

**Organizational/Regular Meeting #1
Tuesday, January 3, 2006, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road,
Bloomington, Minnesota 55431-3027**

**Call to Order and
Pledge to Flag**

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

Roll Call

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

**Council Members
Axtell, Nordstrom, &
Peterson Sworn In**

City Clerk Tom Ferber administered the Oath of Office to re-elected Council Member Steve Peterson (District 1) and newly-elected Council Members Karen Nordstrom (At Large) and Rod Axtell (District 2).

**Outgoing Council
Members &
Commissioners
Recognized**

Mayor Winstead recognized the service of outgoing Commissioners Melissa Janssen & Dave Christensen (Local Board of Appeal & Equalization) and Steve Mahowald (Traffic & Transportation), as they were not present to accept their plaques. He presented plaques to outgoing commissioners James Knutson & Jan Schneider (Planning) and Council Members Heather Harden (District 2) and Dave Abrams (At Large) thanking them for their years of service to this community. He also recognized Abrams for his years of service on the Housing & Redevelopment Authority. Harden and Abrams were also presented with a framed skyline photo of Bloomington.

**Proclamation –
Martin Luther King, Jr.
Day**

Mayor Winstead read and presented a proclamation declaring January 16, 2006, as Martin Luther King, Jr. Day in Bloomington to Bruce Torgerson, Chair of the Human Rights Commission.

**Adopted Resolution
Accepting Traffic
Safety Award
ITEM 3.1
R-2006-1**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution authorizing acceptance of a traffic safety award for \$2,000.00 from the Minnesota Department of Public Safety Office of Traffic Safety as part of their Safe & Sober Challenge. This money must be used for traffic safety purposes and must be completed no later than June 30, 2006.

**Approved 2006
Agreement with
Bloomington Fine Arts
Council (BFAC)
ITEM 3.3**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the 2006 Agreement between the City of Bloomington and the Bloomington Fine Arts Council (BFAC) for the period of January 1, 2006 through December 31, 2006, whereby the City of Bloomington agrees to provide financial assistance to the Bloomington Fine Arts Council as follows:

- Cash funding in the amount of \$118,958 from the General Fund for the period of January 1, 2006 through December 31, 2006;
- Cash funding in the amount of \$35,000 from the Strategic Priorities Fund for the period of January 1, 2006 through December 31, 2006;
- Use of Creekside Community Center in rental amount not to exceed \$4,000 for the period of January 1, 2006 through December 31, 2006.

**Acknowledged List of
2006 PMP Overlay
Streets
ITEM 3.2**

Motion was made by Elkins, seconded by Peterson, and all voting aye, to acknowledge the following list of 2006 Pavement Management Program (PMP) overlay streets, which amounts to 8.72 miles of roadway in Bloomington. Storm sewer, sanitary sewer, and watermain maintenance will occur in conjunction with the street overlay project.

Street overlays are done without a direct assessment to the adjacent property owners. Project costs will be paid from the 425 State Aid PMP Overlay Fund and budgeted utility maintenance funds.

ITEM 3.2 continued

<u>Road Name</u>	<u>From</u>	<u>To</u>
Bloomington Ferry Rd.	Veness Rd.	W. 96 th St.
Virginia Rd.	West Bush Lake Rd.	W. 84 th St.
Virginia Cir.	Virginia Rd. @ 84½ St.	Terminus West
Virginia Cir.	Virginia Rd. @ 85 th St.	Terminus West
W. 84 th St.	Terminus	West Bush Lake Rd.
W. 84 th St. Cir.	W. 84 th St. @ Texas	Terminus West
W. 84 th St. Cir.	W. 84 th St. @ Utah	Terminus North
W. 85 th St.	W. 85 th St. Cir.	W. 85 th St. Cir.
W. 85 th St. Cir.	W. 85 th St.	Terminus (SW)
W. 85 th St. Cir.	W. 85 th St. @ Utah	Terminus North
Utah Ave. S.	W. 100 th St.	W. 102 nd St.
Utah Cir. (Northerly)	Utah Ave. S.	West Terminus
Utah Cir. (Southerly)	Utah Ave. S.	West Terminus
W. 102 nd St.	Yukon Ave. S.	Terminus West
W. 102 nd St.	Bush Lake Rd.	Bloomington Ferry Rd.
W. 101 st St.	Bush Lake Rd.	Yukon Ave. S.
Yukon Ave. S.	Zinran Rd.	Bloomington Ferry Rd.
Zinran Rd.	Yukon Ave.	W. 102 nd St.
W. 91 st St.	Utica Ave.	Poplar Bridge Rd.
Toledo Rd.	Normandale Blvd.	W. 91 st St.
W. 92 nd St.	Utica Ave.	Poplar Bridge Rd.
Utica Ave.	W. 91 st St.	W. 92 nd St.
W. 92 nd St. Cir.	W. 92 nd St.	Terminus East
W. 98 th St.	Logan Ave.	Humboldt Ave.
France Ave.	A pt. So. of W. Old Shakopee Rd.	W. 109 th St.
Drew Ave.	W. 110 th St.	W. 112 th St.
Ewing Ave.	W. 110 th St.	W. 114 th St.
W. 112 th St.	France Ave.	Drew Ave.
W. 114 th St.	France Ave.	Ewing Ave.
Ewing Cir. @ 113 th St.	Ewing Ave.	Terminus
Ewing Cir. @ 113½ th St.	Ewing Ave.	Terminus
W. 107 th St.	Hopkins Rd.	Nicollet Ave.
E. 107 th St. Cir.	Nicollet Ave.	East Terminus
Spring Valley Dr.	W. 107 th St.	Wentworth Ave.
Spring Valley Cir.	Spring Valley Dr.	North Terminus
Wentworth Ave.	W. 107 th St.	Spring Valley Dr.
Spring Valley Cir.	Wentworth Ave.	Southeast Terminus
W. 102 nd St.	Portland Ave.	10 th Ave.
Oakland Rd.	W. 102 nd St.	Park Ave.
Park Ave.	Park Cir.	E. 102 nd St.
Columbus Ave.	E. 100 th St.	E. 102 nd St.
13 th Ave.	E. 98 th St.	E. 100 th St.
E. 100 th St.	13 th Ave.	E. 99 th St.
E. 99 th St.	13 th Ave.	E. 100 th St.
34 th Ave.	A pt. 850 ft. so. of American Blvd.	A pt. 150 ft. no. of Am. Blvd.
American Blvd.	34 th Ave.	East Terminus

Mark Bernhardson, City Manager clarified that none of the streets proposed for overlays in 2006 involve any street redesign but if they do, they'll come back to Council for approval.

- Awarded Contract to Electric Resource Contractors
ITEM 3.4** Motion was made by Peterson, seconded by Grady, and all voting aye, to award a contract to Electric Resource Contractors in the amount of \$107,982.00 for electrical improvements to Chalet Lift Station, Overlook Lift Station, and Well #4 and to approve carrying over 2005 capital funds in the amount of \$75,587.40 in Activity 520-8231-433.70-41 and \$37,793.70 in Activity 510-8111-433.70-46 to the 2006 Capital Budget.
- Accepted Donations to HRA 2006 Home Fair
ITEM 3.5 (Handout)** Motion was made by Peterson, seconded by Grady, and all voting aye, to accept the list of donations made to the Housing & Redevelopment Authority (HRA) for the 2006 Home Fair on January 21 as listed in the agenda materials. The donations to be used as door prizes at the Fair.
- OPENED PUBLIC COMMENT PERIOD** The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda. No one came forward to speak, so the Council returned to its regular agenda.
- Approved Currency Exchange License
ITEM 5.1A** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a currency exchange license for Checks Cashed of America, LLC dba Money Xchange located at 218 East Broadway, Mall of America for the period of January 1, 2006 through December 31, 2006.
No public testimony was received.
- Approved New On-Sale Intoxicating Liquor License
ITEM 5.1B** Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a new on-sale intoxicating liquor license, expiring June 30, 2006, for Steak & Ale of Minnesota, Inc. dba Bennigan's at 1800 American Boulevard West.
No public testimony was received.
- Approved On-Sale Liquor Management Agreement
ITEM 5.1C** Motion was made by Peterson, seconded by Grady, and all voting aye, to approve a management agreement between Janus American Services Corporation, the current on-sale liquor licensee at Crowne Plaza Minneapolis Airport West, 5401 Green Valley Drive and Lane Hotels, Inc.
No public testimony was received.
- Approved On-Sale Liquor Management Agreement
ITEM 5.1D** Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a management agreement between the Thunderbird Hotel & Convention Center Corporation, the current on-sale liquor licensee at Ramada Inn/Thunderbird Convention Center, 2201 East 78th Street, and Sanford Hospitality, LLC. The management agreement will be in effect until the new on-sale liquor license is approved by the City Council.
Speaker #1: Kathleen Poppenhagen, 8518 Stevens Avenue South
She stated she was attending with other former employees of the Thunderbird Hotel and stated she is opposed to the Ramada receiving a liquor license, as she doesn't believe they are a trustworthy company. She stated the new hotel promised the Thunderbird union employees that they would be retaining their current jobs and that the transition to the new hotel ownership would be smooth. Instead, she stated the Ramada fired 30 employees with no warning. Therefore, she believes the Ramada is not a company worthy of being in Bloomington.
Staff clarified that this item is regarding a management agreement and that staff is currently reviewing their liquor license application, which should take approximately 6-8 weeks to complete.
Dave Ornstein, City Attorney explained that unless there is documented violation of the law, employment practices aren't considered for issuance of an on-sale liquor license.
- Approved Temporary Conditional Use Permit for Money Xchange
ITEM 5.2A** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the renewal of a five-year Temporary Conditional Use Permit for a currency exchange business at 218 East Broadway at the Mall of America at 8100 24th Avenue, Case 8235B-05, for Checks Cashed of America, LLC dba Money Xchange subject to the following 3 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

ITEM 5.2A continued

1. State licenses be obtained in accordance with Minnesota Statutes Chapter 53A and in accordance with Chapter 14, Article IV, Division C;
2. The temporary conditional use permit is valid only for the location and area in the Mall of America as specified in Case 8235B-05; unless a move to a new location and/or increase in floor area is approved by the Planning Manager; and
3. The Hearing Examiner may hear a renewal request for the temporary conditional use permit.

No public testimony was received.

**Continued to Jan 23
Conditional Use
Permit for Muslim
Community Center
8932 Old Cedar Ave.
Case 6235A-05
ITEM 5.2 B**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to continue to the January 23, 2006, Regular Meeting, a Conditional Use Permit for the Muslim Community Center located at 8932 Old Cedar Avenue, Case 6235A-05.

Bob Hawbaker, Planning Manager provided the staff report regarding this application. He provided information on the location of the building, the owner of the building, its current use, and for what use and when it is proposed to be leased by the Muslim Community Center. He described the parking that would be available for the applicant's use in the evenings and on the weekends per their intended use. He stated that there was much discussion at the Planning Commission meeting regarding the parking issues the applicant is experiencing with its Community Center in its present location. He stated that both Planning Division Staff and the Planning Commission recommend approval of this application with the conditions as listed in the agenda materials. He stated that the applicant continues to work on resolving the parking issues they are experiencing with their site at 8910 Old Cedar Avenue and doesn't believe this application will acerbate the issues involving the other facility.

Wilcox stated that he continues to receive complaints about the parking issues the Muslim Community Center has with their current site on Fridays and that the problem is nowhere close to being resolved. He stated the users have completely ignored the "No On Street Parking" that was stipulated with their original application. He inquired if staff had followed up on one of the original conditions that the basement in the Muslim Community Center, when finished, not be used at the same time as the main floor.

Hawbaker replied that he is not aware of any staff having followed up to be sure that is the case. He stated that if the conditions relating to the new use are not met, their permit could be revoked.

In response to Mayor Winstead's inquiry as to whether Council could approve a Temporary Conditional Use Permit (TCUP) with a timeline rather than a Conditional Use Permit (CUP), Ornstein stated that staff is trying to eliminate TCUP's and use more Interim Use Permits but stated Council could put a time limit on this Conditional Use Permit application.

Speaker #1: Minou Hassan, Muslim Community Center President

He stated they have gone out of their way to make sure cars don't park in the neighborhood and have even hired the Police Department to monitor the situation on Fridays. He requested the Council not pick on them and stated they are doing everything possible to be good neighbors. He stated the new application will only generate use on a few weeknights and on the weekends. He stated that they are trying to do everything possible to mitigate the problems. He stated they don't want to turn worshipers away. He stated there shouldn't be any parking issues with the new application.

Police Chief Laux testified that the parking situation has improved at the Muslim Community Center on Fridays but that there are still some problems but that they're limited to 30 minutes on Fridays. He stated the Police Department is not aware of any problems during other times associated with the Center.

Hussan added that they are also considering hiring a towing company to tow cars parked in No Parking zones during that 30-minute timeframe on Fridays.

ITEM 5.2B continued

As a result of Council 's discussion to limit the Conditional Use Permit to one year so that the Council can re-evaluate the situation in a year to make sure that the new application isn't acerbating the issues with the existing permit, Hussan stated that a one-year permit wouldn't make it worth it to them to fix up the site for their intended use. He stated he would need to present a one-year permit to the rest of the Board to see if it would be acceptable to them.

Bernhardson suggested that Council continue this item to January 23 in order to allow Mr. Hussan to explore the time limitation with his other board members and attorney.

CLOSED PUBLIC COMMENT PERIOD

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

**Adopted Resolution
Approving Variances
for Taco Bell
9230 Lyndale Avenue
Case 7016AB-05
ITEM 5.2C1,2
R-2006-2**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution approving variances to reduce the required minimum building floor area from 4,000 square feet to 3,464 square feet and to reduce the required sign setback for an existing pylon sign from 20 feet to 13 feet from the planned widened right-of-way for Lyndale Avenue at 9230 Lyndale Avenue, Case 7016AB-05, for Border Foods, Inc. dba Taco Bell, subject to the following 7 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

Case 7016A-05:

1. The variance is applicable only to the building shown on plans in Case 7016A-05 and approved in the Final Site Plans and Building Plans in Case 7016C-05;
2. The building must be in compliance with all other applicable regulations and performance standards; and
3. The variance will expire one year from the date of City Council approval unless utilized in accordance with Section 19.23.01 of the City Code.

Case 7016B-05:

1. Prior to the issuance of a sign permit for a new face in the existing pylon sign, the applicant will submit to the Issuing Authority a recordable document, acceptable to the City Attorney, signed by the owner guaranteeing removal of the pylon sign from the non-complying location upon notification to do so by the City based upon the acquisition of additional right-of-way and/or approved street improvements along the Lyndale Avenue frontage that would reduce the sign setback from the street to 23 feet or from a new front property line to less than 20 feet;
2. The approved variance will be applicable only to the existing pylon sign as shown in the plans submitted in Case 7016A-05;
3. The existing pylon sign cabinetry or support structure will not be altered or improved in any manner except for the installation of new copy face(s) with proper permit, repair and maintenance as allowed in Section 19.108(f) and (g); and
4. When the ground sign is removed, any relocation will only be to either a complying location or one properly approved by the City and the applicant will submit a proper sign permit for that location.

Hawbaker provided the staff report describing Taco Bell's application to remove the exiting building and replace it with another one about the same size with improvements to the parking and circulation on the site. He stated the drive-up lane will be moved to the west side of the site along Aldrich Avenue and that the order board is to be reoriented to face south, which should help eliminate some of the complaints from residents to the west of the existing restaurant relating to noise. Staff to work with the applicant and the neighborhood before the new permits are issued to address concerns relating to trash, parking, and sitting on neighbor's lawns by Taco Bell customers. He explained why these two minimal variances are required of the applicant.

**ITEM 5.2C1,2
continued**

Speaker #1: James Erickson, Applicant's Attorney

He stated that he spoke with Ms. Oxboro, an adjacent neighbor who had submitted a letter to Council and that he has agreed to set up a meeting with her and other interested neighbors that will be facilitated by Bob Hawbaker to address some of the issues the neighbors have with their proposal. He stated they concur with the conditions imposed by the Planning Division Staff and the Planning Commission.

Council requested they be provided with a report following the applicant's meeting with the neighborhood.

**Approved Revised
Final Site & Building
Plans for Taco Bell
9230 Lyndale Avenue
Case 7016C-05
ITEM 5.2C3**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the Revised Final Site Plans and Building Plans to remove and rebuild an existing restaurant and related site improvements at 9230 Lyndale Avenue, Case 7016C-05, for Border Foods, Inc. dba Taco Bell, subject to the following 19 conditions of approval and 10 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Exterior building materials be approved by the Planning Manager;
2. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the Nine Mile Creek Watershed District;
3. Access, circulation and parking plans be approved by the City Engineer;
4. Existing common driveway/access/parking agreements with properties to the north and south be continued as approved by the Traffic Engineer, and proof of their filing be provided to the Manager of Building and Inspection;
5. A private utility agreement for the use of the storm sewer on the property to the north at 9200 Lyndale Avenue be obtained, approved by the City Engineer, and proof of filing be provided to the Manager of Building and Inspection;
6. Connection charges be determined and satisfied;
7. Sewer Availability Charge (SAC) be determined and satisfied;
8. Erosion control surety be provided;
9. Order board on drive-thru lane be oriented to the south as approved by the Planning Manager;

and subject to the following additional conditions:

10. A patio seating plan must be submitted to and approved by the Planning Manager before any patio furniture or seating is installed;
11. Speaker system be adjusted and maintained in a manner that will not be intrusive to the residential area to the west;
12. Alterations to utilities be at the developer's expense;
13. All loading and unloading occur on site and off of public streets;
14. All construction parking, storage and staging occur on-site and off of adjacent public streets, except as approved by the Director of Public Works;
15. Approved erosion control measures be in place before start of construction;
16. Decorative lighting on the building not to exceed 17 fixtures of not more than 40 watts each;
17. Parking lot lighting within 200 feet of residential properties (140 feet from the west property line) be limited to 250 watts per fixture;
18. Neighborhood trash management program be implemented after discussion with neighborhood and subject to approval by the Planning Manager; and
19. Fence or landscaping option along Aldrich Avenue be determined by Planning Manager with input from the neighbors and applicant.

and subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
2. All rooftop equipment be fully screened (Sec. 19.52.01);
3. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
4. All trash and recyclable materials be stored inside the principal building (Sec. 19.51);

- ITEM 5.2C3 continued**
5. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1, Mn Rules Chapter 1306; Uniform Fire Code Sec. 1003);
 6. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
 7. 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);
 8. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
 9. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
 10. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code except as approved for the existing pylon sign in Case 7016A-05.

No public testimony was received.

**Approved Temporary
Conditional Use
Permit for
Northwestern Health
Sciences University
2501 W. 84th Street
Case 4720A-05
ITEM 5.2D**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve a Temporary Conditional Use Permit for temporary parking for the three-day period of Thursday, February 2 through Saturday, February 4, 2006 at 2501 West 84th Street, Case 4720A-05, for Northwestern Health Sciences University, subject to the following 5 conditions of approval as set forth by the Planning Division Staff:

1. The applicant will submit a graphic layout plan and a written operational practices plan for the temporary parking area to be approved by the Planning Manager prior to any entry into, setup, or clearing of the west yard area for parking purposes;
2. Use of the temporary parking area will be consistent with the approved plan;
3. The use of the approved area for temporary parking is limited to Thursday, February 2, 2006 through Saturday, February 4, 2006. No vehicles will park in the approved area before 5:00 a.m. February 2, 2006 or after 11:00 p.m. Saturday, February 4, 2006;
4. The applicant will notify the Planning Manager of the when preparation of the parking area is proposed to begin and will not start such preparation without approval by the Planning Manager; and
5. The applicant will submit a restoration plan for the temporary parking area to the Planning Manager for approval by April 1, 2006 and will implement and complete the approved site restoration plan by no later than June 15, 2006 unless so approved by the Planning Manager.

Hawbaker provided the staff report on this application for a three-day event. He stated that there have been issues with students parking on the grass at the school, which Northwestern Health Sciences University has been trying to mitigate with possible plans to expand the campus and add additional parking. However, it will not be in place in time for this event. He stated that two of the neighbors the City has received communications from regarding the parking situation are at least tepidly in support of this application.

No public testimony was received.

**Adopted Ordinance
Amending Zoning Map
Case 10713A-05
ITEM 5.4A,1
O-2006-1**

Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt an ordinance amending the Zoning Map to rezone certain property located at 3800 & 3816 West Old Shakopee Road, 10549, 10601 & 10617 France Avenue, and 10548, 10600 & 10608 Ewing Avenue from Retail Business (B-2), Limited Business (B-1) and Single-Family Residential (R-1) to Retail Business Planned Development – B-2(PD), Case 10713A-05, for the City of Bloomington.

Becky Schindler, Planner provided the staff report, which included some background on the City's proposal to amend the ordinance to rezone the properties and redevelop the northeast quadrant at France Avenue and Old Shakopee Road. She explained why the development, which proposes construction of two retail/office buildings is a good mix for this quadrant. She provided a colored rendering of the proposed development. She stated per a request by the residents in the area, a cul-de-sac on Ewing Avenue to eliminate the existing cut-through traffic into the development is included in the development proposal. She stated that both Staff and the Planning Commission recommend approval of this proposal.

ITEM 5.4A1 continued Wilcox stated that he received phone calls from a couple different business owners involved in this project unhappy with the City and the process, as they thought they had a deal with the City when the project was awarded to Greco. He stated that the owners are frustrated in that the Advisory Committee made a selection of a developer based on one set of plans that have changed completely and so what is now being proposed to be built is completely different from what they had originally anticipated.

Regina Harris, Housing & Redevelopment Authority Administrator replied that the eminent domain action is complete at the district court level but that an appeal may be forthcoming. She explained that when staff became aware of problems regarding the existing condominium proposal, staff brought those issues forward to the HRA and to the Council in February 2005, at which time staff indicated a desire to move forward with a developer and a different proposal and that they understood this to be Council's direction as well. She stated that the proposal the landowner brought up to the HRA was similar in terms of the development but that the amount of money they offered and their conditions were not optimum for the City so the HRA took the proposal through the Request for Proposals (RFP) process.

Peterson commented on the process that resulted in the RFP process stating that the property owner's proposal did not make the top three proposals chosen when taking into account the goals that came forward from the tenants in the area and the surrounding neighbors regarding what they wanted to see redeveloped in that quadrant. He stated his intention to support this proposal.

Elkins stated that the proposals submitted by two of the RFP finalists knew ahead of time and took into consideration the high level of the existing stormwater in their proposals, but that Greco's proposal did not.

Harris stated that the financials still work for this project and that the developer is still paying the same land prices they proposed at the time of the RFP and that no tax increment financing will be used.

Speaker #1: Charlie McEachron, Representing Greco Real Estate Development
He highlighted some of the key attributes of the Greco development proposal. He stated this development will be a model for the other quadrants to follow when they develop. He elaborated on the public courtyard area proposed in their development at the corner of France & Old Shakopee Road. He showed drawings of the proposed development. He stated no restaurant tenant has been identified to date, as it is still early in that process but it most likely won't be a fast food establishment but more of a sit down type of restaurant.

Speaker #2: Kathleen Anderson, President of Architectural Consortium
She explained that the retail building space is designed for multi-tenants so as to create a vision with charm that results in a "main street" type of environment with multiple businesses. She stated the trend in the restaurant industry is "fast casual", which creates a quick turn around to help with parking issues.

Elkins stated that he expected to see a condition that ensures the front doors facing the street are not locked during the day.

Anderson replied that they plan to encourage tenants to leave their front doors open during the day but that it is not easily accomplished, as there are security issues that usually require an additional employee. She noted this development is different from others around the cities in that there is no on-street parking along France Avenue, which makes it more difficult to have access to both the front and the back of the retail shops.

McEachron stated that they plan to be in the ground by spring.

**Approved Preliminary
& Final Development
Plan for City of
Bloomington on West
Old Shakopee Road,
France Avenue and
Ewing Avenue
Case 10713BC-05
ITEM 5.4A2**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve the Preliminary and Final Development Plan for a retail building and a retail/office building at 3800 & 3816 West Old Shakopee Road, 10549, 10601 & 10617 France Avenue, and 10548, 10600 & 10608 Ewing Avenue, Case 10713BC-05, for the City of Bloomington, subject to the following 17 conditions of approval and 12 Code requirements being satisfied prior to the issuance of grading and building permits as set forth by the Planning Division Staff and the Planning Commission:

1. A site development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
2. Temporary street signs, lighting, and addresses shall be provided during construction;
3. A bond for landscaping and site finishing be submitted as approved by the Planning Manager;
4. Watershed District permit be obtained and proof of permit be submitted to the Manager of Building and Inspection Division;
5. Exterior building materials be approved by the Planning Manager. No elevation shall have more than 15% EFIS, wood and metal trim, except as approved by the Planning Manager;
6. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
7. Connection charges, as appropriate, be satisfied;
8. A SAC questionnaire be completed and submitted to the Department of Public Works;
9. Erosion control measures be in place prior to issuance of grading permits and be maintained until all disturbed areas are stabilized and removal has been approved by the City Engineer;
10. Access, circulation and parking plans be consistent with approved plans as approved by the City Traffic Engineer;

and subject to the following additional conditions of approval:

11. Alterations to utilities be at the developer's expense;
12. Sidewalk be installed along Ewing Avenue in a location determined by the City Traffic Engineer at the developer's expense;
13. Connection charges be satisfied as appropriate;
14. Sewer Availability Charge (SAC) be satisfied;
15. All pickup and drop-off occur on site and off of public streets;
16. All loading and unloading occur on site and off of public streets;
17. Park Dedication shall be in cash unless waived by City Council

and subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager, including three-foot tall screening along Ewing Avenue (Sec. 19.52) and be consistent with the France/Old Shakopee Road streetscape plan;
2. All rooftop equipment be fully screened (Sec. 19.52.01);
3. All trash and recyclable materials be stored and screened inside the principal building. (Sec. 19.51);
4. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec. 19.64);
5. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code 3802; Uniform Fire Code Ch. 10.306);
6. Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73);
7. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
8. Food service plans be approved by the Environmental Services Division (Sec. 14.360);
9. Parking lot and security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
10. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;
11. A uniform sign design be submitted for approval by the Planning Manager; and
12. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03).

Directed City Attorney to Bring Back a Resolution on Jan. 23 Amending Comp Plan for Walser Real Estate II, LLC at 4301 American Boulevard W Case 8133A-05 ITEM 5.4B1

Motion was made by Grady, seconded by Wilcox, to direct the City Attorney to bring back a resolution on January 23, 2006, amending the Comprehensive Land Use Guide Plan Designation from Community Commercial to Regional Commercial for Walser Real Estate II, LLC, at 4301 American Boulevard West, Case 8133A-05. Motion passed 6-0-1 (Peterson abstaining).

Peterson stated that he would be abstaining from this item due to its proximity to his parent's home.

Glen Markegard, Senior Planner provided the staff report on this application, which involves the former Grandma's Restaurant site and the current Walser/Buick/Pontiac/GMC dealership (former Lincoln Dell site). He explained that the proposal is to expand the existing dealership onto the adjacent Grandma's site, which will require the removal of the existing Grandma's restaurant, expansion of the parking area, and construction of a pond on the south side of the site. He showed a site plan that illustrated how the two entrances to the two sites would be consolidated into one. He explained the requirements needed for this proposal: Comp Plan amendment to allow automobile sales on the 4301 parcel, a Revised Preliminary Development and a Final Development Plan to deal with site changes, and a Conditional Use Permit, which is necessary in this zoning district for auto uses. An application to replat the two lots into one would be another item brought forward in the future if these other items are approved by Council. He stated that it takes a super majority of (5) votes on the Council to approve a Comp Plan amendment. He provided the history of Walser's previous applications regarding this site:

- In 2002 – a similar proposal for surface parking on the Grandma's site was presented. The Council reviewed it and requested a resolution of denial but the application was ultimately withdrawn prior to Council action.
- Late 2003 – a proposal to amend the Comp Plan, which included a 5-story mixed-use building that would have included an addition to auto sales, office uses, and a restaurant. The Council approved the Comp Plan with an amendment that it not go into effect until such time as they approved a Final Development Plan in conformance with the Preliminary Development Plan. Due to financial reasons, the applicant has not been able to pursue the mixed-use proposal and has not come forward with a Final Development Plan. Therefore, the Comp Plan remains designated as Community Commercial.

Markegard explained the physical differences between the current proposal and the one that Walser presented in 2002: No addition to the dealership is proposed with this application but a 10-foot board-on-board screen fence is being proposed on top of the existing berm along the back of the development on both sites. He highlighted a few key points from the information that was provided in the agenda materials, which is to be considered a part of the record. The Comp Plan is not a static document and it has and will continue to be amended. It can be changed when there is a change in the physical conditions upon which the Plan was based, the land use changes around the site, or there is an unanticipated development opportunity that would provide a higher level of service to the neighborhood.

Staff does not believe there has been a physical change that would necessarily make auto sales uses a better fit for the site than the Community Commercial uses that were envisioned and doesn't believe the proposal creates an unanticipated development opportunity. He described staff's other concerns with the proposal:

- Land use balance – on a per capita basis, Bloomington already has the highest number of dealerships per capita. He used a map to indicate the location of existing auto dealerships in Bloomington.
- Service to residents – Bloomington residents are already well served with the ability to purchase automobiles. Restaurants, office or hotels would provide a higher level of service to residents and businesses in the area.

- ITEM 5.4B1 continued** ➤ Precedence – Since adoption of the 2002 Comp Plan, Council has not approved an amendment to the Plan to allow additional auto sales uses. Approval of this application could set the stage for additional auto use applications in the future.

Markegard stated that for those reasons, staff recommends denial of the applications but that the Planning Commission recommended approval on a 4-3 vote on December 15, 2005, subject to the conditions and Code requirements referenced in the staff report. He highlighted the points the Commission made in support of the application. Depending on Council's direction, he stated staff would return with a resolution of approval or denial at a future meeting.

Grady stated that she sees this application as an extension of an existing dealership and doesn't see it as an additional dealership. She inquired if there are still issues with the neighborhood involving this dealership.

Markegard replied that staff has seen an improvement and that Walser has met with the neighborhood to mitigate their concerns at the existing dealership. He added that while the Council has the authority to add conditions with this Conditional Use Permit to prevent this site from functioning at a higher level, there is nothing to stop a future owner from applying for something else in the future, which could include additional showroom or a service garage on this site.

Nordstrom inquired if a moratorium could be imposed on this site.

Ornstein replied that there was a previous moratorium involving this site and that before another moratorium could be imposed, a study would need to be conducted to determine whether or not the Council should change the zoning, the Comp Plan, or both. It needs to be broad in scope and not just for a particular application. He stated it's too late to impose a moratorium that would affect this particular property.

Speaker #1: Barbara Jerrich, Counsel Representing Walser & Don Schilling, Walser
She explained that this application is the same as the one presented in 2002 minus the addition to the dealership facility for service. She provided the history relating to their dealerships and this site. She stated site problems at this location make it not viable from a construction point of view, which in turn makes it not viable for Walser financially. For the new Council members, Jerrich provided the following timeline the led up to this point:

- In 2000, Walser was forced to move their two dealerships in Richfield (Buick & BMW) at 494 & Penn Avenue as a result of a condemnation action. Those two dealerships totaled a little over 10 acres. They were forced to find dealership property on which to relocate. Per State law and franchise restrictions, they could only move within a 5-mile radius of a point so they had to look for two dealership sites within that 5-mile radius, almost an impossible task. She stated Walser paid a premium for it but made a deal with the owner of the Lincoln Del site he couldn't refuse, which was for the relocation of the Buick site. They still had a hard time finding a site for BMW even though it was smaller. That caused Walser to make an offer to buy the Peterson Pontiac site, which they did, as the Pontiac GMC brand that the Peterson's represented is a compatible franchise to Buick. As a result, Walser took a Buick site that was on approximately 7 acres and put it onto 4 acres and added two franchises to it. The larger BMW site at Penn Avenue was moved over to the Peterson site. She stated Walser does not own the land under the BMW site and that this part of the Walser family no longer owns BMW and leases the site. They moved over there in 2001 and it became clear to them that the site wasn't going to be easy to operate in. The congestion was pretty untenable to their being able to do business there and they had no place for employees to park without having them park illegally. She stated Paul Walser approached the owner of the Grandma's Restaurant to see if they were interested in selling that property to Walser. Not knowing at that time the obstacles they would be facing regarding a rezoning of that site, Mr. Walser entered into a deal and purchased the Grandma's site for a premium land cost of \$5.5 million.

- ITEM 5.4B1 continued**
- Jerrich stated that at that time, Walser came to the Council with their original proposal in 2002 but withdrew it due to several issues. For the next two years, Walser worked extensively with staff to learn what would work and what could be approved. They also held several neighborhood meetings over 18 months to try and get feedback from the neighbors. Two years ago, Walser brought to Council a mixed-use development plan with a 5-story office tower and a restaurant/fast food type operation in the lower level. It was approved and they proceeded to get bids and look for tenants. The bids came in 25-30% higher than their anticipated budget due to the swampy soil conditions, which caused an increase in construction costs. They began looking for anchor tenants and worked with three developers. Walser was moving forward with a Culver's franchise but they pulled out desiring to operate on a standalone restaurant format. They determined that perspective tenants weren't going to be able to produce the rental income per square foot that their underlying costs would require.
 - Walser took six to eight months to decide what to do and concluded this plan was the only one that made sense to relieve their congestion and yet be financially viable.
 - In the meantime, Jerrich stated they purchased the American Ford dealership franchise and currently have an over-lease on that property. They will not be able to operate or take ownership of that property, however, until 2008. Ford is continuing to look for someone to operate that property but they have elected not to allow Walser to execute their over-lease. When they are able to take on ownership, they will be able to redevelop the American Ford property for their Toyota dealership, move that over from Southtown, and build a corporate office space into that particular site. That would solve the original need they had on the Grandma's site for a corporate office building, as they will be able to build it into the American Ford site.

Jerrich proceeded to address some of staff's and Council's concerns.

- This application is considered an expansion of an operating dealership, not a new dealership.
- This development plan has the least amount of impact on the surrounding residential.
- Walser decided to add a fence on top of the berm upon receiving feedback from the neighbors to the south.

Speaker #2: Don Schilling, Walser Representative

With regard to stormwater, he stated the only way to handle it on this site is with an above ground or open pond, which would take up approximately 30 parked car spaces, which equates to approximately 80 seats in a restaurant. He stated that after taking into account the space needed for a pond and the planned widening of American Boulevard, 2.7 acres would remain as usable land for the development. He stated the size of the site would make it difficult to put a standalone hotel or other type use on this site. He stated that the expense of the below ground work to support a four-story office building and a two-level parking ramp is unbelievable and would make the cost of the tenant space extremely high even with Walser occupying one level itself. He stated the combined usable space on both properties amounts to approximately 7-7.5 acres.

In response to Grady's inquiry regarding Walser's planned dealerships in 2010, Jerrich stated that their strategic plan is to move the Toyota dealership out of Southtown and put it at American Ford. There is some question as to how long they would own and operate their Dodge dealership at Penn & American Boulevard, which is part of a consolidation strategy that manufacturers are looking at, as the viability of standalone Dodge dealerships is not particularly good right now. That would result in a net loss in their group. She stated the BMW site is now owned by Jack Walser, the father, and not by the two brothers that own the rest of the dealerships. There would probably be no viable dealership to locate at the Penn & American Boulevard sites. However, if they continue to own that property, they could continue to lease or be a landlord to other dealership franchises.

ITEM 5.4B1 continued Winstead inquired if Walser would have a problem with Council adding a condition that the uses of this Conditional Use Permit on this property be tied to the designated brands as they are being presented today and that any changes or expansion needs to come back to Council for approval, as it seems the auto dealership uses in Bloomington just continue to intensify.

Hawbaker stated that a condition could be added that no more than one building be allowed on the property.

Schilling explained that if this application is approved, Walser would remove the building, put in the utilities, construct the ponding, pave the lot, reconfigure the driveway entrance, and install a sidewalk.

Speaker #3: Beverly Tischler, 4575 West 80th Street Circle

She supports this application stating Walser has done an extraordinary job in working with the neighbors to mitigate their concerns.

**Directed City Attorney
Bring Back a
Resolution on Jan. 23
Approving Revised
Preliminary & Final
Development Plan for
Walser Real Estate II,
LLC at 4301 & 4401
American Boulevard W
Case 8133BC-05
ITEM 5.4B2**

Motion was made by Grady, seconded by Wilcox to request the City Attorney bring back a resolution on January 23, 2006, approving the Revised Preliminary Development Plan and Final Development Plan for Class I Motor Vehicle Sales new car dealership at 4301 & 4401 American Boulevard West, Case 8133BC-05, for Walser Real Estate II, LLC, subject to the following 24 conditions of approval and 11 Code requirements being satisfied prior to issuance of Grading, Footing, and Foundation Permits as set forth by the Planning Division Staff and the Planning Commission. Motion passed 6-0-1 (Peterson abstaining).

1. A revised Site Development Agreement that includes all conditions of approval for the existing dealership and for Cases 8133BC-05 and 8133D-05 must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Manager of Building and Inspection Division. The site development agreement must include provisions for establishing a replenishable \$30,000.00 escrow fund to assure compliance with City Code requirements, Conditions of Approval, and requirements of the development agreement. The escrow fund must be established with provisions reflecting the result of discussions between applicant and staff, or failing agreement prior to City Council consideration, on terms no more burdensome than proposed in the staff report dated November 17, 2005, but providing for reasonable notice and opportunity to respond prior to imposition of charges pursuant to the comments of that same staff report;
2. The applicant and contractor must complete a pre-construction meeting with the Planning Manager and City Engineer in order to review the conditions of approval prior to application for any grading or building permits;
3. The properties must be platted into one lot in accordance with Chapter 16 of the City Code in order to comply with the Planned Development intent and purpose as one dealership and the approved final plat filed at Hennepin County, to include the following:
 - a. Dedication of right-of-way for American Boulevard West in lieu of the existing 20 foot permanent street easement along 4401 West 80th Street and to be matched along 4301 American Boulevard West as approved by the City Traffic Engineer;
 - b. A 10 foot drainage and utility easement be provided along American Boulevard West as approved by the City Engineer, to include space for a relocated lift station;
4. Plans be reviewed and approved by the Nine Mile Creek Watershed District;
5. A SAC determination must be completed and fees be satisfied;
6. Connection charges must be satisfied as determined;
7. Access, circulation and parking plans be approved by the City Traffic Engineer to include the following:
 - a. Site service by a single driveway; and
 - b. Sidewalk extension along the new driveway into the site from American Boulevard;
8. A street modification agreement for West 80th Street be executed with the City by the applicant and proof of filing be provided to the Manager of Building and Inspection;
9. Wetland delineation be completed as approved by the City Engineer;

ITEM 5.4B2 continued

10. Grading, drainage, utility and erosion control plans be approved by the City Engineer to include the following:
 - a. Waterline shall be looped;
 - b. A hydrant be retained or added on the 4301 property as approved by the Fire Marshall;
 - c. Sanitary sewer service to existing dealership building must be replaced with new service having proper depth and gradient; and
 - d. Maintenance plan for approved storm ponds and system signed by the property owner;
11. An alternative stormwater management plan utilizing the property to the east may be approved as an Administrative Revision to the Final Development Plan subject to complete document and plan submission, appropriate staff review, and informal and formal DRC reviews;
12. Wetland permit for construction of approved NURP outlet must be obtained;
13. Approved erosion control measures be in place prior to issuance of grading permits to include the following:
 - a. A barrier fence defining the both the new proposed cut into the berm, the new pond area on the inside toe area of the berm, and the outside edge of the screening fence, if used, must be approved by the Planning Manager and the City Engineer; and
 - b. A restoration/landscaping plan for all of the disturbed areas of the berm area must be approved by the Planning Manager and include bringing all portions of the berm back to pre-disturbed height and landscaping them;
14. Separate erosion control sureties must be provided for the general site and for the berm as approved by the Issuing Authority;
15. Separate landscape sureties must be provided for the general site and for the berm as approved by the Issuing Authority;
16. All disturbed areas shall be sodded except as other stabilizing covers may be approved by the Planning Manager as part of the approved landscape plan;
17. Development must include construction of an 8-foot wide sidewalk along the remainder of the American Boulevard West frontage starting one foot inside each side of the easement to match that provided along the existing dealership;
18. Easements by document shall be provided as approved by the City Engineer and properly recorded for the following:
 - a. Floodage and maintenance easements for the storm ponds;
 - b. Lift station access easement;
 - c. A concurrent 10 foot sidewalk/bikeway easement along West 80th Street be provided as approved by the City Traffic Engineer; and
 - d. A no access easement along American Boulevard West, except for the approved single development driveway;
19. Standby fuel provisions be approved by the Fire Marshal;
20. Screening berm and plantings along American Boulevard must be kept clear of drainage/utility and concurrent sidewalk easements;
21. Plans must clearly show at least 46 parking spaces dedicated for sales customer, 86 parking spaces dedicated to vehicle service, and 130 parking spaces dedicated for employees. All rows or groups of customer, service, and employee parking spaces must be clearly signed at each end of the row or group as approved by the Planning Manager;

and require the following additional conditions of approval:

22. All construction related parking, loading and unloading, staging, and material storage shall occur on-site and off of adjacent public streets except as may be approved by the Director of Public Works for a temporary period;
23. Alterations to utilities be at the developer's expense;
24. Approved and installed erosion control barriers shall be maintained in an effective and functional condition throughout the construction period and shall not be removed until all disturbed areas are stabilized in an approved manner and removal is authorized by the Issuing Authority;

ITEM 5.4B2 continued and require the following Code requirements:

1. All site setbacks shall be based upon the planned widened right-of-way for the abutting public street (Sec. 19.42);
2. Three-foot high solid screening be provided along American Boulevard West as approved by the Planning Manager (Sec. 19.52);
3. Five-foot high solid screening be provided along the abutting residentially zoned property line as approved by the Planning Manager (Sec 19.52);
4. Landscape plan be approved by the Planning Manager (Sec 19.52);
5. All rooftop equipment be fully screened (Sec. 19.52.01);
6. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
7. Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73);
8. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
9. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
10. All signage be in accordance with the approved Uniform Sign Design (Sec. 19.109); and
11. All unused utilities be properly abandoned (Sec. 11.15).

**Directed City Attorney
Bring Back a
Resolution on Jan. 23
Approving a
Conditional Use
Permit for Walser Real
Estate, II, LLC at 4301
& 4401 American
Boulevard West
Case 8133D-05
ITEM 5.4B3**

Motion was made by Grady, seconded by Wilcox to request the City Attorney bring back a resolution on January 23, 2006, approving a Conditional Use Permit for a Class I Motor Vehicle Sales dealership at 4301 & 4401 American Boulevard West, Case 8133D-05, for Walser Real Estate II, LLC, subject to the following 11 conditions of approval as set forth by the Planning Division Staff and the Planning Commission. Motion passed 6-0-1 (Peterson abstaining).

1. The properties shall be platted into one lot and the plat filed with Hennepin County;
2. The dealership must provide 46 sales customer parking spaces, 86 service customer parking spaces, and 130 employee parking spaces. All rows or groups of customer, service, and employee parking spaces must be clearly signed at each end of the row or group as approved by the Planning Manager;
3. All inventory, customer, service, and employee vehicles, except approved display vehicles, must be parked or stored in approved, striped parking spaces and may not encroach into drive aisles;
4. Inventory vehicle display shall be as follows:
 - a. No more than five vehicles may be displayed on the previously approved display pads on the north side of the building at any time and all vehicles shall have a 20 foot setback from the planned widened right-of-way line for American Boulevard West;
 - b. No more than two vehicles are allowed to be displayed on a driveway island with no less than a 40-foot setback from American Boulevard West; and
 - c. No elevated platforms, jacks, or stands are allowed to be used for any display vehicles and, except for the allowed seven display vehicles, all other inventory vehicles shall be parked and stored only in approved marked and striped spaces at rest on the finished surface of the parking lot;
5. No loudspeaker paging system shall be used;
6. All construction related parking, loading and unloading, staging, and material storage shall occur on-site and off of adjacent public streets except as may be approved by the Director of Public Works for a temporary period;
7. Approved and installed erosion control barriers shall be maintained in an effective and functional condition throughout the construction period and shall not be removed until all disturbed areas are stabilized in an approved manner and removal is authorized by the Issuing Authority;
8. Vehicle test drives and vehicle maintenance check drives must not occur on residential streets that are classified by the Comprehensive Plan as local streets;
9. Audible systems, such as panic alarms, must not be used to locate or identify vehicles on site;
10. All inventory or stock loading and unloading shall occur on site and off of public streets; and
11. The site development must be as approved on the Final Development Plans approved in Case 8133BC-05 and with the conditions attached to that approval.

- Council Recess** <Council took a 5-minute recess.>
- City Council Policy & Issue Update
ITEM 6.1** Council was provided the monthly update regarding Airport South, Transportation, and Development.
- Appointments to Bloomington Convention & Visitors Bureau
ITEM 6.2** Motion was made by Wilcox, seconded by Elkins, and all voting aye, to reappoint Mayor Winstead and Larry Lee and appoint Councilmember Steve Peterson to one-year terms on the Bloomington Convention & Visitors Bureau (BCVB) Board of Directors expiring December 31, 2006.
Both Grady and Peterson indicated a desire to serve on this Board of Directors.
- Appointed City's Bond Counsel
ITEM 6.3** Motion was made by Grady, seconded by Peterson, and all voting aye, to appoint Kennedy & Graven Chartered (Kennedy & Graven) as the City's Bond Counsel in 2006 and approved the Agreement for the period from January 1, 2006 through December 31, 2006. The proposed 2006 rate is the same as that charged in 2005; \$165 per hour for attorneys and \$95 per hour for paralegals.
- Approved City's Fiscal Advisor
ITEM 6.4** Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve Springsted, Inc. as the City's Public Fiscal Advisors for 2006 per the fee schedule as listed in the agenda materials.
- Designated City's Depositories
ITEM 6.5** Motion was made by Grady, seconded by Peterson, to designate the following depositories for calendar year 2006. Motion passed 6-0-1 (Wilcox abstaining).
1. Wells Fargo Bank of Minnesota, N.A.
 2. U.S. Bank
 3. Wells Fargo (Minnetonka office) – worker's comp fund managed by Berkley Risk Administrators.
- Appointed Acting Mayors for 2006/07
ITEM 6.6** Motion was made by Peterson, seconded by Grady, and all voting aye, to appoint Council members to serve individual 4-month terms as Acting Mayor in 2006 and 2007 as follows:
2006: January-April (Wilcox), May-August (Peterson), and September-December (Elkins).
2007: January-April (Grady), May-August (Nordstrom), and September-December (Axtell).
- Appointed Council Secretary
ITEM 6.7** Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to reappoint Barbara Clawson as Secretary to the City Council for 2006.
- Designated City's Official Newspaper
ITEM 6.8** Motion was made by Nordstrom, seconded by Peterson, and all voting aye, to designate the Bloomington Sun Current as the official newspaper for publication of public notices in 2006.
- Adopted Resolution Designating SRA Appointments
ITEM 6.9
R-2006-3** Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution designating the reappointment of Bob Cockriel, Utility Superintendent as Director and Jim Gates, Deputy Director of Public Works as Alternate Director to the Suburban Rate Authority (SRA) for 2006.
- Appointments to I-494 Corridor Commission
ITEM 6.10** Motion was made by Grady, seconded by Peterson, and all voting aye, to reappoint Councilmember Elkins and Larry Lee, Community Development Director to serve on the I-494 Corridor Commission in 2006.
- Appointments to 35W Solutions Alliance
ITEM 6.11** Motion was made by Grady, seconded by Elkins, and all voting aye, to appoint Councilmember Wilcox as Council Representative, reappoint Charlie Honchell, Public Works Director as City Staff Representative, and reappoint Councilmember Elkins as the Alternate Representative to serve on the 35W Solutions Alliance in 2006.

- Appointments to Advisory Board of Health
ITEM 6.12** Motion was made by Grady, seconded by Wilcox, and all voting aye, to reappoint Lynette Buckley and appoint Lawrence M. Poston, M.D. to provider terms on the Advisory Board of Health expiring December 31, 2007, and continued indefinitely a third provider term to fill a vacancy expiring December 31, 2006.
- Appointments to Local Board of Appeal & Equalization
ITEM 6.13** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to appoint Clay M. Dodd, MAI, Dwight Dahlen, MAI, SRA, and Dale Hilsted to two-year terms on the Local Board of Appeal and Equalization expiring December 31, 2007.
- Appointment to Housing & Redevelopment Authority
ITEM 6.14** Motion was made by Wilcox, seconded by Grady, and all voting aye, to appoint Councilmember Elkins to a two-year term on the Housing & Redevelopment Authority expiring December 31, 2007.
- Reappointment to Human Rights Commission
ITEM 6.15** Motion was made by Wilcox, seconded by Peterson, and all voting aye, to reappoint Bob Peters to a two-year term on the Human Rights Commission expiring December 31, 2007.
- Reappointment to Merit Board
ITEM 6.16** Motion was made by Wilcox, seconded by Peterson, and all voting aye, to reappoint Mark Vacura to a three-year term on the Merit Board expiring December 31, 2008.
- Reappointment to Parks, Arts & Recreation Commission
ITEM 6.17** Motion was made by Wilcox, seconded by Elkins, and all voting aye, to reappoint Janet Larson to a three-year term on the Parks, Arts & Recreation Commission expiring December 31, 2008.
- Reappointed & Continued Two Appointments to Jan. 23 on the Planning Commission
ITEM 6.18** Motion was made by Wilcox, seconded by Peterson, and all voting aye, to reappoint Douglas Bruce to a three-year term on the Planning Commission expiring December 31, 2008.
Motion was made by Wilcox, seconded by Grady, to nominate Scott Fricke, Jo Schwalm, Claire McLean, Jim Saccoman, Bernardine Bryant, Michael Dierke, James Lucas, and Loren Klassen for consideration of two three-year appointments to the Planning Commission and continued the appointments to the January 23, 2006, Regular Council meeting.
- Reappointed & Continued One Appointment to Jan. 23 on the Traffic & Transportation Advisory Commission
ITEM 6.19** Motion was made by Wilcox, seconded by Peterson, and all voting aye, to reappoint Andrew Tasi (Business representative) and Craig Carlson (Citizen At-Large) to three-year terms on the Traffic & Transportation Advisory Commission expiring December 31, 2008.
Motion was made by Peterson, seconded by Grady, and all voting aye, to nominate Robert Works, Craig Nordstrom, Larry Teien, James Luke, and Joseph Trnka for consideration of one vacant term for Citizen At-Large representative expiring December 31, 2006, and continue the appointment to the January 23, 2006, Regular Council meeting.
- Adjourn Meeting** Mayor Winstead adjourned the meeting at 10:49 p.m.

Barbara Clawson
Council Secretary