

Regular Meeting #35
Monday, December 4, 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 Winstead called the meeting to order at 7:11 p.m. and led the audience in the pledge of allegiance to the flag.

Roll Call

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

**Omar Bonderud
Award Presentation**

Mayor Winstead and Sueling Chan Schardin, Human Rights Commission described the Omar Bonderud Award and introduced Larry Yazzie, this year's recipient. A video was shown of Mr. Yazzie performing his fancy dancing.

Yazzie thanked City staff and the City Council for the award. Like his father who was a fancy dancer, Larry is passing this honor down to his son and is teaching him to how dance. He introduced his wife, son, and 6-month old daughter.

**Proclamation –
Human Rights Day**

Mayor Winstead read and presented a proclamation declaring December 10, 2006, as International Human Rights Day in Bloomington to Sueling Chan Schardin, Human Rights Commission.

**STAR Award
Presentation**

Police Chief John Laux explained that the STAR Award involves both education and enforcement of traffic laws in conjunction with the Safe & Sober campaign. He stated the City of Bloomington has always been committed to traffic law enforcement as part of this campaign even when the City hasn't been a recipient of grants for this purpose. He introduced Bob O'Brien, Minnesota Department of Public Safety Law Enforcement Liaison for the Safe & Sober Program who presented the 2006 Star Award for traffic enforcement safety to Sgt. Marty Early. For comparison purposes, he reported there are 115 homicides per year compared to 500-600 traffic fatalities per year and that the Safe & Sober Program promotes the enforcement of seatbelt wearing. He reported over 50% of those killed in traffic accidents last year weren't wearing seatbelts and that approximately 35% of them were driving impaired and that the Bloomington Police Department always does a very good job of educating the public and enforcing traffic laws.

Mayor Winstead added that Chief Laux was recognized today by the Hennepin County Attorney's Office for receiving a community leadership award.

**Hugo G. Erickson
Award Presentation**

Heidi Hamilton, Minnesota Public Works Association presented Public Works Director Charles Honchell with an award for his work within the organization and listed the offices he has held.

Honchell stated he was honored to receive such an award from his professional organization of which he has been a member for 33 years.

**Savvy Award
Presentation**

Diann Kirby, Communications Administrator presented the communication Savvy awards the City earned at the 3CMA Awards event in October: A 1st place Savvy award for the second year in a row for having the Best Internal Newsletter (*the Insider*) that is distributed to all City employees and an award for the City's 2005 Corporate Financial Report to the Community. In addition, she announced that Bloomington had just received word that it earned the Popular Report Award from the GFOA for the seventh year in a row. She reported Bloomington has won more Savvy awards than any other city in Minnesota during the last ten years.

Mayor Winstead announced that Diann Kirby will be taking over as Director of Community Services following the retirement of current director Jim Truax.

- Accepted 2007 Human Rights Commission Work Plan**
ITEM 6.2
- The Human Rights Commission 2007 Work Plan was presented by Sueling Chan Schardin, which highlighted the purpose of the Human Rights Commission and their action categories for 2007.
- Motion was made by Elkins, seconded by Peterson, and all voting aye, to accept the 2007 Human Rights Commission Work Plan as presented.
- Appointment to the Port Authority**
ITEM 6.3
- Mayor Winstead nominated Cynthia Hunt for appointment to a six-year term on the Port Authority.
- Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to affirm the nomination and appointment of Cynthia Hunt to a six-year term on the Port Authority expiring December 4, 2012.
- Adopted Resolution Consenting to HRA's 2007 Levy**
ITEM 3.1
R-2006-146
- Motion was made by Axtell, seconded by Peterson, and all voting aye, to adopt a resolution consenting to the Bloomington Housing & Redevelopment Authority's (HRA) levy by way of special tax during the Year 2007 upon all property, both real and personal, in the city of Bloomington to defray the cost of operation of said Housing & Redevelopment Authority during the year 2007. The HRA levy request for 2007 is \$1,596,617, which is \$114,617 higher than in 2006. The increased funds will be used in conjunction with redevelopment activities.
- Approved HRA's 2007 Contract for Staff Services**
ITEM 3.2
- Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve and authorize execution of the 2007 contract for Staff Services between the City of Bloomington and the HRA.
- Approved Agreement Between City and HRA for CDBG Programs**
ITEM 3.3
- Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve the Mutual Agreement between the city of Bloomington and the HRA to operate the 2007 Community Development Block Grant (CDBG) Single Family Rehabilitation Loan Program, Lead-Based Paint Program and Acquisition/Substantial Rehabilitation Programs.
- Approved 2007 CBBG Rehabilitation Loan Program**
ITEM 3.4
- Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve the 2007 Community Development Block Grant Rehabilitation Loan Program. The maximum loan amount will remain at \$35,000.00. Maximum qualifying incomes are 80% of the metropolitan income as adjusted by household size. The program year begins July 1 and runs through June 30.
- Approved Planting Plan for 2006-905 Pond Maintenance Project**
ITEM 3.5
- Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve the planting plan for the 2006-905 Pond Maintenance Project. The plan will restore and improve screening for the residents on the 8100 block of Fremont Avenue from I-35W and the Metro bus transfer station.
- Adopted Resolution Granting Final Plat Approval of NEXT STEP DEVELOPMENT Case 10732A-06**
ITEM 3.6
R-2006-147
- Motion was made by Axtell, seconded by Peterson, and all voting aye, to adopt a resolution granting approval of the Final Plat of NEXT STEP DEVELOPMENT located at 8500 Irwin Avenue South and 4216 Poplar Bridge Road, Case 10732A-06, for Larry Anderson, subject to completion of the following final plat conditions; receipt of the title opinion, necessary documents, and deposits; and a review of all documents by the City Attorney:
1. 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.
 2. Park dedication shall be in cash for one lot;
 3. Standard drainage and utility easements be provided along all lot lines, including a concurrent 10-foot sidewalk and bikeway easement along Poplar Bridge Road and Irwin Avenue for all three lots;
 4. A drainage easement shall be provided for all drainage swales on all lots;
 5. Grading, drainage and utility plans be approved by the City Engineer;
 6. Connection charges be satisfied;
 7. Sewer Availability Charge (SAC) be satisfied;

ITEM 3.6 continued

- 8. Permits shall be obtained for all new curb cuts and the driveway design and location shall be approved by the Traffic Engineer;
- 9. All alterations and additions to utilities shall be at the developer’s expense; and
- 10. Erosion control measures be in place prior to issuance of grading permits.

And the following Final Plat conditions recommended by the Public Works Staff:

- 1. Title Opinion or title commitment dated within the past six months shall be provided.
- 2. Connection charges shall be due prior to the issuance of utility permits.
- 3. Standard drainage and utility easements 10 feet along street frontages and 5 feet along internal lot lines shall be provided.
- 4. A 10-foot sidewalk/bikeway easement shall be provided along all street frontages.
- 5. The grading, drainage, utility and erosion control plans shall be approved by the City Engineer prior to the issuance of permits.

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 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).

**Approved City’s Cost Participation in James Avenue Railroad Crossing Project
ITEM 3.7**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve a letter from the City to the Minnesota Department of Transportation (MnDOT) Office of Freight and Commercial Vehicle Operations (OFCVO) stating the City will provide a 10 percent construction cost match (to MnDOT OFCVO to match Federal funds) for the installation of cantilevers (approximately \$26,250) and gates (approximately \$24,075) at the James Avenue railroad crossing in Year 2009 and the installation of gates at the 82nd Street railroad crossing in Year 2010.

**Adopted Resolution Approving City’s Cost Participation in Signal System at T.H. 77 & East Old Shakopee Rd
ITEM 3.8
R-2006-148**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to adopt a resolution approving the City’s provision of a twenty (20) percent construction cost participation to MnDOT for the replacement of the existing traffic signal system at the east ramp of T.H. 77 and East Old Shakopee Road in the Year 2010. The City’s 20% share of construction costs is estimated by MnDOT to be \$50,000.00.

There are Municipal State Aid funds available in Year 2010 for this cost participation.

**Adopted Resolution for Issuance & Sale of G.O. Arts Center Refunding Bonds
R-2006-149**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to adopt a resolution providing for the issuance and sale of \$5,680,000 General Obligation Arts Center Refunding Bonds, Series 2007A.

**Approved Public Safety Traffic Safety Award
ITEM 3.10**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve a Minnesota Department of Public Safety traffic safety award in the amount of \$37,000.00 and related budget adjustments. The funds will be used with the City of Eden Prairie for traffic safety purposes in conjunction with the Safe & Sober Challenge.

**Approved Minutes
ITEM 3.11**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve the minutes of the April 17 Joint Council/Port Authority Meeting (Wilcox abstaining) and the November 20 Regular Council meeting as presented.

**Approved Transfer of Strategic Priorities Funds
ITEM 3.12**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to approve the transfer of \$18,000.00 from Strategic Priorities Fund 420 to the Community Development Administration Activity 101-5101-419.62-21 for additional work on the Normandale Lake Area District Plan. (Springfield, Incorporated will be doing an analysis on the financial feasibility of various infrastructure improvements in the Normandale Lake Area.)

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.

Approved Agreement Hilton Minneapolis/ St. Paul Airport ITEM 5.1A

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the management agreement between MIP Lessee, the current on-sale liquor licensee at the Hilton Minneapolis/St. Paul Airport, 3800 American Boulevard East, and Ashford TRS Nickel LLC.

Adopted Resolution Approving Variances for Normandale Hylands United Methodist Church Case 3537AB-06 ITEM 5.2A1,2 R-2006-150

Bob Hawbaker, Planning Manager presented the staff report using an aerial of the property. He stated Normandale Hylands United Methodist Church proposes a significant remodeling and an addition. A request was received during the public hearing held at the Planning Commission meeting from the Tealwood Apartment Homes at 9900 Briar Road that the applicant be allowed to waive the screening requirement of a 5-foot high fence or wall adjacent to the church property as required by City Code, as they view the existing grass covered hill with some trees as an amenity for their residents. The Planning Commission and City staff recommend approval.

Motion was made by Peterson, seconded by Axtell and all voting aye, to adopt a resolution approving variances to reduce the required side yard setback from 87 feet to 25 feet for an addition to a church and to allow parking in front of the church between the building and the street at 9920 Normandale Boulevard, Case 3537AB-06, for Normandale Hylands United Methodist Church, subject to the following 2 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. The variance shall be valid only for the building addition plans approved in Case 3537C-06;
2. The variance shall be valid only for the final site plans approved in Case 3537C-06.

No public testimony was received.

Approved Revised Final Site & Building Plans for Normandale Hylands United Methodist Church Case 3537C-06 ITEM 5.2A3

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the Revised Final Site Plans and Building Plans for an addition to a church, expansion of parking, and related site improvements at 9920 Normandale Boulevard, Case 3537C-06, for Normandale Hylands United Methodist Church, subject to the 21 conditions and 11 Code requirements being satisfied prior to the issuance of any permits as set forth by the Planning Division Staff and the Planning Commission:

1. Exterior building materials be as approved by the Planning Manager;
2. Connection charges shall be satisfied as determined;
3. Sewer Availability Charges shall be satisfied as determined;
4. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
5. Maintenance schedule/plan for the Storm water best management practices, as approved by the City Engineer, be signed by the owner and be filed on record at Hennepin County with proof of filing submitted to Engineering;
6. Access, circulation, and parking plans be approved by the City Traffic Engineer;
7. Approved erosion control measures shall be in place prior to issuance of grading permits;
8. An erosion control surety shall be provided to the Manager of Building and Inspection Division;
9. A 10-foot deed of Access Rights be provided along Normandale Boulevard as approved by the City Traffic Engineer;
10. A concurrent 10-foot sidewalk/bikeway easement be provided by document in recordable form along Normandale Boulevard as approved by the City Traffic Engineer;
11. Plans shall be reviewed and approved by the Nine Mile Creek Watershed District;
12. NPDES permit required;
13. On-site accessible parking spaces shall comply in number and design with the guidelines of the Americans with Disabilities Act;
14. Developer/owner either petition for relocation of sidewalk/bikeway along Normandale Boulevard or relocate it as approved by the City Engineer as part of this project;

and subject to the following additional conditions of approval:

ITEM 5.2A3 continued

15. All disturbed areas shall be sodded except as may otherwise be approved by the Planning Manager as part of the approved landscape plan;
16. All construction related parking, loading and unloading, staging, and material storage shall occur on-site and off of adjacent public streets except as may be approved by the Director of Public Works for a temporary period;
17. Alterations to utilities be at the developer's expense;
18. Approved and installed erosion control barriers shall be maintained in an effective and functional condition throughout the construction period and shall not be removed until all disturbed areas are stabilized in an approved manner and removal is authorized by the City Engineer;
19. The provision of the required five-foot high solid screening along the north and west property lines may be held in temporary abeyance until requested otherwise upon submission of a written request by the abutting property owner;
20. The provision of the required five-foot high solid screening along the south property line may be held in temporary abeyance until requested otherwise as approved by the City Council;
21. Existing church signage shall be relocated to a complying position on the property prior to final landscaping of the front yard area along the two streets;

and subject to the following Code requirements:

1. Developer must submit Electronic utility "as-builts" to the Public Works Department following construction;
2. A landscaping surety shall be provided to the Manager of Building and Inspection Division;
3. Three-foot high solid screening be provided along Hyland Greens Drive and Normandale Boulevard as approved by the Planning Manager (Sec. 19.52);
4. Landscape plan shall be approved by the Planning Manager (Sec 19.52);
5. All rooftop equipment shall be fully screened (Sec. 19.52.01);
6. 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);
7. Fire lanes shall be posted as approved by the Fire Marshal (Sec. 8.73);
8. Utility plan showing location of existing and proposed water main and fire hydrant locations shall be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
9. Food service plans be approved by the Environmental Services Division (Sec. 14.360);
10. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
11. Signage shall comply with the requirements of Chapter 19, Article X of the City Code.

**Continued to Jan. 29
2007-103 Petitioned
Grand Avenue
Improvement Project
ITEM 5.3A**

Shelly Pederson, City Engineer presented the staff report regarding the 2007-103 Petitioned Grand Avenue Improvement Project. She explained residents presented the petition, the City Council acknowledged it, and ordered a Feasibility Study for the project. Staff held an informational meeting in August during which staff presented two alternative designs. They were received with mixed response by the residents. Letters and a survey were sent to all of the property owners. She stated out of the 27 assessable parcels, 16 parcels indicated support of the project and 11 indicated opposition. Of the 26 non-assessable parcels, 3 indicated support, 14 opposed, and 9 never responded via the survey or the petition. She explained that since this is a petitioned project by the residents, it would be 100% assessed to the adjacent property owners and assessment costs could run between \$24,100 - \$60,000 per lot for construction of the street and installation of water, and sewer, and stormwater. Stormwater treatment in this area could cost each lot an additional \$10,000. She showed the design alternatives; one going straight through from 102nd Street to 99th Street and one that includes a cul-de-sac. There would be a potential connection from Grand Avenue to Harriet Avenue. She stated staff looked at a potential pond location near 99th Street and an option of underground piping. Both were similarly priced.

Peterson inquired if the cul-de-sac option included the street at Harriet Avenue and the ROW.

Pederson replied that it includes the cost of the street but not the cost of the right-of-way, which would be assessed to all of the applicable property owners on the project.

ITEM 5.3A continued

Grady inquired if Grand Avenue was originally planned in this location.

Pederson replied that the City already has much of the needed right-of-way for the street.

Mark Bernhardson, City Manager inquired as to the number of potential lots that could be created.

Pederson stated approximately 26 lots depending on how they are packaged.

After reviewing the Grand Avenue options, Winstead stated the majority of the properties would have added value and developable parcels on the new street. He mentioned the two property owners on the cul-de-sac would be assessed but there would be no benefit to them. They would be assessed whether they were connected or not.

Bob Hawbaker, Planning Manager provided additional background relating to the two neck lots that were created in the mid to late 1970's. Since 1990, he stated variances have been required in order to create neck lots.

Axtell inquired if a \$34,000 - \$70,000 assessment per lot could be amortized.

Pederson explained that it's a 15-year assessment with an interest charge of 5%. On a \$34,000 assessment, it would be \$2,000 per year and approximately \$2,500 per year including the interest. The cost would be in the \$200-\$400 per month range for the smaller lots in property taxes. She stated the neighborhood has already spoken to a developer.

Bernhardson stated that if 25 lots cost \$1.2 million, each lot would cost the developer \$50,000 but the City Assessor believes they could be worth 2-3 times that in value. He stated there might be a way this could go forward as a voluntary option depending on what the interested neighbors could work out with a developer.

Peterson stated he'd like to know if that would be viable and if there is a strong consensus to go that way. He'd prefer to wait and see.

Pederson stated it's proposed for the 2008 construction season so there is time to work on the Grand Avenue options but that Engineering would like a decision by the end of February 2007.

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

Speaker #1: Jim Brandenburg, Owner of 9935 Harriet Avenue with his siblings

He explained why they are opposed to the project. They don't like the idea of having a street, a pond, or a pipe on their property so that others can develop their properties. Regarding the straight through option, he stated they were given an estimated assessment on their property of \$56,000. As they would have two street frontages, their costs will be high. The \$56,000 is only for the City activities. There would be additional utility costs for lights, telephone, cable, etc. and there would be the park dedication. He stated this is a complicated situation and there are many surveying fees so it would cost them significantly more. He stated the City would like to have the pond located on the east side of the proposed street at the east end of their lot or on another lot. As they have one of the two low spots in the area, there is a good possibility the pond would be located on their property. He stated the lot would be too small to sell and they would have to ask their neighbors for some revenue and wouldn't realize much benefit. He doesn't know how much any of the lots could actually be sold for and talked about the marketability of subdividing his lot. He and his siblings believe they would probably lose money even if they subdivided and sold off a lot. He stated there are many unknowns regarding this project. They don't want to sell their property because they feel they would lose money on it. He added four other lots would be negatively impacted by this street. He concluded his remarks by stating why should those who won't benefit pay the assessment and that they are absolutely opposed to it.

Pederson explained the City's policy regarding side street assessments.

ITEM 5.3A continued

Speaker #2: Gretchen Wheatley, 9943 Harriet Avenue (the old Jackson property)
She stated they bought in August 2005 and love the serenity and open space. Their concern is regarding the cul-de-sac and whether or not they would have any property left for construction. They oppose this project and like their property the way it is. She doesn't want their land taken away and then be charged for it. She believes there are too many unanswered questions.

Speaker #3: Mr. Walters, 10065 Harriet Avenue South
He bought his house in 1998 from John Mahoney Construction. He and his wife love Bloomington but they are in the process of selling their house and are disappointed they've lost one sale on their house already when the perspective buyer learned that Grant Avenue was going through and that it was a done deal. They are opposed to this project. They have already paid for improvements on a private street and believe the costs should be passed on to those who will benefit from it. She inquired who would pay for the right-of-way.

Speaker #4: Cameron Smith, 10120 Pleasant Avenue South
He owns a single lot and his assessment went to over \$116,000. He's lived in this location since 1971 and likes the serenity of the neighborhood. He's been contacted by a developer who wants to demolish several houses on Pleasant Avenue in order to get a reasonable size property. When all is said and done, he doesn't believe there would be any great windfall for him. He stated the real estate market is soft and in the next few years, he would be hurting badly if this moves forward. He stated it's a lifestyle versus short-term greed situation.

Speaker #5: David Weyrens, 324 West 102nd Street
They purchased their home in this area for the open space. He doesn't begrudge those who want the project but they will not be the winners in all of this. He stated he's been contacted by a developer interested in a planned development but he does not have a dividable property. He would be assessed a large sum of money to be a peninsula with three lots surrounding him.

Speaker #6: Pamela Killian, 9950 Grand Avenue South
She stated this project would create a financial burden and that according to a realtor, her property value could increase or decrease. She and her husband are nearing retirement and are contemplating selling but this situation has created some uncertainties and could hamper the sale of their home. The cul-de-sac option would take away their open space and would come to within 10 feet of their house.

Speaker #7: Sue LeGrand, 10015 Harriet Avenue South
She supports the proposal but understands the feelings of others. The long neck properties were told they would tie into Grand Avenue if and when it was developed.

Winstead commented that the bulk of the cul-de-sac is within the City's right-of-way and is within the Grand Avenue right-of-way so part of it is on City land.

LeGrand stated she purchased her lot with the intention that Grand Avenue would go through. She agrees with the current zoning for single-family residential and suggested prorating a percentage of the assessment versus the square footage. She stated there has been increased police activity and fire calls due to walkers in the area and that the right-of-way presents an attractive nuisance area with poor lighting. If the project moves forward, it is her understanding that Harriet Meadows will be additionally impacted and encouraged the City to take over maintenance of that private street. She supports the project.

Speaker #8: Todd Doncavage, 9953 Harriet Avenue
He stated the two designs proposed would impact the neighborhood very differently. They are a diverse neighborhood with diverse ideas. They didn't sign either petition for or against the project and would prefer the project be delayed to 2007. He stated there are good ideas out there and requested staff provide the neighborhood with information on the developer and what is being planned, as until then, there will be concerns on the part of the residents adding they want to do what is best for the neighborhood.

ITEM 5.3A continued

Speaker #9: Gordon Pinske, 10118 Pleasant Avenue

He stated he's the one who brought the petition forward for a street to go through. He stated they paid for the sewer and yet the four houses on the end of the street that weren't assessed for sewer want to enjoy the open space at his expense and that of others. He stated this is the third time he has tried to get Grand Avenue through.

Speaker #10: Bob Brandenburg, 9935 Harriet Avenue

He inquired if an Environmental Impact Study is included in these costs, as a neighbor dumped some bad things on the Wheatley lot and that cars and gas tanks are buried there.

Bernhardson stated this project would not technically trigger an Environmental Impact Statement.

Winstead suggested staff check with Environmental Health about that issue.

Speaker #11: Todd Franz, Representing his mother at 10324 Wentworth Avenue South

He inquired about the permit fee for connecting to City sewer and water. His mother is thinking about selling her property soon whether the street goes through or not. They're okay with the project and said perhaps it should go forward but that staff should let people know one way or another. It was stated staff would get back to him about gaining access to 102nd Street.

Pederson stated there would be an additional cost per lot of \$10,000 for stormwater and the Sewer Availability Charge (SAC) would be approximately \$1,500 but there would be no charges until houses are built.

Speaker #12: Donna Smith, 10120 Pleasant Avenue South

She stated, as one of the original homeowners who purchased in 1971, she's opposed to the project.

Speaker #13: Jon Wacker, 10032 Pleasant Avenue

He bought in 1997 and was told by his realtor about the six homes in Harriet Meadows. When he moved in, he had a single car garage and wanted to build a bigger garage but decided to build a smaller garage so it wouldn't make his lot smaller thus preventing him from subdividing in the future. He supports Grand Avenue going through but the big question is what is going to happen. He inquired what the Feasibility Study indicated and would it be worth it to them.

Speaker: Gordon Pinske, 10118 Pleasant Avenue South

He reapproached the podium to show photos of Mr. Smith's home, garage, and property stating the owner is using it for a commercial business.

Winstead stated staff could check to see if there are any environmental issues at that address.

Peterson stated it would be good for Council to make a decision but shouldn't select a street option tonight. He'd like to see how the cost benefit could be shifted around and suggested this item be continued to the Regular meeting on February 5.

Pederson stated staff could bring the item back on February 5 but would provide Council with some detailed options at their study meeting in January.

Winstead stated the City can tell the neighborhood what it costs to install a street and the developer can tell the property owners what the benefit would be for them and how each could be developed.

Grady inquired if the option of a special assessment had been explored by Legal, as it might be hard to prove a benefit to some of the lots. Besides using front footage, she inquired if an assessment had been determined to those that would directly benefit and if the benefit could be prorated.

Ornstein replied that Legal had not done any study and that there might be some problem demonstrating any benefit to some of the lots but that staff would research the situation and provide Council with a memo.

Nordstrom commented there appears to be overwhelming opposition for this project so it might be better for a developer to pursue.

ITEM 5.3A continued

Wilcox commented that it would cost an average of \$44,000 per lot and without everyone participating, the cost could jump to \$74,000 per participating lot.

Winstead suggested Assessing provide information to the neighborhood on what lots are selling for and what the potential value could be for those wishing to participate.

Elkins expressed interest in exploring how lots could be assessed on value rather than on strict lot footage.

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to continue this item to the January 29, 2007, Council Study meeting for a report from staff and continued the public hearing to the February 26, 2007, Regular Council meeting.

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.

Continued to Dec. 18 Zoning Ordinance Update - Parking and Loading Standards ITEM 5.4A1, 2

Elizabeth Shevy, Planner provided the staff report on the new revised parking ordinance, which covering the following:

- Public hearings were held by the Planning Commission and the Traffic & Transportation Advisory Commission (TTAC) and both recommend approval.
- Tonight’s focus is on the three remaining issues identified by TTAC.
- The first issue pertains to the maximum number of vehicles permitted to be parked and/or stored outside single and two-family residential dwellings. She described the existing standard. The Planning Commission recommends a maximum of three vehicles with no waiver. TTAC recommends limiting it to three vehicles with a waiver. Staff recommends limiting it to four vehicles maximum with no waiver. She explained the waiver concept places the burden of proof on the property owner. She summarized the survey that was taken.

Motion was made by Peterson, seconded by Nordstrom, to adopt the Planning Commission’s recommendation. No vote was taken at this time.

Wilcox inquired as to the enforcement process for this ordinance.

Larry Lee, Community Development Director explained that enforcement would be gained via complaints and staff observations. He stated the current process is much more lengthy, as it’s tied to the number of drivers. He restated staff recommends allowing four cars, as there are approximately 650 cases in Bloomington where four vehicles are needed at those homes.

Grady stated she wouldn’t support the ordinance without a waiver process.

Ornstein stated a waiver process would make it much more difficult for staff to enforce.

Winstead stated he could support a three vehicle maximum with a waiver.

Wilcox inquired if the ordinance distinguishes between a single-family residence versus a townhouse development.

Ornstein stated a waiver option would cost more in staff time and would complicate the matter.

Axtell stated he could support staff’s recommendation.

Grady and Nordstrom concurred.

Wilcox stated he agrees with staff’s recommendation but would like to discuss the situation regarding townhomes.

Hawbaker stated most townhouses are self regulated through their townhome association rules.

Mayor Winstead invited the public to comment on the proposed ordinance.

ITEM 5.4A1 continued

Speaker #1: William Coutier, 10331 Blaisdell Avenue South

He stated his new neighbor of two years wanted to widen his driveway but was told by City staff there wasn't sufficient space but he went ahead and put down gravel and is currently parking on it. He stated it's an eyesore so the current process is not working. He would prefer to see the ordinance require that all cars in the garage be in good working order adding there are only two drivers at his neighbor's house at 10337 Blaisdell Avenue.

Speaker #2: Don Olson, 1313 East 94th Street

He mentioned he just heard about this proposed ordinance via the legal notice in the newspaper. He believes it's very rigid and inquired why staff hates the residents in Bloomington. He stated most people need a vehicle and in urban areas you need a vehicle to get from one place to another and sometimes you need an extra one. In cases where there are teenagers in school that need to drive, they would exceed the three vehicle maximum.

Winstead clarified that it's three vehicles parked outside plus what can be parked inside.

Mr. Olson stated another problem is not being able to park a vehicle behind the house. If there's no room on the side of your house, you can't park in the back of your house. He said complaints can be good and logical but sometimes they're not. This ordinance is extremely rigid with three vehicles and no waiver. He added that requiring concrete driveways will cause more drainage out into the street and in the storm sewers.

Bernhardson requested staff address the issue regarding legal notices for Planning and TTAC and explain how the ordinance would affect the parking of recreational vehicles behind a house.

Shevy stated the ordinance does not change what already exists with regard to RV's and that they count as one vehicle. She stated legal notices were properly published for the administrative hearing and the Planning Commission hearing. She added the driveway surface materials permitted in the driveway approach must be made of concreted and that pavers are not allowed.

Council provided feedback on the paver issue:

Grady, Nordstrom and Elkins preferred not allowing pavers in the right-of-way area.

Winstead stated that if a homeowner wants to put in pavers all the way to the street, let the homeowner sign an encroachment agreement.

Peterson inquired how much would it cost to relay a paver driveway.

Shevy replied that the encroachment fee is \$250 to process.

Shelly Pederson explained that it costs approximately \$20 per square foot to relay a paver driveway compared to approximately \$14 per square foot for concrete.

Peterson inquired if Council could adopt an upcharge by policy but not as an encroachment agreement.

Bernhardson stated staff would look at it. He stated it's one thing when you're doing a street job but maintenance is another issue and asked how many Council were in favor of allowing pavers in the right-of-way.

Elkins inquired if it could be allowed so many feet from the street instead of from the right-of-way?

Speaker #3: Ron LaPointe, 10348 5th Avenue South

He stated his concern is with the driveway approach and the driveway itself and inquired if most people would be required to have blacktop or concrete. He stated some of his neighbors just have gravel but they keep it neat and clean. He suggested the Bloomington Briefing include a pictorial discussion of what is being proposed and what was discussed tonight for more public input. He has a two-car garage but he has an RV tent trailer and an RV trailer. He is concerned with having a maximum number of vehicles with no waiver allowance. He stated he'd like it to be tough but stated Council should keep an open mind and be open to variances.

ITEM 5.4A1 continued Bernhardson inquired about Class V material and how quickly would residents need to comply.

Hawbaker replied that the first 30 feet of all driveways need to comply but if certain driveways are grandfathered in, they would stay grandfathered in but all new driveways would be required to follow the ordinance.

Staff proceeded to get input from Council regarding the requirements for secondary circular drives.

Council consensus was that they could support limiting a second driveway to 12 feet in width and continued this item to December 18.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to continue to the December 18, 2006, Regular Council meeting, adoption of an ordinance to amend the parking and loading standards in the City Code.

Adopted Ordinance Amending Parking Regulations on Marth & Lea Road ITEM 5.4B O-2006-51

Amy Marohn, Engineer presented the staff report stating the new street width of Marth Road is 24 feet and currently there are no parking restrictions but with the new width, some areas are proposed for no parking and proceeded to show which areas. She stated staff received a call from the resident at 8000 Lea Road requesting the No Parking area be extended to coincide with a natural tree line so that the sign wouldn't be outside their front window. Staff had no objection.

Winstead suggested imposing the proper restrictions per fire, life & safety standards using minimal signage similar to what was installed in the Glen Wilding and Timberglade neighborhoods using the fewest number of signs possible.

Grady commented she liked the green "P" for parking signs in the Timberglade neighborhood but not the red "No Parking" signs.

Chad Smith, Traffic & Transportation Engineer stated the only problem with no parking allowed except where noted is a couple of spur streets in the area would have to be resigned.

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance amending the City Code prohibiting the parking of vehicles as follows:

- On the north and cul-de-sac side of Marth Road from the Northwest Terminus to Lea Road 24 hours.
- On the east side of Lea Road from Marth Road to the circle on the south end 24 hours.
- On the west side of Lea Road, excluding from the south property line of 8000 Lea Road to 185 feet south and from south property line of 8016 Lea Road to 215 feet south and from 50 feet north of the south property line of 8043 Lea Road to the north property line of 8108 Lea Road and 95 feet north of the south property line of 8116 Lea Road to 60 feet south of the south property line of 8132 Lea Road from Marth Road to the circle on the south end 24 hours.

No public testimony was received.

Continued to Dec. 18 Vacation of a Portion of Lyndale Avenue So. ITEM 5.4C

Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to continue to the December 18, 2006, Regular Council meeting, the vacation of a portion of Lyndale Avenue South adjacent to 10701 Lyndale Avenue South for Peter E. Jarvis of Laukka-Jarvis, Inc.

Adopted Ordinance Terminating Moratorium Relating to Animated or Rapidly Changing Signs ITEM 5.4D O-2006-52

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to adopt an ordinance terminating the moratorium on the issuance of permits for signs displaying animation or rapidly changing images or messages thereby repealing Section 19.23.04 of the City Code.

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

**Adopted Ordinance
Vacating Easements at
8500 Irwin Ave. So. &
4216 Poplar Bridge Rd
ITEM 5.4E
O-2006-53**

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to adopt an ordinance vacating drainage and utility easements located at 8500 Irwin Avenue South and 4216 Poplar Bridge Road for Larry Anderson. The vacation is requested to clear title for the re-platting of the property. No public or private utilities are affected by this vacation. New drainage and utility easements will be dedicated on the plat of NEXT STEP DEVELOPMENT.

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

**Continued to Dec. 18
Normandale Lake
Area Study
ITEM 5.5A**

Using a map, Larry Lee described the boundaries and development status within the Normandale Lake Area Study. He stated 25% of the City's future 20-year development is within this area. He explained an "area wide" study is a physical development framework that looks at utilities, design of open spaces, and development of parks and trails. How it will look in the future. The basic issues are: Level of Service desired and grading at the intersection of 84th & Normandale Boulevard, street improvement alternatives, the cost and how to finance the improvements, and the amount of development desired. It reviews what is possible and what the City desires to see in that area. All of the issues are combined so that an optimum solution can be identified. He stated Council could begin the review of this item tonight and continue it on December 18.

Bob Sharlin, Planner reported that all advisory commissions have reviewed the study and have made recommendations regarding the intersection at 84th Street & Normandale Boulevard and now it's time for the City Council to consider between two alternatives: Concept A, which proposes an at-grade intersection design and Concept B, which proposes a bridge over West 84th Street and two so-called Michigan "U" turns.

Beth Bartz, and Craig Vaughn, SRF presented an overview comparison of Concepts A and B and the related public improvements. They explained the purpose tonight is for Council to make a recommendation on the "Build" alternative" versus a "No Build" alternative. Four alternative designs for the 84th Street & Normandale Boulevard intersection have been narrowed down to two. The existing problems at the intersection, the 2030 traffic forecasts, and the pedestrian connections were described.

They described the pedestrian connections.

Peterson inquired why not make changes to the existing tunnel.

Bartz replied the tunnel floods significantly and continued by explaining the streetscape options. Regarding Concepts A & B, she stated both the Planning Commission and the Parks, Arts & Recreation Advisory Commission (PARC) recommend Concept A. TTAC recommends Concept B. She added TTAC recommended against the pedestrian bridge but all three commissions support an urban design. As a result, SRF will continue to work on an urban design and will hold an open house in February to get public input with a final recommendation from Council anticipated in March, 2007.

Terri Heaton, Springsted, Incorporated continued the presentation by providing a summary of Springsted's initial findings regarding the funding feasibility of the various alternatives. Council provided input regarding the concept alternatives and related financing and staff stated it would take that information and put it into a matrix for review at the December 18 Council meeting. It was commented that allowing development to occur without making roadway improvements would be a disaster for the surrounding neighborhoods. There was no Council consensus to scale down the concepts. They inquired about financing options related to Alternative B and the associated costs to apply for state and federal grants.

ITEM 5.5A continued

Charlie Honchell, Director of Public Works explained that the grant application fee is approximately \$10,000. He stated staff will continue to study the options, will look to enhance Option A to higher than an "F" Level of Service, and will explore available funding mechanisms for Option B.

An inquiry was made about the feasibility of a park & ride facility in this area but staff replied that it doesn't make sense, as Met Transit has indicated a preference for a park & ride facility in the 98th Street & Normandale Boulevard area instead.

Motion was made by Peterson, seconded by Elkins, and all voting aye, to continue to the December 18, 2006, Regular Council meeting, the Normandale Lake Area Study.

Speaker #1: Linda Fisher, Representing United Properties

She approached the podium to inquire if the hearing would remain open with the Council's continuance of this item to the December 18 meeting, as her client would like to provide Council with feedback prior to that but that they would like a decision on December 18 if possible.

Winstead replied that the hearing would remain open.

Speaker #2: David Bates, Duke Realty

He expressed his desire that Council make a decision soon and stated some of the options presented seem to be all or nothing. He wondered what could be done in the interim. Would there be any phasing in of the concepts.

Lee replied that Option "N" could be tweaked but Options A & B would be more expensive and more problematic to phase in.

Council Recess

<Council took a 10-minute recess.>

**City Council & Port
Authority Support
Legislative Policy &
Request for MOA
TIF Extension
ITEM 5.5B**

Mayor Winstead reconvened the meeting announcing a joint meeting of the Council and Port Authority would be taking place following the swearing in of a new Port Authority Commissioner. Tom Ferber, City Clerk proceeded to swear in Cynthia Hunt as the newest Port Authority commissioner.

Bob Erickson, Chair of the Port Authority called the Port Authority to order with the following members in attendance: Vern Wilcox, Amy Grady, Gene Winstead and Cynthia Hunt.

Clark Arneson, Assistant City Manager explained that this joint meeting is a continuation of a previous discussion by the City Council and Port Authority on November 14 regarding its legislative strategy related to the Mall of America Phase II.

At this point, Councilmember Peterson left the meeting and it was announced that Port Authority Commissioners Rick Collins and Tim Keller had been present but had to leave due to the lateness of the hour.

Arneson explained that the Council wanted to get public input relating to the Tax Increment Financing (TIF) extension of up to seven (7) years and regarding the modification of the Phase 2 TIF boundaries in order to capture post 2000 growth. His presentation covered the following areas:

- Legislative Request Considerations
- Mall of America Phase II
- Public Financing & Financing Tools
- MOA TIF Districts
- Tax Increment District Duration
- MOA Financial Model
- MOA Phase II
- Public Benefits of MOA
- MOA Phase I: Impact of the 2002 Tax Reform
- Phase II Development Process

ITEM 5.5B continued

Arneson explained that the rationale behind the extension is related to an airport delay. There was the land swap in 1996. The development rights that were in the TIF District were allowed to be swapped to the Met Center site. He stated the TIF in Phase I is scheduled to end in 2015 to go onto the general tax rolls. The TIF in Phase II is scheduled to end in 2025 to go onto the general tax rolls. He showed a graphic looking to the southwest of the MOA and stated the proposal is to capture all new development including what's on the MOA Phase I property. Any new growth on the site would also be captured. It would also apply to any new development on the south side of the MOA Phase I hotel. He stated staff would like to get legislative authority to capture that development and all new development extended out to 2025.

Winstead inquired if the increment on the hotel south of the Mall was collected in Phase I process.

Arneson replied that the tax increment could be captured if the City was granted the extension from 2009 to 2015.

Erickson stated it would be wise to go along with staff's recommendation on this request.

Arneson mentioned that both Port Authority Commissioners Keller and Collins had previously indicated their support of both legislative strategies.

Bernhardson explained how the State of Minnesota is a major beneficiary of the Mall's development. Phase I generates just under \$50 million per year to the State while Phase II is projected to generate approximately \$37 million per year. He added that parking is needed in order for the Mall Phase II to develop to 5.6 million square feet.

Erickson stated he can support this request with enthusiasm, as the Mall of America has truly been a draw for foreign visitors. He believes the contract that is in place is good and Bloomington should work with the Mall of America Company to see what can be done in the Legislature.

Elkins added that approximately one-third of the Mall's visitors come from outside the state.

The Port Authority proceeded to make the following motion:

Motion was made by Grady, seconded by Wilcox, and all voting aye, to support the legislative policy going forward and to request a 7-year extension on the TIF and to include the development in the District post 2000 on both MOA Phase I and Phase II sites.

The Council proceeded to make the same motion:

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to support the legislative policy going forward and to request a 7-year extension on the TIF and to include the development in the District post 2000 on both MOA Phase I and Phase II sites.

A motion was made to adjourn the Joint Council/Port Authority meeting.

**Adopted Resolution
Approving Fees &
Charges
ITEM 5.5C
R-2006-151**

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to adopt a resolution approving a schedule of fees and charges for services provided by departments and divisions of the City of Bloomington (other than those otherwise established by ordinance) as presented.

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

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

City Manager reported the update was included in last Friday's City Manager's Info packets.

Mayor Winstead announced that as the Council needs to meet in a closed session by year end to discuss the City Manager's employment agreement and compensation package, requested they could do it next Monday and the rest of the Council concurred.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 12:26 a.m.

Barbara Clawson
Council Secretary