

Regular Meeting #9
Monday, March 20, 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.

**Presentation –
STARR Award**

Bruce Carlson, Vice President of Retail Development for United Properties presented the City of Bloomington with the Minnesota Shopping Center Association (MSCA's) 2005 STARR Award that the two entities received jointly for the redevelopment project at the Shoppes at Lyndale Green at 84th & Lyndale. He provided background information on MSCA and stated the STARR Award stands for the Shopping Center Tribute Award for Retail Real Estate. He added that the senior coop is almost completely sold out and will be completed in a few weeks. He thanked City staff for their cooperation in making this project a success.

**Approved Bioterrorism
Agreement
ITEM 3.1**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve a Bioterrorism Hospital Preparedness Program Agreement with Hennepin County through which the City will receive \$8,333.33 from the County to continue efforts to improve communication, training, planning, and coordination between local public health and medical clinics in the three-city area as part of the Metro Region's Bioterrorism Hospital Preparedness Program.

The following adjustments to the 2006 Public Health Budget were also approved:

Revenue:	223-6226-345.47-23	\$8,333.33
Expense:	223-6226-441.60-11	\$8,333.33

**Adopted Budget
Adjustment for Human
Services
ITEM 3.2**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt the following budget adjustment authorizing the transfer of \$5,000 from the 2006 Fulltime Regular Human Services Administration 101-6401-499.60-11 to Human Services Contractual Services 101-6401-499.63-24. This money is to be added to the Approved \$7,000 of carryover money unspent in the 2005 Human Services Budget. The \$12,000 in total is to be used to pay a contract employee up to 28 hours/week during the time that the Human Services Administrative Coordinator is on a three-month adoption leave, available to her through the Family Medical Act.

**Approved Plans &
Specs for the 2006-101
PMP Reconstruction
Street Improvement
Project
ITEM 3.4**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the plans and specifications for the 2006-101 Pavement Management Program (PMP) Reconstruction Street Improvement Project. The streets included in the Project are as follows:

<u>No.</u>	<u>Street</u>	<u>From</u>	<u>To</u>
1	10 th Ave. S.	E. 100 th St.	E. 102 nd St.
2	E. 101 st St.	Elliot Ave. S.	10 th Ave. S.
3	Mounds Springs Terrace	10 th Ave. S.	10 th Ave. S.
4	13 th Ave. S.	E. 92½ St.	E. 93½ St.
5	15 th Ave. S.	E. 92 nd St.	Riverview Ave. S.
6	E. 92½ St.	12 th Ave. S.	15 th Ave. S.
7	E. 93½ St.	12 th Ave. S.	Riverview Ave. S.
8	E. 94 th St.	12 th Ave. S.	Riverview Ave. S.
9	Riverview Ave. S.	E. 92½ St.	E. Old Shakopee Rd.

ITEM 3.4 continued	No.	Street	From	To
	10	1 st Ave. S.	E. 86 th St.	E. 88 th St.
	11	Stevens Ave. S.	E. 84 th St.	E. 86 th St.
	12	W. 94 th St.	Xylon Cir.	Yukon Ave. S.
	13	W. 95 th St.	Wyoming Ave. S.	Xylon Ave. S.
	14	W. 96 th St.	Wyoming Terrace	Yukon Ave. S.
	15	W. 97 th St.	Xylon Ave. S.	Yukon Ct.
	16	Xylon Ave. S.	W. 94 th St.	W. 96 th St.
	17	Xylon Ave. S.	W. 96 th St.	Terminus East
	18	Xylon Ave. S.	W. 97 th St.	Lindstrom Dr.
	19	Xylon Ct.	Xylon Ave. S. @ 97½ St.	Terminus West
	20	Xylon Ct. (EB)	Xylon Ave. S. @ 97½ St.	Terminus East
	21	Yukon Ave. S.	W. 94 th St.	Yukon Cir. @ 95 th St.
	22	Yukon Ave. S.	W. 96 th St.	Yukon Ct. @ 97 th St.
	23	Yukon Cir.	Yukon Ave. S. @ 95 th St.	Terminus West
	24	Yukon Cir.	Yukon Ave. S. @ 96½ St.	Terminus West

Adopted Resolution Approving a Variance for the Knights Fraternal Corporation at 1114 American Boulevard Case 2458A-06 ITEM 3.5 R-2006-30

Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt a resolution approving a variance to reduce the front yard setback from 20 feet to 4 feet for a pylon sign for Knights Fraternal Corporation of Bloomington at 1114 American Boulevard West, Case 2458A-06, subject to the following 4 conditions of approval as set forth by the Planning Division Staff:

1. Prior to the issuance of a sign permit for a new 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 that frontage of American Boulevard West that would reduce the sign setback from the street or a new front property line to less than 10 feet;
2. The approved variance will be applicable only to the new ground sign as shown in the plans submitted in Case 2458A-06;
3. Sign permit to be obtained before installation of the sign; and
4. When the pylon sign is removed, any relocation will only be to either a complying location or one properly approved by the City and will submit a proper sign permit for that location.

Approved Plans & Specs for the 2005-201 Street Improvement Project ITEM 3.6

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the plans and specifications for the 2005-201 Street Improvement Project on American Boulevard from Dupont Avenue to Nicollet Avenue.

Funding for this project will be from Federal Aid, State Aid, budgeted Utility Maintenance Funds, and internal State Aid maintenance funds.

Approved Expense for Signage at Pond Dakota Mission Park ITEM 3.7

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve a \$20,000 expenditure for signage at Pond Dakota Mission Park: five interpretive signs, one information kiosk containing three information panels, and one entrance turn-out sign.

Funding for this project to come from the Capital Replacement Fund for 2006 for inclusion in the \$50,000 in CIP funds recommended this year to the Council for the Pond Dakota Mission Park improvements.

**Accepted the 2005
Edward Byrne
Memorial Justice
Assistance Grant
ITEM 3.8**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve acceptance of the 2005 Edward Byrne Memorial Justice Assistance Grant in the amount of \$40,514, which will be utilized primarily for overtime costs to fund current Police programs to include Business Watch, youth curfew enforcement, underage drinking enforcement, enhanced BPD/Bloomington Schools educational programs, and security for school functions and to approve the budget adjustments as listed in the agenda materials.

Grant funding will also be utilized for the BPD's Citizen Academy, Neighborhood Watch, National Night Out, as well as the Block Captain's Workshop.

**Approved Purchase
of Vehicles
ITEM 3.9**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the purchase of a 2006 International 7400 single-axle cab/chassis and a 2006 International 7600 tandem-axle cab/chassis under State of Minnesota Contract #435522 from Astleford International for a total expenditure of \$135,343.00. The new trucks will be used by the City's Street Maintenance Division and will replace Units #95 and #74.

Funds for this purchase are available in the 2006 Equipment Replacement Fund, Activity 617-0618-499.70-42.

**Approved Purchase of
Influenza Virus
Vaccine
ITEM 3.10**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the purchase of 500 vials of Fluzone Influenza Virus Vaccine from Sanofi Pasteur, Inc. under State of Minnesota Contract #MMS26001 for a total expenditure of \$54,425.00 and approved the requested 2006 budget adjustments for program areas 6206 and 6203.

Funds are available in the 2006 Public Health Budget.

**Awarded a Contract to
Synagro Central, LLC
ITEM 3.11**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to award a contract for the excavation, removal, and land application of approximately 20,000 cubic yards of spent lime from the City's holding ponds to Synagro Central, LLC for the unit bid price of \$18.25 per cubic yard.

Funding for this contract is budgeted annually in the Water Utility Budget, Activity 510-8111-433.63-24.

**Approved Payment to
Bloomington Central
Station for the 2005-
302/303 BCS Phases
IA, IB, IIA
ITEM 3.12**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve a payment of \$185,911.61 to Bloomington Central Station for a portion of the work for the 2005-302/303 Bloomington Central Station Phase IA, IB, IIA Public Infrastructure Improvement Projects, for the professional engineering design and construction administration services for work URS Corporation has performed.

The cost of these services along with the improvements would be assessed in accordance with the City Council approved agreement between the City of Bloomington, The Port Authority of the City of Bloomington and Bloomington Central Station, LLC dated February 22, 2005.

**Approved Payment to
McGough
Construction Co. for a
Portion of 2005-302
BCS Phases IA & IB
ITEM 3.13**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve payment of \$35,032.78 to McGough Construction Co. for a portion of the work for the 2005-302 Bloomington Central Station Phase IA, IB Public Infrastructure Improvement Projects and for the construction management services performed for the pond and 33rd Avenue infrastructure.

The cost of these services along with the improvements would be assessed in accordance with the City Council approved agreement between the City of Bloomington, The Port Authority of the City of Bloomington and Bloomington Central Station, LLC dated February 22, 2005.

**Approved Form of
BLBC's Fundraising
Letter
ITEM 3.15**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the form of a letter of support from Mayor Winstead that will be utilized by Bloomington Legion Baseball Concession, Inc. (BLBC) for their fundraising efforts towards the Red Haddock Field (Valley View Playfield #1).

**Approved Minutes
ITEM 3.16**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the minutes of the January 3, 2006, Organizational/Regular City Council Meeting as presented.

**Approve Purchase
Agreement & Adopted
Resolution Relating
to 3900 American
Boulevard West
ITEM 3.3
R-2006-35**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve a purchase agreement between the City and Mortenson Development, Inc. with respect to the property at 3900 American Boulevard West and to adopt a resolution with a finding that the City is acquiring and transferring the property for a public purpose. The property is currently owned by the Minnesota Department of Transportation (MnDOT) but is proposed to be sold by MnDOT to the City of Bloomington for subsequent resale to and development by Mortenson for a 240-room full service hotel and restaurant. The City's purchase price from MnDOT and Mortenson's purchase price from the City are approximately \$3.8 million.

Peterson held this item out due to a concern he had relating to park dedication and accurately reflecting what the City spends on transportation and on parks.

Dave Ornstein, City Attorney explained that a decision regarding park dedication wouldn't be made by Council until the applicant came in for approval of the plat. He stated that according to staff's calculation, the value of the .23 acres of road dedication would be approximately five times the value of the park dedication.

**Accept Donations
ITEM 3.14**

Motion was made by Peterson, seconded by Grady, and all voting aye, to accept the following donations made to various City activities and to approve the amendment to the revenue and expenditure budgets, as noted in the agenda item, to facilitate the appropriate of these funds: \$500.00 donated by Howard & Vicki Groff to the Fire Department for a thermal imager, bakery goods for 2006 valued at \$7,500 donated by the Cub Foods on Lyndale Avenue to Human Services – Creekside, and \$530.00 donated by the Bloomington Chapter Order of Eastern Star to the Police K-9 Unit.

**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**

The monthly update was provided to Council at the first meeting of the month.

Bernhardson reminded Council about the State of the City event on March 21 at the Ramada Hotel.

- Peterson requested information relating to the City's sign ordinance and the future use of outdoor video signage. Staff to explore the issue and bring information back to Council for a future discussion.
- Grady inquired as to the striping configuration planned for West 102nd Street between Nesbitt and Normandale Boulevard. Shelly Pederson, City Engineer replied that the section of 102nd Street in this location was approved for a restriping to a three-lane configuration. However, staff will bring back this segment for further Council discussion at their April 3 meeting.
- Elkins encouraged staff to continue working on the City's response to the Request for Proposals from Blue Cross Blue Shield, as they are due by the end of April. He stated there are two programs for grant money - building community support for the Active Living Program and the other one provides assistance for building active living components into one's comprehensive plan and zoning ordinances, which the City could do in conjunction with its 2008 Comp Plan cycle. Such an amendment to the City's Comp Plan would incorporate more bicycle/pedestrian friendly ways to commute around Bloomington.

**Adopted Ordinance
Amending License &
Permit Fees
ITEM 5.1A
O-2006-9**

Motion was made by Grady, seconded by Axtell, and all voting aye, to adopt an ordinance amending Section 14.03 of the City Code concerning the fees charged for various licenses and permits as stated in the agenda materials.

Wilcox inquired why the cost of vending machine permits increased 25%.

Doug Junker, Licensing explained that vending machines and gumball machines were set in State statute and after many years has just loosened up. As a result, the City took a small step in increasing those fees.

No public testimony was received.

**Adopted Resolution
Authorizing Summary
Publication of O-2006-
ITEM 5.1B
R-2006-31**

Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt a resolution authorizing summary publication of O-2006-9 described in Item 5.1A.

No public testimony was received.

**Continued to April 3
Preliminary & Final
Plat of Post Penland
Addition
ITEM 5.2A**

Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to continue to the April 3, 2006, Regular meeting, the Preliminary & Final Plat of Post Penland Addition located at 11068 Glen Wilding Lane, Case 10696A-06 for Gary Post.

No public testimony was received.

**Adopted Resolution
Approving Conditional
Use Permit for
Naturally You at 9010
Blaisdell Avenue S.
Case 6585A-06
ITEM 5.2B
R-2006-32**

Motion was made by Grady, seconded by Elkins, and all voting aye, to adopt a resolution approving a Conditional Use Permit for a home business in the R-1 zoning district at 9010 Blaisdell Avenue South, Case 6585A-06, for Janette Leaf dba Naturally You, subject to the following 4 conditions and 1 Code requirement as set forth by the Planning Division Staff and the Planning Commission:

1. All business licenses shall be obtained and maintained as required;
2. The home business shall be limited to one employee who shall be a resident on the property;
3. No more than two clients shall be on the property at any time and no new clients scheduled after 9:00 p.m.;
4. All client parking, pick-up, and drop-off shall occur on-site and off the adjacent public street;

And subject to the following Code requirements:

1. Business signage shall be consistent with Section 19.110 of the City Code.

No public testimony was received.

**Approved Renewal
of a Temporary
Conditional Use
Permit for Hillcrest
Child Care Center
9100 Russell Ave.
Case 4045A-06
ITEM 5.2C**

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to approve the renewal of a five-year Temporary Conditional Use Permit for a child care facility in an existing church at 9100 Russell Avenue, Case 4045A-06, for Hillcrest Child Care Center, subject to the following 7 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. Child care operations are limited to the facilities within the church as identified and approved on the plans in Case 4045A-06, unless otherwise reviewed and approved by the Planning Manager;
2. No increase in license capacity of 42 children during the permit period without the review and approval by the Planning Manager;
3. All pick-up, drop-off and parking for the child care facility shall occur on-site and off of the adjacent public street;
4. Any signage for the childcare center must be incorporated into the legal church signage and no off-site signage is allowed;
5. All necessary State and local licenses shall be properly obtained and maintained;

ITEM 5.2C continued

6. Food service facilities be approved by the Environmental Health Services Division; and
7. Renewal of this Temporary Conditional Use Permit may be processed by the Hearing Examiner, in accordance with Sections 2.14(a)(1) and 19.15(b) of the City Code.

Grady commented that her son was one of the first clients at this daycare.

No public testimony was received.

**Continued to April 3
Preliminary & Final
Plat of THE POINT
ITEM 5.2D1, 2**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to continue to the April 3, 2006, Regular meeting, the Preliminary & Final Plat of THE POINT located at 3800 & 3816 West Old Shakopee Road; 10549, 10601 & 10617 France Avenue; 10548, 10600 & 10608 Ewing Avenue, Case 10713A-06 for Regina Harris of the Bloomington Housing & Redevelopment Authority (HRA).

No public testimony was received.

**Accepted Feasibility
Report and Adopted
Resolution Ordering
Improvements on East
Bloomington Freeway,
Fremont Ave. & 80½
Street
ITEM 5.3A1
R-2006-33**

Motion was made by Grady, seconded by Peterson, and all voting aye, to accept the Feasibility Report for the improvements at East Bloomington Freeway, Fremont Avenue and 80½ Street and to adopt a resolution ordering those improvements. The area considered for improvement is at 80½ Street and the intersections of 80½ Street with East Bloomington Freeway & Fremont Avenue. The improvements consist of grading, base reconstruction, milling, bituminous surfacing, curb and gutter, storm sewer, and boulevard restoration.

This project will be funded through Fund 430 (Strategic Priorities monies). No special assessments of adjacent property owners are to be levied for this project.

Shelly Pederson, City Engineer stated that the stormwater issues in this area will be discussed at the Council's April 17 Regular meeting and that this approval is only related to the street improvements.

Julie Long, Engineer used plan sheets to detail the design of the planned street improvements for 80½ Street. She stated Council's direction was to construct a cul-de-sac at the end of East Bloomington Freeway with a median nose that would still allow a vehicle to proceed straight north or head east. A 6-inch curbed median is to be built down 80½ Street that will allow one-way traffic to the east on the south side of the median and two-way traffic on the north side of the median. She stated staff desires to meet with the affected parties in this neighborhood to get their input with regard to landscaping. It is staff's intention to bid this improvement along with the 2006-101 Pavement Management Program (PMP) job in order to get an economy of scale and better prices. This approval by Council is needed in order to include this job in the bidding process. There will be another opportunity for Council to review the design and make minor changes before the improvement is actually constructed. For clarification, it was explained that this project will not be constructed as a standalone project but will be just one area of the 2006 PMP Reconstruction Project. The cost for this segment is approximately \$200,000 for which there will be no assessment to the adjacent property owners. The money will come from Strategic Priorities.

Speaker #1: Fred Guyot, 8121 Fremont Avenue South

He stated he likes the plan but requested clarification on the proposed 6-inch berm.

Staff explained that the 6 inches refers to the height of the curbing and that further discussion will take place between staff and the neighbors regarding the curb and landscaping.

ITEM 5.3A1 continued

Speaker #2: Linda Fisher, Representing the Property Owner Bentley Forbes
She stated her client is very interested in participating in the final review of the plans for the landscaping and screening. She stated they like the two-way frontage road going north and that the details of the proposed cul-de-sac still need to be worked out. They look forward to the discussion relating to the stormwater issue at the April 17 Council meeting.

Speaker #3: Leo Fair, 8127 Fremont Avenue South
On behalf of the neighborhood, he thanked the City Council for taking action on this situation.

**Approved Plans & Specs for 2006-103 Street Reconfiguration Project
ITEM 5.3A2**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve the plans and specifications for the 2006-103 Street Reconfiguration Project for inclusion in the bidding schedule with the 2006-101 Pavement Management Program (PMP) Street Improvement Project. This project is for modifications to the 80½ Street and its intersections with East Bloomington Freeway and Fremont Avenue. The project includes grading, base reconstruction, milling, bituminous surfacing, curb and gutter, storm sewer and boulevard restoration.

Funding for this project will be from Fund 430 (Strategic Priorities). No special assessments of adjacent property owners will be levied for this project.

CLOSED PUBLIC COMMENT PERIOD

Mayor Winstead asked if anyone else wished to address the Council on any item not on tonight’s agenda. No one came forward so speak so the Public Comment Period was closed.

**Adopted Ordinance Rezoning 4300 & 4400 W. 78th Street and 4300 Marketpointe Drive
Case 3974A-06
ITEM 5.4A1
O-2006-10**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance rezoning the property from RO-50(PD), Residential Office (Planned Development) to CS-1(PD), Commercial Service (Planned Development) at 4300 & 4400 West 78th Street and 4300 Marketpointe Drive, Case 3974A-06 for Ryan Companies US, Inc.

Bob Hawbaker, Planning Manager provided the staff report explaining that this application is for the second phase of the Marketpointe site. He stated that the original plan included a residential tower on the most southerly portion of the site. The market, however, has not cooperated and that project has been cancelled. He stated this application moves forward the second office building and parking structure. He stated it is a fairly straightforward office development that is recommended for approval by staff and the Planning Commission.

No public testimony was received.

**Approved Revised Preliminary & Final Development Plan at 4300 & 4400 W. 78th St. & 4300 Marketpointe Drive
Case 3974BC-06
ITEM 5.4A2**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the Revised Preliminary Development Plan for an office development and a Final Development Plan for an office building and parking structure at 4300 & 4400 West 78th Street and 4300 Marketpointe Drive, Case 3974BC-06 for Ryan Companies US, Inc. subject to the following 11 conditions of approval and 14 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. A revised site development agreement, including all conditions of approval and those including conditions from previous cases, be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
2. Exterior building materials be approved by the Planning Manager;
3. Grading, drainage, stormwater management plan (including the treatment of Phase I construction), utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;
4. Access, circulation and parking plans be approved by the City Engineer;
5. Connection charges, as determined, be satisfied;
6. A SAC determination be calculated and satisfied;

And subject to the following additional conditions:

- ITEM 5.4A2 continued**
7. Alterations to utilities be at the developer's expense;
 8. Sidewalk be installed along Johnson Avenue, as approved by the City Engineer, at the developer's expense;
 9. Billboard sign located on 4300 West 78th Street property be removed by March 20, 2009;
 10. All pickup and drop-off occur on site and off of public streets;
 11. All loading and unloading occur on site and off of public streets;

And subject to the following Code requirements:

1. Three-foot high solid screening be provided along street frontages as approved by the Planning Manager (Sec. 19.52);
2. Landscape plan, including required landscaped yards along public streets, be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
3. Erosion control measures be in place and bond be filed;
4. All rooftop equipment be fully screened (Sec. 19.52.01);
5. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
6. All trash and recyclable materials be stored and screened inside the principal building. (Sec. 19.51);
7. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
8. 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);
9. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
10. 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);
11. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
12. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
13. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code; and
14. A uniform sign design be submitted for approval by the Planning Manager.

No public testimony was received.

**Approved Preliminary
& Adopted Resolution
Approving Final Plat
MARKETPOINTE
SECOND ADDITION
at 4300 & 4400 W. 78th
Street and 4300
Marketointe Drive
Case 3974C-06
ITEM 5.4A3
R-2006-34**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval for MARKETPOINTE SECOND ADDITION located at 4300 & 4400 West 78th Street and 4300 Marketpointe Drive, Case 3974C-06 for Ryan Companies US, Inc., which is being replatted for development acquisition. Final Plat approval is subject to completion of the following 6 conditions and 2 Code requirements as set forth by the Development Review Committee, receipt of the title, necessary documents and deposits and a review of all documents by the City Attorney:

1. Provide title opinion or title commitment.
2. Connection charges due prior to issuance of utility permits.
3. Provide standard drainage and utility easements 10 feet along street frontages and 5 feet along internal lot lines.
4. Furnish Grading, Drainage, Utility and Erosion Control plan, to be approved by the City Engineer prior to issuance of permits.
5. Temporary street signs, lighting, and addresses shall be provided during construction.
6. Surveyor to provide monumentation letter certifying that all monuments shall be place within one year of filing the plat, unless set before filing.

ITEM 5.4A3 continued Code Requirements:

1. The approved Final Plat shall be filed with Hennepin County (Section 16.05.01). A certified copy shall be provided to the Engineering Division prior to the issuance of building permits (Section 16.10).
2. All development setbacks shall be based on planned widened rights-of-way for the abutting public street(s) (Section 19.42).

No public testimony was received.

**Adopted Ordinance
Vacating Easements
4300 Marketpointe Dr.
ITEM 5.4A4
O-2006-11**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance vacating drainage and utility easements located at 4300 Marketpointe Drive for Ryan Companies US, Inc. for Bloomington Associates 2005 LLC. The vacation is requested to replat the property.

No public or private utilities are affected by this vacation.

No public testimony was received.

**Adopted Ordinance
Relating to the
Board of Review
ITEM 5.4B
O-2006-12**

Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to adopt an ordinance authorizing the City's Board of Review to make final determination with respect to property classifications and assessments. The Board of Review was established in 1994 and to date its findings have not been modified by the City Council.

It was stated that Council discussed this amendment at their January 30, 2006, study meeting.

Jack Paternacki, City Assessor reviewed the proposed amendment, which would change the City's Board of Review to having final authority on decision making with regard to property classifications and assessments. He explained how a Bloomington resident could appeal his assessment and stated that Council has the authority to review this process annually to determine if it should continue or be amended.

No public testimony was received.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:02 p.m.

Barbara Clawson
Council Secretary