

Study Meeting #12
Monday, April 18, 2005, 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 7:15 p.m.
- Roll Call** *Present:* Mayor Winstead, Councilmembers D. Abrams, S. Elkins, A. Grady, H. Harden, S. Peterson, and V. Wilcox.
- Approved Change Order #1 (MnDOT SA #2) ITEM 3.1** Motion was made by Peterson, seconded by Grady, and all voting aye, to approve Change Order #1 (MnDOT SA #2) in the amount of \$196,550.36 in conjunction with the 2001-201 Project - American Boulevard from Knox Avenue to Dupont Avenue (including the 35W Bridge). The Change Order modifies the west abutment and retaining wall area of the bridge.
- Awarded a Contract to Premier Irrigation ITEM 3.2** Motion was made by Peterson, seconded by Grady, and all voting aye, to award a contract for the installation of a new irrigation system at Dwan Golf Course to Premier Irrigation of Hastings, MN in the amount of their base bid price plus Alternate #2 for a total contract cost of \$653,375.00. The remaining budget of \$96,625.00 was approved for use as a contingency to fund contract change orders if needed during the project installation.
- Funding in the amount of \$750,000.00 was budgeted for this project in the 2005 Recreation Facilities Fund, Activity 540-8420-451.70-31.
- Authorized Transmittal of Comment Letter to Met Council – Transit Reductions ITEM 6.1** Motion was made by Abrams, seconded by Peterson, and all voting aye, to authorize transmittal of a comment letter incorporating Council’s suggested edits to the Metropolitan Council regarding their proposed transit service reductions.
- Elkins suggested that a comment be added regarding Met Council not living up to its commitment to give the Sector 5 improvements, which were backed by a federal grant, the three years that had been determined would be needed to build up ridership in that sector.
- Larry Lee, Community Development Director explained that the letter does comment to the cuts being proposed to specific routes in Bloomington. He concurred that language should be added regarding Met Council’s three-year commitment to the Sector 5 improvements.
- Authorized Transmittal of Comment Letter to Met Council – 2030 Reg. Parks Policy Plan ITEM 6.2** Motion was made by Grady, seconded by Peterson, and all voting aye, to authorize transmittal of a comment letter, as presented, to the Metropolitan Council regarding their Proposed 2030 Regional Parks Policy Plan.
- STUDY ITEM #6 Review Role of Advisory Boards & Commissions** Mark Bernhardson, City Manager provided background on the task force that was formed in 1995 to address a number of issues relating to the advisory boards and commissions. He stated that Council and staff haven’t been reviewing this process every three years and it has not been vigorous in requiring work plans and reports from all of the commissions. He inquired if the Council desired to reconvene the task force to review any specific issues regarding the advisory commissions and if the Council desired to have the process reviewed every three years.
- Wilcox, as a member of the initial task force, stated that the commissions appear to be running smoothly and that a review could take place when a commission is considering a change. He stated the biggest issue debated during the task force discussions was regarding the attendance issue.

**STUDY ITEM #6
continued**

Grady suggested that as times change, issues change, and that there may be a need to add commissions or alter the charge given to certain commissions so as not to overload any one commission with too many issues.

Bernhardson stated that if the Council wanted to expand or change the scope of any particular commission that it would be wise to reconvene the task force. With regard to the Parks, Arts & Recreation Commission (PARC), he stated that the Council should consider what work program issues it wants the PARC to advise them on and that the other items that they may discuss just to fill time be eliminated. From that list of policy advisory issues, the number of meetings needed to complete that work could then be determined. He stated that the Planning Commission and the Traffic & Transportation Advisory Commission (TTAC) deal with issues as they come forward and therefore haven't prepared work plans as such.

Harden stated that after attending a couple of recent PARC meetings, it might be worth forming a subcommittee to study the role of the PARC Commission. She stated that the advisory role of the PARC Commission might need to be communicated to them, as they are exploring lots of different projects that the Council may have no interest in pursuing. Their agenda and the Council's agenda should coincide. Specific discussion relating to the PARC Commission was postponed to discussion of Study Item #2.

Bernhardson suggested that Council could review the charges for each of the commissions, as some are work plan driven and some are demand driven, but all have general charges. A work plan should specifically list what issues the Council would like the particular commissions to advise them on.

Elkins suggested that as a courtesy to the boards and commissions, they be given their study materials by the weekend prior to their scheduled meeting.

Abrams stated that he doesn't believe a broad study of the advisory commissions by a subcommittee or task force is necessary. He believes the commissions have been working fine and that for the most part their roles seem to be understood except for the PARC Commission. He suggested that a discussion take place during a Council study meeting that would allow PARC members, staff, and the City Council to determine what the most useful role for the PARC to play and proceed to make changes if necessary.

Elkins concurred with Abrams and stated the current scope of the PARC Commission may be too broad.

Wilcox stated that a work plan might help the PARC Commission focus on its charge.

Winstead suggested that a mechanism be developed, which would give the Council, staff, or a commission the opportunity to bring forward issues such as the charge duties or scope of a commission during a Council study meeting.

**STUDY ITEM #2A
2005 Parks, Arts &
Recreation
Commission Work**

Grady inquired if the PARC Commission was the appropriate commission to consider a farmer's market in Bloomington.

Bernhardson replied that a farmer's market is not a park limited opportunity and that it would more likely be a staff driven issue.

Harden inquired how items of interest to Council Members can be put on a future topic list. She mentioned that she and Councilmember Peterson had discussed the possibility of a farmers and artists cultural market. In addition, she has an interest in some specific tennis courts.

Winstead stated that if a majority of Council Members indicate an interest in pursuing a specific item, it could be put on a future agenda for discussion.

Randy Quale, Parks and Recreation Manager introduced Roger Willette, PARC Chairperson who presented the PARC Work Plan.

**STUDY ITEM #2A
continued**

Willette thanked the Council for appointing him to the PARC Commission. He reviewed the Work Plan with Council and stated that the PARC commissioners were going to assist City staff with a tree sale in May and that Commissioner Janet Larson is a master gardener who will be providing instructions on how to properly plant the trees. He stated that the Commission would be considering various park improvements throughout the year, but that they have to be prioritized. He stated that a Buckthorn Bust will be conducted on October 8 in conjunction with the one planned by the U.S. Fish & Wildlife Service at a site somewhere along the Minnesota River Valley in Bloomington.

Motion was made by Elkins, seconded by Peterson, and all voting aye, to accept the 2005 Work Plan.

**STUDY ITEM #2B
Proposed Revisions
to Parks, Arts &
Recreation
Commission Bylaws**

Bernhardson stated that the changes in the Bylaws are routine and primarily deal with the issues of the number of meetings and natural resources. He stated that they have two meetings scheduled per month but that an option to consider like other commissions have done would be to meet once regularly with an optional meeting if the Work Plan dictated such. He recommended that no changes be made in the number of meetings at this time and that some background information would be helpful prior to a discussion regarding Natural Resources.

Harden concurred with continuing their two meetings per month, however, they choose to use them. Whether two regular or one regular and one study.

Abrams concurred with PARC having two meetings per month with the understanding that the Council would look more broadly at their role during a future Council study meeting, which could result in a change in the number of their meetings at that time.

Regarding Natural Resources, Bernhardson stated that staff has successfully fulfilled that role for the past ten years with few inquiries or complaints. He recommended leaving it out for now but stated more background information could be provided to Council. He stated that natural resources within this community is anything outside the built environment, i.e. the stormwater system, air quality, forest, phosphorous on lawns, tree diseases, etc. The items in the 2005 Work Plan focus on what's in the City's parks and is solely driven by them.

Winstead stated that it's within the Council's purview to request commissions look into specific issues for them.

Harden stated the PARC Commission is passionate about preserving the City's natural resources and should deal with those issues that are clearly within the realm of Bloomington's parks.

Abrams suggested the following changes to the Bylaws:

1. Delete the last sentence in ARTICLE III, paragraph A. He stated that if it is later determined that there is a role for the PARC Commission to play with regard to natural resources outside of the Park System, ARTICLE II could be revised at that time.

Harden stated that the input she received from PARC commissioners was that they want to "evaluate" and do a comprehensive assessment of the City's natural resources.

Wilcox stated that natural resources is more of a Work Plan issue than a Bylaw issue.

Peterson stated that if the Council desires to expand the PARC Commission's charge, the City Code would also have to be changed.

Bernhardson recommended that the language from the City Code under Parks and Recreation Programs be put it in ARTICLE II, paragraph B and eliminate it from ARTICLE III, paragraph A.

Abrams suggested that the items in the Bylaws that are addressed in the City Code be removed from the Bylaws, as they are issues that should be addressed by the Code and the Council and that the Bylaws should contain the more the day-to-day activities.

**STUDY ITEM #2B
continued**

Bernhardson suggested continuing this item so that all of the items that appear in the City Code can be pulled from the Bylaws and that a cleaned up version be brought back to the Council for approval that deals more with the day-to-day items.

Abrams suggested removing ARTICLE V, paragraph E from the Bylaws and Section 2.78 out of the City Code. He also suggested not unduly limiting PARC so that their mission is too narrow to include logical items in their Work Plan.

Peterson stated that financing should be a tool in PARC's toolbox, if it's called for in the Work Plan. He stated that PARC should be able to inform staff and Council if they have items that they would like to consider adding to their Work Plan.

Abrams added that PARC is very much reactive to what's happening in the community and their Work Plan is subject to change.

Elkins suggested that there appears to be more items involving multiple commissions and that more consideration should be given to conducting joint commission meetings in the future.

Council consensus was that this item be continued to allow staff time to clean up the Bylaws to eliminate what is already covered in the Code, at which time the Council could discuss more specifically the role the Council desires the PARC to play.

**STUDY ITEM #1
2004 Bloomington
Fine Arts Council
Activity and Financial
Report**

Quale introduced Carolyn Pratt, Executive Director of the Bloomington Fine Arts Council (BFAC) who presented BFAC's 2004 activity and financial reports. She stated that the arts groups are flourishing in Bloomington due to the support of the City Council and the community. She highlighted the expansions and collaborations involving the various BFAC groups. She stated that a goal of BFAC is to bring "no cost/free" concerts to Bloomington and to keep the ticket prices low and community friendly. She thanked the Council for their support of the BFAC programs.

Grady inquired about the number of paid artists per BFAC group. In the example of Angelica Cantanti, it was explained that the #246 meant the number of performances, concerts, and rehearsals for which they pay for conductors and accompanists.

Council requested that BFAC try and standardize how the numbers used in each of the different categories is calculated for all of the groups.

Pratt stated that there is currently a \$1 ticket tax on every ticket sold for all of the BFAC groups. She described the Year-End funding for BFAC as follows: \$100,000 (to the BFAC groups), \$10,000 (Special Initiatives Fund), and \$35,000 (specific funding for BFAC) totaling \$146,895 in total funding received in 2004. She stated that the bottom line for the Bloomington Art Center proper has been affected due to the growth of the various BFAC group's budgets and the allocation split of the City funds.

Motion was made by Harden, seconded by Grady, and all voting aye, to accept the report of the Bloomington Fine Arts Council and requested that for future reporting the numbers used in the columns relating to number of participants and paid artists, etc. be more uniformly calculated.

**STUDY ITEM #3
Request for Proposal
for Old Town Hall
Tenancy**

Larry Lee stated that he and Mark Morrison, Parks & Recreation worked on the Request for Proposal (RFP) with assistance from Legal. He explained that this is the final draft version of the RFP and that upon Council's review, an administrative hearing would be held for input from interested parties after which the final RFP would be presented to Council for approval.

Grady provided the following input:

- Site Revitalization: Change the word "then" to "than" in the first line of paragraph A.
- Site Revitalization – paragraph B: Suggested changing the wording from "appealing to more than just a small group of users" to "activities that would be appealing to a wide range of users."

**STUDY ITEM #3
continued**

- Financial Viability – paragraph A: Inquired about the research used to determine the appropriate lease rate.
- Inquired as to the composition of the review committee?
- Conditions – second paragraph: Delete the word “in” after the word “toward.”

Regarding the lease rates, Morrison replied that the rate used is a low-end square footage commercial lease rate and is the same rate range that Bloomington uses to charge its own users. Regarding the review committee, he stated that it would consist of himself, Larry Lee, and a Legal Division staff member.

Peterson remarked that the lease rate is not strictly a dollar decision and that the City is more interested in what use would best serve the community.

Bernhardson suggested the following language change: “The lease rate is estimated to be at least ...”

Abrams suggested that as it will take time for those interested in establishing partnership proposals, more time should be allocated, i.e. three months to work on that endeavor. He suggested discussing the timeframe at the administrative hearing to determine what would be the most reasonable.

Bernhardson suggested the following schedule:

- August 1 – Let proposers react to the RFP.
- Inform the proposers of the date as to when staff will pursue the actual proposals.

Lee explained that there is an opportunity for those interested in partnering with others while not wanting to be the primary proposer can do so by including a “partnership statement” within their RFP document that will describe what they need and how they can be contacted. This will make it easier for those interested in being partners to make that interest known to all of the parties.

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to set the following schedule: May 4 at 3 pm (Administrative Hearing using this Draft RFP as edited by Council), May 16 (Consideration of the RFP with edits and feedback).

**STUDY ITEM #4
Bloomington Civic
Plaza Public Art &
Memorial Screening
Committee
Recruitment Plan**

Bernhardson stated that Councilmember Harden flagged up this item and that the primary issue is whether the Committee members have to be Bloomington residents.

Harden suggested that people who work in Bloomington should also be considered for this Committee and not just Bloomington residents and inquired if the wording, as currently worded, “two visual arts professionals from the community at large” would allow someone who lives in Minneapolis or St. Paul but works in Bloomington to be a member. She emphasized the importance of getting members with an arts background to serve on this committee.

Winstead stated that Bloomington residents would likely be selected over non-Bloomington residents with the same qualifications.

Motion was made by Peterson, seconded by Harden, to include applications from the community at large in selecting the two arts professionals on the Public Art & Memorial Screening Committee. Motion passed 6-1 (Wilcox opposing).

**STUDY ITEM #5
TEA-21 Potential
Projects for 2005
Application**

Shelly Pederson, City Engineer and Chad Smith, Traffic & Transportation Engineer presented the list of projects they recommend be included for federal funds as part of the TEA-21 Program for 2009-2010.

**STUDY ITEM #5
continued**

Pederson explained that \$1.7 million of Strategic Priorities money has been designated for the 2007 Pavement Management Program (PMP) Overlay Program. However, it has not been designated for the 2008 PMP Program, and therefore a \$2.5 million shortfall is projected. She suggested that based on the CIP and other factors, the following projects be included in the 2009 TEA-21 application: American Boulevard/34th Avenue Transit Station, the Killebrew Drive Grade Separated Pedestrian Crossing at 22nd Avenue, and 90th & Nicollet. She described the matching funds for each of those proposed projects. In 2010, she stated that staff anticipates applying for the following projects: East Bush Lake Road Grade Separated Pedestrian Crossing at Bush Lake Beach and the Replacement of the Long Meadow Lake Bridge. Regarding the Long Meadow Bridge, she stated that it is of interest to several other agencies, however, none have come forward with much money and that if the City were successful in its application for funding in 2010, it would require lots of partnering funding to enable the City to contribute its share. Whatever that might be. She stated that pushing this project out to 2010 gives City staff more time to work on acquiring funding from other agencies.

Elkins suggested the Long Meadow Bridge Replacement Project be applied for under the Transportation Enhancements Program, which is custom-made for this type of project. However, it has a \$1 million cap.

Pederson stated that it would require approximately \$4.6 million in City funds and partnering funds to make this project happen, as construction would cost approximately \$4.5 million and engineering and right-of-way another \$1 million.

Bernhardson suggested that as the category for the Long Meadow Bridge funding request doesn't have to be made immediately, Elkins explore to see which entities might be interested in being funding partners and then inform staff as to which category it should be put into.

With regard to staff's recommendation that 90th & Nicollet be included on the list, Elkins stated that he didn't think it would qualify under surface transportation funding, as it needs to be on the City's CIP and listed as an A Minor Arterial on the Met Council map.

Smith replied that it can qualify under the Hazard Elimination System and that it would involve the taking for right-of-way and left turn lanes.

Winstead inquired if this intersection could be made safer in the interim with a signal improvement (left turn signals).

Staff replied that they are exploring the cost of implementing a signal change in the interim.

Elkins inquired why Normandale Boulevard from 94th Street to 82nd Street was pulled off the list.

Smith replied that it was most likely due to the high dollar costs that would be needed for right-of-way.

Pederson added that staff looked at that segment and that the right-of-way strips would be very expensive and the impacts to the wetland would be challenging environmentally.

Bernhardson stated that staff would provide additional information on the various options for Council to consider at their April 25 Regular Council meeting.

ADDITIONAL ITEMS**➤ Smoking Ordinance**

Bernhardson stated that as a result of the feedback staff received from Council regarding the conflict in Bloomington's ordinance with regard to the 25-foot requirement from restaurant entrances and patio areas, some Council feedback indicated support for a smoking area being within 25 feet from the secondary entrance but not the primary entrance. However, to make that distinction would involve an amendment to the ordinance.

**ADDITIONAL ITEMS
Continued**

Ornstein stated that he has been told there will be some restaurants where patio areas will not be able to accommodate smokers due to the 25-foot rule. He stated that the Minnesota Valley Country Club is one that may have a problem.

Winstead stated that the intent of the ordinance was to allow smoking in an area that could accommodate a patio for the purpose of service and dining but that in some cases, those areas may just become defacto smoking lounges.

Wilcox stated that the VFW interpreted the City’s ordinance as requiring 25 feet from the entrance to a patio area before smoking is allowed.

Abrams stated that the ordinance has only been in effect for three weeks and suggested it’s too early to start making changes to it.

Council consensus was to leave the ordinance as it is for now.

➤ City Manager’s Evaluation

Winstead stated that information regarding the City Manager’s list of accomplishments and status of projects in progress will be provided to the Council within the next few days.

➤ Council Availability

Bernhardson inquired as to which Mondays in May would Council members not be available to meet for a special session to see the I-494/Hwy. 169 interchange plans.

➤ Passing of Former City Manager John Pidgeon

Bernhardson announced that his predecessor John Pidgeon passed away.

**POTENTIAL FUTURE
TOPICS**

Mayor Winstead read the list of potential future consideration topics stating that any of them generating a majority of Council member interest would be put on a study agenda. Council indicated an interest in pursuing the following: Fiber-optic Network/Wireless and Farmer’s Market.

**ADDITIONAL
ANNOUNCEMENT**

Clark Arneson, Assistant City Manager reported that Jill Heutmaker was hired as the Port Development Manager and will start on May 9 to begin work on the strategic planning process.

**CHARTER
COMMISSION
REQUEST**

Bernhardson inquired if the City Council desired to have the Charter Commission look at dealing with the issue of gaming in the City Charter since they had previously offered to do so and would soon be meeting for their annual meeting on May 5. He stated his recommendation would be not at this time adding that the Council could notify the Commission if and when they desired to have them explore the issue.

Council concurred.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 10:08 p.m.

Barbara Clawson
Council Secretary