

Regular Meeting #4
Monday, February 6, 2006, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road,
Bloomington, Minnesota 55431-3027

**Call to Order and
Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:01 p.m. and Girl Scout Troop #1073 presented the colors. At the Mayor's request, the girls introduced themselves indicating they were all home schooled in grades 5-8.

Roll Call

Present: Mayor Winstead, Councilmembers R. Axtell, S. Elkins, A. Grady, K. Nordstrom, S. Peterson, and V. Wilcox.

**Approved Human
Rights Commission
Annual Report &
Work Plan
ITEM 6.2**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the 2005 Annual Report of the Human Rights Commission and accepted their 2006 Work Plan.

Corrine Shepherd, Human Rights Commission Chair presented the Commission's 2005 Report and 2006 Work Plan. She explained the purpose of the Commission, provided the names of the Commissioners, described the Commission's Guiding Principles and their action categories.

**Approved Grant
Project Agreement
with MDH
ITEM 3.1**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve a grant project agreement with the Minnesota Department of Health for operation of the Sage Women's Clinic during the calendar year 2006.

**Acknowledged
Addition to 2006-102
PMP Overlay Project
ITEM 3.2**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to acknowledge the addition of Old Shakopee Road from a point 525' east of 24th Avenue to 30th Avenue and the addition of the south parking lot of Bloomington Ice Garden to be included in the 2006-102 Pavement Management Program (PMP) overlay project.

These street overlays are done without a direct assessment to the adjacent property owners. Project costs will be paid from 435 Airport South Capital Improvement Fund for the work on Old Shakopee Road and 550 Recreational Facility Fund-Ice Garden Fund for the work at the south parking lot of the Bloomington Ice Garden.

**Adopted Resolution
Approving City's
Travel Policy
ITEM 3.4
R-2006-11**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution approving the City's Travel Policy as presented.

**Approved Write-offs
ITEM 3.5**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the write-offs of accounts receivable for the Bloomington Ice Garden from the Bloomington Athletic Association (BAA) in the amount of \$1,655.00. Due to some uncertainty and lack of good records concerning ice rental time from 2003 and 2004, the City and BAA agreed to split in half the outstanding balance of \$3,310.00, \$1,655.00 to each party.

**Approved Change
Order #1 to the 2002-
801 Lindau Lane
Improvement Project
ITEM 3.6**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve Change Order #1 to the 2002-801 Lindau Lane Improvement Project in the amount of \$65,575.76, which resulted from negotiations between the City, the Minnesota Department of Transportation (MnDOT), and the Contractor, Park Construction, regarding earthwork quantities on the project.

This project is funded by assessments to the Mall of America (75%) and the Airport South TIF District (25%).

**Approved Increase for Election Judges
ITEM 3.7**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve an increase in election judge compensation to provide appropriate pay rates for election judge responsibilities in order to remain competitive with other cities as follows:

- Supervisors: Increased from \$10.00 per hour to \$10.75 per hour.
- Assistant Supervisors: Increased from \$9.50 per hour to \$10.00 per hour.
- Judges: Increased from \$9.00 per hour to \$9.50 per hour.

**Adopted Resolution of Partial Denial/Approval for Muslim Community Center at 8932 Old Cedar Avenue South
ITEM 3.8
R-2006-12**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution of denial of an application by the Muslim Community Center for a permanent Conditional Use Permit to operate a nonprofit club or lodge at 8932 Old Cedar Avenue but approval of a one-year Temporary Conditional Use Permit to operate a nonprofit club or lodge at that location subject to the following 5 conditions as set forth by the Planning Division Staff and the Planning Commission:

1. Community center space not exceed 2,652 square feet;
2. Hours of use shall be from 3:00 p.m. to 10:00 p.m. on Wednesdays and from 3:00 p.m. on Fridays to 10:00 p.m. on Sundays;
3. Space occupancy not to exceed 68 persons or less if determined by Building and Inspection Division and Fire Marshal permitting;
4. Any increase in community center use or occupancy will require an application for a new Conditional Use Permit;
5. This Conditional Use Permit shall be for a period of one (1) year and shall expire on February 6, 2007.

**Approved Council Member Travel Expenses
ITEM 3.9**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the travel expenses for Council members Elkins, Peterson, Wilcox, and Nordstrom as presented in the agenda materials.

**Approved Contract with Versatile Vehicles, Inc.
ITEM 3.10**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to award a three-year contract to Versatile Vehicles, Inc. to provide rental golf carts for use at Dwan and Hyland Greens Golf Courses for 30.90% of the golf cart rental fees collection by the City.

Funding for this contract is budgeted annually in the Recreational Facilities Fund, Activity 540-8420-451.63-62.

**Approved Purchase of Street Sweepers
ITEM 3.11**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the purchase of a 2006 Elgin Pelican SE Dual Sweeper in the amount of \$115,749.80, which includes a \$30,000.00 trade-in allowance for Unit #59, a 1999 Elgin Pelican SE Sweeper, and approve the purchase of a 2006 Elgin Pelican P Waterless Dual Sweeper in the amount of \$157,857.77 from Mac Queen Equipment, Inc. of St. Paul, MN under State of Minnesota Contract #435586.

Funds for the purchase of this equipment are available in the 2006 Equipment Replacement Fund, Activity 617-0618-499.70-42.

**Approved Budget Carryovers to 2006
ITEM 3.12**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the budget carryovers to 2006 for the outstanding encumbrances as listed below with a reduction to the 2005 Budget by this same amount:

Human Services:	\$	1,064.36
Finance:		43.40
Police:		20,785.34
Fire:		73,291.86

ITEM 3.12 continued	Community Development:	6,945.89
	Community Services:	54,680.60
	Public Works:	<u>269,602.94</u>
	Total General Fund:	\$ 426,414.39

**Adopted Resolution
Ordering Work in
Vicinity of 80½ St. &
Fremont Avenue
ITEM 3.13
R-2006-13**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution ordering the installation of a temporary barrier along 80½ Street, additional traffic improvements for the frontage road north of 80½ Street, including a cul-de-sac at the frontage road & 80½ Street and further analysis of stormwater alternatives for the area of Fremont Avenue, 80½ Street, Dupont Avenue and 80th Street.

**Approved Minutes
ITEM 3.15**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the minutes of the November 7, 2005 (Wilcox, Axtell and Nordstrom abstaining) and November 21, 2005 (Axtell and Nordstrom abstaining) Regular Council meetings, as presented.

**Approved Settlement
Relating to 2002-102
PMP Street Improve-
ment Project
ITEM 3.16A**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve a tentative settlement of construction litigation involving the City’s 2002-102 Pavement Management Program (PMP) Street Improvement Project and G.L. Contracting.

**Approved Change
Order #1 to the 2002-
102 PMP Overlay
Project
ITEM 3.16B**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve Change Order #1 to the 2002-102 PMP Overlay Project in the amount of \$125,000.

This project is funded by the approved PMP and budgeted utility maintenance funds.

**Approved Agreement
with Sakura
Restaurant
ITEM 3.3**

Motion was made by Wilcox, seconded by Axtell, and all voting aye, to approve an agreement with Sakura Restaurant to cater liquor the Bloomington Sister City Organization’s Taste of Japan annual fundraising event on March 11, 2006.

This item had been held out for the purpose of announcing it to the public.

**Approved Agreements
with SRF Consulting
Group
ITEM 3.14**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to approve two agreements with SRF Consulting Group, Inc. for engineering work by their firm to assist City staff.

The first agreement provides preliminary engineering work for the intersection of the northbound collector/distributor and Lindau Lane and reviews the Airport South improvements delineated under Task VI of the letter from SRF. The \$130,000 for funding is available from the Bloomington Port Authority for this agreement. The funding for this work does not include any additional information that may be requested by MnDOT that may be required to accommodate the 5.6 million square feet for Mall of America Phase II (modeling, additional studies, etc.).

The second agreement with SRF Consulting Group, Inc. is to prepare the Normandale Lake Area District Plan. The not-to-exceed amount for this agreement determined to be in the range of \$155,000 to \$190,000. Funds for the study are available in the Normandale TIF Account (Fund 429).

**OPENED PUBLIC
COMMENT PERIOD**

The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda.

Speaker #1: George Holter, Richfield Bus Company
He provided Council with copies of a handout and stated that he didn’t believe his company had been treated fairly over the years and requested it receive better treatment in the future.

**Approved New On-Sale 3.2 Percent Malt Liquor License for Hunan Restaurant
ITEM 5.1A**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve a new on-sale 3.2 percent malt liquor license, expiring December 31, 2006, for D & J Co., Inc. dba Hunan Restaurant at 8066 Morgan Circle.

No public testimony was received.

**Approved Revised Preliminary Development Plan for MG Bloomington, LLC 8100 34th Avenue So. Case 2830C-05
ITEM 5.2A1**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the Revised Preliminary Development Plan for a transit-oriented, mixed-use development as contained in the narrative and plan set for Case 2830C-05, for MG Bloomington, LLC located at 8100 34th Avenue South subject to the following 7 conditions of approval and 1 Code requirement as set forth by the Planning Division Staff and the Planning Commission:

1. A modified site development agreement be executed by the applicant and the City including (1) all approved plans and revised conditions as presented in Case 2830C-05 and (2) all conditions of approval and related documents and agreements between the applicant, City, and Bloomington Port Authority as determined by the City Attorney, Bloomington Port Authority Administrator, and the Director of Community Development;
2. Based on the Bloomington Central Station Traffic Study dated October 28, 2004 as amended by supplement material dated November 10, 2004 submitted by the applicant and contained in Case 2830G-04, traffic improvements shall be determined at the time of each subsequent final development plan application as determined by the City Council based on the evaluation or study of conditions existing at the time of final development plan submittal;
3. Transportation Management Plan to be approved prior to the issuance of the first occupancy permit for the Phase I housing element by the Director of Public Works including trip reduction alternatives and programs, a schedule for implementation and procedure for evaluation and revision based on project phases;
4. The Bloomington Central Station: Stormwater Management Summary dated October 26, 2004 (revision date) as approved by the Director of Public Works shall be supplemented with additional information: 1) a listing of long term maintenance procedures for Bloomington Central Station stormwater facilities (including procedures for periodic monitoring and assessment) and 2) a stormwater facilities maintenance escrow fund and replacement surety plan;
5. A sanitary sewer flow study shall be conducted prior to the implementation of Phase 3 development that is identified in the project phasing section contained in the Bloomington Central Station Traffic Study dated October 28, 2004 as amended;
6. Modified Urban Design Guideline Plan, including Case 2830C-05 approved revisions, outlining principles for physical, function, visual and architectural integration to be submitted and approved by the Director of Community Development to be utilized in the review and assessment of individual Final Development Plan requests; and
7. Each subsequent final development plan application which is not consistent with the approved preliminary development plan as determined by the Director of Community Development shall be accompanied by an application for a revised preliminary development plan complying with all zoning district regulations;

and subject to the following City Code requirements:

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

Bob Sharlin, Senior Planner provided the staff report stating that the Council approved this project initially on December 6, 2005, which included high-density housing, a 200 room full-service hotel, office, including the existing HealthPartners tower, retail uses, parks and common open space. At the same time, the Council approved the Final Development Plan for the Reflections condominium project. He explained the seven areas that make this plan different from the Preliminary Development Plan:

1. Central Station Park: (Change in size and additional site detailing.)
2. Hotel element: (Relating to hotel program and location.)

ITEM 5.2A1 continued

- 3. Central Park/Office & Parking Ramp: (Relating to site location and size.)
- 4. Revised west office and northwest office components.
- 5. Revised northeast housing element: (Relating to building program and site plan.)
- 6. Project office & retail components: (A minor decrease in square footages.)

Sharlin’s presentation focused on three areas: Revised Central Park Plan (slight increase in size and additional alignments on pedestrian walkways), Revised Hotel Development (an increase in size from 200 rooms to 350 rooms and a new location just north of the Central Station Park), and the Revised Northeast Housing Section (area north of the current Reflections project – includes a new site layout that is more compact and open with the buildings closer to private and public streets that allows for some usable open space primarily within the center of the project). Five sixteen-story buildings are proposed, one six-story double-loaded building, and two and three-story townhomes that wrap around the base of the 16-story buildings. This results in a slight increase in the number of dwelling units from 828 units to 840 units and the housing density will increase slightly from 92.4 dwelling units per acre to 95.6 dwelling units per acre. The total number of units will remain unchanged at 1,103.

The second item to be considered involves the Preliminary and Final Plat of Bloomington Central Station 2nd Addition, which reflects the parcelization for the proposed Revised Preliminary Development Plan described above. He stated the primary change is the addition in the 3.96-acre General Dynamics East Building, which the applicant now owns and needs to plat. Sharlin stated that staff recommends approval of the Revised Preliminary Development Plan and the Preliminary & Final Plat.

Mark Fabel, McGough Development narrated a short video of the project. He stated the construction of the Park is scheduled to begin in June with anticipated completion in October. He stated that the Reflections tower is scheduled to be completed in June with occupancy in July and August, pre-sales for Phase II to start in June and July, and hotel construction to start in late 2006. The goal for completion of the entire project has been modeled at approximately 15 years.

Sharlin stated that the Final Development Plan would be going back to the Planning Commission and the City Council for another review and final approval prior to construction.

No public testimony was received.

**Adopted Resolution
Approving Final Plat of
Bloomington Central
Station 2nd Addition
8100 34th Avenue
ITEM 5.2A2,3
R-2006-14**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the Preliminary Plat and adopted a resolution granting Final Plat approval for Bloomington Central Station 2nd Addition located at 8100 34th Avenue, Case 2830D-05, subject to the following 9 conditions of approval and 3 Code requirements as set forth by staff:

- 1. Provide title opinion or title commitment;
- 2. Standard drainage and utility easement be shown along public street frontage(s) as approved by the City Engineer;
- 3. Connection charges be satisfied;
- 4. Common driveway/access/parking/circulation agreement/easement be provided as approved by the City Engineer;
- 5. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;
- 6. Temporary street signs, lighting, and addresses shall be provided during construction; and
- 7. Surveyor to provide monumentation letter certifying that all monuments shall be placed within one year filing the plat, unless set before filing.
- 8. Existing drainage and utility, sidewalk/bikeway, traffic control, and street easements to be vacated. Vacation scheduled for City Council Public Hearing on February 27, 2006.

**ITEM 5.2A2,3
continued**

9. Traffic control and sidewalk/bikeway easement to be granted.

and Code requirements:

1. Property must be platted per chapter 16 of the City Code (Section 16.03).
2. The approved Final Plat shall be filed with Hennepin County (Section 16.05.01). A certified copy shall be provided to the Engineering Division prior to the issuance of building permits (Section 16.10).
3. All development setbacks shall be based on planned widened rights-of-way for the abutting public street(s) (Section 19.42).

No public testimony was received.

**Adopted Resolution
Ordering 2006-2 Street
Improvement Project
for Bloomington
Central Station Ph. IIA
ITEM 5.3B
R-2006-17**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution ordering improvements for the 2006-2 Street Improvement Project for Bloomington Central Station – Phase IIA Improvements.

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

**Adopted Resolution
Approving Conditional
Use Permit for
Longevity at 8701
France Avenue South
Case 10719A-05
ITEM 5.2B
R-2006-15**

Motion was made by Grady, seconded by Elkins, and all voting aye, to adopt a resolution approving a Conditional Use Permit for a home business (Acupuncture Clinic) in an existing single-family dwelling for the property located at 8701 France Avenue South, Case 10719A-05 for Gretta Graceland dba Longevity subject to the following 4 conditions of approval and 1 Code requirement as set forth by the Planning Division Staff and the Planning Commission:

1. All business licenses shall be obtained and maintained as required;
2. The home business shall be limited to one licensed acupuncturist who shall be a resident on the property;
3. No more than two clients shall be on the property at any time, and hours shall be from 8:00 a.m. to 8:00 p.m., Monday through Saturday;
4. All client parking, pick-up, and drop-off shall occur on-site and off the adjacent public street;

and subject to the following Code requirements:

1. Business signage shall be consistent with Section 19.110 of the City Code.

Sharlin provided the staff report on the application for a Conditional Use Permit to operate an acupuncture clinic in a single-family residence. He provided details relating to the application stating that the Planning Staff and the Planning Commission recommended approval.

No public testimony was received.

**Approved Revised
Final Development
Plan for GRECO, LLC
2301 Village Lane
Case 10634A-05
ITEM 5.2C**

Motion was made by Peterson, seconded by Grady, to approve the Revised Final Development Plan for GRECO, LLC at 2301 Village Lane, Case 10634A-05. Motion passed 5-2 (Elkins and Wilcox opposing).

Sharlin provided the staff report stating the applicant is proposing a revision to the Final Development Plan for the westerly portion of the building site adjacent to West Old Shakopee Road. The plan approved in 2003 had a four-story 64-unit condominium building and a 6-unit townhome building but the revised plan replaces the condominium and townhome buildings with two townhome buildings for a total of 24 dwelling units, which will be designed as three-level units. No changes are proposed to the internal roadway pattern. This change reduces the number of approved units on the entire 7.3 acre site from 168 units to 118 units. The land use density would be revised from 23.9 dwelling units per acre to 16.2 dwelling units per acre. He stated staff focused on the issues of density and design, in particular the building mass and what type of transition would be made between the building types.

ITEM 5.2C continued

Regarding parking, the originally approved plan had 2.0 parking spaces per dwelling unit as required in the RM 24 Zoning District. However, when the matter of parking came up at the Planning Commission meeting, he reviewed the parking requirement and discovered that in staff's initial report, parking was figured at the 2.2 parking spaces per multi-family housing per dwelling unit and reanalyzed it based on the 168 units that were approved. That resulted in a requirement of 336 spaces with the plan providing for 388 parking spaces, resulting in 52 excess spaces. After reviewing the requirement based on the 2.2 spaces general requirement, the development would have been required to have 369 spaces but 388 spaces were provided, thereby resulting in an excess of 19 spaces. The Revised Plan in 2006 reduces the number of dwelling units from 168 units to 118 units. Based on the RM 24 zoning requirement of a minimum of 2.0 spaces per dwelling unit, the requirement for the revised project would be 236 spaces and the site plan and development presented by the applicant provided for a slight increase in parking to 399 where there would be an excess of 163 parking spaces. He clarified that staff analyzes parking based on the entire project, not on the individual components. He stated public parking spaces in this project, are designated for the public not the condos or townhomes. The Planning Commission approved this item on January 26, 2006, subject to the conditions originally listed in staff's recommendation.

Speaker #1: Rob Wheaton, Greco Development

He stated this revision to their Final Development Plan is being made to improve the project. He stated Phase I is built, is in place, and has been marketed. He stated the feedback on Phase I has been very positive from those living there. He compared the previously approved plan for Phase II with the revised plan. He stated the density of the project has been reduced in that the number of units has been reduced 26% from the original. In the revised plan, the parking will include approximately 400 parking stalls resulting in 3.4 parking spaces per unit, where the City requires 2.0 stalls per unit. The revised plan provides for better vehicular and pedestrian circulation and less massing of the buildings with townhomes rather than condos. He stated the underground parking is dedicated 100% to the residents of the condominium building. Buyers select their stall after they've signed a purchase agreement. He stated the parking stalls in the garage have been resized and restriped and are now much more uniform in size. He believes the proposed changes to the plan will improve the project. He described the process in forming the townhome association. Responding to an inquiry from Council, he stated the smaller condo units sold for approximately \$200,000 and the larger units in the mid \$400,000's.

Speaker #2: Gary Rue, 2201 Village Lane, Unit #202

A 35-year Bloomington resident purchased his condominium unit in 2005. He stated this development allowed him and his wife to remain in Bloomington close to the services they need. They are very pleased with their single-level condominium unit at the Village on Nine Mile Creek. They love the location and are completely pleased with the amenities offered by this condominium association. He supports Phase II of this project and would like to see this project completed.

Speaker #3: Francis Heintzman, 2201 Village Lane, Unit #213

He stated he has lived in Bloomington for 79 years. He and his wife are very happy at this development. Regarding parking, he stated 38 members of his family gathered at their place for Christmas and none of them had a problem parking on-site at this development. He doesn't believe parking is an issue at all. He requested the Council endorse the revised Final Development Plan, as they are good builders and have taken care of every minor thing that was wrong in their condo.

Speaker #4: Ted Erickson, 2110 Village Lane

He stated he and his wife have lived in Bloomington since 1955 and are very happy with the townhome they purchased at this location. He stated it is a very well planned development that is attractive and pleasing. It is very comfortable, cozy and well constructed. They look forward to having access to Moir Park.

ITEM 5.2C continued

Elkins commented on the following concerns:

- The revised plan replaces relatively affordable units with more expensive units resulting in a significant reduction in the number of relatively affordable units.
- The proposed reduction in the height of the second building is actually going to result in less human scale. The original proposal would have provided a balance or a gateway effect at the end of Penn Avenue. The revised plan, however, will result in an unbalanced lopsided development that isn't going to provide a terminated vista or a sense of a gateway into the Park.
- This is the first of two developments in which Greco was selected as the developer resulting from an RFP process and in neither case is the City going to get what they initially proposed. He believes there may have been other proposals that would have been better suited for a townhome development on this site, which Phase II is going to be. He understands the desire of those living there to see this project completed but believes the Council would be setting a bad precedent by approving this change. He opposes the revised Plan and prefers that it be built as originally planned and approved.

Peterson stated he would prefer to see the project built as it was proposed but that the Council needs to be realistic about what the market demands and if it's going to take a couple of years to sell one of the buildings, Council may have to approve the revised plan to fit the market.

Axtell inquired what would happen if Council didn't approve this plan.

Wheaton replied this is their option. It's what the market demands. It's modestly priced and sized with a starting sales price in the mid \$300,000's.

Wilcox stated that he is bothered that the developer stated he has no other option than to build the townhomes instead of the condominium building.

Speaker #5: Arnie Gregory, GRECO Development

He stated that during the RFP process, they presented the best plan that would utilize this site but buyers and the market are now requiring something different. He stated 50% of the units are sold and that it will take 12-15 months to sell out the entire building. They will begin construction on the next building once they've reached 40% in sales, which may take until next year given the current market. He stated it's better to build a product that will sell rather than wait for the market to produce a demand for more condos.

Winstead stated that while this change affects the developer's pocketbook, as it lessens the number of units they believe it's better to build a nice development that is more suitable to the surrounding community than wait for the market to come around.

Elkins stated that the developer is not the only one taking a financial hit on this revised development plan, as the City had taken into account the tax base this development was going to generate with this project when the City Council selected them as the developer on this site.

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 so the public comment period was closed.

**Adopted Resolution
Ordering 2006-1 Street
Improvement Project –
PMP Reconstruct
ITEM 5.3A
R-2006-16**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution ordering improvements for the 2006-1 Street Improvement Project – Pavement Management Program (PMP) Reconstruct to include the following streets:

Ref.

No.	Street	From	To
1	10 th Ave. S.	E. 100 th St.	E. 102 nd St.
2	E. 101 st St.	Elliot Ave. S.	10 th Ave. S.
3	Mound Springs Terrace	10 th Ave. S.	10 th Ave. S.

ITEM 5.3A continued

Ref.	No.	Street	From	To
	4	13 th Ave. S.	E. 92½ St.	E. 93½ St.
	6	E. 92½ St.	12 th Ave. S.	15 th Ave. S.
	7	E. 93½ St.	12 th Ave. S.	Riverview Ave. S.
	9	Riverview Ave. S.	E. 92½ St.	E. Old Shakopee Rd.
	10	1 st Ave. S.	E. 86 th St.	E. 88 th St.
	11	Stevens Ave. S.	E. 84 th St.	E. 86 th St.
	15	W. 95 th St.	Wyoming Ave. S.	Xylon Ave. S.
	16	W. 96 th St.	Wyoming Terrace	Yukon Ave. S.
	17	W. 97 th St.	Xylon Ave. S.	Yukon Ct.
	18	Xylon Ave. S.	W. 94 th St.	Terminus East
	20	Xylon Ct.	Xylon Ave. S. @ 97½ St.	Terminus West
	21	Xylon Ct.	Xylon Ave. S. @ 97½ St.	Terminus East
	22	Yukon Ave. S.	W. 94 th St.	Yukon Cir. @ 95 th St.
	23	Yukon Ave. S.	W. 96 th St.	Yukon Ct. @ 97 th St.
	24	Yukon Cir.	Yukon Ave. S. @ 95 th St.	Terminus West
	25	Yukon Cir.	Yukon Ave. S. @ 96½ St.	Terminus West

Mayor Winstead read through the list of streets proposed for reconstruction and requested those in the audience to indicate which ones they wanted to comment on, as those would be held out for public comment. The audience indicated a desire to comment on 15th Avenue South, East 94th Street, Lea Road, Marth Road, West 94th Street, and Xylon Avenue South so Council made a motion to approve those no one objected to as listed above.

Approved Adding Street Ref. No. 5 to the 2006-1 PMP Street Improvement Project ITEM 5.3A

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve adding Street Ref. No. 5 – 15th Avenue South from East 92nd Street to Riverview Avenue South to the 2006-1 Street Improvement Project (PMP Reconstruct).

Speaker #1: Gary Aucutt, 9201 15th Avenue South

He stated his concern was with how the streets are selected for the program. He stated 92nd Street between 12th & 17th Avenues is in the worst shape of all the streets in the area. He stated the street is low between the storm sewers, which creates a drainage problem. He suggested the City do 92nd Street.

Schane Rudlang, Engineer explained the street selection process that takes place every summer. He stated he thought 92nd Street had been noted for work in the next couple of years and that staff would take another look at it to determine if it should be done sooner. He explained how a corner lot is assessed if one side is done one year and the other side the next, as could be the case for Mr. Aucutt. Property owners are not assessed twice but receive a credit for the majority of the first side that was reconstructed to go towards the other street on a corner location. Staff stated they would check and let Mr. Aucutt know when 92nd Street was due for a reconstruct.

Aucutt agreed that 15th Avenue should be done now so Council voted to add Street Ref. No. 5 into the PMP Reconstruct Project.

Approved Adding Street Ref. No. 8 to the 2006-1 PMP Street Improvement Project ITEM 5.3A

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve adding Street Ref. No. 8 – East 94th Street from 12th Avenue South to Riverview Avenue South to the 2006-1 Street Improvement Project (PMP Reconstruct).

ITEM 5.3A continued

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

He stated he recognizes the need for improving the street but had a concern with the four feet that was going to be taken from three houses on one side of the street rather than evenly split between the houses on the north and south sides of the street, which would have a significant impact on the frontages of those houses. His second area of concern was with Running Park itself. He stated that during heavily attended youth athletic games at Running Park, cars tend to park at a 90-degree angle rather than in a straight line along the street. He suggested staff consider installing a tapered gutter rather than a 90-degree gutter so that people could drive up over the curb when it became necessary to park more cars along the road. He inquired if Council could deviate from its curb policy for a situation like this one.

Julie Long, Engineer replied that staff considered a 36-foot wide street on 94th Street to accommodate a little more room for the consistent parking of cars along 94th Street. Staff, however, believes it would set a bad precedence to install surmountable curb so that people could drive over it and park in the boulevard, as the boulevard is designed for sod and other natural materials and is not designed for that consistent use of regular parking. In addition, staff believes such parking could damage the tree roots along Running Park on 94th Street. She stated the street is proposed to be widened and so the City would keep the street centered on the existing right-of-way or could take four feet on one side or the other. Staff thought taking four feet from the park side would cause less of a problem for all of the residents. However, keeping it centered might be the best plan.

Winstead inquired if there was some way to accommodate additional parking for the Park.

Elkins suggested making the street 36 feet wide with diagonal parking stripes on one side.

Shelly Pederson, City Engineer stated that staff could look at diagonal parking on the street but would have to look at how that design might impact trees. Staff could review it and bring it back in two weeks.

Speaker #2: John Miller, 1325 East 94th Street

He stated he doesn't know how best to address the parking needs but that if four feet is taken for parking at the top of the hill, it will lessen the amount of flat ground available for kids who use that area along the road to prepare their sleds for sliding in the wintertime.

As no one objected to approving this street as part of the project, it was suggested that Council approve it for reconstruction and that the design be brought back to Council on February 27.

**Postponed Street
Ref. No's. 12 & 13
to the 2007 PMP
Construction Season
ITEM 5.3A**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to lay Lea Road and Marth Road over to the 2007 PMP construction season and directed staff to explore the costs of doing the cul-de-sacs with just a resurfacing with 100% assessment to the property owners and giving the property owners a timeframe in which to explore that option or stay with the PMP Program with their neighbors.

Julie Long explained the current design planned for the Lea/Marth Road neighborhood. After holding some neighborhood meetings, the consensus was that the City pursue the cul-de-sacs closest to West Bush Lake Road. She stated that higher fuel costs have caused the assessment to the property owners to increase approximately 30 percent. She stated the design being considered is the one with the two cul-de-sacs near the office/condo buildings. She stated that 75-80% of the 33 residents living along Lea/Marth Roads supported this design. She stated that the prevailing road width is 24 feet for Lea/Marth Road, which is narrower than the road currently is in most places. She added that the parking situation has not been finalized yet, but there may be some restricted parking in the area.

ITEM 5.3A continued

Peterson inquired if any consideration or discussion had taken place with the neighbors regarding renaming the western section of the road given that the only place it could be accessed upon completion of this project will be from the east.

Long stated that staff discussed it but had not discussed it with the residents.

Rudlang stated that staff discussed this issue internally and requested that it be brought back to Council for discussion upon completion of the project.

Speaker #1: Larry Swirtz, 8125 Lea Road

He stated he would like to see the cul-de-sac and stated the road has served them fine for 50 years with very maintenance. He would like to see the street left just as it is, as it's a beautiful and unique area within the city. His preference would be to patch the road together and not reconstruct it at this time.

Speaker #2: Barb Himmelfarb, 8032 Lea Road

She thanked City staff for involving the neighborhood regarding the cul-de-sac options. She was a little disappointed that the project costs/assessments went up 30% due to rising fuel costs and thought that could have been more thought out. She is concerned that if the Council okays moving ahead with the Feasibility Study, the costs might increase even more with the retaining wall issue plus there might be additional charges related to elevation changes that might have to occur with the PMP program. She inquired how the Council could approve this moving forward when the final costs haven't been determined yet and the neighborhood might want further input into the matter. She stated that the cul-de-sac is the neighborhood's preference and if that occurs, why then does Lea/Marth Road area deserve or need curb and gutters. She stated the road has served the area very well in the past without them. She stated that even with the trucks hauling heavy loads on Lea Road, it held up with only a few minor potholes. She stated no road edge erosion has occurred from stormwater. She doesn't believe installing curb and gutter will enhance the street. They like their narrow, winding road. She inquired if Lea Road could be left the way it is. Fix the road without putting in curb and gutter.

Winstead inquired if an assessment to the Lea/Marth Road residents for just doing an overlay without the curb and gutter would be appropriate.

Ornstein replied that it would.

Peterson stated that the neighborhood could petition for an overlay only but then they would have to pay 100% of the costs for the project.

Himmelfarb disagreed that there is any erosion problem occurring on the sides of Lea/Marth Road and therefore curb and gutter is not necessary.

Jim Gates, Deputy Director of Public Works stated that after the storm on July 23, 1987, there were some street failures in this area. He stated the soil is very sandy there and if there had been curb and gutter at that time, it might have saved some but not the entire roadway.

Long reported that according to the City's street maintenance staff, there is a problem on the curve where it turns from Lea Road to Marth Road, as they have to go out there at least once a year to repair the erosion problem and that the curb and gutter would help solve that problem in the area.

Regarding costs, Rudlang stated that the costs to do just a pavement reconstruction in that area without the curb and gutter would double the costs to the residents, as they would be bearing 100% of the cost. The curb and gutter in the PMP policy saves all taxpayers money on streets over the life of a road.

Bernhardson stated that since the street may be delayed until 2007, the residents could explore the option of having the street resurfaced without curb and gutter at 100% assessment and staff could calculate the costs for the residents.

ITEM 5.3A continued

Long stated that because the cul-de-sac touches park land, which is 4F property, more documentation is required for submittal to the Minnesota Department of Transportation (MnDOT) and the Department of Natural Resources, which then gets forwarded onto the Department of the Interior, which could delay getting the results back in time for this year's construction season.

With regard to emergency access for fire trucks, Rudlang explained that it is the Fire Chief's desire to have a connector between the two cul-de-sacs via a paved path with a gate installed with keys only available to the Fire Department. He added that a representative from the Telegraph Hill Office Park was present but couldn't speak so asked Rudlang to speak on his behalf. Their concern is related to the renaming issue and the fire access. The Office Park would very much like to remain named off of Telegraph. He stated that City staff had previously told the Office Park that they could retain some form of Telegraph in their address when they were dealing with them on the right-of-way issue. It was clarified that no other businesses or residents would be affected by a name change coming from West Bush Lake Road, only the Office Park.

Grady suggested as there are still so many questions relating to this project it might be better to postpone it to 2007.

Bernhardson suggested that this project be postponed from the 2006 project in order to get some estimates on what the resurfacing would cost and what the assessment would be to the residents to see if they would be interested in pursuing that option with the cul-de-sacs installed. The neighbors could survey their neighborhood to see how many would like to see the regular PMP project pursued versus a project without curb and gutter. In the meantime, staff could start moving ahead with the issues relating to the cul-de-sac process.

Himmelfarb reapprached to challenge the City Council to make an exception to its PMP Policy rules or give some flexibility to their neighborhood in this project.

Speaker #3: Art Abrahams, 8009 Lea Road

He commented that in 30 years, Lea Road has had very little maintenance and that if it had been given a better base to start with, it would have lasted longer than what it's projected to in the PMP Program. The lack of curb and gutter has not destroyed this road. It has held up amazingly well.

Speaker #4: Marie Leisenheimer, 7335 Marth Road

She stated her assessment is estimated to be \$11,000 for a road that isn't broken so why fix it. She doesn't want a connector that requires a key for emergency vehicles to have access to her area.

**Approved Adding
Street Ref. No.'s 14 &
19 to the 2006-1 PMP
Street Improvement
Project
ITEM 5.3A**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve adding Street Ref. No.'s 14 – West 94th Street from Xylon Circle to Yukon Avenue South and Street Ref. No. 19 – Xylon Avenue South from West 97th Street to Lindstrom Drive to the 2006-1 Street Improvement Project (PMP Reconstruct).

Although there had been an indication by someone in the audience to speak to these streets initially, no one came forward. Staff surmised that whoever it was probably didn't believe the street needed to be reconstructed. Staff reported they did, however, go out and verify their initial conclusion that the roads needed to be reconstructed.

**City Council Policy &
Issue Update
ITEM 6.1**

The City Council Issue & Policy Update was provided to Council.

In addition, Bernhardson reported on the following:

- A story WCCO is to do on a cold case murder that occurred in Bloomington at the Devonshire Apartments around 1990/1991.
- Staff monitored GN Resound today and got some photos. He reported fairly high compliance.

ITEM 6.1 continued

Winstead stated that he too monitored traffic out of GN Resound today and saw a GN employee monitoring traffic. He stated he observed most of the traffic exiting the building to the east out of the gate to head up to American Boulevard.

Grady inquired how staff intends to get feedback on the restriping of Poplar Bridge Road.

Honchell replied that staff would send out a survey to the residents in the area to get their feedback on how it's working.

**Nominations to the
Advisory Board of
Health
ITEM 6.3**

Motion was made by Grady, seconded by Elkins, and all voting aye, to nominate Corinne Kroonblawd, Patricia Sharkey, and Michael Dardis for consideration of an appointment fill a vacant provider term expiring December 31, 2006, on the Advisory Board of Health.

**Appointment to the
Advisory Board of
Health
ITEM 6.3**

Motion was made by Peterson, seconded by Grady, and all voting aye, to appoint Pat Sharkey to fill a vacant provider term expiring December 31, 2006, on the Advisory Board of Health.

Individual voting results: Kroonblawd (Nordstrom), Sharkey (Axtell, Elkins, Grady, Winstead & Wilcox), and Dardis (Peterson).

Adjourn Meeting

Mayor Winstead adjourned the meeting at 10:21 p.m.

Barbara Clawson
Council Secretary