

**Regular Meeting #10**  
**Monday, April 3, 2006, 7:00 p.m.**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

**Call to Order and  
Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:01 p.m. and Brownie Troop #714 presented the colors indicating they were 3<sup>rd</sup> graders from Normandale Hills Elementary, Valley View Elementary, Oak Grove Elementary and home schooled.

**Roll Call**

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

**PROCLAMATION –  
Child Abuse  
Prevention Month**

Mayor Winstead read and presented a proclamation declaring April as National Child Abuse Prevention Month to Barton Erickson, Cornerstone, a local agency serving children who have been victimized by domestic violence.

**PROCLAMATION –  
Youth Service Days**

Mayor Winstead read and presented a proclamation declaring April as Youth Service Days in Bloomington to Katie Gunderson, Srey Ung, and others from the Bloomington Youth Coffeehouse Initiative. An award in which Minnesota recognized Bloomington as the Best Community for Young People was presented to Mayor Winstead who explained that the award was actually given to Bloomington at a presentation at the Governor's mansion earlier in the year. He mentioned the volunteer breakfast that will be held on April 29.

**Adopted Resolution  
Approving Variances  
at 7101 W. 78<sup>th</sup> Street  
Case 9645ABC-06  
ITEM 3.1  
R-2006-36**

Motion was made by Grady, seconded by Axtell, and all voting aye, to adopt a resolution approving variances to: A) Allow a second sign; B) Increase total site sign area from 64 square feet to 101 square feet for two signs; and C) Allow sign location not on a street frontage at 7101 West 78<sup>th</sup> Street, Case 9645ABC-06, for FMC Partners, LLC (Frauenshuh Companies) subject to the following 5 conditions of approval as set forth by the Planning Division Staff:

1. The allowed business sign shall be the existing ground sign along the West 78<sup>th</sup> Street frontage and the second sign shall be the wall sign as shown on plans in Case 9645ABC-06;
2. The wall sign will be of the materials and design and not exceed the dimensions and sign area as shown on the plans in Case 9645ABC-06;
3. The wall sign, the second sign, shall be placed on the rear wall of the building as shown on plans in Case 9645ABC-06;
4. Total site sign area will not exceed 101 square feet of sign area for the two signs. This figure would include any changes to the permitted sign on the street frontage, whether freestanding or wall sign; and
5. Upon change of ownership or building tenant in the future, the approved second sign, the wall sign, may be replaced at the same location by a wall sign of Code complying material, construction, illumination, and has an equal or lesser sign area upon review and approval by the Planning Manager.

**Approved Ministerial  
Adjustment to  
Hennepin County  
Agreement  
ITEM 3.2**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve the Ministerial Adjustment to the Alliance Home Visiting Project Agreement with Hennepin County designed to support healthy birth outcomes, positive parenting practices and parent-child relationships, parents' ability to respond to the health needs of their children and self-sufficiency for new mothers and their families. Hennepin County has set the payment for 2006 at \$30,000 through the ministerial adjustment that is enclosed with the agenda materials.

These dollars are included in the Public Health's 2006 Budget.

**Renewed Hennepin County Agreement for CTC Program  
ITEM 3.3**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve the renewal agreement with Hennepin County for the Child and Teen Checkups (CTC) Program for the period January 1, 2006 through December 31, 2008. The City will receive up to \$3,000 for services provided during calendar year 2006.

These funds are included in the Public Health’s Budget. The reimbursement level for calendar years 2007 and 2008 has not yet been determined.

**Approved Local Collaborative Time Study (LCTS) Subcontractor Agreement  
ITEM 3.4**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve the Local Collaborative Time Study (LCTS) Subcontractor Agreement with Hennepin County, which enables Public Health to participate in the Local Collaborative Time Study and act cooperatively with Hennepin County and others to enhance federal funding to local children’s mental health collaboratives and/or family service collaboratives. The Hennepin South Services Collaborative now serves as the fiscal host for the LCTS funds that are generated by Public Health.

The agreement is for the period January 1, 2006 through December 31, 2013. Approval of the agreement does not require a budget adjustment.

**Adopted Resolution Approving a Variance at 2015 W. 105<sup>th</sup> Street Case 10727A-06  
ITEM 3.5  
R-2006-37**

Motion was made by Grady, seconded by Axtell, and all voting aye, to adopt a resolution approving a variance to reduce the required front yard setback from 30 feet to 28 feet for a front porch addition to a single-family residence at 2015 West 105<sup>th</sup> Street, Case 10727A-06, for Chad and Briana Hendrickson subject to the following 2 conditions of approval as set forth by the Planning Division Staff:

1. The variance will apply only to the front porch shown on the plans in Case 10727A-06; and
2. Exterior finish and materials will be as shown on plans in Case 10727A-06.

**Approved Safe & Sober Grant  
ITEM 3.6**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve a Department of Public Safety Safe and Sober Grant in the amount of \$5,000.00 to provide additional enforcement focusing on seat belt and child seat use between the dates of May 22 and June 4, 2006.

The following budgets were approved in conjunction with the above grant:

Account 101-4209-334.46-33 State Grant – Other Revenue	\$ 5,000.00
Account 101-4209-421.60-02 Officer Overtime	

**Approved NightCap Grant  
ITEM 3.7**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve a State of Minnesota NightCap Grant in the amount of \$2,400.00 for coordination of alcohol saturations with the State’s district authorized representative for saturation events on December 2 & 16, February 25, March 17, April 22, and May 19, 2006, providing up to 48 hours of enforcement.

The following budget adjustments were approved in conjunction with the above grant:

Account 101-4209-334.46-33	State Grant – Other Revenue
Account 101-4209-421.60-02	Officer Overtime

**Approved Metropolitan Livable Communities Act Grant Agreement  
ITEM 3.9**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve the Metropolitan Livable Communities Act Grant Agreement in which the Metropolitan Council awarded the City a \$2.2 million grant to assist with the construction of the central park at Bloomington Central Station.

**Approved Agreement with SRF Consulting Group, Inc.  
ITEM 3.10**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve an agreement with SRF Consulting Group, Inc. to prepare the conceptual and preliminary design for an Intelligent Transportation System (ITS) for the Airport South area and authorized the Mayor and City Manager to sign the agreement to move the study forward.

- ITEM 3.10 continued** The system could include freeway dynamic message signs, arterial dynamic message signs for the area, closed circuit surveillance cameras on arterials in the area, as well as traveler information displays in skyway exit points from area businesses to parking ramps and/or surface lots.
- Adopted Resolution Authorizing Transfer from Airport South Fund to BCS Phase I ITEM 3.11 R-2006-39** Motion was made by Grady, seconded by Axtell, and all voting aye, to adopt a resolution authorizing a transfer of \$3,263,811 from the Airport South Fund 435 to the Bloomington Central Station Phase I Fund 460. The funds will be loaned to the Bloomington Central Station Phase I Fund for construction and engineering costs associated with Bid Package II for infrastructure improvements to Bloomington Central Station. This loan will be repaid with bond proceeds from bonds issued in 2008. There will be a special assessment on these improvements in 2008 for payment of principal and interest on these bonds.
- As required by State Statute, a four percent interest rate will be associated with these loans.
- Approved Two Additional Bocce Ball Courts at Valley View Playfield ITEM 3.13** Motion was made by Grady, seconded by Axtell, and all voting aye, to approve the construction of two additional bocce ball courts to be installed at Valley View Playfield as a result of a petition submitted to the City signed by 48 residents. The courts to be constructed adjacent to the existing four courts on the south side of the Bloomington Family Aquatic Center.
- The project is projected to cost \$4,100 and the money is budgeted in the Parks & Recreation CIP Fund. The construction will be performed by the Minnesota Tree Trust.
- Awarded a Contract to Swanston Equipment Companies, Inc. ITEM 3.16** Motion was made by Grady, seconded by Axtell, and all voting aye, to award a contract to Swanston Equipment Companies, Inc. for the purchase of a new Etnyre 4-WD 10'/20' variable hopper chip spreader to include the offered trade-in allowance for a total expenditure of \$180,180.00 plus applicable Minnesota State sales tax. The equipment will replace City Unit #5 and will be used by the City's Street Maintenance Division.
- Funds for the purchase of this equipment are available in the 2006 Equipment Replacement Budget, Activity 617-0628-499.70-42.
- Approved Purchase of Equipment from Aspen Equipment Co. ITEM 3.17** Motion was made by Grady, seconded by Axtell, and all voting aye, to approve the purchase of a Henderson 1096 SA 10-foot elliptical 304 stainless steel dump body with hoist and plows in the amount of \$80,564.77 and a Henderson 14.5-foot elliptical 304 stainless steel dump body with hoist and plows in the amount of \$81,114.37 from Aspen Equipment Company under State of Minnesota Contract #434928 for a total expenditure of \$161,679.14 plus applicable 6.5% Minnesota State sales tax.
- 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.
- Awarded a Contract to Breiwick Companies, Inc. ITEM 3.18** Motion was made by Grady, seconded by Axtell, and all voting aye, to award a contract for public stump removal and root grinding during 2006 to Breiwick Companies, Inc. for the unit prices bid for each district.
- Funding for this contract is available in the 2006 Park Maintenance Budget, Activity 7731.
- Approved Minutes ITEM 3.19** As part of the Consent Agenda, a motion was made by Grady and seconded by Axtell, to approve the December 5, 2005, Truth In Taxation Public Hearing (Axtell, Nordstrom & Wilcox abstaining) and the December 19, 2005, Special Study Meeting minutes (Axtell & Nordstrom abstaining) as presented.

**Adopted Resolution  
Initiating Rezoning of  
Commercial Areas  
ITEM 3.8  
R-2006-38**

Motion was made by Elkins, seconded by Grady, and all voting aye, to adopt a resolution formally initiating the process of rezoning three commercial areas in conjunction with the adoption of new commercial zoning districts. The proposed rezonings will impact only base zoning districts, all existing overlay zoning districts will remain in place.

Elkins inquired if Council would want to reconsider including France & Old Shakopee Road in this rezoning given the eminent domain bill that is working its way through the State Legislature that would have a March 1, 2006, retroactive date.

Dave Ornstein, City Attorney stated there appears to be some difference between the House and Senate regarding the effective date of that legislation and that it would be highly unusual to have a bill take effect retroactively. He stated it is more likely to take effect on the day of adoption or August 1.

**Awarded a Contract to  
Bituminous  
Roadways, Inc.  
ITEM 3.12**

Motion was made by Elkins, seconded by Grady, and all voting aye, to award a contract to Bituminous Roadways, Inc. for \$2,870,357.80 for the 2006-102 Pavement Management Program (PMP) Street Maintenance (Overlay) Project for the following streets.

The improvements will be funded in accordance with the approved PMP policy and budgeted utility maintenance funds.

<u>Road Name</u>	<u>From</u>	<u>To</u>
Bloomington Ferry Rd.	Veness Rd.	W. 96 <sup>th</sup> St.
Virginia Rd.	W. Bush Lake Rd.	W. 84 <sup>th</sup> St.
Virginia Cir.	Virginia Rd. @ 84½ St.	Terminus West
Virginia Cir.	Virginia Rd. @ 85 <sup>th</sup> St.	Terminus West
W. 84 <sup>th</sup> St.	Terminus	W. Bush Lake Rd.
W. 84 <sup>th</sup> St. Cir.	W. 84 <sup>th</sup> St. @ Texas	Terminus West
W. 84 <sup>th</sup> St. Cir.	W. 84 <sup>th</sup> St. @ Utah	Terminus North
W. 85 <sup>th</sup> St.	W. 85 <sup>th</sup> St. Cir.	W. 85 <sup>th</sup> St. Cir.
W. 85 <sup>th</sup> St. Cir.	W. 85 <sup>th</sup> St.	Terminus (SW)
W. 85 <sup>th</sup> St. Cir.	W. 85 <sup>th</sup> St. @ Utah	Terminus North
Utah Ave. S.	W. 100 <sup>th</sup> St.	W. 102 <sup>nd</sup> St.
Utah Cir. (Northerly)	Utah Ave. S.	West Terminus
Utah Cir. (Southerly)	Utah Ave. S.	West Terminus
W. 102 <sup>nd</sup> St.	Yukon Ave. S.	Terminus West
W. 102 <sup>nd</sup> St.	Bush Lake Rd.	Bloomington Ferry Rd.
W. 101 <sup>st</sup> St.	Bush Lake Rd.	Yukon Ave. S.
Yukon Ave. S.	Zinran Rd.	Bloomington Ferry Rd.
Zinran Rd.	Yukon Ave.	W. 102 <sup>nd</sup> St.
W. 91 <sup>st</sup> St.	Utica Ave.	Poplar Bridge Rd.
Toledo Rd.	Normandale Blvd.	W. 91 <sup>st</sup> St.
W. 92 <sup>nd</sup> St.	Utica Ave.	Poplar Bridge Rd.
Utica Ave.	W. 91 <sup>st</sup> St.	W. 92 <sup>nd</sup> St.
W. 92 <sup>nd</sup> St. Cir.	W. 92 <sup>nd</sup> St.	Terminus East
W. 98 <sup>th</sup> St.	Logan Ave.	Humboldt Ave.
France Ave.	A pt. south of W. Old Shakopee Rd.	W. 109 <sup>th</sup> St.
Drew Ave.	W. 110 <sup>th</sup> St.	W. 112 <sup>th</sup> St.
Ewing Ave.	W. 110 <sup>th</sup> St.	W. 114 <sup>th</sup> St.
W. 112 <sup>th</sup> St.	France Ave.	Drew Ave.
W. 114 <sup>th</sup> St.	France Ave.	Ewing Ave.
Ewing Cir. @ 113 <sup>th</sup> St.	Ewing Ave.	Terminus
Ewing Cir. @ 113½ St.	Ewing Ave.	Terminus
W. 107 <sup>th</sup> St.	Hopkins Rd.	Nicollet Ave.
E. 107 <sup>th</sup> St. Cir.	Nicollet Ave.	East Terminus

**ITEM 3.12 continued**

<u>Road Name</u>	<u>From</u>	<u>To</u>
Spring Valley Dr.	W. 107 <sup>th</sup> St.	Wentworth Ave.
Spring Valley Cir.	Spring Valley Dr.	North Terminus
Wentworth Ave.	W. 107 <sup>th</sup> St.	Spring Valley Dr.
Spring Valley Cir.	Wentworth Ave.	Southeast Terminus
W. 102 <sup>nd</sup> St.	Portland Ave.	10 <sup>th</sup> Ave.
Oakland Rd.	W. 102 <sup>nd</sup> St.	Park Ave.
Park Ave.	Park Cir.	E. 102 <sup>nd</sup> St.
Columbus Ave.	E. 100 <sup>th</sup> St.	E. 102 <sup>nd</sup> St.
13 <sup>th</sup> Ave.	E. 98 <sup>th</sup> St.	E. 100 <sup>th</sup> St.
E. 100 <sup>th</sup> St.	13 <sup>th</sup> Ave.	E. 99 <sup>th</sup> St.
E. 99 <sup>th</sup> St.	13 <sup>th</sup> Ave.	E. 100 <sup>th</sup> St.
Old Shakopee Rd.	A point 525 ft. east of 24 <sup>th</sup> Ave.	30 <sup>th</sup> Ave.
34 <sup>th</sup> Ave.	A pt. 850 ft. so. of American Blvd.	A pt. 150 ft. no. of American Blvd.
American Blvd.	34 <sup>th</sup> Ave.	East Terminus

Elkins held this item to inquire if any thought had been given to consider allowing on-street parking in the vicinity of France Avenue south of Old Shakopee Road at the time the southern two quadrants are redeveloped.

Mark Bernhardson, City Manager replied that staff would review that possibility and report back to Council.

**Awarded a Contract to Martin Marietta Aggregates  
ITEM 3.14**

Motion was made by Peterson, seconded by Grady, and all voting aye, to award a contract to Martin Marietta Aggregates to furnish and deliver fine seal coat aggregate during 2006 for the contract price of \$24.12 per ton for FA-2 aggregate and \$24.02 per ton for FA-3 Modified aggregate.

**Awarded a Contract to Marathon Ashland Petroleum  
ITEM 3.15**

Motion was made by Peterson, seconded by Grady, and all voting aye, to award a one-year contract to Marathon Ashland Petroleum for the purchase of CRS-2 bituminous material delivered to the City of Bloomington and the City of Minneapolis for \$0.9319 per gallon plus applicable Minnesota State sales tax.

Peterson inquired why this bid was awarded to a Wisconsin contractor.

Bernhardson replied that this was bid jointly with the City of Minneapolis and that staff would ask the question of Minneapolis and report back to Council.

**OPENED PUBLIC COMMENT PERIOD**

Speaker #1: Bev Adrian, Former President of Shady Lane Mobile Home Park Association  
She stated they held a rally to recognize the former tenants of Shady Lane Park. She stated the residents had hoped for support from the City Council in order to save the Park but instead were met with sympathy and arrogance. She stated, "Bloomington has dismissed some of the poorest people of color in this city and that what you're considering is also unacceptable. We need affordable housing in this city for the residents that work at the Mall in low income jobs that can't afford housing in Bloomington."

**PUBLIC COMMENT  
PERIOD continued**

Speaker #2: Victoria Dalbec

She stated it was hard to get her grandmother moved out of the Park. She stated it's not acceptable to rip away people's lives like the City did in this situation and hopes it never happens again in Bloomington. She also commented on a situation in which her father was told Animal Control would be out to check on a dead dog he had come upon while walking down by the river bottoms one Saturday a couple of weeks ago. When no one showed, Victoria said she called Police and was told Animal Control had no one available on the weekend so it would have to sit there. She stated she and her father loaded the big dog into his truck and took it to Bloomington Veterinary Hospital. She said it was a good thing they picked up the dog as it snowed a lot the next day and the dog would have been buried in the snow on the sidewalk and probably plowed. She stated the City needs to do something about Animal Control to ensure someone is on call on the weekend.

Winstead stated staff would look into the incident.

**Adopted Resolution  
Approving Conditional  
Use Permit at 1000  
American Boulevard W  
Enterprise Rent-A-Car  
Case 10703A-06  
ITEM 5.2A  
R-2006-40**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving a Conditional Use Permit for a rental car facility at 1000 American Boulevard West, Case 10703A-06, for Enterprise Rent-A-Car subject to the following 5 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. A maximum of 11 rental automobiles may be located on the site at one time;
2. Rental vehicle parking and storage, employee parking, and visitor/customer parking shall be conducted in an orderly manner consistent with the approved parking plan showing the designated spaces;
3. All operational requirements contained in Section 19.63.07(d) shall be met at all times;
4. All inventory loading and unloading shall occur on-site and off of adjacent public streets; and
5. No on-street parking shall be allowed.

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

**Approved Preliminary  
Plat of GREEN BRIAR  
4<sup>TH</sup> ADDITION at 9327  
Briar Lane  
Case 10724A-06  
ITEM 5.2B1**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve a two-lot, one block Preliminary Plat of GREEN BRIAR 4<sup>TH</sup> ADDITION at 9327 Briar Lane, Case 10724A-06, for Linnise Development Corporation subject to the following 20 conditions of approval and 3 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. The final plat be approved by the City and filed with Hennepin County;
2. After acceptance by the Department of Public Works and prior to signing by the Mayor and City Manager, the final plat, all easement documents, and all other documents required as part of the subdivision be reviewed by the Planning Manager and City Attorney to assure compliance with conditions of approval adopted by the City Council.

And subject to the following conditions:

3. Right-of-way to 65 feet from centerline shall be dedicated along Normandale Boulevard in accordance with the plans for the rebuild of Normandale Boulevard north of West 94<sup>th</sup> Street;
4. Lot 1 shall have a lot width of no less than 80 feet at the established and prevailing setback of 51 feet along Briar Lane;
5. Lot 2 shall have a lot width of no less than 71 feet at the established and prevailing setback of 51 feet along Briar Lane and a lot width of no less than 80 feet at a front setback line of 30 feet from the new property line on Normandale Boulevard;
6. Standard 10-foot and five-foot drainage and utility easements shall be provided along the both frontages and the interior lot lines of each lot;
7. The existing 10-foot non-access easement along Normandale Boulevard shall be re-established at 65 to 75 feet from centerline on each lot;
8. A concurrent 10-foot wide sidewalk/bikeway easement be provided along both frontages of both lots;
9. A 20-foot wide drainage easement be provided over existing 36-inch storm sewer on both lots;

**ITEM 5.2B1 continued**

- 10. Scenic easements be provided over those portions of proposed Lots 1 and 2 lying east of the west delineation line of the wetland to Normandale Boulevard;
- 11. The wetlands delineation be completed for the full wetland area within the property, be approved by the City Engineer, and the full wetland be shown on the final plat;
- 12. Surveyor shall provide monumentation letter certifying that all monuments shall be placed within one year of filing the plat, unless the monuments are set before filing;
- 13. Connection charges be determined and satisfied;
- 14. SAC be determined and satisfied;
- 15. Grading, drainage and utility plans be as approved by the City Engineer;
- 16. Erosion control plan, to include stabilization plan for slope area west of the wetland on both lots be as approved by the City Engineer;
- 17. Erosion control surety shall be provided to the Building and Inspections Manager.
- 18. Alterations to utilities shall be at the developer’s expense;
- 19. Approved and installed erosion control barriers shall be maintained throughout the construction period and not removed until authorized by the City Engineer;
- 20. Grading plans shall be reviewed and approved by the Nine Mile Creek Watershed District;

And subject to the following Code requirements:

- 1. Park dedication be in cash for one lot;
- 2. Unused water services shall be properly abandoned (Sec. 11.15)
- 3. The approved Final Plat shall be filed with Hennepin County, a certified copy provided to the Engineering Department.

Bob Hawbaker, Planning Manager provided the staff report explaining that this application is unusual in that the minimum lot width of a residential lot in Bloomington is 80 feet measured at the building setback line. In this application, there are two front yards on Normandale Boulevard and on Briar Lane but there is a non-access easement on Normandale Boulevard so there can’t be any driveway access to that street. There is a delineated wetland in the middle of the site so there can’t be any access across that to the small buildable area. Therefore, while the southerly lot only has a width of 71 feet, it does meet the ordinance requirements in a technical sense and both lots are buildable. Both houses will be on the west side of the lot facing Briar Lane. It was recommended for approval by the Planning Commission and Planning Division staff.

Grady inquired about the language of the scenic easement.

Hawbaker explained that the scenic easement would be over all of the wetland and over the portion of the lot outside the wetland on the east side and that it can’t be accessed due to the non-access easement and the wetland.

Speaker #1: Budd Batterson, Linnise Development

He stated he has been working with staff on the language for the scenic easement and they are very close to an agreement. He approved Condition #10 as written.

**Adopted Resolution  
Granting Final Plat  
Approval of GREEN  
BRIAR 4<sup>TH</sup> ADDITION  
9327 Briar Lane  
Case 10724A-06  
ITEM 5.2B2  
R-2006-41**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution granting Final Plat approval for GREEN BRIAR 4<sup>TH</sup> ADDITION located at 9327 Briar Lane, Case 10724A-06, for Budd Batterson, Linnise Development Corporation for the purpose of subdividing one lot into two single-family lots subject to completion of the following 13 conditions and 2 Code requirements as set forth by Public Works staff, receipt of the title opinion, necessary documents, and deposits; and a review of all documents by the City Attorney:

- 1. Title opinion or title commitment shall be provided.
- 2. Connection charges are due prior to the issuance of utility permits.
- 3. Standard drainage and utility easements shall be provided 10 feet along street frontages and 5 feet along internal lot lines.
- 4. Right-of-way shall be dedicated 65 feet from the centerline of Normandale Boulevard for future rebuild of Normandale Boulevard from Nine Mile Creek to Poplar Bridge Road (Federally funded project).

**ITEM 5.2B2 continued**

5. 20-foot drainage easement centered on existing 36” storm sewer pipe shall be provided.
6. 10-foot sidewalk/bikeway easement along all street frontages shall be provided.
7. 10-foot non-access planting easement shall be provided along Normandale Boulevard.
8. A scenic easement shall be provided from the western edge of wetland boundary to eastern property boundary as approved by the Planning Manager.
9. The entire wetland boundary shall be delineated and shown on the preliminary and final plat and a wetland report shall be submitted. The Local Governing Unit (City of Bloomington) must approve the wetland delineation. Wetland delineation will not be considered until after the beginning of the growing season and the ability to check hydrology and plant identification. The final plat will not be released for filing with Hennepin County until wetland delineation is accurately shown on both preliminary and final plat and approved by the LGU.
10. Grading, drainage, utility and erosion control plans shall be approved by the City Engineer prior to issuance of permits.
11. Temporary street signs, lighting, and addresses shall be provided during construction.
12. Surveyor shall provide monumentation letter certifying that all monuments shall be placed within one year of filing the plat, unless set before filing.
13. Sewer Availability Charge (SAC) be satisfied.

And subject to the following 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).

**Continued to April 17 Preliminary & Final Plat of POST PENLAND ADDITION 11068 Glen Wilding Ln Case 10696A-06 ITEM 5.2C**

Motion was made by Grady, seconded by Peterson, and all voting aye, to continue to the April 17, 2006, Regular Council meeting, Preliminary & Final Plat approval for POST PENLAND ADDITION located at 11068 Glen Wilding Lane, Case 10696A-06 for Gary Post.

No public testimony was received.

**Continued to April 17 Preliminary & Final Plat of THE POINT on West Old Shakopee Road, France Avenue & Ewing Avenue Case 10713A-06 ITEM 5.2D1, 2**

Motion was made by Peterson, seconded by Grady, and all voting aye, to continue to the April 17, 2006, Regular Council meeting, the Preliminary & Final Plat of THE POINT located at 3800 & 3816 West Old Shakopee Road; 10549, 10601 & 10617 France Avenue; and 10548, 10600 & 10608 Ewing Avenue, Case 10713A-06 and the vacation of street, drainage, utility, sidewalk, bikeway, and emergency access easements at the same addresses for Regina Harris of the Bloomington Housing & Redevelopment Authority (HRA).

No public testimony was received.

**Closed Public Hearing on Portland Commons Applications ITEM 5.4A1,2,3**

After taking public testimony, a motion was made by Peterson, seconded by Grady, and all voting aye, to close the public hearing on the applications by Portland Commons, LLC to amend the Comprehensive Land Use Plan, rezone from R-4, Multiple Family Residential to RM-50 (PD), Multiple Family Residential (Planned Development), and the Preliminary & Final Development Plan at 8735 Portland Avenue South, Case 4432ABCD-06.

City Attorney Ornstein explained the three applications and actions requested of Council. He explained that after the applications were heard at the Planning Commission, a recommendation was made relating to the Comp Plan amendment but no action was taken on the rezoning to a Planned Development, which is related to the Preliminary & Final Development Plan.

**ITEM 5.A1,2,3  
continued**

Ornstein explained that for a zoning amendment, it needs to be referred back to the Planning Commission for a recommendation and that if the Planning Commission again makes no recommendation, the City Council would be precluded from acting on that application until 60 days have elapsed from the time it was referred to the Planning Commission, which would be the first week of May at the earliest. He advised the City Council to conduct the public hearing on the application to amend the Comprehensive Plan, take public testimony, act upon the Comp Plan Amendment, but refer the request for Planned Development rezoning and the Development Plan application back to the Planning Commission, which could be heard by them on April 6 for continuance at the April 17 City Council meeting. Or, the Council could table all three applications and refer them back to the Planning Commission or take no action and continue it to May 1.

Londell Pease, Planner presented the staff report highlighting the changes that were made incorporating the input taken at the Planning Commission meeting and recommendations made by the Planning Commissioners. His review of the changes to the plan included:

- Position of northerly buildings was flipped to lessen the impact to the adjacent single-family homes, resulting in 120 feet between the single-family homes and the larger massing of the four-story buildings.
- The ends of the buildings were changed to three-stories to graduate the height limit up to four stories.
- Plan still retains at 216 units as originally proposed.
- Underground parking results in excess of one parking space per unit.
- The only traffic on 88<sup>th</sup> Street and on Park Avenue would be the vehicles accessing the auxiliary parking spaces.
- Stormwater ponding to be completed by acquiring the corridor of land from 86<sup>th</sup> to 88<sup>th</sup> Street owned by Xcel. As part of that, the applicant to provide the City with a minimum 20-foot easement to be used for non-motorized vehicle traffic. It is staff's goal to have an extended non-motorized vehicle way along that corridor. Staff looked at putting a connection through to Park Avenue but that was met with opposition from the residents on Park Avenue. As staff questioned what would happen to Oakland Avenue if Park Avenue were to be extended, discussions were held between City staff, the developer, Public Works, and the neighbors and it was determined that the two streets could be connected in a U-shape pattern to create a self-contained quiet neighborhood, which would keep the traffic to this development on Portland Avenue, a major arterial.
- Landscape plan was reviewed.
- Average Daily Trips (ADT) generation from the 216 units in this development is calculated to be 546.
- Site is currently designated medium-density residential or 5-10 units per acre, which does allow for multi-story buildings. As a mobile home park, there were 12 units per acre, which exceeded the Comp Plan, but was zoned R-4, multi-family residential with performance standards significantly different from the RM-50 (PD) proposed in this application.

**Short Recess**

<A short power outage necessitated continuation of the meeting utilizing a back-up generator.>

Winstead inquired as to the alternative options available for this property if this application is not approved.

Pease stated that if no other plan came forth, it would most likely be maintained as a mobile home park until some other development application was submitted. Even though the Park was officially closed on April 1, the Conditional Use Permit (CUP) that grants this park operation is still in effect. The Park would have to be closed for one year before for the CUP is no longer valid. If the site were to continue as a park, the City would continue to enforce what it could legally. Infrastructure issues exist but the State of Minnesota has full authority for regulatory action within the Park. The City can only deal with the external setbacks.

Relating to landscaping, Grady inquired how the proposed development will affect the existing vegetation nearest the four homes to the north and what it will look like from their perspectives.

**ITEM 5.4A1,2,3  
Continued**

Pease explained that the existing vegetation is mostly scrub trees and that none of it would be preserved. He described some landscaping/screening options that would be discussed in more detail during the Final Development phase.

Peterson inquired if the property owner would have to pay relocation costs again if the property were to revert back to another mobile home park.

Pease replied that if the site were used as a mobile home park again, the trailers would be owned by the landowner and rented to the residents, thereby eliminating the need for relocation costs.

Wilcox inquired if the size of the holding pond could be increased to help alleviate the flooding issues in the neighborhood.

Pease replied that everything from 86<sup>th</sup> Street flows down Portland Avenue to in front of Olsen's house at 8641 Portland Avenue. Everything from Oakland flows down and hits the catch basin there. The entire neighborhood drains to the catch basin in between. The only way to deal with this is for the applicant to dig up Oakland and put in a catch basin to catch more water. He indicated on a site map where the applicant intends to locate additional storm drains. He stated the source of the problem is north of the development, not south of it. He stated the need is for more pipe capacity along the backyards and up on along Oakland Avenue, which is more than what staff believes it can request of the applicant.

Bernhardson stated that Engineering would look at what options are available to the City to address the problem that could tie into the holding pond and will report back to Council.

Elkins inquired how the four-story portion of this development compares in height with the four-story condos at Lyndale Green.

Pease replied that Applewood Pointe has a setback of 31 feet from the north property line adjacent to homes and is 42 feet high. This building would be 30 feet tall with a 50-foot setback and there would be 115 and 125-foot setbacks for buildings that are 44 feet in height. He stated that with the revised plan the buildings would be 32 feet with a 50-foot setback.

Speaker #1: Niles Schulz, Portland Commons, LLC

He stated they are currently under contract to purchase the two parcels – the Shady Lane Mobile Home Park and the Xcel property. The two parcels would be combined for ponding and stated there would be extensive landscaping to the area north of the pond. They plan to build four separate buildings for a total of 216 “For Sale” condominium units that are price sensitive to the immediate neighborhood and the greater east Bloomington homebuyer. They are striving to be design conscientious for the visual and aesthetic impact on the neighborhood. He stated they have done a number of in-fill developments in the Metro Area and have worked with City staff and their consultant to substantiate what they believe is a need for this kind of housing in east Bloomington. They contracted with Maxfield Research, Inc. to do a market assessment for multi-family housing and their findings were summarized as follows:

- East Bloomington is a slower growth market area compared to the rest of the Twin Cities area.
- Analysis estimates there is a need for 724 “For Sale” condominium units in the market area through the 2010.
- The project, built in phases, is projected to capture 30% of those 724 market units.
- According to realtors in the area, buyers are looking for more affordable, maintenance-free housing options and are intimidated by some of the higher-priced condominium projects in the area.
- Site's location on Portland Avenue may attract a higher proportion of price sensitive buyers.

**ITEM 5.4A1,2,3  
continued**

Schulz stated they expect to be in the price range of the houses currently in the surrounding neighborhood. They held a neighborhood meeting on January 17 showing the original plan before the buildings were flipped and believe the general reception of those attending was positive. There were minimal concerns expressed at that meeting and so the plan wasn't changed until after the Planning Commission meeting. The Planning Commission reviewed the four buildings with the two northerly buildings with the massing of the buildings closer to the residential area. After the discussions at the Planning Commission meeting, Schulz said they flipped the buildings and it worked for them to drop the wings that extend northward to three stories. He stated he spoke with as many of the neighbors directly abutting the property as he was able to reach and all of them expressed their support for this development as proposed, but hadn't seen the revised plan until tonight. If given permission by Council, they intend to close on the property and get into the full effort of constructing the buildings. He stated time is important due to the constraints of Minnesota weather. He thanked the neighbors who gave their input and stressed his desire to be sensitive to their needs. He believes this project is a valuable and needed amenity for Bloomington.

For comparison, Pease provided Council with the following densities of some similar developments in Bloomington: The Gables (35 units/acre), Real Life on 94<sup>th</sup> & Lyndale (24 units/acre), Real Life on 102<sup>nd</sup> Street (13.6 units/acre), and Real Life at 87<sup>th</sup> & Nicollet (17.6 units/acre) and with the Xcel Energy property, this development will be just under 22 units/acre.

Speaker #2: Paul Olsen, 8641 Portland Avenue South

He is a 39-year resident at this address. He stated although he wasn't able to attend the entire meeting the developer had with the adjacent neighborhood, he did attend part of it and stated the only item the developer and the City were interested in was related to the screening. He stated they used the condos at the corner of Portland Avenue and Old Shakopee Road as an example of similar landscaping and berming. He stated that development is 130 units built on 12.4 acres with four exits. This proposal is for 216 units on 5.9 acres with only two exists and a third exit would only handle 75 cars on the back lot, as all the underground parking and all the parking on Portland Avenue has to exit onto Portland Avenue. He showed photos of what the proposed development will look like from his backyard using 84<sup>th</sup> & Lyndale as an example. He stated it will be very high. He stated drainage in the area has always been a problem; the park in the area holds a lot of water and four houses flood regularly. He showed a photo of the drainage area. He believes having all the traffic from those four buildings dump onto Portland Avenue will adversely affect the houses on the northeast side of this development. He stated he would rather see Park Avenue go through the development and with half the houses compared to those on Portland, only half as many homes would be affected. He stated 86<sup>th</sup> Street and 90<sup>th</sup> Street are both designed to handle the traffic with four lanes each. He stated it's wrong to include the Xcel parcel in the mix. He stated the proposal is for high density and it's not only that the applicant is changing the land usage, but every rule that goes along with it. He stated two years ago he wanted to build a shop in his backyard and wanted attic space above. He stated he got his paperwork filled out and got permission from his neighbors but when he went to the City to apply for his variance was told "no way could he have one foot." He stated rules should be there for everybody or nobody. He stated it's not right to change every rule in the book just so someone can build a development and make a nice profit.

Speaker #2: Carol Cieszinski, 7421 Lyndale Avenue South, #8, Richfield

She stated she lives in Woodlawn Trailer Park where she owns her trailer. She stated she's learned a lot from tonight's meeting and inquired if the new development will have enough fire hydrants.

Winstead reassured Cieszinski that the City's Engineering Division will ensure that it does.

**ITEM 5.4A1,2,3  
continued**

Speaker #3: JoAnn Florek, 8734 Portland Avenue

She stated she supports the development but not the added traffic on Portland Avenue. She is concerned for the children that need to cross Portland Avenue at 88<sup>th</sup> Street, for those crossing to Valley View School and the Middle School. She stated opening up Park Avenue would take a lot of the congestion off of Portland Avenue, which would help the Library and the children.

Speaker #4: Andrew Salitros, 8700 Park Avenue

He thinks four stories is too high, as it will cut down on the amount of sunlight coming through his place. He stated the trailer park had more scenery than what this development will have. He doesn't want to see all of the heavy traffic on Portland Avenue and suggested it get split up some different ways.

At Bernhardson's request, Pease stated that studies regarding shadow casting could be provided to Council at such time the Final Development Plans are considered.

Speaker #5: Victoria Dalbec, 8735 Portland Avenue South

She stated her main concern is regarding traffic but requested Council imagine looking out their back door to a wall three times the size of the one in the Chamber, as that's what it will look like to the adjacent neighbors. She classified this development as commercial residential not residential and stated it's not what her parents moved into the neighborhood to look at.

Speaker #6: John Hondl, 8630 Portland Avenue South

He stated he is concerned with the density of this development; 216 units on a little over five acres of land. There is no way they should include the Xcel property on the density calculation. The density is more than double what Portland Commons was supposed to be.

Speaker #7: Sharon Lundgren, 88<sup>th</sup> & Portland Avenue

Lundgren is a 44-year resident who lives just west of the Park. She said it used to be a nice park, as the original owner kept it well maintained but that it's gone down hill since he sold it 20 years ago. She stated she would rather look at a maintained complex like the one proposed than what the neighbors are putting up with right now with the trailer park.

Speaker #8: Morris Johnson, 8667 Oakland Avenue South

He supports the project. He's been in his home since 1976 and the trailer park used to be a nice park. He appreciates the developer's decision to lower one side of the development. He stated water is an issue and that they need larger capacity storm sewer pipes.

Speaker #9: Scott Pentila, 8712 Park Avenue South

He stated he supports the project and appreciated the developer meeting with the neighborhood. He fears the area will be labeled a landfill if the site were to operate as a trailer park again. He would prefer to look at the condominiums rather than the mess at the Park. He believes this development is good for the City but disagrees with the comments from others that Park Avenue should be opened up.

Speaker #10: Margaret Kaplan, Housing Preservation Project

She inquired if the City will have met the burden in its relocation ordinance of relocating all of the residents in the trailer park before it issues building permits.

Pease replied that there are still three trailers that need to be moved out but that the City has had a difficult time in locating the owners to notify them of the process. All but three have been completed and these involve extenuating circumstances for which the applicant have been working on to resolve.

Winstead inquired if it would be appropriate to add language in a condition as part of these applications that stated something like, "The relocation requirements have been met to the degree possible."

**ITEM 5.4A1,2,3  
continued**

Ornstein explained that whether the City Council approves or denies the Comp Plan amendment, a resolution will need to be drafted for Council approval on April 17 and that in the meantime, staff will determine whether or not there has been compliance with the City's Code and that approvals could be conditioned upon the appropriate satisfaction of all the Code requirements.

Speaker #11: Harold Greiger, 8600 Portland Avenue South

He stated he is opposed to the height of the building and the amount of traffic that will be added onto Portland Avenue. He suggested that one of the levels of the condominiums be built partially underground, which would bring the total height down for the project. He doesn't want to see a parking lot along Portland Avenue. He would like to see his neighborhood stay quiet and doesn't believe that will happen with this development.

Grady inquired why all of the traffic has to funnel out onto Portland Avenue and why the garage can't exit some cars out by the Oxboro Library.

Pease stated that Portland Avenue is designed to handle greater numbers of vehicles but 86<sup>th</sup> and 90<sup>th</sup> Streets combined carry in excess of 500 more vehicle trips per day than Portland Avenue does right now. He stated that having a self-contained neighborhood to the north was important to the neighbors, which will result from this development. Staff doesn't want to shift more traffic into the neighborhood. It prefers it be directed onto the streets designed for higher volumes. With regard to the three remaining trailers, Pease clarified that the money would be escrowed until such time that they are dealt with by the developer.

Bernhardson stated there is nothing that would physically preclude traffic from those two buildings to the east accessing out the other way, in fact it was designed that way. The City's traffic engineers, however, believed it should be considered in another fashion.

Elkins stated that extending Park Avenue would create a break in the street grid, which he believes would help defuse the traffic and was surprised that the City's traffic engineers didn't make a stronger recommendation to that effect.

Speaker #12: Nan Corliss, 10300 Morris Road

She stated she moved to Bloomington a year ago and has been working on affordable housing issues within Hennepin County for the last five years and expressed a concern with the elimination of affordable housing and the creation of market or above market housing. She stated she doesn't believe the City has a policy of supporting affordable units or building affordable units where others have disappeared. She stated there are many jobs in Bloomington that pay minimum or just above minimum wage and those people would love to live in Bloomington. Their living and working in Bloomington would eliminate some of the congestion on the highways.

Winstead stated that the City does not have a policy whereby if something goes, something directly replaces it and that it's a challenge. He stated the City does try to meet its goals and guidelines on the affordability issue through its Housing & Redevelopment Authority (HRA) and other projects and programs as the City is able.

Bernhardson explained that the City has had an HRA for about 25-30 years whose primary objective has been affordable housing and that the City does meet and falls within the guidelines that the Metropolitan Council has established for that type of housing. In fact, Bloomington was one of the leaders, together with its Legislative delegation, developed one of the strictest ordinances in the state with regard to mobile home park closings. Although the City doesn't have an affordable replacement policy per say, the City has over a long period of time, increased the number of affordable housing units in this community as best it can with an escalating market.

Grady inquired if the above-ground parking on the east side of Park Avenue is necessary or could it be eliminated for the street to go through there.

**ITEM 5.4A1,2,3  
continued**

Pease replied that the RM-50 zone requires a lower than 2.0 parking spaces per unit so the project could eliminate that row of parking and still meet the requirement. However, they would need to maintain enough to meet the standard. He stated staff is concerned that 1.5 spaces has not necessarily been an adequate amount of parking. After hearing from the Village on Nine Mile Creek development, staff would prefer to see the parking stay closer to the 1.8 or 1.9 spaces per unit, although Code would allow it to go below with variances. He suggested perhaps an agreement could be negotiated with the Library to allow overflow parking from the condos to use their property on weekends and holidays.

Peterson stated there is a relationship between the density level of the development and the affordability of the units. The land is worth a certain amount of money and if it were developed into eight single-family home lots, for example, the houses would probably be more expensive. He stated this development probably comes as close to being affordable for someone who has a moderate income and is looking for a brand new unit as there is. He explained that if the number of units in this development is pushed down, it would increase the price of each unit.

Axtell commented that by leaving the Comp Plan as is, the price point per condominium unit would have to be between \$250,000-\$500,000, where increasing the density as proposed lowers the per unit price to \$175,000-\$250,000, which would meet the demand for a large portion of Bloomington.

Grady added that an additional cost for the developer on this particular project is the required relocation costs and that it's very rare to find developers that are even able to take a mobile home park and turn it into anything else due to the cost that come with having to following the statute and relocate all of the residents. She stated that element surely contributed to the amount of density desired by the developer in order to make this project work. She agreed with the neighbors who have had to look at the Park for so many years and that this development would be an improvement over that.

Speaker #13: Paul Olsen, 8641 Portland Avenue South

He reapproached the podium to state he disagrees with the comments made by Pease that most of the traffic that would go south on Park Avenue would go down 88<sup>th</sup> Street. He believes many of them would go over to 90<sup>th</sup> Street to access the Cedar Avenue Bridge or would go north to the Mall of America. He stated the price of the property is directly related to what the property can be used for. A development of 216 units will bring in that much more money than would a 76-unit development, for example. He doesn't believe it's the Council's business to get into the finances of this developer's development.

Speaker #14: Scott Pentila, 8712 Park Avenue South

In response to Elkins' comments about extending Park Avenue, he stated adding in one more possibility into something that is already chaotic will not necessarily solve the problem. He stated using that logic perhaps 3<sup>rd</sup> Avenue should be extended straight through the elementary school, as there is no longer a grid there. He disagreed with trying to change an established neighborhood. Similarly, perhaps an 87<sup>th</sup> Street could be built to carry all of the traffic to the east. He believes it makes more common sense to work with what's there – don't redesign the streets, which would just cost the taxpayers more money.

Speaker #15: Niles Schulz, Developer

He stated the water issue was brought up at the January meeting, the Planning Commission meeting, and now here. He stated they are prepared to work with the City in an effort to try and solve that problem for this area.

Wilcox requested the developer address the issue and stated his concern that there are abandoned trailers that remain on the site and kids have been seen going in and out of broken windows, etc.

Schulz responded that their closing date is dependent upon the owner delivering to them a clean site. He added that they wouldn't close on the property until they've received approval from Council to proceed with the development.

**ITEM 5.4A1,2,3  
Continued**

Wilcox inquired if the developer would be willing to explore the possibility of making one or two of these buildings senior buildings for people age 55 and over.

Schulz stated they are exploring that option.

Ornstein suggested that the City's Environmental Health staff inspect the Park to make sure everything is adequately secured. He stated the City has enforcement authority to ensure that the remaining trailers and property are secured and that they are not an inviting nuisance and that there are both civil and criminal remedies available if the Park is in violation of City code.

It was at this point Council made a motion to close the public hearing on these applications.

Wilcox began Council's discussion by stating that he'd like to see the density come down, which isn't really practical, as it would just drive the costs of the units up. He can accept the density given the developer's revised roof plan with three stories on the north. He'd like to see some changes to the traffic plan, i.e. possibly opening Park Avenue. He stated the landscaping plan will be very important, as a lot can be done with plants and berming.

Grady agreed with Wilcox and stated it's an improvement over what was there and that the density will fit with what has to happen to cover the cost to try and clean up this particular site. She requested the Traffic & Transportation Advisory Commission (TTAC) look at the Park Avenue idea to see if it might be feasible. She would support a motion to change the Comp Plan.

Elkins stated he likens this development to the one at 84<sup>th</sup> & Lyndale Avenue and believes the density of four stories is perfectly suitable on a street with 120 feet of right-of-way but there is 80 feet of right-of-way here and is immediately adjacent to the neighborhood to the north so it looks like a monster condominium situation. He has a hard time seeing how this fits in contextually into this setting. He agrees with Planning Commissioner Stephen Peper who is also very concerned with the context of things fitting in. He would like to see the traffic issue explored again and how much it would cost the developer to retain someone like SRF to do a small traffic study to show how the traffic would disperse if Park Avenue was open. He would like to see if the parking spaces proposed in the front of the development could be moved to the rear in conjunction with the opening up of Park Avenue. That would create a better building face on Portland Avenue. At this point, he isn't sure how he will vote yet.

Axtell stated that if Council approves the Comp Plan amendment, it wouldn't necessarily be approving this plan and that perhaps a project of three stories or approximately 160 units could be done. He stated the wall would be very intimidating for the adjacent neighbors living to the north.

Winstead restated that if the Council approves the Comp Plan change, it is the project that this developer has been put forth that Council will need to act upon.

Nordstrom stated it would be nice for residents who have lived in that neighborhood a long time to stay in the area by moving to a development such as the one being proposed. She stated the density bothers her a bit but is comfortable knowing that the Planning Commission and TTAC will be reviewing the plans for a recommendation to Council.

Elkins stated it's not the density per say he's having trouble with but it's the height of the proposed project that he doesn't believe is right for this location.

Wilcox inquired if the Council decides it can support higher density in this location, would it be wise to try and get this development redesigned now with a condition in the Comp Plan approval that indicates to what level of density the Council would like to see the site developed?

Ornstein replied that generally when Council is considering a Comp Plan change, it's with a specific project in mind and that Council has more discretion in the Comp Plan change than it has in deciding on a planned development. If it meets all of the findings, it would probably get approved. He prefers that all elements of this application be considered together – the Comp Plan amendment, the rezoning, and the preliminary and final development plan.

**ITEM 5.4A1,2,3  
Continued**

Bernhardson suggested that either way, Council direct staff to bring back a resolution either approving or denying this application on April 17. He reminded Council that it takes five votes to approve a Comp Plan amendment and four votes to approve the rezoning. He stated the concerns expressed regarding this project appear to be about the level of traffic and where it goes and secondly, the massing of the buildings up against the residential neighbors and how a less dense development affects the affordability of it.

Wilcox stated he would be out of town on April 17 and inquired how delaying Council action to May would affect this application.

Ornstein replied that the end of the 120 days is not until the end of May so there would be time to adopt the final resolution in May.

Winstead requested Council start providing some direction on these applications.

Grady stated what is key for her is that the two neighbors who would be most directly affected by this development support the project.

Wilcox stated he could support a resolution of approval be brought back on May 1 to approve an amendment to the Comprehensive Land Use Plan from medium to high density with direction to the developer that in the meantime, he work to scale down the development - specifically decreasing the levels on the north side from four stories to three or less, consider traffic options, and the pond issue and turned that into a motion, which was seconded by Grady. The rezoning and preliminary and final development plans would also be heard on May 1.

Peterson stated he would not support the motion as stated, as he prefers to make his decision on the three applications together upon conclusion of the discussion that will occur on May 1.

Elkins concurred with Peterson.

Mayor Winstead called the motion as stated by Wilcox and seconded by Grady. It passed 5-2 (Elkins & Peterson opposing).

Hawbaker stated that the Planning Commission would hear the rezoning and preliminary and final development plan applications on Thursday, April 6 and that this meeting and verbal notice constitutes the official notice of that meeting.

A motion was made by Elkins, seconded by Wilcox, and all voting aye, to refer the rezoning and the preliminary and final development plans back to the Planning Commission for a hearing on April 6 with continuance at the May 1 Council meeting.

**Rejected Request for  
Proposals for Reuse  
of Old Town Hall  
ITEM 5.5A**

Motion was made by Peterson, seconded by Wilcox, to reject the three Requests for Proposals presented to Council on January 23, 2006, for the reuse of Old Town Hall. Motion passed 6-1 (Elkins opposing).

Mark Morrison, Parks & Recreation provided the staff report explaining that as a result of the direction Council provided staff at the January 23 study meeting, four sets of objectives and issues were developed to help them devise three options for a reasonable use of Old Town Hall. He reviewed the following four sets of objectives and related issues:

1. Objectives for Old Town Hall: Determine level of restoration and current estimated costs required to restore the building.
2. Objectives of the City of Bloomington: Make responsible investments, ensure an appropriate use for Old Town Hall given site constraints, and determine the appropriate level of support for community groups [Bloomington Historical Society (BHS) and Bloomington United for Youth (BUY)].

**ITEM 5.5A continued**

3. City objectives for Bloomington Historical Society: Provide opportunity for community to learn about City's history, upgrade quality of object and archival storage, increase programming and availability to the public, move towards increased self sufficiency, preserve historical records, be an important part of community building for Bloomington similar to programs sponsored by the City including River Rendezvous, Summer Fete, Winter Fete, and Shape Up Challenge.
4. City objectives for Bloomington United for Youth: Provide an opportunity for high school age students to gather after school, similar to the Galaxy Youth Center for youth entering grades 6-9, develop community building, and develop community building among Bloomington youth similar to City sponsored programs such as Bloomington Loves Its Kids, Summer Spectrum, and the Halloween party.

Morrison described the three options staff has determined would be the best reuse of Old Town Hall:

1. Complete Phase I stabilization of Old Town Hall followed by transfer of building ownership to the Bloomington Historical Society.
2. Complete Phase I stabilization followed by entering into lease agreement containing performance contingencies with the Bloomington Historical Society who will remain the tenants.
3. Complete all three phases of restoration and enter into lease agreement with one of the three original submitted proposals: (BUY – proposal for community center and youth coffee house), (Bloomington Historical Society – proposal for continued use of Old Town Hall as a museum including the addition of a new building), or (Mosaic Coffee Company - proposal for a for-profit coffee shop in Old Town Hall).

Morrison reviewed the Performance Standards that staff would negotiate with the Bloomington Historical Society as part of their in-kind lease for Old Town Hall: Increase public open hours, regularly rotate exhibit schedules, care of the collections, continue research assistance, continue community outreach, move their organization forward in ways to help them raise money towards self-sustainability, and a yearly fund-raising strategy. Based on the analysis of the objectives and issues just described and several discussions, staff determined that Option #2 - a lease to the Bloomington Historical Society is the way to go.

Winstead stated his support of staff's recommendation of Option #2 with the added caveat that the City be more proactive financially and effort wise to budget and allocate some resources to work with BUY to help them find a space in more of a retail area appropriate for a youth center by the start of the next school year.

Bernhardson requested Council consider the level of investment they desire to make: #1 (get it in a workable shape), #2 (do the restoration), and #3 (add elevators, etc.) He stated if Council desires restoration option #2 and moving ahead with discussions with BUY, staff would put this item into the budget cycle for 2007 and would see if it could be backed into something for 2006.

Grady suggested staff begin with Options #1 and #2 with the money Council budgeted 1-2 years ago and let the Bloomington Historical Society decide what it wants to do with the building under a lease situation. She stated although it's important to keep the history of Bloomington alive and available for those who might be interested in it, there needs to be another reason for people to go there, i.e. coffee, ice cream, etc. She doesn't believe making the BHS increase their hours will help generate more visitors but having another reason to come will. She stated that should be their decision. She believes BUY is a separate issue and that putting them in the basement of Old Town Hall would not be an inviting place plus there isn't enough parking on that site. It would better to find another space for BUY and perhaps it should be done in conjunction with the School District.

**ITEM 5.5A continued**

Nordstrom liked Option #1 and doesn't see why letting BUY set up in the basement would be such a bad idea. She said they've been looking for a space long enough so let them get started there.

Wilcox stated the Bloomington Historical Society should be allowed to determine what their hours are and how they should display their items. He believes the restoration of the building should be taken to Level 2 and supports BHS running the building. He doesn't believe BUY should locate their coffee house in the Old Town Hall, as the building wouldn't be big enough and the parking would be an issue.

Elkins stated his recollection is that Council appropriated the money for Old Town Hall two years ago so wondered why the stabilization hadn't started. He supports restoring it to Level 2. He liked the idea of having a coffee house in the building as an added attraction. He liked the idea of having a coffee house in the Old Town Hall with the museum in the Bailiff store next to it so that people would be drawn to the site for the coffee shop but would spill over to the museum next door to view the collection. He remarked that if the youth coffeehouse isn't going to be located at Old Town Hall, then it's time to find them another location.

Bernhardson stated that without any changes to the parking lot there are approximately 30 spaces available; 15 spaces for the existing use. The Historical Society's proposal of an old and a new building would require approximately 94 spaces, Central Grounds' proposal would require approximately 80 spaces, and Mosaic's proposal approximately 64 spaces. He stated staff's concern was the financial viability of any of the business models working and the need to invest that much money.

Axtell stated he supported Option #2 and the exterior stabilization/work. He doesn't have any interest in spending another million dollars over and above that. He encouraged everyone to read the history of the Old Town Hall written by John Crampton. He inquired about the possibility of some space in Public Works that he heard might be available for the BUY group.

Bernhardson replied that it would require some investment to make the space at Public Works usable plus it would only be short-term.

A motion was made by Peterson, seconded by Wilcox, to not do the Level C reuse and improvements (Phase 3 SMSQ estimate of \$802,000) and to not accept any of the proposals. Motion passed 6-1 (Elkins opposing).

A motion was made by Peterson, seconded by Axtell, to support Option #2 with some fine point negotiations with the Bloomington Historical Society regarding the use agreement and how to fund-raise to cover the \$117,000 gap in funding needed for the Phase II restoration.

Bernhardson stated that in order to move forward with the stabilization portion of the project, perhaps a two-part bid process could be utilized at both levels.

Speaker #1: Don Stiles, Bloomington Historical Society

He stated there are grants available for just collection enhancement rather than for a second building. He stated BHS might be prohibited from applying for grants for the additional \$117,000 since they would not own the building. As lessee, they might be limited on what enhancements can be done to the building as opposed to collection enhancements. His concern with Option #2 is that if they don't get their approval soon, they would lose another year of getting those grants for a second building. He suggested an Option #4, which would grant BHS the approval to see building the second building but if the funds don't come in as anticipated, Option #2 would go into effect.

Peterson added that he would like staff to bring back a proposal on a process whereby if this is approved, how Council would consider that proposal so they could make a decision as to whether or not they would support it.

**ITEM 5.5A continued**

Speaker #2: Larry Granger, Bloomington Historical Society

He stated that every bonding year at the Minnesota State Legislature, the Minnesota Historical Society (MHS) gets a lump sum or bonding that they can use for projects around the state. The amount will be known this fall. It could be the \$1 million recommended by Governor Pawlenty or it may be the \$2.5 million they requested and then historical societies, cities, and counties with historic buildings would compete for those dollars for bonding. He stated entities can compete every two years for project money that would restore the building and move it to its ultimate stage. He stated if the City goes ahead with two stages, it would be in a position this fall to put in an application for that money. Project money that would restore the building moving it to its ultimate stage can be applied for every two years. Therefore, there are grant opportunities administered through the State Historical Society that can be applied for and Bloomington's Old Town Hall is a structure that would be recognized as being very significant. He stated the BHS and the City should work together to make the corner location of Old Town Hall come alive.

Mayor Winstead called the vote on Peterson's motion to move ahead with Option #2 and to negotiate with the BHS to identify sources to cover the \$117,000 gap in the amount that the Council has currently appropriated and the amount stated in the restoration budget for the second level of restoration. Motion passed 4-3 (Elkins, Grady & Wilcox opposing).

Motion was made by Peterson, seconded by Axtell, to direct staff to meet with the Bloomington United for Youth to develop a proposal to try and establish a location for a youth coffeehouse by the start of the next school year and get a sense of what it will cost to see if it's something the City can feasibly put into its budget to get it going with the understanding that the City would not be the sole funder of BUY's operation so that there be a degree of buy-in from the BUY organization.

A motion was made by Axtell, seconded by Wilcox, to include a degree of buy-in from the BUY organization as part of the agreement. Peterson was agreeable to the amendment and added it to his motion.

Speaker #3: David Allen, BUY Organization

He stated it is difficult for him to comment on the buy-in addition, as he was prepared to talk about Old Town Hall. He stated their proposal for Old Town Hall had a number of strengths: It provided a safe and fun place for high school students to go when not in school, it provided educational opportunities for students to be involved in many business aspects, it would have served as a community center, would have provided a gathering place for the young and old alike, and it would have addressed the historic mission of that building. He stated BUY would be willing to sit down with City staff to talk about alternatives and raising money.

Speaker #4: Mary Allen, BUY Organization

Mrs. Allen requested the specific names of City staff that BUY is to talk to and when they should anticipate meeting with them.

Bernhardson replied that Randy Quale, Parks & Recreation Manager and Mark Morrison, Parks & Recreation and others from that department and Community Services staff would probably be contacting them within the next week.

Mayor called the question on the Peterson's motion. It passed 7-0.

Motion was made by Peterson, seconded by Elkins, to direct staff to follow the Secretary of the Interior's Standard for Historic Preservation when designing and performing the restoration of Old Town Hall to the extent feasible. Motion passed 6-1 (Wilcox opposing).

Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to direct staff to prepare bids to the Secretary of the Interior's Standard for Historic Preservation for the restoration and preservation of the Old Town Hall and that the bids be brought back to the Council at the first available opportunity.

- ITEM 5.5A continued** Wilcox requested clarification from the Historical Society on the options regarding what grants are available for the City to apply for as the owner of the building and what are available to the Historical Society as the owner.
- Following is a summary of the motions that passed relating to Old Town Hall:
- Approved Option #2 & Discussed Funding Related to Reuse of Old Town Hall ITEM 5.5A** Motion was made by Peterson, seconded by Axtell, to direct staff to proceed with Option #2 (Phase I stabilization) and to draft an agreement with the Bloomington Historical Society (BHS) as the tenant including a discussion as to how BHS will fund the gap between the City's \$500,000 commitment and the \$617,000 that will be needed to complete the Phase 2 restoration. Motion passed 4-3 (Grady, Elkins & Wilcox opposing).
- Requested Staff Assist Bloomington United for Youth (BUY) in Launching a Youth Coffeehouse ITEM 5.5A** Motion was made by Peterson, seconded by Axtell, and all voting aye, to direct staff to work with the Bloomington United for Youth (BUY) organization in establishing a location and developing a financial and operational plan to help them launch a youth coffeehouse targeted for a fall 2006 opening.
- Set Standards for Stabilization & Restoration of Old Town Hall ITEM 5.5A** Motion was made by Peterson, seconded by Elkins, to set standards for the stabilization and restoration of Old Town Hall to resemble as much as possible the Secretary of the Interior's standards for historic structures. Motion passed 6-1 (Wilcox opposing).
- Directed Staff to Obtain Bids for Phase I & II of the Old Town Hall Restoration ITEM 5.5A** Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to direct staff to proceed with obtaining two bids for Phase I and II using the standards as described in the previous motion.
- CLOSED PUBLIC COMMENT PERIOD** The Mayor asked if anyone else wished to address the Council during the public comment period, or it would be closed. No one came forward to speak so the public comment period was closed.
- City Council Policy & Issue Update ITEM 6.1** The monthly update was provided to Council.
- City Council Issues:
- Elkins inquired if Council could review the work plan regarding the Zoning Ordinance Update and the work Hoisington Koegler is going to be doing relating to house size and the tree ordinance prior to the April 24 meeting. He also requested dispensation from the Council to work with a couple members of various City advisory commissions on the Blue Cross Blue Shield grant application, as he sees something more ambitious that might involve Traffic, Planning, and Public Health as well as Parks & Recreation that would dovetail nicely with the work that Council is doing on Strategic Planning and the Comp Plan rewrite and fee, which Blue Cross could help pay for.
- Bernhardson explained that Randy Quale is heading up the work on the application, which involves people from all of the disciplines Elkins mentioned. He stated the deadline is the end of April and that time is short to involve a lot of advisory commission work. He stated that having one member of the City Council work on a project is probably something that long-term is not in the best interests of the Council. He explained that the City has been very successful with at least four members of the Council acting as a policy body and giving various input but having Council members involved at the commission level is a different governance model, which Council will be discussing at a session on governance in May. He explained that the intent of the application is to look at a citywide, non-motorized, pedestrian network that ties into other communities in an effort to garner some of the \$25 million Oberstar has made available to move this initiative forward. It's intended to tie into the City's comprehensive planning, strategic plan, street plan, etc. and requested Council's feedback and ideas. Council to receive a draft application as soon as it's available.

**ITEM 6.1 continued**

Larry Lee, Community Development Director stated that staff will provide the work plan for the house size ordinance and the tree ordinance and that the Council's deadline to have this done by July is not consistent with a great deal of public outreach. It takes time to conduct focus groups and meetings prior to the Planning Commission and Council meetings where people are invited to attend administrative hearings. The work plan will not contain extensive outreach due to the end date the Council established.

**Adjourn Meeting**

Mayor Winstead adjourned the meeting at 11:27 p.m.

Barbara Clawson  
*Council Secretary*