

Study Meeting #5
Monday, February 12, 2007, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

Call to Order

Mayor Gene Winstead called the meeting to order at 7:02 p.m.

Roll Call

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

Awarded a Contract to Rink-Tec International ITEM 3.1

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to award a contract to Rink-Tec International in the amount of \$920,000.00, which includes the base bid and Alternates #2 and #3 and establishes a 5% project contingency for the replacement of the ice rink floor and necessary equipment at the Bloomington Ice Garden's Rink #1.

Funding for the ice rink, boards (future Council item), and driveway improvements were initially estimated and budgeted for \$1,200,000.00 in 2007. The bids for the ice rink were higher than the engineer's estimate so it is anticipated that once the driveway improvements are completed in the fall, a transfer from the Golf Course or Strategic Priorities in the amount of approximately \$170,000 will be requested.

Adopted Resolution Consenting to and Approving Issuance of Lease Revenue Bonds for the 28th Ave. Park & Ride Facility ITEM 3.2 R-2007-11

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution consenting to and approving the issuance by the Port Authority of the City of Bloomington of lease revenue bonds, Series 2007, for the 28th Avenue Park & Ride facility for approximately \$27,500,000.00.

The Metropolitan Council has requested the Port Authority assist in the financing of improvements for the purpose of providing park-and-ride facilities for commuters who use the Hiawatha Light Rail Transit line operated by the Metropolitan Council. The facilities will be constructed on land located adjacent to the 28th Avenue Station near the intersection of 82nd Street and the Metropolitan Council will lease the land to the Port Authority. The Port Authority will finance the acquisition, construction, and equipping of facilities. The Port Authority will sublease the land and lease the facilities to the Metropolitan Council pursuant to the terms of a Lease Agreement. Once the debt is paid off, the parking facilities will revert back to the Metropolitan Council.

STUDY ITEM #1 – Normandale Lake Study Update

Bob Sharlin, Planner, provided background explaining the Council formally removed Concept Alternative B from further consideration at its February 5, 2007, meeting and directed SRF Consulting Group to continue exploring refinements to Concept A to improve operations at the 84th & Normandale intersection.

Craig Vaughn, SRF Consulting Group, presented the following information:

- A summary of the proposed modifications to Concept A, which included a review of the Level of Service (LOS) to be achieved, critical turn movements, and associated trip thresholds.
- A summary of the trip reduction necessary to achieve a LOS "D."
- An explanation of possible strategies to reduce the PM peak hour outbound trips, which included:
 - a. Limiting the amount of office development.
 - b. Modifying the mix of land use types.
 - c. Postponing some development/redevelopment until the regional road improvements are in place, including the westbound I-494 ramp at East Bush Lake Road.
 - d. Restricting access and modifying internal circulation.

**STUDY ITEM #1
continued**

- A review of the LOS goals, policies, and implications.
- A summary of the land use history in the area.
- An overview of the agenda for the February 26, 2007, Council meeting during which Council will be asked to: Confirm the preferred alternative (Modified A Concept) to move forward for further study by SRF, review the financing analysis, other aspects of street design and traffic forecasts in the study area, look at a design vision for the street segments beyond the 84th & Normandale intersection, and review alternative strategies to reduce trips.

It was stated some of the developers in the area are interested in learning how a more aggressive Traffic Demand Management (TDM) strategy could reduce potential traffic impacts.

Council provided the following comments/inquiries relating to the presentation:

- Are two right turn lanes needed on West 84th Street to southbound Normandale Boulevard?
- How much of a reduction in trips would be achieved with a multi-modal online transit station?
- For every 100,000 square feet of office space, 150 total p.m. peak hour trips are generated.
- The LOS at the 84th & Normandale intersection is currently an “F” during p.m. the peak hour.
- Could the lights at the 84th & Normandale intersection to go left (north) on Normandale stay green longer to allow more traffic to exit the office buildings during the p.m. peak period?
- Property owners in the area are inquiring if the Council has an official Level of Service policy. Why does the Council want a LOS “D” at 84th & Normandale if the owners/developers could live with a LOS “F”?
- Does Council want to set a policy to achieve a LOS “D” at 84th & Normandale?

Charles Honchell, Public Works Director, explained the City has always desired a LOS “D” on projects such as this so it’s consistent with what’s been done in other parts of the city. It is the LOS staff has found meets the traffic and development needs. He suggested Council shouldn’t accept a LOS less than a “D.” A LOS “D” minimizes traffic delays and congestion. Hennepin County will not fund a project that doesn’t achieve at least a LOS “D.” In order to get funding for MSA streets, the State requires they be designed to handle 20-year traffic projections. Federal funding for projects is based on how well the project scores and the City would lose points on the project with anything less than a LOS “D.”

Bernhardson stated 5-6 building pads will likely be developed by 2030: United Properties, Duke Weeks #2, 3, 4 and United Properties on Josten’s site and explained a LOS “D” could be achieved before a westbound on-ramp to 494 at East Bush Lake Road gets built if Norman Center Drive is closed off, two or three of the proposed buildings are delayed, or there is a change in land use. He asked Council if they wanted to have an official policy of achieving a LOS “D” before the City invests in an improvement.

Winstead stated the City might have to in order to get the County to participate in the funding of the Modified A Concept.

**STUDY ITEM #2 –
169/I-494 Interchange
Reconstruction -
Presentation &
Discussion of the
Municipal Consent
Issues**

Tom O’Keefe, Minnesota Department of Transportation (MnDOT), explained MnDOT’S purpose for this presentation is to provide answers to the questions Council generated following their previous presentation of the layout design of the 169/494 interchange and proceeded to introduce Wayne Norris, Area Engineer and Victoria Nill, Project Manager with MnDOT.

Nill’s presentation addressed Council’s issues from the last meeting as follows:

- Friendship Village access to Marth Road:
(Using an aerial, she indicated the impacts the modified design will have on Friendship Village due to the change in profile of Marth Road. It is MnDOT’s intention to replace in-kind their entrance with the same width, the same basic roadway geometry, etc. and that they will work with Friendship Village on some design alternatives if they so desire. However, anything above what MnDOT is proposing would be at a cost to Friendship Village.

**STUDY ITEM #2
continued**

- Marth Road Alignment: Marth Road was moved to the south due to the profile of the 169 bridge, which needs to drop down to tie into 494. The compromise for Friendship Village with regard to the bridge is that it could be higher and longer versus pushing it further away, which would impact the berm.
- Northwest View from Friendship Village: The northwest view from Friendship Village was shown with the worse view being from the 3rd floor window. A view showing what would be seen along the west side was provided. She indicated where a retaining wall with a noise wall on top of it would be placed if needed. She mentioned not as much of the berm would be saved as they had originally thought. She showed what the view would look like along the west side of Friendship Village. It was indicated the flyovers would be a new addition to the views from Friendship Village. Approximately 10-20 apartments on the 3rd floor would be affected by the northwest view of the flyover ramps. People living on the first floor and walking around at ground level would not see the flyover ramps.
- Highwood Drive Connection (bridge vs. cul-de-sac): She clarified a layout without a Highwood Bridge was shown back in October 2003 at an open house at Friendship Village so this concept wasn't just taken off the table in 2006. There would be less right-of-way impacts with a cul-de-sac. With a bridge option, three additional homes would need to be removed. Using Highwood Drive as a frontage road would actually move the traffic closer to the neighborhoods so keeping it closer to Marth Road keeps it closer to 494. She stated a Highwood Bridge option would cost approximately \$7 million to build which doesn't figure in the right-of-way costs or any of the utility relocations. This is a cost that would be the City's responsibility if it wanted to proceed with a bridge connection. She explained the environmental and wetland impacts construction of a bridge at Highwood would create.
- Wyoming Avenue/Tierney's Woods Road Barrier Options: A visual barrier option would take an existing 12-foot high wall (1,000 feet long) and locate it south of Marth Road in front of Tierney's Woods and Wyoming Avenue. Once installed, this wall would become the City's responsibility including maintenance. It was stated the wall should have another 30 years of life in it. Another option discussed was a standard noise barrier but it was stated this location doesn't qualify to receive a benefit cost. She stated a 20-foot high wall 1,200 feet long would cost approximately \$420,000 and MnDOT could participate up to \$140,000 but the additional \$280,000 would be the City's responsibility. The installation of this wall would be north of Marth Road so it wouldn't provide the residents with any protection from noise coming directly from Marth Road. The noise barrier would be higher than the visual wall and with the terrain on Marth Road rising toward the east and declining towards the west, the variability of the wall would change. It would end up being very similar in height to that of the 12-foot high visual barrier.

Winstead requested comparative drawings of the profiles of both the noise and the visual barriers.

Elkins commented that while the neighborhood believes there would be lots of noise from Marth Road, it would probably be from 494.

Axtell inquired if the overall noise level would stay the same or would it increase significantly due to the increased speeds and increased height of the ramps.

O'Keefe replied noise levels are highest when there is a direct line of site between the receptor and the source.

Peterson stated if the City is going to get prices, he'd like to get one for installation of a noise barrier from 106th Street to Valley High Drive on the west side of 35W for that neighborhood before the City starts spending money for a noise wall in this location.

Elkins stated the residents on Rhode Island have also been vocal regarding the noise from 494.

**STUDY ITEM #2
continued**

Neill continued with MnDOT's response to Council's previous issues:

- **Bike & Pedestrian Access:** She stated State statutes require a bike route can't be terminated without replacing it. A technical advisory committee that was formed to oversee development of the entire project discussed the bike and pedestrian trails and no one felt this design was in violation. She stated as access to a trail is being eliminated from a sidewalk along Highwood Drive it is being replaced with a trail along the south side of March Road. She added trails could be added at the end of the cul-de-sac so people going up Highwood Drive could go up Wyoming Avenue/Tierney's Woods Road to access the trail along there.
- **Schedule:** 3 years of construction, although it seems long, is standard for this type of project and it will be under traffic. Neither 494 nor 169 would be shut down. There may be some weekend closures but nothing long-term and the local system moves would be retained. The estimated letting date is 2016 but it could be advanced up to 2009.
- **Construction Costs:** They're estimated to be \$116 million not including right-of-way or utility relocations and Bloomington's portion has been identified as \$1.69 million. Cost participation is based on the project's location within the cities of Edina, Eden Prairie and Bloomington.
- **Drive Times Due to New Routes:** A study of emergency response times to Friendship Village indicated a 31-second decrease in time on average from all directions. The increase in times for emergency response vehicles occurred when traveling from the north to Friendship Village in the off-peak hour, which resulted in a 24-second increase. The response times provided assume as access from the north of Friendship Village off of Marth Road.

Bernhardson stated overall, Friendship Village will be in better shape with this improvement from an emergency response standpoint.

- **Traffic Counts:** She presented data on the 2005 ADT's (existing) and for the projected 2027 ADT's (with no improvements).

Peterson inquired if these numbers point toward a signal at Highwood Drive & West Bush Lake Road.

Shelly Pederson, City Engineer, replied staff is not anticipating it would drive to a signal but staff would do further study after all the work is complete and then would monitor it to see if it reacts as predicted.

Elkins stated projected volumes on Marth Road should be able to handle 10,000 ADT's with no problem.

Council had the following comments/inquiries:

Winstead explained the options available to Council regarding the decision they will make on March 5.

Bernhardson inquired if MnDOT addressed all of Council's concerns in a letter if Council could approve it or does the Council need to deny it conditioned upon certain items.

Winstead stated it's really down to an issue of the noise versus a visual barrier.

O'Keefe stated MnDOT's letter would include either option. He stated the changes requested by Council could be incorporated into a letter, which could go before a review board, or the project could be dropped.

Winstead stated this proposal looks like it has some options.

Elkins stated Friendship Village still wants a higher wall but MnDOT stated 20 feet is their height limit due to expense.

**STUDY ITEM #2
continued**

Axtell stated Representative Neil Peterson's primary objective was the bridge, the Ensign neighborhood, and how much of Friendship Village's property was being taken from the north.

As part of the right-of way process, relocation of the gardens at Friendship Village would be a negotiating element between Friendship Village and MnDOT.

Winstead stated Council will need to make a decision on March 5 so they should relay any additional concerns to the City Manager.

Nill stated the letting for the landscaping of the East Bush Lake Road/American Boulevard area is scheduled for February 23.

**STUDY ITEM #3 –
Pawnbroker and
Secondhand Goods
Business Regulations**

Sandra Johnson, Associate City Attorney, explained the moratorium the Council adopted last September expires in May so there is a deadline to get some of these regulations passed. She summarized the proposed changes to the draft ordinance on pawnbroker and secondhand goods businesses as follows:

- Limits the number of pawnshop licensees to 1 per 50,000 in population or a fraction thereof, which would give Bloomington two as it currently has today.
- Buffers pawnshops from sensitive uses such as schools and playfields;
- Requires the posting of a \$10,000 bond by both pawnshops and secondhand goods dealers;
- Puts restrictions on license transfers;
- Imposes three categories of licensing requirements on secondhand goods dealers:
 - a. Occasional dealers
 - b. Temporary dealers
 - c. Full annual dealers
- Mandates record-keeping and reporting of regulated transactions to police;
- Imposes a holding period on merchandise received by a dealer;
- Imposes operating restrictions on secondhand goods dealers.

(Note: Not all persons selling used merchandise must obtain a license or be subjected to these regulations. The broadest categories of exemption relate to the sale of donated property and garage, yard, estate, and moving sales held on the property of the seller for not longer than 72 consecutive hours, twice per year.)

With regard to secondhand goods, Johnson stated dealers proposing to have over 200 reportable transactions must have an annual license. Temporary secondhand goods events will be licensed separately. Coin dealers will now need to be licensed. She explained staff would like to take the ordinance amendment to a public hearing so that the 38 shops staff believes will most likely be impacted by this ordinance could come and express their comments and concerns with the proposed changes. The ordinance would come back to Council for adoption in early April.

Council comments included the following:

Axtell inquired if other cities have restrictions on pawnshops and secondhand goods dealers regarding restricting the number of licenses or in their bonding requirements.

Johnson replied many suburban communities regulate both pawn shops and secondhand goods dealers. She stated Bloomington would be the first city in Minnesota to limit the number of pawn broker licenses based on population. We currently have two pawnshops in legal locations. They're unlikely to complain, as it would keep the limit to two pawn shops allowed in Bloomington, which would increase the value of their businesses.

Grady clarified that the ordinance also covers jewelers and indicated she would support it. She did inquire why there was a limit on the number of annual garage sales that can be held.

**STUDY ITEM #3
continued**

Johnson stated planners have said if there is no limit on them, there is disruption to the residential character of a neighborhood, which can result in traffic, parking and disruption to the neighborhood on an ongoing basis.

Peterson indicated a desire to better understand the reason for the proximity of pawnshops to various uses. He asked for clarification on the type of ownership interest that is referenced in Section 14.295. (Johnson replied it refers to ownership interest.) He mentioned some different resale scenarios, i.e. on eBay and inquired how they are treated, as they don't have a storefront but they can be a conduit for other merchandise.

Johnson replied that the League of Minnesota Cities is looking into that Alexandria pawnshops are doing a lot of reselling on EBay and without the storefront transaction, it's hard to catch them. She stated it's all in the recordkeeping.

She introduced Detective Douglas Barland, Bloomington Police Department, who is in charge of the pawnshops and secondhand goods dealers in Bloomington. He stated the Police Department doesn't find out coin dealers are in town until they get a claim from out-of-towners. This ordinance gives the Police a tool to deal with it.

Johnson reported that garage sales vary in other cities from 2 to 4 per year and last from 2 to 4 consecutive days. She showed a map indicating all the playfields and schools. She stated there is a statutory restriction that says you can't have a pawn shop within 10 miles of a casino. She stated the Planning staff was comfortable with the separation from youth.

Council requested an update of the map of the playfields and the schools.

**STUDY ITEM #4 –
2007-103 Petitioned
Grand Avenue
Improvement Project**

Bernhardson explained that a petition was received and discussed by Council but was continued to the February 26 Council meeting. Several residents support it and several oppose it. He stated there was an interested developer who was trying to advance this but apparently is no longer interested in doing that. As a result of that action, a letter was sent to the petitioners to see if they desired to withdraw their petition. At this point, they have not. He explained one option to further the development in this area that would allow those interested to do so without running a street through was to take the Harriet Meadows example, of which a couple of lots were put together and six homes were constructed. He stated there are some who might want the City to abandon the right-of-way but there are utilities through there so that is not a choice. Other issues relate to people who have actually deposited some of their possessions in the right-of-way and possibly an illegal dump by a prior property owner on one of the properties to the north. He stated staff would like to know how interested Council is in pushing this ahead.

Winstead inquired if there were four Council members wanting to move this forward to put the street in or would Council prefer to see parcels assembled to put in a Harriet Meadows type of development.

Jen Desrude, Engineering, characterized the properties into two categories and provided the following results for the Assessable properties (those that would pay for the street) and Non-Assessable properties (those that would not pay for the street):

Assessable Properties: (16 in support and 11 opposed)

Non-Assessable Properties: (3 in support and 14 opposed)

Never Responded to Survey or Petition: (9)

Peterson clarified that for the most part, the assessable properties are the ones that would benefit financially from a street going in where the non-assessable properties would not.

Axtell inquired as to whether or not a group of neighbors could force the street issue and stated he would be more supportive if more of the properties supported the petition.

**STUDY ITEM #4
continued**

Dave Ornstein, City Attorney, explained that even if the petition contained 100% of the signatures, the decision rests with the Council. He stated four votes are needed by the Council to order the project.

Bernhardson explained the petition is still active, as it has not been withdrawn. He inquired how much time Council wanted to invest in this now that the developer has pulled out adding staff hasn't refined the numbers following that latest development. An option for Council to consider would be a voluntary assessment for the 16 or 17 properties that support the petition but the costs might reach the point where it would no longer viable for those interested.

Shelly Pederson, City Engineer, explained that if Grand Avenue went through and connected and Harriet Meadows street was dedicated over to be public, technically the two end lots on the Harriet Meadows cul-de-sac wouldn't be assessed this round due to the City's side lot calculation because they paid for their original street in front of their house when they paid for the house. Their entire costs would be absorbed by the other lots, which could amount to another \$60,000 those lots would have to pick up. She stated there is a neighborhood representative who would like to work with the neighbors and possibly work with some developers to put this together and will bring back some type of consensus on how to move forward with this. She recommended the Council deny the current petition and let the neighborhood champion work with the rest of the neighborhood to see if they can put something that would work in a petition that would be brought back to Council.

Peterson inquired what percentage of support from the assessable lots would be enough to make the Council want to move forward with this. He stated the financial gain for those that want it is very worthwhile in this neighborhood and hopes the Council takes their petition seriously.

Wilcox stated he agrees with Shelly Pederson and is hesitant to put a lot of staff time into something that may not work without a developer, as the cost per lot could be as high as \$70,000 for a lot worth \$100,000 if only 16 assessable property owners participate.

Nordstrom supported letting the neighborhood champion do the work to see if they can rally the support to make it work.

Peterson again inquired as to the threshold Council desires, as it is currently 60%.

Council consensus was to bring this item back on February 26, at which time Council will deny the petition, based on staff's recommendation and encourage the neighborhood to either work with another developer or a neighborhood champion to see if putting Grand Avenue through is a desirable option for the residents on Grand Avenue between 99th – 102nd Street.

**STUDY ITEM #5 –
2007-101 Street
Improvement Project
(PMP Street
Reconstruction)**

Shelly Pederson explained that Council continued the following three streets in the 2007-101 PMP Project at their last meeting for more information from staff: East 84th Street, East 96th Street, and Girard Curve. Council was provided photos and a memo relating to the East 84th Street improvement. She stated staff has received no comments regarding East 84th Street since the meeting.

Jen Desrude, Engineering, stated a mailing with information on the PMP program would be going out to all the residents on the three streets that were continued.

Axtell stated from a fiduciary standpoint, it doesn't make much sense to allow neighborhoods to defer the maintenance of their street. He stated he would rather see the City devise a program that would help residents fund their portion of the costs rather than let streets get deferred so the PMP Program can continue to work as it was intended.

Grady suggested staff attach the photos of East 94th Street when mailing out the program information.

**STUDY ITEM #6 –
Strategic Planning
Visioning**

Jill Hutmacher, Port Authority Development Manager, explained the Imagine Bloomington 2025 draft vision was finalized on November 9, but that staff has struggled with how to make the vision forward-looking. As a result, they developed a strategic planning model that incorporates the values, traditions, mission, and vision, which are very important components that contribute to the vision of an ideal community. She stated in reality, the vision is actually more about the values the community has and desires to keep going forward, but they aren't necessarily statements of what accomplishments the City wants to achieve in the future. She requested the Council review the model and discuss the vision they would like to see move forward. She referenced the memo that was provided in the Council packets from Larry Lee on the "Complete Vision."

Council provided the following comments:

Grady stated the City was "on the rise" in the 1960s but sees Bloomington more of a "complete city" now and sees that as a positive.

Elkins agreed with Grady stating the "complete city" provides a framework to identify and fill in the gaps.

Axtell agreed with Grady and suggested a tagline be added that talks about the City's ability to change and to stay current.

Winstead agreed that "a complete city" is more appropriate than a city "on the rise."

Peterson stated he believes the City is always in an active role to become the "complete city" but it is an ongoing process so he liked the notion of adding a dimension of aspiration to the vision.

Nordstrom suggested, "A city for all ages."

Hutmacher stated "the complete city" could be the City's marketing tagline and that staff would continue to work on a vision statement that incorporates that into one sentence of where the City is going. She stated staff would continue work on the draft strategic initiatives, which will go back to the community and the Council within the next two months.

**STUDY ITEM #7 –
Goal Setting**

Bernhardson stated as a result of the January 22 Council meeting when he was asked to begin working on the Council/City Manager goals for 2007, he provided Council with a 2007 Goal Setting Template listing goals in three columns: Annual/Ongoing, Present Initiatives, and New Initiatives. He requested Council provide feedback on the list of goals by circling any they don't want the City Manager to move forward on.

Peterson suggested a Farmers' Market be added under Community Services and that it might be worthwhile for staff to explore the internet access competition situation within the city. There will be a time when it makes sense to think about getting into that line of business.

Diann Kirby, Community Services Director, stated she met with U.S. Internet, the company that is installing the internet system going into the city of Minneapolis. She talked to them about their plans and they indicated a desire to roll this out metrowide. She stated the City of Richfield is apparently also very interested. It was stated trees with leaves on them creates a difficult situation for the signal to pass through them.

Bernhardson stated the City would continue to stay abreast of what is happening on this issue in other communities.

**OTHER ISSUES/
COMMENTS**

Axtell inquired if a list had been compiled by staff indicating the top 15 themes that came out of the various public meetings.

Grady stated she would not be available for a joint Council/Legislative meeting between March 3-11, 2007.

Wilcox mentioned he had heard the American Legion Post on Lyndale, the bowling alley, and the home next to it have been sold and the rumor is that the developer who purchased it wants to build high-rise condos.

Staff will check on the rumors.

Elkins stated neighbors living adjacent to ponds in Bloomington have been complaining about weeds growing around the ponds rather than scum on the pond and inquired if there was a way to revegetate the buffer around the pond to make it cost efficient for the neighbors.

Nordstrom commented she attended the Senate hearing on the "Freedom to Breathe Act" and that it has gone onto the Commerce Committee. She stated they will be voting on the bill on Wednesday March 14 and that the American Legions and VFW's were protesting.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 10:40 p.m.

Barbara Clawson
Council Secretary