

**Regular Meeting #13
Monday, May 1, 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.

Roll Call

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

**PROCLAMATION –
Older Americans
Month**

Mayor Winstead read and presented a proclamation to Marilyn Lundholm, a senior participant at Creekside Community Center declaring May as Older Americans Month.

**PROCLAMATION –
Arbor Day**

Mayor Winstead read and presented a proclamation declaring May 6, 2006, as Arbor Day to Paul Edwardson, Parks Maintenance Supervisor.

Edwardson commented on Bloomington being designated as a Tree City USA for the 19th year. He invited the public to attend the tree sale on Saturday, May 6 from 9:00 – 11:00 a.m. Trees may be purchased for \$50 each.

**PROCLAMATION –
Kite Day**

Mayor Winstead read and presented a proclamation declaring Sunday, May 7 as Kite Day to Lorinda Pearson, Human Services Manager and Leah Vollmer, a youth representative of the Bloomington Sister Organization.

Vollmer invited the public to attend the Kite Day festivities at Valley View Park where Izumi, Japan Mayor Isaka and other delegation members will fly kites with Mayor Winstead.

**Adopted Resolution
Approving Variance at
9856 York Curve So.
Case 6284A-06
ITEM 3.1
R-2006-54**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution approving a variance to reduce the side yard setback adjoining a street from 35 feet to 30 feet for a garage addition at 9856 York Curve South, Case 6284A-06, for John J. Grabowski, subject to the following condition as set forth by the Planning Division Staff:

1. The variance shall apply only to the building approved in Case 8684A-06.

**Approved Contract
with WSB &
Associates
ITEM 3.2**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the Professional Services Contract dated May 1, 2006, with WSB & Associates for the hiring of a full-time Contract Civil Engineer for the not-to-exceed amount of \$120,000.00 per year. The Engineer will be assuming the duties and assignments of the civil position that was left unfilled when the Engineering Division's present Sr. Civil Engineer in the street construction area was reassigned to the Airport South Development Area.

**Accepted Donations
ITEM 3.3**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to accept the following donations made to various City activities and approve the amendments to the revenue and expenditure budgets to facilitate the appropriate use of these funds: \$200.00 donated by Creekside Roundtable and \$100 donated by Creekside Buyers Club to Volunteer Recognition; \$200 donated by Chief's Towing, \$175 donated by Lehman's Garage, Inc., \$100 donated by Landmark Partners, Inc., and \$50 donated by Gyropolis, Inc. to Cops n' Kids Baseball Clinic; a new 10" Delta 3HP Unisaw Table Saw valued at \$1,500 donated by Creekside Woodshop to Human Services Senior Program, and 200 refurbished cell phones valued at \$1,000 donated by Qwest Pioneer to Human Services.

- Adopted Resolution Supporting A Joint Bid for a National Political Convention**
ITEM 3.4
R-2006-55
- Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution supporting a joint bid with the Minneapolis and St. Paul Convention Bureaus for the 2008 Republican National Convention and Democratic National Convention.
- Approved Amended Construction Management Agreement with McGough**
ITEM 3.5
- Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve an amended Exhibit B dated March 27, 2006 to replace the original Exhibit B dated July 5, 2005 and to add Exhibit A1, the Phase 1B & 2A Infrastructure Improvements – Bid Package 2 for the Construction Management Agreement for the 2005-302 Public Infrastructure Improvements with McGough Construction Company, Inc. dated July 5, 2005.
- Approved Contract Extension with Asplundh Tree Experts**
ITEM 3.6
- Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve an extension of the current contract with Asplundh Tree Experts for emergency tree removal for an additional two-year contract period from May 1, 2006 through May 1, 2008.
- Approved Purchase of Gasoline & Ethanol**
ITEM 3.7
- Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the purchase of unleaded gasoline with ethanol for fueling of City vehicles and equipment under Hennepin County Contract #1510A6 from Egan Oil Company through April 30, 2008.
- Funding for these purchases is budgeted annually by various City departments such as Equipment and Recreational Facilities. Purchases from May 1, 2004 through April 30, 2005 totaled \$391,488.26. Purchases since May 1, 2005 were approximately \$441,801.47.
- Approved Contract Extension with Aramark Uniform Services**
ITEM 3.8
- Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve an extension of the current contract with Aramark Uniform Services for uniform rental services for Public Works employees (Engineering, Equipment, Facilities, Park, Street, Traffic, Utility Maintenance, and Water Plant) for an additional two-year contract period through May 1, 2008.
- Funds for this contract are budgeted annually in each division's budget. Expenditures under this contract since May 1, 2006 to date are approximately \$91,400.00.
- Adopted Resolution Supporting Two Wheels To Town Initiative**
ITEM 3.9
R-2006-56
- Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution in support of the Two Wheels To Town Initiative, which is a partnership with Bloomington, Edina, Minneapolis and Richfield that seeks to promote cooperation among the cities and relevant stakeholders to facilitate the design, building, and promotion of bicycle transportation systems within and among their communities.
- Approved Amendment to Met Council Grant Agreement #SG-03-96**
ITEM 3.10
- Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve an amendment to Metropolitan Council Grant Agreement #SG-03-96, which expands the scope of the grant work plan, thereby permitting use of the remaining grant funds for the restoration of prairie and woodlands north of 86th Street between East and West Bush Lake Roads.
- There is a balance of \$38,053 available in the grant that must be expended by June 30, 2006.
- OPENED PUBLIC COMMENT PERIOD**
- Mayor Winstead opened the public comment period for anyone wishing to address the Council on any items not on tonight's agenda. No one came forward to speak so Mayor Winstead returned to the regular agenda.
- Approved New Therapeutic Massage Enterprise License for A About Total Wellness Massage by Janet**
ITEM 5.1A
- Motion was made by Grady, seconded by Elkins, and all voting aye, to approve a new Therapeutic Massage Enterprise license, expiring August 31, 2006, for Janet L. Price dba A About Total Wellness Massage by Janet at 1120 Bliss Lane.
- No staff report was provided and no public testimony was received.

**Approved New
Therapeutic Massage
Enterprise License for
Grand Lodge
ITEM 5.1B**

Motion was made by Nordstrom, seconded by Grady, and all voting aye, to approve a new Therapeutic Massage Enterprise license, expiring August 31, 2006, for Bloomington Hospitality, LLC dba Grand Lodge at 1700 American Boulevard East.

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

**Approved New On-
Sale Intoxicating
Liquor License for
Grand Lodge
ITEM 5.1C**

Motion was made by Nordstrom, seconded by Grady, and all voting aye, to approve a New On-Sale Intoxicating Liquor License, expiring June 30, 2006, for Bloomington Hospitality, LLC dba Grand Lodge at 1700 American Boulevard East.

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

**Adopted Resolution
Approving Conditional
Use Permit for
Kabob's Restaurant
Case 8211A-06
ITEM 5.2A
R-2006-57**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving a Conditional Use Permit for a restaurant on the property located at 7814 Portland Avenue South (tenant address in Town & Country Shopping Center, 7810 Portland Avenue), Case 8211A-06, for Kabob's Restaurant, subject to the following 5 conditions of approval as set forth by the Planning Division Staff:

1. All trash and recyclable materials be stored inside the principal building (Sec. 19.51);
2. Seating be limited to 10 seats as shown in the plan for Case 8211A-06;
3. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
4. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code; and
5. All signage be in accordance with the approved Uniform Sign Design (Sec. 19.109).

No public testimony was received.

**Approved Final
Development Plan for
Central Station Park
for Bloomington
Central Station, LLC
Case 2830A-06
ITEM 5.2B1**

Bob Sharlin, Senior Planner presented the staff report. He described the Central Park as the primary open space within the project. The Park is located in the approximate center of the project. Using a site plan, he described the internal access and pedestrian circulation. The Park is a major pedestrian link to the other elements within Bloomington Central Station. He described the modifications to the Final Development Plan as follows:

- Additional detailing on the Central Park space.
- A minor addition in the Park size.
- The layout of the buildings within the Park.

Sharlin explained why the hotel use within the Park would be sited on the north side of the Park. He stated the Proposed Final Development Plan is consistent with the Preliminary Development Plan in size, shape, and pedestrian circulation. With regard to the urban design Guideline Plan, a broad framework was utilized in the design process. He referenced the landscape diagram that was included with the agenda materials. He stated the Park would be framed like a room by the surrounding buildings. An important aspect of the Park is stormwater management. Low impact stormwater techniques will be utilized. It will be a private park with public easements. He stated the Parks, Arts & Recreation Commission (PARC) reviewed the plan twice and recommended approval to the Council. The Planning Commission and the Traffic & Transportation Advisory Commission (TTAC) also recommended approval of the project subject to five conditions. He referenced the conditions that were provided to Council tonight. He stated staff does not support infrastructure related to any construction lapses relative to providing walkways and lineating traffic routes during the construction phase. Staff recommends approval subject to 10 conditions and the 5 noted City Code requirements. He stated staff is not intending to set up a fine schedule in order to gain compliance during construction.

Grady inquired if the developer had agreed to Conditions #9 & #10.

Sharlin confirmed they had.

ITEM 5.2B1 continued Motion was made by Peterson, seconded by Elkins, and all voting aye, approve the Final Development Plan for Bloomington Central Station, LLC located at 8100 33rd Avenue, Case 2830A-06, subject to the following 10 conditions and 5 Code requirements as set forth by the Planning Commission, TTAC and the Planning Staff:

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 2830A-06 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. 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: a listing of long term maintenance procedures for Central Station Park stormwater facilities (including procedures for periodic monitoring and assessment) and B) a revised stormwater facilities maintenance escrow fund and replacement surety plan containing stormwater management improvements associated with the Central Station Park;
3. Applicant and staff conduct a condition review meeting prior to submittal of grading application;
4. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;
5. Access, vehicular and pedestrian circulation (with additional path or walkway review) and parking plans, including bicycle storage or parking, be approved by the City Engineer;
6. Alterations to utilities be at the developer's expense;

and subject to the following additional conditions:

7. Pre-construction meeting with grading and excavation contractors to establish operating procedures and guidelines covering the beginning stages of site grading or alteration;
8. Field observation of initial site grading activities as determined by the Director of Community Development;
9. A pedestrian access and traffic control plan, including continuous access to the LRT station, for each phase of construction shall be submitted to and approved by the City Engineer prior to the issuance of grading and/or construction permits;
10. Construction limits shall be delineated in the field and traffic control set up to be approved by the City Engineer prior to removal or construction activities and a 24-hour/7-day/week contact number shall be provided for traffic control/construction issues.

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. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
4. 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);
5. Site security lighting shall satisfy the requirements of Section 19.54 of the City Code.

ITEM 5.2B1 continued Speaker #1: Mark Fable, Developer, McGough Development
 He commented on the award the Reflections project recently won at the Business Journal awards ceremony for the Best Condominium Project Over 100 Units in the Twin Cities. It also won the Best Overall Project in 2005 for all real estate projects within the Twin Cities. He presented the award to Mayor Winstead and the City Council. He showed some renderings of the proposed Park. He stated it will be a very large park that should help attract office and hotel tenants to the development. He reported Phase I is doing very well. Soon Phase II will be introduced. He invited the Council to tour the project. People to start moving in during August and September. The Park construction has already started and is anticipated to be completed in October.

No public testimony was received.

**Adopted Resolution
 Approving Temporary
 Waiver of Platting for
 Bloomington Central
 Station, LLC
 Case 2830B-06
 ITEM 5.2B2
 R-2006-58**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution approving a Temporary Waiver of Platting requirements of Chapter 16 of the City Code for certain property located at 8100 33rd Avenue, Case 2830B-06, for Bloomington Central Station, LLC subject to the following condition as set forth by the Planning Division Staff and the Planning Commission:

1. All previous conditions for the Bloomington Central Station Project remain in effect.

No public testimony was received.

**Approved Preliminary
 Plat of HOUTS
 ADDITION at
 10008 Pleasant Ave S
 Case 10726A-06
 ITEM 5.2C1**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the Preliminary Plat of HOUTS ADDITION located at 10008 Pleasant Avenue South, Case 10726A-06, for Charles Houts subject to 4 conditions as set forth by the Planning Division Staff and the Planning Commission:

1. After acceptance by the Department of Public Works and prior to signing by the Mayor and City Manager, the Final Plat, all easement documents, and all other documents required as part of the subdivision be reviewed by the Planning Manager and City Attorney to assure compliance with conditions of approval adopted by the City Council;
2. Right-of-way shall be dedicated to 30 feet from centerline along Pleasant Avenue South and Grand Avenue South;
3. Ten-foot drainage and utility easements shall be provided along all frontages and 5-foot drainage and utility easements shall be provided along all other interior lot lines of both lots; and
4. A 10-foot sidewalk/bikeway easement shall be provided by document along Pleasant Avenue South and Grand Avenue South.

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

**Adopted Resolution
 Approving Final Plat of
 HOUTS ADDITION
 10008 Pleasant Ave S
 Case 10726A-06
 ITEM 5.2C2
 R-2006-59**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution granting approval of the Final Plat of HOUTS ADDITION located at 10008 Pleasant Avenue South, Case 10726A-06, subject to completion of the Preliminary Plat conditions and the 7 conditions and 2 Code requirements as set forth by the Public Works Staff, receipt of the title opinion, necessary documents, and deposits; and a review of all the documents by the City Attorney. The property is being platted to create one lot to be sold and one outlot to be developed, if and when Grand Avenue is developed.

1. Title opinion or title commitment shall be provided.
2. Connection charges are due prior to the issuance of utility permits.
3. Right-of-way shall be provided 30 feet from centerline along Grand Avenue;
4. Standard drainage and utility easements shall be provided 10 feet along street frontages and 5 feet along internal lot lines.

ITEM 5.2C2 continued

- 5. A 10-foot sidewalk/bikeway easement shall be provided along all street frontages.
- 6. Grading, drainage, utility, and erosion control plans shall be approved by the City Engineer prior to the issuance of permits.
- 7. Surveyor shall provide a monumentation letter certifying that all monuments shall be placed within one year of filing the plat, unless the monuments are set before filing.

Code requirements:

- 1. 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).
- 2. All development setbacks shall be based on planned widened rights-of-way for the abutting public street(s) (Section 19.42).

No staff report was provided and no testimony was received.

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.

Approved Preliminary Plat and Adopted Resolution Granting Final Plat Approval For THE POINT Case 10713A-06 ITEM 5.2D1 R-2006-60

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the Preliminary Plat of THE POINT located at 3800 & 3816 West Old Shakopee Road, 10549, 10601, & 10617 France Avenue; and 10548, 10600, & 10608 Ewing Avenue, Case 10713A-06 and adopted a resolution approving the Final Plat of THE POINT for Regina Harris, Bloomington Housing & Redevelopment Authority (HRA) subject to completion of the following 9 conditions and 2 Code requirements as set forth by the Public Works Staff, receipt of the title, necessary documents and deposits and a review of all documents by the City Attorney. The property is being replatted to combine eight lots into one lot.

- 1. Standard drainage and utility easements shall be provided 10 feet along street frontages and 5 feet along internal lot lines.
- 2. A 10-foot sidewalk/bikeway easement shall be provided along all street frontages.
- 3. Grading, drainage, utility, and erosion control plans shall be approved by the City Engineer prior to the issuance of permits.
- 4. Temporary street signs, lighting, and addresses shall be provided during construction.
- 5. Surveyor shall provide a monumentation letter certifying that all monuments shall be placed within one year of filing the plat, unless set before filing.
- 6. A non-access easement shall be provided along France Avenue and West Old Shakopee Road.
- 7. A landscape easement shall be provided at the southwest corner.
- 8. Right-of-way or street easement shall be provided for the Ewing Avenue cul-de-sac.
- 9. The Final Plat will not be released for filing with Hennepin County until the Engineering Division receives written notification from utility companies approving the vacation of easements.

and subject to the following Code Requirements:

- 1. 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 issuance of building permits (Section 16.10).
- 2. All development setbacks shall be based on planned widened rights-of-way for the abutting public street(s) (Section 19.42).

Adopted Ordinance Vacating Easements Relating to THE POINT ITEM 5.2D2 O-2006-17

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt an ordinance vacating street, drainage, utility, sidewalk/bikeway, and emergency access easements located at 10549, 10601 & 10617 France Avenue; 3800 & 3816 West Old Shakopee Road; and 10548, 10600 & 10608 Ewing Avenue.

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

**Referred West 86th
Street Striping
Reconfiguration to
TTAC and Continued
to June 19
ITEM 5.3A**

Amy Marohn, Traffic Calming Coordinator presented the staff report regarding the proposed striping reconfiguration for West 86th Street. She reviewed the Collector Restriping Program on West 86th Street. Using an aerial, she described the existing street, striping, and segment width between East and West Bush Lake Road. She described the current parking regulations along this segment, as no parking is allowed from Texas to East Bush Lake Road but is from West Bush Lake Road to Texas Avenue. She stated a speed survey was conducted. She showed the proposed pavement markings for this segment. The residents in the area want the parking to remain as currently regulated. She stated staff tried to keep the shoulders to 8 feet in width and that there are some drive lanes as wide as 14 feet. She stated staff proposes no changes to the parking regulations. She summarized the comments provided at the open house held at Public Works on Monday, April 24, 2006, which pertained to cost, maintaining the current parking on the west end of the segment, and no additional parking proposed. She stated staff recommends approval of the restriping for completion during the summer of 2006.

Mark Bernhardson, City Manager referenced the questions Elkins had presented to staff. He suggested this item be continued to May 15 to give staff time to review the questions and provide the information to Council.

Elkins suggested that TTAC review the proposed restriping and indicated his desire to see the issue of 11 and 12-foot drive lanes in residential neighborhoods explored.

Winstead stated for the record that his daughter lives on the corner of 86th & Pinehill Road.

Bernhardson inquired if anyone in the audience desired to comment on the restriping of Nesbitt. No one appeared.

Speaker #1: A Resident on Lakeview Road

He stated he bikes and walks in the area. He retired ten years ago and likes the area the way it is. He commented that the north side of the walkway from East Bush Lake Road to West Bush Lake Road is not in good condition with low spots and tree roots and suggested it could also be improved at this time.

A motion was made by Elkins, seconded by Nordstrom, and all voting aye, to send the proposed West 86th Street striping reconfiguration back to TTAC for a review at their June 8, 2006 meeting and continued Council action to the June 19, 2006, Regular Council meeting.

**Adopted Resolution
Amending Comp Plan
for Portland
Commons, LLC at
8735 Portland Ave. S.
Case 4432A-06
ITEM 5.4A1
R-2006-61**

Londell Pease, Planner presented the staff report and provided a brief overview of the Portland Commons project. He stated it was presented to the Planning Commission on March 9, 2006, at which time they recommended denial of the Comprehensive Plan amendment from medium to high density but didn't act on the Rezoning or the Preliminary or Final Development Plan. On April 3, the City Council reviewed the proposal, which had included some changes, and requested a resolution for approval of the Comprehensive Land Use Plan amendment plus some additional changes and sent the rezoning and the Preliminary and Final Development Plan items back to the Planning Commission for a review and recommendation. He stated the Planning Commission reviewed all three applications on April 6 and recommended approval of all three applications. He described the Commission's biggest obstacle as what would be the future use of the site if this application was denied. The commissioners indicated they didn't want it to go back to being a trailer park.

ITEM 5.4A1 continued Using a site plan of the current proposal, Pease indicated where the underground parking would be located. He stated the end units would be three stories instead of four while the core would be four stories, as would the building to the south. He described the setbacks from the new right-of-way line and from the new property line to the building: 44 ft. for the 4-story building and 33 feet for the 3-story buildings. He stated the access drives have been relocated further north and will exit onto Portland Avenue without headlights shining into the windows of nearby residents. The park still loops around to Oakland Avenue. A breakaway access, however, will be located on Park Avenue to accommodate emergency vehicles. All parking garages to be served by a single entrance. Seventy-eight percent of all parking spaces to be focused toward Portland Avenue. He stated the applicant has looked at increasing the landscaping plans. Additional landscaping is planned around the pond, on the north side, and along Portland Avenue between the parking lot and the neighbors to the west. He pointed out where significant underground utilities are located, which created some difficulty for the applicant in determining a location for the pond. The potential exists for two small ponds instead of one large one but it depends on where Xcel places its monopoles. Using GIS, he explained that the applicant purchased the strip of land from Xcel Energy, resulting in a 10-acre total land area. If the Xcel parcel was removed, it would result in a 32-unit per acre site.

Winstead stated that while the plan does meet the requirements, there will still be three and four-story buildings.

Regarding the trailer park, Pease stated that he provided Council with information related to enforcement issues. He explained what would happen to the Park if this application was not approved. He stated that the Park obtained a Conditional Use Permit from the Council in 1962 and unless the Park is vacant for 12 consecutive months, most it could be used again as a trailer park. He reported that the Park owner stated it is an option that could be explored.

Winstead referenced the correspondence that was sent to the Council requesting information. He stated he doesn't want what could happen if this application is not approved to be a tactic to push or pull the Council in a particular direction.

City Attorney Dave Ornstein stated a letter was sent from the property owner and operator of the mobile home park to Pease suggesting that he may utilize the site as a mobile home park if this proposal doesn't go forward. Staff contacted the Minnesota Department of Health that is required under law to enforce many of the regulations of manufactured home parks dealing with health, safety and welfare and that the Park currently has a Conditional Use Permit from the City. He stated that after one year of the Park not being used as a mobile home park, the permit would terminate. As it officially closed around April 1, 2006, the permit would remain in effect for the rest of the year. If it were to continue as a park, a State license would be required. He stated the State claims the Park conforms to all regulations for a park. However, the lawyer representing the park owner might take a different position. He referred to an Apple Valley case regarding non-conforming uses. If an owner can show that the basic infrastructure has not been changed and the park has not been converted to any other use and the park hasn't existed for a period of 12 consecutive months, the owner would only have to apply with whatever state and local laws were in effect at that time. Any violations would be enforced by City and State law. In either circumstance, if the park owner applied for a license within the next month or two, he could put between 50-70 trailers on the site.

Winstead inquired about the setback requirements and if anything was new in this area.

Ornstein replied that the Park owner would have to comply with some setback requirements but that it would depend on the application of the court's decision on the non-conforming case.

Bernhardson requested the City Attorney comment on the communication provided from the Governor's office in response to a citizen's inquiry.

ITEM 5.4A1 continued Ornstein explained that the Minnesota Department of Health (MDH) is charged with enforcing public health safety rules and regulations internally for the Park and that the City has limited authority. Primarily the health safety requirements are in the hands of the State. He stated there have been a number of issues regarding this property over the years. Years ago, Ornstein stated he met with the MDH commissioner and that the State has not aggressively enforced a lot of the issues involving not only this mobile home park but others around the state as well. He explained the City has attempted over the years to negotiate a Delegation Agreement with the State that would delegate the State's responsibilities over to the City to enable it to take action to protect the residents living in the Park, which the City didn't have the authority to enforce. However, indemnification has been the stumbling block. He stated past State decisions were dubious. The City didn't want to have to defend itself. The State does not indemnify and that's why a delegation agreement hasn't been reached. The City has worked diligently with the State and signs of progress have been made. The State did realize the serious violations in the Park and was working with the City. All City departments have tried to enforce the City Code in order to maintain the safety of all the Park's residents. Significant progress had been made up until the time the Park closed. Going forward, Ornstein stated he is hopeful that some accommodation with the State can be made for the two remaining mobile homes parks in Bloomington. He stated there has not been a lack of enforcement on the part of the City. It has done everything it could within the law.

Winstead stated again that the Council does need to consider this but didn't want them to focus on what could happen if this proposal doesn't get approved.

Elkins inquired if there was anything in State law that could prevent the City from enforcing its new nuisance ordinance.

Ornstein replied no, as it generally applies to the general health safety welfare ordinance, which could be applied to the Park owner or a tenant.

Wilcox stated he doesn't like design by blackmail or lawsuit and visited with the adjacent neighbors who feel the density is too high but they fear the Park will return. He inquired as to when their park license expired.

Ornstein stated he doesn't think they have a 2006 license. He stated that based on the supreme court decision in Apple Valley and non-conforming law, the Park owners would only have to comply with State and City laws on the books when the Park first began as a park. He stated he doesn't know if the State would agree with that. He clarified that the Apple Valley Park had discontinued use for a short time.

Wilcox stated that the Park wasn't up to code in the 1950's.

Ornstein replied that that case was wrongly decided and that the courts view mobile home parks different than other residential areas. Apple Valley should have been made to comply with the current regulations but they weren't. He stated this issue is not black and white.

Winstead stated that from the City's standpoint, it wouldn't let the Park go back to being the way it was.

Pease reported that he has the property payout from all but one of the homeowners.

ITEM 5.4A1 continued Steve Segar, Professional Civil Engineer provided Council with a brief overview regarding the stormwater situation in the existing trailer park and along the street and ponding areas. He stated there had been two reports of minor flooding? Upon review, he believes that the proposal, along with some proposed City maintenance, there would be an overall benefit in reducing the stormwater impact with this proposal. All but new the right-of-way runoff would go to the storm sewer proposed by the developer. The maintenance proposed by the City would be to the two low points along Oakland Avenue. He stated capacity would be improved. The development along with the proposed maintenance work will help alleviate some of the drainage problems in the area.

Peterson commented that if the owner reopened the Park, the issue would be the intensity of the use of the Park and inquired to what extent does the City have control over the number of mobile homes that would be allowed in the Park.

Ornstein stated that as long as the permit doesn't expire and they comply with State and City requirements, the State couldn't deny the license.

Pease stated there is no state regulation regarding the age of a structure that can be moved in but most parks have their own regulations. The units would have to be habitable. If they are rental units, the City would look for a rental license. If they're homeowner occupied, it's totally within the State's authority to issue a license with regard to setbacks. In 1999, staff worked with the previous park owner and reviewed several park plans. He stated 66 units fit onto the property. The peak license was for 72 units but in the early 2,000's, there were approximately 70. That was down to or 59 last fall.

Peterson inquired about the lot rent.

Pease replied that it was \$300 to \$325.

Winstead stated the Park had said it would go to \$375 per lot at one point.

Elkins, commenting on the landscaping plan which indicated 3-foot shrubbery in the front, inquired if the landscape ordinance limits it to 2 feet.

Pease replied that it would comply with the City's landscape ordinance.

Speaker #1: Niles Schulz, Portland Commons, LLC

He reviewed the process to date. He stated the three-story wings would face north leaving the other buildings as proposed. He commented on the following issues:

- 1) Flooding: They will do whatever they can to solve the problem. Their civil engineer will work with City's engineer to work on a reasonable solution.
- 2) Ingress & Egress of Traffic: They have no strong position on this issue. There would be an entrance from the west to enter the east and west buildings. They will comply with whatever City Staff, the Council, and the neighborhood decides is best.
- 3) Height and density – strengths of the proposal: This proposal takes land that is underutilized or misused and makes it more productive. There is demand for 724 condo units in this market area – East Bloomington, Richfield, and Minneapolis. Their design keeps prices sensitive to the adjacent neighborhood. This development would be a step in the lifecycle housing. Intensive landscaping will stay in the plan. They believe the Xcel property would be a neighborhood amenity. Green roof technology would allow plantings to be located over parking garages. All of the water on their site will go into their pond and out in a measured outlet to the City's system. Their building will be aesthetically pleasing and showed some colored renderings. There will be balconies and separate doors on the ground level so residents can enter directly from the outside. He showed how the north wing was lowered to three stories and the massing of the buildings to four stories.

ITEM 5.4A1 continued

- 4) Safety: All buildings will be sprinkled, have a security system, and will be accessible to emergency vehicles. He reported on the shadow study they conducted from various directions.

He announced that other experts were available for Council questions.

Wilcox inquired if the Planning Commission debated the issue of senior buildings.

Schulz replied that none of the buildings are designated specifically as senior buildings.

Axtell stated that the test of time will be ten years from now regarding the demand of the unit, construction quality, and how it fits into the neighborhood. He stated his concern, given the condo market is currently weak, is that it may take longer than anticipated to complete construction of the four buildings. If it does take longer, he doesn't want to see a construction site in progress for the next four to five years.

Schulz concurred and stated he doesn't believe the City would allow it and neither would they. Assuming they receive approval, he stated they would need to do the first building right in order to sell the rest of the project. They want to do an outstanding job on the northwest building to attract people to this development. They don't know how fast the buildings will be absorbed but believe buildings #1 and #2 will be absorbed quite rapidly.

Winstead inquired how the site would be maintained for a couple of years during the construction cycle?

Schulz replied that if building #1 goes first, a sales trailer would be located on the site and the existing house would provide some good office space for the sales staff, which could be removed at any point. They expect it to be in place less than one year. When building #1 is sold out, they will immediately start marketing building #2 and so on. The rest of the area will be maintained as lawn during the construction process.

Elkins stated that according to the Maxfield consultant, units that are located within walking distance to retail or other services sell fast.

Mary Bujio, the Maxfield consultant replied that they have seen a lot of condos constructed next to commercial developments, as those areas are zoned as high density. However, they've worked with other developers where developments haven't been located within walking distance to desired services, but the landscaping and other amenities of the projects help them sell. She described the attractiveness of this development. It's located on main corridors and has high visibility from Portland Avenue. The proposal will provide an attractive area for residents. They won't necessarily need goods and services within walking distances. The developer wants to keep prices low enough to appeal to many different age groups. The age 55 & older group prefer to be within walking distances but younger people want to have easy access so they can drive to work or to other retail good and services nearby.

Nordstrom inquired if each building would have a mix of 1, 2 and 3 bedrooms.

Schulz replied that each building would and that it will be on the bus line.

ITEM 5.4A1 continued

Speaker: Paul Olsen, 8641 Portland Avenue South

He is a 39-year resident at this address. He doesn't see any changes from the developer's first proposal. Things are just kind of switched around. He indicated his disgust with how the program first started out and that this development has been compared to the development at 98th & Portland Avenue. He stated he is tired of the stonewalling of the Planning Commission by not opening up Park Avenue to give the development access to go whichever way they want. He stated he checked with Chad Smith, Traffic & Transportation Engineer and asked him if Portland Avenue, 86th Street, 90th Street, and Park Avenue could handle the traffic. With regard to drainage, he showed a photo down near the trailer park and in front of his house where water ponds. He stated the sewers from Park Avenue drain over to Oakland Avenue and the water level rises. He said the City should fix that problem before they get into another big problem. He added he believes the information provided to him by the State regarding the situation in the Park.

Bernhardson stated that City Attorney Dave Ornstein has been involved in the Park situation for many years while the representative who provided the information from the State only a few years.

Winstead stated that the Council works with its City Attorney and understands that conflicting information has been received.

Olsen read some information he received from the State regarding his Question #1: That the Park is not currently licensed as a park. He stated he ended up at the State in the first place, as he believed the planners were misleading the Planning Commission and he wanted answers. The State told him the planners were misleading the Planning Commission and that they didn't come to an intelligent decision and that they were scared about it coming back as a park, as they didn't receive the proper information.

Winstead stated that everyone is clear on the issue that there are some conflicting viewpoints from the State, etc. but that the City Council has the ability to move this forward or vote it down. He stated he would not want to see the Park go forward, no matter how this vote goes. He stated enforcing setbacks and pressing issues. The Council understands the issue.

Olsen commented that he tried to get the minutes from the City Council and Planning Commission meetings when this item was discussed but was told they wouldn't be ready for a couple of months, which would have been helpful to him in preparing his comments for this meeting.

Winstead stated that he watched the Planning Commission meetings on a couple of occasions and so did other Council members so everyone is up to speed.

Olsen stated it's frustrating to listen to the discussion and not be a part of it. The State told him a park would have to comply with all the State and City ordinances.

Winstead stated the question is what set of ordinances would they have to comply with.

Olsen stated that the longtime residents in his area said the trailer park wasn't a problem until two owners ago. Using the buildings on 84th & Lyndale Avenue, he showed a photo of what the view will be from his back yard if this development is approved.

Regarding the street connection, Elkins requested Public Works comment on this issue. He stated the City is having more issues regarding channelization of traffic onto collectors. He made the comment that if this is approved without Park Avenue being connected and it becomes denser, Wilcox would be able to empathize with him.

Chad Smith replied that every street has its own set of problems. Grids versus cul-de-sacs - each have problems. He commented that Fremont Avenue, for example, will have changes made to alter the distributed flow through a local neighborhood. He stated TTAC reviewed the Portland Commons proposal and approved of the site with the street connections as shown.

Elkins stated that he didn't see much in the TTAC minutes regarding the discussion of Park Avenue as a connector.

ITEM 5.4A1 continued Wilcox stated the City is changing its thinking in making the traffic in this development exit out onto Portland Avenue when in the Sands development on Aldrich Avenue, the traffic was forced onto Aldrich. His concern is that this site is being overload and is creating a parking problem.

Elkins concurred with Wilcox, in that the Sands Apartments on West 88th Street, the traffic was directed onto Aldrich Avenue.

Winstead commented that there is a divider median on Lyndale Avenue in that area and perhaps more commercial traffic in that area.

Wilcox stated that the developer of that project wanted to direct the traffic down a local street to a signalized intersection.

Chad Smith commented that that development was prior to his employment with the City but that there is access on both the east and west sides of the Sands Development. In this case, the volumes are low along Park Avenue – 100 vehicles per day and that adding more cars onto that street would have a bigger impact on traffic.

Axtell inquired if Park Avenue was opened up, what impact would that have on the green space as proposed.

Schulz replied they would lose some green space to ramp down.

Pease stated there is 20 feet of right-of-way on the east side of this property. On west side of Park Avenue there is 30 feet of right-of-way from Park Avenue and in order to get 60 feet, it would be short 9 feet on the east side.

Wilcox inquired why isn't staff taking right-of-way from the west side of the development. Instead staff recommends taking needed right-of-way to get a self-contained neighborhood and a better traffic pattern for the neighborhood.

Grady stated the petitioners from Park Avenue don't want any traffic up Park Avenue and TTAC said don't do it so keep it as proposed. Why reopen it up now? Proper staff has reviewed it.

Peterson stated he talked to many in the neighborhood and given the petition, he is surprised to hear there is an interest in opening up Park Avenue.

Wilcox stated that the Park Avenue folks don't want it but neither do the Portland Avenue folks. He stated TTAC said keep it closed as it would take too much of the Developer's parking and it would take away too many of his units. He requested Council not make the approval based on the need for parking for 216 units.

Winstead commented that depending on the alternatives, one group will always be happier than another but that the Council understands the issues.

Pease stated that the Developer did have a plan with a road going through but that it wasn't shown or applied for.

Winstead commented that the east portion of Bloomington is a grid-oriented section of the city. The majority of Bloomington is a grid system and it functions well and one street like this won't disrupt the grid system.

Wilcox inquired what is the policy? He read the last paragraph of the TTAC minutes and stated he believes the basis for approval is that otherwise it would lower the number of developer units.

Olsen suggested a compromise could be reached where half the traffic is dumped out onto Portland Avenue and the other half out onto Park Avenue.

ITEM 5.4A1 continued

Speaker#2: Harold Greiger, 8600 Portland Avenue South

He submitted a petition at the podium. He stated he received a call from the developer who said the development was going to be 75% for seniors and 25% for others. He is concerned with constantly changing information. He disagrees with putting that many people into that size of a site and referenced the problems over at Georgetown. He said the density is too high but heard it's not financially feasible for the Developer to have less units. He inquired that if a two-story building was built, wouldn't the cost be half of what it would cost to build a four-story building?

Winstead explained that site acquisition is part of any developer's costs and with more units the land costs go down. More units help support the land costs. He reiterated that the developer had stated that he wanted his development to be financially comparable to the other residential properties in the area.

Greiger stated that other developers' proposals for shorter condos went by the wayside.

Bernhardson stated that 2-4 years ago, the Park owner discussed a three-story building but the numbers didn't work out so the proposal went away.

Greiger suggested flat-roof buildings would blend in better with the neighborhood. He suggested everyone check out 90th & Portland Avenue to see how that blends in with the neighborhood. He also suggested the \$3 million property could be purchased for a park or make it a holding pond but don't pack that many people into that small of a space.

Speaker #3: Marty Conzemius, 8700 Park Avenue South

He stated Portland Avenue is a main thoroughfare – it's maintained and plowed. He stated it's hard to get out onto 86th Street. Doesn't believe it would be good to put traffic onto Park Avenue or to put them out onto 86th Street. Park is just a temporary street. Something more would have to be done with it.

Speaker #4: John Hondl, 8630 Portland Avenue South

He stated he is concerned with the density and the parking. He questioned how many people would be living in the 2-bedroom units. If it's 2.5 people each, where are they going to park? On Park Avenue? With regard to the Xcel property, he asked if the owner has a clear title to those ten acres. He doesn't believe Xcel will give them a clear title and asked if the City staff had checked on that?

Bernhardson replied that they may not have title yet but it is the Developer's intent with some easements to Xcel.

Pease stated the applicant would need to have a clear title on the Xcel property for the development to proceed. To answer the question relating to parking, he stated the development will have 2.2 parking spaces per unit. He stated there will be 460 parking spaces to serve this development, much of it underground -- 1.2 spaces per unit underground with parking located on the east and west portions of the property. Traditional parking needs will be met. He reiterated that the developer would get title to the property with easements to Xcel.

Speaker #5: Marlin Bates, 8800 Chicago Avenue South

He stated he is a 44-year resident at this address and lived in the trailer park from 1960-1961. He commented 216 units will put over 500 people in this development and inquired where will the kids that live in this development play. He inquired if this development will create more traffic on 88th Street. He stated that two-story buildings would be much nicer for the neighborhood.

Speaker #6: Jason Ligget, Kennedy High School Senior

He commented that he had to attend this meeting for a class assignment. He stated everyone has an opinion and that they should hold those opinions to themselves. The City has engineers who are experts.

ITEM 5.4A1 continued

Speaker #7: Julie Johnson, 8667 Oakland Avenue South

She's a 31-year resident at this address. She commented that the area has become a slum over the last 20 years. There used to be lots of kids in the trailer park. The house across from her has been for sale for five months and has not sold because of the trailer park. It's a very nice house but it won't sell. She said she probably wouldn't be able to sell her place either due to the condition of the trailer park. No one will have anything to do with those houses. She stated they've worked hard to maintain their properties and follow the rules of the City. She believes this development will improve the neighborhood and will improve their property values. She has to look at that park everyday. The junk is still there. She doesn't want to have to continue looking at it. She questions why the owner would start maintaining the Park now when it hasn't been maintained for the last 20 years. She's embarrassed to live near the Park. She stated her desire to see the Council approve this development. It's needed in the area and it's priced to compete with the surrounding homes. She stated \$300,000 single-family homes would not be successful in this location.

Speaker #8: Scott Pentila, 8712 Park Avenue South

He stated this has been an emotional issue from the very beginning. He stated Park Avenue is not a thoroughfare. He commented that the Xcel corridor will be a green space that many kids can and will continue to use. He believes the traffic engineers have figured it out right. Stormwater will be improved and traffic, 400 additional cars, will be generated by this development. He stated those who live closest to the proposed development are not complaining. He lives right next door to it and believes it will be a wonderful development for the area. He stated people might try to take shortcuts to avoid Portland Avenue and that Columbus Avenue is already a speedway with people trying to avoid Portland. He said arterials are there for a reason, traffic flows better on them.

Speaker #9: Randy Salitros, 8700 Portland Avenue South

He is concerned with the traffic on Portland Avenue. If you put the drainage on the Xcel property, it will need to be fenced in so kids won't be able to play there. He said kids would have to go down to 90th Street to play. He suggested opening up Park Avenue so that both Portland and Park could be used for traffic flow.

Winstead explained that the Xcel parcel would result in a drier recess. It would hold water to allow it to drain slower and that children could possibly play in it during dry periods.

Speaker #10: Harold Greiger, 8600 Portland Avenue South

He stated he heard from a City official that the City is having density problems and is getting unit prices up. He doesn't want to see that happen on the east side of Bloomington.

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to close the public hearing.

Winstead stated there are definitely multiple thoughts on this and suggested the Council stay away from designing the development from this dais. Either move it or reject it. He stated the developer made some changes after listening to the people. Regarding the transportation, the right-of-way has been given to connect Oakland and Park. This is a more practical solution to getting the Oakland problem fixed. Even if this density is not perfect, it could be acceptable. He doesn't believe this property is ever going to go back to being a trailer park again. He stated TTAC discussed it and this is the plan.

Elkins stated the developer has done everything possible to make a 4-story building as unobtrusive as possible. He stated the current Comprehensive Land Use Designation and zoning is appropriate. Other developments of this height and density would be welcomed in other parts of the city but this development sticks up right in the middle of a single-family development without any nearby services. It doesn't belong here. He watched the Planning Commission meeting and agrees with Planning Commissioner Peper – this isn't the way the City ought to set the Comprehensive Plan and zoning and that the Council is working on strategic planning for a reason. He stated if this is approved, there's no point to working on strategic planning. There is a finite market for this type of plan and it should be guided into another area of the city.

ITEM 5.4A1 continued

Grady agreed with Elkins but stated this not a typical parcel. This property had a lot of extra costs associated with it. The owner had to relocate 72 trailers and homes in the process. Past developers walked away, as two-story buildings wouldn't justify the cost due to State statute. She stated this is a unique situation. The land costs are huge. The financial reality is that to make this piece of property work, the density has to be there. Homes would be an option but they wouldn't fit in with the neighborhood, as they would be too expensive for the surrounding area. She stated key people who live adjacent to the development; Julie Johnson and Scott Patila live right there and support it. She stated the Council has a choice to fix it or leave it as it's been for the last 20 years. She stated she will vote to approve it.

Wilcox agreed with Winstead's assessment with regard to design, but looked at the economics. He would like to see the Park go away but the financial realities are that the owner illegally bought old used trailers and jammed them in illegally, charged rent, and now it's time to pay the relocation costs and that's what driving up the costs. The owner ran it illegally and drove up the price. He stated that shouldn't be the basis for the Council's decision. He agreed with Planning Commissioner Peper also that the economic situation was not the City's doing. He doesn't believe it will come back as a park either. He compared this situation to the Underground Water Adventures at the Mall of America that took three owners to get it right. Either this owner is going to put a lot of money into the Park or he's going to have to drop the cost of the land to make the development work. He stated he can't support the density and doesn't want to be blackmailed into approving this project. He would rather see a revised plan.

Nordstrom stated that the Council wants to improve the neighborhood so why wait another 12 years and watch the price go up on future development even more. She stated the Council is looking to make improvements to all neighborhoods. She stated this development might not be ideal but it's the best plan right now and the developer has shown a willingness to work with the neighborhood.

Axtell stated he supports the plan as presented. The market will dictate when that property sells. He doesn't think it would go back to being a trailer park but could sit vacant for a while. He stated he would like to see a condition added that would require the area waiting to be constructed maintained as lawns to make the site as aesthetically pleasing as possible to the neighborhood during the process. He hopes the units sell quickly. If it sells quickly, then the development will have been successful. He stated it will add \$40 million to Bloomington's tax base or \$800,000 per year and will allow young families to move into Bloomington, which will also help the school system. It would be a good addition to Bloomington.

Motion was made by Grady, seconded by Axtell, to adopt resolution approving a Comprehensive Land Use Guide Plan revision from Medium Density Residential to High Density Residential Land Use at 8735 Portland Avenue South, Case 4432A-06, for Portland Commons, LLC. Motion passed 5-2 (Elkins & Wilcox opposing).

**Adopted Ordinance
Amending Zoning for
8735 Portland Ave. S.
Case 4432B-06
ITEM 5.4A2
O-2006-18**

Motion was made by Grady, seconded by Axtell, to adopt an ordinance amending the Zoning Map to rezone certain property located at 8735 Portland Avenue South, Case 4432B-06, from Multiple-Family Residential (R-4) to Multiple-Family Residential (Planned Development) RM-50(PD) for Portland Commons, LLC. Motion passed 5-2 (Elkins & Wilcox opposing).

**Approved Preliminary
& Final Development
Plan for Portland
Commons, LLC at
8735 Portland Ave. S.
Case 4432CD-06
ITEM 5.4A3**

Motion was made by Grady, seconded by Axtell, to approve the Preliminary & Final Development Plan for a multifamily residential development at 8735 Portland Avenue South, Case 4432CD-06, for Portland Commons, LLC, subject to the following 10 conditions and 10 Code requirements as set forth by the Planning Division Staff and the Planning Commission plus a condition suggested by Council to ensure that the portion of the project waiting to be constructed be planted as lawn during the construction process. Motion passed 5-2 (Elkins & Wilcox opposing).

ITEM 5.4A3 continued

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. Connection charges be satisfied;
5. A SAC determination and payment be paid, if applicable;
6. A minimum building setback of 20 feet be provided from the property line along the Park Avenue Oakland Avenue connection;
7. Access (including location), circulation (motorized and non-motorized), and parking plans, including bicycle storage or parking, be approved by City Engineer;

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 public streets;
10. All loading and unloading occur on site and off of public streets;
11. All areas be maintained as lawns during the construction process to make the site as aesthetically pleasing as possible to the neighborhood.

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 (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. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
10. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code.

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

The Council was provided with the monthly City Council Policy & Issue Update.

Peterson suggested adding language to the City Council's Legislative Policies supporting the Central Light Rail Transit (LRT) Corridor. He stated the Council has had a general LRT policy and this would be good for businesses in Bloomington.

Council concurred with his suggestion and made the following motion:

A motion was made by Peterson, seconded by Elkins, and all voting aye, to add language to its Legislative Policies supporting the Central LRT Corridor.

**ADDITIONAL
COMMENTS**

Grady requested an update from Police Chief John Laux regarding a constituent's concern relating to the three homicides that have occurred in Bloomington so far this year and whether a trend is starting.

**ADDITIONAL
COMMENTS
continued**

Chief Laux confirmed that a third homicide had recently occurred in Bloomington and clarified that one of the previous ones had been a homicide/suicide. He stated this is highly unusual for Bloomington, as there has been an average of one occurring per year. He stated the rate has slightly accelerated and added that the most recent homicide was not a random shooting. The victim knew his assailants. He described the situation under which this latest homicide occurred and speculated at what the motive might have been. He reported on the status of the investigation and fielded questions from the Council.

**Accepted the 2006
Report of the Board of
Appeal & Equalization
ITEM 6.2**

Jack Pasternacki, City Assessor reported on the 2006 Board of Appeal & Equalization Meeting held on April 12, 2006. He stated the Assessing Office received approximately 425 phone calls but only four formal cases were heard by the Board. He stated that in all four cases, the Board sustained the assessor’s market value. He explained that the property owners have the option to appeal the Board’s decision to the Hennepin County Board of Equalization if they so desire. He stated it was a good process this year and the very highly qualified Board did an excellent job throughout the process.

Axtell inquired if the applicants felt they were heard and if staff received any feedback.

Pasternacki replied that it was a very good customer service experience. He remarked that one involved an A-typical interior or long-term improvement. He explained that if the project is not finished for a number of years but improvements keep being made, it’s a tough call. Another situation involved an owner-induced delay where lawsuits can delay improvements.

A motion was made by Peterson, seconded by Nordstrom, and all voting aye, to accept the 2006 Report of the Board of Appeal & Equalization.

Peterson remarked that he is glad to see the process continue to work as it has in the past.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 10:24 p.m.

Barbara Clawson
Council Secretary