

Regular Meeting #14
Monday, May 7, 2007, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

**Call to Order and
Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:00 p.m. and Girl Scout Troop 1096 presented the colors and led the audience in the pledge of allegiance to the flag. At the Mayor's request, the girl scouts introduced themselves indicating they were all 4th graders from Ridgeview Elementary School.

Roll Call

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

**PROCLAMATION –
Poppy Day**

Mayor Winstead read and presented a proclamation declaring May 18, 2007, as Poppy Day in Bloomington to Councilmember Wilcox who is a member of Everett McClay VFW Post 1296.

Wilcox stated all money collected from the poppy sales goes directly to the veterans, as there are no administrative costs.

**PROCLAMATION –
Respect for Law Week**

Mayor Winstead read and presented a proclamation declaring May 6-12, 2007, as Respect for Law Week to Jim Meyers, Optimists Club.

Meyers announced the passing of former Optimist Club member Glen Nybeck and reported on the 2007 Optimist Club Easter egg hunt during which over 8,000 eggs were picked up in one minute.

**PROCLAMATION –
Older Americans
Month**

Mayor Winstead read and presented a proclamation declaring May as Older Americans Month to Sandy Lundeen, a longtime Bloomington resident and volunteer at Creekside Community Center.

Lundeen, Director of the Creekside Crickets thanked the Council for all of their support of the programs for older Americans and especially the ones at Creekside Community Center.

**PROCLAMATION –
Drinking Water Week**

Mayor Winstead read and presented a proclamation declaring May 6-12, 2007, as Drinking Water Week in Bloomington to Glen Gerads, Utilities Operations Manager.

**PROCLAMATION –
“On the Move” &
Physical Fitness &
Sports Month**

Mayor Winstead read and presented a proclamation declaring May, 2007, as Physical Fitness & Sports Month in Bloomington and the week of May 7-18 as Registration Week for the “On the Move Bloomington and Richfield” program to Eileen O’Connell, Public Health Division.

**PRESENTATION OF
POLICE EXPLORER
AWARDS**

Police Chief John Laux provided background on the Explorer Program, which is a program for Boy Scouts between the ages of 14-21. He stated of those Explorers who stay in the Program, 40% go onto law enforcement careers. He stated Bloomington's 11-member team participated in a very well organized competition during the 32nd Annual Law Enforcement Explorer Conference in Breezy Point, MN from April 26-29, 2007. They competed in various law enforcement scenarios against 50 other Explorer posts from around the state and captured the following awards:

- 1st Place – Crime Prevention
- 2nd Place – Hostage Negotiation
- 3rd Place – Witness Interview & Interrogation
- 3rd Place – Arrest & Search (Drug Warrant)
- 4th Place – Street Decisions (F.A.T.S.)

Laux recognized Officers Jeff Siske, Jim Caauwe and Sgt. Mike Roepke for the time they contribute to Bloomington's Explorer Post Program and introduced the individual Explorers.

Winstead commented the work done by the Explorers provides an excellent training ground for those pursuing a career in law enforcement.

**2007 Report of the Board of Appeals & Equalization
ITEM 6.2**

Jack Pasternacki, City Assessor reported the Board of Appeals & Equalization concluded its public hearing. He provided background on the Board and stated eight property owners applied for an appeal hearing regarding 14 parcels. The results of the Board’s decision was as follows: One townhouse valuation was reduced, three residential properties’ values were sustained, and ten commercial properties’ values were sustained. He stated those owners who appealed to the Local Board may also appeal to the Hennepin County Board of Appeals or to the State. He explained appearing before the Local Board is a prerequisite to going before the County Board. Property owners can still file in State Tax Court even if they didn’t appeal at the Local or County level.

Motion was made by Axtell, seconded by Wilcox, and all voting aye, to accept the 2007 Report of the Board of Appeal and Equalization.

Winstead thanked the well-qualified board members for their hard work.

**Adopted Resolution Supporting U.S. Dept. of Transportation Urban Partnership Agreement
ITEM 3.1
R-2007-40**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution expressing support for the United States Department of Transportation Urban Partnership Agreement submittal for the Twin Cities Metropolitan Area and specifically the corridors south of I-494.

**Approved Change Order No. 1 to the 2007-501 Northwest Tower Renovation Project
ITEM 3.2**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve Change Order No. 1 to the 2007-501 Northwest Tower Renovation Project in the amount of \$92,276.00 to cover additional expenses to correct coating failures not evident in the April, 2006 inspection from which project specifications were created. The amount of \$92,276.00 is 27% of the original contract amount. The total contract amount for the project will increase from \$341,672.00 to \$433,948.00.

**Awarded Schedules 1, 2 & 3 of the 2007-101 PMP Street Improvement Project to Valley Paving, Inc.
ITEM 3.4**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to award Schedules 1 and 2 of the 2007-101 Pavement Management Program (PMP) to Valley Paving, Inc. in the amount of \$3,399,312.34 and awarded Schedule 3 of the project to Valley Paving, Inc. contingent on the filing with Hennepin County of the Sean Conrade Addition Plat by June 4, 2007 (consistent with the April 6, 2007, letter sent to the Developer by the City Manager), in the amount of \$242,073.16. The total award of the 2007-101 PMP Street Improvement Project to Valley Paving, Inc. is in the amount of \$3,641,385.50.

**Approved Estimated Out-of-State Travel Expenses
ITEM 3.5**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the estimated out-of-state travel expenses for Council members Peterson and Elkins as follows:

Steve Peterson:	NLC ITC Steering Committee (Atlanta, GA)	\$ 1,147.00
	NLC ITC Steering Committee (Lenexa, KS)	1,082.00
	NLC Congressional Cities Conference (New Orleans, LA)	2,520.00
Steve Elkins:	NLC Futures Panel Summer Meeting (Portland, OR)	\$ 1,408.00
	NLC Summer Board Meeting (Indianapolis, IN)	520.00

**Adopted Resolution Relating to a State Transportation Fund Local Road Improvement Project
ITEM 3.6
R-2007-41**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution for agreement to State Transportation Fund Local Road Improvement Program grant terms and conditions as it relates to the \$400,000 grant for construction of Street Improvement Project No. 2006-201 located at East Bush Lake Road (CSAH 28) and West 84th Street.

**Approved Sale of City Vehicles at Hennepin County Auction
ITEM 3.7**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the sale of 15 City vehicles at the Hennepin County Auction scheduled for June 2, 2007, as presented in the agenda materials.

**Approved Addendum
to Recreational Sports
Officials Association
Agreement
ITEM 3.8**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve an addendum to the agreement the City has with the Recreational Sports Officials Association to provide officiating services for the adult athletic programs offered by the City, whereby the format of three games with a 1:20 time limit will be changed to two games with a 1:40 time limit. The extra time per game necessitates an increase in the rate of pay from \$35 per game to \$43 per game. This change will raise the amount of pay for the year by \$224.

**Authorized
Submission of Blue
Cross/Blue Shield of
MN Grant Application
ITEM 3.9**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to authorize submission of a grant application to Blue Cross/Blue Shield of Minnesota, entitled "Workplaces on the Move." Grants to approximately 20 employers will range from \$25,000 to \$100,000 over a three-year period. If approved, the grant to Bloomington could total \$60,000+ for the three-year period. No City matching funds are required.

**Approved
Amendments to Health
Partners Empower
HRA Summary Plan
Description
ITEM 3.10**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve the HealthPartners Empower HRA Summary Plan Description amendments as presented in the agenda materials.

**Approved
Appropriation for
Public Works Storage
Facility at 1801 West
96th Street
ITEM 3.11**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve an appropriation of funds from Net Assets to the Public Works Storage Facility Fund 630-6904-499.70-21 for the purchase of a security camera system and mezzanine storage rack system, totaling approximately \$25,000.00. (In September 2005, Council authorized a budget of \$4,941,669.00 for the construction project at the Public Works Building at 1801 West 96th Street. The total project cost to date is \$4,880,320.64, leaving a balance of \$61,348.36.)

**Approved
Encroachment
Agreement for 9653
Wyoming Terrace
ITEM 3.12**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve an Agreement as to Conditional Approval for Encroachment into Public Easement for the property located at 9653 Wyoming Terrace with Michael C. and Lisa A. Pollock for the placement of a pool.

**Approved Minutes
ITEM 3.3**

Motion was made by Peterson, seconded by Nordstrom, to approve the February 26, 2007, Regular Council meeting minutes as presented. Motion passed 6-0-1 (VW abstaining).

**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.

**Liquor License
Violations
ITEM 5.1A**

Associate City Attorney Jennifer Tichey provided background information relating to the following On-Sale and Off-Sale liquor license violations that occurred as a result of an enforcement detail to enforce the law against liquor sales to underage persons conducted by the Bloomington Police Department on February 15, 2007. She stated staff received signed stipulations for each of the violations and that Council needs to determine the willfulness and penalty for each violation.

- Bella Cucina (On-Sale) (Wine and Beer License Only): 9332 Ensign Avenue South
Two operatives, ages 19 and 20 ordered liquor and although the server checked their I.D.'s, the sale was made. The server and manager were notified of the unlawful sale. This establishment has no prior violations within the past five years. This is the first violation under this ownership.

Speaker #1: Edward Azar, Owner of Bella Cucina

He apologized for the violation stating they were very busy in the kitchen that evening. He told the server to check their I.D.'s, as they looked underage. The server did and commented they were of age. He stated he has talked to his wait staff, which has passed previous compliance checks.

**ITEM 5.1A continued
(Bella Cucina)**

Motion was made by Grady, seconded by Peterson, and all voting aye, to deem the violation that occurred on February 15, 2007, at Bella Cucina at 9332 Ensign Avenue South, as nonwillful.

Motion was made by Grady, seconded by Elkins, and all voting aye, to impose a \$500 fine for a first time violation at Bella Cucina, which holds a beer and wine license only.

➤ Bennigan's (On-Sale): 1800 American Boulevard

Two operatives ordered beer. The server asked for identification and made the sale. He told the police officer he looked at the I.D.'s but must have made a mathematical error. This is Bennigan's first violation within a five year period.

Speaker #1: Christine Olimb, Representing Bennigan's

She stated they've been in business for 26 years and this is their first violation. She described their training program and stated the bartenders have to sign off that they've read the alcohol policies and are given a handbook. She stated she was the manager on duty at the time of this violation and remembers the server studying the I.D.'s for quite awhile. She stated their servers are instructed to card anyone who appears to be under the age of 40. The bartender was terminated immediately following this violation.

Nordstrom inquired about the color of the Under 21 driver's license.

Doug Junker, Licensing explained the color of the license is no longer different from other licenses but it clearly states "My 18th birthday is ____" and "My 21st birthday is ____."

Peterson commented Bennigan's is a longtime business with a good record and that liquor makes up 52% of their business.

Motion was made by Grady, seconded by Peterson, and all voting aye, to deem the violation that occurred on February 15, 2007, at Bennigan's at 1800 American Boulevard, as nonwillful.

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to impose a \$1,000 fine for a first time violation at Bennigan's.

➤ Le Bourget Aero Suites (On-Sale): 7770 Johnson Avenue South

Two operatives, ages 19 and 20 ordered alcohol. The waiter asked for identification and the 19-year old provided a driver's license and was told she was underage. The waiter asked the second patron if she was 21. The operative didn't answer but produced a driver's license. The bartender thought she was of age and served her the alcohol. This establishment has one prior violation within the past five years.

Speaker #1: John Zavada, General Manager

He stated the bartender completed alcohol awareness training so there is no excuse.

Motion was made by Peterson, seconded by Grady, and all voting aye, to deem the violation that occurred on February 15, 2007, at Le Bourget Aero Suites at 7770 Johnson Avenue South, as nonwillful.

Motion was made by Peterson, seconded by Grady, and all voting aye, to impose a \$1,250 fine for a second violation in five years at Le Bourget Aero Suites.

**ITEM 5.1A continued
(Fuddrucker's)**➤ Fuddrucker's (On-Sale): 3801 Minnesota Drive

A 20-year old ordered beer at the bar. The bartender asked for identification and made the sale. This establishment has three prior violations within the last five years that resulted in penalties of \$1,000, \$1,250 and \$2,000.

Grady commented as \$2,000 is the City's maximum penalty, it can't be exceeded.

Tichey stated by Code, the Council could suspend their license for up to 60 days, impose a penalty up to \$2,000, or impose a combination of both. The only other violation that came close to this one was Buck's Liquors.

City Attorney Dave Ornstein cited a couple of unusual situations whereby the licensees opted for a license suspension in lieu of a fine (Mr. Steak and Moxie's at the Mall of America).

Tichey added Southtown Pizza had also opted for a license suspension in lieu of a fine.

Ornstein stated Fuddrucker's might be in the process of selling their restaurant.

Peterson commented there have been some tobacco license violations that resulted in suspensions following four violations.

Axtell inquired if the Council could stipulate that another violation at this establishment would result in an automatic revocation of their license.

Ornstein replied he would recommend that a hearing be held before an Administrative Law Judge if the Council is leaning towards revocation, as it would be a serious consequence and a thorough record would be needed.

Speaker #1: Bill Wensel, General Manager

He stated he took over the restaurant in July and a well-known instructor came in and conducted alcohol awareness training. He stated it's their policy that all customers get carded, as they take the service of alcohol very seriously.

Winstead inquired if the business is in transition.

Wensel replied it is and that the official date was supposed to be March 1 but they are waiting on corporate. He stated the new owners are in place helping run the restaurant but the books are still under corporate control. He stated the bartender and manager that were on duty on the evening of the compliance check are no longer employed there.

Motion was made by Grady, seconded by Peterson, and all voting aye, to deem the violation that occurred on February 15, 2007, at Fuddrucker's at 3801 Minnesota Drive, as nonwillful.

Motion was made by Grady, seconded by Nordstrom, to impose a \$2,000 fine and a 30-day license suspension at Fuddrucker's for a fourth violation. No vote was taken at this time.

Axtell inquired what impact a 30-day suspension would have on the business.

Wensel replied it wouldn't be too bad, as alcohol is only 3% of their current sales. They're more of a family type of restaurant selling burgers and pop.

Peterson stated he was thinking of a 7-day suspension, as Council needs to be prepared for a fourth violation that might occur in an establishment that has a higher liquor percentage than this one. He doesn't want to set this penalty so high that it could hurt someone much worse if their alcohol percentage is greater and for which a 30-day suspension would be high enough.

Winstead concurred with Peterson but stated he would like to see something in the middle adding there are some problems within management and the business model at this restaurant.

ITEM 5.1 continued

Peterson stated he could support a suspension longer than 7 days but preferably somewhere in

(Fuddrucker’s)

between 7 and 30 days.

Winstead stated a suspension makes a statement to their clientele.

Bernhardson stated a \$2,000 fine is fairly significant and recommended a 14-day suspension.

Motion was made by Elkins, seconded by Peterson, to amend the original motion to impose a \$2,000 fine and a 14-day license suspension at Fuddrucker’s at 3801 Minnesota Drive. Motion passed 6-1 (Grady opposing).

Mayor Winstead called the original motion that was amended to impose a \$2,000 fine and a 14-day license suspension. Motion passed 7-0.

➤ Minnesota Wine and Spirits (Off-Sale): 9131 Old Cedar Avenue

A Bloomington Police Officer on patrol observed a male enter this establishment and exit with a purchase and proceeded to make a routine traffic stop. He identified the driver as a 19-year old. The driver told the police officer that he was not carded by the store clerk. The officer went back to Minnesota Wine and Spirits and asked the clerk if he was the only clerk working. The clerk told the officer he did in fact make the sale without asking for any identification. As a result, the underage minor and the clerk were charged a first violation under the current ownership.

Motion was made by Grady, seconded by Peterson, and all voting aye, to deem the violation that occurred at Minnesota Wine and Spirits, as observed by a Bloomington Police Officer, as nonwillful.

Motion was made by Grady, seconded by Elkins, and all voting aye, to impose a \$1,000 penalty for the first violation within the past five years that occurred under the current ownership at Minnesota Wine and Spirits.

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 5-Year Temporary Conditional Use Permit for National Karate School 5109 West 98th Street Case 7332A-07 ITEM 5.2A

Larry Lee, Community Development Director provided the staff report on a 5-year Temporary Conditional Use Permit for National Karate School stating it’s recommended for approval with conditions.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve a 5-year Temporary Conditional Use Permit for a karate school in a retail center at 5109 West 98th Street (Business address of 5109B West 98th Street), Case 7332A-07, for Network Karate Services, Inc. dba National Karate School subject to the following 4 conditions and 1 Code requirement as set forth by the Planning Division Staff and the Planning Commission:

1. Floor area of the use shall not exceed the 2,057 square feet shown on the plans in Case 7332A-07;
2. No tournaments involving outside participants shall be held at this location;
3. The business shall use the common interior trash and collection facility;
4. Renewal of this Temporary Conditional Use Permit may be processed by the Hearing Examiner, in accordance with Sections 2.14(a)(1) and 19.15(b) of the City Code;

and subject to the following Code requirement:

1. All signage be in accordance with the Uniform Sign Design (Sec. 19.109).

No public testimony was received.

**Approved 2-Year
Temporary Conditional
Use Permit for CBS
Outdoor at 9321 East
Bloomington Freeway
Case 7851A-07
ITEM 5.2B**

Lee provided the staff report on the Temporary Conditional Use Permit for CBS Outdoor stating the applicant has been in this location since 1988 and it's recommended for approval with conditions.

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve a 2-year Temporary Conditional Use Permit for a billboard at 9321 East Bloomington Freeway, Case 7851A-07, for CBS Outdoor, subject to the following 5 conditions of approval and 1 Code requirement as set forth by the Planning Division Staff and the Planning Commission:

1. The approved advertising copy area for each face shall consist of only the basic 14-foot by 48-foot panel and a 2.5-foot high extension having a maximum area of 60 square feet on top for a total height not to exceed 40 feet above grade and a one-foot wide by seven-foot high side extension not exceeding seven square feet in area on one side of each panel for a total length not to exceed 50 feet for both panels;
2. Only one side extension shall be in use on each face at any given time;
3. No copy or projection of the sign copy shall extend below the base of the basic 14-foot by 48-foot panel on either face;
4. All advertising copy shall be within the approved copy area; and
5. The Hearing Examiner may consider future requests for renewal of this Temporary Conditional Use permit.

and subject to the following Code requirement:

1. Any electric display techniques shall be in compliance with Sections 19.66(b)(21) and 19.108(h) of the City Code.

No public testimony was received.

**Approved Revised
Final Site Plans &
Building Plans for
Normandale Hylands
United Methodist
Church at 9920
Normandale Boulevard
Case 3537A-07
ITEM 5.2C**

Lee provided the staff report on the Revised Final Site Plans and Building Plans for Normandale Hylands United Methodist Church stating Council originally approved the Final Site Plan as a one-phase development that was to occur all at one time. However, the applicant now proposes to split the project into two phases: The building as Phase I and the parking lot as Phase II. He clarified Condition #5 has a typo that should read, "through 7/31/2009."

Grady inquired if the application adds any seats to the sanctuary.

Lee replied it would add another 235 seats above the current number of 300.

Peterson inquired if there should be a Proof of Parking requirement.

Lee explained this application is a step above that and indicated what they will do in 2009. One of the conditions is a periodic report on how their parking is working out compared to the actual demand for parking. He added it became a financial burden for the Church to do both phases in one year.

Nordstrom stated the Church is using other space for parking and inquired as to its location.

Lee replied the staff report doesn't indicate the location of the off-site parking they intend to use.

Speaker #1: Roger Frick, Vice President of the Building Team

He stated they talked to the realty office located just north of the Church and they have agreed to allow the Church to use their parking lot along Normandale Boulevard on Sundays. The Church intends to get a letter stating so from the realty company. He confirmed the sanctuary will seat 530.

Wilcox expressed two problems with this application: The City would never allow a business to get by with this, as they would be required to provide the parking with the building permit. Secondly, what guarantee does the City have that the Church will have the financial means to do the parking addition in Phase II?

Frick replied they plan to conduct another campaign in 2008 to raise the money for the parking lot addition but if that fails, there are two members of the Church who will fund it.

ITEM 5.2C continued

Winstead stated if the Church gets a Letter of Understanding from the adjacent property owner, they could use their lot temporarily and inquired if Condition #3 addresses it adequately.

Lee replied Council could, if it desires, require the applicant get approval for 20-30 parking spaces from Edina Realty.

Fricke added the west parking lot is scheduled to be complete in September.

Motion was made by Axtell, seconded by Grady, and all voting aye, to approve the Revised Final Site Plans and Building Plans to allow the addition to the church, expansion of parking, and related site improvements to be accomplished in two separated phases for the property at 9920 Normandale Boulevard, Case 3537A-07, for Normandale Hylands United Methodist Church, subject to the following 5 conditions of approval as set forth by the Planning Division Staff including the correction of the date in Condition #5 to July 31, 2009:

1. All conditions previously attached to the variance and revised final site plan and building plan approvals in Cases 3537AB-07 and 3537C-07 shall remain in effect and only modified to comply in timing with the approved phasing;
2. The approved two-part phasing shall be as identified in the plans and documents approved in Case 3537A-07;
3. Prior to the issuance of any permits, the applicant shall complete a formal agreement for the temporary use of at least 20 off-site parking spaces lasting that extends through the projected completion of Phase 2 construction, and file a copy of that agreement with the Planning Manager;
4. Starting with the issuance of the permits for work on the west parking lot, every three months the church shall submit reports on the service attendance and parking demand to the Planning Manager until construction of the east parking lot in Phase 2 commences. These reports will be utilized to ensure that a balance between use and parking demand is maintained by the church operations; and
5. The variance to allow parking in front of the church between the building and the street, as approved in Case 3537B-06, shall remain valid through July 31, 2009 in order to extend through the proposed starting and completion dates for Phase 2 that is primarily the east parking lot.

Lee added this application was borderline between being handled administratively or at the Council level and inquired how Council wants to process this type of application going forward.

Elkins and Winstead expressed a desire for staff to continue bringing any questionable applications like this one to Council for approval.

No public testimony was received.

**Adopted Resolution
Granting Final Plat
Approval of CARLSON
HAVEN ADDITION at
1900 W. 105th Street &
10400 Logan Ave. So.
Case 10751B-07
ITEM 5.2D
R-2007-45**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to adopt a resolution granting Final Plat approval for CARLSON HAVEN ADDITION located at 1900 West 105th Street and 10400 Logan Avenue South, Case No. 10751B-07, for Jillian Carlson, subject to completion of the following 8 conditions and 2 Code requirements, receipt of the title, necessary documents and deposits and a review of all documents by the City Attorney:

1. Title opinion or title commitment dated within the past six months shall be provided.
2. Standard drainage and utility easements 10 feet along street frontages and 5 feet along internal lot lines shall be dedicated on the Final Plat.
3. Surveyor to provide monumentation letter certifying that all monuments shall be placed within one year of filing the plat, unless set before filing.
4. A 10-foot sidewalk/bikeway easement shall be provided along all street frontages.
5. A petition and waiver of objection for future sidewalk construction shall be provided.
6. A residential certificate of survey shall be reviewed and approved by the City Engineer prior to issuance of permits.
7. Connection charges shall be due prior to issuance of utility permits.
8. Prior to the issuance of the Certificate of Occupancy, developer/contractor must submit electronic utility as-builts to the Public Works Department.

ITEM 5.2D continued

Code Requirements:

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

No public testimony was received.

**Adopted Resolution
Accepting Petition
for Inclusion in
Assessment District &
Waiver of Objection
to Assessment
Proceedings
(Kingsdale Addition)
ITEM 5.3A1
R-2007-42**

There was no staff report but Bernhardson explained that as Item 5.3A1-4 are all related, Council should act on the various elements in the following order: A1, A2, A4 and A3.

Nordstrom inquired who will be paying for the construction of a stormwater treatment structure to treat the stormwater on the 5-lot subdivision.

Shelly Pederson, City Engineer explained this project is being constructed in conjunction with a City project.

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution accepting a Petition for Inclusion in Assessment District & Waiver of Objection to Assessment Proceedings (Kingsdale Addition) for installation of a stormwater treatment structure.

No public testimony was received.

**Accepted Feasibility
Study and Ordered
2007-901B Stormwater
Treatment Structure
Project
ITEM 5.3A2
R-2007-43**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to accept the Feasibility Study and to and adopt a resolution ordering improvements for the 2007-901B Stormwater Treatment Structure Project (Kingsdale Addition) consisting of maintenance and construction of the storm sewer system at eleven sites throughout the City.

No public testimony was received.

**Approved Plans &
Specifications for
Stormwater Projects
2007-901 & 2007-901B
ITEM 5.3A4**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve the plans and specifications for the 2007-901 Storm Sewer Maintenance Project and approve the plans and specifications for the 2007-901B Stormwater Treatment Structure Project.

Funding is included in the Storm Water Drainage Utility Budget for work on Project 2007-901, and an assessment of approximately \$15,000 will fund Project 2007-901B.

**Ordered 2007-901
Storm Sewer
Maintenance Project
ITEM 5.3A3**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to order the 2007-901 Storm Sewer Maintenance Project, which includes maintenance and construction of the storm sewer system at the following eleven sites throughout the City:

9301 Xylon Circle, 1 Timberglade Road, Norman Center Drive, West Old Shakopee Road (between West 83rd Street & West 84th Street), West Old Shakopee Road (between Rich Road & Normandale Boulevard), 4100 West 90th Street, 4200 West 78th Street, West 90th Street at France Avenue South, West 90th Street at Beard Avenue South, 3000 West 96th Street, Nine Mile Creek at Harrison Park, and 8001 East Bloomington Freeway.

Funding is included in the Storm Water Drainage Utility Budget for this work and no assessments will be involved in the project.

No public testimony was received.

**Adopted Ordinance
Amending the City
Code Relating to
Pawnbrokers,
Precious Metal and
Coin Dealers and
Secondhand Goods
Dealers
ITEM 5.4A1
O-2007-18**

Associate City Attorney Sandra Johnson and Detective Doug Barland presented the revised draft ordinance to amend the City Code - Chapter 14 business regulations as it relates to pawnbrokers, precious metal and coin dealers, and secondhand goods dealers. She explained the revised ordinance highlights all of the changes that were directed by the City Council at the close of the public hearing on April 23, 2007, including the following:

- Changing the limitation on annual garage sales from 2 to 4;
- Clarifying the applicability of the regulations to Internet trade;
- Clarifying the mandated record-keeping on sales via the mail or 3rd party delivery;
- Correction of any errors or omissions in the draft ordinance.

Grady inquired if the revised ordinance had been distributed to all interested parties and what comments had staff received.

Johnson replied it was distributed and that staff had received a few comments.

Elkins stated he instructed the Chamber of Commerce to have anyone interested in commenting on the draft ordinance contact City staff.

Johnson replied no one had contacted her. She stated the enforcement date is June 1 but that is when staff will send out applications, adding she will create a summary sheet to make it easier for businesses.

Motion was made by Grady, seconded by Wilcox, and all voting aye, to adopt an ordinance amending Chapter 14 of the City Code to add regulations applicable to pawnbrokers, precious metal dealers, coin dealers and secondhand goods dealers.

No public testimony was received.

**Adopted Resolution
Directing Summary
Publication of
O-2007-18
ITEM 5.4A2
R-2007-44**

Motion was made by Grady, seconded by Peterson, and all voting aye, to direct summary publication of O-2007-18 in lieu of the 42-page ordinance.

No public testimony was received.

**Continued to May 21
Vacation of Easements
at 5400 American
Boulevard West &
5311 Green Valley Dr.
ITEM 5.4B**

Motion was made by Grady, seconded by Peterson, and all voting aye, to continue to the May 21, 2007, Regular Council meeting, vacation of street and boulevard easements at 5400 American Boulevard W and 5311 Green Valley Drive as requested by the applicant.

No public testimony was received.

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

Bernhardson stated the monthly update was provided to Council. With regard to the proposed Tuesday meeting dates, he stated he heard back from six Council members so they should plan on meeting as follows: June 5 @ 7 pm, June 19 @ 7 pm, and July 31 @ 7 pm.

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve moving the scheduled June 18 Regular Council meeting to June 19; to move the scheduled July 30th Study meeting to July 31; and to add a Strategic Planning meeting on June 5 @ 7 p.m.

**Appointments to the
MSP Noise Oversight
Committee (NOC)
ITEM 6.3**

Motion was made by Grady, seconded by Axtell, and all voting aye, to appoint Vern Wilcox as the City Council's representative and Steve Peterson as the Alternate to the MSP Noise Oversight Committee for the period of June 2007 to June 2009.

**Appointed Alternate to
Metro Alliance for
Healthy Families
Governing Board
ITEM 6.4**

Nordstrom stated she was appointed by the Council to the Metro Alliance for Healthy Families Governing Board on February 26, 2007, but that the Board also desires an alternative be appointed. She added Bloomington is the only city in which the City Council acts as the Board of Health.

Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to nominate and appoint Amy Grady as the Council's Alternate to the Metro Alliance for Healthy Families Governing Board.

Additional Comments

Peterson relayed a message of thanks from his neighbors to the City's Public Works crews for responding so quickly to the recent power outage resulting from the storm, as they are served by a lift station.

Council commented on the recent Kite Day event that was hampered by stormy weather.

Grady announced audience member Brice Koeke, Troop 473 attained the rank of Eagle Scout at a ceremony last Saturday.

Elkins commented he attended the Public Works open house to review the design options for the 90th Street & Nicollet Avenue intersection. He reported there were only two other people besides staff in attendance. He reported Richfield had 200 people attend their open house after a lot of outreach to the community and inquired what Bloomington could do better to get a better turnout at its open houses.

It was stated the City sent out 450 notices to various areas and that staff would provide Council with the exact address locations via City Manager's Information (CMI).

Wilcox commented he didn't see anything about it in the Sun Current.

Elkins commented the County roads shown in black on the colored map included with last week's CMI weren't very legible. He added as the City will be working on its Alternative Transportation Plan, four-lane to three-lane conversions shouldn't be indicated as being off the table with regard to Hennepin County, as he understands they will do them.

Bernhardson commented that the City started the restriping process as one method of traffic calming but the Alternative Transportation Plan will look at all avenues. He stated staff is aware of what and when the County has allowed restriping.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:52 p.m.

Barbara Clawson
Council Secretary