

Regular Meeting #27
Monday, September 25, 2006, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

**Call to Order and
Pledge to Flag
Roll Call**

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

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

Absent: Councilmembers S. Elkins.

**PROCLAMATION –
Race Equality Week**

Mayor Winstead read and presented a proclamation declaring September 25-29, 2006, as Race Equality Week in the city of Bloomington to Corinne Shepherd, Chairperson of the Human Rights Commission.

Shepherd thanked the Council for its continued support of the activities of the Human Rights Commission and the fifth year of the City's proclaiming race equality throughout the community.

**Approved Addendum
to Dept. of Human
Services Agreement
ITEM 3.1**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve an addendum to the Department of Human Services (DHS) Provider Agreement (Business Associate Agreement), which must be in place as part of Public Health's application for the Minnesota Family Planning Program (MFPP) provider certification.

**Approved Addendum
to Minnesota Dept. of
Health Agreement
ITEM 3.2**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve an addendum to the Cities Readiness Initiative (CRI) Grant Project Agreement with the Minnesota Department of Health, which extends the term of the agreement through August 31, 2007. The City will be reimbursed up to \$21,662 for Public Health staff to provide the services as listed in the agenda item.

**Approved Transfer of
Funds for Executive
Search
ITEM 3.3**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the transfer of funds from the following departments to the City Manager's Budget (101-2101-419-62-21) to fund the executive search to replace Public Works Director Charles Honchell upon his retirement:

Public Works General Fund: 101-7101	\$ 8,273
Water Fund: 510-8101	7,568
Wastewater Fund: 520-8201	6,555
Storm Water Fund: 530-8301	3,272
Solid Waste Fund: 535-8551	626
Facilities Fund: 630-6901	3,912
Equipment Fund: 617-0617	<u>3,794</u>
Total	\$ 34,000

**Approved Settlement
of the Easement
Acquisition over Three
Rivers Park District
Parklands
ITEM 3.4**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve a settlement of the City's easement acquisition over the Three Rivers Park District parklands (8325 East Bush Lake Road) near the ski jump on East Bush Lake Road being acquired for the City's upcoming street improvement project for East Bush Lake Road, West 84th Street, and Chalet Road consisting of street right-of-way (8,976 SF), permanent easements for utility, sidewalk/bikeway, retaining wall purposes (5,711 SF), and temporary construction purposes (7,949 SF).

The settlement contemplates the payment to the District of cash in the amount of the City's approved appraisal (\$17,021); certain "replacement lands" are also to be provided to the Park District for the "4F" lands on the Park District site that are being acquired for street and retaining wall purposes. Subject to the approval of State and Federal authorities, a certain portion of Hampshire Avenue lying north of 105th Street and abutting Hyland Park will be vacated to provide those "replacement lands."

ITEM 3.4 continued The settlement agreement also includes the Minneapolis Ski Club, which leases the ski jump area from the Park District. The agreement provides that the City will do certain fill and grading work at the bottom of the ski hill as part of the settlement.

**Adopted Resolution
Approving a Variance
at 4309 West 110th St.
Case 10740A-06
ITEM 3.5
R-2006-113**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution approving a variance to reduce the side yard setback from five (5) feet to two (2) feet for an attached garage at 4309 West 110th Street, Case 10740A-06, for Steven Schenck, subject to the following 5 conditions of approval as set forth by the Hearing Examiner:

1. The exterior, finish, and roof line of the garage shall match that of the principal structure;
2. Building plans shall be approved by the Building Inspections Department;
3. All necessary building permits be obtained prior to construction;
4. The existing drainage pattern shall not be altered to cast additional drainage onto abutting properties; and
5. The variance shall apply only to the attached garage shown on the plan for Case 10740A-06.

**Approved Letter of
Understanding with
League of MN Cities
ITEM 3.6**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve a Letter of Understanding between the City of Bloomington and the League of Minnesota Cities (LMC) outlining the understanding between the City and the LMC for participation in the newly created Minnesota Cities Storm Water Coalition (MCSC). The purpose of the MCSC is to assist cities in addressing the increasing storm water regulations and requirements by providing technical assistance and a direct unified link to state agencies with support of the LMC.

The annual fee is anticipated to be \$1,625.00 and funding is available from the Storm Water Utility.

**Approved Amendment
#2 to MN Dept. of
Health Agreement
ITEM 3.7**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve Amendment #2 to the Public Health Preparedness/Response to Bioterrorism Grant Project Agreement with the Minnesota Department of Health, which extends the term of the Grant Project Agreement from August 31, 2006 to August 31, 2007. The City will be paid \$84,408 to provide services in the following areas: Leadership, Assessment, Planning, Surveillance and Monitoring, Response and Recovery, Workforce Readiness and Communication.

No budget adjustment is needed at this time.

**Approved Contract
with WSB & Assoc.
ITEM 3.8**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the Professional Services Contract with WSB & Associates for engineering services for the design and construction management of the Killebrew Pedestrian Bridge Project (CP# 2009-202) for the not-to-exceed amount of \$341,154.40, which includes a 15% contingency.

The City received a federal grant to fund \$1 million of the construction of the project. The design and construction engineering services to be funded by Port Authority MOA Tax Increment Financing (TIF) Capital Projects Fund 083.

**Accepted a Drug-Free
Communities Support
Program Grant
ITEM 3.9**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to accept a Substance Abuse and Mental Health Services Administration (SAMHSA) Drug-Free Communities Support Program Grant in the amount of \$100,000. The SAMHSA grant supports youth alcohol, tobacco, and other drug prevention activities in Bloomington, Edina and Richfield. It supplements the publication of the "Creating a Voice" advocacy newsletter, parent education and training, and faith and business networking events. The goal of this project is to reduce youth alcohol, tobacco, and other drug use and access.

No budget adjustment is necessary to the Public Health Budget.

**Accepted a Drug-Free
Communities Support
Program Grant
ITEM 3.10**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to accept a Substance Abuse and Mental Health Services Administration (SAMHSA) Coalition Mentoring Program Grant in the amount of \$75,000. This grant provides funds to continue training to Bloomington United for Youth (BUY) and Edina Chemical Health Partners (ECHP) in sustainable fund raising and volunteer recognition.

No budget adjustment is necessary to Public Health.

- Set Monthly Employer Health Insurance Contribution
ITEM 3.11** Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the maximum monthly employer health insurance contribution at \$870, effective January 2007. The balance of the monthly premium, if any, shall be paid by the employee. This action applies to the unrepresented regular, full-time employees. The employees represented by a union will receive an employer contribution as per the bargaining agreements.
- Appropriated Funding for Lighting at Brookside Park
ITEM 3.12** Motion was made by Peterson, seconded by Axtell, and all voting aye, to appropriate funding in the amount of \$7,850, which includes a project contingency from 411, the Park Development Fund, for outdoor security lighting on two pathway poles at Brookside Park.
- Approved Sale of City Vehicles at Auction
ITEM 3.13** Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the sale of fourteen City vehicles at the Hennepin County Auction scheduled for September 30, 2006, which have been replaced and are no longer needed.
- Approved Minutes
ITEM 3.15** Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the minutes from the July 24 Regular and July 31 Study (Nordstrom abstaining) meetings, as presented.
- Accepted Grant Revenue from 2005 Katrina Deployment
ITEM 3.16** Motion was made by Peterson, seconded by Axtell, and all voting aye, to accept additional grant revenue from the 2005 Katrina Deployment and to adjust the 2006 Budget. In 2006, the original claim of \$250,855 was amended to include additional costs of \$13,981. In August of 2006, the City received \$264,836 for reimbursement of its costs.
- Approved Funding Source & Relocation of the Sundial
ITEM 3.17** Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the funding source and location for the relocation of the Sundial from its present site on the Penn Avenue Reservoir to a more prominent location at Civic Plaza (Location #3, between the Pond Overlook Plaza and the sidewalk leading to the Council Chambers Terrace). The quote received to move it of \$15,990 to be paid with 50% from the Water Fund (removal) and 50% from the interest earnings from the Center for the Arts bond fund (reinstallation).
- Approved Purchase of Riding Floor Scrubber
ITEM 3.18** Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the expenditure of \$45,800 from the 2006 Equipment Replacement Fund 617-0618-499.70-42 for the purchase of a riding floor scrubber to be used by the Facility Maintenance Division to clean the floors in the two Public Works garages as well as the Civic Plaza Police garage.
- Accepted Donations
ITEM 3.14** Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to accept the following donations made to various City activities and to amend the revenue and expenditure budgets, as noted in the agenda materials, to facilitate the appropriate use of these funds: \$4,000 from the Bloomington Traveling Baseball League to Park & Rec for air conditioning for the Hrbek concessions building, tennis equipment valued at \$750 donated from USTA to the Park & Rec Tennis Program, \$418 donated by Kathy Busse to Park Maintenance for a memorial park bench, \$2,500 donated by the National Football League Alumni, Inc. MN Chapter to the Police Department's Cops & Kids Baseball, \$1,500 donated by Steven & Jan Kirchner Family Foundation to the Police Department's Cops & Kids Hockey, and fabric valued at \$250 donated by Marianne King to the Creekside Crafts Group.
- OPENED PUBLIC COMMENT PERIOD** The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda. No one came forward to speak, so the Council returned to its regular agenda.
- City Council Policy & Issue Update
ITEM 6.1** The monthly update was provided on September 11.
Bernhardson inquired as to Council's availability to attend a ribbon cutting at Public Works at 4:30 pm on October 9, followed by a special session on governance at 5:30 pm, and the regular meeting starting at 7 p.m. All responded they were available.

**Reappointment
to the Parks, Arts &
Recreation
Commission
ITEM 6.2**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to reappoint Jordan Pease to another term as a youth member on the Parks, Arts & Recreation Commission, expiring August 31, 2007.

**Nominated Applicants
and Continued
Appointment to Oct. 9
ITEM 6.3**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to nominate Bethany Kullmann and Bakhtawar Chaudhary for consideration of a youth appointment on the Human Rights Commission and to continue the appointment to the October 9, 2006, Regular meeting.

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to reappoint Jillayne Beall to another youth term on the Human Rights Commission expiring on August 31, 2007.

**Adopted a Resolution
Approving a
Conditional Use
Permit at 8800 Lyndale
Avenue South
Case 8409AB-06
ITEM 5.2A
R-2006-118**

Motion was made by Peterson, seconded by Nordstrom, to adopt a resolution approving a Conditional Use Permit for a restaurant at 8800 Lyndale Avenue (8766 Lyndale Avenue – business), Case 8409A-06, for Mandarin Kitchen, subject to the following 6 conditions as set forth by the Planning Division Staff and the Planning Commission plus an added Condition #7 per Council relating to requiring the shopping center owner/manager to implement a parking management plan that reserves sufficient parking for other retail and service tenants in the center and a plan for snow removal, as approved by the Planning Manager. Motion passed 4-2 (Axtell and Wilcox opposing).

1. The use permit is limited to the 6,920 square feet of leased space as shown in the plans approved in Case 8409A-06;
2. Final Site Plans and building plans for the restaurant must be approved by the City Council;
3. Plans for the trash and recyclable material collection and storage space, with access directly from the restaurant and a new overhead door, be approved by the Planning Manager;
4. Restaurant seating must not exceed 128 seats, including bar seating;
5. Restaurant must use a reservation system for the dim sum feasts and any other heavily attended or special events that have the potential to exceed the available center parking;
6. The restaurant must enter into and maintain an expanded lease providing for at least 15 off-site employee parking spaces throughout the daytime hours on Saturdays and Sundays, unless termination is approved by the Planning Manager based on appeal and submitted documentation prior to the expiration of a current lease; and
7. Prior to the issuance of any building permits, the center owner/manager shall prepare and implement a parking management plan reserving sufficient parking for other retail and service tenants in the center, and a plan for removal of snow, as approved by the Planning Manager.

Bob Hawbaker, Senior Planner provided the staff report explaining that the applicant plans to expand the restaurant from 4200 SF to 6700 SF. Most of expansion area will be used for kitchen and food preparation. The actual number of seats will only increase by eight. With regard to parking, he stated the shopping center meets all of the Code requirements but there is an issue with regard to keeping snow cleared and removed from the parking lot during the winter. He stated two other businesses in the center do have reserved parking spaced and the applicant has secured approximately 15 off-site parking spaces that are utilized by their employees on Saturday and Sunday. He concluded his report by stating that the Planning Commission recommended approval of both applications with conditions including adding one that requires the applicant provide the 15 off-site parking spaces to their employees on Saturday and Sunday.

Wilcox stated that he has received several calls on this application and inquired if their original application was for less seating than what they are currently utilizing.

Hawbaker replied that their original application was approved for a certain size. However, the restaurant increased its seating before the City actually became aware of it and that staff didn't realize it until they made this application to expand into the adjacent space.

Wilcox inquired if staff thought this violation of increasing the seating could ever occur again.

ITEM 5.2A1 continued Hawbaker replied that it could but that their expansion is taking place in three rooms on the north side of the site, which will make it easier for City staff to verify the number of seats.

Wilcox inquired if there is a parking problem.

Hawbaker stated he believes management can solve the problem in order to avoid parking issues.

Wilcox also commented that he thought this property had a history of complaints and that it was closed down once or twice.

Hawbaker recalled one complaint.

Larry Lee, Community Development Director stated he's aware that the restaurant has had violations to correct upon investigation by the Environmental Health staff and that most of the complaints have related to parking. He didn't recall this restaurant standing out as a frequent violator. There was some discussion about a past complaint from a neighboring tenant and one relating to the sprinkler system that resulted in a mold issue.

Axtell expressed concern that a 60% increase in space would likely result in increased revenue, which usually means adding more seating capacity.

Hawbaker stated the proposed expansion will allow the restaurant to serve their customers more efficiently so they can get them in and out of the restaurant in a more timely manner.

Nordstrom referenced a letter the Council received from another shopping center tenant concerned about the parking issue.

Bernhardson stated that the issue regarding parking has to do with the proximity of the remaining parking spaces for the other tenants' customers when the restaurant is busy. He stated the Environmental Health Division does inspections at least twice a year and that they could verify the seating count at that time to be sure the restaurant is in compliance with the maximum approved.

Hawbaker clarified that the shopping center management has not been involved in the parking lot issue except with regard to the lighting.

Winstead commented that in reference to the 66th Street & Nicollet area where the Champs restaurant is located, it takes shopping center management to make certain the tenants adhere to the requirements.

Wilcox inquired as to the deadline for approving this application stating he isn't comfortable with the parking issue and suggested this item be laid over until the center management submits a parking management plan for the center.

Speaker #1: Debbie Chen, Applicant

She explained that they have already gained 15 parking spaces by requiring their employees park on the adjacent site. She stated there are only two other businesses open on Saturday and one on Sunday, which helps the parking situation. She added that she inquired of the shopping center management about whether there was any other nearby parking she could rent for her business.

Nordstrom commented that the restaurant is only requesting to increase its seating capacity by eight seats.

Chen explained that the kitchen is the most important element of the business and she wants to do what's right by the City's Health Department but she had to wait until the space was available for her expansion. She plans to add another cooler and will gain more storage room. She explained that their dining room is too tight the way it is currently configured and that 128 seats is plenty of seating capacity so the extra space will help them operate more efficiently and will provide a nicer environment for their customers.

Axtell inquired as to the restaurant's busiest times.

ITEM 5.2A1 continued Chen confirmed that they are between 10 a.m. – 2:00 p.m. on Saturday and Sunday. She commented that there is more parking available around the back if customers would park there plus they're renting 15 spaces at the radiator shop next door on the weekends to free up more space in the main parking lot.

Peterson inquired if the proposed layout for a 128-seat restaurant is comparable to other restaurants in the city.

Hawbaker replied that a restaurant of 3-4,000 square feet in size is typical for 128 seats and is a typical configuration for a buffet-type of restaurant.

Wilcox expressed concern that the restaurant owner might be tempted to add more seating capacity to the meeting room areas if their business continues to be successful and inquired if the shopping center landlord shouldn't take some ownership in this situation. He also inquired if the restaurant could rent more than the 15 spaces it currently is from the adjacent business.

Hawbaker replied that the 15 spaces they're renting corresponds to the number of employees they have working on the weekends.

Following Peterson's motion to approve the CUP with an added condition relating to the parking situation, there was some Council discussion regarding what constitutes a parking management plan and a request that the Environmental Health staff verify the actual number of seats in the restaurant on a regular basis to ensure they are not adding seating capacity over and above what has been approved.

Wilcox stated he still has concerns relating to parking and seating capacity and therefore won't be supporting this application. He preferred to give the landlord and the tenant two weeks to bring back a revised plan.

Mayor Winstead called the vote on the motion to approve and it passed 4-2 (Axtell and Wilcox opposing.)

Approved Final Site & Building Plans for Mandarin Kitchen at 8800 Lyndale Avenue Case 8409B-06 ITEM 5.2A2

Motion made by Peterson, seconded by Grady, to approve the Final Site and Building Plans for a restaurant at 8800 Lyndale Avenue (8766 Lyndale Avenue – business), Case 8409B-06, for Mandarin Kitchen subject to the following 5 conditions of approval and 5 Code requirements as set forth by the Planning Division Staff and the Planning Commission. Motion passed 4-2 (Axtell and Wilcox opposing).

1. SAC determination be completed and any charge be satisfied;
2. Property owner provide a point-by-point photometric lighting plan and implementation schedule for the center as approved by the Planning Manager;
3. Accessible parking be properly signed;
4. The exterior finish materials for a the trash and recyclable material collection and storage space addition match those of the existing facility and be approved by the Planning Manager;
5. The restaurant owner/operator must maintain and utilize for employees during daytime hours on Saturdays and Sundays a yearly off-site lease for 15 employee parking spaces unless termination is approved by the Planning Manager based on appeal and submitted documentation prior to the expiration of a current lease;

and subject to the following Code requirements:

1. All rooftop equipment shall be fully screened (Sec. 19.52.01);
2. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code 3802; Uniform Fire Code Ch. 10.306);
3. Food service plans be approved by the Environmental Services Division (Sec. 14.360);
4. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
5. Signage shall comply with the requirements of Chapter 19, Article X of the City Code.

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.

**Postponed to Oct. 9
NORMANDALE
OFFICE PARK 5TH
ADDITION Plat
ITEM 5.2B**

Motion was made by Grady, seconded by Peterson, and all voting aye, to postpone to the October 9, 2006, Regular meeting, the Preliminary & Final Plat of NORMANDALE OFFICE PARK 5th ADDITION located at 8200 Normandale Boulevard, 8251 and 8301 Norman Center Drive per a request of the applicant 8200 Normandale Investment, LLC.

**Approved a Certificate
of Appropriateness for
the Old Town Hall at
10200 Penn Avenue
Case 6922B-06
ITEM 5.2C1**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a Certificate of Appropriateness to remove the vault and exterior cellar stairs of a Class I Historic Structure for the City of Bloomington at 10200 Penn Avenue South, Case 6922B-06.

Hawbaker introduced Planner Carol Dixon explaining this was one of her first assignments upon joining the City of Bloomington Planning Division staff.

Dixon discussed the two actions required of the City Council relating to the Final Site and Building Plans for the exterior restoration of the Bloomington Old Town Hall and a Certificate of Appropriateness to rehabilitate a Class I Historic Structure. She explained it would involve the removal of the vault and some stairs to allow the rehabilitation to occur, which will be to an 1892 timeframe. She explained the building was used as a town hall up until 1964 when it was moved across the street to a new building and that it has been occupied by the Bloomington Historical Society (BHS) since that time. She reviewed the two and a half-year process to date and the reuse study that looked at the best use for this building. The majority of people wanted to see the building rehabilitated. She described the internal and external structural changes that will occur, which include the addition of a sprinkler system for fire protection. With regard to parking, the current parking lot will be removed and a new parking lot will be added on the south side of the building. She stated a joint access agreement with the funeral home will be created to access the Bloomington Historical Society's parking lot. Another change will involve controlling the stormwater on site. She stated the building should adhere to the current standards and will add ten bicycle parking spots.

Jim Eiler, Facilities Maintenance Manager explained that some drawings need to be completed and then the bidding process can begin. He stated the options for rehabilitation will be back for Council approval and that the plan is to start work by early November or December 2006.

Bernhardson commented that with regard to the Minnesota State Historical Society, they suggested the building be rehabilitated to 1924 since it was moved but as they have no authority over this decision, staff is moving forward with rehabilitation to the 1892 timeframe.

Dixon stated many comments were received throughout the process adding that being put on a national registry could provide some leverage for the fundraising efforts of the Bloomington Historical Society but not for the City of Bloomington.

Speaker #1: Larry Granger, Bloomington Historical Society (BHS)

With regard to a national register status, he explained that it is not just the building style and land condition, but it's what went on in the building that can determine its national registry status. If it achieves national registry status, it receives a higher priority with State Historical Society on their state bonding bill and that year-to-year grants can be important for the upkeep of the building and that the better the upkeep, the better the chances are for receiving future funding. He stated BHS approves of the Certificate of Appropriateness and is ready to get on with the cleaning out of the vaults. With regard to Code #6, he stated they desire to work with the Planning Manager on the landscape plan, as they may decide to sell bricks as a fundraiser and will need to know where the bricks will be placed and how many will be needed. He added that the parking lot will need to accommodate the many large school buses that frequent the museum on a yearly basis. Once selected, they desire to meet with the contractor to determine how much of the museum's contents will need to be moved to the "no cost" storage facility they have secured.

ITEM 5.2C1 continued Nordstrom inquired if the BHS fundraising has begun.

Granger confirmed that they have started and that they are in the process of submitting an application for matching funds.

Winstead requested that the fundraising along with the landscape plan take place and that staff ensures the proper accommodation for school buses.

**Approved Final Site &
Building Plan for Old
Town Hall at 10200
Penn Avenue South
Case 6922A-06
ITEM 5.2C2**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the Final Site and Building Plans for site improvements and building improvements for the rehabilitation of Bloomington's Old Town Hall located at 10200 Penn Avenue South, Case 6922A-06, for the City of Bloomington, subject to the following 13 conditions of approval and 7 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Exterior building materials be approved by the Planning Manager;
2. Access, circulation and parking plans be approved by the City Engineer;
3. Common driveway/access agreement be provided as approved by the Traffic Engineer, and proof of filing be provided to the Manager of Building and Inspection;
4. A SAC questionnaire be completed and submitted to the Department of Public Works, and any Sewer Availability Charge (SAC) be satisfied;

and subject to the following conditions being satisfied prior to Structural Permits:

5. Connection charges are due prior to the issuance of utility permits unless waived by the City Council;
6. Temporary signs, lighting and addresses shall be provided during construction;
7. An Erosion Control Bond shall be provided;
8. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the Nine Mile Creek Watershed District, prior to the issuance of permits;
9. A Stormwater Management Plan shall be approved by the City Engineer;
10. Nine Mile Creek Watershed District Permit and comments shall be provided;

and subject to the following additional conditions:

11. All parking should be on-site; no on-street parking/loading/unloading shall occur on public streets;
12. Alterations to utilities be at the developer's expense;
13. The placement of the Old Town Hall sign shall be located outside of the Penn Avenue right-of-way, unless Hennepin County approval and permit is obtained for sign placement within the Penn Avenue right-of-way;

and subject to the following Code requirements:

1. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
2. All trash and recyclable materials be stored inside the principal building (Sec. 19.51);
3. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
4. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
5. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;
6. Landscape plan be approved by the Planning Manager (Sec. 19.52); and
7. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360).

**Adopted Resolution
Confirming Delinquent
Utility Assessments
ITEM 5.5A1
R-2006-114**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution confirming the delinquent water, sewer, storm water drainage, and solid waste (recycling) assessments as certified to the City Assessor by City staff and have been added to the assessment rolls. Each assessment may be paid prior to November 29, 2006, without interest and that interest will be applied at the rate of eight percent (8%) on assessments paid after November 29, 2006.

- ITEM 5.5A1 continued** Lori Economy-Scholler, Chief Financial Officer provided the staff report stating that the administrative hearing for all of the assessments was held last Monday. She reported there is \$14,200 in outstanding utility assessments as of today.
- She explained that starting tomorrow, a \$25 administrative fee will be added to each delinquent account. If the assessment is not paid by November 29, 2006, it will go to the County to be assessed onto their tax statements in 2007.
- No public testimony was received.
- Adopted Resolution Confirming Delinquent Weed Removal Assessments** Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution confirming the assessment of delinquent weed removal costs. Economy-Scholler reported there is \$3,000 in outstanding weed removal assessments as of today.
- ITEM 5.5A2 R-2006-115** No public testimony was received.
- Adopted Resolution Confirming Delinquent Tree Removal Assessments** Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution confirming the assessment for delinquent tree removal costs. Economy-Scholler reported there is \$45,000 in outstanding tree removal assessments as of today.
- ITEM 5.5A3 R-2006-116** No public testimony was received.
- Adopted Resolution Confirming Delinquent Administrative Citation Assessments** Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt a resolution confirming the assessment for administrative citations. Economy-Scholler reported there is \$3,500 in outstanding administrative citation assessments as of today.
- ITEM 5.5A4 R-2006-117** No public testimony was received.
- Adopted Ordinance Authorizing Issuance of G.O. Permanent Improvement Revolving Fund Bonds** Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt an ordinance authorizing the issuance of \$5,980,000 General Obligation (G.O.) Permanent Improvement Revolving (P.I.R.) Fund Bonds of 2006, Series 40.
- ITEM 5.5B1 O-2006-41** Economy-Scholler provided the staff report stating that this item authorizes the sale of \$5.9 million in P.I.R. bonds and special assessments. She stated the bond payment was anticipated and is included in the debt levy and announced that Terri Heaton and John Utley from Kennedy & Graven, the City's bond counsel were present for Council questions.
- Axtell inquired what happens to the difference between the 6% the City charges for the assessment and the 4% the City pays for the bonds.
- Economy-Scholler explained that the 6% is determined over a 10-year average and that the difference goes into the Debt Service Fund, and if it covers all of the expenses, then the remaining balance goes into Strategic Priorities.
- No public testimony was received.
- Adopted Resolution Providing for Issuance and Sale of G.O. Permanent Improvement Revolving Fund Bonds** Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution providing for the issuance and sale of \$5,980,000 General Obligation Permanent Improvement Revolving Fund Bonds of 2006, Series 40.
- ITEM 5.5B2 R-2006-119** No public testimony was received.

**ADDITIONAL
COMMENTS**

Mayor Winstead reported on the School District's "Big Event" he and other City Council members and City staff attended at the Georgetown Apartment Complex on Saturday, September 23. He stated the event was an initiative by the Schools to try and get closer to the parents and families of the greater neighborhood in order to make them more aware of the District and City resources available to assist them in the development of their children in both school and community settings. The City was represented by Police, Fire, Public Health, and Human Services. He stated Georgetown is a dense complex and that there are issues that need some attention and that while the City needs to look at doing some work there, the neighbors and residents indicated a willingness to work at improving the situation. He stated the Environmental Health staff has expressed frustration over tenant behavior but indicated a willingness to help, as did the School District.

Mayor Winstead also commented on the successful Iron Girl running and biking event that was held in west Bloomington over the weekend in which 600 participated. He stated the event ran smoothly thanks to the organizers and the Bloomington Police Department.

Police Chief Laux commented that there were 300 participants in last year's event and 600 in this year's event and suggested it could reach 1,000 next year. He mentioned an inquiry that came in from a citizen concerned regarding the financial resources used to pay for these types of events. Chief Laux explained that the Iron Girl event paid for all of the police resources used during the event and that the numbers of officers working this event had no impact on the number of officers needed for regular street patrol.

Chief Laux also commented on the training exercise that took place at the Mall of America on Sunday, September 24. He stated this was the first time the City rolled out its new Command Post in a setting of this type. The training exercise was coordinated between Hennepin County and the State of Minnesota to check the operability of the communication system between agencies. He stated the City got very high marks from the national evaluators. Bloomington rigged up a patch system that allowed those departments that don't operate on the 800MHz system to communicate with those that do. He stated this was the first time police, fire and ambulance personnel all worked together on a coordinated movement inside the Mall of America. The evaluators remarked that this is the first time government agencies included private security into a plan of action. He stated the City learned a lot from this exercise and that although improvements are needed, the equipment and people worked well. The City has a sound plan in place should a major event ever occur at the Mall of America.

Bernhardson thanked Fire Chief Ulie Seal and Police Chief Laux and the respective members of their departments for working very hard to see that the exercise was successful. He stated Chief Seal is renowned at handling these types of events.

Winstead concurred adding that it's comforting to know that the leadership of Bloomington's fire and police departments are very well trained in disaster management, which should help minimize the effects of a disaster should one ever occur in Bloomington.

Bernhardson requested Council provide feedback on the Truth In Taxation insert that was provided to them this evening and mentioned one possible change might be to compare the data on a single-family average home rather than the average household.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:30 p.m.

Barbara Clawson
Council Secretary