

Regular Meeting #20
Monday, June 25, 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 7:01 p.m. and led the audience in the pledge of allegiance to the flag.

Roll Call

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

**PUBLIC WORKS
"EMPLOYEE OF
THE YEAR"
RECOGNITION**

Mayor Winstead introduced 38-year employee Dave Kirchner, Senior Utility Operator who was recently selected as the recipient of the first-ever Public Works' "Charles V. Honchell Employee of the Year" award by his fellow employees.

Karl Keel, Public Works Director provided background on this new award for non-supervisory Public Works employees stating Kirchner's peers and supervisors were pleased with the selection.

**Approved Hearing
Schedule for
Delinquent
Assessments
ITEM 3.1**

Peterson reported a handout resolution was provided to Council on Item 3.6 and Handout Items 3.18, 3.19 and 3.20 were distributed to Council with last week's City Manager's Information.

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve an assessment hearing schedule for delinquent water, sewer, storm drainage and recycling bills, weeds, trees, grossly unsanitary dwellings, and administrative civil citations, per the agenda materials.

**Adopted Resolution
Approving a Variance
at 9805 Normandale
Boulevard
Case 8392A-07
ITEM 3.2
R-2007-56**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving a variance to allow a second freestanding sign in excess of allowable sign area at 9805 Normandale Boulevard, Case 8392A-07, for Perkins Family Restaurant, subject to the following condition as set forth by the Hearing Examiner:

1. The variance applies only to the sign as shown in Case 8392A-07.

**Adopted Resolution
Approving a Variance
at 11012 Quebec Circle
Case 10757A-07
ITEM 3.3
R-2007-57**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving a variance to reduce the required rear yard setback from 30 feet to 22 feet for a three-season porch at 11012 Quebec Circle, Case 10757A-07, for Ron Elliot, subject to the following 4 conditions of approval as set forth by the Planning Division Staff:

1. The porch addition will be as shown on the plans approved in Case 10757A-07 as a three-season porch;
2. The exterior finish and materials will be consistent with the existing residential structure;
3. The three-season porch will be separated from the living area of the residence by a Building Code compliant door; and
4. The three-season porch will not be connected to the heating system of the residence.

**Approved Lease
Agreements for Events
at Bloomington Center
for the Arts
ITEM 3.4**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve lease agreements between the City of Bloomington and Complete Beverage, Inc. to serve liquor at the Bloomington Center for the Arts (BCA) event scheduled on July 6 and to D'Amico Catering, LLC to serve liquor at the BCA event scheduled on July 7, 2007.

**Adopted Resolution
Approving Variance at
8701 Logan Avenue S
Case 3049A-07
ITEM 3.5
R-2007-58**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving a variance to reduce the prevailing front yard setback adjacent to a public street from 42 feet to 30 feet for a detached garage extending in front of the existing dwelling at 8701 Logan Avenue South, Case 3049A-07, for Christopher MacBean, subject to the following 5 conditions of approval as set forth by the Planning Division Staff:

1. The exterior, finish and roofline of the garage shall match that of the principal structure;
2. The existing driveway be removed;
3. The existing drainage pattern shall not be altered to cast additional drainage onto abutting properties;
4. All necessary building permits be obtained prior to construction; and
5. Variance shall apply only to the 24-foot by 24-foot garage approved in Case 3049A-07.

**Adopted Resolution
Approving Wetland
Replacement Plan for
United Properties for
the 8200 Tower
ITEM 3.6
R-2007-59**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving a Wetland Replacement Plan for United Properties' proposed office building at 5600 West 83rd Street (8200 Tower). The proposed development includes construction of a multi-level office tower with 285,000 square feet of space, a six-level parking deck and modifications to an existing pond for storm water management on a 6.19 acre site.

**Approved Truck
Purchase from
Crysteel Truck
Equipment
ITEM 3.7**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the purchase of a 2007 OMCO HF-422 Chassis-Mounted Flush Truck from Crysteel Truck Equipment under State of Minnesota Contract #437049 for a total expenditure of \$92,303.07 plus applicable 6.5% Minnesota State sales tax. This new unit will be used by the City's Park and Street Maintenance Divisions for flooding rinks, watering trees, and pre-wetting streets prior to sweeping and replaces Unit #675, a 1985 Ford CT8000 tandem-axle flush truck.

Funds for this purchase are available in the 2007 Equipment Replacement Fund, Activity 617-0618-499.70-42.

**Adopted Resolution
Approving MnDOT
Agreement No.
87675M
ITEM 3.8
R-2007-60**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving the Minnesota Department of Transportation (MnDOT) Traffic Signal Control Agreement No. 87675M between the State of Minnesota Department of Transportation and the City of Bloomington for the maintenance of the traffic signals on either side of I-494 at 34th Avenue as well as the underpass lighting at that interchange. The City is to maintain the traffic signals as well as the underpass lighting and pay for the associated electrical costs for the signals. The City's Traffic & Transportation Engineer determines the timing of the traffic signals and the emergency vehicle pre-emption control timing.

**Approved 2008-2013
Regional Park Capital
Improvement Plan
ITEM 3.9**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the 2008-2013 Regional Park Capital Improvement Plan (CIP) funding request as follows:

2008-2009 Funding Request – Total of \$506,000

- Current balance of reimbursable costs associated with the acquisition of in-holding property located at 9625 East Bush Lake Road (Hartkopf property): \$67,000
- Partial funding to reconstruct bituminous trails at Bush Lake Park – trail section #1 and part of trail section #2. Additional funding requested in 2010-2011 and 2012-2013 CIP: \$439,000.

2010-2011 Funding Request - Total of \$506,000

- Partial funding to reconstruct bituminous trails at Bush Lake Park – balance of trail section #2 and trail sections #3 - #5. Also part of trail section #6 at Normandale Lake Park. Additional funding requested in 2010-2011 and 2012-2013 CIP.

ITEM 3.9 continued2012-2013 Funding Request – Total of \$506,000

- Partial funding to reconstruct bituminous trails at Normandale Lake Park – trail section #6. Additional funding requested in 2008-2009 and 2010-2011 CIP. An additional \$63,887 will be required beyond the 2008-2013 Regional Parks CIP to complete the trail reconstruction work at Normandale Lake Park.

The 2008-2013 Regional Park CIP as currently proposed by the Metropolitan Council provides up to \$506,000 per biennium for City CIP projects, for a total of \$1,518,000. The majority of projects listed in the 2008-2013 Regional Park CIP funding request were projects previously included in the 2006-2011 Regional Park CIP, but not yet funded.

**Adopted Resolution
Authorizing
Acceptance of Traffic
Safety Award
ITEM 3.10
R-2007-61**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution authorizing acceptance of a traffic safety award (amount to be determined) with the Minnesota Department of Public Safety, Office of Traffic Safety for the period from October 1, 2007 through September 30, 2008, as part of their Safe & Sober Challenge due to the exceptional efforts by the Bloomington Police Department to decrease impaired driving and increase seat belt use.

**Adopted Resolution
Requesting Federal
Funding for STP
SAFETEA-LU Projects
ITEM 3.11A-B
R-2007-62 (2011-1)
R-2007-63 (2011-2)**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt resolutions of support of the request for federal funding under the Surface Transportation Program (STP) of Title I of SAFETEA-LU for the following projects:

- Project No. 2011-1, an expander project on East Old Shakopee Road (CSAH 1) between Killebrew Drive and East 86th Street (Item 3.11A).
- Project No. 2011-2, an expander project on Normandale Boulevard (CSAH 34) between 94th Street and the Nine Mile Creek Bridge (Item 3.11B).

**Approved Met Council
Livable Communities
Grant for Blooming
Glen at 10140 Lyndale
Avenue South
ITEM 3.13**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve a Met Council Livable Communities Grant for \$290,000 to be used toward the purchase and rehabilitation of 50 townhome units at Blooming Glen, 10140 Lyndale Avenue South, by Dominion Development. The Council also appointed the Housing & Redevelopment Authority (HRA) as fiscal agent to administer the grant on behalf of the City.

The funds will be used to help Dominion Development acquire and substantially rehabilitate all 50 townhome units and add a new community building. This project will also preserve the affordability of the units when the Housing and Urban Development (HUD) contract is due for renewal.

**Awarded a Contract to
Earl F. Andersen, Inc.
ITEM 3.15**

Motion was made by Peterson, seconded by Grady, and all voting aye, to award a contract in the amount of \$77,500 to furnish and supervise installation of replacement playground equipment at Oak Grove Elementary School to Earl F. Andersen, Inc. and approved an appropriation of up to \$90,000 from the Park Capital Replacement Fund (Fund 411), which currently has \$800,176 available in undesignated dollars to be designated for this project.

**Approved Transfer of
Funding for Police
Equipment
ITEM 3.16**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the transfer of \$10,118 from Fund 101-4222-421.67-08 (\$5,059) and from Fund 101-4223-421.67-95 (\$5,059) to Capital Outlay Fund 101-4222-421.70-46.

This money will be used for the purchase of an upgraded ST811 dual-band GPS tracking unit and dual-band tracking kit, which is compatible with our existing equipment. The total price is \$10,118, which includes both pieces and tax.

**Approved Travel
Expenses
ITEM 3.17**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve estimated out-of-state travel expenses in the amount of \$1,266.00 for Councilmember Vern Wilcox to attend the 37th Annual N.O.I.S.E. (National Organization to Insure a Sound-Controlled Environment) Conference & Aviation Noise Symposium in Atlanta, GA from July 18-20, 2007.

**Approved Minutes
ITEM 3.18**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the minutes of the May 21, 2007 (Regular) meeting as presented.

**Approved Mortgage Agreements for 7844 2nd Avenue South
ITEM 3.19**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve Consent to Mortgage and Consent to Mortgage on Lessee's Leasehold Interest relating to the property at 7844 2nd Avenue South, which is owned by the City and is being leased for parking to the adjacent owners of the LaQuinta Motel property.

**Adopted Resolution Authorizing Request for 2008 Minnesota State Capital Appropriation Funds for Mall of America
ITEM 3.20
R-2007-55**

Motion was made by Peterson, seconded by Grady, and all voting aye, to support a Capital Bonding request for Mall of America Phase II public parking and adopted a resolution authorizing an application for 2008 Minnesota State Capital appropriation funds for the Mall of America Phase II Development Project. This is considered a backup strategy in the event there is not a special legislative session. The capital bonding request is consistent with the Council's policy of requesting the State to issue the bonds for Mall of America public parking.

**Postponed to July 9 Parks & City Facilities Naming Policy
ITEM 3.12**

Motion was made by Peterson, seconded by Grady, and all voting aye, to postpone to the July 9, 2007, Regular Council meeting, the Parks and City Facilities Naming Policy.

**Postponed to July 9 Awarding of Contract for Lift Station Rehabilitation Project
ITEM 3.14**

Motion was made by Peterson, seconded by Grady, and all voting aye, to postpone to the July 9, 2007, Regular Council meeting, the awarding of a contract for the construction of the Lift Stations No. 8 and No. 17 Rehabilitation Project.

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.

**Appointments to the Alternative Transportation Plan Citizen Task Force
ITEM 6.2**

Winstead explained the City is undertaking an alternative transportation plan throughout the city and is in the process of forming a citizen task force, which will include one Traffic & Transportation Advisory Commissioner, one Parks, Arts & Recreation Commission member, one Planning Commissioner, one Board of Health member, one School District Representative, and one citizen each as follows: Bicycling Stakeholder, Disability Advocate, Business Representative, and a Transit Representative. The Council took the following actions:

Motion was made by Grady, seconded by Wilcox, and all voting aye, to put the following applicants' names into nomination for the Alternative Transportation Plan Citizen Task Force:

- Bicycling Stakeholder: Bruce Burton, Scot Gore, Jim Holm, Roger Strobel and Jesse Longley.
- Disability Advocate: Ronald Biss and Robert R. Peters.
- Business Representative: Michael J. Bawek, Steve Flagg, and Gary Sjoquist.
- Transit Representative: Jeff Hazen, Paul C. Hufnagle, and Mark Plenke.

Individual voting results for each category were as follows:

- Bicycling Stakeholder: Burton (Axtell & Wilcox), Gore (Peterson, Elkins, Nordstrom & Grady), and Strobel (Winstead).
Motion was made by Peterson, seconded by Wilcox, and all voting aye, to appoint Scot Gore to a one-year term on the Alternative Transportation Plan Citizen Task Force as the Bicycling Stakeholder.
- Disability Advocate: Peters (Unanimous).
Motion was made by Nordstrom, seconded by Peterson, and all voting aye, to appoint Robert R. Peters to a one-year term on the Alternative Transportation Plan Citizen Task Force as the Disability Advocate.

ITEM 6.2 continued

- Business Representative: Bawek (Peterson, Wilcox, Nordstrom & Grady), Flagg (Axtell & Winstead), and Sjoquist (Elkins).
Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to appoint Michael J. Bawek to a one-year term on the Alternative Transportation Plan Citizen Task Force as the Business Representative.
- Transit Representative: Round 1: Hazen (Elkins & Nordstrom), Hufnagle (Axtell & Wilcox), Plenke (Peterson, Grady & Winstead).
Round 2: Hazen (Peterson, Elkins, Nordstrom, Grady & Winstead) and Hufnagle (Axtell & Wilcox).
Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to appoint Jeff Hazen to a one-year term on the Alternative Transportation Plan Citizen Task Force as the Transit Representative.

Grady inquired as to why Jeff Hazen was in the Transit category and how they were categorized.

Randy Quale, Parks & Recreation Manager stated the applicants chose their respective category.

**Approved Therapeutic
Massage License for
Oriental Massage
Therapy
ITEM 5.1A**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve a new therapeutic massage enterprise license, expiring August 31, 2007, for Oriental Massage Therapy, LLC dba Oriental Massage Therapy located at 10558-B France Avenue South.

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

**Approved New Off-
Sale 3.2% Malt Liquor
License for Bobby &
Steve's Auto World
West Bloomington
ITEM 5.1B**

Motion was made by Grady, seconded by Axtell, and all voting aye, to approve a New Off-Sale 3.2% Malt Liquor License, expiring December 31, 2007, for Bobby & Steve's Auto World West Bloomington, LLP dba Bobby & Steve's Auto World West Bloomington located at 10740 Normandale Boulevard.

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

**Approved New On-
Sale Intoxicating
Liquor License for
Falafel King
ITEM 5.1C**

Motion was made by Axtell, seconded by Grady, and all voting aye, to approve a New On-Sale Intoxicating Liquor License, expiring June 30, 2008, for Falafel King Inc. dba Falafel King located at 8405 Lyndale Avenue South.

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

**Approved New On-
Sale Entertainment
Facility Intoxicating
Liquor License for
Park at MOA
ITEM 5.1D**

Motion was made by Axtell, seconded by Grady, and all voting aye, to approve a New On-Sale Entertainment Facility Intoxicating Liquor License, expiring June 30, 2008, for MOA Entertainment Co., LLC dba Park at MOA located at 5000 Center Court.

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

**Approve Temporary
Conditional Use
Permit for
Bloomington Garden
Center & Landscape
Company
ITEM 5.2A**

Motion was made by Nordstrom, seconded by Wilcox, and all voting aye, to approve a five-year Temporary Conditional Use Permit for a plant nursery and landscape business at 9407 Old Cedar Avenue, Case 6818A-07, for Bloomington Garden Center & Landscape Company, subject to the following 5 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. The temporary conditional use permit does not include that portion of the property lying within the Flood Hazard FH Overlay Zone and the use shall not be applied to that portion of the property;
2. The use cannot expand in character, scope and scale without approval by the Planning Manager;
3. The applicant shall continue the pumping of the septic tank as per the established schedule of at least every three years or as may be required by Environmental Health;
4. No business related parking, loading or unloading shall take place on Old Cedar Avenue; and
5. Future requests for the renewal of this Temporary Conditional Use Permit may be considered by the Hearing Examiner in accordance with Section 2.14 of the City Code.

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

**Adopted Resolution
Approving Conditional
Use Permit for
Play N Trade
Case 10713A-07
ITEM 5.2B
R-2007-67**

Bob Sharlin, Planner provided the staff report explaining this application falls under the Council's recent ordinance amendment that was adopted to regulate secondhand goods dealers and that it is recommended for approval with 6 conditions and 1 Code requirement. He referenced the two comments staff received relating to this application.

Elkins inquired if this application meets the window requirement to have more windows and clear views to put more "eyes on the street."

Sharlin explained this is a use permit in an existing location and that no changes are planned in the approved plan relating to the exterior of the building. It will only have a finished tenant space of 1200 square feet.

Peterson commented there are other businesses of this type in Bloomington that haven't had problems so he didn't believe this would have any either.

Speaker #1: Tonya & Neil Hagre, Applicants
They were available for Council's questions.

Elkins explained the condition in the City's zoning ordinance, which requires window areas to be open so that the people inside the store can make eye contact with the individuals on the outside.

The Hagre's replied they're working with the City in every way to assure compliance with all requirements.

Regarding their opening date and age limits for customers, the Hagres stated they hope to be open by Thursday, June 28 and that they plan to install bicycle racks. They indicated they will also implement a process of parental consent for the youth utilizing their business. They added tournaments will take place inside the store on weekends approximately twice per month.

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt a resolution approving a Conditional Use Permit for secondhand goods sales in a retail shopping center at 3818 West Old Shakopee Road (tenant address), Case 10713A-07, for Neil & Tonya Hagre dba Play N Trade, subject to the following 6 conditions of approval and 1 Code requirement as set forth by the Planning Division Staff:

1. The conditional use permit is limited to 1,200 square feet of leased space as shown in the plans approved in Case 10713A-07;

and subject to the following conditions being satisfied prior to the issuance of any permits;

2. Sewer Availability Charge (SAC) be determined and satisfied;

and subject to the following additional conditions:

3. Tournament shall be contained inside the tenant space, and adequate parking provided. Days, hours and duration of each event must be approved by the center management.
4. All parking shall occur on site and off of public streets.
5. Alterations to utilities be at the developer's expense;
6. A minimum of 10 bicycle parking spaces shall be provided, as approved by the City Engineer.

and subject to the following Code requirement:

1. All trash and recyclable materials be stored inside the building space (Sec. 19.51).

No public testimony was received.

**Approved Preliminary
& Adopted Resolution
Granting Final Plat
Approval of COUNTRY
ESTATES 8TH
ADDITION at 9393 &
9395 Cavell Circle
Case 10755A0-07
ITEM 5.2C
R-2007-64**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the Preliminary Plat and adopted a resolution granting Final Plat approval of COUNTRY ESTATES 8TH ADDITION located at 9393 & 9395 Cavell Circle, Case 10755A-07, for Fred Sulzbach who is subdividing the property from one lot with a twinhome into two lots for individual lot and unit ownership subject to completion of the following 4 conditions of approval and 2 Code requirements; receipt of the title opinion, necessary documents, and deposits; and a review of all documents by the City Attorney:

1. A title opinion or title commitment dated within the past 6 months shall be provided.
2. A 10-foot sidewalk/bikeway easement shall be provided along all street frontages.
3. A signed copy of a private common driveway easement agreement shall be provided.
4. A signed copy of a private common utility easement agreement shall be provided.

Code requirements:

1. The property shall be platted per Section 16.03 of the City Code. The approved Final Plat shall be filed with Hennepin County and a certified copy shall be provided to the Engineering Division prior to the issuance of building permits.
2. All development setbacks shall be based on planned widened rights-of-way for the abutting public street(s) (Section 19.42).

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

**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 Revised
Final Development
Plans for Ryan
Companies US, Inc. at
4300 & 4400 West 78th
Street
Case 3974A-07
ITEM 5.2D1**

Sharlin provided the staff report on the Ryan Companies' application for a Revised Final Development Plan for an 8-story office building and a 13,060 square foot restaurant, which includes an increase of 26,000 square feet of office. He explained that the Marketpointe II development was approved in 2006 and provided some history on how this project has evolved over time. He stated the original plan included three buildings located on the site of the old Best Buy warehouse. His background information highlighted the following:

- In 1998, Marketpointe I was approved and constructed.
- The two additional buildings were parallel to a large parking ramp.
- Several years later, a change was made in the plan and the southern portion of the property was rezoned for a 34-story high-rise rental apartment building. Although that plan was approved, it was never constructed.
- In 2006, Ryan Companies submitted a Revised Preliminary Development Plan for Marketpointe II, an office complex with a smaller parking ramp, and a third building adjacent to 78th Street. He explained the configuration of what was approved in 2006.
- In 2007, Marketpointe II, relocated to the front portion of the site, includes a reconfigured parking ramp and a restaurant linkage per the Revised Final Development Plan and future plans for Marketpointe III.

Sharlin showed a rendering of the proposed building and stated the Planning Commission recommended approval of the Revised Final Development Plan subject to 20 conditions and 13 Code requirements. He stated tonight's Council action also includes approval of the Preliminary and Final Plat of MARKETPOINTE 2ND ADDITION.

Dave Ornstein, City Attorney stated he revised the conditions of approval on the Final Plat to clarify that the conditions for approval of the Preliminary Plat were incorporated into the conditions needed to approve the Final Plat. As a result, Exhibit A was modified to include 8 conditions and 2 Code requirements.

Elkins inquired if this application will be governed by a Traffic Demand Management requirement.

ITEM 5.2D1 continued Sharlin replied that issue is addressed in Condition #1, which reads, “A development agreement including all conditions of approval and the trip reduction plan (see condition of Case 3974A-98) be executed by the applicant and the City.”

Nordstrom referenced the comment Council received from a constituent and inquired where vehicles travel to and from this development, i.e. to the Normandale area?

Using an aerial, Sharlin explained the project is located closer to the France Avenue/I-494 interchange and closer to Edina. He stated approximately ten intersections were analyzed in 1998 relative to the complete development at that time and that all operated at an acceptable level. He stated the primary traffic shed is adjacent to France Avenue & 494, not 84th & Normandale Boulevard, which is located to the west and south of this development.

Nordstrom also inquired as to how many more people will occupy this development per the additional square footage being proposed.

Sharlin explained traditional calculations indicate 4 employees per 1,000 square feet of space so a total of 237,000 square feet will result in approximately 900-1,000 employees in this building. He stated the number of parking spaces currently meets City Code and doesn't believe the trip generation would not dramatically change from what was anticipated with three buildings.

Elkins commented it is anticipated the buildings will be designed to LEED design standards.

Speaker #1 Rick Collins, Vice President of Development, Ryan Companies

He stated it's their plan to apply for LEED certification but to what level has not been determined. They are waiting to get more into tenant space planning. Regarding the inquiry regarding how many additional employees will result from the additional 13,000 square feet of office space, he stated the general rule indicates it will result in an additional 50 employees. He stated Phase 2 and Phase 3, when combined with Phase I and the proposed restaurant, will result in less square footage and less traffic generation than what was originally approved in 1999. In response to Council's inquiry regarding the identity of the restaurant in Phase 2, he stated they don't know yet what it will be but they have feelers out with multiple restaurants and they will most likely serve liquor.

Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve the Revised Final Development Plan for the Phase II office building and parking ramp expansion at 4300 & 4400 West 78th Street, Case 3974A-07, for Ryan Companies US, Inc., subject to the following 20 conditions of approval and 13 Code requirements:

1. A development agreement including all conditions of approval and the trip reduction plan (see condition of Case 3974A-98) be executed by the applicant and the City;
2. The property shall be platted per Section 16.03 of the City Code. The approved Final Plat shall be filed with Hennepin County and a certified copy shall be provided to the Engineering Division prior to the issuance of building permits.
3. Exterior building materials be approved by the Planning Manager;
4. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
5. A Stormwater Management Plan shall be provided which shall include:
 - a. Stormwater rate control, volume control and water quality treatment which meets the requirements of the Bloomington Comprehensive Surface Water Management Plan (CSWMP)
 - b. Maintenance Schedule/Plan for Stormwater BMP signed by property owner and to be filed on record with Hennepin County. Proof of filing shall be submitted to Engineering.
6. NPDES construction site permit and Storm Water Pollution Prevention Plan (SWPPP) shall be provided. The SWPPP shall include the name and phone number of the party responsible for erosion control.
7. Connection charges, as determined, be satisfied;
8. Sewer Availability Charge (SAC) be determined and satisfied;
9. Access, circulation and parking plans be approved by the City Traffic Engineer;
10. Erosion control measures be in place prior to issuance of grading permits;

- ITEM 5.2D1 continued**
11. Common driveway/access/parking agreements, as necessary, be provided as approved by the Traffic Engineer;
 12. Nine Mile Creek Watershed District review and permit be obtained;
 13. MnPCA Indirect Source Permit be obtained;
 14. A minimum of 30 bicycle parking spaces shall be provided and shown on the plan, as approved by the City Engineer.

and subject to the following additional conditions of approval:

15. Final development plan approval is limited to the following phase of development: Phase II office building and parking ramp as contained in plans in Case 3974A-07. Development plans for phase III shall be reviewed by the Planning Commission and approved by the City Council;
16. Alterations to utilities be at the developer's expense;
17. Sidewalk be installed along West 78th Street, in a location to be determined by the City Traffic Engineer, at the developer's expense;
18. All future phases of the building and parking structure shall have the same exterior architectural design color and materials as Phase I and II;
19. Prior to the issuance of the Certificate of Occupancy, the developer must submit electronic utility as-builts to the Public Works Department.
20. The existing stormwater pipe located along the western property line shall be repaired or replaced at the cost of the developer, as approved by the City Engineer.

and subject to the following Code requirements:

1. Exterior building materials shall be approved by the Planning Manager (Sec. 19.63.08);
2. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
3. All rooftop equipment be fully screened (Sec. 19.52.01);
4. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
5. All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51);
6. Recyclable materials shall be separated and collected (Sec. 10.45);
7. Building shall be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
8. Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
9. 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, MN State Fire Code Sec. 508);
10. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
11. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
12. A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approval by the Planning Manager and all signage be in conformance with the requirements of Chapter 19, Article X of the City Code.
13. Development shall comply with the State Handicapped Code.

No public testimony was received.

**Approved Preliminary
& Adopted Resolution
Granting Final Plat
Approval for
MARKETPOINTE 2ND
ADDITION at 4400
West 78th Street
Case 3974B-07
ITEM 5.2D2,3
R-2007-68**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to approve the Preliminary Plat and adopted a resolution granting Final Plat approval of MARKETPOINTE 2ND ADDITION located at 4400 West 78th Street, Case 3974B-07, subject to completion of the Preliminary Plat conditions and the following 8 Final Plat conditions and 2 Code requirements, receipt of the title opinion, necessary documents, and deposits; and a review of all documents by the City Attorney:

1. A title opinion or title commitment dated within the past 6 months shall be provided.
2. Connection charges shall be due prior to issuance of utility permits.
3. 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.

**ITEM 5.2D2,3
continued**

5. The revised Grading, Drainage, Utility and Erosion Control plans shall be approved by the City Engineer prior to the issuance of permits.
6. A signed copy of a private common driveway/parking/access easement agreement shall be provided.
7. A signed copy of a private common utility easement agreement shall be provided.
8. Satisfaction of those additional conditions required in conjunction with approval of the Preliminary Plat.

Code requirements:

1. The property shall be platted per Section 16.03 of the City Code. The approved Final Plat shall be filed with Hennepin County and a certified copy shall be provided to the Engineering Division prior to the issuance of building permits.
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 Ordinance
Amending Time
Allowed for Exterior
Construction Projects
ITEM 5.4A1
O-2007-21**

Larry Lee provided the staff report on the ordinance amendments as a result of previous Council discussions. He explained the three provisions in the ordinance, which includes a provision to extend the period of time needed to complete a construction project based on hardship criteria, which is up to the discretion of the Manager of Building & Inspection to issue.

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt an ordinance amending the time allowed for exterior construction projects.

No public testimony was received.

**Adopted Resolution
Directing Summary
Publication of
O-2007-21
ITEM 5.4A2
R-2007-65**

Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution directing Summary Publication of O-2007- amending Chapters 12 and 15 of the Bloomington City Code in the official newspaper rather than the 3-page ordinance itself.

**Adopted Ordinance
Amendment Relating
to Permit Fee Changes
and Housekeeping
Corrections to the
City Code
ITEM 5.4B1
O-2007-22**

Larry Lee provided the staff report stating the primary item in the ordinance amends the building permit fees. He stated when Council adopted the 2007 Budget, there was discussion about adopting a schedule of building values per the 2005 State Building Code, which in turn has resulted in an increase in building and plan check fees.

Wilcox inquired if this was done to increase fee revenues or to keep up with what other cities are doing.

Lee replied that the Council agreed that this needed to be done in order for staff to provide the necessary additional inspections. He stated the City's minimum fees have been below the actual cost to provide those minimal inspections and in the report that the City must submit to the State annually on what it charges for permits, it has consistently shown that Bloomington's revenue is less than what it costs City departments to provide the service. He stated the City has never made money on permit fees.

Grady inquired if all sections of the amended ordinance are a result of the State Building Code or just Section 15.183, as there appear to be increases to other City fees.

Lee explained the two parts of the ordinance: Part One adopts the schedule, which primarily increases the fees for larger projects, and Part Two is a result of the City's current fees for minimum projects ranging from \$7 and up that need to be increased per staff's recommendation based its true costs of providing minimal inspections. He stated staff could prepare a Time/Study Cost estimate to justify the increases, which it does for its contract with the City of Richfield for the inspections Bloomington provides.

ITEM 5.4B1 continued Axtell stated he has no problems with the proposed fees but questioned whether or not future fee increases to the 2005 State Building Code would automatically carry over to the City's permit fee schedule.

Lee replied that any future increases to Bloomington's fees would require adoption of another ordinance amendment by Council.

Motion was made by Axtell, seconded by Nordstrom, to adopt an ordinance relating to permit fee changes and housekeeping corrections to the City Code. Motion passed 6-1 (Grady opposing).

No public testimony was received.

**Adopted Resolution
Directing Summary
Publication of
O-2007-22
ITEM 5.4B2
R-2007-66**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to adopt a resolution directing summary publication of O-2007- amending Chapters 15, 17, and 21 of the Bloomington City Code in the official newspaper rather than the 5-page ordinance itself.

**Adopted Ordinance
Vacating Easements at
9939 & 9941 Portland
Avenue South
ITEM 5.4C
O-2007-23**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt an ordinance vacating drainage and utility easements located at 9939 and 9941 Portland Avenue South for Rick Chapman, homeowner of 9941 Portland Avenue South for the purpose of clearing the title for the sale of the property. The existing building is encroaching into the easements.

No public or private utilities are affected by this vacation.

No public testimony was received.

**Acknowledged
Withdrawal of
Application
ITEM 5.4D**

Council acknowledged the withdrawal of this application by the applicant, Robert Hunter, Crowne Plaza, to vacate part of a street easement over 5400 American Boulevard West and a street easement and a boulevard easement over part of 5311 Green Valley Drive.

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

Mark Bernhardson, City Manager explained the Update was provided at the first Council meeting in June.

Winstead reported on two events he recently attended: A groundbreaking for the new Northwestern Health Sciences University library, which he stated is a major league addition and the ribbon cutting for Quality Bicycle, which kicks off an extremely large state of the art addition onto their facility. He reported Quality Bicycle has received the highest level of LEED certification on this project, which has the largest installation of solar panels in the Midwest. He commented on their parking, landscaping materials and furnishings, many of which are made out of recycled materials. He stated it's a remarkable building and facility adding Quality Bicycle sets a great example in the way they conduct their business.

Axtell stated the Quality Bicycle story is one that might be worth featuring in a future Bloomington Briefing, as a local company that is setting a very good example for others to follow.

Elkins commented on the National League of Cities (NLC) Futures Study Panel he recently attended in Portland, OR whereby they discussed many of the strategic governance ideas Bloomington is currently undertaking in its strategic planning process. He added Portland has one of the largest bicycle/pedestrian transit friendly scopes of development of any city he has ever seen.

Axtell commented on the information that is posted on the City's Website regarding the proposed Target Super Store stating it is very informative, neutral, and well presented.

ITEM 6.1 continued

Winstead concurred adding that if Target does make an application, it would go through all the proper channels and would be addressed appropriately if it reaches the Council level.

Nordstrom reported she visited Friendship Village and discussed the proposed design for the 494/169 interchange with residents and staff. As they plan to install new windows and siding, she suggested they look at getting them as soundproof and insulated as possible.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:07 p.m.

Barbara Clawson
Council Secretary