

**Regular Meeting #39
Monday, December 19, 2005, 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 7:08 p.m. and led the Council and audience in the pledge of allegiance to the flag.

Roll Call

Present: Mayor Winstead, Councilmembers D. Abrams, S. Elkins, A. Grady, S. Peterson, and V. Wilcox.

Absent: Councilmember H. Harden.

**Accepted Donation
from Blue Cross Blue
Shield of Minnesota
ITEM 3.1**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to accept the donation of a self-testing blood pressure machine from Blue Cross Blue Shield of Minnesota and approve the prepaid maintenance agreement for the equipment.

**Approved Lease
Agreement No.
A052236 with
Hennepin County
ITEM 3.2**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the lease agreement for election equipment with Hennepin County (Agreement No. A052236) in which the County provides AVT equipment to cities for each precinct, one for city hall absentee voting, and several reserve backup units. The State of Minnesota was allocated \$35 million for this purpose.

**Approved Two
Agreements with
Bloomington School
District 271
ITEM 3.3**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve two agreements between the City of Bloomington and Bloomington School District #271's Even Start and Older Adult Fitness programs for terms expiring December 31, 2006. The Even Start Program provides affordable childcare in order for low-income participants to attend Bloomington Community Education classes and Family Center Programs. The Older Adult Fitness Program is a collaborative program where the School District agrees to provide qualified instructors, advertising, and registration and classroom space for the collaborative older adult fitness programs.

**Adopted Resolution
Approving HSSC
Agreement & Bylaws
ITEM 3.4
R-2005-171**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution approving the amended Hennepin South Services Collaborative (HSSC) Agreement and By-laws for family services and research, planning and coordination. The members consist of the Cities and School Districts of Bloomington, Eden Prairie, and Richfield.

**Approved 2006 CHS
Agreement with Edina
ITEM 3.5**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the 2006 Community Health Services (CHS) Agreement with the City of Edina through which Edina will pay Bloomington \$165,963.00, in quarterly payments of \$41,423.25, for services provided by the Public Health Division. These CHS funds are included in Public Health's 2006 Budget.

In addition to the contractual CHS Agreement, the City receives revenues from other fees and grants for providing public health services to the City of Edina.

**Approved Renewal
Agreement with Edina
Relating to Public
Health & Bioterrorism
ITEM 3.6**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the renewal agreement with the City of Edina for Public Health Preparedness and Response to Bioterrorism. Payment for services provided during September 1, 2005 through August 31, 2006, is set at \$49,682.00. These funds are included in Public Health's 2005 and 2006 Budgets.

- Adopted Resolution Declaring City's Intent to Reimburse Certain Original Expenditures**
ITEM 3.9
R-2005-158
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution declaring the official intent of the City to reimburse certain original expenditures for governmental purposes from the proceeds of tax-exempt bonds to be issued by the City after the payment of such original expenditures.
- Approved List of Accounts Receivable Write-offs**
ITEM 3.10
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the list of write-offs of various accounts receivable as listed in the agenda materials.
- Accepted Donations**
ITEM 3.11
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to accept the donations made by various donors to various City activities and to amend the revenue and expenditure budgets, as noted, to facilitate the appropriate use of the funds.
- Adopted Resolution Supporting Motor Vehicle Sales Tax Dedication**
ITEM 3.12
R-2005-159
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution supporting a constitutional amendment declaring all of the motor vehicle sales tax revenue to transportation with at least 40% of the revenue for public transit assistance and not more than 60% of the revenue for highway purposes.
- Authorized Transfer from 2005 Carlton TIF to Facilities Fund**
ITEM 3.13
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to authorize the transfer of the 2005 Carlton Tax Increment Finance (TIF) District/Strategic Priorities payback (Fund 422) in the amount of \$309,640 to the Facilities Fund (Fund 630).
- Approved Transfer of Park Donations**
ITEM 3.14
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the transfer of Park Donations money received in the Escrow Fund in 2005 (\$106,535 through 12/12/05) to the Park Development Fund (411/412). This is a year-end housekeeping item and follows the transfer policy of previous years.
- Approved 2006 Port Authority General Fund Budget**
ITEM 3.15
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the 2006 Port Authority General Fund Budget as presented in the agenda materials. No levy request was included in the approved budget.
- Approved Extension of Contract with Cutler-Magner Company**
ITEM 3.16
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the extension of the contract with Cutler-Magner Company for the purchase of quicklime to be used at the Bloomington Water Treatment Plant at the increased price of \$91.60 per ton for an additional one-year period through December 31, 2006.
- Approved Minutes**
ITEM 3.18
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the minutes of the following 2005 City Council meetings as presented: May 9 Joint Council/School Board, May 16 Special Study (Abrams abstaining), June 20 Special Study (Elkins & Grady abstaining), September 12 Regular, and September 26, Regular (Winstead & Elkins abstaining).
- Approved Settlement Agreement with Engineering & Construction Innovations, Inc.**
ITEM 3.19
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve a settlement agreement by and among Engineering & Construction Innovations, Inc. (ECI), the City of Bloomington, Mall of America Company (MOAC), and IKEA related to construction of a sanitary sewer service to IKEA and adjacent future development and authorized staff to advertise and schedule a public hearing on the supplemental assessments agreed to by MOAC and IKEA.
- Approved Donations of Art Sculptures for Civic Plaza**
ITEM 3.20
- Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the Art & Memorial Screening Committee's recommendation to accept sculpture donations from Dale Peterson and Lloyd Bergquist for installation at Civic Plaza by Museum Services Company in the spring of 2006 with \$6,384 from the 2005 Parks & Recreation Administration Contractual Services Budget. The Peterson sculpture to be installed in the entry courtyard outside the east entrance of the Civic Plaza and the Bergquist sculpture to be placed in the area outside the Bloomington Fine Arts Center office windows by the northwest entrance of the building.

**Recognized List
of Donors
ITEM 3.11**

Wilcox recognized the list of donors as presented in the agenda materials.

**Adopted Resolution
Approving 2006 City
Council Meeting
Schedule
ITEM 3.7
R-2005-172**

Motion was made by Grady, seconded by Elkins, and all voting aye, to adopt a resolution approving the schedule for City Council meetings, including study meetings, in 2006 with the addition of study meetings on March 27 and October 9.

**Adopted Resolution
Amending the 2006
Fee Schedule
ITEM 3.8
R-2005-173**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving an amendment to the 2006 Fee Schedule presented in the agenda materials relating to Engineering and Parks and Recreation fees.

**Adopted Resolution
Approving Cost
Participation in C.S.
2782-290 (T.H. 35W &
94th Street) Signal
Project
ITEM 3.17
R-2005-160**

Motion was made by Abrams, seconded by Peterson, and all voting aye, to adopt a resolution for cost participation in C.S. 2782-290 (T.H. 35W) – T.H. 35W at West 94th Street (east and west ramps) project with the State of Minnesota Department of Transportation to remove the existing traffic control signal and install a new traffic control signal with street lights, emergency vehicle pre-emption, interconnect and signing on T.H. 35W and 94th Street. Bloomington's estimated 50% cost sharing is \$200,000.00. Funds will be programmed for 2008 in the Municipal State Aid Acct.

Abrams suggested the City consider budgeting an ongoing capital expense for the replacement of signal lights, given the expense of each and the number of lights within the city.

**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.

Speaker #1: Ed Fong, David Fong's Restaurant

He stated with the recent change in Hennepin County's smoking ordinance, Bloomington is now an island due to the smoking ban. He requested the Council continue to track the loss of business in Bloomington. He stated it's been mostly independent bars and restaurants that have closed in Hennepin County. He believes Bloomington is losing its identity as the entertainment/hospitality capital in Minnesota.

Mark Bernhardson, City Manager, explained that under Hennepin County's exemption, only three bars/restaurants in Bloomington would qualify

**Liquor License
Violation at
A & S Kwik Market
7940 Nicollet Ave. S.
ITEM 5.1A**

Jennifer Tichey, Associate City Attorney, provided the staff report stating explaining this violation occurred on August 9, 2005, as part of a liquor license compliance detail conducted by the Bloomington Police Department. She stated two votes are required by the City Council: A determination regarding willfulness and imposition of the penalty. In the case of the A & S Kwik Market, she explained two police operatives under the age of 21 entered the store and one of them attempted to purchase beer. The store clerk asked for identification but made the sale after looking at the Under 21 driver's license. The clerk was immediately advised of the unlawful sale by Police. The store manager was not in the store at the time. She reported this is the first violation for the A & S Kwik Market.

Speaker #1: Shawn Punjwani, Store Owner

He stated that although his clerks are trained, they've ordered more materials to retrain them.

Motion was made by Grady, seconded by Peterson, and all voting aye, to deem the off-sale liquor license violation that occurred on August 9, 2005, at A & S Kwik Market (3.2 beer license) at 7940 Nicollet Avenue South, as non-willful.

Motion was made by Grady, seconded by Peterson, and all voting aye, to impose a \$500 fine on A & S Kwik Market at 7940 Nicollet Avenue South.

**Adopted Resolution
Renewing Gambling
Permit at KC Hall
ITEM 5.1B1
R-2005-161**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution approving the renewal of a gambling premise permit application for Knights Fraternal Corporation of Bloomington at 1114 American Boulevard West for Bingo, Raffles, Tipboards, Paddlewheels, and Pull-tabs.

No public testimony was received.

**Adopted Resolution
Renewing Gambling
Permit at AMF
Southtown Bowl
ITEM 5.1B2
R-2005-162**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution approving the renewal of a gambling premise permit for Climb, Inc. at AMF Southtown Bowl, 7941 Southtown Center for Tipboards and Paddlewheels.

No public testimony was received.

**Adopted Resolution
Renewing Gambling
Permit at VFW Post
1296
ITEM 5.1B3
R-2005-163**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution approving the renewal of a gambling premise permit for VFW Post 1296 at 311 West 84th Street for Bingo, Raffles, Tipboards, Paddlewheels, and Pull-tabs.

No public testimony was received.

**Adopted Resolution
Renewing Gambling
Permit at VFW Moc
Pup Tent 51
ITEM 5.1B4
R-2005-164**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution approving the renewal of a gambling premise permit for VFW Moc Pup Tent 51 at 311 West 84th Street for Pull-tabs.

No public testimony was received.

**Approved New On-
Sale Intoxicating
Liquor License at Le
Bourget Aero Suites
ITEM 5.1C**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a new on-sale intoxicating liquor license, expiring June 30, 2006, for Bloomington Hotel Acquisition, LLC dba Le Bourget Aero Suites at 7770 Johnson Avenue South.

No public testimony was received.

**Approved New Off-
Sale Intoxicating
Liquor License at
India Mart
ITEM 5.1D**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve a new off-sale 3.2% malt liquor license, expiring December 31, 2006, for India Mart LLC dba India Mart at 9805 Nicollet Avenue South.

No public testimony was received.

**Approved Renewal of
On-Sale & Off-Sale
3.2% Malt Liquor
Licenses for 2006
ITEM 5.1E**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the renewal of the following on-sale and off-sale 3.2% malt liquor licenses for 2006:

On-Sale:

1st Wok, Andy's Tap, Bella Cucina, Da Afghan, Davanni's Inc., Dwan Golf Club, Hyland Greens Golf, Hyland Ski & Snowboard Area, Kimson Restaurant, Lyn-Del Lanes, Mandarin Kitchen, 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 Stationstores (two locations), Oasis Market, Rainbow Foods, and SuperAmerica (four locations).

No public testimony was received.

Approved Preliminary Plat of Bradley Williams Addition at 8063 Ensign Road Case 10715A-05 ITEM 5.2A1

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to approve a two-lot, one-block Preliminary Plat of Bradley Williams Addition at 8063 Ensign Road, Case 10715A-05, for Steven Marlin Grant Homes, Inc. for the purposes of subdividing one lot into two lots, subject to the following conditions 12 conditions plus one suggested by Council to address the compatibility of the home with the character of the neighborhood and 1 Code requirement as set forth by the Planning Division Staff and the Planning Commission prior to issuance of any grading, foundation, or structural permits:

1. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the Nine Mile Creek Watershed District;
2. Connection charges be determined and satisfied;
3. Erosion control surety shall be provided to the Building and Inspections Manager;
4. Sewer Availability Charge (SAC) be determined and satisfied;
5. After acceptance by the Department of Public Works and prior to signing by the Mayor and City Manager, the final plat, all easement documents, and all other documents required as part of the subdivision be reviewed by the Planning Manager and City Attorney to assure compliance with conditions of approval adopted by the City Council;
6. Park dedication shall be in cash for one lot;
7. Provide signed petition and waiver for sidewalk assessment for future construction;

and subject to the following additional conditions:

8. The established front setback for each lot is 33.5 feet;
9. Surveyor to provide monumentation letter certifying that all monuments shall be placed within one year of platting;
10. Approved erosion control barriers must be installed prior to construction, maintained throughout the construction period and not be removed until authorized by the City Engineer;
11. Alterations and additions to utilities shall be at the developer's expense;
12. Temporary addresses shall be provided during construction;
13. House plans be approved by the Planning Manager to ensure compatibility of new homes within the existing neighborhood; and

and subject to the following Code requirements:

1. The approved Final Plat shall be filed with Hennepin County, a certified copy provided to the Engineering Department.

Londell Pease, Planner, provided the staff report explaining that the applicant intends to remove the existing single-family home and subdivide the lot into two lots. By the applicant moving the homes forward on the property, all but one of the trees will be saved.

Speaker #1: Steven Grant, Steven Marlin Grant Homes, Inc.

In response to an inquiry by Council regarding the style of homes proposed, he stated he has looked at a rambler style but due to the width of the lots, it would be nice to build two-story homes. He consented to a condition suggested by Council that the front elevations of the homes be to the degree possible so as to keep the homes in character with the surrounding neighborhood.

Adopted Resolution Approving Final Plat of Bradley Williams Addition at 8063 Ensign Road Case 9812A-05 ITEM 5.2A2 R-2005-165

Motion was made by Elkins, seconded by Grady, and all voting aye, to approve the final plat and adopt a resolution granting final plat approval of Bradley Williams Addition located at 8063 Ensign Road, Case 9812A-05, for Steven Marlin Grant subject to the following preliminary plat conditions; receipt of the title opinion, necessary documents, and deposits; and a review of all documents by the City Attorney:

1. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the Nine Mile Creek Watershed District;
2. Connection charges be determined and satisfied;
3. Erosion control surety shall be provided to the Building and Inspections Manager;
4. Sewer Availability Charge (SAC) be determined and satisfied;

ITEM 5.2A2 continued

5. After acceptance by the Department of Public Works and prior to signing by the Mayor and City Manager, the final plat, all easement documents, and all other documents required as part of the subdivision be reviewed by the Planning Manager and City Attorney to assure compliance with conditions of approval adopted by the City Council;
6. Park Dedication shall be in cash for one lot;
7. Provide signed petition and waiver for sidewalk assessment for future construction;

and subject to the following additional conditions:

8. The established front setback for each lot is 33.5 feet;
9. Surveyor to provide monumentation letter certifying that all monuments shall be placed within year of platting;
10. Approved erosion control barriers must be installed prior to construction, maintained throughout the construction period and not to be removed until authorized by the City Engineer;
11. Alterations and additions to utilities shall be at the developer's expense;
12. Temporary addresses shall be provided during construction; and

The following conditions recommended by Public Works staff:

13. Provide 10-foot sidewalk/bikeway easement along all street frontages. (Developer/owner to provide legal description of location. Engineering Staff will prepare easement.)
14. Furnish grading, drainage, utility and erosion control plan; or certificate of survey to be approved by the City Engineer prior to issuance of permits.
15. Surveyor to provide monumentation letter certifying that all monuments shall be placed within one year of filing the plat, unless set before filing.
16. Provide signed petition and waiver for sidewalk assessment for future construction.

and subject to the following Code requirements:

1. Property must be platted per Chapter 16 of the City Code (Section 16.03).
2. The approved Final Plat shall be filed with Hennepin County (Section 16.05.01). A certified copy shall be provided to the Engineering Department prior to the issuance of building permits (Section 16.10).

No public testimony was received.

**Approved Three-Year
Interim Use Permit for
Chief's Towing, Inc.
ITEM 5.2B**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve a three-year interim use permit for the open storage of towed vehicles, trucks, boats, recreational vehicles, and construction equipment and materials within the designated secured area at 1201 West 96th Street, Case 7272A-05, for Chief's Towing, Inc., subject to the following 5 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. One sign displaying the name, address and telephone number of the towing business and not exceeding 20 square feet in area shall be displayed in good condition at or near the gate for the driveway from West 97th Street;
2. No retail sale of salvaged parts shall be allowed;
3. The storage area shall remain completely fenced and the fence shall be maintained in an effective condition;
4. Vehicles and equipment shall be parked and stored in a neat and orderly fashion within the fenced area and the lot shall be kept free of trash, debris and weeds, and the surface of the lot shall be maintained in a proper manner as approved by the City Traffic Engineer; and
5. No on-street parking or storage is permitted.

No public testimony was received.

**CLOSED PUBLIC
COMMENT PERIOD**

The Mayor asked if anyone else wished to address the Council during the public comment period, or it would be closed. No one came forward to speak so the public comment period was closed.

**Approved Three-Year
Interim Use Permit for
Refurnish
ITEM 5.2C**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a three-year interim use permit for furniture sales at 4950 West 78th Street, Case 2643A-05, for Fleetham Furniture dba Refurnish.

No public testimony was received.

**Approved Revised
Final Development
Plan for Wixon
Jewelers
ITEM 5.2D**

Motion was made by Elkins, seconded by Grady, and all voting aye, to approve a revision to the Final Development Plan for retail sales at 9801 Lyndale Avenue, Case 9267A-05, for Wixon Jewelers, subject to the following 4 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. Exterior building materials be approved by the Planning Manager;
2. Sidewalk connections be maintained from the public sidewalk on Lyndale Avenue to the front entrance;
3. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code; and
4. A uniform sign design be submitted for approval by the Planning Manager.

Bob Hawbaker, Planning Manager, provided the staff explaining that the site is the former site of Gander Mountain. He stated Wixon Jewelers intends to do extensive remodeling and re-imaging of the building. He stated both the Planning Staff and the Planning Commission recommend approval.

Speaker #1: Gary Tushie, Tushie Montgomery Architects

He showed colored renderings of the proposed exterior remodeling from several different angles and elevations. He also showed some sketches of what is proposed for the interior remodeling, which will be an Old World design. He clarified that the video wall that will be visible from the exterior of the building will feature still images that will change on a daily basis but that the pictures will not be moving so as not to distract motorists as they near the intersection of 98th & Lyndale Avenue. He stated work on the store will begin in January 2006.

**Approved Revised
Final Development
Plan for Duke Realty
Corporation
Case 5891AB-05
ITEM 5.2E1,2**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve the Revised Preliminary and Final Development Plans for an office building (Norman Pointe II aka Building No. 2) for Duke Realty Corporation at 5600 American Boulevard West, Case 5891AB-05, for Duke Realty Corporation, subject to the following 9 conditions of approval (as were included in Case 5891C-01) including Condition #10 regarding a sidewalk connection and the 10 Code requirements as set forth by the Planning Division Staff:

1. Exterior building materials be approved by the Planning Manager;
2. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
3. Street modification agreement, which shall include a requirement for the installation of the traffic signal at Norman Center Drive and Bridge Road, be executed by the developer and the City and proof of filing be provided to the Manager of Building and Inspection;
4. Transportation Management Plan including a schedule for periodic review be submitted for the entire planned development to be approved by the Planning Manager and City Traffic Engineer and implemented for Building No. 1 and Building No. 2;

and subject to the following conditions being satisfied prior to the issuance of structural permits:

5. Connection charges be satisfied;
6. A SAC questionnaire be completed and submitted to the Department of Public Works;
7. Alterations to utilities be at the developer's expense;
8. All pickup and drop-off occur on site and off of public streets;
9. All loading and unloading occur on site and off of public streets;
10. Sidewalk connection be provided from the walk parallel to Normandale Lake Boulevard to the west building entrance.

and subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager (Sec. 19.52);
2. All rooftop equipment be fully screened (Sec. 19.52.01);

**ITEM 5.2E1,2
continued**

3. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec. 19.64);
4. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1 and M.R. Chapter 1306: Uniform Fire Code Sec. 1003);
5. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
6. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
7. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
8. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
9. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code; and
10. All trash and recyclable materials be stored within the building.

Hawbaker provided the staff report stating that the applicant is proposing some minor changes to their development plan. The square footage of the building will remain the same, however, the footprint decreases and the height increases by one floor. It is still consistent with the Environmental Impact Statement (EIS) that was prepared in 2000. He stated there will be little interior transit into this site and that a park and ride within this site is not likely to occur until 2010 or 2012, as Met Transit has no money available to assist in the development of structured parking. He stated staff has issues with the future vacation of portions of Green Valley Road and that there is a turnaround available in front of office building #1, which could provide an opportunity for a future transit stop. Staff does not expect to see any mainline Met Transit routes anywhere on this site. He added that as Met Transit has indicated a desire to have a transit stop as close as possible to 84th & Normandale, staff has been working with Met Transit to look at putting a park and ride on the Josten's site on West 83rd Street for which they would lease a portion of a parking ramp that would be built on that site as part of a possible new development within the next couple of years. He also stated that the developer committed to \$680,000 for the necessary traffic improvements when the development was approved so when the City reconstructs this portion of American Boulevard, it will include the installation of traffic signals and sidewalks.

Speaker #1: Dave Sellergren, Representing Duke Realty

Using a site plan, he explained what has been built as part of Duke's four-phased development and what is being proposed by this application. He explained the changes Duke Realty is requesting as an amendment to the Final Development Plan for Norman Pointe II, the second building and its parking ramp. He also explained how transit would circulate within the site. He showed images of proposed building #2. He stated Duke intends to develop in accordance with prior development agreements, the prior street modification and subdivision agreement, and all the conditions set forth by staff and that Duke is prepared to finalize the Travel Demand Management Plan, drafted in 2000 with staff's review and approval. He confirmed his client's approval of a condition that a sidewalk connection be provided from the walk parallel to Norman Lake Boulevard to the west building entrance.

**Postponed to Jan. 3
Application to Rezone
Properties on West
Old Shakopee Rd.,
France Ave., &
Ewing Ave.
Case 10713ABC-05
ITEM 5.4A1, 2**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to postpone to the January 3, 2006, Organizational/Regular Council meeting, an application by the City of Bloomington to rezone properties at 3800 & 3816 West Old Shakopee Road, 10549, 10601 & 10617 France Avenue, and 10548, 10600 & 10608 Ewing Avenue and the Preliminary and Final Development Plan for a retail/office development, Case 10713ABC-05.

**Adopted Ordinance
Vacating Easements at
10620 Maryland Cir.,
10619, 10625 & 10628
Oregon Ave.
ITEM 5.4B
O-2005-53**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt an ordinance vacating utility and access easements located at 10620 Maryland Circle, 10619, 10625 & 10628 Oregon Avenue by Amy Marohn, City of Bloomington, for the purposes of clearing title for the property and as a condition of the plat for Beaconsfield 5th Addition, which was approved by the City Council on November 7, 2005.

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

**Adopted Ordinance
Rezoning Property at
2701 & 2617 W. 102nd
St. & 10209 Upton Av.
Case 10716A-05
ITEM 5.4C1
O-2005-54**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to adopt an ordinance approving the rezoning from Single-family Residential R-1 to Single-family Residential (Planned Development) R-1(PD) at 2701 & 2617 West 102nd Street and 10209 Upton Avenue South, Case 10716A-05, for Baton Building Company.

Londell Pease, Planner, provided the staff report and explained that the Final Development Plan and Preliminary and Final Plat would be coming back for full Council approval. He stated the proposal is for eleven townhomes and indicated the stormwater pond would be located in the front of the property. He stated maintenance of the pond would be the townhome association's responsibility. It was stated that easements would be provided with this development to allow for a possible future connection to the neighboring townhome development should both developments eventually determine such a connection is desired.

Speaker #1: Randy Zejdlik, Baton Building Company

He provided Council with copies of similar developments they've done in Inver Grove Heights, Eden Prairie, and Maple Grove.

Speaker #2: Jason Rich, 2617 West 102nd Street

He is a neighboring resident that has been involved in this development on behalf of the rest of neighborhood. He described the core project benefits as follows:

- Creates new senior-oriented housing in character with the rest of the neighborhood.
- Enhances the quality of the housing in the area by addressing housing deterioration.
- Creates a development that is compatible with the rest of the neighborhood.

Zejdlik stated that the pricing of his townhomes will be in the mid \$300,000 range.

Speaker #3: Ken Swanson, 10230 Upton Place

He lives in the neighboring townhome development and he likes what he sees being proposed for this townhome development except that it is too dense. He would prefer more space between his development and this new one with more green space and trees. He stated opposition is unanimous from the residents in his development to a street connection between the two developments.

Pease stated that if a connection were to be made between the two developments the proposed cul-de-sac could be eliminated, which would allow for more green space and vegetation.

Hawbaker addressed one of the concerns from the residents on Upton Place regarding increased traffic by stating that he personally lives in a similar townhome development and that with proper signage, cut-through traffic is limited. The street is designed to accommodate large moving vans, etc. to pull straight through when necessary, as there isn't enough room in his development for them to turn around but that it works very well without causing additional traffic into the development. He believes it would work in this development also.

Speaker #3: Curt Mahoney, 10309 Thomas Avenue

He stated he lives near the adjacent townhome development and that he had several concerns when that development was proposed but never of them ever materialized and he has no problems with that development and foresees no problem with this new one.

**Approved Preliminary
Development Plan for
Baton Building
Company
ITEM 5.4C2**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a Preliminary Development Plan for an 11-unit townhouse development at 2701 & 2617 West 102nd Street and 10209 Upton Avenue South, Case 10716B-05, for Baton Building Company, subject to the following condition of approval as set forth by the Planning Division Staff and the Planning Commission:

1. Final Development Plan be reviewed by the Planning Commission and approved by the City Council and a site development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection.

**Adopted Resolution
Approving Conditional
Use Permit for Baton
Building Company
Case 10716C-05
ITEM 5.4C3
R-2005-166**

Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt a resolution approving a Conditional Use Permit for an 11-unit townhouse development at 2701 & 2617 West 102nd Street and 10209 Upton Avenue South, Case 10716C-05, for Baton Building Company.

**Adopted Ordinance
Amending City's
Smoke-free Ordinance
ITEM 5.4D
O-2005-55**

Motion was made by Wilcox, seconded by Peterson, to adopt a modified ordinance amending the City's smoke-free ordinance that would authorize smoking shelters subject to compliance with specified performance standards including additional language that utilizes a variance process relating to distance and size of shelters and permits receptacles for the deposit of extinguished tobacco products to be located outdoors within 25 feet of entrances to public places and places of work. Smoking shelters would be required to comply with the performance standards for accessory buildings delineated in Section 19.50.02 of the City Code as follows. Motion passed 5-1 (Abrams opposing).

1. Smoking shelters must be detached from principal buildings.
2. A maximum of one (1) smoking shelter per principal building.
3. Smoking shelters would be permitted in rear yards and side yards. However, Section 19.50.02(c) (3) prohibits the location of accessory buildings in both the front and side yards. Planning Staff does not recommend placement of smoking shelters in side yards.
4. Maximum height would be sixteen (16) feet, measured from the lowest exterior point to the highest point on the roof.
5. Planning Staff recommends a maximum size of 200 square feet; however, the maximum size for accessory buildings under Section 19.50.02(f)(3) of the City Code is 600 square feet.

In addition, the proposed ordinance amendment requires that no more than 75 percent of the smoking shelter be enclosed (screening would not count as an enclosure) and prohibits the serving and consumption of food and alcoholic and nonalcoholic beverages in smoking shelters.

The other proposed revision to the City's smoke-free ordinance would allow receptacles for the depositing of extinguished tobacco products to be placed within 25 feet of entrances to public places and workplaces, provided similar receptacles are located outside the 25-foot perimeter where smoking is prohibited. Note that the definition of smoking in Section 12.80 of the City Code includes "carrying a lighted cigarette, cigar, pipe or any other lighted smoking equipment."

Ornstein explained per Council's direction, staff has prepared an ordinance that would authorize smoking shelters and would authorize the location of receptacles for extinguished tobacco products to be located within 25 feet of building entrances and he proceeded to explain the proposed amendments to the City's existing ordinance. He stated that the ordinance could allow for some flexibility through the use of variances to accommodate a larger size shelter in certain situations.

In response to an inquiry by Peterson regarding the option of using a tent versus constructing a shelter, Londell Pease replied that proprietors could get a tent permit for 30 days to see if it generated enough use to warrant the owner's investment in a permanent shelter.

ITEM 5.4D continued

Abrams expressed concern with the enforcement issue of putting receptacles for extinguished smoking materials within the 25-foot rule.

Speaker #1: Ed Fong, David Fong’s Restaurant

He stated 25 feet is too far for his smoking patrons to walk to a shelter in which to smoke during cold weather. He stated he called to get feedback from other restaurant owners who agreed that the 25-foot distance is too far. He volunteered to put together a task force of other restaurant owners who would be willing to work on designing a shelter that would accommodate their clientele. He stated the proposed shelter ordinance is probably okay but that it would not be very practical for his establishment.

Speaker #2: Laura Taykalo, Shantytown Bar & Grill

She stated her establishment can’t accommodate a distance of 25 feet to build a shelter and requested the Council keep the option of requesting variances open. She would like to see a more user-friendly shelter for her clients. She stated her business is down 53% since the City’s smoking ban took effect. She stated adhering to the 25-foot distance requirement would mean the elimination of at least one parking space, which she can’t afford to lose in the first place. She would like the option of having an exemption for those establishments that can’t physically accommodate the 25-foot distance given the size of their property and the location of their entrances.

Ornstein stated that if Council desired to have the ability of establishments to apply for an exemption to construct a shelter within the 25-foot rule, then language to that effect should be stated in the ordinance. He suggested Council amend the ordinance to specifically authorize someone to apply for a variance and include the standards in Chapter 12 that would normally apply.

**Adopted Resolution
Approving 2006
Assessment Roll No. 2
ITEM 5.5A
R-2005-170**

Motion was made by Wilcox, seconded by Grady, to adopt a resolution approving the 2006 Assessment Roll No. 2 for the Pavement Management Program (PMP) 2005-101 Street Reconstruction Project, which involves construction of curb and gutter and/or permanent surfacing on the following list of streets: Motion passed 5-0-1 (Peterson abstaining).

Street

<u>Ref. No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
1	Virginia Ave. S.	W. 99 th St.	W. 100 th St.
2	E. 88 th St.	12 th Ave.	13 th Ave.
3	E. 88 th St.	14 th Ave.	Bloomington Ave.
5	W. 99 th St.	Terminus E of W 99 th St. Cir	Terminus W of Virginia Ave S
6	W. 99 th St. Cir.	W. 99 th St. @ Utah	Terminus South
7	W. 100 th St.	Yukon Ave. S.	Quebec Ave. S.
8	W. 100 th St. Cir.	W. 100 th St. Cir. @ Rhode Island	Terminus South
9	Quebec Ave. S.	W. 100 th St.	W. 101 st St.
10	Utah Ave. S.	W. 100 th St.	W. 101 st St.
11	Yukon Ave. S.	Zinran Rd.	W. 100 th St.
13	Park Ave. S.	E. 96 th St.	E. 98 th St.
15	Glen Wilding Ln.	All Locations	All Locations
16	Glen Wilding Pl.	Glen Wilding Ln.	Terminus North
17	Humboldt Ave. S.	W. 109 th St.	Girard Curve
18	Girard Curve	Humboldt Ave. S. (S. Terminus)	350 S.E. along Girard Curve

Shelly Pederson, City Engineer, provided background reporting on the meetings staff held with the residents and comments received at those meetings. She stated that a letter was received today from a homeowner that was distributed to Council. She indicated that the final assessments were slightly higher than what was originally estimated.

ITEM 5.5A continued

Elkins inquired as to how many of the listed streets were reconstructs due to those streets only having only received two inches of bituminous originally.

Julie Long, Engineering, replied that approximately 75% of the streets that were reconstructed in 2005 did not have more than two inches of plant mix bituminous originally. She stated that criteria for overlays are more dependent upon the condition of the street and not just due to the two layers of bituminous.

Mayor Winstead read all of the streets on the list to see which ones were of interest to those in the audience. A show of hands indicated interest in holding out Street Ref. No.'s 4 (Mt. Normandale Drive), #13 (Park Avenue), and #14 (Scarborough Circle).

Approved Adding Mt. Normandale Drive to Assessment Roll No. 2 (PMP Street Reconstruct) ITEM 5.5A R-2005-170

Motion was made by Grady, seconded by Wilcox, to add the following street to the 2006 Assessment Roll No. 2 for the Pavement Management Program (PMP) 2005-101 Street Reconstruction Project, which involves construction of curb and gutter and/or permanent surfacing: Motion passed 4-0-2 (Elkins & Peterson abstaining).

Street

<u>Ref No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
4	Mt. Normandale Dr.	Normandale Blvd.	Sandro Rd.

Speaker #1: Steve Vervais, 6115 Mt. Normandale Drive

He recognized Julie Long for her exemplary service during this process with his neighborhood. He read an e-mail from Councilmember Elkins to a neighbor dated February 21, 2005. He stated that reconstruction began in front of his house on August 9, 2005, which allowed him to observe the activity of tearing off the overlay, which revealed a sand base. At that time, he spoke with Brian Thompson, Engineering Technician, on the job site. He proceeded to read from an e-mail he sent to Councilmember Elkins regarding the conversation he had with Thompson regarding the base of Mt. Normandale Drive when it was originally constructed. He stated that Thompson remarked to him, "There should have been a minimum several inches of Class V aggregate base, no matter what the experiment was at that time." Vervais claimed that as the streets in his neighborhood were originally constructed using experimental methods by City engineers, he and his neighbors have been short-changed and are now being asked to pay for a problem they did not create. He stated a neighboring street, Northwood Ridge, was originally constructed a year before Mt. Normandale Drive using a better method that allowed it to be milled using today's technology at no cost to those residents. Mt. Normandale Drive, however, was constructed one year later using a different method and now it is in need of reconstruction and he and his neighbors are required to pay for that reconstruction. They believe that is unfair.

Schane Rudlang, Engineering, stated that when the two streets were originally constructed, they were assessed depending on the type of materials used. A residential street that was constructed using more expensive, thicker materials was charged more and residents paid for the project that was bid for their street. He explained there are many factors to take into consideration with regard to why certain streets held up longer than others in the same area. He reminded everyone that back in the 1960's, residents paid 100% of the assessment compared to the 25% they pay now with the City paying 75% of the cost.

Abrams stated that staff explained in detail at a previous Council meeting that when these two streets were originally constructed, one was less expensive to build than the other one and therefore the residents were assessed accordingly through the assessment policy and that the residents on Mt. Normandale Drive didn't necessarily get a bad deal, it's just that was then and this is now.

ITEM 5.5A continued

Speaker #2: Craig Nordstrom, 5301 Mt. Normandale Drive
He stated this problem doesn't only pertain to Mt. Normandale Drive, but per his recollection of staff's previous discussion on this issue, 150 miles out of 600 miles of roadway throughout the city was constructed using the inferior base. He stated that as residents have no control over the factors that determine how long a certain road will last, an inequity results in "where the bill lands and how often the bill lands." He believes the models of shared utilities make sense in Bloomington, a fully developed community. He suggested a model be developed and phased in over a period of time. He stated the City could do a statistical analysis looking at the longevity of roadways and figure out what they will cost over the next 80 years. Then develop a plan within the next 5-10 years where every taxpayer pays so much toward this utility every year to eventually have a fully funded plan.

Speaker #3: Mike Kellett, 6016 Luigi Circle
He protested the assessment stating that taxpayers pay for the professional staff to engineer roadways in the correct manner and that's not what they got back in 1970. He stated a Class V aggregate was a common practice in 1970 and should have been used on Mt. Normandale Drive but wasn't so the road was doomed for failure with its sand and clay base.

Abrams stated he would be uncomfortable making street-by-street exceptions to an assessment policy that has been in place for many decades.

Elkins agreed with Craig Nordstrom and stated that he would like to see the City move from an assessment policy to a street utility that is being proposed by the League of Minnesota Cities. He believes the current policy is inequitable.

Grady stated residents are lucky to be living in Bloomington where the City picks up 75% of the assessment compared to other communities.

Wilcox concurred with Grady and stated this system is far fairer than many others out there.

Winstead stated that Bloomington probably has a better assessment policy than most other cities but that some consideration should be given to Craig Nordstrom's suggestions.

Motion was made by Wilcox, seconded by Grady, to approve adding the following street to the 2006 Assessment Roll No. 2 for the Pavement Management Program (PMP) 2005-101 Street Reconstruction Project, which involves construction of curb and gutter and/or permanent surfacing on the following street: Motion passed 5-0-1 (Peterson abstaining).

**Approved Adding
Park Avenue South to
the 2006 Assessment
Roll No. 2 (PMP
Street Reconstruct)
ITEM 5.5A
R-2005-168**

Street			
<u>Ref No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
13	Park Ave. S.	E. 96 th St.	E. 98 th St.

Speaker #1: Irene Saw, Park Avenue (corner lot)
She inquired how the assessment works when Xcel owns the property across the street from her.

Pederson explained that the Xcel Energy property was assessed at 50% of the adjusted front footage and the City picks up the other 50%. She also explained how corner lots are treated when one side is constructed and assessed and later the other side is reconstructed and assessed.

Motion was made by Wilcox, seconded by Grady, to approve adding the following street to the 2006 Assessment Roll No. 2 for the Pavement Management Program (PMP) 2005-101 Street Reconstruction Project, which involves construction of curb and gutter and/or permanent surfacing on the following street: Motion passed 5-0-1 (Peterson abstaining).

**Approved Adding
Scarborough Circle to
the 2006 Assessment
Roll No. 2 (PMP
Street Reconstruct)
ITEM 5.5A
R-2005-169**

Street			
<u>Ref No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
14	Scarborough Cir.	Scarborough Rd.	Terminus (NW)

ITEM 5.5A continued

Speaker #1: Sean Roy, 10264 Scarborough Circle

He stated he moved to Bloomington from Minneapolis and doesn't recall ever being assessed for a street while living in Minneapolis. He stated he lives in a cul-de-sac and that his assessment of \$1,700 on top of a \$3,300 property tax bill means he's paying \$5,000 for the privilege of living in Bloomington and yet he can't get his pre-schooler bused to school, as there is no tax money to do that. He inquired what he was getting for the tax money he is shelling out. He inquired why the reconstruction project in his cul-de-sac took 2-3 times longer than he would have anticipated and commented they still have standing water in one location in the circle.

Winstead explained that bus transportation comes out of the school district's levy and that pound for pound, Bloomington will look good comparing Minneapolis taxes versus services.

Long replied that staff plans to repair the curb in the spring to solve the standing water issue and that the City's prime contractor did have to change subcontractors on the concrete curb and gutter work due to lack of performance, which required their street to be open longer than it necessarily should have been.

Winstead stated that the Council received a correspondence from a Ron Miller on West 100th Street that staff will respond to regarding the policy for calculating an assessment on a cul-de-sac.

**Adopted Resolution
Establishing Certified
Tax Levies for 2006
ITEM 5.5B
R-2005-167**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution establishing the 2006 Certified Tax Levies for the City of Bloomington at a 5.75% increase over 2005 as follows:

General Fund:	\$ 31,714,173
Fire Pension	844,040
Debt Service	2,657,676
Recreation Facilities Fund	734,784
Strategic Priorities	<u>2,216,508</u>
TOTAL CITY	\$ 38,167,181

Lori-Economy Scholler, Chief Financial Officer, provided the presentation of the Proposed 2006 Tax Levy and General Fund Budget. Her presentation included the following slides:

- General Fund Budget & Budget Impacts
- Budget Principles
- Key Issues in Determining the Levy & Budget
- Proposed 2006 Revenues
- Proposed 2006 Expenditures
- Monthly Cost of Services
- Services Remain Reasonably Priced
- Quality Services at an Affordable Price
- Comparison of Levies
- 2006 Tax Levy
- Bloomington Ranks Lowest in Tax Comparison (2005) Per Average Household
- Loss of Market Value Credit
- Composition of Tax Levy by Taxing Authority for 2006
- Dividing Up the Tax Dollar
- Factors Impacting Individual Property Taxes
- Monthly Cost for City Utilities for Median Bloomington Home for 2006
- Overall Message: (General Fund Budget increased by 4.79%, overall levy increase of 5.75%)
- 2006 Tax Levy: \$38,167,181
- 2006 General Fund Budget: \$47,226,472

**Adopted Resolution
Adopting Final 2006
General Fund Budget
ITEM 5.5C
R-2005-168**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution adopting the Final 2006 General Fund Budget as follows:

Revenues:	
Current Property Tax Levy	\$ 30,883,245
Less Est. Delinquent & Abatements	(583,023)
Delinquent Collections	200,000
Hotel/Motel Admissions Tax	5,411,190
Building Permits & Fees	2,755,100
Business Licenses	1,511,240
Court Fines & Forfeits	1,039,428
Program Income	2,337,478
Intergovernmental Revenue	2,068,368
Interest Earnings	269,273
Transfers from Other Funds	1,113,075
Other	<u>221,098</u>
TOTAL REVENUES	\$ 47,226,472

Appropriations:	
City Council/Commissions	\$ 348,066
Manager	285,277
Legal	926,075
Human Resources	632,820
Finance	1,238,297
Public Safety - Police	15,991,167
- Fire	2,519,650
Community Development	5,105,375
Community Services	7,883,430
Public Works	10,432,791
Technical Services Group	2,047,069
Contingency	1,189,585
Estimated Unexpended	<u>(1,373,130)</u>
TOTAL APPROPRIATIONS	\$ 47,226,472

**Adopted Resolution
Approving 2006
Enterprise Fund
Budgets
ITEM 5.5D
R-2005-169**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving the 2006 Recreational Facilities, Contractual Police Services and Motor Vehicle Enterprise Fund Budgets as follows:

Golf Enterprise Fund	
Total Revenues:	\$ 1,949,300
Total Expenditures:	\$ 1,876,946

Ice Garden Enterprise Fund	
Total Revenues:	\$ 1,226,200
Total Expenditures:	\$ 1,086,984

Art Center Enterprise Fund	
Total Revenues:	\$ 431,967
Total Expenditures:	\$ 575,184

ITEM 5.5D continued

Aquatics Enterprise Fund	
Total Revenues:	\$ 701,541
Total Expenditures:	\$ 734,567
Contractual Police Services	
Total Revenues:	\$ 600,000
Total Expenditures:	\$ 600,000
Motor Vehicle Enterprise Fund	
Total Revenues:	\$ 533,000
Total Expenditures:	\$ 531,026

Cindy Rollins, Finance, provided the staff report explaining that these funds are financed by user fees with the Center for the Arts and Aquatics supported by some tax levy.

Allocation of Funding to Bloomington Fine Arts Council

Motion was made by Peterson, seconded by Elkins, and all voting aye, to allocate \$35,000 of 2006 Front End Strategic Priorities monies to the Bloomington Fine Arts Council.

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

No City Council Policy & Issue Update provided at this meeting.

➤ Fremont Avenue Traffic/Storm Drain Issues

Council consensus to continue with its scheduled public hearing regarding the traffic issues along Fremont Avenue in the area of GN Resound on January 23, 2006, in spite of receiving a request to delay that public hearing two months from the owner of Computer Connections who desired more time to prepare his comments.

Charlie Honchell, Public Works Director, stated that in order for something to get done within next year’s construction season, staff will need direction from the Council in the near future.

Regarding the timeline, Ornstein explained that the Council may have to exercise eminent domain in this area and that it may not want to delay that decision, as the Legislature is going to take up the issue next session, which could create some restraints that could affect this project.

➤ Response Letters

Council consensus to send the response letters as drafted to those inquiring about the closing of Byerly’s in Oxboro Center in April, 2006 and the surcharge that was added to Xcel Energy bills.

**Approved 2006 Compensation Plan
ITEM 6.2**

Motion was made by Elkins, seconded by Peterson, and all voting aye, to approve the 2006 Compensation Plan as presented by Kent Michaelson, Human Resources Manager, as presented in the agenda materials.

For the approximately 354 City employees who are not covered by a collective bargaining agreement, the Compensation Plan includes a budgeted base wage increase of 3.0%. There are also a few classification changes to reflect organizational changes, labor market conditions, advances in technology and training, and recruiting experiences. There is a continuation of the lump sum incentive program as directed and approved by the City Council for the past several years.

The 2006 Compensation Plan and the changes included in the agenda materials are within the 2006 Budget as approved by the City Council so no appropriation is necessary.

**Approved City
Manager's Agreement
ITEM 6.3**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve a three-year City Manager's Employment Agreement with Mark E. Bernhardson, which includes an increase in his annual compensation from \$120,000 to \$130,000 plus a one-time \$6,000 lump sum incentive bonus split between 2005 and 2006.

Winstead explained that five out of seven Council members met to review the City Manager's performance, which hasn't been done in a couple of years. He stated the City Manager hasn't had a pay increase in two years. He stated Council agreed that Bloomington is a well-run city and is in great financial shape operationally due to the management of the City Manager and his department heads. He stated the Council set forth some benchmarks and goals they would like to see accomplished, primarily in the area of communication with the Council. He stated the City Manager's agreement was revised and renewed with all of the basic terms and conditions. The Council allocated a pay increase for the City Manager from \$120,000 to \$130,000, which represents approximately 3% for each of the last two years. In addition, the City Manager will receive a one-time lump sum payment of \$6,000, split between December 2005 and January 2006 to reflect what the Council viewed as exemplary work in both the financial and operational performance of the City Manager. The employment agreement will run for three years.

ITEM 6.3 continued

Bernhardson thanked the Council for his review and their dedication to Bloomington. He thanked Abrams and Harden for their service to the City stating they will be missed on the Council.

**Time Off Granted
by Council**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to grant City employees a half-day off with pay on December 24, 2005, in appreciation of their hard work throughout the year.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 11:19 p.m.

Barbara Clawson
Council Secretary