

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

CITY COUNCIL MEETING

Approved Minutes  
Regular Meeting  
Meeting #3

7:00 p.m.  
February 4, 2002  
Council Chamber

Call to Order and  
Pledge to Flag

Mayor Gene Winstead called the meeting to order and Girl Scouts from Troops #1877 and #1682 and Brownies from Troop #304 led the Council and audience in the pledge of allegiance to the flag. They introduced themselves to the Council and the public.

Roll Call

Present: Mayor Winstead, Councilmembers D. Abrams, S. Elkins, M. Fossum, H. Harden, S. Peterson, and V. Wilcox.  
Staff: Larry Lee was Acting City Manager.

Presentation of 2001  
National Night Out  
Award

Police Chief Willow introduced Niki Pierson, Coordinator of Neighborhood Watch Program and Officer Todd Lewis of the Bloomington Police Department who presented the 2001 National Night Out Against Crime Award from the National Association of Town Watch to Mayor Winstead for Bloomington's participation in this national event. For the second year in a row, Bloomington was one of only 50 cities nationwide to receive this award. Of the 309 Neighborhood Watch Groups in Bloomington, 286 or 65% participated in last year's National Night Out, which was another record year for Bloomington. Pierson thanked the Police Officers and Reserve Officers, Fire Department personnel, the Mayor and the City Council Members for their participation in making the event so successful.

Mayor Winstead added that he and Niki Pearson were two of the first citizen volunteers in 1982 to conduct Neighborhood Watch Groups and that those groups have grown from 20 to 309 in a 20-year time period.

Recognized Niki Pierson  
as Rotary Daymaker of  
the Year

Mayor Winstead announced that Niki Pierson was recently awarded Daymaker of the Year by the Rotarians in Bloomington recognizing her work with the Neighborhood Watch Programs.

Approved Adding to the  
Draft Legislative Policies  
a 1% Lodging Tax for  
Bloomington Hotels with  
Proceeds Designated for  
Use by the Bloomington  
Convention & Visitors  
Bureau  
Item 7.3

Motion was made by Abrams, seconded by Peterson, and all voting aye, to add to Bloomington's Legislative Policies for the coming session, the Council's support for an additional 1% room tax dedicated to the Bloomington Convention & Visitors Bureau (BCVB) and requested the same of the legislative delegation with the caveat that the BCVB and hospitality industry not request future changes to the existing 2% and 3% lodging taxes that support the City.

Bonnie Carlson, President of the Bloomington Convention & Visitors Bureau began with an introduction of those in attendance representing the BCVB and/or Hospitality Industry supporting this issue: Mike Roddy, David Brott, John Sweeney, Don Peterson, Sally Slater, Quinn Nordman, Ed Fong, Steve Markuson, Jan Kroells, and Shawn Corwin. She stated that the BCVB has been looking at ways to increase their funding for marketing Bloomington for a number of years and that the following proposal resulted from the events of September 11, 2001, on top of an already declining economy. She stated that at the Board of Directors Meeting on January 23, 2001, a new marketing initiative proposal was unanimously approved to add a 1% lodging tax to the current 6% lodging tax and that the 1% would be dedicated to the Bloomington Convention & Visitors Bureau to market "Destination Bloomington." She explained that a meeting with the hospitality industry followed in which 85% of the hotels were represented and all 100% of them supported the proposal also (a copy of their signatures of support was provided).

Carlson proceeded by presenting the following graphs: Bloomington's Market Position & Available Marketing Dollars, Bloomington 1% Hotel Tax Revenue & Total Rooms Per Year, and Bloomington versus Other U.S. Cities Tax Rate. She stated that the Industry understands that the 5% of the 6% lodging tax that goes to the City is used for bonds of the Mall of America and other City functions. The "white paper" that she distributed titled, "Destination Bloomington 2002 Marketing Initiative" provided the following information on how the additional 1% lodging tax could be spent to support the BCVB marketing initiatives: Consumer Marketing Programs (\$450,000), Corporate Sales Programs (\$350,000), Community Enhancement Programs (\$100,000), International Sales & Marketing (\$100,000), Sales Promotion & Collateral Materials (\$150,000), Technology & Database Enhancements (\$150,000), Research Programs (\$50,000), and Personnel & Administrative Expenses (\$150,000) for a total of \$1,500,000.00. She added that if this proposal moves forward, an advisory group would be created to work regularly on the issue to determine where the money would be spent. She explained that the money allocated to each program, if approved, would be reviewed to determine its effectiveness and that it would be reported to the City Council.

Winstead commented that the current 1% lodging tax of the 6% collected that is forwarded to the BCVB by the City is a result of State legislation that it had to be dedicated to a marketing organization. Since that time, additional legislation was passed that requires 95% of any future lodging tax increases to be dedicated for marketing. Terri Heaton, City's Chief Financial Officer, confirmed that no additional staff would be needed to process the additional 1% lodging tax if it were passed.

Speaker #1: Mike Roddy, BCVB Board Treasurer and General Manager of Radisson South He commented that hotel occupancy was down 10 points in 2001 and that many hotels and restaurants have had to cut back on personnel. He stated that the hospitality industry as a whole in Bloomington has endorsed the proposal 100% because the additional marketing dollars are desperately needed to keep Bloomington competitive in the market.

Larry Lee, Acting City Manager explained that the BCVB needs an indication from the Council on this proposal tonight as all bills must have their first hearing by the third week in February so that they can advise the legislative delegation that would be asked to carry the bill.

Carlson stated that Senator Dave Johnson has offered to carry this bill through the Legislature with the support of the hospitality industry and the Bloomington City Council.

Referencing a letter from the Mall of America that explained why they pulled out of the BCVB to join the Minneapolis Convention & Visitors Bureau, Wilcox expressed a concern in how to justify increasing the BCVB's budget when so much of the money spent on marketing is directed at the Mall of America.

Carlson stated that the BCVB is going to continue to promote the Mall of America because it is a viable asset to the industry but that the marketing target is selling hotel rooms in Bloomington. She stated that they will, however, continue working with the Mall of America to re-evaluate its relationship with the BCVB.

Harden supported the additional 1% lodging tax for the BCVB because it is vital to this community but stated that the matter of the Mall of America having an exclusive with the Minneapolis Convention & Visitors Bureau is a matter that needs further review.

Peterson supported the additional lodging tax but requested that a comparison showing the before and after results of the additional resources compared with other cities be presented in the fall of 2003.

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.

Public Comment  
Period continued

Speaker #1: Pete Nee, Oxborough Curve (Referred to an e-mail he sent to a few of the Council.)

1. Referring to the January 14, 2002, Regular Council Meeting, stated he was upset when the Mayor asked staff what the operational costs would be for the Aquatics Center and that the reply was "give us a couple of years under our belt." Using a form example, he stated staff should use the numbers for 1998, 1999, and 2000 operational expenses and forecast 2002, not including the amortization of any capital expenditures, just the bare necessity of operating the facility to see what it would look like.
2. Regarding the possibility of a snack bar at the pool, stated that he is opposed to that and that it should be outsourced to the experts to deal with the needs for staffing, equipment, food spoilage and retention, foods to sell, payroll taxes, sales taxes, purchase orders, and marketing price studies. Job should be given to the experts because it's not the City's expertise.
3. He stated that on January 14, 2002, staff stated that they transferred \$1.6 million to a Strategic Priority Fund. He's not opposed to the transfer but stated it should have been part of the budget process in October and November because staff knew about it then and it could have reduced taxes. He stated the only people who gain from this transfer are the investment bankers who placed the funds for the City.
4. He added that at the January 14 meeting, Neal Blanchett from Larkin Hoffman representing the Water Quality Partnership presented some good ideas but he doesn't believe the City should contribute \$30,000 to support the lobbyists to go to the State Legislature. Instead, City officials could write or call our State Legislators, could talk to the MPCA or e-mail them, could write the Met Council, and the Minnesota Association of Watershed Districts rather than spend money.

Lee commented that the request was for \$8,500 not \$30,000 and that the Council would be considering that contribution amount later in the agenda.

Nee stated that he would be opposed to the City spending any money on this issue at this time.

Winstead stated that there has been some solicitation of vendors for the snack bar at the pool with good and bad results and that there was a lack of bidders. He requested Larry Lee provide a brief memo from Randy Quale on the history of the why and why nots regarding pool concessions. He also requested that Terri Heaton provide information to the Council on the transfer of funds including from what account to what account and the rationale for the transfers with a copy to Mr. Nee. He also requested information on the operational costs of the pool for Council with a copy to Mr. Nee.

Postponed to  
February 19 the  
St. Patrick's Day  
Tent Party Permits for  
Bennigan's at  
1800 West 80<sup>th</sup> Street  
Items 4.1A-D

Motion was made by Peterson, seconded by Fossum, and all voting aye, to postpone to the Regular Council Meeting on February 19, 2002, the permit applications for Bennigan's at 1800 West 80<sup>th</sup> Street relating to their annual St. Patrick's Day party event scheduled for March 15-17, 2002.

Lee stated that more information is required before the tent permit can be issued and thus the request for postponement.

Adopted a Resolution  
Renewing a Class A  
Gambling Premise  
Permit for the Animal  
Human Society of  
Hennepin County at  
Saints Bloomington  
311 West 84<sup>th</sup> Street  
Item 4.1E  
R-2002-9

Motion was made by Fossum, seconded by Wilcox, and all voting aye, to adopt a resolution approving the renewal of a Class A (Bingo, raffles, tipboards, paddlewheels and pull-tabs) Lawful Gambling Premise Permit for the Animal Humane Society of Hennepin County for use at Saints Bloomington located at 311 West 84<sup>th</sup> Street.

No staff report provided or public testimony received.

Adopted a Resolution  
Renewing a Class B  
Gambling Premise  
Permit for Animal  
Human Society of  
Hennepin County at  
Bloomington Park  
Tavern at  
5221 Viking Drive  
Item 4.1F  
R-2002-10

Motion was made by Abrams, seconded by Peterson, and all voting aye, to adopt a resolution approving a Class B (raffles, paddlewheels, tipboards and pull-tabs) Lawful Gambling Premise Permit for the Animal Humane Society of Hennepin County for use at Bloomington Park Tavern located at 5221 Viking Drive.

No staff report provided or public testimony received.

Continued to February  
19 a Rezoning Ordinance  
and the Revised  
Preliminary and Final  
Development Plan for  
TCF National Bank at  
7800 Penn Avenue  
Case 7628AB-01  
Item 4.2

Motion was made by Peterson, seconded by Abrams, and all voting aye, to continue to the Regular Council meeting on February 19, 2002, an application to rezone the property at 7800 Penn Avenue to a planned development and the revised preliminary and final development plan for TCF National Bank.

Lee explained that the applicant has an issue with the signs that would be allowed after they redevelop and reduce the size of their facility, therefore, the applicant has requested the continuance for two weeks.

Adopted a Resolution  
Dedicating Outlot A of  
Bloomington 19<sup>th</sup>  
Addition for Street and  
Roadway Purposes for  
the 79<sup>th</sup>/80<sup>th</sup> Street  
Bridge Over I-35W  
Item 4.3AB  
R-2002-11

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution dedicating Outlot A, Bloomington 19<sup>th</sup> Addition, for street and roadway purposes for the 79<sup>th</sup>/80<sup>th</sup> Street Bridge over I-35W. Certain portions of this outlot lie within the Minnesota Department of Transportation's (MnDOT's) right-of-way line for the bridge improvements.

Dave Ornstein, City Attorney explained that it has been determined that an ordinance is not required and that only Council action is required on the resolution.

Postponed to February  
19 an Ordinance  
Imposing a Moratorium  
on Development Within  
State Airport Safety  
Zones  
Item 4.5

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to postpone to the Regular Council meeting on February 19 an ordinance imposing a moratorium on development within State Airport Safety Zones.

Ornstein explained that there is currently a comprehensive environmental study being conducted on the Airport South District that the Council will be taking action on in the next few weeks. He stated that a Joint Airport Zoning Board was convened by the Metropolitan Airports Commission for the purpose of looking at changes and boundaries of the State Airport Safety Zones that impact property within Bloomington and within the Airport South District. The Board will ultimately make decisions regarding whether or not to amend current airport zoning regulations within the safety zones. He explained that current City Comprehensive Plan and zoning classifications for those properties may or may not be compatible with the ultimate airport zoning, which could reduce the development potential of that area. He stated that staff realizes that there may be some conflict between the AUAR and existing and future development proposals in that area as well as potential actions on the part of both the Airport Zoning Board and the Minnesota Department of Transportation with regard to the zoning. Therefore, staff has determined that an interim moratorium would provide some time for all parties to work on these issues. He stated that staff has and will continue to meet with the property owners in the area and that it is staff's recommendation that action on the moratorium be postponed to February 19, 2002, and that no testimony be taken tonight as there is no ordinance currently before the Council. Ornstein stated that if a draft ordinance is proposed, a copy would be provided to every affected property owner for comment before requesting Council action.

Wilcox stated that it was the opinion of many who attended previous meetings that the City hold off on a moratorium.

Adopted a Resolution that Rescinds Previously Adopted Resolution 2001-166 Approving Four Variances and to Replace the One Improperly Filed with Hennepin County Item 4.4  
R-2002-12

Motion was made by Wilcox, seconded by Fossum, and all voting aye, to adopt a resolution rescinding Resolution No. 2001-166, approved on November 5, 2001, and to re-approve variances to increase height of sign, increase area of sign, increase total sign area, and reduce sign setback at 9700 Lyndale Avenue, Case 5147ABCD-01, with correct identification of the property owner as Grossman Investments.

Ornstein explained that this item is a housekeeping item but the real property owner interest needs to be the one that the variances are issued to, therefore, resulting in a need to correct the names on the resolution.

No public testimony was received.

Adopted a Resolution Accepting Operation Nightcap Traffic Grant Item 4.6  
R-2002-13

Motion was made by Fossum, seconded by Wilcox, and all voting aye, to adopt a resolution accepting a \$1,200.00 grant for Operation Nightcap, a traffic enforcement initiative of alcohol-impaired violations that took place on November 24, 2001.

Adopted a Resolution Regarding "Vehicle Noise Laws Enforced" Sign Posting on Highway 169 Item 4.7  
R-2002-14

Motion was made by Abrams, seconded by Peterson, to adopt a resolution to the Minnesota Department of Transportation which would authorize Bloomington to apply for a permit to place "Vehicle Noise Laws Enforced" on Highway 169 rights-of-way between I-494 and the Minnesota River. Motion passed 6-0-1 (Harden temporarily absent).

Roger Willow, Police Chief explained that this resolution would authorize the City of Bloomington to apply to the State of Minnesota to construct a sign that would say, "Vehicle Noise Laws Enforced" along Highway 169" on the Bloomington side. To answer Winstead's inquiry as to what degree of enforcement would Bloomington provide, Willow stated that Police Department is not equipped to enforce this type of particular noise issue. He stated that the enforcement issue needs to be discussed by the State Legislature to look at something possibly Metropolitan-wide or at least something more specific to deal with this particular type of problem.

Abrams explained that the noise issue is not just a "Jake Braking" issue but it is a combination of the "Jake Braking" with trucks that don't have proper mufflers. He commented that having proper mufflers is a State law and that in the short run, checking to see if they have the proper ones may be the most efficient way to enforce the noise laws until the stoplights are removed, which will help alleviate the problem. He states that Bloomington needs to do whatever it can to get the State to do its part on this issue and work with Bloomington's legislative delegation to encourage them to do whatever they can to get the State inspectors and patrols to do their part. He added that Eden Prairie has already approved such an ordinance and encouraged Bloomington to continue dialogue with Eden Prairie to ensure that the legislators from both communities are working together to achieve the same end.

Chief Willow stated that there are two ways to proceed: The noise standard where the actual noise is measured and checking the mufflers or the lack thereof. He stated that if the vehicle is properly muffled, the compression brakes aren't as much of a problem.

Lee confirmed that the result of a study concluded by the MPCA and the City staff was that with adequate muffling, the vehicle would be within the State noise limits if it used its air compression brakes.

No public testimony was received.

Approved Final Site and Building Plans for Conversion of Warehouse Space into Office for Braun Intertec Corporation at 11001 Hampshire Avenue South  
Case 9987A-01  
Item 5.1

Motion was made by Wilcox, seconded by Peterson, to approve the final site and building plans for the conversion of 18,700 square feet of warehouse into office (8,700 square feet) and lab (10,000 square feet) space at 11001 Hampshire Avenue South, Case 9987A-01, for Braun Intertec Corporation, subject to the following 7 conditions of approval and 3 Code requirements as set forth by the Planning Division Staff and the Planning Commission. Motion passed 6-0-1 (Harden temporarily absent).

1. Grading, drainage, utility and erosion control plans, including erosion control along existing drive and parking lot, be approved by the City Engineer;
2. The City Traffic Engineer approves access, circulation and parking plans;
3. Erosion control measures be in place prior to issuance of grading permits;
4. A SAC questionnaire be completed and submitted to the Department of Public Works;
5. Stormwater calculations for existing and proposed discharge rates be provided to the City Engineer;
6. A minimum of 215 parking spaces be provided or as proof of parking as shown on the plans in Case 9987A-01;
7. Total office space be limited to 29,000 square feet and lab be limited to 10,000 square feet;

and subject to the following Code requirements:

1. Landscaping plan be approved by the Planning Manager (Sec. 19.52);
2. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec. 19.64); and
3. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code.

Bob Sharlin, Planner presented the staff report stating that the application is for a conversion of the interior space of the building and that no exterior building renovations or additions are being proposed. The conversion creates a change in the parking requirements and that in order to accomplish the required parking needs, the applicant proposes to construct 62 spaces on the north side of the building and that the parking may be established as "Proof of Parking" or constructed upon occupancy depending on actual demand for use.

No public testimony was received.

Approved Memo of Understanding Between City and FBI Regarding Terrorism Task Force  
Item 6.1

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve a Memorandum of Understanding between the City and the Minneapolis Office of the Federal Bureau of Investigation on the Minneapolis Joint Terrorism Task Force (MJTTF). The primary mission of the MJTTF will be to detect and neutralize any terrorist attempt in the Minneapolis Division and to investigate terrorist activities carried out by groups or organizations which fall within the definition of terrorist groups set forth in the current U.S. Attorney General Guidelines. The secondary mission of the MJTTF is to react to terrorist and bombing incidents. The City agrees to assign one police investigator on a full-time basis to the MJTTF. This position was approved by the Council on January 14, 2002, on a temporary basis as part of the hiring of four police officers to be funded by the Pension Residual Asset Fund.

Approved Acceptance of the \$29,000 Safe and Sober Grant  
Item 6.2

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve acceptance of a Safe and Sober Grant for traffic safety purposes in the amount of \$29,000.00: (Overtime Enforcement Hours and Fringe Benefits - \$25,200) and (Two lasers - equipment requires equal local match of funds (\$3,800)).

Ratified a Labor Agreement with the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 2828 for 2002 and 2003  
Item 6.3

Motion was made by Abrams, seconded by Elkins, and all voting aye, to ratify a labor contract with the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Local 2828 for 2002 and 2003. The general wage increase included in the agreement is 3.5% for 2002 and 3.5% for 2003.

Approved the 2002  
Community Health  
Services (CHS)  
Agreement with the  
City of Edina  
Item 6.4

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the 2002 Community Health Services (CHS) Agreement with the City of Edina through which Bloomington will receive \$191,871 in quarterly payments of \$47,967.75 for community health services provided by the Public Health Division. In addition to the CHS funds, the Public Health Division receives revenues from other fees and grants for providing public health services to residents of Edina.

No budget adjustment is required.

Approved Youth Risk  
Behavior Agreement  
with the City of Edina  
Item 6.5

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the Youth Risk Behavior Endowment Agreement with the City of Edina through which Bloomington will receive \$45,377 (\$22,259 in 2002 and \$23,118 in 2003) to support activities that will contribute to healthy youth. The Youth Risk Behavior dollars come from the Tobacco Endowment.

No budget adjustment is required.

Adopted a Resolution  
Approving an  
Administrative Variance  
for a Kitchen Addition  
Case 10578A-02  
Item 6.6  
R-2002-15

Motion was made by Abrams, seconded by Elkins, and all voting aye, to adopt a resolution approving an administrative variance to reduce front yard setback from 34.65 feet to 29.65 feet for a kitchen addition, Case 10578A-02, subject to the following 3 conditions as set forth by the Hearing Examiner:

1. Exterior building materials be consistent with those used on the existing house;
2. The existing drainage pattern shall not be altered to cast additional drainage onto abutting properties; and
3. The variance is only applicable to the addition as shown on the plans in Case 10578A-02.

Approved a Professional  
Services Agreement with  
Cynthia McInroy, a  
Speech/Language  
Pathologist  
Item 6.7

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the Professional Services Agreement with Cynthia McInroy, a speech/language pathologist who will respond to speech/language referrals for children age birth to three years who are referred into South Hennepin Interagency Early Learning and Development (SHIELD) Central Intake.

The City's expenses and revenues for this Agreement are included in the 2002 Budget.

Approved Revised  
Addendum to the  
Bloomington Fine Arts  
Council Agreement for  
the Bloomington Center  
for the Arts  
Item 6.8

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve a revised addendum to the Agreement between the City and the Bloomington Fine Arts Council (BFAC) for the Bloomington Center for the Arts. The addendum incorporates the BFAC's fund-raising program for the Bloomington Center for the Arts into the Agreement.

Since bringing this matter to Council first on November 19, 2001, the Addendum has been revised to remove language that:

1. Gave the BFAC priority usage of the new arts center;
2. Guaranteed the provision of office space to the BFAC;
3. That the BFAC was raising funds to cover the funding shortfall for construction of the Bloomington Center for the Arts; and
4. That the BFAC was raising funds to reinstate the Rehearsal Hall and Black Box bid alternates.

Approved Adjustments  
to the 2002 Parks  
Maintenance Budget for  
Regional Parks  
Operations and  
Maintenance State Grant  
Item 6.10

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve adjustments to the 2002 Park Maintenance Budget for a \$71,904 "lottery in lieu of" tax revenues State grant for 2002 Metropolitan Regional Park maintenance related projects. The "lottery in lieu of" grant is administered by the Metropolitan Council and a total of \$4,130,000 has been approved for 2002 to the nine implementing agencies operating the Metropolitan Regional Parks System, out of which Bloomington's share is \$71,904.00.

The following budget adjustments will be made:

Increase revenues in 2002 Budget Account #101-7727-337.46-53 by \$71,904.  
Increase expenditures in 2002 Budget Account #101-7727-452.63-24 by \$9,500.  
Increase expenditures in 2002 Budget Account #101-7727-452.70-31 by \$62,404.

Awarded a Contract for Professional Engineering Services to WSB & Associates, Inc. for the 2000-501 Street Improvement Project  
Item 6.12

Motion was made by Abrams, seconded by Elkins, and all voting aye, to award a contract for Professional Engineering Services for the 2000-501 Street Improvement Project (reconstruct the intersection of France and West Old Shakopee Road (CSAH 1), including a full traffic actuated signal) to WSB & Associates, Inc. in the not-to-exceed amount of \$77,314.00. The contract will also include the preparation of plans for the acquisition of Rights-of-Way as needed.

This intersection reconstruction is funded with a combination of Municipal and County State Aid for the roadway, signal system and lighting construction.

Awarded a Contract for Professional Engineering Services to URS Corporation for the 2001-301 Street Improvement Project  
Item 6.13

Motion was made by Abrams, seconded by Elkins, and all voting aye, to award a contract for Professional Engineering Services for 2001-301 Street Improvement Project (reconstruct East 79<sup>th</sup> Street from Cedar Avenue to 24<sup>th</sup> Avenue, including full traffic actuated signals at Thunderbird Drive and 24<sup>th</sup> Avenue) to URS Corporation in the not-to-exceed amount of \$209,120.00. The contract will also include the preparation of plans for the acquisition of Rights-of-Way as needed.

This section of East 79<sup>th</sup> Street is 80% funded for the roadway, signal system and lighting construction through the Federal Transportation Equity Act for the 21<sup>st</sup> Century (TEA 21) and the remainder of this project is funded through the Minnesota Department of Transportation State Aid and assessment of adjacent development.

Approved Purchase of One Single-Axle and One Tandem-Axle Cab Chassis Trucks for Use by Street Maintenance  
Item 6.16

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the purchase of two trucks (one single-axle and one tandem-axle cab chassis) for use by the City's Street Maintenance Division from Lakeland Truck Center under State of Minnesota Contract #428260 in the amount of \$117,456.00. The new units will replace Units #48, a 1985 Ford L-8000 and #76, a 1992 Ford Tandem Axle.

Funds for purchase of these units is available in the 2002 Equipment Replacement Fund, Activity 617-0618-499.70-42.

Approved Purchase of Three Mowers for Use by Park Maintenance and Dwan Golf Course  
Item 6.17

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the purchase of three Toro Groundmaster mowers from MTI Distributing under State of Minnesota Contract #427944 in the amount of \$49,595.99 for use by Parks and Dwan Golf Maintenance for mowing City parks, facilities, and golf courses. The new machines will replace Units #692 and #693, 1992 Toro 72" mowers, and a 1996 72" Ransome Rotary Mower.

Funds for the purchase of this equipment is available in the 2002 Equipment Replacement Fund, Activity 617-0618-499.70-42 and the 2002 Recreation Facilities Fund, Activity 540-8420-451.70-41.

Approved Purchase of Caterpillar Skidsteer Tractor for Use by Street Maintenance  
Item 6.18

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve a new Caterpillar 248 Skidsteer from Ziegler, Inc. in the amount of \$45,290.85 under State of Minnesota Contract #428345 for use by the Street Maintenance Division.

Funds for the purchase of this unit are available in the 2002 Equipment Replacement Budget, Activity 617-0618-499.70-42.

Approved Rental of a Ricoh Copier for Use by the Police Department  
Item 6.19

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the rental of a new Ricoh Aficio 700 copier from Metro Sales, Inc. for use by the Bloomington Police Department. The equipment is available to the City under State of Minnesota Contract #423073 for a rental period of 36 months at a cost of \$1,129.97 per month. The monthly charge includes all maintenance and supplies, except for paper and staples, for up to 45,000 copies per month. Total expenditure for 36 months would be \$40,678.92.

Funds for this expenditure are budgeted in the Police Department Budget, Activity 4302.

<p>Approved Purchase of the EDACS Communications Systems Director Server with Application Software for Use by Police, Fire, and Public Works Item 6.20</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the purchase of the necessary hardware and software to upgrade the EDACS server to a new Communications Systems Director (CSD). This computer runs the City radio system for Police, Fire and Public Works that was purchased eleven years ago. The computer is failing and is not repairable. In addition, the existing DOS based software no longer has support. M/A-Com of Lynchberg, VA is the sole provider of this system and will provide the essential hardware and software for the new CSD as well as furnish database conversion to the new NT platform. The cost is \$58,423.24 plus applicable Minnesota State sales tax and includes one year of support, upgrades, and technical service.</p> <p>Funding for this purchase is available in the 2002 Budget, Activity 101-4301-421.70-44.</p>
<p>Approved Purchase of Novell Upgrades and Licensing Item 6.21</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the purchase of the necessary upgrades, maintenance, and licenses for the Novell software products being used by the City. The purchase will bring the City into compliance based on the number of users it currently has. The products are available under State of Minnesota Contract #425551 from Software House International. The cost for the necessary upgrades, maintenance, and licenses for the Netware, Border Manager, Groupwise, and Zenworks support software products is \$37,144.88 plus applicable Minnesota State sales tax.</p> <p>Funding for this purchase is available in the 2002 Information Systems Budget, Activities 8601 and 8603.</p>
<p>Approved Specifications and Bidding Schedule for the Leasing of Ten Vehicles for Use by the Police Department Item 6.22</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the bidding schedule to lease ten vehicles for use by the Police Department's Property Crimes and Special Investigation Units. The vehicles are used for undercover and surveillance activities by officers assigned to these units. Because of the sensitive nature of their assignments and the need to change vehicles periodically, leasing has proven to be the most efficient method of providing vehicles suitable for this assignment.</p> <p>Funding for this expenditure is available in the 2002 Police Department Budget, Activities 4222 and 4223.</p>
<p>Approved Specifications and Bidding Schedule for Quicklime for Use in 2002 at the Water Treatment Plant Item 6.23</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve specifications and set the bidding schedule for the purchase of quicklime for potable water treatment at the Water Treatment Plant for the calendar year 2002. The estimated annual quantity of lime needed is approximately 2800 tons.</p> <p>Funds for this contract are available in the 2002 Utility Operations Budget, Activity 510-8111-433.67-08.</p>
<p>Approved Watermain Easement Agreement with City of Richfield and Best Buy Corporation Item 6.25A</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve an agreement between the City of Richfield and Best Buy Corporation in which Best Buy would grant a watermain easement to the City of Bloomington over Best Buy's headquarters site for purposes of the City's relocated 36" watermain, which is the most westerly of the two lines. (Best Buy is also granting separate utility easements to Richfield in the same agreement.)</p>
<p>Approved Master Watermain Agreement with the City of Richfield Item 6.25B</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve a "master" watermain agreement between Bloomington and the City of Richfield that relates to those portions of Bloomington's two watermains that lie within Richfield street Right-of-Way and a public utility easement in Richfield.</p>
<p>Approved Solicitation of Donations by Human Services Division Senior Program Volunteers Item 6.26</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the solicitation of donations by Human Services Division volunteers from businesses and service organizations in order to keep costs down for providing the following programs and activities in 2002: Patchwork Program, Senior Program Spring Dance, Youth Recognition Event, Garage Sales, Youth Essay Contests, Fun Walk, Asian Fair, Winter Survival Kits, Safety Festival, Senior Program Fall Dance, and Job Success Fair for People with Disabilities.</p>

Approved Amendments to the 2001 General Fund Budget Resulting from State of Minnesota Auto Theft Prevention Grant and Safe and Sober Grant Proceeds  
Item 6.27

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve an amendment to the 2001 General Fund to recognize the receipt of proceeds from the State of Minnesota for an Auto Theft Prevention Grant and a Safe and Sober Grant in the Police Department and to approve the following budget adjustments:

2001 Budget

Revenue: State Grants (101-4234-334.46-33 - \$69,894.00)  
Expenditures: Salaries & Wages - Overtime (101-4234-421.60-02 - \$58,000.00)  
Materials & Supplies - Other (101-4234-421.67-95 - \$11,894.00)

2002 General Fund Budget

Revenue: State Grants (101-4234-331.46-08 - \$52,881.00)  
Expenditures: Salaries & Wages - Overtime (101-4234-421.60-02 - \$52,881.00)

Approved Provision of Five Traffic Signal Cabinet/Controller Systems for Deployment within the Metropolitan Airports Commission's 34<sup>th</sup> Avenue Corridor  
Item 6.28

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the provision of five traffic signal cabinet/controller systems for deployment within the Metropolitan Airports Commission's (M.A.C.'s) 34<sup>th</sup> Avenue Corridor infrastructure projects on a fully reimbursable basis during the 2002 construction season. The pursuit of coordinated and integrated traffic control systems in the 34<sup>th</sup> Avenue Corridor will maximize productivity and public service quality through the I-494 interchange including equipment compatibility and operational management continuity.

The reimbursement allotment to the City would be \$25,000 for each of the systems, which amount is adequate to cover Bloomington costs.

Approved 2001 Year-End Encumbrance Carryovers  
Item 6.29

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the following carryovers from the 2001 Budget authorization into 2002 to pay for encumbrances (purchases ordered in 2001 but not received by year-end) outstanding as of December 31, 2001, and to reduce the 2001 Budget by this same amount: Commissions (\$556.47), City Manager (\$1,128.90), Legal (\$78.76), Human Resources (\$2,275.93), Finance (\$412.79), Support Services (\$1,055.42), Police (\$28,091.29), Fire (\$71,132.21), B & I (\$1,656.86), Community Development (\$4,280.70), Community Services (\$23,697.95), Public Works (\$153,004.91), City Clerk (\$1,134.41), and Assessing (\$26.29). Total General Fund: \$288,532.89.

Other Funds: Health Clinic (\$400.00), Health Grant (\$1,714.65), Drug Forfeiture Funds (\$10,730.94), Cable TV (\$3,212.61), Park Development Fund (\$217,940.00), Park Capital Replacement (\$105,137.76), Park Acquisition Grants (\$5,460.00), Water Utility (\$1,923,016.56), Wastewater Utility (\$42,901.11), Storm Sewer Utility (\$8,384.79), Recreational Facilities (\$1,858,206.59), Support Services (\$3,660.41), Information Systems (\$81,626.76), Equipment (\$4,588.60), Public Safety Radio (\$37,780.18), and Facility Maintenance (\$13,886.02). Total Requested Carryover: \$4,607,179.87.

Approved Joint Powers Agreement with State of Minnesota for Access to the Minnesota Repository of Arrest Photos  
Item 6.30

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve a Joint Powers Agreement between the City of Bloomington and the State of Minnesota which provides the Police Department access to the Minnesota Repository of Arrest Photos (MRAP). The agreement would facilitate the new video imaging system that was installed in the Police Department booking facilities and provides broad access to arrest photos throughout the state. Access to the repository is via the State's secured Criminal Justice Data Network which is used exclusively by criminal justice agencies throughout the state.

There is no cost associated with this added feature aside from the cost we already pay for CJDN services.

Approved Temporary Extension of Bloomington Public Television Contract on a Month-to-Month Basis  
Item 6.31

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve an extension of the 2001 contract with Bloomington Public Television (BPTV) on a month-to-month basis as staff is looking into a legal dispute between BPTV, the public access cable television station, and private parties.

Approved Purchase of Herman-Miller Modular Furniture for Remodeled Public Works Building from Facility Systems, Inc.  
Item 6.33

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the purchase of Herman-Miller modular furniture for the remodeled Public Works Building from Facility Systems, Inc. in the amount of \$36,340.89 and to amend the Budget as proposed. The office furniture is for Public Works Administration, Engineering, Computer Services, and Utility staff and is available to the City under the University of Minnesota/State of Minnesota cooperative purchasing contract.

Funds for this purchase are budgeted in capital accounts within the 2002 General, Water, Wastewater, and Stormwater Funds as follows:

101-7101-499.70-43 (\$4,329.86)  
101-7202-423.70-43 (\$5,996.80)  
520-8201-433.70-43 (\$7,754.05)  
520-8210-433.70-43 (\$7,763.00)  
520-8231-433.70-43 (\$5,355.89)  
530-8301-433.70-43 (\$5,141.29)

Accepted and Thanked Donors for Various Donations to Human Services  
Item 6.14

Motion was made by Abrams, seconded by Wilcox, and all voting aye, to accept and thank the following donors for their donations to Human Services: Fabric valued at \$100 from Meredith Holland, craft items valued at \$631 from Martha Morrill, craft items valued at \$300 from Kristine Leudesdorf, silk flowers valued at \$400 from Kim Turner, and kitchen items and utensils valued at \$1,300 from Memorial Trust Fund.

Set Schedule for the 2002-1A Street Improvement Project (Pavement Management Program Reconstruct)  
Item 6.9A

Motion was made by Wilcox, seconded by Abrams, and all voting aye, to set the schedule for the 2002-1A Street Improvement Project (Pavement Management Program) Reconstruct for the following streets:

#4	West 85 <sup>th</sup> Street	(from Thomas Avenue South to Xerxes Avenue South)
#5	Upton Avenue South	(from West 91 <sup>st</sup> Street [WB] to West 93 <sup>rd</sup> Street)
#6	Russell Avenue South	(from West 91 <sup>st</sup> Street [WB] to West 93 <sup>rd</sup> Street)
#7	Clinton Avenue South	(from East 86 <sup>th</sup> Street to East 88 <sup>th</sup> Street)
#8	4 <sup>th</sup> Avenue South	(from East 86 <sup>th</sup> Street to East 88 <sup>th</sup> Street)
#9	5 <sup>th</sup> Avenue South	(from East 86 <sup>th</sup> Street to East 88 <sup>th</sup> Street)
#10	Chicago Avenue South	(from East 86 <sup>th</sup> Street to East 88 <sup>th</sup> Street)
#11	Elliot Avenue South	(from East 86 <sup>th</sup> Street to East 88 <sup>th</sup> Street)
#12	East 88 <sup>th</sup> Street	(from Columbus Avenue South to 12 <sup>th</sup> Avenue South)
#13	Braewood Circle	(from Nesbitt Avenue South @ 107 <sup>th</sup> to East Terminus)
#14	Toledo Circle	(from West 102 <sup>nd</sup> Street to South Terminus)
#15	Toledo Circle	(from Toledo Circle @ 102½ Street to East Terminus)
#16	West 109 <sup>th</sup> Street	(from Abbott Avenue South to France Avenue South)
#17	Abbott Avenue South	(from 108 <sup>th</sup> Street to 109 <sup>th</sup> Street)

Charles Honchell, Public Works Director clarified for Wilcox that all of the streets proposed for reconstruction would be getting curb and that the "NC" indicated on the agenda item referred to the fact that those streets currently have "No Curb."

Abrams stated that Council Members have expressed interest in discussing the City's current street width policy for streets that are rebuilt. He encouraged the public to express their opinions on the matter to the Council as it will be discussed in the near future and will effect Bloomington residents all over town.

Lee added that Councilmember Elkins provided Council with additional information for the February 9<sup>th</sup> Council Strategic Planning Session and stated that Public Works staff is working on a full-scale presentation of the Council's dimensional policies on streets for their February 25 Study Meeting.

Set Schedule for the 2002-1B Street Improvement Project (Pavement Management Program Reconstruct) Item 6.9B

Motion was made by Wilcox, seconded by Abrams, and all voting aye, to set the schedule for the 2002-1B Street Improvement Project (Pavement Management Program) Reconstruct for the following streets:

- |    |                  |  |
|----|------------------|--|
| #1 | Lakeview Road    | (from Walton Pond Circle [240's] to Izaak Walton Road) |
| #2 | Mount Curve Road | (from East Bush Lake Road to Lakeview Road)            |
| #3 | Wood Cliff Road  | (from Lakeview Drive [770's] to Mount Curve Road)      |

Approved Change Orders to the City Hall/Police/Fine Arts Center Project in the Amount of \$96,617.50 Item 6.11

Motion was made by Abrams, seconded by Wilcox, and all voting aye, to approve the Change Orders to the City Hall/Police/Fine Arts Center Project as recommended by the Project Architect (Ankeny Kell & Associates) and the City's Construction Manager (M.A. Mortenson). The changes consist of both additions and deletions. The total amount of the Change Orders will add \$96,617.50 for a total construction cost of \$23,007,730.50.

The requested Change Order amounts and contractors are as follows: Veit (\$26,963.50), Kelleher (\$7,944.00), Advanced (\$32,168.00), Stellar Concrete (\$3,372.00), Doody Mechanical (\$26,170.00) for a total of \$96,617.50.

Abrams inquired if staff had answers to the questions raised by Pete Nee in his e-mail to Council that pertained to Item 6.11, "Why the original amount was lumped together with the Change Orders rather than separating them out?"

Lee explained that this is the first set of Change Orders on the contracts for City Hall and that the figures would be separated out as future Change Orders come forward. He clarified that these Change Orders represent unanticipated circumstances that were encountered (i.e. soils that contained organic topsoils that had to be removed) and others are changes that make the building better (silencers in the HVAC system for the theater) and were budgeted for in the Contingency Budget for the project.

Wilcox suggested that a category titled, "Budget Amount" in addition to the "Contract Amount" be added to future agenda items for clarification to track the Change Orders with regard to the budget.

Approved Purchase of Six Administration Staff Cars for Use by Police Department Item 6.15

Motion was made by Abrams, seconded by Elkins, and all voting aye, to approve the following purchase of six administration staff cars for use by the Police Department under various State of Minnesota Contracts: (2) 2002 Chevrolet Impala sedans from Hinkley Chevrolet in the amount of \$39,715.42, (1) 2002 Dodge Intrepid sedan from North Star Garage in the amount of \$18,067.00, (2) 2002 Dodge Caravan SE Minivans from Nelson Dodge-GMC in the amount of \$39,563.00, and (1) 2002 Ford Explorer from C & M Ford in the amount of \$22,075.00. The vehicles will replace City Units #990, #991 and #992. One of the vans is an additional unit that was approved as part of the 2002 Budget.

Funds for this purchase are available in the 2002 Equipment Replacement Fund, Activity 617-0618-499.70-42.

Abrams stated that Pete Nee had an inquiry regarding this item as to why the City doesn't purchase all Dodge vehicles rather than a variety of vehicles.

Chief Willow explained that the vehicles are used by investigators in undercover surveillance and that the cars need to be changed around among officers to better aid the officers in their line of work.

Awarded Contract to Install a Storm Sewer System at Public Works Maintenance Facility to Valley-Rich Company, Inc. in the Amount of \$35,300.00 Item 6.24

Motion was made by Abrams, seconded by Elkins, and all voting aye, to award a contract to install a storm sewer system as part of the Public Works Maintenance Facility Expansion Project to Valley-Rich Co., Inc. in the amount of \$35,300.00.

Funding for this work is available in the 2002 Storm Water Utility Fund, Activity 530-8320-433.70-31.

Item 6.24 continued

Abrams stated that Pete Nee inquired as to whether or not this contract for storm sewer pipe work was included in the original request for the facility.

Lee reminded Council that an arrangement had been previously worked out with the property owner to the west of the north part of the site to share a stormwater pond up next to 96<sup>th</sup> Street. In order to get the stormwater from where the pipe ended before to the northern part of the site on the west boundary, more pipe is required.

Directed Staff to Bring Back Change Order Policy and Provide Council with Additional Information  
Item 6.32

Staff to bring back policy with additional data at a future Council meeting, date uncertain.

Wilcox stated that he has concerns with waiving the Council approval on the amounts proposed in the policy regarding the Fixed Unit Price policy. He stated that based on his personal experience, a project that is \$100,000 over budget is in trouble. He suggested that the amounts be lowered for both the Lump Sum Contract (if it exceeds 10% of the original contract cost or \$50,000) and the Fixed Unit Price Contract (if it exceeds 20% of the original price or \$100,000).

Lee explained that the purpose of bringing the policy forward was to get the Council's expectation prior to having a real case.

Heaton stated that it is staff's objective to set the policy at a level that the Council is comfortable with and yet allows staff the ability to keep projects moving as there is a two-week period between getting Council approvals. Regarding the Lump Sum construction contracts, she explained that there has to be a Contingency Fund in place for these situations and that the \$50,000 amount was determined based on the new threshold set by the Legislature for bids and for Council approval. Regarding the Fixed Unit Price Contract, she explained that it is set at \$100,000 is because the City will have already had a price per unit quote and that there will also be a Contingency Fund in place for these expenses. She stated that at times, decisions need to be made on the spot out in the field when there is a need for more material and that waiting for Council approval before proceeding can cause delays. She stated that per the policy, the price per unit or fee could not be changed, only the quantity, if staff discovered that the project was originally underestimated.

Honchell explained that sometimes it's discovered that the project was underestimated and more material is needed, i.e. asphalt, gravel, catchbasins, and if staff had to wait until it received Council approval to order the additional materials, it could cause costly delays. He stated that staff has been following this policy for 20 years or so as it was approved by the Council in the 1980's. He stated that if the cost per unit were to change, it would need to come back for Council approval. This policy is for contracts with unit prices in place and where additional material might be needed. He explained that the 429 Assessment Law must be followed by the City whenever it is doing assessment findings and that it allows up to an additional 25% before re-hearings would be required, etc.

Lee stated that the wording in the policy could be changed to indicate that the change orders would be for quantity only and not per unit pricing.

Ornstein stated that an ordinance would be coming to Council on February 19 to increase the amount for bidding to \$50,000 per State threshold.

Winstead requested that staff provide information on the usual number of Lump Sum and Fixed Unit Price Contract change orders needed and how often they're needed.

Heaton explained that the affirmation is a way of keeping the Council informed as to how many change orders there have been along the way and when they reach \$50,000. She stated this policy provides an accumulation threshold in both areas. She stated that the following language could be added for clarification under the Fixed Unit Price, "All Change Orders on fixed unit price contracts changing the estimated number of units in the contract" so that it only applies to the units and not to the price itself.

Honchell stated that staff would provide Council with all of the change orders from 2001 to compare the contract amount with the final contract payments to see the quantity in change orders.

Item 6.32 continued	<p>Wilcox restated that his concern is with the bigger change orders that would affect the budget for a project and that \$100,000 is a large amount of money.</p> <p>To reply to Abrams' inquiry as to what happens if staff brings the change orders to Council for affirmation after having been given the authority to purchase the additional material, etc. and the Council says no, Heaton explained that the affirmation is a method of informing the Council of what the staff had the authority to approve in the first place. She stated that the policy would give staff the authority to approve the individual change orders that fall within the guidelines and then the affirmation reports the change order information to Council. She stated that the policy gives staff authority to approve the change orders on an individual basis and requires staff to report back to Council when they reach a cumulative amount.</p> <p>Peterson requested that additional language be provided to explain what qualified for an Emergency Request Authorization as the current language is too vague.</p> <p>Council directed staff to bring back the policy with additional data at a future Council meeting.</p>
Boards/Commissions Communications Item 7.1	No boards/commissions communications reported.
Status of Action Items Item 7.2	Status of Action Items provided and Council had no questions.
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.
Denied Request for City Contribution to the Water Quality Partnership Item 7.3	<p>Motion was made by Wilcox, seconded by Fossum, to decline the request for any contribution to the Water Quality Partnership at this time. Motion passed 4-3-0 (Peterson, Abrams, and Elkins opposing).</p> <p>Regarding putting legal notices on the internet on page 15 of the current document, Abrams suggested that the language on page 12 of the previous draft would be better, "Bloomington would support this legislation to the degree that it allows the City Council the option to choose what method or methods it desires to communicate its publicly required notices" rather than stating that the City is leaning in the direction of the internet instead of newspaper.</p> <p>Lee stated that the previous language was an inadvertent omission and that it was staff's intent to leave it in.</p> <p>Peterson suggested that the document include a Table of Contents to make locating issues easier and inquired if all of the airport language was included in the document.</p> <p>Lee replied that on page 4 there is language regarding the Part 150 mitigation and on the top of page 3 is the language regarding airport impact mitigation.</p> <p>Regarding congestion pricing on page 1, Elkins suggested that a better policy would be to direct the revenues towards transportation improvements in the affected corridors.</p> <p>Winstead mentioned the potential of additional sales tax for clothing and other goods to get Council's opinion due to the large retailer in Bloomington and how would it be impacted and inquired if the Council would want to take a legislative position on this issue.</p> <p>Fossum and Winstead both stated their opposition to additional sales tax on clothing.</p> <p>Abrams stated that because there is a large budget shortfall at the state level and that sales tax on clothing might be more acceptable than other alternatives to make up the difference, i.e. not funding transportation or taking the money from cities, etc. He would prefer to leave this issue off the list until such time that the Mall of America expressed its concern to the City on the matter.</p>

Item 7.3 continued

Harden added that because there is a threshold to trigger the additional sales tax, those that can afford more expensive clothes would be paying the sales tax and that it is not unusual across this country to have sales tax on clothing, therefore, it would not be out of the ordinary.

It was suggested that dialogue on this issue take place with the Mall of America before it's included in the legislative policies.

Elkins posed the issue of conceal and carry to Chief Willow.

Chief Willow responded that a statute has been drafted in response to a close vote by the State Police Chiefs Association that is more along the lines of "shall carry" but stated that there would be a number of criteria that would need to be met before a permit to carry could be issued. Examples of the criteria include a requirement for a more thorough background check, more extensive training, and the ability for certain entities to prohibit the carrying of weapons, i.e. restaurants, schools, city hall, etc. He believes there is a possibility that individuals will be allowed to carry guns the way this issue appears to be heading.

Regarding the phosphorous-free fertilizer issue and the request by the Water Quality Partnership for an \$8,500 contribution by the City of Bloomington, support was expressed by a few Council Members to approve a contribution of \$2,000 in order to help get the issue on the radar screens of the legislators. Others stated that the City's support of phosphorous-free fertilizer could be expressed in communications to our legislators and that it isn't necessary to make a contribution at this time.

A motion was made by Abrams, seconded by Elkins, to reject the request for a contribution in the amount of \$8,500 by the Water Quality Partnership but offered a \$2,000 contribution towards the legislative effort. Motion failed 3-4-0 (Harden, Fossum, Winstead, and Wilcox opposing).

A motion was then made by Wilcox, seconded by Fossum, to decline the request for any contribution to the Water Quality Partnership at this time. Motion passed 4-3-0 (Peterson, Abrams, and Elkins opposing).

Approval of Minutes

Motion was made by Abrams, seconded by Peterson, to approve the minutes of the January 2 Organizational/Regular, January 14 Special, and January 14, 2002, Regular Council meetings, as presented. Motion passed 6-0-1 (Wilcox abstaining).

Nominated Individuals for Consideration on the Bloomington Housing and Redevelopment Authority and Continued Appointment to February 19  
Item 3.1

Motion was made by Peterson, seconded by Abrams, and all voting aye, to put the following names into nomination for consideration to the Housing and Redevelopment Authority (HRA): Diane LaFontaine, Karen Hayes, and Kenneth MiYamoto.

Motion was made by Peterson, seconded by Fossum, to continue the appointment to the HRA to the Regular Council Meeting on February 19, 2002. Motion passed 6-1-0 (Elkins opposing).

Continued Appointment to the Traffic and Transportation Advisory Commission to February 19  
Item 3.2

Motion was made by Peterson, seconded by Abrams, and all voting aye, to continue to the Regular Council Meeting on February 19, 2002, the appointment to the Traffic and Transportation Advisory Commission based on the continuance of the HRA appointment.

Adjourn Meeting

Mayor Winstead adjourned the regular meeting at 9:13 p.m. to convene in a closed session in order for the City Council to discuss legal strategies with the City Attorney relating to the pending and potential litigation involving the proposed Black Dog Amphitheater in Burnsville.

Barbara Clawson  
Council Secretary