

Regular Meeting #2
Monday, January 23, 2006, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road,
Bloomington, Minnesota 55431-3027

**Call to Order and
Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:00 p.m.

Roll Call

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

**Proclamation –
Bloomington Loves
Its Kids**

Mayor Winstead read the proclamation and introduced Randi Wallenberg, Parks & Recreation Supervisor who presented it to Rick Fong, a high school student who described the activities planned for the month of February in conjunction with Bloomington Loves Its Kids Month.

**Ratified Labor
Agreement
ITEM 3.1**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to ratify a one-year labor agreement (2006) with the American Federation of State, County, and Municipal Employees (A.F.S.C.M.E.), which included a 3.0% general base wage increase and an employer health insurance contribution identical to the other labor unions and the City's unrepresented employees.

**Adopted Resolution
Approving Variances
at 9772-9774 Penn
Avenue South
Case 10720AB-05
ITEM 3.2
R-2006-4**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to adopt a resolution approving variances to: A) Reduce the front yard setback from 35 feet to 20 feet from the planned widened right-of-way for a detached garage; and B) Reduce the required yard area along Penn Avenue from 20 feet to 10 feet for a driveway at 9772-9774 Penn Avenue South, Case 10720AB-05, for Constance Toupin subject to the following 6 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. The garage shall have a design compatible with the existing garage;
2. The existing driveway along the north property line be removed and a two foot setback be provided;
3. The existing drainage pattern shall not be altered to cast additional drainage onto abutting properties;
4. Landscape plan be approved by the Planning Manager;
5. All necessary building permits be obtained prior to construction; and
6. Variance shall apply only to the garage approved in Case 10720AB-05.

**Awarded a Contract
to Braun Intertec
Corporation
ITEM 3.3**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to award the 2006 Construction Testing Contract to Braun Intertec Corporation in an amount up to \$75,000.00.

Testing costs to be paid based out of the approved project accounts, typically, 425 and 810.

**Acknowledged
Abatement of Lodging
Tax Penalties
ITEM 3.4**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to acknowledge the abatement of La Quinta Inn's penalties for their 2005 May and August lodging taxes, in the amount of \$1,698.80, which were received late.

**Approved Settlement
Agreement Relating to
Ring Route
ITEM 3.5**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve a settlement agreement of an easement acquisition on one of the parcels in the Dupont to Nicollet segment of the Ring Route and to approve certain relocation payments with respect to a second parcel:

- ITEM 3.5 continued**
- A. 900 American Boulevard West (Parcel 1B)
Settlement of the acquisition of a temporary construction easement in the amount of \$6,800 (the amount of the City's certified appraisal).
- B. 800 American Boulevard West (Parcel 8)
Relocation benefits to Custom Hose Tech in the amount of \$41,250.77.
- Approved Agreement with Department of Justice
ITEM 3.6**
- Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve an agreement between the Department of Justice, Drug Enforcement Administration (DEA), and the City of Bloomington under which one police officer is assigned to the local DEA Drug Task Force.
- The DEA supervises and coordinates the task force and reimburses the City (subject to available funding) for overtime costs up to a maximum of \$15,144 per officer. The agreement is for a period of eight months from February 1, 2006 to September 30, 2006.
- Adopted Resolution Amending 2006 Fees & Charges
ITEM 3.7
R-2006-5**
- Motion was made by Grady, seconded by Wilcox, and all voting aye, to adopt a resolution approving an amendment to the 2006 Fees and Charges Schedule regarding golf courses as follows:
- | | | |
|--------------------|---------------|-----------------------------------|
| ➤ Dwan Green Fees: | Patron 18 | Increased from \$18.00 to \$19.00 |
| | Non Patron 18 | Increased from \$25.00 to \$26.00 |
- Approved 2006 CHS Agreement with City of Richfield
ITEM 3.9**
- Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve the 2006 Community Health Services (CHS) Agreement with the City of Richfield through which Richfield will pay Bloomington \$172,658.00 in quarterly payments of \$43,164.50 for services provided by its Public Health Division. These CHS funds are included in Public Health's 2006 Budget.
- Approved Renewal of Bioterrorism Agreement with City of Richfield
ITEM 3.10**
- Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve renewal of the 2006 Public Health Preparedness and Response to Bioterrorism Agreement with the City of Richfield and corresponding adjustments to Public Health's 2006 Budget for planning related to bioterrorism, infectious diseases, and other threats to public health.
- Approved Agreement Amendment with House of Prayer Lutheran Church
ITEM 3.11**
- Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve an amendment to the City's agreement with House of Prayer Lutheran Church in Richfield to allow Public Health staff to continue providing services for the Seniors Visions Project until all of the Senior Visions grant funds are expended, to approve the carryover of unexpended funds, and the adjustments to Public Health's 2006 Budget as presented in the materials.
- Approved Right of Entry Agreement at 700 & 900 American Boulevard
ITEM 3.12**
- Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve the Right of Entry Agreement, which gives permission for County environmental consultants to enter the site of 700 and 900 American Boulevard (located west of Lyndale Avenue between American Boulevard and REI) for the purpose of conducting environmental inspections, environmental soil borings, and ground water sampling as part of a Phase II Environmental Assessment.
- Approved Purchase of Vehicles
ITEM 3.13**
- Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve the purchase of 16 replacement 2006 Ford Crown Victoria police interceptors for use as patrol cars from Elk River Ford under State of Minnesota Contract #435254 for a total expenditure of \$342,743.00.
- Funding for the purchase of these vehicles is budgeted in the 2006 Equipment Replacement Fund, Activity 617-0618-499.70-42.
- Approved Minutes
ITEM 3.14**
- Motion was made by Grady, seconded by Wilcox, to approve the minutes of the following meetings as presented: September 19 (Study), October 3 (Regular), and October 17, 2005 (Regular). Motion passed 5-0-2 (Axtell & Nordstrom abstaining).

**Approved Lease-Related Documents for La Quinta at 7844 2nd Avenue South
ITEM 3.15**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve the “Lender’s Estoppel Certificate And Consent To Assignment Of Lease And To Mortgage On Lessee’s Leasehold Interest” documents relating to the property at 7844 2nd Avenue, which is owned by the City and is being leased for parking to the adjacent owners of the Baymont Inn property (La Quinta).

**Accepted Donations
ITEM 3.8**

Motion was made by Grady, seconded by Axtell, and all voting aye, to accept the following donations made to various City activities: \$200 donated by D. Barsness to the Fire Department for a thermal imager and \$200 donated by R.A. Barsness to the Police Department Honor Guard and to amend the revenue and expenditure budgets, as noted in the agenda materials, to facilitate the appropriate use of the funds.

OPENED PUBLIC COMMENT PERIOD

The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda. No one came forward to speak, so the Council returned to its regular agenda.

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

No monthly update was provided.

Elkins suggested the City continue to pursue funding opportunities for the Old Cedar Avenue Bridge, including the \$25 million from Representative Oberstar earmarked for the Twin Cities for development of a bicycle network in Minneapolis with adjoining communities and a grant program from Blue Cross Blue Shield of Minnesota for the support of active living projects in the Twin Cities. He suggested that staff and the Traffic & Transportation Advisory Commission (TTAC) start working on those applications.

Mark Bernhardson, City Manager replied that staff would look at its resources to see what would be required to work on those grant applications.

**Appointed Planning Commissioners
ITEM 6.2**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to appoint Jim Lucas and Loren Klassen to two three-year terms on the Planning Commission expiring on December 31, 2008.

Individual voting results – 2 votes each: Bernardine Bryant (Nordstrom & Winstead), Scott Fricke (Peterson), Loren Klassen (Axtell, Elkins, Wilcox & Grady), Jim Lucas (Peterson, Axtell, Elkins & Grady), Claire McLean (Wilcox), Jim Saccoman (Winstead), and Jo Schwalm (Nordstrom).

**Nominated & Appointed Traffic & Transportation Advisory Commissioners
ITEM 6.3**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to nominate Jeff Andrews for a position on the Traffic & Transportation Advisory Commission.

Motion was made by Peterson, seconded by Grady, and all voting aye, to appoint Robert Works to a three-year term on the Traffic & Transportation Advisory Commission expiring on December 31, 2008.

Motion was made by Peterson, seconded by Grady, and all voting aye, to appoint Jeff Andrews to fill an unexpired term on the Traffic & Transportation Advisory Commission expiring December 31, 2006.

(Nordstrom stated she would only be voting for one, as Craig Nordstrom is her brother-in-law.)

Round 1 individual voting results - (2 votes per Council member): Jeff Andrews (Elkins & Wilcox), James Luke (Axtell), Craig Nordstrom (Grady & Winstead), Larry Tien (Peterson & Wilcox), Robert Works (Peterson, Axtell, Elkins, Nordstrom, Grady & Winstead).

Round 2 individual voting results - (1 vote per Council member): Larry Tien (Peterson), Jeff Andrews (Axtell, Elkins, Wilcox & Grady), and Craig Nordstrom (Winstead).

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

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve an On-Sale Temporary Liquor License for Nativity of Mary School at 9901 East Bloomington Freeway for their Annual Golf Tournament on Friday, April 21, 2006, from 6:00 p.m. – 1:00 a.m.

No public testimony was received.

**Requested Resolution
of Partial Approval/
Partial Denial on
February 6 for Muslim
Community Center at
8932 Old Cedar Ave.
Case 6235A-05
ITEM 5.2A**

Motion was made by Wilcox, seconded by Winstead, to direct staff to bring back a resolution of partial approval/partial denial at the February 6, 2006, Regular Council meeting, approving a one-year Temporary Conditional Use Permit for a non-profit club or lodge at 8932 Old Cedar Avenue, Case 6235A-05, for the Muslim Community Center subject to the following 5 conditions of approval as set forth by the Planning Division Staff and the Planning Commission. Motion passed 5-2 (Grady & Elkins opposing).

Bob Hawbaker, Planning Manager provided the staff report explaining that the Council had previously considered this application on January 3 but continued it to allow the applicant time to discuss the Council's one-year recommendation with its board. He explained the conditions that were imposed relating to parking when their original application was approved for a community center at 8910 Old Cedar Avenue in 1997.

Council inquired why the Center was allowed to build a complete kitchen in the lower level and why they're parking on public streets.

Speaker #1: Matt Mahmood, Communications Director, Muslim Community Center
He expressed his opposition to the conditional approval, as he doesn't believe the situation involving the property at 8910 Old Cedar Avenue should have any impact on the application for 8932 Old Cedar Avenue and that they are separate functions. He stated the current application is purely for an educational environment with an anticipatee 45 people occupying 2900 square feet that will be used after hours where there is no business traffic or business functions being performed by the current tenants in the area. He explained how the Center has worked to mitigate the on-street parking concerns relating to the use of 8910 Old Cedar Avenue, which has fallen just short of having vehicles towed. Regarding the kitchen, he explained that it is not finished and that it's only used for refreshments during Sunday school. He stated no cooking occurs in the kitchen. He described the numbers of attendees at each of the two sessions held on Fridays. He stated they have 51 parking spaces on site and another 36 spaces that would be added on the proposed location. He explained that they hire off-duty police officers to monitor the parking. He stated the site at 8910 Old Cedar Avenue is considered a community center first and a church second.

Speaker #2: Ikram Ul-Huq

He explained the difference between a church and a mosque stating that it's considered a church whenever people pray but is also considered a community center doing outreach work.

Mahmood explained that the site of the new application would be strictly for women and children to attend classes. The expected number of attendees at these classes is approximately 45. He stated he has obtained support from many of the neighbors who understand that the traffic problem on Fridays is limited to an hour. He stated the majority consider the parking a non-issue due to the limited timeframe. He stated they are setting the standard for the rest of the Midwest for the type of programs they are proposing. He added they would support a decision by the City to make the surrounding streets No Parking.

Wilcox challenged Mahmood's statement that the majority of the neighbors support the existing use at 8910 Old Cedar Avenue and stated that as the Muslim Center has ignored the conditions of approval that were set forth on the old site, why should the Council believe they would adhere to the conditions imposed on the new application.

ITEM 5.2A continued

Winstead redirected the focus onto the new application but stated that the City's Environmental Staff should look into the issues regarding the basement and the kitchen at 8910 Old Cedar.

Wilcox inquired if the Muslim Center would agree to a one-year Conditional Use Permit for the site at 8932 Old Cedar Avenue with the stated conditions.

Mahmood replied that they would agree to a five-year permit, which is the term of their lease and that less time than that would adversely affect them financially. He stated they would look at other locations around Bloomington or in other communities if they need to expand due to their growing numbers. He added that they would agree to come before the Council every six months to address any issues that might arise from this application if necessary.

Peterson commented that the situation at the Muslim Center on Friday afternoons with overflow parking onto City streets is not much different than some of the churches on Sunday mornings that experience overflow parking onto City streets. He stated that in the past, Council has approved shorter Conditional Use Permits as a way of monitoring potentially problematic applications.

Elkins inquired why 8932 Old Cedar Avenue couldn't be used for overflow parking on Fridays.

Mahmood replied that they respect the owner of the building in between the two properties and don't want to encourage people walking back and forth across the property in the middle. He stated the business located in between has offered to allow parking for the Muslim Center on Fridays but the Center has rejected the offer.

Speaker #3: Curt Reints, 8043 Emerson Avenue South

He stated he formerly lived in the area of the Muslim Center and that parking is a problem. He stated 37 parking spaces at 8932 Old Cedar Avenue for 45 people could be a problem. He stated he has a problem when he picks up his friends who live near the Muslim Center on Friday afternoons due to the number of cars parked on the street. He believes the parking is a problem from 11:00 a.m. until 4:00 p.m. on Fridays. He questioned if the Muslim Center is violating the City's Fire Code by having too many people in the Center at one time.

Speaker #4: Jeremy Gottsty, Partner & Instructor at University of St. Thomas

He stated the Muslim Center in Bloomington is a real treasure that puts on seminars regarding diversity for classroom teachers across the state of Minnesota. He stated they have never had parking issues during the seminars. He stated people from all over the world attend worship there and that Bloomington is lucky to have them in their community.

Speaker #5: Abdul Baten, 8949 Bloomington Avenue

He stated he has never seen any cars from the Community Center parked in front of his house and his neighbors have never complained about a parking issue.

Speaker #6: Edward Carmichael, 3408 W. 60th Street, Edina

He stated the Muslim Center is a community center, not a mosque, as other social activities can take place in it where they can't in a mosque. A mosque is strictly a religious place. He commented that Friday is their main day of prayer and that the Muslim Center is conveniently located near the Mall of America and the Airport. The site at 8932 Old Cedar Avenue would be used by the women and children, which shouldn't cause a parking problem. He stated they are spending approximately \$7,000 per year to control the parking. They've done everything possible to comply with Bloomington's parking regulations.

Speaker #7: Adam Meah, 1597 Hollywood Court, Falcon Heights

He stated as there are only a few centers like the Muslim Community Center around, there are bound to be parking issues with so many attending. Similar to what some churches experience on Sunday mornings, as Peterson stated. He stated their form of worship is very different from that of a church or a synagogue adding that they need more Muslim centers like this one to positively encourage others to be built, which would make this one less crowded.

ITEM 5.2A continued Motion was made by Wilcox, seconded by Grady, and all voting aye, to direct staff to review the conditions imposed on the site at 8910 Old Cedar Avenue and forward Council a recommendation on how to fix the problems.

CLOSED PUBLIC COMMENT PERIOD The Mayor asked if anyone wished to address the Council during the public comment period, or it would be closed.

Speaker #1: John Matson, 10816 Washburn Avenue
He requested Council speed up the meeting and not dwell on one item for so long.

Approved Renewal of a Temporary Conditional Use Permit for Super Cash at 7810 Portland Ave. Case 8211B-05 Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the renewal of a three-year Temporary Conditional Use Permit for a currency exchange business at 7810 Portland Avenue (business at 7854 Portland Avenue), Case 8211B-05 for Super Cash subject to the following 3 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

ITEM 5.2B1

1. Floor area shall not exceed 900 square feet without approval by the Director of Community Development following review by the Police Chief, Bloomington Police Department;
2. All required licenses shall be obtained and maintained; and
3. Renewal of this temporary conditional use permit may be processed by the Hearing Examiner under the provisions of Section 19.15(b) of the City Code if the character and intensity of the use does not increase or change significantly.

No public testimony was received.

Approved Currency Exchange License for Unbank/Super Cash at 7854 Portland Ave. Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve a currency exchange license for Unbank/Super Cash at 7854 Portland Avenue South for the period commencing January 1, 2006 and expiring December 31, 2006.

ITEM 5.2B2

No public testimony was received.

Directed Staff to Bring Back a Resolution on February 6 Relating to Dupont/Fremont Area Motion was made by Grady, seconded by Elkins, and all voting aye, to direct staff bring back a resolution on February 6, 2006, as follows: 1) Order the installation of temporary barriers to block off Fremont & 801/2 Street at the GN ReSound entrance, 2) Direct staff to design a hybrid Option #1C/#1A that allows two-way traffic north on the Frontage Road, and 3) Continue to work with all of the engineers that have presented opinions on this issue to determine a proper solution that staff can present to the Council to solve the ponding situation.

ITEM 5.3A

Charlie Honchell, Public Works Director presented the staff report regarding the traffic and drainage issues in the Dupont Avenue/Fremont Avenue area. He provided a brief overview of the traffic situation and the complaints that have been received from residents in the area. He reported on the number of cars using Fremont Avenue and the speeds of the vehicles that have been monitored on numerous days and at various times of the day.

Using a diagram, Scott Anderson, Storm Drain Engineer illustrated the location of the existing conditions relating to the stormwater issues based on observations during rain events and as modeled using computer simulations for a 10 percent probability event occurrence. He explained why stormwater quality is a concern in this area. He stated the new components of the stormwater permit issued by the Pollution Control Agency and administered by the Environmental Protection Agency will require the City to make a greater effort at stormwater quality in particular to non-degradation and in new and expanded discharges. He added that a soon-to-be added program, "Total Maximum Daily Loads" will also put additional compliance requirements on the City with regard to stormwater.

ITEM 5.3A continued

Honchell reported on the open house that staff held with the neighborhood after the Council selected three modified alternative solutions to the traffic and stormwater issues. He reported that the City's Traffic & Transportation Advisory Commission (TTAC) reviewed the alternatives and made contact with all of the commercial properties potentially affected by the alternatives prior to tonight's meeting. He reviewed the modified alternatives that the Council requested be considered for this public hearing: Options #1A, #1C, and #5A:

- Option #1A: The stormwater solution would include acquiring the property at 1101 W. 80th Street to build a pond on the entire parcel.
- Option #1C: Same stormwater solution as in #1A.
- Option #5A: Same stormwater solution as in #1A and #1C.

Honchell reported that the residential property owners to the south of GN ReSound predominantly prefer Alternative #1C, TTAC recommended #1C, and the commercial property owners south of GN ReSound (office and apartments) also favor #1C. He stated that GN ReSound and the underlying property owners would like the stormwater flooding problems solved as soon as possible but added GN ReSound doesn't favor changing the transportation system or the access to their site coming from the south and the property owner at 1101 W. 80th Street opposes any sort of impact to his property. He added that the residents to the south of GN ReSound would not be in favor having GN ReSound employees temporarily parking on the streets in their area, as had been mentioned as a possibility by GN ReSound.

Anderson explained another option that recently came to light to which staff cannot say is viable nor does it have the costs or property acquisition that might be involved with Option #13 (which nearly matches Option #6 from the August 22, 2005, Feasibility Study that was presented to Council incorporating underground storage and treatment beneath the eastern portion of the GN ReSound parking lot - approximately 2 acres) would cost. He explained that the chambers would have an open bottom that would allow some infiltration and some additional volume reduction for the stormwater entering that system. However, this would require an easement on the GN ReSound east parking lot for construction and long-term operation of that facility, an easement on the northerly 40 feet of 1101 W. 80th Street property for construction of a stormwater connection to that system, and an additional storm sewer easement on the GN ReSound property to cover the pipe that would be exiting that property and reconnecting to the existing system in the public right-of-way. The City would build the underground system and be responsible for its future maintenance. He described the advantages and disadvantages of an Option #13.

Elkins inquired if a traffic signal would be warranted at the intersection of Dupont Avenue & American Boulevard given the traffic volumes that could result at that intersection.

Honchell stated it would be possible but it depended upon the development that occurs in the surrounding areas and that how soon the Minnesota Department of Transportation (MnDOT) might begin its ultimate intersection improvement at that location. As the uses are today, it probably wouldn't meet the required warrants to install one.

Elkins inquired if all of the water that ponds onto the GN ReSound site actually comes from GN ReSound.

Anderson replied that it does not and that some of it comes from 80th Street through their driveway and onto their site. He added that the 1108 W. 80th Street site is not the lowest or most desirable site for stormwater ponding but would be beneficial to the area. With regard to the flooding on the GN ReSound site, he stated that it occurred 3-4 times last summer, which equates to a 10% chance event every time there is a 3-4 inch rain in a short period of time.

Nordstrom stated she has a problem with a small business being taken in order to solve another property owner's problem.

ITEM 5.3A continued

In response to an inquiry by Grady, Anderson reported that water from a storm event last October measured 1.5 to 2 feet deep in GN ReSound's parking lot and that it might have reached 4 to 5 feet in the vicinity of their depressed loading dock area.

At this point, Mayor Winstead invited the public to testify.

Speaker #1: Rob Wittsack, 8109 Fremont Avenue South

He showed a video he made of the traffic heading north on Fremont Avenue going to GN ReSound between 5-6:00 a.m. each day and of the traffic heading south on Fremont at the conclusion of different shifts. He stated this is an example of what goes on everyday and has been for the last five years. He stated there are approximately 1,200 cars going up and down their street everyday. He stated there are also between 7-10 semis traveling up and down Fremont Avenue everyday. He showed photos of where a tree was completely knocked over by a vehicle most likely traveling north on Fremont Avenue and of another accident site where a fence was destroyed near a bus stop where children came to wait for their bus only minutes later. He mentioned another accident involving a GN ReSound employee going to work and a pickup truck driver that was plowing out a driveway on Fremont Avenue. He stated this problem has gone on long enough and requested the Council move ahead on the traffic issue even if a decision is not made regarding the stormwater.

Speaker #2: Leo Fair, 8127 Fremont Avenue South

He stated the traffic issue has gotten much worse in the last 12-18 months but the ponding issue is a recent development. He mentioned the accident on Dupont Avenue that took out a fence could have injured children waiting for a bus if it had happened a few minutes later. He stated this is a neighborhood problem not just a Fremont Avenue problem and that it affects Colfax, Dupont, Emerson, and Aldrich too. He stated Option #1C appears to be the least expensive, was the one chosen by TTAC, has the least amount of impact to the apartment complex and new office suites at Fremont Avenue & 80½ Street, and is the option preferred by the neighborhood.

Speaker #3: Richard Gates, 8029 Aldrich Avenue

He stated they have watched cars and semis go through this area constantly. He stated the drivers don't care about speed and there are kids all over the place. He stated the Council needs to do something about the traffic in this area.

Speaker #4: John Homan, 80½ Street

He stated the cars gain speed traveling down the long stretch of 80½ Street. He stated it's not just a problem for Fremont but for the other streets in the neighborhood as well.

Speaker #5: Michael McDonald, 1015 West 80½ Street

He stated last June, a semi hit its airbrakes and almost jack-knifed over on a Saturday coming out of GN ReSound along 80½ Street going west. He stated the problem has been going on a long time. He stated citizen safety should be a major concern for the Council and that it's only a matter of time before a major tragedy occurs.

Speaker #6: Carla LaDaux, 8126 Dupont Avenue South

She stated she grew up at this address and that her mother still lives there. She stated all the streets in this neighborhood are dangerous and that children have to stay away from this area. She talked about an incident whereby she tried to turn left from 82nd Street onto Fremont Avenue one day but ended up hanging out on 82nd Street where two cars going north had taken up two lanes so that she had no lane in which to turn. She stated that created a dangerous situation. She doesn't believe the changes being suggested to help the neighborhood will hurt GN ReSound's business and that the safety of the neighborhood should be a priority.

ITEM 5.3A continued

Speaker #7: Sandra Mackenzie , 8115 Emerson Avenue South

She stated they bought their home in 1977 because it seemed like a safe neighborhood for raising kids. She stated she quit a job delivering newspapers for the Sun Current when she saw cars driving around the bus stop arms while children were disembarking. She stated the problem is overwhelming and they're tolerating it 12-18 hours per day. She begged the Council to do something about the traffic.

Speaker #8: James Medley, 8101 Fremont Avenue South

He stated Fremont is a small side street that carries too much traffic. He stated the neighborhood children don't walk to the bus stop any more, as it's gotten too dangerous. He stated someone did get hit on a bicycle at 82nd & Fremont Avenue. He stated the neighborhood's quality of life has deteriorated in the last five years as a result of the business at the end of the street. He stated the traffic has gotten so bad that he escorts the kids across the street to play and brings them back again, as it's not safe enough to let them cross the street on their own. His kids are not allowed to ride their bikes in the street. He stated he wants to stay in Bloomington but he'll move if this problem doesn't get fixed for the safety of his kids. He asked the Council to get this traffic issue solved and work on the stormwater situation later.

Speaker #9: Ben Heinz, 1201 W. 801/2 Street

He stated he wouldn't dwell on the traffic issue since Council is well aware of it. He stated the neighborhood is concerned with the number of cars that would be forced to park in the street if the pipe gallery option got installed.

In an effort to get this traffic situation solved, Grady suggested to Council that the City take a three-step approach: 1) Put up some type of temporary barricade to close off Fremont Avenue and West 80½ Street from GN ReSound, the apartment building, and the industrial building forcing them north on the frontage road, 2) Get plans going for a road that goes on the north side of the office building to properly close off Fremont Avenue this spring, and 3) Take the necessary time to solve the ponding issue and get the gate on the northeast corner of GN ReSound's property permanently opened up. She stated the neighborhood approached her when she first got on the Council to help solve this problem and it's time to keep the commercial area commercial and the residential area residential. She stated the ponding issue is separate and controversial and needs some work so she doesn't want that to hold up what can be done now to solve the traffic situation.

Speaker #10: Linda Fisher, Legal Rep. for Bentley Forbes, GN ReSound Property Owner

She introduced others who were present if needed from Bentley Forbes, GN ReSound, and a consulting engineer. She explained that Bentley Forbes contacted her office in mid December and has only worked with GN ReSound staff for a short time. She provided history regarding the acquisition of the GN ReSound property by Bentley Forbes. She described the improvements Bentley Forbes made to the interior and exterior of the building when they purchased it. She stated that GN ReSound entered into a long-term lease with Bentley Forbes. Regarding traffic, she stated that the property owner and GN ReSound agreed that there are legitimate issues with regard to traffic operation in this area. She stated that GN desires to work with the City both short-term and long-term in order to find a traffic solution. Regarding the three options City staff put forth with regard to traffic, she stated that both Bentley Forbes and GN ReSound prefer a hybrid of Option #1C and #1A. They would like to see the two-way frontage road from Option #1A incorporated into Option #1C. She stated that the property owner and GN ReSound are definitely willing to work with the City and the neighborhood on separating the traffic.

ITEM 5.3A continued

Fisher explained what GN has tried to do to help mitigate some of the traffic issues: Talked to the neighboring property owner to keep the gate open to an extent that was acceptable to him, staggered their shifts, leased parking spaces from the Knights of Columbus to the north, worked on traffic management plans, encouraged an aggressive carpool program and offered free bus passes to all their employees. She remarked that GN ReSound recently received the Metro Commuter Services 2005 Award for large organizations for promoting carpooling and metro transit. She stated GN is trying to be a good neighbor and wants to continue to do so. She stated she couldn't comment on Grady's suggestion, as she hasn't had a chance to review it with her client.

Regarding the stormwater issue, Fisher stated that as staff has said, there are stormwater quantity and quality issues and that it's an issue that affects this property significantly. She reviewed what their consultant civil engineer found relating to the drainage issue and what the City's consulting engineer Barr Engineering reported in its 2005 report to the City. She showed photos of the flooding the parking lot at GN ReSound experienced in 2005. She stated that the flooding situation has gotten worse since the construction of the Lyle Berg Bridge. She stated GN employees have submitted claims for flood damage to their vehicles. Regarding the ponding issue, Bentley Forbes and GN ReSound believe the status quo in terms of the flooding issue is unacceptable. She stated that the property owner doesn't want to go through another flooding situation and believes it would make it impossible to use this property for its planned use on a long-term basis. She stated that the underground stormwater solution, while it has significant flood reduction and water quality benefits for the GN ReSound property and the larger drainage area, it would disrupt the parking lot for 3-4 months and some type of parking solution would be needed that would involve the cooperation of the City and the neighborhood. She summarized that her client wants to work with the neighbors and the City on the traffic solution and is willing to look at the #1C/#1A hybrid. She stated that the access out at the northeast corner of GN's property is critical in implementing both the short-term and the long-term traffic solutions. She again stated they are willing to work with the City on the traffic issues but stressed the urgency of solving the storm drainage issues also; hopefully by the spring of 2006.

Grady suggested that the bars be taken off the gate in the northeast corner, as it blocks additional parking spaces.

Speaker #11: Rich Swenson, GN ReSound

He stated they have tried to keep a good relationship with Gary Zywojko, owner of 1101 W. 80th Street to coordinate access to the gate. He stated the gate has been kept open for two hours in the morning and two hours in the evening and that Mr. Zywojko has been very cooperative in that working relationship. He stated he would allow the gate to be open all the time but that Mr. Zywojko should speak to that issue also.

Bernhardson stated that a critical element of the underground drainage system is an easement on GN's property and inquired as to the level of cooperation the City can expect from Bentley Forbes.

Fisher stated that Bentley Forbes has taken the option of the underground piping to their executive committee and was told it is a solution subject to working out the short-term parking they would be willing to pursue and would work with the City to negotiate a reasonable price for acquiring the easement. She stated that no price has been discussed but they realize it should be reasonable, as there are budgetary issues at stake.

Grady stated that she too would like to see the frontage road to the north two-way and inquired if Bentley Forbes would allow a roundabout to be built on their property to allow GN ReSound employees access into their parking lot from both sides of the frontage road.

Fisher stated that she believed Bentley Forbes would be willing to work with the City on that.

ITEM 5.3A continued

Speaker #12: Russ Crawford, 5716 Mt. Normandale Drive

He stated he is a lifelong Bloomington resident and is the developer of the 8053 East Bloomington Freeway property. He stated they are turning the property into office condominiums. They have three purchase agreements out and have seven more units to go. He stated he has an easy solution whether it be the City's acquisition of his parcel, the enlarging of the retention pond, which the City already controls, and the vacation of the street or the closing off of the street giving GN ReSound the property egress and ingress to their property, which would isolate the neighborhood. He stated nobody should have 1,200 cars on their street. He added that he is at a critical point in his venture and has already invested a lot of money so now would be the time to make a decision if the City or Bentley Forbes was interested.

Winstead suggested that Crawford talk to the City's Public Works Director and share his information with Bentley Forbes.

Elkins suggested that the City should discuss the situation with the Minnesota Department of Transportation also.

Speaker #13: Gary Zywojko, Owner of Computer Connection, 1101 West 80th Street

He stated his company has been located in Bloomington for 32 years and that they've been in their present location for 23 years. He stated he is in favor of separating the traffic and the ponding issues. He stated the balance of his products are sold outside of Minnesota and outside of the country and needs access to the MSP Airport. He stated his company has been a model corporation and doesn't agree with his company being taken for minimum cost benefit for the purposes of putting in a pond to catch some water. He stated he and Richard Jackson of GN ReSound did mutually agree on when the gate would be open. Regarding the flooding at GN ReSound, he stated that although there were two storms in 2005 that caused a problem, his engineer would explain why taking Computer Connection to make a pond would not significantly reduce the water in GN's parking lot. He stated there was a ponding problem back when Seagate was located on that site.

Speaker #14: Roger Anderson, Computer Connection's Engineering Consultant

He stated everyone would probably agree that there is flooding but sees the taking of Computer Connection as very little benefit. He stated a better cost benefit analysis should be made before the City considers spending over \$1 million to move Computer Connections when this option isn't going to entirely solve the flooding issues in this area. He stated there might be a better solution in using a partial pond and a partial underground storage system that would result in the most minimal impact possible and the least cost.

Grady proceeded to make her motion.

Bernhardson requested Public Works Director Charlie Honchell address Grady's motion with regard to the apartment tenants.

Honchell suggested putting in a center median down 801/2 Street and curve it up to the driveway while obtaining cooperation from Mr. Crawford that would allow the apartments, on a temporary basis, to use his driveway to exit. He stated he would like a week to figure out how to serve the apartment building but stated staff would try and have the temporary barriers in place within a couple of weeks to notice those affected.

Bernhardson stated that the ponding issue could come back on February 27 at the earliest.

COUNCIL RECESS

<Council took a 10-minute recess.>

**Adopted Resolution
Amending Comp Plan
for Walser Real Estate
4301 American Blvd.
Case 8133A-05
ITEM 5.4A1
R-2006-6**

Peterson stated he would be abstaining due to Walser's proximity to his parent's home.

Motion was made by Elkins, seconded by Grady, to adopt a resolution amending the Comprehensive Plan to reflect a change in Land Use Guide Plan Designation from Community Commercial to Regional Commercial for 4301 West American Boulevard, Case 8133A-05, for Walser Real Estate II, LLC. Motion passed 6-0-1 (Peterson abstaining).

Hawbaker stated that one of the elements of the plan is a fence on the berm but he was not sure a fence is what Walser desired. Therefore, he suggested meeting with the neighbors to get their opinion on the fence issue so that Walser could determine if they'd rather put up a fence or more landscaping on top of the berm. He stated a fence would require the removal of significant vegetation due to the mechanical process of installing a fence.

Elkins suggested preserving the vegetation and installing a light barrier.

No public testimony was received.

**Adopted Resolution
Approving Develop-
ment Plans for Walser
Real Estate at 4301 &
4401 American
Boulevard West
Case 8133BC-05
ITEM 5.4A2
R-2006-10**

Motion was made by Elkins, seconded by Grady, to adopt a resolution approving the Revised Preliminary Development Plan and Final Development Plan for a Class I Motor Vehicle Sales dealership for new cars 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 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;

- ITEM 5.4A2 continued**
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;
 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;

- ITEM 5.4A2 continued**
- 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;

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).

No public testimony was received.

**Adopted Resolution
Approving a
Conditional Use
Permit for Walser Real
Estate at 4301 & 4401
American Boulevard W
Case 8133D-05
ITEM 5.4A3
R-2006-7**

Motion was made by Elkins, seconded by Grady, to adopt a resolution approving a Conditional Use Permit for a Class I Motor Vehicle Sales dealership for new cars 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;

- ITEM 5.4A3 continued**
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.

No public testimony was received.

Items 5.4B, 5.4C, 5.5A, & 5.5B Moved to Later in the Agenda Mayor Winstead took the liberty to move Items 5.4B, 5.4C, 5.5A and 5.5B to later in the agenda in order to take Item 5.5C regarding the Old Town Hall proposals.

Presented Old Town Hall Proposals & Cont. Selection to March 6 ITEM 5.5C Council received presentations by the three proposers relating to the reuse of Old Town Hall and continued selection of the proposer to the March 6, 2006, Regular Council meeting.

Mark Morrison, Park & Recreation Coordinator explained that the three proposers for the reuse of Old Town Hall would be presenting their proposals and that following their presentations, Council should set a date in February or March to select the proposer.

Presentation #1: Bloomington Historical Society (BHS)

Don Stiles, Treasurer began his presentation by asking partners of BHS to stand and be recognized: BHS board members, past presidents, volunteers, members and supporters. His PowerPoint presentation included the following slides:

- Who We Are
- Why Our Proposal is Unique
- Our Dream and Plans for the Future – Phases I and II (Stabilization & Restoration of bldg.)
 - Includes construction of a sister building recreating the original Bailiff Store, housing the new museum on the first floor, storage on the second floor, and a gift shop on the west end. The main floor of the Old Town Hall would be open for community use with a youth center in the lower level with a separate ground level entrance.
 - Operation of the new museum.
 - Additional parking available from neighboring partners – Oak Grove Presbyterian Church and Washburn-McReavy.
- Description of costs relating to the reuse improvements per their proposal.
- Description of financials relating to the annual operations per their proposal.
- Bloomington's Past.
- Bloomington's Future: History Park & Youth Center.
- Recognizing the City's Concerns.
- Phases I & II: Preserve historical integrity and character of Old Town Hall.
- Alternative Proposal if BHS is Unable to Raise the Money to Construct the New Building.
- Description of Costs Relating to the Alternative Proposal.
- Action Needed by Council.

Stiles invited partners/supporters of the BHS proposal to say a few words:

Speaker #1: Timothy Glines, Manager of Outreach Services, Minnesota Historical Society
He believes the Bloomington Historical Society will progress to a new level of service through this project. He listed other historical societies that are currently going through a renaissance. He stated Bloomington deserves to be on a par with those other communities in continuing its vibrant public history program and that BHS is the proper steward of the Old Town Hall.

ITEM 5.5C continued

Speaker #2: Priscilla Pearson, Bloomington 3rd Grade Teacher & BHS Board Member
She stated the Museum is vital to the third grade curriculum in Bloomington. She stated it along with the River Rendezvous event forms the backbone of the social studies curriculum in Bloomington.

Speaker #3: Wanda Kamesher, Director of Service Learning, Normandale Community College
She described how Normandale faculty and students could assist the Museum with several projects.

Speaker #4: Steve Dale, Bloomington Resident & BHS Volunteer
He stated Bloomington deserves to have the historical society here with the same visibility that other communities give their societies.

Speaker #5: Ira Smith
She encouraged the Council to preserve the Historical Society's continued use of the Old Town Hall. It should continue to serve the community.

Speaker #6: Carolyn Pratt
She urged the Council to rededicate the site to its historical roots and needs of the community. She stated it is important for Bloomington to preserve its history. She requested the Council approve the restoration of the building so that it can be remodeled and refurbished.

Speaker #7: Jim Goodermont, Bloomington Resident
He stated BHS has been a very good steward of the Old Town Hall for the past 40 plus years and should continue to be one.

Speaker #8: Larry Granger
He stated history and heritage are key elements in the Council's desire to increase the sense of community within Bloomington and BHS has and should continue to be a strong working partner in this process. He described some of the programs they plan to implement if given the chance to continue their education mission at the Museum.

Winstead inquired as to the Historical Society's timeline for raising funds.

Stiles replied that the BHS hopes to have the money raised by 2007, as the time to apply for federal grants is August/September of 2006.

Grady inquired as the bottom line amount the BHS would need from the City to accomplish their proposal.

Stiles replied that BHS would need \$537,000 from the City to complete the renovation of the Old Town Hall building.

Grady stated her concern with there only being 18 parking spots after the new building is constructed with youth occupying the lower level of the Old Town Hall, etc. She also inquired if there had been any discussion regarding a possible bond referendum to cover the City's portion of the funding.

Stiles replied that both of the neighbors to Old Town Hall have agreed to continue to allow Old Town Hall users to utilize their parking lots. He reported that there has been no discussion relating to the City's portion or to a bond referendum. He added that they are confident that BHS will obtain at least one of the grants suggested by the Normandale Community College grant writers.

ITEM 5.5C continuedPresentation #2: Mosaic Coffee

Troy & Tina Petry, Bloomington residents presented their proposed use for Old Town Hall. Tina Petry stated their proposal is to make Old Town Hall a neighborhood destination coffee house. She stated they would use the main level and partner with the Bloomington United for Youth for use of the lower level. She stated they would serve bakery goods, soup, sandwiches, and hand-dipped ice cream in addition to coffee drinks. She stated the lower level would serve as a youth center for students of Bloomington's two high schools. She stated their proposal includes a modest restoration of Old Town Hall. She stated their purpose is to help Bloomington citizens build a sense of community. Their coffee house would provide a venue for local musicians and artists to display their talents.

Tony continued with their presentation stating that although there are institutional coffee shops located in Bloomington, there are no unique, non-corporate type coffee houses. He described their values as a company and why they desire to locate a coffee house in Bloomington. Their coffee house will provide a venue for local artists to develop their talents and the audience will be able to enjoy arts and music without having to go to downtown Minneapolis. With regard to the restoration of the building, he stated that they do not believe it is necessary to restore it to a particular point in time, but rather believe the landmark should remain as it was intended, as a community meeting place. They would value the opportunity to showcase pictures, articles and artifacts that told the story of Bloomington and would like to create an environment where both the old and the new can coexist. He stated they would provide wi-fi internet access for no charge. It would be laptop user friendly. They believe their coffee house will be a good fit for the neighborhood, as they will be sensitive to neighborhood aesthetics. They estimate the modest restoration would cost between \$600,000 - \$800,000. He used a schematic to illustrate their vision for the interior of the coffee shop and used renderings to show how the coffee shop would look after the restoration.

Presentation #3: Bloomington United for Youth (BUY)

David Allen, BUY Board Member provided some background on the Bloomington United for Youth organization. He stated BUY set a goal five years ago for the creation of a fun, safe place for high school students to go to when they are not in school, as there is currently no such place. He stated BUY's proposal was put together by high school students from both Kennedy & Jefferson with the support of the adult members of the BUY Board. He stated that in addition to having a community center for high school students in the basement of Old Town Hall, they propose a café to serve the public on the main floor, an integrated and diverse high school education program incorporating such areas as business management, marketing, and the performing arts and programs for the entire community to educate them about the history of Bloomington and historical significance of the building, food and beverage for the general public, changing and rotating historical art and other exhibits and displays and a regular schedule of entertaining presentations and performances. Their proposal is to pay the City full market rent for use of the Old Town Hall plus 50% of the excess profits that they earn with the other 50% going to support the programs of the not-for-profit organization BUY. He introduced other BUY members.

Speaker #1: Katie Gunderson, Jefferson High School Senior & BUY Student President
She stated why the youth coffeehouse would be a benefit to Bloomington. She stated that Bloomington has a serious problem with students using tobacco, alcohol and drugs. She quoted some figures on the increased abuse of those substances by Bloomington students. She stated that a study suggests that in cities where there are 40 developmental assets available to students there is less chance they will get involved in unhealthy behaviors. A study by the Bloomington School District in 1998 concluded that 12th graders in Bloomington have an average access to only 17.9 assets. She described three of the assets that scored poorly in Bloomington. This site for a youth coffeehouse would be centrally located to both high schools.

ITEM 5.5C continued

Speaker #2: Srey Ung, Jefferson High School Junior & Central Grounds Student Vice President
She described how having a youth coffeehouse at the Old Town Hall would benefit teens in Bloomington. She stated that they hope to offer computers that have wireless internet for students to use for research and homework. Their hours of operation will allow students more time to do their studies. The coffeehouse will have exhibits on display to teach students about the history of their hometown and will offer students a drug-free environment to spend their free time.

Speaker #3: Debo Teriba, Jefferson High School Student, Representing His Students & Instructor
He appeared in place of an instructor who teaches a class that places young students in a real life situation where they can do meaningful work throughout the community. This proposal puts students in a real life situation by making them learn together and work with the community. He stated today's students don't have anything to uphold and that's why they don't get involved in their community. Being involved in a youth coffeehouse would give them that opportunity.

Elkins inquired if BUY had worked out parking arrangements with their neighbors and Allen replied that they have had conversations with both Oak Grove Presbyterian Church and the Werness Funeral Home.

Regarding projected capacity, Allen stated that he believes Bloomington's youth coffeehouse would be similar in size to the one in Hopkins that can hold approximately 75 students at one time. He stated the one in Burnsville could handle crowds between 400-500 students. He stated events on the main floor or in the basement of Old Town Hall would be limited to whatever the capacity constraints would be and that larger concerts would require an off-site venue. He stated they expect the City to provide them with a building that is solid and ready for use and they would complete the internal leasehold improvements and provide the furnishings and equipment. He stated their proposal is different from the rest in that they propose to pay market rent to the City for the facility.

Allen stated that BUY currently has approximately \$20,000 in the bank that they've raised over the years. He stated their cash requirements are approximately \$105,000 and they have \$20,000 - \$25,000 as a start and believe they will be able to raise the balance without much difficulty. He stated that the Toro Company has been very supportive of BUY over the years and it is estimated they might contribute as much as \$10,000 - \$20,000. They anticipate similar revenue projections to what the Hopkins Depot is experiencing.

Bernhardson stated that staff would be providing Council with a complete comparison of the financial information pertaining to each proposer prior to Council's selection of a proposer and that the parking situation for each proposer would also be clarified. He stated it is still the City's intention to repair the roof and some other necessary repairs this spring. He stated that selection of the proposer would be continued to the March 6, 2006, Regular Council meeting.

**Adopted Ordinance
Vacating Easements
Relating to Kennedy
Court
ITEM 5.4B
O-2006-2**

Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt an ordinance vacating part of an easement for drainage and utility purposes over portions of Kennedy Court, as well as part of an easement for sidewalk and bikeway purposes over Block 1, Kennedy Court located at 9731, 9735, 9739, 9743, 9747, 9751, 9771, 9775, 9779, & 9783 3rd Avenue South for Gerald Sholts, President, Kennedy Court, LLC. The vacation is requested because new homes encroach into the easements. No public or private utilities are affected by this vacation.

No public testimony was received.

**Adopted Ordinance
Vacating Easements
Relating to Zantigo
Addition
ITEM 5.4C
O-2006-3**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to adopt an ordinance vacating easements for ingress and egress purposes over and across portions of Lot 1, Block 1, Zantigo Addition, as well as an easement for sidewalk and bikeway purposes over a portion of Lot 1, Block 1, Zantigo Addition located at 9230 Lyndale Avenue South for Barb Schneider of Border Foods, Inc. The vacation is requested because the new site design does not require the easements. No public or private utilities are affected by this vacation.

No public testimony was received.

**Adopted Resolution
Approving 2006
Airport South Capital
Improvements
TEM 5.5A
R-2006-8**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution approving the 2006 Airport South Capital Improvements Capital Fund Budget as follows:

Total Revenues:	\$ 4,700,000
Total Expenditures:	\$ 8,165,075

Cindy Rollins, Finance provided the staff report explaining that funding for this capital project fund comes from the liquor and lodging tax and interest income. She stated out of the expenditures, \$1.8 million is budgeted for pond improvements, \$5.1 million for street improvements, \$740,000 to the Airport South Revolving Development Fund, and \$525,000 to the General Fund for police services.

Elkins inquired about the five positions listed under the Transfers Out in the 2006 Budget.

Rollins explained that some of the positions are for Planning and some for Engineering.

Bernhardson clarified that these positions are on an as needed basis depending on the project in order to accommodate what is expected to happen in Airport South. Repayment is expected from building permits and construction projects, etc. He added that completion of the second floor shell space is for these and other people working on Airport South related projects.

No public testimony was received.

**Adopted Resolution
Approving Revised
2006 Airport South
Environmental Review
Special Revenue Fund
ITEM 5.5B
R-2006-9**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution approving a revised 2006 Airport South Environmental Review Special Revenue Fund Budget as follows:

Total Revenues:	\$ 1,062,000
Total Expenditures:	\$ 1,040,000

Rollins stated that \$740,000 was transferred from the Airport South Capital Fund into this fund as revenue and will go out as expense.

No public testimony was provided.

**Authorized Transmittal
of Comment Letter to
City of Richfield
ITEM 5.5D**

Motion was made by Peterson, seconded by Grady, and all voting aye, to authorize transmittal of a comment letter from Mayor Winstead to the City of Richfield regarding their I-494 Corridor Comprehensive Plan Amendment that was requested so that Richfield could shorten the required 60-day comment period prior to Metropolitan Council approval.

No public testimony was received.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 12:39 a.m.

Barbara Clawson
Council Secretary