

Regular Meeting #17
Monday, June 19, 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 led the audience in the pledge of allegiance to the flag.
- Roll Call** *Present:* Mayor Winstead, Councilmembers R. Axtell, S. Elkins, K. Nordstrom, S. Peterson, and V. Wilcox.
Absent: Councilmember A. Grady.
- Presentation of Award to Parks & Recreation** Angie Scholl, News Editor for Bloomington Magazine and Mark Morrison, Bloomington Parks & Recreation presented the Mayor with the award that was presented to Bloomington Parks & Recreation recognizing Summer Fete as the Best Community Get-Together.

Morrison described the events scheduled for this year's Summer Fete get-together, which begins at 5 p.m. on July 3.
- Approved Contract with Springsted, Inc. ITEM 3.1** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a contract with Springsted, Inc. in the not-to-exceed amount of \$28,000 for professional services for Phase I of the Strategic Plan, which covers the first phase or the visioning component of the 2025 strategic plan.
- Approved Settlement of Easement Acquisitions at 101 American Boulevard W ITEM 3.2** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a settlement of easement acquisitions occurring at 101 American Boulevard West (Micron Molding) for purposes of the Dupont to Nicollet Avenue segment of the Ring Route. The proposed settlement for the acquisitions is the sum of \$80,000.00.
- Approved Proceeding with Brookside Area Flood-proofing Project ITEM 3.3** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to direct staff to move forward with the Brookside Area Floodproofing Project, which was prompted by continuing drainage-related complaints including wet basements and saturated backyards.

Funding is available in the Storm Sewer Utility.
- Approved Schedule for Delinquent Utility Assessment Hearings ITEM 3.4A-D** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the schedule for the following delinquent utility hearings to be held in September: Delinquent Water, Sewer, Storm Drainage and Recycling bills, Weeds, Trees and Administrative Civil Citations.
- Approved 2005/2006 CDBG Budget Amendment ITEM 3.5** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a budget amendment to the FY 2005/2006 Community Development Block Grant (CDBG) Program Budget as presented in the materials to provide funding for Lead-Based Paint Abatement and Administration until the end of the year.
- Approved Amendment to Bioterrorism Grant Agreement with MDH ITEM 3.6** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an amendment to the Public Health Preparedness and Response to Bioterrorism Grant Project Agreement with the Minnesota Department of Health and the corresponding adjustments in Public Health's 2006 Budget. This amendment serves to provide \$15,054 of additional funding for pandemic influenza activities.
- Approved Agreement Amendment for Police Bomb Disposal Unit ITEM 3.8** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an amendment to the State of Minnesota Joint Powers Agreement CFMS Contract #A75463, through the Commissioner of Public Safety and the City of Bloomington Police Department wherein the Police Bomb Disposal Unit would, upon need and availability, dispose of or neutralize bombs or similar explosives outside of its geographic jurisdiction, which allows for reimbursement of \$27,000.

- Approved Operation NightCap Grant
ITEM 3.9** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a Minnesota State Patrol Operation NightCap grant in the amount of \$10,400 for coordination of alcohol saturations with the State's district authorized representative for saturation events effective June 16, 2006 through September 30, 2006.
- Approved Settlement Agreement with Time Warner Cable, Inc.
ITEM 3.10** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a Settlement Agreement and Mutual Release between the City and Time Warner Cable, Inc. upon which Time Warner Cable, Inc. will pay the City \$130,000 to settle past claims on franchise fees.
- Approved an Agreement with Duke Realty Limited Partnership
ITEM 3.11** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve an encroachment agreement with Duke Realty Limited Partnership for the encroachment of certain signs and trees that have been located in public easements at the entrance to the Norman Pointe Development (5600 American Boulevard West and 5701 Green Valley Drive).
- Approved Minutes
ITEM 3.12** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the June 5, 2006, Regular Council meeting minutes as presented.
- Authorized Transmittal of Letter to Metro Transit Regarding 34th Avenue LRT Station
ITEM 3.7** Motion was made by Elkins, seconded by Peterson, and all voting aye, to authorize submission of a letter to Metro Transit regarding advanced construction and funding of the 34th Avenue LRT Station.

ANNOUNCEMENTS

Mayor Winstead announced that Councilmember Grady was on vacation with her family. For anyone who might have come for these items, he also announced that Items 5.4A-D & F will be continued by Council, as they are currently working their way through the commission process.

OPENED PUBLIC COMMENT PERIOD

The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda.

Speaker #1: Scott & Marina Englund, 3024 W. 102nd Street

He stated they live on the corner of Xerxes Avenue & 102nd Street and have a swing set in their front yard that the City informed them they have to move. Rather than move it, they desire to get a Conditional Use Permit (CUP) for it. They stated there are swing sets all over Bloomington and that it's a waste of taxpayer's money to ask them to move it when they don't have a back yard to put it in. They showed photos of where the play set is located in their backyard.

Winstead stated their yard is unique, as their house orients more towards Xerxes Avenue but the front is designated towards 102nd Street.

City Manager Mark Bernhardson explained that Mr. Englund had a discussion with City staff at the end of May and that staff indicated where their play apparatus could be legally situated without any further action. He stated Englund would have to apply for a variance if he prefers it stay in its present location but if the variance isn't approved, it would have to be moved or removed.

Englund showed photos of other swing sets located in Bloomington.

Bernhardson explained that it's not because it's located in the front yard but it's located within the setback, which is 35 feet.

Planner Londell Pease used an aerial photo to show where Englund's play apparatus could be located and explained that none are allowed in the front yard area. He explained how standards are applied to the front yards of corner properties. Conditional Use Permits and variances look at setbacks. He added that the property across the street is not a residence but is a church/school.

Winstead explained that the Englund's could apply for a variance to place their play structure within the setback and that it's the same process as for a CUP.

Bernhardson stated staff would inspect the other swing sets if Englund provided the addresses.

PUBLIC COMMENT PERIOD CONTINUED

Mrs. Englund inquired as to why people are complaining about a swing set on their property. She presented an article involving the death of a toddler in a driveway and said she worries that if they have to place their play structure where the City would allow it, it would create a dangerous situation for her child playing too near their driveway.

Winstead stated that the tragedy Mrs. Englund referenced doesn't equate to this situation and that it's a matter of Code compliance. They could apply for a variance, which would go to the Planning Commission and then onto the City Council for a final decision. It would be a fair hearing and the neighbors would have the opportunity to speak for or against the variance.

Speaker #2: David Garbys, Quality Bicycle Products Employee

He thanked the Council for restriping Poplar Bridge Road, which provides more room for bikers when going up and down the hill. However, on June 14, 2006, he stated he was struck by a vehicle and read the police officer's comments following the accident. He expressed concern for the way the accident was handled by the Police Department and read from a section of the City Code. He disagreed with the officer's decision to not issue a ticket to the motorist that hit him.

Bernhardson suggested that Mr. Gabrys speak with the Police Chief Laux regarding the specifics of the accident and how it was handled.

Gabrys also expressed concern that several employees from Quality Bicycle Products have been struck by vehicles and there appears to be a similarity in how these accidents are handled by Police. He inquired if it would take someone getting killed to get more action from Police in these situations and added that the driver didn't apologize to him nor was he given a ticket.

Winstead thanked Mr. Gabrys for raising this issue with staff and the public.

CLOSED PUBLIC COMMENT PERIOD

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

Approved New On-Sale Intoxicating Liquor License for Mandarin Kitchen ITEM 5.1A

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve a new on-sale intoxicating liquor license, expiring June 30, 2007, for the Mandarin Kitchen, Inc. dba as the Mandarin Kitchen at 8766 Lyndale Avenue South.

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

Approved New On-Sale Entertainment Facility Liquor License for Mall of America Entertainment Co. ITEM 5.1B

Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to approve a new on-sale entertainment facility intoxicating liquor license, expiring June 30, 2007, for the MOA Entertainment Co., LLC dba Park at MOA at 5000 Center Court.

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

Approved Renewal of On-Sale & Sunday Intoxicating Liquor License for Grand Lodge Hotel ITEM 5.1C

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the renewal of the on-sale and Sunday intoxicating liquor license, expiring June 30, 2007, for Bloomington Hospitality LLC dba Grand Lodge at 1700 American Boulevard East.

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

Adopted a Resolution Approving a CUP & Final Site & Building Plans for T-Mobile Central, LLC Case 9077AB-06 ITEM 5.2A R-2006-71

Senior Planner Glen Markegard provided the staff report on the T-Mobile Central, LLC application. Using an aerial, he indicated where they intend to locate an antenna tower just north of the Xcel Energy Hyland Substation at 11000 Normandale Boulevard. He showed a drawing of the proposed tower and explained there would be capacity for additional providers in the future. He stated three property owners living south of the site submitted comment letters to the City. He showed a photo of the view looking from a residential property to the south. He stated the Substation structures are 40 feet in height and that this tower is to be located on the north side of the site and that Staff and the Planning Commission recommend approval. He stated the three letters were regarding the original proposed locations but that one of them also expressed concerns regarding the revised location. The other two have not commented on the revised location.

**ITEM 5.2A1, 2
continued**

Winstead commented that these towers are allowed in a commercially zoned district.

Axtell inquired as to the distance of the residential area west of Normandale, north of 110th Street.

Markegard stated that the structure is owned by Xcel and that the residents to the south are over 300 feet away.

A motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve a Conditional Use Permit and Final Site and Building Plans for a 74-foot monopole multi-user telecommunication tower and associated antennas and equipment at 11000 Normandale Boulevard, Case 9077AB-06, for T-Mobile Central, LLC, subject to the following 10 conditions of approval and 9 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Utility plan showing proposed electric and telephone lines and all existing utilities be approved by the City Engineer. All utilities must be underground;
2. Erosion control plan to be approved by the City Engineer;
3. Locate and mark existing utilities in the area to avoid conflicts with construction;
4. Tower be designed to allow flexibility in the location of a second provider's antennas;

and subject to the following additional conditions:

5. The tower must be painted a light gray color as approved by the Planning Manager;
6. Before an additional provider collocates on this tower, a minor revision to the final site and building plans must be submitted and administratively approved;
7. Any revision to the antenna mounts shown on the approved plans must be approved by the Planning Manager;
8. The painted surface of the tower must be maintained in good condition, free from rust or other blemishes;
9. Tower use must be limited to cellular, PCS, or ESMR antennas unless other uses are specifically and individually approved by the Issuing Authority;
10. In the event that the proposed facility causes interference with a public safety communication system, the applicant must eliminate that interference;

and subject to the following City Code requirements:

1. Before the issuance of a building permit, the applicant shall submit a copy of relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site (Sec. 19.63.05 (k) (1));
2. Before the issuance of a building permit, the applicant shall submit a stamped report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the City's structural and electrical standards (Sec. 19.63.05 (n) (3) (B));
3. Before the issuance of a building permit, the applicant shall provide proof of compliance with regulations administered by the Federal Aviation Administration (Sec. 19.63.05 (n) (3) (A)).
4. The tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least one additional user (Sec. 19.63.05 (c) (2));
5. The applicant shall remove the tower and associated facilities within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Manager (Sec. 19.63.05 (k) (1));
6. The applicant must submit a letter of intent committing the tower owner and its successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use (Sec. 19.63.05 (n) (2));
7. The applicant shall notify the Bloomington Chief of Police that service is about to commence at least ten days before the commencement of service and shall allow the City and County to spot test for interference problems during the testing process (Sec. 19.63.05 (m));
8. No lighting shall be attached to the tower unless specifically required by the Federal Aviation Administration (Sec. 19.63.05 (h)) and;
9. No signs shall be displayed within the lease area other than warning or equipment information signs smaller than six square feet in size (Sec. 19.63.05 (i)).

No public testimony was received.

**Adopted Resolution
Approving Conditional
Use Permit for
Sovereign Grace
Fellowship
Case 9070A-06
ITEM 5.2B
R-2006-72**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to adopt a resolution approving a Conditional Use Permit for church use of a private school at 8401 Xerxes Avenue, Case 9070A-06, for Sovereign Grace Fellowship, subject to the following 1 condition of approval and 1 Code requirement as set forth by the Planning Division Staff and the Planning Commission.:

1. All parking shall be on-site – no on-street parking/loading/unloading allowed; and subject to the following Code requirement:
 1. Signage complies with the requirements of Chapter 19, Article X of the City Code.

Although no staff report was provided for this application, it was stated that both the Planning Division Staff and the Planning Commission recommend approval.

Nordstrom inquired if the intent was that cribs would be brought in and out every Sunday.

Speaker #1: Peter Thorpe, Church Administrator
He confirmed that is their intention.

**Approved Final
Development Plan
for Brookside
Townhomes at 2617 &
2701 W. 102nd Street &
10209 Upton Ave. S.
Case 10716A-06
ITEM 5.2C1**

Londell Pease, Planner explained that this application, which seeks approval for the Final Development Plan for 11 townhomes and the Preliminary Plat of Brookside Townhomes is the same plan that was presented in December 19, 2005 except for the following three changes:

1. Cul-de-sac has been eliminated and an 8-foot bituminous trail for emergency access is proposed instead.
2. A 30-foot east/west easement has been granted for access purposes.
3. Buildings have been rotated to create more distance resulting in fewer retaining walls.

Peterson stated he is glad to see the connection from the west but inquired how snow would be removed from the path in the wintertime, as there was no specific condition to that effect.

Pease explained that the plan approved by the City Engineer will include a condition regarding snow removal, as these will be privately maintained streets. The City would require that the Declaration of Covenants cover that issue addressed by the City Engineer.

Winstead commented that no cul-de-sac could result in people needing to turn around in resident's driveways and that it might be better to have a paved connection.

Pease replied that the old association didn't want a drive-through, as it might create cut-through traffic.

Speaker #1: Randy Zejdlik, Representing Baton Building Corporation
He questioned the need for a 50-foot drainage and utility easement.

Please replied that Code requirement #4 could possibly be changed to 43 feet.

Shelly Pederson, City Engineer suggested the conditions could read, "50 feet or less as determined by the City Engineer."

Speaker #2: Ken Swanson, 10230 Upton Place Representing Another Townhome Association
He inquired about the Grass Crete between the two places, which was initially proposed and the Geo Grid that is now being proposed.

Please replied that staff would look at the Geo Grid, as it might have a better appearance.

ITEM 5.2C1 continued Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve a Final Development Plan for an 11-unit townhome development at 2617 & 2701 West 102nd Street and 10209 Upton Avenue South, Case 10716A-06, for Baton Building Corporation, subject to the following 17 conditions of approval and 4 Code requirements as set forth by the Planning Division staff and the Planning Commission:

1. A development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
2. Common driveway, access, parking, and utility agreements, including future access and utility connection for redevelopment of the properties at 2713, 2317, and 2327 West 102nd Street, be provided as approved by the City Engineer, and proof of filing be provided to the Manager of Building and Inspection;
3. Exterior building materials be approved by the Planning Manager;
4. Stormwater management plan be submitted and approved by the City Drainage Engineer;
5. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;
6. The applicant provide a signed Conditional Approval for Encroachment into Public Easements with the City of Bloomington and proof of filing to the Engineering Department
7. Retaining wall bond be in place;
8. Connection charges be satisfied;
9. A SAC determination and payment be paid;
10. NPDES construction site permit be provided;
11. Provide signed copy of private common driveway/parking/access easement agreement, private common utility easement agreement; and private drainage basin easement agreement;

and subject to the following additional conditions:

12. Alterations to utilities be at the developer's expense;
13. Sidewalk be installed along the interior drive extending from West 102nd Street to Upton Place;
14. All pickup and drop-off occur on site and off of public streets;
15. All loading and unloading occur on site and off of public streets;
16. Sidewalk be constructed in new sidewalk/bikeway easement at developer's/owner's expense;
17. Following construction, developer must submit electronic utility as-builts to the Public Works Department;

and subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
2. Erosion control measures be in place and bond be filed;
3. Poured-in-place concrete curbs be provided on the perimeter of parking areas (Sec 19.64);
4. Buildings 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).

**Approved Preliminary
& Final Plat of
BROOKSIDE
TOWNHOMES
Case 10716B-06
ITEM 5.2C2, 3
R-2006-73**

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 of BROOKSIDE TOWNHOMES located at 2701 West 102nd Street, 10209 Upton Avenue, and the back portion of 2617 West 102nd Street, Case 10716B-06, for Baton Building Company, subject to completion of the Preliminary Plat conditions and the 11 conditions and 3 Code requirements, as proposed by Public Works Staff (including a revised Condition #10b), receipt of the title opinion, necessary documents, and deposits; and a review of all documents by the City Attorney.

ITEM 5.2C3 continued

1. Title opinion or title commitment dated within the past 6 months shall be provided.
2. Connection charges shall be due prior to issuance of utility permits.
3. Right-of-way to 40 feet from centerline along 102nd Street shall be dedicated on the Final Plat.
4. Standard drainage and utility easements 10 feet along street frontages and 5 feet along internal lot lines shall be provided.
5. Signed copy of private common driveway/parking/access easement agreement shall be provided.
6. Signed copy of private common utility easement agreement shall be provided.
7. Signed copy of private drainage basin easement agreement shall be provided.
8. The Grading, Drainage, Utility, and Erosion Control plans shall be approved by the City Engineer prior to issuance of permits.
9. Surveyor shall provide monumentation letter certifying that all monuments shall be placed within one year of filing the plat, unless set before filing.
10. The applicant proposes constructing a private drive over an existing public sanitary sewer currently located in the Thomas Avenue right-of-way. This will impact the City's ability to access the sanitary sewer when that sewer needs to be repaired or replaced. The following conditions pertain to this sanitary sewer.
 - a. The applicant shall submit cross-sections over the sanitary sewer to show that a trench would work without disturbing the nearby homes. Cross sections shall be shown at the worst locations including: Lot 4, Block 3; Lot 1, Block 4; and Lot 4, Block 5. These cross-sections must be approved by the City Engineer and filed with the Association documents.
 - b. Provide drainage and utility easement of 50 feet or less as approved by the City Engineer, centered over existing sanitary sewer;
 - c. The Association documents must include language to the effect that when the sanitary sewer is in need of repair or replacement that the homeowners will have no access to their private drive and their garages during the construction period.
 - d. The applicant shall sign Conditional Approval for Encroachment into Public Easements with the City of Bloomington and proof of filing to the Engineering Department. The Encroachment Agreement will state that when the City of Bloomington needs to repair or replace the sanitary sewer, the Association will be responsible for all driveway and landscape repair, and turf restoration associated with excavation of the pipe.
11. A common utility easement/maintenance agreement for connection to private watermain to west of project shall be provided.

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).
3. Unused water services shall be properly abandoned (Section 11.15).

**Adopted Ordinance
Vacating a Portion of
Thomas Avenue So.
ITEM 5.2C4
O-2006-23**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance vacating a portion of Thomas Avenue South adjacent to 2617 West 102nd Street, which is being vacated to combine with adjacent property platted as BROOKSIDE TOWNHOMES.

There are public and private utilities affected by this vacation. A drainage and utility easement will be dedicated over the vacated area on the new plat of BROOKSIDE TOWNHOMES.

**Postponed Zoning
Applications to July 10
ITEM 5.4A-D**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to postpone a zoning ordinance amendment to create new commercial zoning districts and standards (Item 5.4A), a rezoning of 9200 Old Cedar Avenue (Item 5.4B), a rezoning of 8820 Lyndale Avenue South (Item 5.4C), and a rezoning of 20 parcels south of American Boulevard West between Queen Avenue & I-35W (Item 5.4D) to the July 10, 2006, Regular Council meeting.

**Adopted Ordinance
Imposing a 3-Month
Moratorium on
Moving Signs
ITEM 5.4E
O-2006-24**

Ornstein explained that Council discussed imposing a moratorium on the installation of signs displaying messages at a previous study meeting. He stated there have been some studies that indicate these types of signs have caused an increase in vehicular accidents and have affected the environment. He stated the City's recent sign code was adopted in the late 1990's and that staff is proposing this moratorium be adopted for a 3-month period. It would cover any applications filed but not acted upon by the City Council prior to the effective date of the ordinance. He has been informed that there are three applications that have not been acted upon by staff and that if the ordinance is adopted, it would become effective upon the date of publication next week. Upon completion of the study, he stated staff would draft a couple of alternative ordinances for Council's review during a future study meeting. Upon receiving Council direction, public hearings would be held before the Planning Commission, the Traffic & Transportation Advisory Commission, and the City Council prior to adoption of a formal ordinance.

Axtell inquired if commercial businesses would be providing input.

Ornstein replied that notice was provided to all. He stated staff has begun researching other ordinances adding that the hearing would need to be held during the 3-month period prior to the expiration of the moratorium.

Bernhardson stated that staff would try to bring it back at the July 21 study meeting and that staff may decide to hold an administrative hearing prior to the hearings that will be scheduled before Planning, TTAC and Council.

A motion was made by Axtell, seconded by Nordstrom, and all voting aye, to adopt an ordinance imposing a three (3) month moratorium on the issuance of permits for signs displaying animation or rapidly changing images or messages.

**Continued to July 10
an Ordinance Relating
to a Moratorium on
Pawn Shops
ITEM 5.4F**

A motion was made by Peterson, seconded by Wilcox, and all voting aye, to continue to the July 10, 2006, Regular Council meeting, an ordinance establishing an 8-month moratorium on construction and/or operation of additional pawnshops and secondhand dealers.

**Adopted Ordinance
Vacating a Portion of
Kingsdale Drive
ITEM 5.4G
O-2006-25**

A motion was made by Nordstrom, seconded by Peterson, and all voting aye, to adopt an ordinance authorizing the conveyance of the City's rights to certain recently vacated street right-of-way on Kingsdale Drive originally dedicated in the plat of Southmore Hill.

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

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

The monthly update was provided to Council on June 5.

Bernhardson reminded Council to sign up for a time slot at Summer Fete.

Council Comments/Issues

Peterson reported on the NLC Information Technology & Communications Steering Committee meeting he attended in Miami, FL from June 15-18, 2006. He stated an effort is afoot by national video franchisers to try and eliminate local cable franchisers. He stated an important issue for Bloomington is who is going to be responsible for customer service. While he's not sure if it will be taken up between now and the August recess, he stated if there is a change in control of the House or Senate, it could impact us. It could change the amount the City is getting from the franchise.

Winstead commented that the City funds much of its communication department with franchise fees.

Peterson stated that it might be good to get a second provider in Bloomington to make up for the declining percentage. He added that cable TV franchisers would have the most impact at the local level.

ITEM 6.1 continued

Winstead requested staff put together a report on what that financial impact would be on the City.

Peterson also suggested that the City might want to send letters to Congressman Ramstad and Senators Coleman and Dayton.

Nordstrom inquired if Minneapolis is going wireless?

Bernhardson replied that staff is aware of and has been tracking their efforts and that staff intends to bring this back to Council later in the year.

Winstead stated that the Council might want to have a discussion regarding whether internet access should be a utility or a private enterprise.

Peterson stated that unlike some other cities, Bloomington doesn't operate an electric utility so it doesn't own any poles upon which a system could be built. The system can't be built on our poles, as they're owned partially by Qwest and Xcel.

Bernhardson stated there are two wireless systems in Bloomington. One went in about five years ago at the height of the broadband boom but it went bankrupt. The other one is a system that NSP put in one for their meter reading.

Elkins commented that Council might soon want to discuss which properties should be rezoned.

Bernhardson stated that staff will add it to an agenda.

With regard to the updated zoning ordinance, Elkins stated he didn't see anything relating to grade alterations with respect to McMansions and mentioned he would like to see this area covered also.

Bernhardson reminded Council of the Strategic Planning session at Fire Station #1 on Wednesday, June 21 from 1-4 p.m.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:22 p.m.

Barbara Clawson
Council Secretary