

Regular Meeting #36
Monday, December 18, 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 7:00 p.m. and led the audience in the pledge of allegiance to the flag.

Roll Call

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

**Approved Agreement
with Bloomington
Civic Theatre
ITEM 3.1**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the lease agreement between the City and Bloomington Civic Theatre to serve liquor at the Hello Sally Gala Reception at the Bloomington Center for the Arts on December 29, 2006. A temporary liquor license has also been applied for in conjunction with this event.

**Approved Human
Services Agreements
ITEM 3.2**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve one-year Human Services Agreements with Volunteers of America for a noon-time nutrition program at an affordable price/donation at Creekside Community Center serving approximately 950 people each year Monday through Friday and with Loaves and Fishes, Too for an evening congregate dining program at no cost to participants at Creekside Community Center.

**Ratified LELS
Agreement
ITEM 3.3**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to ratify a three-year labor agreement for years 2007, 2008, and 2009 with Police Supervisors Law Enforcement Labor Services (LELS) representing the Police Supervisors (Local 303).

**Adopted Resolution
Approving Variance at
9300 Wyoming Ave. S.
Case 8612A-06
ITEM 3.4
R-2006-153**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt a resolution approving a variance to reduce the rear yard setback from 30 feet to 22 feet for a three season porch addition at 9300 Wyoming Avenue South, Case 8612A-06 for Jerry & Carolyn Degn subject to the following 2 conditions of approval as set forth by the Planning Division Staff:

1. The variance to the rear yard setback shall only apply to the proposed three-season porch as shown in approved plans in Case 8612A-06;
2. The exterior finish and materials shall match those of the existing residence.

**Adopted Resolution
Approving Variance
for Water Park of
America
Case 6001ABC-06
ITEM 3.5
R-2006-154**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt a resolution approving variances to: 1) Increase signage on the east elevation by 94.6 square feet bringing the total allowed from 400 square feet to 494.6 square feet (Case 6001A-06); 2) Increase signage on the north elevation by 66.75 square feet bringing the total allowed from 400 square feet to 466.75 square feet (Case 6001B-06); and 3) Increase signage on the west elevation by 25.96 square feet bringing the total allowed from 225 square feet to 250.96 square feet (Case 6001C-06) at 1700 American Boulevard East for Water Park of America, subject to the following 2 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. Future modifications of the uniform sign design may be approved by the Planning Manager provided there is no increase in the total allowable signage area as approved by this variance; and
2. These variances shall apply to the entire structure, which includes both Grand Lodge and Water Park of America.

- Approved Accounts Receivable Write-offs ITEM 3.7** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the Accounts Receivable Write-offs as presented on the revised agenda item totaling \$10,326.76 for years 2001 through 2005.
- Approved Transfer of 2006 Carlton TIF ITEM 3.8** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the transfer of the 2006 Carlton Tax Increment Financing (TIF) revenues in the amount of \$286,483 to the Facilities Fund (Fund 630).
- Approved Transfer of Park Donations Money ITEM 3.9** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the transfer of Park donations money received in the Escrow Fund in 2006 (\$260,385 through 12/12/06) to the Park Development Fund (411/412).
- Approved Grant Agreement with Blue Cross Blue Shield ITEM 3.10** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the Active Community Planning grant agreement between the City and Blue Cross Blue Shield in the amount of \$75,000 that will be used primarily to hire a consulting firm to undertake an Alternative Transportation Plan for the City.
- Approved Adjustments to Public Health Special Revenue Fund ITEM 3.11** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the adjustments to Public Health's Special Revenue Fund 221, Green Trust Beneficiary Fund in the amount of \$9,604.
- Awarded a Contract to Borresen Construction, Inc. ITEM 3.12** Motion was made by Peterson, seconded by Elkins, and all voting aye, to award the contract for the 2006-905 Pond Maintenance Project to Borresen Construction, Inc. for the amount of \$196,514.00, which includes maintenance at nine sites throughout the City.
- Funding is included in the Storm Water Drainage Utility Budget (530-8302-433.70-31) and no assessments to be involved in the project.
- Approved Closing of Park Debt Service Funds 310 & 312 ITEM 3.13** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the closing of Park Debt Service Funds 310 & 312 in the approved amount of \$315,000 and transfer it into Strategic Priorities Fund for Park Development designation.
- Acknowledged Petition & Ordered Feasibility Study for Oliver Road Right-of-Way ITEM 3.14** Motion was made by Peterson, seconded by Elkins, and all voting aye, to acknowledge a petition received from property owners adjacent to the Oliver Road right-of-way to construct Oliver Road and ordered a Feasibility Study subject to Council's final approval of the related subdivision. The Feasibility Study is to include a description of the project, a preliminary cost estimate, neighborhood notification and a neighborhood meeting. The Oliver Road right-of-way is a landlocked portion of right-of-way within the block bounded by West 105th Street, Morgan Avenue South, West 106th Street, and Penn Avenue South. The project would include right-of-way dedication, utility improvements, storm sewer, sanitary sewer and watermain improvements, grading and street construction. The cost of the project would be 100% assessed to the adjacent property owners.
- Approved 2007 Port Authority Budget ITEM 3.15** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the 2007 Port Authority Budget as presented.
- Awarded a Contract to RMR Services, LLC ITEM 3.16** Motion was made by Peterson, seconded by Elkins, and all voting aye, to award a contract for residential meter reading services to RMR Services, LLC based on their proposed unit cost of \$0.4025 per read, effective January 1, 2007 through December 31, 2007.
- Funding for this contract is budgeted annually in the Water Utility Budget, Activity 8110 – Water Customer Service. Annual expenditures are approximately \$60,000.00.

- Authorized Agreement with Nine Mile Creek Watershed District ITEM 3.17** Motion was made by Peterson, seconded by Elkins, and all voting aye, to authorize the agreement between the City and Nine Mile Creek Watershed District to perform engineering related services for the Loading Assessment and Nondegradation Report, both of which are required elements of the City's National Pollutant Discharge Elimination System Permit and Storm Water Pollution Prevention Program.
- Estimated cost to complete the work is \$42,970.00 plus a 15% contingency brings the total to \$49,415.50. Funding is available in the 2006 Storm Sewer Utility.
- Approved Minutes ITEM 3.18** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the minutes of the February 27 and September 11, 2006, Regular Council meetings as presented.
- Adopted Resolution Accepting Safe & Sober Grant ITEM 3.19 R-2006-155** Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt a resolution authorizing acceptance of a \$3,000.00 Safe & Sober Challenge mini-grant from the Minnesota Department of Public Safety, National Highway Traffic Safety. The money to be put towards the purchase of one Digital Ally DVM squad camera.
- Ratified AFSCME Labor Agreement ITEM 3.20** Motion was made by Peterson, seconded by Elkins, and all voting aye, to ratify a three-year labor agreement for years 2007, 2008, and 2009 with the American Federation of State, County and Municipal Employees (AFSCME) Local 2828, which represents 50 employees with the City of Bloomington including Building & Inspection, Environmental Health, Planning, Assessing, Animal Control and others.
- Approved Change Order to Merrimac Construction ITEM 3.21A** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the soils correction change order to Merrimac Construction in the amount of \$195,000.00 (Project Fund 630-6904-499) for the Public Works facility project located at 1801 West 96th Street.
- Funding is available in the project contingency fund.
- Approved Settlement & Related Release Agreement with Merrimac Construction ITEM 3.21B** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the Settlement Agreement and Release By and Among the City, Merrimac Construction and Rycon, Inc. as outlined by the City Attorney.
- Approved Travel Expenses ITEM 3.22** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve out-of-state travel expenses for Councilmember Steve Elkins in the amount of \$325.00 for his trip to San Diego, CA on January 11-13, 2007, as Chair of the National League of Cities (NLC) Futures Panel on Community & Regional Development. The purpose of the trip is to set the organization's agenda for the year through interactions between committee chairs and NLC officers.
- Accepted Donations ITEM 3.6** Motion was made by Peterson, seconded by Elkins, and all voting aye, to accept all of the donations as listed in the agenda item that were made by various donors to various City departments and to amend the revenue and expenditure budgets, as noted, to facilitate the appropriate use of these funds.
- Nordstrom commented on the two beautiful benches that were donated and have been installed along Nine Mile Creek.
- 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. No one came forward to speak, so the Council returned to its regular agenda.
- City Council Policy & Issue Update ITEM 6.1** Monthly update was provided at the first Council meeting of each month.

**2007 Legislative
Policies Discussion
ITEM 6.3**

Winstead stated that he has heard over the last couple of weeks some discussion regarding the possibility of a sales tax being put on for transportation purposes and a broadening of the base of the sales tax by adding to it more items that could be taxed while at the same time lowering the effective rate of the sales tax and inquired if the Council wanted to discuss this at a later date to determine if a comment by Council should be rendered. The items being discussed pertain to professional services and clothing.

Peterson suggested the Council consider incorporating into its Legislative Policies support for Representative Lenczewski's concept to study the possibility of a transit corridor along I-494.

Bernhardson stated with the news of the Central Corridor moving forward, there has been recent interest in moving the Southwest Corridor forward and that a line down I-494 would appear to be a natural place to connect.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve adding to its Legislative Policies an endorsement of a study proposed by Representative Lenczewski of the I-494 corridor for light rail transit, authorized transmittal of a letter to Representative Lenczewski indicating the Council's support, and directed staff to bring back more information on a broadened sales tax for further discussion by Council at its January 8, 2007, Regular meeting.

**Approved Temporary
Liquor License for
Nativity of Mary
Church
ITEM 5.1A**

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to approve an on-sale temporary liquor license application for Nativity of Mary Church at 9900 Lyndale Avenue South for their Spirit of Spring Fundraiser on Friday, April 27, 2007 from 6:00 p.m. – 1:00 a.m.

No public testimony was received.

**Approved Temporary
Liquor License for
Bloomington Civic
Theatre
ITEM 5.1B**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve an on-sale temporary liquor license application for the Civic Theatre of Bloomington, Inc. for use at the Bloomington Civic Theatre at 1800 West Old Shakopee Road for a fundraiser on Saturday, December 30, 2006.

No public testimony was received.

**Approved Therapeutic
Massage License
ITEM 5.1C**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a new therapeutic massage enterprise license, expiring August 31, 2007, for Julie Serena-Stensrud dba Believe: Craniosacral Therapy at 10717 Morgan Avenue South.

No public testimony was received.

**Approved 2007
Renewals of On-Sale &
Off-Sale 3.2 Percent
Malt Liquor Licenses
ITEM 5.1D**

Doug Junker, Licensing reported all applicants have submitted the required documentation.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve the following 2007 On-Sale and Off-Sale 3.2 Percent Malt Liquor license renewals:

On-Sale

1st Wok, Andy's Tap, Bella Cucina, Da Afghan, Davanni's Inc., Dwan Golf Club, Hunan Restaurant, Hyland Greens Golf, Hyland Ski & Snowboard Area, Kimson Restaurant, Lyn-Del Lanes, Nordstrom Marketplace Café, Perkins Café & Bakery, Surabhi Indian Cuisine, Tandoor Restaurant, Tiger Sushi and Zeke's Place.

Off-Sale

A & S Kwik Market, Bobby & Steve's Auto World, Cub Foods (two locations), Holiday Stationstore (two locations), India Mart, Oasis Market, Rainbow Foods, and SuperAmerica (four locations).

No public testimony was received.

**Adopted Resolution
Approving Variance at
9304 Nicollet Ave. So.
Case 9193A-06
ITEM 5.2A1
R-2006-156**

Motion was made by Nordstrom, seconded by Wilcox, and all voting aye, to adopt a resolution approving a variance from Section 2.14(b)(1)(B) of the City Code to allow a recreational vehicle to be parked within 12 feet of the curb of a public street at 9304 Nicollet Avenue South (Case 9193A-06), for Duane Shuck, subject to the following condition as set forth by the Planning Division Staff and the Planning Commission:

1. The variance shall be valid only for Case 9193AB-06

No public testimony was received.

**Approved Temporary
Conditional Use
Permit at 9304 Nicollet
Avenue South
Case 9193B-06
ITEM 5.2A2**

Motion was made by Nordstrom, seconded by Wilcox, and all voting aye, to approve a three-year Temporary Conditional Use Permit to allow the parking and storage of a Class II, 25 foot 9 inch trailer at 9304 Nicollet Avenue South, Case 9193B-06, for Duane Shuck, subject to the following 4 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. The Temporary Conditional Use Permit shall not be valid for a recreational vehicle longer than 25 feet 9 inches;
2. The trailer shall be kept in the identified location on the driveway when parked or stored on the property, no less than 5 feet from the side (west) property line;
3. The trailer may be parked or stored at the approved location year around; and
4. The trailer shall not be parked more than two feet six inches away from the front wall plane of the garage nor extend more than 28 feet three inches in front of the garage wall plane when parked and stored on the property.

No public testimony was received.

**Adopted Resolution
Approving Conditional
Use Permit for
Pancho's Restaurant
5200 West 84th Street
Case 7627A-06
ITEM 5.2B
R-2006-157**

Bob Sharlin, Planner provided the staff report on the application by Pancho's Restaurant for a Conditional Use Permit for an 80-seat restaurant as part of an existing retail shopping center at 5200 West 84th Street. He reported the application was reviewed by the Planning Commission and the Traffic & Transportation Advisory Commission (TTAC) and both recommended approval with conditions.

Axtell inquired if the City anticipated any issues with the study relating to parking.

Sharlin replied staff has concerns relating to cross parking and that there is a generic condition related to parking but that TTAC recommends a more specific condition. He stated Kraus-Anderson desires to maintain their spaces for their own use.

Grady inquired if the study would show time issues relating to cars parking at Major's and Lifetime Fitness.

Sharlin replied the study would provide an overview of the parking needs and whether Kraus-Anderson's parking management is doing its job. Staff believes there would be adequate parking.

Speaker #1: Ken Vinje, Director of Properties for Kraus-Anderson

He stated in 2005, Kraus-Anderson explored remodeling the center and considered moving the restaurant use to the other end of the shopping center, which is where Pancho's will be located. He stated they added 30 more parking spaces, which has helped. They have 177 parking stalls, which exceeds the required parking ratio. Signage has been added on the parking islands and on the parking lot entrances to aid motorists on where to park. They have a joint parking easement agreement with Lifetime Fitness for a particular number of spaces. He reported they haven't had any major problems during lunchtime but some on Tuesday and Thursday nights due to Major's. He stated motorists will be advised if they park in areas reserved for Kraus-Anderson or Lifetime Fitness. They have to protect their parking spaces from Major's customers.

ITEM 5.2B continued

Motion was made by Axtell, seconded by Elkins, and all voting aye, to adopt a resolution approving a Conditional Use Permit for a restaurant in a B-2 zoned, retail shopping center for the property located at 5200 West 84th Street, Case 7627A-06, for Panchero's Restaurant, subject to the following 4 conditions and 4 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Table and counter seating for the restaurant shall not exceed 80 seats and floor area for the restaurant shall not exceed the 2,804 square feet identified on plans approved in Case 7627A-06;
2. Sewer Availability Charge (SAC) be satisfied, if applicable;
3. Access, circulation, and parking plans be approved by the City Traffic Engineer; and
4. Alterations to utilities be at the developer's expense;

and subject to the following Code requirements:

1. All rooftop equipment be fully screened (Sec. 19.52.01);
2. All trash and recyclable materials be stored inside the principal building as approved by the Planning Manager. (Sec. 19.51);
3. All signage be in accordance with the approved Uniform Sign Design (Sec. 19.109);
4. Food service plans be approved by the Environmental Services Division (Sec. 14.360).

CLOSED PUBLIC COMMENT PERIOD

The Mayor asked if anyone 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.

**Continued to Jan. 8
the Revised Final
Development Plan for
Panchero's Restaurant
7803 Penn Ave. So.
Case 5722A-06
ITEM 5.2C**

Sharlin presented the staff report regarding Panchero's second location for a Revised Final Development Plan for a 67-seat restaurant as part of the existing retail shopping center at 7803 Penn Avenue in the Southtown Shopping Center. He stated the Planning Commission reviewed the application and recommended denial due to the access to parking that would be provided east of the building. He stated an alternate was considered, which the Planning Commission recommended subject to 6 conditions, including Condition #5 in which access, circulation, and parking plans be approved by the City Traffic Engineer. He stated the City Engineer is working to improve the circulation of the traffic flow into the parking lot from Penn Avenue. Engineering staff recommend denial and suggested if TTAC recommended approval that two conditions be added: A traffic study be done and a plan developed and in place to control the circulation issues. TTAC, however, recommended denial.

Speaker #1: Ken Vinje, Director of Properties for Kraus-Anderson

With regard to locating a Panchero's Restaurant in the Southtown Shopping Center, he provided some history stating that Kraus-Anderson made improvements to the shopping center in 1996. He provided Council with copies of the shopping center site plan and explained the problems that exist at the entrance off of Penn Avenue relating to the electrical tower and the Wedding Day Diamonds site. He stated Kraus-Anderson would like to take the LaTortilla Ria restaurant use and move it to the end cap location. This way the front entrance would face the east lot to promote parking on the east. He stated the 48-seat LaTortilla Ria restaurant site would be moved to the end-cap space with 67 seats and LaTortilla Ria's former space would go back to being a regular retail use. He stated the net difference in parking spaces in relocating the Panchero's Restaurant from Building #3 to Building #2 is only four parking spaces and that congestion has never been an issue before.

Winstead commented that the Applebee's restaurant creates a very congested area, which creates more of an issue than the number of parking spaces.

Grady commented that the greatest number of people in the Proex at any one time has been 95 so the problem is going to be everyone trying to cram into the parking area right in front of Starbuck's. She understands the problem isn't how many parking spaces but where they're actually going to try and park.

ITEM 5.2C continued

Vinje stated they contacted Kimley-Horn for assistance on the parking issue. He showed what changes they'd like to make to relieve the traffic circulation that occurs immediately upon entering their parking lot from Penn Avenue, which would include blocking off the right turn into McDonald's.

Wilcox inquired why Kraus-Anderson would leave the stop sign located at that location.

Vinje stated that it would be studied but they thought leaving the stop would lessen the confusion for drivers entering the shopping center. Referring to Exhibit #2, he explained Kraus-Anderson is proposing an access point onto the frontage road. He stated staff recommends approval of their plans and the changes proposed in Exhibits #1 & #2. He stated although Exhibit #1 would improve the flow into the shopping center, it would result in a loss of 14 parking spaces so Kraus-Anderson will have to go to their shopping center tenants to explain the reason for the changes. He remarked that the Pancharo's would be a major addition to the shopping center and doesn't want to lose the proposal over a parking issue.

Shelly Pederson, City Engineer stated staff received Kraus-Anderson's plan just prior to the TTAC meeting but hasn't had a chance to review it with Vinje and would like the opportunity to do so. That's one of the conditions. Staff would like to work with Kraus-Anderson, as they have some ideas that might work.

Mark Bernhardson, City Manager stated staff has been concerned with the parking lot entrance and encouraged Kraus-Anderson to purchase the Wedding Day Jewelry site but to date they haven't. As this plan just evolved, he recommended Council continue this item to the January 8, 2007 Council meeting. He stated the City understands there is only a change in four parking spots but it's where they will be located.

Vinje stated while Kraus-Anderson is willing to work with the City to try and reduce the congestion at their intersection with Penn Avenue, it might not get resolved to the degree desired by the City and they don't want to hold Pancharo's hostage until it does. They will, however, continue working with City staff to try and resolve the situation resulting in the best possible scenario.

Axtell inquired if a delay in approving the application would cause any problems with Kraus-Anderson's negotiations with Pancharo's.

Wilcox commented that a cul-de-sac on the back might be a good idea but questioned whether drivers would know it's there.

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to continue to the January 8, 2007, Regular Council meeting, the Revised Final Development Plan for Pancharo's Restaurant located at 7803 Penn Avenue, Case 5722A-06.

**Continued to Jan. 22
the Normandale Lake
Area Study
ITEM 5.5A**

Larry Lee, Director of Community Development provided the staff report on the Normandale Lake Area Study. Using a map, he showed the study area and described the purpose of the study, which should result in an overall design plan for development in that area. He stated while streets are a major concern, there is more to the study than that. He stated Council needs to narrow down the alternatives to a No Build and (1) Build alternative (A or B). Once an alternative has been selected, it will be further developed in terms of design, cost and development. He stated Terri Heaton from Springsted, Inc. will be presenting the various funding alternatives and that although Council will need to choose between Alternatives A & B, the decision factors appear to be pointing toward Alternative A.

Terri Heaton, Springsted explained they were hired to analyze the financial feasibility of the various alternatives at a "coarse" level. Her presentation highlighted the following:

- "Coarse" Level
- Financing Approach
- Gap Financing Options
- Abatement Overview

ITEM 5.5A continued

- Preliminary Estimates for Intersection Options N, A, & B
- Additional Projects Costs: Pedestrian Bridge, Other Urban Design/Park Improvements, Local Roadway Realignment
- Transportation Aid
- Tax Abatement Revenue – City Only
- Resulting Projected Excess or Shortfall Assuming City Abatement Only
- Revenue & Cost Summary
- Options Analyzed
- Summary of Costs Paid for by Special Assessments or Tax Levies – Option A
- Summary of Costs Paid for by Special Assessments or Tax Levies – Option B
- Impact Assumptions
- Resulting Impacts #1 – Assessment Only (Option A) Plus Bridge & Urban Design
- Resulting Impacts #2 – Assessment & Tax Levy (Option A) Plus Bridge & Urban Design
- Resulting Impacts #3 – Assessment Only (Option B) Plus Bridge & Urban Design
- Resulting Impacts #4 – Assessment & Tax Levy (Option B) Plus Bridge & Urban Design
- Coarse Level Conclusions: Option B plus the roadway alignment stretches the budget regardless of funding sources. A multi-jurisdictional abatement may be appropriate for all of the options.
- Next Phase of Study

There was discussion about the possibility of using an abatement process for funding and how it differs from a tax increment financing tool.

Lee summarized the information provided by staff in response to the Council's inquiries from the last meeting.

There was discussion by Council relating to the possibility of changing the timing of the traffic lights on 84th Street to aid the traffic flow, the possibility of Hennepin County providing any type of funding for improvements in this area, and whether a flyover would be possible.

Speaker #1: David Bade, Duke Realty

He stated Duke supports Alternative A for further study, as they don't get traffic-related complaints from their tenants during peak traffic times.

Speaker #2: Jeff Andrews, 2362 Wells Wood Curve

He suggested Council consider eliminating the southbound access to 84th Street from Norman Center Drive with a free right turn from eastbound 84th Street going west onto Norman Center stating this might result in steering more traffic towards American Boulevard. He stated a concern is how the area surrounding the intersection of Hwy. 169 & Highwood Drive will be impacted when the intersection is eliminated within the next 10-15 years. Regarding the realignment of 84th Street, he referenced some traffic count numbers provided by MnDOT and questioned whether drivers would make their way to American Boulevard or continue to use 84th Street.

Speaker #3: Terry Houle, 8331 Little Circle

He suggested Council look at other alternatives and not just building more paved roads, i.e. staggering work times for companies in the area. Charge for parking in the ramps. He stated the City can't build its way out of congestion. He stated the flyover is a terrific option and that this dilemma has existed since 1996. The City needs to find ways other than roads to fix the problem. Look at mass transit and other viable ways to save the earth.

Elkins suggested the City check with the County to see if they would participate to get it closer to Alternative B.

Wilcox stated it is hard for the Council to make a decision until it knows if there is an enhanced Alternative A. He prefers to see if Option A is a viable option and to know where the Council stands.

ITEM 5.5A continued

Lee remarked that if Council wants SRF to take a hard look at Alternative A options, this item could be continued to January 22, 2007.

Bernhardson stated staff could look to see if an enhanced level could be achieved on Alternative A and could talk to Hennepin County. Regarding the level of development versus when the improvement might come in, he stated SRF could look at how much development it would take before it the LOS results in a "D, E and F" and the related impacts, which would help Council make its decision. He added the Hwy. 169/494 decision also needs to be considered regarding whether or not Highwood Drive gets cut off.

Grady suggested staff work with Alternative A to see if it could be tweaked. She asked for more info regarding Michigan U turns. She talked to someone who lived near one and didn't like it. She requested new cost estimates on an enhanced Alternative A.

Axtell suggested no moratorium be put on any development in this area.

Winstead agreed and stated he doesn't want to see development curtailed in this area.

Nordstrom inquired about the idea of staggered start times.

Lee commented that United Properties has been a leading company working with the I-494 Corridor Commission in considering staggered work schedules and so is Duke.

Peterson stated Alternative A is the only option the City will be able to consider in the end so it should pursue Alternative A.

Winstead stated Alternative B needs to be on the back burner but Council should consider concentrating on Alternative A to try and get it to a higher LOS. Much has to do with financing and whether the County will get involved. Abatement on commercial property looks like the mechanism to get it done but not on residential. He supported Alternative A unless Alternative A can't be improved.

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to continue the Normandale Lake Area Study to the January 22, 2007, Regular Council meeting so staff can provide more information for Council discussion.

**Postponed to Jan. 8
Preliminary Plat of
Sean Conrade Add'n.
Case 10739A-06
ITEM 5.2D**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to postpone the Preliminary Plat of Sean Conrade Addition at 10532 & 10536 Morgan Avenue, 2111 Oliver Road and 10523 Penn Avenue South, Case 10739A-06 to the January 8, 2007, Regular Council meeting.

Shelly Pederson stated this item is related to Item 3.14, which was approved by Council earlier in the agenda contingent upon approval of the final subdivision.

Bernhardson stated staff doesn't want to pursue the study unless the subdivision is going to occur.

**Adopted Ordinance
Establishing New
Parking & Loading
Standards
ITEM 5.4A1
O-2006-54**

Glen Markegard, Planner provided the staff report stating Council's discussion of this item on December 4 focused on four items: Residential vehicle limits, issue of driveway pavers in the right-of-way, and second driveways. He highlighted the additional information provided by staff on these items since that meeting:

- Number of Vehicles – The standard is to limit the number of vehicles that would be allowed at single or two-family residences outside of the garage and the intent is to limit the nuisance impacts on neighboring properties. TTAC recommended including a waiver process, which would allow every licensed driver in a household to have one vehicle stored or parked outside of a garage. Staff, however, recommends against having a waiver process, as it would be contrary to the intent of the ordinance itself. If a waiver process is adopted, there would be little practical difference between a new standard and the current standard. With regard to a possible variance application, based on Legal's input since the last meeting, the standard has been shifted to Chapter 12 in the City Code, which is in Nuisance Provisions and no variances are allowed to any standard within that chapter.

ITEM 5.4A1 continued Grady inquired if waivers could be considered for consideration by Council in non-nuisance situations, i.e. in the case of a short driveway.

Dave Ornstein, City Attorney explained that Council needs to have objective standards in order to deny a waiver. If there is going to be a waiver of any kind, the standards need to be objectively applied and applying the number of licensed drivers would be the easiest way. It was moved to the nuisance section of the Code to avoid the variance application. He stated it would be difficult to enforce whatever number of vehicles are allowed if a waiver process were implemented. If the City prosecutes these types of violations, the burden of proof is on the City to prove how many licensed drivers there are at the household and how many vehicles are parked or stored at any given time.

Winstead inquired how motorcycles and recreational vehicles are scored.

Markegard replied motorcycles count as a vehicle when parked outside of a garage. Per the RV section of the Code, Class II RV's would count but Class I RV's would not. However, for the purpose of this ordinance, motorcycles could be exempt and treated the same as a Class I RV. He continued his presentation as follows:

- Residential Vehicle Limits – How many vehicles should be allowed outside a garage: 3 or 4? (Staff recommends setting the limit at 4 vehicles allowed outside of a garage per unit. Most complaints received by staff are for 5, 6, or more vehicles parked outside of a garage. If set at 3, Bloomington would be the most restrictive city in the Metropolitan area with Minnetonka and Crystal each having a limit of 4. In a survey of approximately 1200 homes in Bloomington, 642 homes or 3% of all households would be impacted if a limit of 3 were imposed and approximately 300 homes would be impacted with a limit of 4 vehicles. Setting the number at 4 would focus City staff enforcement resources on the sites that create the highest level of nuisance.)

Mayor Winstead invited the public to comment on this first item:

Speaker #1: Brenda Gabriel 10230 Xerxes Avenue South

She stated she has been living near a problem property at 102nd & Xerxes Avenue South for 14 years. It's the number of cars parked on this lot. She discussed an incident where she was awoken by the Bloomington Police knocking on the neighbor's house to get them to remove the car that was parked onto the sidewalk. Down her street, there's a boat that always hangs out onto the sidewalk. She stated this ordinance puts the burden on the homeowners in the area to complain about properties. She opposes allowing any type of waiver process. She would prefer City staff try to enforce the ordinances it has in an effort to clean up some of the problem properties. If they can't fit four cars on their driveway, they shouldn't be allowed to park them on their lawns or let them hang out onto the sidewalk.

With regard to cars parking in the street, Markegard stated the proposed ordinance, whether it's 3 or 4 vehicles, would include the number of vehicles parked both on site and on the street.

Speaker #2: Jeff Andrews, Resident & TTAC Commissioner

He clarified the issue of licensed versus licensed to the home number, which the current ordinance allows so many licensed drivers plus 1 but the intent of the waiver process is the homeowner could have the license drivers residing in a home bring in copies of their licenses in order to get the waiver, which would eliminate this process, which in many cases is intimidating to many residents. He stated his support for 3 vehicles with a waiver process. He believes a waiver process could be simplified so as not to create so much time for the staff and the homeowner. Some homes have a single-car garage or no garage and it would be wrong to have an ordinance with no option of a variance for special circumstances. He inquired how would parking in front of another residence would be addressed.

ITEM 5.4A1 continued Markegard replied that this ordinance would be complaint driven enforcement. If called, Staff would be willing to go out and check the number of cars parked in the driveway and on the nearby street to check license plate numbers and pull the registration information to see which cars are registered to a particular address.

Speaker #3: Richard Gabriel, 3615 West 104th Street

He reported the following in his neighborhood: parked cars covered by tarps, cars parked on the lawn, a house with two vans and two trailers parked in the yard, a group home that has cars parked in the street where no parking is allowed on the street during the day, a neighbor that holds a church meeting twice a week during which 10-12 cars park in the street in the evening, cars that are left on the street and on the sidewalk, etc. He'd like to see vehicles limited to 3 or 4 at most. He stated the Police don't ticket people for parking in a No Parking zone, they just ask them to move their car. As nothing is enforced, people do the same thing day after day.

Council's discussion regarding number of vehicles and the waiver issue:

Winstead supported a limit of 3 vehicles.

Larry Lee explained that the Environmental Health Division conducts drive-through inspections of every neighborhood every year. He stated the violation relating to the number of vehicles parked at a resident often occurs in the evening or on the weekends so options would be to schedule an Environmental Health staff member to work in the evenings or on the weekend or to rely on neighbor complaints. Staff could look at a way to address the evening and weekend needs with Environmental Health to make a first pass through the city next spring or summer.

Wilcox supported 4 cars with no waiver process.

Axtell supported 4 cars and stated although it would be great to be flexible, supported having no waiver to keep it simple.

Elkins supports staff's recommendation of 4 vehicles.

(Council consensus was to allow 4 vehicles maximum with no waiver or variance process.)

Markegard continued his presentation as follows:

- Driveway Pavers in the ROW: (Staff recommended against allowing driveway pavers in the public right-of-way. Regarding the cost difference between pavers and concrete, he stated on a 15 ft. x 18 ft. driveway approach area, the cost using concrete would be \$1,850 and using pavers would be \$9,350. Shifting the added cost to replace pavers in the driveway approach area would require an agreement that would need to be recorded, thereby resulting in additional work for the applicant and staff. Pavers would likely result in more disputed claims if the pavers weren't replaced to the satisfaction of the homeowner and could lead to additional costs for the City.)

Ornstein explained that if pavers were to be allowed, an agreement would make it easier to enforce and recording it would put the subsequent homeowner on record.

Elkins commented that a 3-foot concrete apron from the driveway to the street is fairly common in other cities and would be workable.

Winstead suggested using a 3-foot concrete apron as the standard.

Pederson commented that there have been instances where City staff had a hard time replacing a paver driveway approach in conjunction with the Pavement Management Program, as staff couldn't match the exact paver due to the age and color of the older existing ones. She stated it's hard to satisfy the homeowner when the City has to replace the pavers in the right-of-way that get broken etc.

ITEM 5.4A1 continued *(Council consensus to propose the ordinance include a 3-foot apron with a recorded agreement for anything in the right-of-way.)*

Markegard continued with the final issue:

- Frontage Requirements for a Second Driveway: How much frontage is needed in order to qualify for a second driveway. (Staff & the Planning Commission recommended requiring 120 feet of lot frontage and TTAC recommended requiring 100 feet of frontage.)

(Council consensus to require 120 feet of lot frontage to qualify for a second driveway.)

Markegard referenced the handout memo that explained a typo that needed to be corrected that should be included in Council’s motion to clean up the language.

A motion was made by Peterson, seconded by Elkins, to adopt an ordinance establishing new parking and loading standards, thereby amending Chapters 12, 15, 17, 19 and 21 of the City Code as discussed by Council including limiting the number of vehicles parked outside a garage to four per unit at single and two-family dwellings with no waiver provision; allowing driveway pavers in the right-of-way provided a three-foot concrete apron is constructed adjacent to the street and an agreement is signed and recorded; setting the minimum frontage requirement for a second residential driveway at 120 feet; and correcting a typo in Section 21.301.06 (i) (5) (G)). Motion passed 6-1 (RA opposing).

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution directing summary publication of O-2006-54 adopted in Item 5.4A1.

**Adopted Resolution
Directing Summary
Publication of
O-2006-54
ITEM 5.4A2
R-2006-152**

**Adopted Ordinance
Amending Parking
Regulations on
Russell Avenue &
Sheridan Place
ITEM 5.4B
O-2006-55**

Chad Smith, Traffic & Transportation Engineer introduced Tom Bowlin, Engineer who provided the staff report regarding the petition that was received by the City last February from the Russell Avenue and Sheridan Place neighborhoods requesting parking prohibitions in their neighborhood due to overflow parking from Northwestern Health Sciences University. In February, TTAC recommended staff survey the neighborhood regarding the proposal. The survey results were discussed in April but TTAC recommended deferring further discussion on this item to November to see how well the good faith efforts of Northwestern Health Sciences University were working. TTAC revisited the item in November and the discussion focused on staff’s observations and neighborhood e-mails. TTAC recommended the parking regulations as described in the agenda item. Staff, however, recommends not implementing the parking ordinance based on their observations of the parking situation in this area and the neighborhood correspondence. Residents have not been resurveyed but since last March, one resident rescinded their support of the parking regulations indicating they no longer believe they are necessary.

Speaker #1: Jim Smallen, 8312 Russell Avenue South

Mr. Smallen stated he was also speaking for Mr. Herman at 2506 Sheridan Place who had to leave. He stated he started the petition and favors the proposed ordinance. In November, they revised the request to include only the north bound property line of 8312 on the west side down to Sheridan Place and on Sheridan Place to the west property boundary of 2506. At the peak of the problem, he stated there was parking on both the east and west side of Russell Avenue and north and south of Sheridan Place. He stated two large vehicles couldn’t pass each other. Traffic volumes and speed have increased going southbound on Russell and his concern is poor sight lines especially when cars are parked on Sheridan Place. He stated Council needs to consider safety and sight lines. They didn’t request the east side of Russell or the south side of Sheridan Place. He stated Northwestern Health Sciences University has made a good faith effort and the parking lot is now open but the student population continues to change and he believes there are plans to add onto the school, which would result in an increase in student population.

ITEM 5.4B continued

Speaker #2: Beth Fondell, 2513 Sheridan Place
She stated they'd like to retain the option of parking in front of their home and supports staff's recommendations. They don't want to be included in this parking ordinance.

Speaker #3: Kevin Russ, 8313 Russell Avenue South
He stated he initially supported the petition, but now desires to withdraw his name. He hasn't observed any students parking in the neighborhood during the day. He has talked to other neighbors and they concur. The new revisions would create disparity among property owners and are too broad. He believes the University's presence in their neighborhood is positive in its outreach efforts. They have a well maintained property and the University has responded to the parking issues. He requested Council's support of staff's recommendation or at least wait to see the result of the additional parking provided at Northwestern Health Sciences University.

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt an ordinance to amend Section 8.86 of the City Code as it relates to No Parking Zones within the City thereby prohibiting parking as follows:

- On the west side of Russell Avenue from the north line of address 8312 to Sheridan Place from 7:00 a.m. to 4:00 p.m., Monday through Friday.
- On the north side of Sheridan Place from the west line of address 2506 to Russell Avenue from 7:00 a.m. to 4:00 p.m., Monday through Friday.
- On the south side of Sheridan Place from the west line of address 8318 to Russell Avenue from 7:00 a.m. to 4:00 p.m., Monday through Friday.

**Continued to Jan. 8
Vacation of Street at
10701 Lyndale Ave. S.
ITEM 5.4C**

Motion was made by Grady, seconded by Peterson, and all voting aye, to continue the street vacation at 10701 Lyndale Avenue South to the January 8, 2007, Regular Council meeting.

**Adopted Resolution
Establishing the
2007 Levy
ITEM 5.5B
R-2006-158**

Lori Economy-Scholler, Chief Financial Officer explained that since September, the amount of the levy for 2007 has decreased from 5.75% to 4.97%.

Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt a resolution adopting the 2007 Levy at 4.97% and adopting the 2008 Conceptual Levy at 6.63%.

No public testimony was received.

**Adopted Resolution
Adopting the 2007
General Fund Budget
ITEM 5.5C
R-2006-159**

Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt a resolution adopting the 2007 General Fund Budget at \$49,690,289 and to adopt the 2008 Conceptual General Fund Budget at \$52,253,675.

No public testimony was received.

**Adopted Resolution
Approving 2007
Enterprise Fund
Budgets
ITEM 5.5D
R-2006-160**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution adopting the 2007 Recreational Facilities, Contractual Police Services and Motor Vehicle Enterprise Fund Budgets and related 2008 Conceptual Budgets as follows:

Golf Enterprise Fund

Total Revenues:	\$ 1,984,500
Total Expenditures:	\$ 2,342,055

Ice Garden Enterprise Fund

Total Revenues:	\$ 1,625,564
Total Expenditures:	\$ 2,123,952

Art Center Enterprise Fund

Total Revenues:	\$ 463,467
Total Expenditures:	\$ 546,306

ITEM 5.5D continued

Aquatics Enterprise Fund

Total Revenues:	\$	730,069
Total Expenditures:	\$	793,010

Contractual Police Services

Total Revenues:	\$	525,000
Total Expenditures:	\$	525,000

Motor Vehicle Enterprise

Total Revenues:	\$	566,745
Total Expenditures:	\$	560,649

No public testimony was received.

**Adopted Resolution
Approving 2007
Special Revenue
Fund Budgets
ITEM 5.5E
R-2006-161**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution approving the 2007 Special Revenue Fund Budgets for Communications and Airport South Environmental Review and related 2008 Conceptual Budgets as follows:

Communications Special Revenue Fund

Total Revenues:	\$	953,400
Total Expenditures:	\$	952,642

Airport South Revolving Development Services Special Revenue Fund

Total Revenues:	\$	1,071,059
Total Expenditures:	\$	1,036,259

No public testimony was received.

**Adopted Resolution
Approving 2007
Capital Fund
Budgets
ITEM 5.5F
R-2006-162**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution approving the 2007 Airport South & Property Rehabilitation Capital Fund Budgets and related 2008 Conceptual Budgets as follows:

Airport South Capital Fund

Total Revenues:	\$	5,101,861
Total Expenditures:	\$	4,050,558

Housing Initiatives Fund

Total Revenues:	\$	8,000
Total Expenditures:	\$	273,720

No public testimony was received.

**Postponed to Jan. 8
Awarding of Contract
for Northwest Water
Tank Rehabilitation
ITEM 5.5G**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to postpone to the January 8, 2007, Regular Council meeting, awarding of a contract for the Northwest Water Tower Storage Tank Rehabilitation.

**Approved the 2007
Compensation Plan
ITEM 6.2**

Kent Michaelson, Human Resources Manager provided the staff report explaining that Council approved the Police Supervisors and AFSCME contracts and that the IAFF and Police Officers' contracts will be negotiated within the next two weeks. This item is regarding the 2007 Compensation Plan for approximately 359 City employees who are not covered by a collective bargaining agreement which proposes a budgeted base wage increase of 3.5% and includes continuation of the Lump Sum Incentive Program as directed and approved by the City Council for the past several years.

ITEM 6.2 continued

Grady inquired if the 3.5% base wage increase had been figured into the 2007 Budget.

Peterson inquired about the Exceptional Service Pay.

Michaelson replied that the Naviline finance project recognized the exceptional service of 9-10 employees who each received \$500.

Bernhardson stated staff would provide Council with more information pertaining to Exceptional Service Pay and the Lump Sum Incentive Program payments.

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the 2007 Compensation Plan as presented in the agenda materials.

Bernhardson acknowledged Kent Michaelson and Clark Arneson's work regarding insurance and on completing the police supervisors and AFSCME contracts.

**Approved Revision to
City Manager's 2006
Compensation
ITEM 6.4**

Mayor Winstead introduced the item pertaining to the City Manager's 2006 Compensation stating the Council met to review the City Manager's performance and that overall, his performance was very good.

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve a revision to the City Manager's 2006 compensation to include a bonus of \$9,174. The Council thanked the City Manager for all his hard work indicating discussions will continue in January regarding 2007.

Bernhardson thanked the Council for their review and the bonus and indicated he would send an e-mail to Council soon to determine their availability to meet in January to continue the discussion relating to 2007.

**Granted Time-off
on December 24**

Motion was made by Peterson, seconded by Grady, and all voting aye, to grant full-time City employees one-half day off with pay on Friday, December 22, which also applies to temporary employees scheduled to work that afternoon. It was stated City offices would close at noon on December 22 and would be closed on Monday, December 25.

On behalf of all City employees, Bernhardson thanked the Council for granting the time off on December 22.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 11:16 p.m.

Barbara Clawson
Council Secretary