

Regular Meeting #8
Monday, March 6, 2006, 5:30 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

**Strategic Planning
Process Discussion
5:30 PM Special
Meeting**

Mayor Gene Winstead called the meeting to order at 5:30 p.m. in the Haeg conference room.

Present: Mayor Winstead, Councilmember's R. Axtell, S. Elkins, K. Nordstrom, S. Peterson, and V. Wilcox. A. Grady (*not present*)

Staff Present: M. Bernhardson; C. Arneson; L. Lee; C. Honchell; D. Kirby; L. Economy-Scholler; T. Ferber; K. Michaelson; P. Heles; J. Hutmacher; J. Pasternacki; R. Harris

Presenter: Sharon Klump, Springsted

Three options were presented for the Strategic Planning process as follows:

1. Council directed plan
2. Start by using the environmental scan and look to a task force for input, then to the Community for input
3. Hybrid of options one and two.

Discussion of all options was conducted and option 3 was the primary choice.

Adjourned to Council Chambers at 6:45pm

**Call to Order and
Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:00 p.m.

Flags presented by Girl Scout Troop #800 Hillcrest Elementary School

Roll Call

Present: Mayor Winstead, Councilmembers R. Axtell, S. Elkins, K. Nordstrom, S. Peterson, and V. Wilcox. A. Grady (*not present*)

**Advisory Board of
Health: Accept 2005
Annual Report and
Approve 2006 Work
Plan [7:00pm] 6.2
(timed)**

Karen Zeleznak introduced Carolyn Anderson and Lynette Buckley, current Chair for the Advisory Board of Health.

2005 Annual Report was presented by Carolyn Anderson. No discussion.

Motion made by Nordstrom and seconded by Elkins to accept 2005 Annual Report. Motion carried 6-0.

2006 Work Plan presented by Lynette Buckley.

Question: Nordstrom March 14th website announcement on Pandemic flu; Karen Zeleznak spoke on the web broadcast. Mayor spoke on the planning of the possibility of a pandemic flu epidemic and commented that the Bloomington Health Department is far above others in their plans in case of and epidemic. Diamond service awards were discussed as a good challenge to keep high standards among the service organizations.

Question: Wilcox asked for definition of the current plans for the Community Enhancement Phase II with respect to the previous CEP. Mr. Lee explained the past plan was neighborhood by neighborhood study concentrated high emphasize program. The concentrated areas 15 years ago were enforced and that the current plan would recap of those areas with strong concentration on

defining the 300 -400 homes per selected area by complaints of the area.

Motion made by Nordstrom and seconded by Peterson to accept the 2006 Work Plan. Motion carried 6-0

**2006 ASSESSMENT ROLL
No. 3; 2003-501
IKEA/MOA PHASE 2
SANITARY SEWER
AMENDMENT
ITEM 3.1
(R2003-29)**

Motion made by Axtell, seconded by Peterson and all voting aye to adopting resolution #R2003-29 the 2006 Assessment Roll Number 3, which is an amendment to Assessment Roll Number 7. The original assessment was for a sanitary sewer connection from Killebrew Dr. across Lindau Lane. This amendment is for mediated settlement between the City of Bloomington and the assessed parties to account for unforeseen underground conditions .

**EXTENSION OF RECORDS
CENTER LEASE
AGREEMENT
ITEM 3.2**

Motion made by Axtell, seconded by Peterson and all voting aye to approve the one year lease extension with AMB Property, L.P. for 3,657 square feet of space at 9208 James Avenue South. The lease consists of a base annual rent, plus a pro-rata share of the common area maintenance costs and real estate taxes. The space is used for records and election equipment storage.

**Approve Updates to
Resolution
Authorizing
Appointees to Act on
Behalf of the
Community Health
Board
ITEM 3.3
(R2006-28)**

Motion made by Axtell, seconded by Peterson and all voting aye to adopt a resolution #R2006-28 authorizing appointees to act on behalf of the Community Health Board. These authorizations provide for designation and delegation of authority for the City to fulfill its powers as a Community Health Board as defined in Minnesota Statutes, Chapter 145A.

**Approve Contract for
Professional
Engineering Services
with WSB and
Associates for the
Bloomington Central
Station Phase II Public
Improvements
ITEM 3.4**

Motion made by Axtell, seconded by Peterson and all voting aye to approve contract for professional engineering services with WSB and associates for the Bloomington Central Station Phase II public improvements. The estimated cost of the professional services is \$49,738.00.

**2005 Year-End Budget
Carryover
Reappropriation
ITEM 3.5**

Motion made by Axtell, seconded by Peterson and all voting aye to approve the reappropriation of the 2005 Year End Budget expenditures into 2006.

**Approve Civic Plaza
Change Order
ITEM 3.6**

Motion made by Axtell, seconded by Peterson and all voting aye to approve the final change orders to the Bloomington Civic Plaza project. The change order is to Veit Companies. Staff and M.A. Mortenson recommended payment of the change order in the amount of \$29, 386. Payment of \$182,431.00 of the final electrical for under grounding around Civic Plaza to XCel.

Accept State of MN Buffer Zone Protection Grant
ITEM 3.7 Motion made by Axtell, seconded by Peterson and all voting aye to approve State of Minnesota grant #2005-BZPP-00735 in the amount of \$48,378.00. This money is used to enhance security at the Mall of America.

APPROVE PLANS, SPECIFICATIONS AND SCHEDULE FOR THE 2006-102 PMP STREET MAINTENANCE PROJECT
ITEM 3.8 Motion made by Axtell, seconded by Peterson and all voting aye to approve the plans, specifications and schedule for the 2006-102 PMP Street Maintenance Project. These improvements will be funded in accordance with the approved Pavement Management Program policy, budgeted utility maintenance finds, budgeted recreational facility funds, budgeted Airport South funds and State aid funds.

Approve a Purchase Agreement for 3900 West American Boulevard
ITEM 3.9 Motion made by Axtell, seconded by Peterson and all voting aye to postpone item to March 20, 2006.

Approve Extension - Diseased Tree Removal Contracts for Districts #1, #2, and #4
ITEM 3.10 Motion made by Axtell, seconded by Peterson and all voting aye to approve extension of the contract with Asplundh Tree Experts fro diseased tree removal within District #4 for an additional twelve month period through March 31, 2007 with a 4% increase in the current contract rates and approve extension of the contracts with North Star Tree for diseased tree removal within District #1 and #2 for an additional twelve month period through March 31. 2007 with a 5% increase in the current contract. rates.

Award Contract: 2005-303 Bloomington Central Station Bid Package #2 Phase 1B & 2A Public Infrastructures Improvement Project
ITEM 3.11 Motion made by Axtell, seconded by Peterson and all voting aye to award the Bloomington Central Station Phase 1B and 2B Public Infrastructure Improvement Project. Assessed in accordance with the approved agreement between the City of Bloomington and McGough Company.

Approve Strategic Priorities Appropriations
ITEM 3.12 Motion made by Axtell, seconded by Peterson and all voting aye to approve strategic priority allocations as follows:

<u>Strategic Priority Item</u>	<u>Amount</u>	<u>Proposed Fund</u>
Fremont/ GN Resound Street Improvements	\$ 200,000	Capital Projects
Normandale East Bush Lake Rd	800,000	Capital Projects
Traffic Calming	100,000	General Fund
Park Master Plan	80,000	General Fund
McMansions	20,000	General Fund
Forestry	<u>15,000</u>	General Fund

Total \$ 1,215,000

**Approve Minutes
Study Meeting
November 28th
ITEM 3.13**

Motion made by Wilcox, seconded by Peterson with Axtell and Nordstrom abstaining all voting aye to approve City Council minutes of study meeting November 28, 2005.

**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.

Dave Anderson came to the podium regarding issues related to a personal matter. Deputy Chief Heles escorted Mr. Anderson out of chambers to discuss his concerns.

**New Therapeutic
Massage Enterprise
License for
Community Wellness
& Healing Center; 1601
W. Old Shakopee Road
ITEM 5.1A**

Motion was made by Peterson and seconded by Elkins to approve the new Therapeutic Massage Enterprise License of Community Wellness and Healing Center at 1601 West Old Shakopee Road.

Motion carried 6-0.

No public testimony was received.

**Renewal Application
for Lawful Gambling
Premise; American
Legion Post; 9320
Lyndale Avenue South
ITEM 5.1B
(R2006-26)**

Motion was made by Wilcox and seconded by Peterson to adopt a resolution, #R2006-26, approving renewal of premise permit for applicant American Legion Post 550 to be issued by Minnesota Charitable Gambling Control Board.

Motion carried 6-0

No public testimony was received.

**Renewal of Temporary
Conditional Use
Permit for a Women's
Fitness Center in a
Retail Center; Body
Lingo, LLC; 5101 W
98th St
ITEM 5.2A
(case 7332A-06)**

Motion was made by Peterson, seconded by Elkins to approve renewal of a three year temporary conditional use permit for Body Lingo, LLC, 5101 West 98th Street subject to the following two conditions as set forth from the Planning Division Staff and the Planning Commission:

- 1) The conditional use permit is limited to the space and use shown in the plans approved in Case7332A-06; and
- 2) Renewal of this temporary conditional use permit or application for a permanent Conditional Use Permit, may be processed by the Hearing Examiner, in accordance with Sections 2.14(a)(1) and 19.15(b) of the City Code.

Motion carried 6-0

No public testimony was received.

**Three Year Interim Use
Permit to Allow
Temporary Retail use
of a Structure Slated**

Motion was made by Peterson and seconded by Nordstrom to approve a three year interim use permit for furniture sales in an existing building as a temporary use, Vogue Furniture Company, Inc. 4900 West 78th Street, subject to the following two conditions as set forth from the Planning Division Staff and the Planning Commission:

**for Redevelopment;
Vogue Furniture
Company
ITEM 5.2B
(case 2643A-06)**

- 1) All signage shall comply with the requirements of Article 10 of Chapter 19 of the City Code; and
- 2) No off-site signage be permitted at any time.

Motion carried 6-0.

No public testimony was received.

**Renewal of a
Temporary Conditional
Use Permit for
Transient Merchant
Sales; Minnesota
Army National Guard
Training and
Community Center;
3300 West 98th St.
ITEM 5.2C
(case 7700A-06)**

Motion was made by Wilcox and seconded by Elkins to approve renewal of a three year temporary conditional use permit for transient merchant sales associated with general public interest shows and events at the Minnesota Army National Guard Training and Community Center, 3300 West 98th Street, subject to the following eight conditions as set forth from the Planning Division Staff and the Hearing Examiner:

- 1) No off-site signage, including posters or portable signs, is permitted;
- 2) No temporary on-site signage or outside display of merchandise is permitted;
- 3) Evidence of all necessary State and local licenses, including food service licenses be provided to the Manager of the Environmental Health Services Division;
- 4) No transient merchant sales events be conducted when military unit training assemblies are scheduled;
- 5) No transient merchant sales events be conducted when major events at the Bloomington Ice Garden are scheduled so as to assure adequate parking is available for activities at both facilities;
- 6) No single-merchant retail sales events be permitted;
- 7) As a condition of renting, leasing or using the facility, the organizer of each sales event shall be informed of these conditions of approval and shall agree to them in writing and be responsible for compliance. Each individual exhibitor shall be bound by these conditions;
- 8) Future applications for renewal of this Temporary Conditional Use Permit may be considered by the Hearing Examiner;

Motion carried 6-0.

No public testimony was received.

**Renewal of a
Temporary Conditional
Use for a Pawn Shop;
Metro Pawn and
Jewelry, Inc.; 8820
Lyndale Ave.
ITEM 5.2D
(case 4551A-06)**

Motion was made by Wilcox, seconded by Axtell to approve renewal of a three year temporary conditional use permit for a pawn shop, Metro Pawn & Jewelry, Inc., 8820 Lyndale Avenue subject to the following eight conditions as set forth by the Planning Division Staff and the Hearing Examiner:

- 1) Window signage shall remain in compliance with Section 19.113(b)(10) of the City Code throughout the permit period;
- 2) Exterior on-site storage of any type is prohibited as all retail merchandise, items taken in pawn or purchased, or any other items shall be kept either entirely within the building or at a legal off-site location, except for allowed outside daily display items;
- 3) Retail floor area shall be considered that floor area to which a customer has access and shall be limited to the easterly 530 square feet identified in the plans for Case 4551A-06;
- 4) Outside daily display of merchandise is allowed only in the front patio within the area defined by a wrought iron fence, as approved by the Planning Manager. All displayed merchandise within the approved outside display area will be removed at the end of the business day;
- 5) Screening and landscaping shall be maintained in a manner to serve the purpose for which it was installed;
- 6) The site shall be maintained in a neat and orderly manner;
- 7) All applicable licenses shall be maintained; and
- 8) Future applications for the renewal of this temporary conditional use permit may be heard by the Hearing Examiner in accordance with Sections 2.14 and 19.15 of the City Code, unless changes are proposed to the scale and intensity of the use, site or building as determined by the Planning Manager.

Motion carried 6-0.

No public testimony was received.

Renewal of a Temporary Conditional Use Permit for Transient Merchant Sales; City of Bloomington Ice Garden; 3600 West 98th St. ITEM 5.2E (case 7324A-06)

Motion was made by Wilcox, seconded by Peterson to approve renewal of a five year temporary conditional use permit for transient merchant sales events at the Bloomington Ice Garden; 3400 West 98th Street; subject to the following eight conditions and one code requirement as set forth by the Planning Division Staff and the Hearing Examiner:

- 1) No temporary on-site or off-site signage, including posters and portable signs, is permitted;
- 2) No outside display of merchandise is permitted;
- 3) No single-merchant retail sales events are permitted;
- 4) No transient merchant sale or show shall be conducted on-site at the same time as a formal skating show or event;
- 5) The scheduling of events shall be coordinated with events at the National Guard Training and Community Center to insure adequate parking for activities at both facilities;
- 6) Evidence of all necessary State and local licenses, including food service licenses, be provided to the Manager of Building and Inspection prior to each show or sales event;
- 7) As a condition of renting, leasing or using the facility, the organizer of each sales event shall be informed of these conditions of approval and shall agree to them in writing and be responsible for compliance. Each individual exhibitor shall be bound by these conditions; and
- 8) Renewal of this Temporary Conditional Use Permit may be processed by the Hearing Examiner, in accordance with Sections 2.14(a)(1) and 19.15(b) of the City Code.

and subject to the following Code requirement:

- 1) Food service plans for all shows and sales events be approved by the Environmental Services Division (Sec. 14.360).

Motion carried 6-0.

No public testimony was received.

Bloomington Housing and Redevelopment Authority; West Old Shakopee Rd; France and Ewing Ave.

- 1. Preliminary & Final Plat of The Point
- 2. Vacation of Street, Drainage, Utility, Sidewalk, Bikeway, and Emergency Access Easements located at 10549, 10601 & 10617 France Ave; 3800 & 3816 W Old Shakopee Rd; and 10548, 10600 &

Motion was made by Peterson, seconded by Wilcox to *postpone* to the March 20, 2006 Regular City Council meeting.

Motion carried 6-0.

No public testimony was received.

**10608 Ewing Ave;
The Plat of The Point
ITEM 5.2F 1,2
(case 10713A-06)**

**Preliminary and
Final Plat of Post
Penland; Gary Post;
11038 Glen Wilding
Lane
ITEM 5.2G
(case 10696A-06)**

Motion was made by Peterson, seconded by Elkins to *postpone* to the March 20, 2006 Regular City Council meeting.

Motion carried 6-0.

No public testimony was received.

**5.3 Transportation
and Utility
Improvements
(none)**

**Amendment to Liquor
Ordinance to Allow
Brewpubs
5.4A Ordinances
(R2006-7)
(R2006-27)**

Motion was made by Axtell, seconded by Elkins to approve the proposed amendments to Bloomington City Code Chapters 13 and 14 authorizing the licensing of brewpubs consistent with Minnesota Statutes.

Motion carried 6-0.

No public testimony was received.

Motion was made by Axtell, seconded by Elkins to approve summary publication of the ordinance.

Motion carried 6-0.

No public testimony was received.

**Summit Hotel
Properties, LLC; 2801
& 2901 E 78th St. and
2850 Metro Dr.
1. Rezone from CO-1,
Commercial Office
and CO-1(PD),
Commercial Office
(Planned
Development), to
CS-1 (PD),
Commercial Service
(Planned
Development)
(Case 5713A-06)
2. Preliminary and
Final Development
Plan for a Hotel
Development and
an Existing Office
Development (Case
5713BC-06)
5.4B Ordinances
(R2006-8)**

Motion was made by Axtell, seconded by Elkins to adopted an ordinance approving the rezoning from CO-1, Commercial Office, and CO-1(PD), Commercial Office (Planned Development), to CS-1(PD), Commercial Service (Planned Development) (Case 5713A-06) at 2801 and 2901 East 78th Street and 2850 Metro Drive as set forth by the Planning Division Staff and the Planning Commission.

Motion carried 6-0.

Mr. Sharlin presented staff report. Peter Ballard, architect for project spoke on elevation and building construction materials and sound issues. Elkins asked if there was a restaurant on site and there will not be. Nordstrom questioned if the hotel would provide adequate ventilation and smoke free, Mr. Ballard indicated it would be a smoke-free development.

No public testimony was received.

Motion was made by Peterson, seconded by Elkins to approve the Preliminary and Final Development Plan for a hotel; development and an existing office development (Case 5713BC-06) at 2801 and 2901 East 78th Street and 2850 Metro Drive subject to the following fourteen conditions and fourteen code requirements being satisfied prior to Grading, Footing, and Foundation Permits as set forth by the Planning Division Staff and the Planning Commission.:

- 1) A site development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
- 2) Exterior building materials be approved by the Planning Manager;

- 3) Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;
- 4) Access, circulation and parking plans be approved by the City Engineer;
- 5) Common driveway/access/parking agreement be provided as approved by the Traffic Engineer, and proof of filing be provided to the Manager of Building and Inspection;

and subject to the following conditions being satisfied prior to Structural Permits:

- 6) Connection charges, as determined, be satisfied;
- 7) A SAC determination be calculated and payment be paid;

and subject to the following additional conditions:

- 8) Alterations to utilities be at the developer's expense;
- 9) All pickup and drop-off occur on site and off of public streets;
- 10) All loading and unloading occur on site and off of public streets;
- 11) Joint Airport Zoning Board permit for building height, if determined to be applicable, be provided to the Manager of Building and Inspection;
- 12) Plans submitted for building permits must include documentation that unit construction and building materials will provide a composite Sound Transmission Class 45 dB rating for exterior noise protection to dwelling units and interior common spaces;
- 13) The developer will perform as-built testing of the building's actual noise reduction. Reports of these tests will be submitted to the Director of Community Development;
- 14) After construction of each hotel but prior to issuance of a certificate of occupancy, documentation be submitted, signed by a Registered Land Surveyor, regarding as-built elevations above mean sea level for the structure;

and subject to the following Code requirements:

- 1) Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
- 2) Erosion control measures be in place and bond be filed;
- 3) All rooftop equipment be fully screened (Sec. 19.52.01);
- 4) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 5) All trash and recyclable materials be stored and screened inside the principal building/in a screened area(pick appropriate requirement). (Sec. 19.51);
- 6) Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
- 7) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1, Mn.Rules Chapter 1306; Uniform Fire Code Sec. 1003);
- 8) Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
- 9) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
- 10) Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
- 11) Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
- 12) Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;
- 13) A uniform sign design be submitted for approval by the Planning Manager; and
- 14) All signage be in accordance with the approved Uniform Sign Design (Sec. 19.109).

Motion carried 6-0.

No public testimony was received.

**CLOSED PUBLIC
COMMENT PERIOD**

Mayor Winstead asked if anyone else wished to address the Council on any item not on tonight's agenda . One person (name unknown) stepped forward to make comments regarding France and Ewing Area, Mayor directed Mr. Hartman, to speak with the resident. No one else came forward to speak so Public Comment Period was closed.

**5.5A Community
Development Block
Grant Action Plan,
Budget and
Application**

Motion was made by Peterson, seconded by Axtell to approve 2006 Community Development Block Grant Budget and approve the application submission.

Mr. Hartman presented plans. Questions were raised by Council in respect to the decrease from HUD of 11%. Discussion that this is a good program for the rehabilitation of homes.

Motion carried 6-0.

No public testimony was received.

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

The monthly update was provided to Council from Mr. Bernhardson, no questions or issues.

**Advisory Board of
Health: Accept 2005
Annual Report and
Approve 2006 Work
Plan [7:00pm] 6.2**

See above.

**Approve 2006
Legislative Policy 6.3**

Mr. Bernhardson requested a formal adoption of the 2006 Legislative Policy.

Winstead mentioned that this is a fluid document and subject to change.

Motion was made by Peterson, seconded by Elkins to adopt the 2006 Legislative Policy.

Motion carried 6-0.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:00 pm.

Debbie Smith
Acting Council Secretary