his behalf. He stated that he has looked at expanding his store for years and that he did submit a proposal to the landowner that would have included acquisition of the gas station and that a preliminary plan was also submitted to the City. He believes, however, that it was an economic issue and that the landowner found someone who could pay them more for it. At that point, he stated that he contacted SuperValu who confirmed that there would have been economic benefit to his proposal had it been allowed to move forward at that time.

Winstead stated that there has been an outcry from the neighborhood that there is a need for the grocery store in its present location but does not know what the City can do about it. The need may be there, however, there is a question as to whether or not it's a business that can survive in today's marketplace and be competitive.

Harden stated that the problem is that as a group of citizens or the Council cannot tell private land owners what to build on their property as long as what they do complies with codes and restrictions that the City has determined as important and necessary. She stated that it has been painful to lose "mom and pop" businesses in the community. She added that the Council does not take land by eminent domain for commercial purposes.

Speaker #5: Marian Pearson, 9700 Portland Avenue South

She stated that there are many seniors living in her building and the one adjacent and that they are truly going to miss Pohland's. She inquired what Holiday was going to provide compared to the groceries that Pohland's provides. She stated that she realizes this is a "David and Goliath" situation but wanted to lend her support to Pohland's.

Speaker #6: Don Kutzler, 350 East 98th Street

He has shopped at Pohland's SuperValu for years and stated that Bloomington has a greater need for an affordable grocery store than it does for a gas station.

Speaker #7: John Rehbein, 512 Portland Place

He stated that if a group of people want to keep something in place, like Pohland's, it should be allowed to stay and that perhaps eminent domain could be used to accomplish it. He stated that losing Pohland's would be like "tearing your heart out." He also stated that the map indicating the locations of all the gas stations in the city did not indicate where all of the grocery stores are located. He believes the Council would want to take care of its citizens.

Speaker #8: Luther Monson, 616 East 84th Street

He inquired what would happen if the proposed gas station fails at that location like so many already have in Bloomington. He stated that it is not a gas station corner and hopes that nothing happens to the SuperValu store at 90th Street and Penn Avenue.

Speaker #9: Pat Carey, 9516 Oakland Avenue South

He commented that there is a need for neighborhood stores as they provide local jobs and jobs for young children, are easier to shop at, and that the Council does have the discretion to distinguish between permitted uses and conditional uses. He added that the city does not need another gas station and car wash or another convenience store. He commented that the Council needs to look at changing the character of the city to provide citizens who have become less dependent on the automobile and with stores within walking distance. He requested that Council look at the developments Richfield has built in the vicinity of 66th Street and Lyndale and that 98th Street and Nicollet Avenue could be developed in a similar fashion. He requested that Council use their discretion to guide the Planning Commission towards that type of development.

Speaker #10: John Kjellander, 9112 16th Avenue South

He asked the following questions: 1) When will the five referenced gas stations close? 2) How many cars have to go through the Holiday car wash per time element in order to be successful? 3) How long will the fence that is to be located behind the car wash stay up? He stated that Holiday should conduct further investigation into the traffic patterns at that location. He commented that the primary problem is exiting the SuperValu location onto 98th Street and heading east. He stated that currently there is a flow of Kennedy High School students that cross Nicollet Avenue to access Pohland's and Burger King. 5) Would Holiday be changing its pricing structure as the gas stores on or near Cedar Avenue tend to be .03 to .05 cheaper than the Holiday store prices. He stated that there could be an adverse affect on neighboring properties and/or people and other businesses in the area if the Holiday proposal goes forward. 6) How will Holiday control the students cutting through their property?

Winstead requested that speakers coming forward try and limit their comments to two minutes and only bring up new ideas and/or comments.

Speaker #11: Joann Nelson, 163 Spring Valley Drive

She requested that the City Council get more involved in the planning of what the city is comprised of and what is allowed to come into Bloomington.

Speaker #12: Jeanine Spencer, 9509 Riverview Avenue South

She stated that the City needs to promote more developments within walking distance of each other so that it's not necessary to take a car from one place to another. She stated the City needs to work on creating more of a sense of community in its future developments. Referring to a school in a St. Paul location, she inquired if high school kids could take over a grocery store and manage it. She inquired if the City could subsidize the land currently occupied by Pohland's. She requested that Holiday consider scaling back the size of the gas station and increase the grocery part of the proposal because convenience stores do not sell as many healthy foods that will be purchased by the students.

Speaker #13: Stephanie Larson, 10217 Columbus Road

She inquired where will the senior citizens go to shop who do not drive as Bloomington is getting to be an older community and it will be too hard for them to get to another store on their own.

Speaker #14: Kevin Featherly, 9600 Chicago Avenue South

He does not believe a gas station in this location will succeed and stated that decisions being made about corporate issues appear to be chipping away at the community of Bloomington. He stated that Pohland's is a place for people to congregate and communicate thereby creating a sense of community. He commented that long lines at the gas pump could be reality someday and questioned how that would affect the daily traffic in that area. He stated that he hoped the corporate interest is not the overriding interest in this case.

Speaker #15: Sharon Tran, 9307 12th Avenue South

As an employee of Pohland's SuperValu for 23 years, she stated that losing Pohland's is like losing a member of the family. She would like to see the store saved.

Speaker #16: Chuck Brady, 2400 West 102nd Street (Pennbrooke)

He questioned why the presentation by staff was “one-sided towards Holiday and that equal support was not given to Pohland’s.” Brady stated that the City of Bloomington blackmails landowners because it gives them the right to build if they will give up their land for an easement (to allow for construction of a free right turn lane from southbound Nicollet Avenue to westbound 98th Street). He stated that this process prevents the City from having to acquire the necessary easement through eminent domain. He stated that this process is wrong.

Speaker #17: Jim Jambor, 9908 2nd Avenue South

He stated that Pohland’s is a convenient and easy place for elderly to shop but that they do have problems now trying to cross the street during rush hour and that it will only get worse with the construction of the Holiday store. He stated that the surrounding area is starting to deteriorate and questioned what will happen when this gas station goes under and there will be another vacant station. He stated that Pohland’s has been around since he was child and that today’s society is too quick to tear down buildings and redevelop areas by building new. He stated that more attention should be paid to the customers/residents in the immediate neighborhood even though the landowner can do whatever he wants in the end.

Speaker #18: Patrick Fisher, 125 West 100th Street

He questioned why there wasn’t a similar process in place to look at redeveloping this four corner area like the one that’s been working on the France and Old Shakopee Road area. He inquired if there was a way in which the City could look at getting transportation for the seniors who will need to look for another store like the SuperValu at 90th & Penn Avenue. He requested that a task force be formed to look at the redevelopment of the corner.

Speaker #19: Nancy Paulson, 619 East 103rd Street

She inquired if it was true that the five or six gas stations referred to by staff earlier in the presentation would be eventually removed and if the Cub Store at 84th and Lyndale would be staying. She commented that some of her neighbors have expressed some creative ideas that include a two-story grocery store and that it would be nice if the Council and staff would be open to that input. She was concerned about a 48-year lease. She added that during the discussion of this item at the Planning Commission meeting, one of the commissioners suggested having a joint Holiday station/Pohland’s SuperValu in which Pohland’s would lease from Holiday. She said that would be a “win win” situation for everyone.

Winstead explained that a couple of those gas stations are located within a development district and that preliminary plans are that they would be removed in the vicinity of the lumber yard and Fong’s site. He stated that he does not believe there is any attempt by the City to do anything regarding 84th and Lyndale where the Cub Store is currently located.

Speaker #20: Bonnie Noel, 224 West 94th Street

She submitted a petition containing over 5,000 signatures and a note from T.J. Gannon. She stated that there is a need for the grocery store in this location and inquired what Council can do to fill that need. She requested ideas from the Planning Commission to fulfill this need in the community. She stated that the Council did not protect the neighborhood when they needed it through zoning and that they don’t want a gas station on every corner.

Speaker #21: Martha Hyde, 13709 Parkwood, Burnsville

As a SuperValu employee for the past 12 years, she requested that Council look 30-50 years down the road to see what type of grocery store they would like to shop at as the older clientele of Pohland’s SuperValu is not able to walk long distances and that many of them could not attend the meeting tonight because they can’t drive, the heat, etc. and that it’s a hardship for them to get anywhere.

Speaker #22: Roberta Turgeon, 10118 James Road

She stated that Pohland's is her type of grocery store and that the removal of the store will create a hardship for all those who need a full service store in that neighborhood. She requested the Council keep in mind the needs of the elderly and that many nearby residents live in that area because of the SuperValu store. She requested that the City lend a helping hand by providing transportation to assist those who will be unable to get to another grocery store.

Speaker #23: Ron LaPointe, 10348 5th Avenue South

He inquired about what happened to the small building that used to be located behind the Standard station and what function that building performed. He also had concerns regarding the 24-hour car wash operation. He stated that he hoped Holiday would do as good a job to monitor the students from Kennedy High School who tend to want to congregate in the area as Pohland's has done. He inquired if the overall interests of Bloomington residents could be applied in this situation in an effort to support the community spirit that has been displayed.

Hawbaker explained that the building used to house the equipment for the monitoring wells as it related to the gas station equipment. The building was removed when the gas pumps were removed.

Speaker #24: Previous Speaker Don Olson, 1313 East 94th Street

He inquired if the Planning Commission could be requested to be more proactive and work with Mr. Pohland to try and achieve something to fulfill the need for the neighborhood.

Speaker #25: George Holter, 9237 Grand Avenue South

He inquired who owns the SuperValu site, as he may be interested in purchasing it in order to allow SuperValu to remain. He believes the proposal for Holiday could be stopped because of the need for a special use permit. He inquired about the value of the property and whether or not Pohland's could purchase the land if it were spread over a number of years. He stated that he hoped the Council would be able to help the citizens in Bloomington by allowing the SuperValu to stay.

Pease provided the following information regarding issues that were brought forward by the Council and the citizens:

1. Regarding traffic – There will be an exit out the rear of the property to 95th Street and east over to Nicollet for a left turn onto 98th Street. A landscaped physical barrier will be created on both the Holiday side and on the Kennedy High School side of Nicollet Avenue to discourage cut-through traffic that should help direct pedestrian traffic to the corner.
2. Regarding a larger store – An additional 1,000 square feet of store addition would require an additional 12 parking spaces and would require variances because there is not enough space to accommodate the additional parking. Current parking is capped out based on the current building square footage. The property is too small to meet the development standards.
3. From a Code perspective, no adverse impacts would result from the proposed development.

To answer the question regarding the small buildings that were removed behind the gas station, Lee explained that there were previously two types of wells on the site; monitoring wells and actual product recovery wells and that there was previously a leakage on that site. He stated that the Pollution Control Agency (PCA) controls the process by which petroleum product is recovered as a result of a leak and that the PCA did approve the closing of the wells and therefore the buildings were removed.

Regarding pricing, Mr. Hoeschen stated that he did not want to discuss this issue as the market would dictate the price. Regarding the long-term lease, he stated that this proposal constitutes a large investment and a long-term lease was desired so the opportunity to rebuild the facility at the end of 20 years if necessary without being hostage to the lease would be possible. They believe it's a great location and plan on being there for the long-term. He stated that upon review of a grocery store model in that location does not believe it would work economically and that the model they are proposing is economically viable.

To explain why there is no landscaping associated with the Holiday station at 79th & Nicollet, Hawbaker stated that that particular Holiday station is not a corporate Holiday Station Store and that the City worked with that owner by purchasing the property to the north for right-of-way and then sold the remaining portion of the parcel to the station owner so that he could convert his existing station store into a car wash and store. He cooperated with the City to accomplish the roadway improvements for the Ring Route.

City Engineer Shelly Pederson stated that the County supports the roadway improvements at the corner of 98th & Nicollet and that they would participate in the funding of the improvements but to what degree it is unknown at this time, as it is not on their priority list. She stated construction should begin next summer on the roadway improvements on the quadrant of the intersection adjacent to Kennedy High School regardless of whether this proposal is approved or not.

Fossum stated that Festival Food Stores of similar size to Pohland's seem to be successful in Minneapolis and inquired if there was a location in Bloomington to accommodate a store of Pohland's size that would allow for adequate parking as he believes neighborhood stores of that size can be successful in Bloomington. He inquired if there were any sites in Bloomington suitable for that size grocery store even if it meant having on-street parking in order to fulfill the City's parking requirement and that the City should encourage that type of development in higher density areas.

Peterson inquired if a location would work in the area being redeveloped in the vicinity of Fong's Restaurant for a similar-sized grocery store like Pohland's.

Pease stated that there is 10,000 square feet of retail available on the preliminary plan making the concept feasible but that it would be 3,000 square feet less than Pohland's has now.

Winstead explained that the difference between Pohland's situation and the France Avenue and Old Shakopee Road area that is currently being studied for redevelopment is that a private owner purchased the vacant gas station for redevelopment along with the Pohland's parcel where there has been no private interest in purchasing the abandoned gas stations at France and Old Shakopee Road. He added that there are transportation problems at the France and Old Shakopee Road intersection that the County has given a higher priority to improve.

Pohland stated that he would like to continue operating in the same neighborhood as they have found their niche in the community in that location and that the business may not be as successful in another location. He stated that they have many walking customers and that their parking has always been adequate. When asked what his future plans would be if he has to close the store, stated that he didn't know at this time and wondered if a location at 84th & Lyndale, if it became available, would be too far for his present customer base. He explained that as part of an agreement with SuperValu, he purchases his groceries from them and has to provide a full-service meat and produce department in return for putting the SuperValu name on his building. He stated he is an independent grocer with no financial backing from the SuperValu Corporation but that he has purchased professional design services from the corporation.

Motion was made and seconded to close the public hearing.

Winstead explained that the Council has to act on the development agreement before them and that it appears to be proper and in order. However, many important issues such as affordable groceries, making those affordable groceries accessible for the elderly, and the need for creating a sense of community have been brought to the Council's attention. He requested that City staff review with Mr. Pohland any other viable sites that could possibly be available, i.e. in a redevelopment area.

Peterson thanked everyone for the letters, calls, and e-mails on this matter. He stated that in this situation, it is a matter between the landowner and the renter and that the landowner has chosen to sign a lease with someone else. He stated that he would be voting in support of the applicant.

Harden stated that she would have to vote in favor of the landowner in this case.

Ornat stated that regretfully she would have to support the applicant also. She thanked Mr. Pohland for the community that he has built around his store and that the testimony of his supporters has proven that.

Wilcox stated that change is tough but he does not want to see the City Council decide who can and cannot do business in the city of Bloomington. He explained that that is why laws guiding zoning and land use are in place so that the city can be regulated using those tools. He stated that those tools prevent the Council from picking and choosing who they would like to see in business in Bloomington. He stated that it's the landowner's decision as to what goes in and not the City's.

Fossum stated that although he has so appreciated all of the support Mr. Pohland has provided the community in the past, this issue is really between the landlord and the tenant. It's a business decision for the landowner and the Council has no right to get itself involved in the middle of such a decision. He explained that Holiday Stores has submitted a legal application and they have every right to exercise the contract that they signed with the landowner. Therefore, he would be supporting the applicant.

Abrams stated that he lives four blocks from Pohland's and that it is a sad day for his neighborhood and for Bloomington. He stated that Pohland's has been a huge asset for east Bloomington for 40 years and still is. He stated that the Council should take a hard look at the findings necessary for conditional use permits as they are different from final site and building plans. He stated that he would not support the applicant as it is not reasonable to run a 24-hour gas station and a 24-hour car wash and the impact it will have on the neighboring multi-family residential property. As a resident of the area, he requested that Holiday and Mr. Pohland sit down and discuss the possibility of co-existing on the site. He also requested that City staff work with Mr. Pohland to find another site, possibly at 94th & Lyndale that is already slated for redevelopment. He stated that senior housing is being looked at for that area and that a neighborhood grocery store could be a nice addition to that scenario. Using 66th Street and Lyndale Avenue in Richfield as an example, he suggested that senior housing possibly could be built on top of a grocery store or at least the idea should be considered. He requested that the City look at how seniors who don't have their own transportation would be able to get to the Pohland's store at 90th & Penn Avenue suggesting that perhaps a public/private partnership could be considered.

Winstead encouraged staff to be proactive in trying to find another location for Pohland's and to look at the transportation issue the closing of this store will create for seniors.

Bernhardson stated that staff would be willing to look into it further as time permits including contacting the BeLine to see if through their regular service they could accommodate transporting seniors to the SuperValu on 90th & Penn Avenue. He suggested that perhaps Mr. Pohland could work out an arrangement with Holiday whereby residents could be picked up at regular times each day to be transported over to the 90th & Penn store. He stated that staff time spent on this project would affect the time needed for other projects as well. He stated that staff would do what they could but that he couldn't make any promises.

<Council took a 5-minute recess.>

Adopted an Ordinance
Vacating a Drainage and
Utility Easement at
10115 Brookside Circle
Item 4.3
O-2001-26

Motion was made by Wilcox, seconded by Ornat, and all voting aye, to adopt an ordinance to vacate an easement for drainage and utility purposes as dedicated by plat over and across part of Lot 8, Block 1, Nine Mile Creek 2nd Addition at 10115 Brookside Circle for Michael P. Farnell. The replacement easement is needed for the new drainage swale on the subject property. No public or private utilities are affected by this vacation.

Winstead stated that there was someone in the audience earlier in the evening who had questions regarding this item but that they were no longer present.

Item 4.3 continued	City Engineer Pederson stated that she believed the individual had questions regarding the drainage easement. She explained that the City is vacating one easement because the City was given another by the property owner to cover the area where their water drains over the top of it, therefore, the flow pattern is not changing. It's just an easement adjustment to cover the water so that the records will be correct in the event of a future sale of the property. Ms. Pederson stated that she would call Ms. Mahon to explain the action approved tonight.
Adopted an Ordinance Rezoning Certain Property at 10800 and 10801 Nesbitt Avenue and 6101 and 6301 West Old Shakopee Road for the City of Bloomington Item 4.4A O-2001-27	<p>Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 10800 and 10801 Nesbitt Avenue and 6101 and 6301 West Old Shakopee Road from R-1 Single-Family Residential to IP Industrial Park, thereby amending Section 19.72 of the City Code for the City of Bloomington, Case 10002A-01.</p> <p>Bernhardson explained that all of the following ordinances to rezone certain properties are technical adjustments and that no one attended the Planning Commission meetings to comment on any of them. He stated that the Council did need to take a vote on each one separately.</p> <p>Hawbaker added that these rezonings have gone through a long public hearing process and that there was a limited response but that calls did come and questions were answered. He stated that no one had any objections to any of the rezonings.</p>
Adopted an Ordinance to Rezone Certain Property at 3800 East 80 th Street for the City of Bloomington Item 4.4B O-2001-28	Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance to rezone certain property at 3800 East 80 th Street from CS-0.5(PD) Commercial Service Planned Development to CS-1 Commercial Service, thereby amending Sections 19.73 and 19.75 of the City Code for the City of Bloomington, Case 10002B-01.
Adopted an Ordinance to Rezone Certain Property at 5501 West Old Shakopee Road for the City of Bloomington Item 4.4C O-2001-29	Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 5501 West Old Shakopee Road from R-1(PD) Single-Family Residential (Planned Development) to IP(PD) Industrial Park (Planned Development), thereby amending Sections 19.73 of the City Code for the City of Bloomington, Case 10002C-01.
Adopted an Ordinance to Rezone Certain Property at 8201 Park Avenue, 8200 Chicago Avenue, and 8101 Park Avenue for the City of Bloomington Item 4.4D O-2001-30	Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 8201 Park Avenue and 8200 Chicago Avenue from R-1 Single-Family Residential to R-1(PD) Single-Family Residential (Planned Development) and certain property at 8101 Park Avenue from R-1(PD) Single-Family Residential to R-1 Single-Family Residential, thereby amending Section 19.73 of the City Code for the City of Bloomington, Case 10002D-01.
Adopted an Ordinance to Rezone Certain Property at 8801 Portland Avenue South for the City of Bloomington Item 4.4E O-2001-31	Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 8801 Portland Avenue South from R-4 Multiple-Family Residential to R-1 Single-Family Residential, thereby amending Section 19.67 of the City Code for the City of Bloomington, Case 10002E-01.

<p>Adopted an Ordinance to Rezone Certain Property at 9250 Old Cedar Avenue South for the City of Bloomington Item 4.4F O-2001-32</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance to rezone certain property at 9250 Old Cedar Avenue South from B-2 Retail Business to R-4 Multiple-Family Residential, thereby amending Sections 19.67 and 19.70 of the City Code for the City of Bloomington, Case 10002F-01.</p>
<p>Adopted an Ordinance to Rezone a Portion of 9801 and 9805 Nicollet Avenue for the City of Bloomington Item 4.4G O-2001-33</p>	<p>Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone a portion of 9801 and 9805 Nicollet Avenue from R-1, Single-Family Residential to B-2 Retail Business, thereby amending Section 19.70 of the City Code for the City of Bloomington, Case 10002G-01.</p>
<p>Adopted an Ordinance to Rezone Certain Property at 9830 Nicollet Avenue South for the City of Bloomington Item 4.4H O-2001-34</p>	<p>Motion was made by Peterson, seconded by Fossum, and all voting aye, to adopt an ordinance to rezone certain property at 9830 Nicollet Avenue South from CB Central Business to R-4 Multiple-Family Residential, thereby amending Sections 19.67 and 19.70 of the City Code for the City of Bloomington, Case 10002H-01.</p>
<p>Adopted an Ordinance to Rezone Certain Property at 7501 West 86th Street, 8701 and 8721 Rhode Island Avenue, 8734 Utah Avenue, and 8801-8843 Virginia Avenue for the City of Bloomington Item 4.4I O-2001-35</p>	<p>Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 7501 West 86th Street, 8701 and 8721 Rhode Island Avenue, 8734 Utah Avenue, and 8801 through 8843 Virginia Avenue from R-1(PD) Single-Family Residential (Planned Development) to R-1 Single-Family Residential, thereby amending Section 19.73 of the City Code for the City of Bloomington, Case 10002I-01.</p>
<p>Adopted an Ordinance to Rezone Certain Property at 8700 Walton Oaks Drive for the City of Bloomington Item 4.4J O-2001-36</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance to rezone certain property at 8700 Walton Oaks Drive from R-1 Single-Family Residential to R-1(PD) Single-Family Residential (Planned Development), thereby amending Section 19.73 of the City Code for the City of Bloomington, Case 10002J-01.</p>
<p>Adopted an Ordinance to Rezone Certain Property at 8117, 8125 and 8133 Telegraph Road for the City of Bloomington Item 4.4K O-2001-37</p>	<p>Motion was made by Peterson, seconded by Fossum, and all voting aye, to adopt an ordinance to rezone certain property at 8117, 8125 and 8133 Telegraph Road from R-1 Single-Family Residential to R-1(PD) Single-Family Residential (Planned Development), thereby amending Section 19.73 of the City Code for the City of Bloomington, Case 10002K-01.</p>

Adopted an Ordinance to Rezone Certain Property at 9529 Lyndale Avenue and a Portion of 9636, 9638 and 9644 Grand Avenue for the City of Bloomington
Item 4.4L
O-2001-38

Motion was made by Peterson, seconded by Harden, and all voting aye, to adopt an ordinance to rezone certain property at 9529 Lyndale Avenue from CB(PD) Central Business (Planned Development) to CB Central Business and to rezone the west 15 feet of 9636, 9638 and 9644 Grand Avenue from CB Central Business to R-1 Single-Family Residential, thereby amending Sections 19.70 and 19.73 of the City Code for the City of Bloomington, Case 10002L-01.

Adopted a Resolution Ordering Improvements for Telegraph Road Intermediate Turnaround Project (2001-103 PMP)
Item 4.5
R-2001-85

Motion was made by Ornat, seconded by Peterson, and all voting aye, to adopt a resolution ordering improvements for Telegraph Road Intermediate Turnaround Project as part of the 2001-1 Street and Utility Improvement Project (2001-103 PMP).

Bernhardson explained that this is something that has been planned for a long time in anticipation of Telegraph Road being eventually closed off for the 494 construction project and staff recommends approval.

Adopted a Resolution Granting Preliminary and Final Plat Approval of Bloomington City Hall Addition at 1701 West 98th Street
Case 10550B-01
Item 4.7A
R-2001-94

Motion was made by Peterson, seconded by Ornat, and all voting aye, to approve the preliminary and final plat, and to adopt a resolution granting final approval subject to a review of the title by the City Attorney, and receipt of the necessary documents, of the plat of Bloomington City Hall Addition located at 1701 West 98th Street, Case 10550B-01, subject to the following 9 conditions and 2 Code requirements as set forth by the Development Review Committee:

1. Grading, drainage, utility and erosion control plans be submitted to and approved by the City Engineer;
2. Access, circulation, and parking plans be approved by the City Engineer;
3. Erosion control measures be in place prior to issuance of grading permits;
4. Environmental approval(s) be received by the Manager of Building and Inspection;
5. A SAC questionnaire be completed and submitted to the Department of Public Works;
6. A sidewalk/bikeway easement be provided by document as approved by the City Engineer;
7. Ten-foot planting easement be provided;
8. Alterations to utilities be at the developer's expense;
9. A letter of approval with any conditions shall be obtained from the Watershed District and submitted to the City Engineer.

and subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager (Sec. 19.52);
2. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03).

No staff report and no public testimony received.

Adopted an Ordinance Vacating Certain Street Right-of-Way and Easements at 9801 and 9925 Logan Avenue and 9800, 9801 and 9820 James Circle for the City of Bloomington
Item 4.7B
O-2001-39

Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance vacating certain street right-of-way and certain easements for drainage, utility, storm sewer, slope, sidewalk, and bikeway purposes located at 9801 and 9925 Logan Avenue and 9800, 9801 and 9820 James Circle for the City of Bloomington.

No public or private utilities are affected by this vacation.

No staff report was provided and no public testimony was received.

<p>Adopted an Ordinance to Vacate Part of an Easement for Drainage and Utility Purposes at 2215 West 107th Street Item 4.8 O-2001-40</p>	<p>Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to vacate part of an easement for drainage and utility purposes at 2215 West 107th Street for William A. Duncan. The vacation is requested to clear title for sale of the property.</p> <p>No public or private utilities are affected by this vacation.</p> <p>No staff report was provided and no public testimony was received.</p>
<p>Postponed the Revised Final Site and Building Plans for Burger King at 100 West 98th Street to August 20, 2001 Case 5408A-01 Item 4.9</p>	<p>Motion was made by Wilcox, seconded by Peterson, and all voting aye, to postpone to the August 20, 2001, Regular Council meeting, the revised final site and building plans for Burger King at 100 West 98th Street.</p> <p>Bernhardson explained that staff is recommending postponement due to a desire for further review by the City Attorney. He also stated that staff would report back to Council regarding the painting of the Denny's on 494 & France Avenue and others as Ornat inquired why they were allowed to be painted and this one is not being recommended for approval.</p>
<p>Adopted a Resolution Approving a Variance for Michael A. Clark at 2701 West Old Shakopee Road Case 10552A-01 Item 5.1 R-2001-88</p>	<p>Motion was made by Ornat, seconded by Wilcox, and all voting aye, to adopt a resolution approving a variance to reduce the front yard setback from 30 feet to 21 feet for a three-season porch addition at 2701 West Old Shakopee Road, Case 10552A-01, for Michael A. Clark, subject to the following 2 conditions as set forth by the Planning Division Staff and the Planning Commission:</p> <ol style="list-style-type: none"> 1. Exterior building materials be consistent with those used on the existing house; and 2. The variance is only applicable to the three-season porch addition as shown on the plans in Case 10552A-01. <p>No staff report was provided and no public testimony was received.</p>
<p>Approved a Certificate of Appropriateness for John Athanasakopoulos at 8501 West 110th Street Case 10557A-01 Item 5.2</p>	<p>Motion was made by Peterson, seconded by Ornat, and all voting aye, to approve a Certificate of Appropriateness to replace a deck on a lot containing a prehistoric site at 8501 West 110th Street, Case 10557A-01, for John Athanasakopoulos, subject to the following 2 conditions as set forth by the Planning Division Staff:</p> <ol style="list-style-type: none"> 1. Survey be provided to verify required setbacks for the proposed deck; and 2. No mowing, excavation or planting be allowed inside the approved mound buffer zone or mound. <p>No staff report was provided and no public testimony was received.</p>
<p>Boards/Commissions Communications Item 7.1</p>	<p>No boards/commissions communications reported.</p>
<p>Status of Action Items Item 7.2</p>	<p>Status of Action Items were provided to Council.</p> <p>Bernhardson reported that a joint meeting between the City Council and the Port Authority would likely take place in late August or early September.</p>
<p>Approval of Minutes</p>	<p>Motion was made by Abrams, seconded by Fossum, to approve the minutes of the July 2, 2001, Regular Council meeting, as presented. Motion passed 6-0-1 (Ornat abstaining).</p>
<p>Adjourn Meeting</p>	<p>Mayor Winstead adjourned the meeting at 11:41 p.m.</p>

Barbara Clawson
Council Secretary