

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

CITY COUNCIL MEETING

Approved Minutes
Regular Meeting
Meeting #33

7:00 p.m.
December 17, 2001
Council Chamber

Call to Order and
Presentation of the
Colors

Mayor Gene Winstead called the meeting to order and Boy Scout Troop #328 presented the colors and led the Council and audience in the pledge of allegiance to the flag. The scouts introduced themselves and indicated where they attend school. Wilcox stated that he used to be the ScoutMaster for Troop #328.

Roll Call

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

Presented Citizenship
Award to Shirley Cook

Mayor Winstead explained that the award was created to give Bloomington residents the opportunity to nominate and recognize fellow citizens for exhibiting outstanding acts of citizenship towards others and the community. The Mayor presented the Excellence in Citizenship award to Shirley Cook who was nominated by her friend Sharon Storholm for the numerous hours of volunteer work she provides to many difference organizations.

Presented Proclamation
of Appreciation to
WCCO Dimension Team
for Fire Safety Programs

Bob James, Fire Marshal explained that the Fire Safety Programs video was a joint effort between the Bloomington Fire Department, students, parents, and principal from Poplar Bridge Elementary School, and the WCCO Dimension Team. After the video was shown, James introduced Trish Van Pilsum, Lead Reporter for the WCCO Dimension Team and narrator of the video who stressed the importance of conducting fire safety programs at home.

Winstead read and presented the proclamation to Ms. Van Pilsum who proceeded to introduce the children and their families who participated in the video. She thanked all of those involved with the video project. She also introduced photojournalist Bill Kruskop who worked on the report. She thanked Bob James and the Bloomington Fire Department for their commitment to educating the public on fire safety and recognized WCCO for being a television station that values its commitment to public service.

Announcements

Mayor Winstead announced that three individuals had recently passed away who had been either directly or indirectly associated with the City of Bloomington: Don Backstrom (former member of the Bloomington Port Authority), Mary Rowland (32-year City employee), and Mayor Jean Harris of Eden Prairie.

Vern Wilcox Sworn
In as District IV
City Council Member

City Clerk Evelyn Woulfe administered the oath of office to Vern Wilcox, District IV Council Member who will be out of town during the organizational/regular meeting on January 2, 2002, at which time Abrams and Elkins will be sworn in.

Wilcox thanked his family, friends, and constituents for their support and for giving him the opportunity to serve the citizens for the fourth time.

Adopted a Resolution
Authorizing Issuance of
Revenue Notes by the
City of Brainerd,
Minnesota
Item 4.2
R-2001-196

Motion was made by Abrams, seconded by Peterson, and all voting aye, to adopt a resolution approving and authorizing the issuance of revenue notes by the City of Brainerd, Minnesota under Minnesota Statutes, Sections 469.152 through 469.165, as amended, to finance property for the benefit of Lutheran Social Service of Minnesota.

Item 4.2 continued

Bernhardson explained that the City of Brainerd proposes to issue one or more revenue notes “Notes” and loan the proceeds derived from the sale of the Notes to Lutheran Social Service of Minnesota, a nonprofit organization “Borrower” to finance the acquisition of motor vehicles, and the acquisition and construction of improvements to existing buildings “Project” to be located at the existing facilities of the Borrower in numerous municipalities in the State of Minnesota, of which a portion of the Project will be located in Bloomington. He explained there is no obligation to Bloomington whatsoever.

The City’s bond attorney was present to answer questions from staff and the public.

No public testimony was received.

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: Jerry Gilkeson, 8520 Emerson Avenue

He thanked Councilmember Ornat for her years of service on the Council. He brought a copy of the Northeast Bloomington Study and suggested that it be required reading for all new council members. He also suggested that a committee be organized to review where the City is at, where it’s going, and what still has to be done in regard to the Study. He stated that he would like to see more commissioners be appointed from northeast Bloomington.

Winstead stated that Wilcox had initially worked on the Study committee and that for the most part, the path outlined in the Study has been followed by the various councils and commissions.

Adopted a Resolution
Stating City’s Position
on the Dan Patch
Corridor Commuter Rail
Feasibility Study
Item 7.3
R-2001-203

Motion was made by Abrams, seconded by Peterson, and all voting aye, to adopt a resolution regarding the Dan Patch Corridor Commuter Rail Feasibility Study.

Jim Gates, Deputy Director of Public Works explained that the Dan Patch Corridor Commuter Rail Feasibility Study has been an 18-month process. He stated that Scott Peters from Dakota County and Stephanie Eiler, the consultant on the project from Parsons-Brinckerhoff, would be presenting the findings of the Feasibility Study.

Using a slide format, Ms. Eiler proceeded to provide an overall summary of the findings and recommendations that have been approved by the I-35W Solutions Alliance. The Findings were separated into the following categories: Overall Findings, Technical Findings, and Findings from Public Participation. She stated that of the estimated 600 people who attended the five open houses and commented, approximately 70% opposed the project and approximately 30% expressed support. Neighborhood concerns were reported as follows:

1. Increased freight rail activity (hazardous materials, faster, louder, heavier, and/or longer trains).
2. Increased noise, vibration damage to adjacent homes, and air pollution from more frequent activity on the track.
3. Increased traffic through neighborhoods for station access. Parking likely to spill over onto neighborhood streets.
4. Reduced safety for neighborhood residents, particularly children and pets.
5. Impact on property values. Existing research is believed to be insufficient and not relevant to the Dan Patch corridor. Specifically, acquisition of adjacent residential property should be included as a project cost and should not be considered optional. Cost of landscaped sound barriers should also be included as a project mitigation cost and should not be considered optional.
6. Belief would be an inefficient use of public funding.
7. Belief that this is the wrong location for a major transportation improvement. Should be within existing freeways, such as 35W and T.H. 100.

Eiler continued summarizing the overall recommendations of the Feasibility Study as follows:

1. The real and perceived adverse impacts to adjoining land uses and the cost of improving the right-of-way and operating the system make the corridor improvements impractical at the present time.
2. The Minnesota Department of Transportation (MnDOT), the Metropolitan Council, and the cities and counties within the corridor should first explore and promote other transit and transportation improvements.
3. Investigate the impacts of commuter rail on property values, and mitigation for potential negative impacts. The University of Minnesota Center for Transportation Studies (CTS) should be requested to conduct a study of comparable corridors.
4. Keep the public informed if and when the project proceeds to a future phase of study.
5. Investigate the possibility of purchasing the line from Canadian Pacific and Twin Cities and Western (river bridge owner) for commuter rail use.

Harden thanked Doug Bruce for his diligent work on the Citizens' Advisory Committee.

Winstead thanked Ms. Eiler and requested Abrams read the proclamation for Council consideration that should address the concerns of the neighborhood adding that anyone opposing the proclamation could speak and the differences would be discussed.

Abrams thanked all of the citizens who have been actively involved in this issue and thanked the Mayor for his work on the resolution. Based on the information that came out of the Feasibility Study, Abrams stated he believes the project should not be waiting in the "on-deck circle" to be called to bat, but should be left in the dugout and given no more consideration than any other option available for dealing with traffic congestion that would be available to the Legislature and whatever point in the future they may choose to look at this again. He summarized the resolution stating that the City should go on record with MnDOT, the State Legislature, and others that it takes the position that this project should be given no more consideration than any other infinite number of projects that could be considered by the Legislature in the future. He proceeded to read the proclamation.

Peterson stated that he agreed with the resolution that the Dan Patch Corridor Commuter Rail Project should be thrown back into the mix and only considered when all other ideas are considered in the future.

Ornat inquired if homeowners would have to disclose the information about the commuter rail feasibility study if they chose to sell their homes.

City Attorney Dave Ornstein replied that if this resolution is adopted, he didn't know if anything would need to be disclosed to a potential buyer because it officially explains the stand the City Council is taking on the matter. He added, however, that this resolution does not prevent MnDOT or the Metropolitan Council from going forward at some time with a plan that the Council would have to act on. He stated the City Council does not have the veto power over such a plan if MnDOT or Met Council pushes it forward unless the Legislature repeals the law that authorizes the preparation of a plan that could potentially be adopted, providing financing could be obtained. He stated that because the City cannot provide the homeowner with a legal opinion, concerned homeowners should contact a realtor or a private attorney regarding whether or not they are obligated to disclose this information.

Bernhardson added that the only way to get this project off the books is for the Legislature to act accordingly. He suggested that citizens write their legislators asking them to see if this project could be repealed.

Fossum stated that passenger rail along this line is a bad idea and that the Feasibility Study has the numbers to support that opinion, therefore, he supports the resolution put forward by Abrams.

Item 7.3 continued	<p>Speaker #1: Eldon Spencer</p> <p>He agrees with the conclusion of the resolution, however, believes the Feasibility Study has one qualitative and one quantitative flaw as presented. He explained the qualitative flaw is that it seems to systematically assume that affected neighborhoods are only those adjacent to the line itself, but residents living in District III west of where the line crosses Bush Lake Road, the traffic already backs up and would be significantly impacted by frequent rail crossings. He explained the quantitative flaw to be that the calculation used to determine the subsidy was based on annualized capital costs but only using 50% of those annualized capital costs, rather than 100%.</p> <p>The Mayor inquired of those in attendance, how many supported the resolution as it was presented and how many opposed it. All were in support of the resolution as read by Abrams. No other speakers came forward.</p>
Closed Public Comment Period	The Mayor asked if anyone else wished to address the Council during the public comment period or it would be closed. No one came forward to speak and the public comment period was closed.
Renewed On-Sale and Off-Sale 3.2 Percent Malt Liquor Licenses for 2002 Item 4.1A	<p>Motion was made by Wilcox, seconded by Fossum, to renew the following On-Sale and Off-Sale 3.2 Percent Malt Liquor Licenses for 2002. Motion passed 5-0-2 (Harden and Winstead abstaining).</p> <p>On-Sale: 1st Wok, Andy's Tap, Big Red's Portway, Da Afghan, Davanni's Inc., Denny's Restaurant, Dwan Golf Club, Hospitality Inn & Suites, Hunan Restaurant, Hyland Greens Golf, Kimson Restaurant, La Tortilla Ria, Lyn-Del Lanes, Mandarin Kitchen, Perkins Café & Bakery, Pic-A-Deli Pizza, Pizza Hut, Sawatdee Take Out, Southtown Pizza Plus, Sports Page, Tandoor Restaurant, The Italian Café, and Zeke's Place.</p> <p>Off-Sale: A & S Kwik Market, Andy's Tap, Big Red's Portway, Bobby & Steve's Auto World, Bonkers, Cub Foods, Emporium Exceptionale, Holiday Stationstores, Lynda & Nathan's SPUR, Oasis Market, Pick Market, Rainbow Foods, Sports Page, SuperAmerica, Tom Thumb, and Zeke's Place.</p> <p>No public testimony was received.</p>
Renewed Class A Lawful Gambling Premise Permit for Knights Social Club for use at Knights of Columbus at 1114 West 79 th Street Item 4.1B R-2001-191	<p>Motion was made by Wilcox, seconded by Fossum, to adopt a resolution renewing the Class A (Bingo, raffles, tipboards, paddlewheels, and pull-tabs) Lawful Gambling Premise Permit for Knights Social Club at Knights of Columbus, 1114 West 79th Street. Motion passed 4-1-2 (Ornat opposing and Harden and Winstead abstaining).</p> <p>No public testimony was received.</p>
Renewed Class B Lawful Gambling Premise Permit for Climb Inc. for use at Billibong's Aussie Bar & Grill at 5001 West 80 th Street Item 4.1C R-2001-192	<p>Motion was made by Wilcox, seconded by Fossum, to adopt a resolution renewing the Class B (raffles, paddlewheels, tipboards, and pull-tabs) Lawful Gambling Premise Permit for Climb Inc. at Billibong's Aussie Bar & Grill, 5001 West 80th Street. Motion passed 4-1-2 (Ornat opposing and Harden and Winstead abstaining).</p> <p>No public testimony was received.</p>
Renewed Class B Lawful Gambling Premise Permit for Climb Inc. for use at Sports Page at 9014 Lyndale Avenue Item 4.1D R-2001-193	<p>Motion was made by Wilcox, seconded by Fossum, to adopt a resolution renewing the Class B (raffles, paddlewheels, tipboards, and pull-tabs) Lawful Gambling Premise Permit for Climb Inc. at Sports Page, 9014 Lyndale Avenue South. Motion passed 4-1-2 (Ornat opposing and Harden and Winstead abstaining).</p> <p>No public testimony was received.</p>

Renewed Class B Lawful Gambling Premise Permit for Climb Inc. at AMF Southtown Bowl at 7941 Southtown Center
Item 4.1E
R-2001-194

Motion was made by Wilcox, seconded by Fossum, to adopt a resolution renewing the Class B (raffles, paddlewheels, tipboards, and pull-tabs) Lawful Gambling Premise Permit for Climb Inc. at AMF Southtown Bowl, 7941 Southtown Center. Motion passed 4-1-2 (Ornat opposing and Harden and Winstead abstaining).

No public testimony was received.

Renewed Class B Lawful Gambling Premise Permit for Nativity of Mary Church at Andy's Tap at 3925 West Old Shakopee Road
Item 4.1F
R-2001-195

Motion was made by Wilcox, seconded by Fossum, to adopt a resolution renewing the Class B (raffles, paddlewheels, tipboards, and pull-tabs) Lawful Gambling Premise Permit for Church of Nativity of Mary at Andy's Tap, 3925 West Old Shakopee Road. Motion passed 4-1-2 (Ornat opposing and Harden and Winstead abstaining).

No public testimony was received.

Adopted an Ordinance Amending City Code Regarding Recreational Fires
Item 4.3
O-2001-52

Motion was made by Fossum, seconded by Abrams, to adopt an ordinance to amend the City Code as it pertains to exceptions for recreational fires. Motion passed 6-1-0 (Wilcox opposing).

Fire Marshal James presented the staff report explaining that as a result of Council direction given to staff following a previous study session, the following modifications have been prepared for Council consideration: The City expand the recreational fire exception to Section 6.33 that there are other requirements found in the Minnesota State Fire Code that dictate minimum requirements for the State of Minnesota, which the City must abide by, set a limit on the time that recreational fires could be conducted (between 7:00 a.m. and midnight), and that recreational fires could only be conducted during weather conditions with winds of 10 miles per hour or less as measured by the City police dispatch.

Chief Willow added that most of the enforcement results from complaints from neighbors and that the police force has been educated in the requirements under the new International Fire Code that will take effect in 2002. He explained that a new nature code has been added to the computer dispatch system that will better track recreational fire calls for future reference.

Speaker #1: Jerry Gilkeson, 8520 Emerson Avenue South

He believes this ordinance is an attempt to regulate something that doesn't need regulating because there are already ordinances in place to deal with noise and disturbances. He doesn't believe a time limit should be put on quiet recreational fires that follow size regulations and burn proper materials. He added that it gets dark at 10:00 p.m. in the summer and midnight doesn't allow much time to enjoy this recreation.

Speaker #2: Jim Farrell, 8153 Pennsylvania Circle

He stated that a resident in his area had frequent recreational fires last summer and that because of the low tree canopy in the surrounding woods, the smoke seemed to drift over to neighboring homes and irritated a number of homeowners. He would like to see the ordinance be more restrictive because the recreational fires in his neighborhood have been an irritant.

Speaker #3: Jim Meyer, 8408 Rich Avenue

He agrees with the curfew addition to the ordinance because it gives more substance to the enforcement issue. He is not opposed to recreational fires but doesn't appreciate the marathon fires that some individuals like to have.

Wilcox stated that he would not be supporting the proposed amendments because he supports the current ordinance. He believes the new ordinance would punish those who aren't breaking the law and that those who do will continue to do so.

Adopted an Ordinance
Amending City Code
Regarding Fire
Connections and
Minimum Water Charges
Item 4.4
O-2001-53

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance to amend Chapter 11 of the City Code as it pertains to fire connections and minimum water charges.

To respond to Peterson's inquiry as to the rationale for amending the City Code, Utilities Superintendent Bob Cockriel stated that this change is being recommended as a convenience to businesses to align with their monthly billing practices, similar to the gas and electric utilities. He explained that the monthly billing would allow staff to detect irregular consumption patterns sooner, which could result in leaks getting repaired sooner.

Adopted an Ordinance
Amending City Code
Regarding Parking on
Russell Avenue
Item 4.5
O-2001-54

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance to amend Section 8.86 of the City Code to restrict parking on a portion of Russell Avenue to read as follows: Parking of vehicles is prohibited 24 hours on both sides of Russell Avenue from West 80th Street to West 81st Street except the following section of Russell Avenue where the regulation is: Parking on the west side of Russell Avenue from north line of 8000 Russell Avenue to south line of 8014 Russell Avenue is prohibited between 5:00 p.m. to 8:00 a.m.

Bernhardson explained that Traffic & Transportation Engineer Lyle Berg had worked with neighbors in the area who requested this amendment and all are in agreement with the proposed changes.

No public testimony was received.

Adopted an Ordinance
Amending City Code
Regarding Additional
Stop and Yield
Intersections
Item 4.6
O-2001-55

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance to amend Section 8.24 of the City Code designating the following additional stop and yield intersections:

Heritage Hills Drive intersection (principal stop Rich Road)
Minnesota Bluffs Drive intersection (principal stop Bloomington Ferry Road)
Minnesota Bluffs Drive intersection (principal stop eastbound Bloomington Ferry Road)
Bloomington Ferry Road intersection (principal stop northbound Minnesota Bluffs Drive)
West 82nd Street intersection (principal stop westbound Lea Road)
West 82nd Street intersection (principal stop southbound Kentucky Avenue)

No public testimony was received.

Adopted a Resolution
Approving Variances for
N. A. Trading and
Technology located at
9216 Grand Avenue
Case 10311BC-01
Item 5.1A
R-2001-200

Motion was made by Fossum, seconded by Peterson, and all voting aye, to adopt a resolution approving variances to reduce the required setback from 20 feet to 15 feet along Grand Avenue for a parking lot addition and to reduce the required structure setback from 35 feet to 20 feet along Garfield Avenue for a loading dock addition at 9216 Grand Avenue, Case 10311B-01, for N. A. Trading and Technology, subject to the following 4 conditions as set forth by the Planning Division Staff and the Planning Commission:

1. The approved variances shall be valid only for the dock and parking lot encroachments as shown on the final site plans and building plans approved in Case 10311D-01;
2. Ten-foot drainage and utility easement be provided by document along Grand Avenue as approved by the City Engineer and proof of filing be provided to the Manager of Building and Inspection;
3. Concurrent 10-foot sidewalk easement be provided by document along Grand Avenue as approved by the City Engineer and proof of filing be provided to the Manager of Building and Inspection; and
4. Any cover or protection for the new dock shall be retractable in design, shall be retracted when not in use, and shall not extend into the required building setback when retracted.

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

Approved the Revised Final Site Plan and Building Plans for N. A. Trading and Technology at 9216 Grand Avenue Case 10311D-01 Item 5.1B

Motion was made by Fossum, seconded by Wilcox, and all voting aye, to approve the revised final site plan and building plans to expand the parking lot, construct a loading dock, and remodel exterior lighting at 9216 Grand Avenue, Case 10311D-01, for N. A. Trading and Technology, subject to the following 9 conditions of approval and 7 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Approved exterior building changes are limited to the installation of the new dock door;
2. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the Nine Mile Creek Watershed District;
3. Access, circulation and parking plans, to include showing eight proof-of-parking spaces along the south side of the parking lot be approved by the City Engineer;
4. Sidewalk either be installed 31 feet to 37 feet from centerline along Grand Avenue at the developer's expense or the developer shall petition for sidewalk and waive hearing;
5. The applicant shall provide the City with a letter stating that the chain link fence currently located in the street easement for Garfield Avenue will be removed at the owners expense upon notification by the City of an approved public improvements project for either the construction of Garfield Avenue or the installation of utilities in the street easement; and
6. A painted island may be used to separate the new dock driveway and the adjacent parking along the west curb line;

and subject to the following additional conditions:

7. All pickup and drop-off occur on site and off of public streets;
8. All loading and unloading occur on site and off of public streets;
9. West yard area between the street easement for Garfield Avenue and the dock and the parking lot shall not be used for open storage as identified in Case 10311A-01;

and subject to the following code requirements:

1. Three-foot high solid screening be provided along Grand Avenue as approved by the Planning Manager (Sec. 19.52);
2. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
3. Erosion control measures be in place and bond be filed;
4. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
5. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
6. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903); and
7. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code.

Approved Final Site and Building Plans for an Office Building at 1000 and 1050 East 80th Street for Tushie-Montgomery Architects Case 5489A-01 Item 5.2

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the final site and building plans for an office building at 1000 and 1050 East 80th Street, Case 5489A-01, for Tushie-Montgomery Architects, subject to the following 9 conditions of approval and 13 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Exterior building materials be approved by the Planning Manager;
2. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
3. Access, circulation and parking plans be approved by the City Engineer;
4. Connection charges, as determined, be satisfied;
5. A SAC questionnaire be completed and submitted to the Department of Public Works;

and subject to the following additional conditions:

- 6. Alterations to utilities be at the developer's expense;
- 7. Sidewalk be installed along East 80th Street 30 to 36 feet from centerline, at the developer's expense;
- 8. All pickup and drop-off occur on site and off of public streets;
- 9. All loading and unloading occur on site and off of public streets;

and subject to the following City Code requirements:

- 1. Property be platted into a single lot (Chapter 16);
- 2. Three-foot high solid screening be provided along East 80th Street as approved by the Planning Manager (Sec. 19.52);
- 3. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
- 4. All rooftop equipment be fully screened (Sec. 19.52.01);
- 5. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 6. All trash and recyclable materials be stored and screened (Sec. 19.51);
- 7. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1 and M.R. Chapter 1306; Uniform Fire Code Sec. 1003);
- 8. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
- 9. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
- 10. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
- 11. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
- 12. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code; and
- 13. Garage comply with district building construction and exterior material regulations.

Community Development Director Larry Lee explained that the application is for a new office building at 1000 and 1015 East 80th Street and is recommended for approval.

No public testimony was received.

Approved Renewal of a Temporary Conditional Use Permit for a Home Cosmetology Salon for Denise Cashman at 9006 Hyland Creek Road Case 10151A-01 Item 5.3

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve renewal of a three-year temporary conditional use permit for a cosmetology salon in a single-family home at 9006 Hyland Creek Road, Case 10151A-01, for Denise Cashman, subject to the following 7 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

- 1. The applicant and resident of the property shall be the sole operator of the business;
- 2. No more than one customer shall be on the property at any time;
- 3. The applicant-operator shall be properly licensed;
- 4. Appointments shall be limited to 10:00 a.m. to 7:00 p.m. Monday through Friday and no customers shall be on the premises after 7:00 p.m.;
- 5. All customer parking shall occur on-site and off of the adjacent public street;
- 6. Any business signage shall be consistent with Section 19.105(c)(16); and
- 7. Future requests for renewal of this temporary conditional use permit may be considered by the Hearing Examiner.

Lee explained that this is a renewal of a temporary conditional use permit and that no neighborhood concern has been expressed as a result of this renewal application.

No public testimony was received.

<p>Approved the 2002 Port Authority Budget Item 6.1</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the 2002 Port Authority Budget as presented.</p>
<p>Awarded Contract to Varian, Inc. for Purchase of Lab Equipment at City's Water Treatment Plant Item 6.2</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to award a contract for the purchase of GC/MS lab equipment (gas chromatograph/mass spectrophotometer unit) from Varian, Inc. in the amount of \$79,185.94 for use at the City's Water Treatment Plant laboratory. The instrument will be used to measure volatile organic compounds in drinking and other water types.</p> <p>Funding is budgeted in the 2001 Water Utility Operating Fund, Activity 510-8111-433.70-46.</p>
<p>Accepted and Thanked Donors for Donations to Various City Activities Item 6.3</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to accept and thank the following donors for making the following various donations to City activities: \$651.00 from Bloomington Youth Soccer (D. Heise), \$530.00 from the Bloomington Kickers (R. Kruse), and \$739.43 from Bloomington Youth Soccer (R. Kruse) to the Soccer Net/Goal Fund; \$150.00 from Knights of Columbus to Fire Prevention; craft supplies and items valued at \$250 from Trish McCarty to Human Services; \$50.00 from Knights of Columbus, \$250.00 from VFW Post 1296, \$100.00 from James & Cynthia O'Neil, \$100.00 from Allan & Deborah Schneider, \$500.00 from Richfield Bank, and \$500.00 from Excel Energy to River Rendezvous.</p>
<p>Acknowledged Receipt and Approved a Liquor Tax Penalty Abatement for AMF Southtown Lanes Item 6.4</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to acknowledge receipt of and to approve a liquor tax penalty abatement for AMF Southtown Lanes in the amount of \$290.07.</p>
<p>Approved Amendment to Health Alert Network Grant Agreement Between City and the Minnesota Department of Health Item 6.5</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an amendment to the Health Alert Network Grant Agreement between the City of Bloomington and the Minnesota Department of Health. The amendment adds \$4,200 to cover the costs for continued staff participation in the Health Alert Network.</p>
<p>Approved Change Order No. 4 to the Water Treatment Plant and Well Field Expansion Project Item 6.6</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve Change Order #4 to the Water Treatment Plant and Well Field Expansion Project in the amount of \$273,895.13. The change is required to make the necessary construction modifications to the Sam H. Hobbs Water Treatment Plant. The addition of the Change Order brings the contract total to \$14,578,229.34.</p> <p>Funding is available in the Utility Budget.</p>
<p>Awarded Contract to Sunram Construction for the 2001-902 Nine Mile Creek Lower Valley Maintenance Project Item 6.7</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to award a contract for the 2001-902 Nine Mile Creek Lower Valley Maintenance Project to Sunram Construction in the amount of \$74,181.60.</p> <p>Funding is available in the 2001 Storm Water Utility 530-8302-433.70-31. No assessments will be involved with the project.</p>
<p>Approved Agreement with CitizenObserver.com to Provide Online Resources Regarding Crime Prevention Item 6.8</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an agreement with CitizenObserver.com, an online resource that provides public safety agencies with bulletins, web pages, calendars of events, message boards, etc. for the purpose of communicating with community members about crime prevention.</p> <p>This service will be provided to the City of Bloomington free of charge and the Bloomington Police Department will control dissemination of information on this web site.</p>

Adopted a Resolution Granting Final Plat Approval and Approved Name Change for the Norman Pointe Business Center Plat
Item 6.9
R-2001-202

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a name change on the Norman Pointe Business Center plat from Norman Pointe Office Park to Norman Pointe Business Center and to adopt a resolution granting final plat approval of Norman Pointe Business Center, subject to the following conditions, receipt of the title, necessary documents and deposits, and review of all documents by the City Attorney:

Conditions of the preliminary plat approval:

1. Fifteen-foot drainage and utility easements be provided along Norman Center Drive, ten-foot drainage and utility easements be provided along Green Valley Drive, and five-foot drainage and utility easements be provided along the other internal lot lines;
2. Floodage easements be provided along Nine Mile Creek as approved by the City Engineer;
3. Common driveway, parking and access easements be provided as approved by the Traffic Engineer;
4. Rights-of-way be dedicated to 60 feet from the centerline along Norman Center Drive;
5. Ten-foot sidewalk/bikeway easement be provided by document along Norman Center Drive as approved by the City Engineer and proof of filing be provided to the Manager of Building and Inspection; and
6. Park dedication be paid in cash as determined for the current development phase on the lands being platted prior to issuance of permit and if any additional development of the subject lands occurs in the future without replatting, park dedication on such additional development be calculated and paid prior to issuance of building permits; a memorandum of this condition to be filed of record with plat.

Additional conditions of final plat approval:

7. Outlot A shall be modified to include 35 foot radii at the intersection with Norman Center Drive.
8. All conditions of approval stipulated by the Council on July 16, 2001 in approving preliminary development plan, final development plan, and preliminary plat for Norman Pointe Office Park shall remain and apply to the renamed Norman Pointe Business Center plat.
9. Address any uncompleted items listed in the Minnesota Department of Transportation's review letter of Norman Pointe Office Park preliminary plat dated April 30, 2001.

Approved Public Health Division's Request to Apply for a Grant Application
Item 6.10

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a request by the Public Health Division to apply for the State Eliminating Health Disparities Initiative Grant to reduce racial/ethnic health disparities among minority populations. The grant is for a 13-month timeframe and will be for approximately \$55,000. No matching funds are required.

Awarded Contract to Roughrider Contracting, Inc. for Sidewalk Snow Removal for 2001-2002 Winter Season
Item 6.11

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to award a contract for sidewalk snow removal during the 2001-2002 winter season to Roughrider Contracting, Inc. at a cost of \$50.00 per hour. This outside contractor will assist City staff in the removal of snow from City maintained sidewalks.

Funding for this contract is available in the 2001 and 2002 Park Maintenance Budgets, Activities 7722, 7723, 7725, and 7727.

Awarded Contract to Davies and Northern Water Works for Purchase of Water Meters and Registers
Item 6.12

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to award a contract for the purchase of Neptune T-10 water meters and registers during 2002 to Davies/Northern Water Works at a price of \$66.06 and \$56.05, respectively. It is estimated that approximately 2000 meters will be purchased during 2002. Registers will be purchased as needed to retrofit older meters.

Funding for this contract is budgeted in the 2002 Water Utility Budget, Activity 8110 - Water Customer Service.

<p>Approved 2002 Partnership Agreement with Hennepin South Services Collaborative Item 6.13</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the 2002 Partnership Agreement with Hennepin South Services Collaborative (HSSC). The value of in-kind services is \$67,917 (Bloomington residents only), an estimated 3.5% increase from 2001. There are also staffing contributions from Public Health, in the value of \$29,512 to support the efforts of the Richfield and Edina Communities in the collaborative.</p>
<p>Approved 2002 Human Services Contracts Item 6.14</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the following 2002 Human Services Contracts:</p> <p>Cornerstone Advocacy Service (\$25,000), Independent School District #271 (\$19,000), Independent School District #271 (\$10,033), Minneapolis Mediation Program (\$4,376), Senior Community Services (\$26,808), VEAP - Emergency Services (\$12,150), Happy Feet (\$4,410), and Volunteers of America (\$138,835).</p>
<p>Awarded Contract to URS Corporation for Professional Engineering Services for the 2002-204 Street Improvement and Right-of-Way Acquisition Projects Item 6.15</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to award a contract for Professional Engineering Services for the 2002-204 Street Improvement and Right-of-Way Acquisition Projects (Lyndale Avenue South from West 82nd Street to I-494) to URS Corporation in the not-to-exceed amount of \$94,830.00. The work includes full traffic actuated signals at West 82nd Street and West 79th Street and preparation of the plans for the acquisition of Rights-of-Way as needed along West 82nd Street and Lyndale Avenue.</p>
<p>Approved Two-Year Extension of Agreement with Browning-Ferris Industries for 2002 and 2003 Citywide Curbside Clean-up Program Item 6.16</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a two-year extension of the agreement with Browning-Ferris Industries to provide a citywide curbside clean-up program during 2002 and 2003 in the amount of \$829,028.67. The dates for the 2002 Spring clean-up are April 20 and 27, May 4 and 18, and June 8. The dates for the 2003 Spring clean-up will be mutually agreed upon by January 2003.</p> <p>Funds are budgeted in the Solid Waste Fund, Activity 535-8551-432.63-24.</p>
<p>Approved a Browning-Ferris Industries Contract Extension through 2003 for Solid Waste and Recyclable Material Collection Item 6.17</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an addendum to the contract with Browning-Ferris Industries for solid waste and recyclable material collection extending the contract through December 31, 2003 with a five percent price increase for a total annual cost of \$96,600.00.</p> <p>Funding for this contract is budgeted in the Solid Waste Fund, Activity 535-8555-432.63-22.</p>
<p>Postponed the Addendum to the Bloomington Fine Arts Council Agreement Item 6.18</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to postpone the addendum to the Bloomington Fine Arts Council Agreement for the Bloomington Center for the Arts.</p>
<p>Approved Transfer of Park Donation Money Item 6.19</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the transfer of Park Donation money received in the Escrow Fund in 2001 (\$71,817 through 12/12/01). Pursuant to City policy, these funds are to be transferred to the Park Development Fund (411). This is a year-end housekeeping item and follows the transfer policy of previous years.</p>
<p>Approved Purchase of Calibrating Device for City's 800 MHZ Trunked Radio System Item 6.21</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the purchase of a calibrating device (Aligent Technology 225 MHZ universal counter with a 3.0 GH input channel) used to calibrate transmitters on the City's 800 MHZ trunked radio system for a cost of \$2,695 plus tax and shipping for a total of \$2,871.18 and to approve the associated transfer of funds from 610-0620-499.67-95 (Other Charges-Other) to 619-0620-499.70-46 (Capital Outlay-Other Equipment).</p>

<p>Approved Grant Project Agreement for Community Health Boards with the Minnesota Department of Health Item 6.22</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a Grant Project Agreement for Community Health Boards with the Minnesota Department of Health (MDH) in the amount of \$212,289 for the City, through its Division of Public Health, to continue operating the Sage Women's Clinic at the Mall of America. The term of the agreement is from January 1, 2002 through December 31, 2002. There is no budget adjustment as funds have been included in the 2002 Budget.</p>
<p>Approved an Annual Plan Agreement with the Minnesota Department of Health Item 6.23</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an Annual Plan Agreement with the Minnesota Department of Health for reimbursement of public health nursing services provided to low-income families residing in Bloomington, Edina, and Richfield as part of the State Family Home Visiting Program funded with Temporary Assistance to Needy Families (TANF) dollars. The agreement covers services provided between July 1, 2001 and December 31, 2001. The total amount the City can bill the State cannot exceed \$80,000. No budget adjustment is necessary.</p>
<p>Approved Addendum to City's Agreement with Wizmo, Inc. Item 6.24</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an addendum to the Agreement between the City and Wizmo, Inc. which was executed on November 19, 2001. This addendum will allow Wizmo, Inc. to continue to provide the City with information services, including technical consulting; network systems planning and implementation services; maintenance and management support; and other associated duties as well as to assist the City in selecting a full-time Network Administrator. The term of the addendum is from January 2, 2002 to February 15, 2002 in the amount of \$20,160.00.</p>
<p>Approved Write-offs for NSF Checks in City's General Checking Account and for Motor Vehicle Item 6.20</p>	<p>Motion was made by Wilcox, seconded by Fossum, to approve the write-off of \$2,090.69 of 2000 NSF checks for the City's general checking account and \$5,671.88 of 1999 NSF checks for Motor Vehicle, the cost of which continuing to try and collect far outweighs the value of the remaining checks. Motion passed 6-0-1 (Peterson temporarily absent).</p> <p>Wilcox inquired if there is a check approval service in place and are those who present bad checks put on some kind of list for future reference.</p> <p>Bernhardson explained that the individuals are put on a list and added that the State was given money in the 2000 or 2001 Legislature to develop a computer system that may be introduced in 2002 that will flag up bad check writers in the area of Motor Vehicles.</p>
<p>Accepted Report of the France and Old Shakopee Road Advisory Committee and Directed Housing and Redevelopment Authority to Proceed with a Development or a Redevelopment Plan Item 7.4</p>	<p><Harden left the meeting during the next item and before action was taken on it.></p> <p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to accept the Report of the France and Old Shakopee Road Advisory Committee and to request the Housing and Redevelopment Authority (HRA) to move forward with a development or redevelopment plan that would be presented to the HRA, Planning Commission, and City Council prior to adoption.</p> <p>Cheryl Lewis, 4111 Overlook Circle, Chair of the France and Old Shakopee Road Advisory Committee</p> <p>Lewis explained that the Committee is presenting its final report to the Council. She explained that the three parts of the report would be presented as follows: Communication and Community Outreach (Cheryl Lewis), Traffic (Larry Granger), and Land Use Decisions and Unresolved Issues (Allan Schillerberg). On behalf of the Committee, she thanked the Council for giving them adequate time to conduct a thorough study. She named the other volunteer Committee members: Resident Representatives: (Larry Granger-southwest quadrant, Pamela Ashling-northeast quadrant, Allan Schillerberg-northwest quadrant, and Jim Foster-southeast quadrant). Property Owner Representatives: (Mike Korsh-Kraus Anderson, Larry Klement-Richfield/Bloomington Credit Union, Arnie Berg-Mount Hope Lutheran Church, and Mark Foreman-Foreman and Airhart Ltd.). Business Tenant Representatives: (Ron Krause-Designing Hair, Paula Schmitz-Cub Foods, Doug Moore-The Gym, and Lloyd Heitzman-Heitzman Financial Group). Cheryl Lewis represented the Planning Commission.</p>

Lewis began the presentation by explaining the communication methods the Committee used: (meeting notices to an expanded area, information available on City's web site, meetings broadcast on Bloomington Cable Channel 14, open public comment period at the end of each meeting, and Committee members communicated with residents and/or business owners in their quadrants.) The community outreach process included neighborhood and business focus groups, a mail-in survey to obtain feedback, one business tenant focus group, in-store consumer surveys, telephone surveys, one-on-one interviews with business property owners, and open houses. She stated that an interview was conducted with all of the business property owners except the owner of the strip mall on the northeast corner of France and Old Shakopee Road. She summarized the comments by stating there was a broad range of opinions expressed from "do nothing" to "do more."

Larry Granger proceeded to discuss the Committee's recommendations regarding traffic stating that Public Works Director Charles Honchell participated in those discussions and provided very important information as to the traffic dilemma at France and Old Shakopee Road and what and why certain improvements are recommended. Granger highlighted the following points:

1. Public Works stated that Old Shakopee Road is a minor arterial road with an emphasis on mobility rather than access. However, the Committee thinks of the France and Old Shakopee Road intersection as a small town with a main street through it. The volume of traffic has a negative impact on the small town feel of the neighborhood.
2. Traffic on Old Shakopee Road has increased from 5,000 cars per day in 1965 to approximately 23,000-28,000 cars per day in 2001.
3. Committee looked 20 years into the future in developing their recommendations.
4. Reported that the following concerns were expressed by residents and area business owners: speed, volume, and difficulty in getting between the Bloomdale and Valley West Shopping Centers and exiting out of Cub.
5. Public Works recommends widening the intersection with two turning lanes in each direction and two through lanes to provide mobility through the area with the projected volumes.

Granger summarized the options considered but not recommended by the Committee stating that they opposed solutions that would attract greater traffic volume to the area such as increasing the speed on Old Shakopee Road. They would, however, support a future corridor study of Old Shakopee Road that would analyze the overall length of the roadway.

He explained the Committee's recommendations regarding traffic as follows:

1. Expanded turning lanes at the intersection as recommended by the Public Works Department and Hennepin County.
2. Install stoplight on Old Shakopee Road at realigned Valley West and Bloomdale driveways.
3. Install stoplight on France at existing Valley West entrance and align driveways with new development on the east side of France.
4. Develop expanded and more visible pedestrian crossings in conjunction with installation of new stoplights at existing and proposed intersections.
5. Expanded use of marked crosswalks with signage indicating that State law requires vehicles to stop when pedestrian is in crosswalk.
6. Cul-de-sac Ewing Avenue South at the intersection of Old Shakopee Road when new development occurs.
7. Encourage Traffic and Transportation Advisory Committee to study measures to reduce traffic speeds and cut-through traffic and assure pedestrian safety within residential areas. Neighbors emphasized a need for these measures in the area around Bailiff and Canterbury.
8. An ongoing year-round program by the Bloomington Police Department and Police Reserves using portable speed trailers and radar guns to remind drivers of laws.
9. Transit stops should be integrated into the area.
10. Installation of additional speed signs along Old Shakopee Road between Normandale Boulevard and France Avenue.
11. Remove distraction of no parking signs from speed limit signs.
12. Once road improvements are complete, Hennepin County should make sure that signal timing along Old Shakopee Road, particularly between Normandale and Xerxes Avenues, is coordinated.

Allan Schillerberg began his presentation on the Committee's land use recommendations by stating that any business affected by this redevelopment should have the opportunity to relocate within the redesigned plan and that the Bloomington HRA should provide advice and maximum services to these businesses in the process, and suggested that a Charter amendment to the liquor distance requirements may need to be reviewed.

He continued by describing the Committee's land use recommendations using a map of the four quadrants.

1. Southeast Quadrant: Recommended for private redevelopment to include a two-story building with commercial/retail on the first floor and residential on the second floor. There is a tentative plan for a 4,000 square foot building to be constructed in the location of the existing gas station but the decision is pending based on the situation regarding road traffic.
2. Northeast Quadrant: Recommended for public redevelopment (3 businesses and 5 houses). Plans could include a two-story building with retail on the first floor and possibly offices on the second floor. Building would be set back far enough to allow for adequate sidewalk area and would involve cutting off one street.
3. Northwest Quadrant: The large mall could be redeveloped privately by the owner and the addition of a multi-story building with commercial on the ground level and residential on the second and third floors. The area closest to the corner would be public redevelopment (5 owners) with a multi-story building with commercial on the first level and offices on the second floor, plus another small retail building. The entrance to this quadrant would align with the driveway to the redevelopment on the south side of Old Shakopee Road.
4. Southwest Quadrant: Recommended City acquire the gas station due to the changes to the intersection and the proposed realigned driveway. He mentioned Walgreens could be a possible tenant in that location. A multi-story facility would probably be constructed (drug store, offices, bank, etc.)
5. The area west of the southwest quadrant along Old Shakopee Road is currently residential housing and it is recommended that the City purchase those homes as they come up for sale naturally over the course of many years so that if there was a need for senior housing 15-20 years from now, for example, the land would be available.

Schillerberg explained that an unresolved issue includes the existing gas station and the owner's need for more land than would be available to build a new facility. He stated that the only potential for a gas station on the corner would be if another company brought in a plan for a gas station of similar size to the existing station that could be located further to the south. No common construction design that could be used throughout the redevelopment plan was decided upon by the Committee.

Lewis emphasized that the Report does represent the consensus of the Committee.

Peterson thanked the Committee for the impressive document and applauded their efforts to get public input on the redevelopment plan. He believes it's unfortunate that the gas station could not be designed into the redevelopment but stated the intersection could probably survive without one, as is the case at 98th & Lyndale Avenue.

Harden also thanked the Committee and the neighbors for attending the meetings and providing input to the group. She agrees that the intersection is west Bloomington's downtown area. She would recommend a community look to all four quadrants when construction begins as was accomplished in the 98th & Lyndale Avenue area. She appreciated the parking being designed behind the buildings to create a more pleasing appearance of the intersection from France and Old Shakopee Road. She suggested that a walkway connecting any future senior housing to the retail across Old Shakopee Road be considered in future plans to give seniors easier access to the businesses in the Valley West area.

Wilcox expressed his gratitude to the Committee and stated he was impressed with the recommendation. His only concern is with the concept that the City try and acquire the homes west of the southwest quadrant for possible future senior housing. He stated that residents tend to stay in their homes for a very long time and that it may not be possible to acquire those homes in a 15-20 year timeframe.

Granger commented that in regard to the future planning for having the area west along Old Shakopee Road available for senior or affordable housing 20 years down the road, the timeframe of when that land could be available for the City is more based on the useful life of the apartment buildings that currently exist along that area. He stated those buildings are very valuable right now because they do provide affordable housing and that the proposed timeframe is when those buildings would reach the end of their usable life. He stated that since 1980, this area has been indicated in the Comprehensive Plan as a place for medium to high density housing at some point.

Winstead explained that this report was provided as the Committee's recommendation to Council but that it is not a hearing on the plan. He stated that there are some individuals who believe certain issues were not adequately addressed by the Committee and invited them to address the Council to express their concerns for the record and for future consideration by the Council.

Abrams stated that he also appreciates all of the work the Committee put into developing this plan but questions whether the plan is too aggressive or not aggressive enough with regard to the resources available to redevelop this area now and/or in the future. He believes how and when to use the available resources is an important issue for the Council to consider when there are many other areas like this that will need redevelopment. He added there would be ample opportunity for the Council to discuss these issues with the tenants and public in the future.

Speaker #1: Ron Kraus, Representing the Bloomdale Shopping Center Tenants and Owners
He stated that when the question was raised to the business owners in the southwest quadrant regarding whether or not the redevelopment of that area should be done privately or publicly, it came as a surprise to them as it hadn't been raised in previous discussions. He stated he voted for private redevelopment initially but upon hearing concerns raised by others during the voting process, said he changed his vote to supporting a public redevelopment of the area but that the majority voted for private redevelopment and that is how it currently stands. His specific issue is private versus public redevelopment specifically in the southwest quadrant. He stated that he was requested to relay this information to the Council and to request that the business owners be given the opportunity to present their issues to the Council concerning the difficulties they will experience if they have to reopen their businesses without the assistance of a public redevelopment. He also relayed the business owners' request for "going concern." He requested that they be given the opportunity to present to Council before it makes its final decision regarding private versus public redevelopment.

Winstead requested that the business owners forward their issues and concerns in writing to the City Council to be addressed by Council at a future hearing.

Bernhardson explained that the landowner in the southwest quadrant could choose private redevelopment and could move ahead providing the plans meet all of the appropriate City requirements for zoning, etc. and fit within the Comprehensive Plan and are free to do so. He explained that tonight Council is being asked to accept the Report and that the business owners should send their concerns in writing to the Council and that they will be considered as the plan goes forward.

<Harden left the meeting at 10:00 p.m.>

Peterson explained that if a developer comes in with a plan that is compatible with the overall plan recommended by the Committee and has the ability to redevelop that area privately, the City should consider it because it would leave more dollars for redevelopment in other areas.

Fossum suggested that time before the next Council meeting be set aside for the tenants and owners to express their grievances to the Council and that the Council be given the opportunity to review their written documents prior to the meeting.

Item 7.4 continued

Regina Harris, Housing and Redevelopment Administrator explained that if Council directs staff to develop a development or a redevelopment plan for the area, the development plan would probably come to Council in March or April, however, it would be reviewed by HRA, then proceed to the Planning Commission which would have 30 days to comment on it, and then it would be presented to Council at a formal public hearing. She stated that the Council has to authorize the HRA to acquire any property in which eminent domain may be used.

Speaker #2: Bill Townsend, Owner of Valley West Amoco

He stated that he was never approached by the Committee to see if he would be interested in redeveloping the site himself and questioned why the time wasn't spent with him in trying to understand his future plans.

Harris explained that the gas station situation was discussed at one of the Committee meetings and it was determined that because the southwest quadrant was going to be privately redeveloped, it may not be available for the gas station. However, the northwest quadrant was considered for a possible gas station relocation site. It was determined that it may not be financially feasible. She stated that whether or not a gas station could be relocated within the redevelopment plan is still an unresolved issue.

Peterson stated that the redevelopment in the southwest quadrant is being forced by the needed traffic improvements and that the plan has been reviewed to see if there would be a location in the plan that would work for a gas station and one that could be privately redeveloped.

Abrams stated that he would accept the Report to allow it to move forward for HRA to develop a development or redevelopment plan, but that he may not support it when it comes back in detail.

Adopted a Resolution
Declaring Intent of City
to Reimburse Original
Expenditures from
Proceeds of Tax-Exempt
Bonds
Item 4.8
R-2001-197

Motion was made by Peterson, seconded by Abrams, and all voting aye, to adopt a resolution declaring the official intent of the City of Bloomington to reimburse certain original expenditures for governmental purposes from the proceeds of tax-exempt bonds to be issued by the City after the payment of such original expenditures.

Bernhardson stated that this is an annual housekeeping item to stay in compliance with U.S. Treasury regulations. City's bond counsel was present for questions, but there were none from the Council or the public.

Authorized Transmittal
of I-494 Reconstruction
Final Environmental
Impact Statement
Comment Letter
Item 7.7

Motion was made by Abrams, seconded by Wilcox, and all voting aye, to authorize the transmittal of the revised comment letter on the I-494 Reconstruction Final Environmental Impact Statement to the Minnesota Department of Transportation.

Jim Gates, Deputy Director of Public Works explained that a detailed comment letter was prepared by staff in 1995 regarding a Final Environmental Impact Statement and that Alternative 2A was chosen. The letter requests that corridor space is reserved planning ahead to the future for decades not just tomorrow and that an intermodal transportation network be incorporated into the 494 corridor as well as early acquisition processes to secure some of the property if residents desire to move out and move on. He stated that there are 26 residential acquisitions and 32 commercial that are affected by the I-494 reconstruction in Bloomington, therefore, the City requests that the Minnesota Department of Transportation (MnDOT) be flexible. The City encourages that the 169/494 improvements be incorporated into the process to make an effort to eliminate those signals and that it is currently being studied. Bloomington encourages noise mitigation between East Bush Lake Road and West Bush Lake Road along the south side. He stated that the City also encourages MnDOT to develop a bridge theme for the corridor that identifies when motorists are traveling in Bloomington.

Peterson requested from staff a citywide map that indicates which space is designated as parkland and which are designated as city-owned unnamed open spaces.

Item 7.7 continued

Fossum stated that he was approached by Twin City Federal (TCF) regarding their potential loss of land and the entrance/exit driveway on the north side of their driveway that may cause them to relocate the entire building to another location. He stated that TCF doesn't believe it's fair for them to have to spend \$2 million to put up a new building and that they are not being adequately compensated except for the small strip of land that MnDOT is willing to pay them.

Gates explained that efforts are being made to limit the impacts to TCF in order to accommodate the rebuild of the intersection and the rebuild of I-494, however, negotiations with TCF are still ongoing. He stated that the latest revisions to the letter are very minor and that the major theme has not changed.

Amended Planning
Commission Rules of
Procedure to Change
Start Time of Meetings
Item 7.1

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to amend the City Planning Commission Rules of Procedure to change the start time of the Planning Commission meetings from 5:30 p.m. to 6:00 p.m. and requested that all commissions report back to the Council regarding whether their start time is a problem or not.

Wilcox expressed a concern that changing the time could cause problems with public hearings being held over the dinner hour.

Winstead stated that he would request input from applicants and the public as to whether or not 6:00 p.m. is a bad time for a public hearing, etc.

Update on Black Dog
Amphitheater
Item 7.2

Ornstein provided an update on the Black Dog Amphitheater stating that the Metropolitan Significance Review Committee, comprised of five members, conducted a hearing for three days that was presided over by a law judge. He stated that the law judge primarily followed the City of Bloomington's position but left the options open either to find Metro Significance or to conclude that there will not be any Metro Significance or an adverse impact of noise pollution on the residents of Bloomington if the P.U.D. conditions and the acoustical controls in the sound study are followed. He stated that the CFO of the Wild committed during the hearing to all of the conditions in the sound study report and agreed to have the three consultants involved in the review of the final design plans and to commit to a committee consisting of representatives of the two cities, the Wild and the residents, to be involved in reviewing and monitoring the acoustical controls. He stated that the five-member committee is sympathetic to trying to protect residents as best as they can within their parameters of authority, if the amphitheater does get built. He added that a final recommendation could be made this week, however, they wrestled with the authority they have under these rules to actually enforce whatever conditions they impose. He reported that the Committee has asked the Rose Wild staff to sit down with the Met Council staff to work out an agreement to implement whatever conditions the Metro Significance Review Committee and the Met Council would ultimately decide upon. He stated that Met Council Representative Phil Riveness also recommended a sound study in the summer that the residents were strongly in favor of, however, the three consultants do not believe it's necessary. He believes a pretty good agreement will be recommended to the Met Council and that they will most likely go along with what the Metropolitan Significance Review Committee recommends. Another important fact Ornstein explained is that both the law judge and the Committee strongly believe that Cavanaugh's standard and not the State Noise Standard is the one that should be used as it more focuses on the impact of music noise.

Ornstein added that the closing on the Met Center land exchange took place without a problem.

Bernhardson thanked everyone involved in making the land exchange a reality so that the next phase of the Mall of America can go forward. He also thanked the Port Authority and the Council for all of their support in these efforts.

Council was asked to consider a date for a strategic planning session and the following were determined as possibilities: February 2, 9, or 23.

Approved the 2002
Compensation Plan and
Program Modifications
Item 7.6

Motion was made by Fossum, seconded by Peterson, and all voting aye, to approve the 2002 Compensation Plan and the Flexible Benefit Plan as presented in the agenda materials.

Kent Michaelson, Human Resources Manager presented information on the 2002 Compensation Plan for the unrepresented employees (approximately 363 of 540 employees). He explained that the Plan is recommended to keep an internal consistency between the employee groups. He stated that the tentative agreement with the Police Officers for a two-year labor agreement will be coming to Council on January 2, 2002, which includes a 3.5% increase for the officers and that that is what is recommended in the 2002 Pay Plan. Regarding the external market place, Michaelson explained that a number of positions are filled each year and the City's turnover rate has increased over the last five years for a variety of reasons and that this plan will help the City stay as competitive as possible within the marketplace. He stated that 63 positions were filled in 2001 and that there are currently 30 jobs open, therefore, the Compensation Plan increase is necessary for the City to be competitive in salary and benefits.

No public testimony was received.

Approved the 2002 Fee
Plan for the Bloomington
Family Aquatic Center
Item 7.8

Motion was made by Wilcox, seconded by Abrams, to approve the 2002 Fee Plan as presented in the agenda materials (Option #3: 20% increase on 2000 fees except 86% difference on resident and non-resident fees, same difference between a resident patroncard and non-resident patron card at Dwan Golf Course) for the Bloomington Family Aquatic Center with a review of the fees next year in regard to the budget. Motion passed 5-1-0 (Ornat opposing).

Bernhardson explained that staff prepared some fee options for Council consideration and that if a decision could be made as to which fee option is preferred, the budget item would come back to Council on January 2, 2002.

Cindy Rollins, Budget Coordinator explained that a chart was prepared comparing similar fees in other cities. The difference that each fee option would have on the budget was also provided.

Bernhardson explained that the issue is whether or not the Council would like to see fees increase gradually but to a point where there is a positive cash flow for aquatics or should the fees stay down with the eventual support needed from additional property taxes.

Abrams believes the aquatic center fees should be affordable, as it's a park like other City parks that should be affordable for all Bloomington residents but that the fee for out-of-town users could be higher. He would not have a problem if it would need to be subsidized in the future.

Wilcox stated that he would prefer Option 3 but would like to see the fees reviewed again next year to see how they affect the budget.

Chad Duerkop, Park and Recreation responded to Ornat's previous inquiry about why two people are considered a family by stating that it is a base from which to start and that it's easy to add additional members from there. He stated that the average size of a family is four members.

A motion was made by Ornat that at least four members be considered a family since that's the average size of the family that uses the pool. She believes the fee for a family of up to four people should be \$60.00 and that a fifth family member would be an additional \$10.00. She stated that the City needs to help families now more than ever and that the fees have never covered the operating costs anyway. Motion failed for lack of a second.

Peterson suggested that in the future, the City's policy regarding reduced prices for seniors be reviewed.

In response to Wilcox's inquiry as to the fee amount paid by the Barracuda Swim Club, staff to provide that information when the budget item comes back to Council.

Adopted a Resolution
Adjusting the City
Manager's Salary and
Benefits for the Year
2001

Item 4.7
R-2001-201

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution adjusting the City Manager's salary and benefits for the year 2001 as follows: \$114,287 in salary, accrue vacation at the rate of 30 days per year with maximum accrual set at 60 days, and an increase in term life insurance up to \$400,000, effective February 1, 2002.

Winstead explained that a majority of the City Council Members met to review the City Manager and discussed many issues and items. He stated that a letter summarizing the Council's review of the City Manager has been prepared. Winstead highlighted the letter stating that the Council believes a strong job has been done by Mark Bernhardson in accomplishing the mission of the City, which is to provide quality services at an affordable price. He stated that the City is in good financial shape and that many major projects have required the Manager's attention from the City Hall project and Phase II of the Mall of America to the Black Dog Amphitheater Project. He stated that the Council requested some specific action plans that they would like the City Manager to work on that involve both internal and external communication, a cleaning up of the city, risk evaluations, and customer service. The Council would like to work with the City Manager to devise some implementation plans and specific timelines. The Mayor stated that he appreciates working with Mark Bernhardson and that he represents the City of Bloomington well as it appears to be his first concern and interest.

Bernhardson thanked the Council for working together as a team and as professionals and he thanked City staff for their hard work and dedication.

Winstead explained the City Manager's compensation for 2001 as follows: \$1,877 increase in salary per year, one additional week of vacation to be taken and/or deferred to a later date, and an increase in life insurance benefits. He also clarified that Bernhardson's vacation accrual would be increased to 60 days per an amendment to his employee agreement.

No public testimony was received.

Council Granted Full-
time Employees Full
Day Off with Pay on
December 24th

Motion was made by Peterson, seconded by Ornat, and all voting aye, to grant full-time City employees one whole day off with pay on December 24, 2001.

Wilcox made an initial motion to grant a half-day off with pay for full-time City employees on December 24 but Peterson made the motion for a full day based on Council's previous practice of granting full days on Christmas Eve when it falls on a Monday and Ornat seconded.

Adopted a Resolution
Authorizing and
Directing Use of
Eminent Domain and
Quick-Take Procedure
for Acquisition of Two
Parcels at 9139-41 Old
Cedar Avenue
Item 4.10
R-2001-198

Motion was made by Fossum, seconded by Wilcox, and all voting aye, to adopt a resolution authorizing and directing the use of eminent domain and the quick-take procedure for the acquisition of two parcels located at 9139-41 Old Cedar Avenue for the 2002-201 Hazard Elimination Safety Intersection Improvement Project.

Ornstein explained that although negotiations are proceeding between the parties, the schedule for State funding and MnDOT's review of the plan necessitates a need for a backup in case negotiations are unsuccessful and a quick-take procedure for acquisition would become necessary.

Adopted a Resolution
Establishing Final Tax
Levies for the City for
the Year 2002
Item 4.11A
R-2001-189

Motion was made by Wilcox, seconded by Abrams, and all voting aye, to adopted a resolution establishing final tax levies for the City of Bloomington for the Year 2002 as follows: General Fund (\$26,460,938), Debt Service (\$2,640,439), Recreation Facilities Fund (\$503,714), Strategic Priorities (\$1,160,872) for a total certified levy of \$30,765,963 based on risk and that the dollars designated to cover the risk factors be earmarked and not spent if it's not needed to be dealt with next year.

Terri Heaton, Chief Financial Officer presented the 2002 Budget and Tax Levy with reductions made by staff and the City Manager as a result of the comments expressed during the Truth In Taxation hearing. She provided the following budget highlights:

1. Recommended final levy has been reduced from \$30,971,483 (5.5% increase) to \$30,765,963 (4.8% increase) resulting in a \$205,520 reduction in property taxes. (The 2002 Conceptual Budget was initially at an 8.0% increase.)
2. Average levy increase for past nine years is 2.3% is including 2002.
3. Proposed levy increase is comprised of: (2.5% cost of living increase, 1.0% for Debt Service related to State's tax reform, and 1.3% risk management for potential loss of revenue.)
4. Proposed levy of 4.8% is \$1,795,987 below the levy limit allowed by State.
5. Legislation shifting of Schools, City, and Metropolitan funds while compressing tax base resulted in tax reductions for all property types in 2002.
6. Higher debt levy is required to compensate for Tax Increment Finance reductions in Oxboro District due to Legislative changes. (\$500,000 authorized levy.)
7. Local non-property tax revenues have declined by 25% for both September and October collections. Projections indicate a potential \$885,000 reduction (15% reduction overall).
8. New facilities do not require any additional 2002 levy. (\$50,000 reduction of facility fees has been incorporated into this recommendation.)
9. Legislative shifting of \$3.7 million of City Homestead Agricultural Credit Aid (HACA) to schools.
10. Several risks including State un-allotment and unreliable track record of the new economy. (State may withhold allotments that have been planned on by the City.)
11. Total cuts made since the preliminary levy adoption equal \$845,000.
12. Summary of risk management impacting the General Fund as follows: (2001 Homestead Credit Aid of \$1,621,181, General Fund State Support of \$3,343,496, and Local Taxes of \$590,000 for a total of \$5,554,677.)
13. Staffing: (One additional position going from part-time to full-time has no impact on the levy. Four police temporary positions added resulting from the September terrorist attacks.)
14. Actual gross levy compared to CPI plus growth through 2002 has resulted in a cumulative savings of \$13.6 million since 1994.
15. Composition of the tax levy by taxing authority for 2002 is as follows: (County - 44%, City - 33%, Schools - 14%, and Other - 9%.)
16. Market values and property taxes by property type for 2002 with a 4.8% increase in the levy: (Residential market values increased an average of 12.68% while taxes are estimated to decrease between 9.9% to 27.6%. Apartment market values increased an average of 16.56% while taxes are estimated to decrease between 15.7% to 17.2%. Commercial/Industrial market values increased an average of 5.38% while taxes are estimated to decrease between 0.2% to 5.8%.)
17. Quality services at an affordable price net tax cost per month: (market value increase of property and the growth since 1995 has averaged 7.4% while the net property tax cost has grown by 3.5% during the same time.)
18. Utilities: (No increases proposed for 2002.)

Regarding the five-year operating budget model for 2002-2006, Heaton provided the following information:

1. Total appropriations have increased 3.5% from the 2001 Original Budget to the 2002 Proposed Budget.
2. The tax levy detail projected levy increases for the next five years as follows: 2002 (4.8%), 2003 (5.9%), 2004 (3.1%), 2005 (3.5%), 2006 (3.5%).

Winstead commented that the input from citizens received at the Truth In Taxation hearing was meaningful and principles used in an economic downturn were suggested, some of which apply to the City and some that don't. The message was clear, however, that the City needs to do whatever it can to reduce expenses. He stated that the City has been running in a lean mode over the years and has been conscientious of its spending, therefore, there were not a lot of cuts that could be made. The City has used its fund balances and reserves very prudently over the years. He explained that during an economic downturn, demand for City services may actually increase, especially in public safety in light of the recent terrorist attacks.

Item 4.11A continued	Wilcox stated that because the City is and has been fiscally responsible over the years, it becomes a bigger target at the State level and questioned whether Bloomington is doing the right thing in maintaining adequate reserves. He stated that Bloomington gets punished for doing a good job while other cities seem to get rewarded for doing a poor job.
Adopted a Resolution Adopting the Final 2002 General Fund Budget Item 4.11B R-2001-190	Motion was made by Wilcox, seconded by Abrams, and all voting aye, to adopt a resolution adopting the final 2002 General Fund Budget as follows: Revenues (\$42,652,517) and Appropriations (\$42,652,517).
Adopted a Resolution Adopting the 2002 Cable TV Fund and Insurance Fund Budgets Item 4.12 R-2001-199	Motion was made by Abrams, seconded by Peterson, and all voting aye, to authorize the establishment of the new Insured Benefits Fund as Internal Service Fund 622 and to adopt a resolution adopting the 2002 Budgets for the Cable TV Fund and Insurance Fund Budgets as follows: Cable Television Fund: Total Revenues (\$835,000) and Total Expenditures (\$903,414) Insured Benefits Fund: Total Revenues (\$4,193,035) and Total Expenditures (\$3,887,851) Cindy Rollins, Budget Coordinator presented the material for the Special Revenue Fund (funds dedicated to specific programs or areas), specifically the Cable TV Fund. Material was provided on a new Internal Service Fund (financed through charges to the departments and fund groups). She explained that the Insured Benefits Fund was created to ease the effects of price volatility and that funding came from savings on a new health insurance contract, which comes with a large increase in the second year. She stated that revenues will come from department charges, payroll deductions, and interest earnings. The only expenditure will be for insurance premiums.
Approval of Minutes	Motion was made by Abrams, seconded by Peterson, and all voting aye, to approve the minutes of the March 26 Study, November 19 Regular, and December 3 Truth in Taxation Council meetings, as presented.
Tentatively Selected "American Boulevard" as the Name of the "Ring Road" Throughout Bloomington and Authorized Staff to Notify and Set Up a Public Hearing Item 7.5	Motion was made by Peterson, seconded by Fossum, to tentatively select "American Boulevard" as the name of the "Ring Road" throughout Bloomington and to authorize staff to notify the affected properties and set up a public hearing for the name change. Motion passed 4-2-0 (Abrams and Wilcox opposing). Bernhardson explained that any choice made by the Council to permanently rename the "Ring Route" (79 th /80 th Street Corridor) will go through a public hearing process so that all property owners along that road can be notified to allow them to comment on the name. He added that included in the Council's materials was a process suggested by Abrams as a way to select the name. In addition, he stated that an e-mail had been received from a citizen suggesting the roadway be named Patriot Way or Patriot Boulevard. Wilcox reported that he received one call from someone suggesting that the name remain the "Ring Route", as that is what it has become known as. Ornat would prefer it to have "Bloomington" as part of its name. Peterson and Winstead agreed but stated that it would be too confusing with the other streets in Bloomington that already have "Bloomington" incorporated into their names already (Bloomington Avenue, Bloomington Ferry Road, East Bloomington Freeway, and West Bloomington Freeway). In light of the fact that there has been no news of the School Board's intending to rename Bloomington Stadium after Tom Burnett, as was once thought to be a possibility, Abrams expressed his desire to honor Tom Burnett in the naming of the Ring Road instead.

Item 7.5 continued Bernhardson believes a more appropriate way to memorialize individuals like Mr. Burnett would be in the new city hall complex and possibly with banners to recognize such individuals.

 Ornat suggested “Freedom Ring” to tie the patriotic theme with the “Ring Route” to symbolize freedom of movement, etc.

Thanks to Recognizing this as Councilmember Ornat’s last Council meeting, Winstead thanked her for six
Councilmember Ornat years on the City Council. He reminded everyone of the reception to recognize the service of
for Six Years of Service Councilmember Ornat and other outgoing commissioners that will take place prior to the January
on the Council 2 meeting.

 Ornat thanked the Mayor, Council, and constituents stating that because she sees it as an act of
service she would not be attending the recognition ceremony.

Adjourn Meeting Mayor Winstead adjourned the meeting at 12:00 a.m.

Barbara Clawson
Council Secretary