

**Regular Meeting #10**  
**Monday, March 1, 2010, 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 led the audience in the pledge of allegiance to the flag.
- Roll Call** *Present:* Mayor Winstead, Councilmembers S. Elkins, A. Grady, T. Hulting, K. Nordstrom, S. Peterson, and V. Wilcox.
- Approved Lease Extension with Verizon Wireless LLC  
ITEM 3.1** Motion was made Elkins, seconded by Peterson, and all voting aye, to authorize the Mayor and City Manager to sign a 15-year lease extension for Verizon Wireless LLC on the cellular tower at Dred Scott Ballfields. No physical changes to their facilities are being requested. The new lease rate will increase revenue from the current rate of \$12,960 per year to \$31,000 per year. The revenue from wireless leases supports parks and recreation, park maintenance, utilities, and siren funds.
- Adopted Resolution Approving Plans & Specs for Bloomington Ferry Rd Bikeway Upgrade (City Project 2010-205)  
ITEM 3.2  
R-2010-11** Motion was made Elkins, seconded by Peterson, and all voting aye, to adopt a resolution approving the plans and specifications and ordering advertisement for bids for the Bloomington Ferry Road Bikeway Upgrade (City Project 2010-205). The 1.1 mile segment along Bloomington Ferry Road from Pioneer Trail to Veness Road will be reconstructed from a 7-foot wide sidewalk to a 10-foot combined two-way bikeway/sidewalk (Core Linking Trail) per the approved Alternative Transportation Plan. The approximate cost for reconstruction of the trail is \$376,000.  
  
Funding for the entire project is anticipated to be funded through the Energy Efficiency and Conservation Block Grant (EECBG) program sponsored by the U.S. Department of Energy. No special assessments are proposed.
- Accepted Petition & Adopted Resolution Ordering Feasibility Study for Project Adjacent to Richfield Bloomington Credit Union at 9500 Lyndale (City Project 2010-303)  
ITEM 3.4  
R-2010-12** Motion was made Elkins, seconded by Peterson, and all voting aye, to adopt a resolution accepting a petition for inclusion in an assessment district and ordering a Feasibility Study (City Project 2010-303 Richfield Bloomington Credit Union (RBCU) Improvement Project). RBCU, property owner of 9500 Lyndale Avenue South, is requesting additional improvements along Lyndale Avenue and West 96<sup>th</sup> Street, adjacent to their property, be reconstructed with the Lyndale Avenue project. The improvements consist of replacing of all curb along Lyndale Avenue and West 96<sup>th</sup> Street, constructing the sidewalk along Lyndale Avenue and West 96<sup>th</sup> Street, constructing driveway approaches on Lyndale and West 96<sup>th</sup> Street, and modifying the traffic signal at Lyndale Avenue & West 95<sup>th</sup> Street. A Feasibility Study will include a project description, a preliminary cost estimate, and funding mechanisms.
- Authorized Transmittal of Letter to MnDOT Authorizing Local Agency Participation in Railroad Crossing Gates at Kell Avenue  
ITEM 3.5** Motion was made Elkins, seconded by Peterson, and all voting aye, to authorize transmittal of a letter to the Minnesota Department of Transportation Office of Freight and Commercial Vehicle Operations (OFCVO) authorizing local agency participation by the City of Bloomington for the installation of gates at the Kell Avenue railroad crossing in Year 2014. The federal funding for rail safety projects is 90 percent so Bloomington's 10 percent participation will be approximately \$23,000.  
  
Funding anticipated from Municipal State Aid funds available in Year 2014.
- Adopted the 2010 Legislative Policy  
ITEM 3.6** Motion was made Elkins, seconded by Peterson, and all voting aye, to adopt the 2010 Legislative Policy as presented.
- Approved Minutes  
ITEM 3.7** Motion was made Elkins, seconded by Peterson, and all voting aye, to approve the minutes of the January 25, 2010 (Regular) meeting as presented.

**Approved Addition of Streets as Add Alternate to the 2010-102 PMP Street Maintenance Project ITEM 3.8**

Wilcox inquired if property owners were notified of this handout item to approve the addition of three streets as an add alternate to the 2010-102 Pavement Management Program (PMP) Street Maintenance Project that was originally approved by Council on February 22, 2010.

City Engineer Shelly Pederson stated if Council approves this addition, staff will notify the adjacent property owners to discuss the overlay and the schedule.

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve inclusion of the following segments on Garfield Avenue, West 97½ Street and Grand Avenue as an add alternate with the 2010-102 PMP Street Maintenance Project:

Garfield Avenue between 95<sup>th</sup> Street and West 97½ Street  
West 97½ Street between Garfield Avenue and Grand Avenue  
Grand Avenue between West 97½ Street and West 98<sup>th</sup> Street

There will be no direct assessment to the property owners. Project costs will be paid from the 425 State Aid PMP Overlay Fund and all other repairs from various budgeted utility maintenance funds.

**Accepted Donations ITEM 3.3**

Motion was made by Elkins, seconded by Grady, and all voting aye, to accept the following donations made to various City activities and amend the revenue and expenditure budgets, as noted, to facilitate the appropriate use of these funds: \$100 donated by Tom & Antje Thomas, \$100 donated by Dennis & Joan Hemenway, \$100 donated by Julie Eckhart & Peter Borman, \$100 donated by Angela Testa, and \$100 donated by Keith Guinee to the Fire Department for equipment; \$200 donated by Oak Grove Presbyterian Church, \$200 donated by the MN Valley Unitarian Universalist Church, and \$300 donated by Normandale Community College to the Human Rights Commission for the Black History Month event; \$3,100 donated by the Bloomington School District #271 to the Human Rights Commission for the Diversity Day Speaker; \$3,000 donated by Bloomington School District #271 and \$100 donated by the Muslim Community Center to the Human Rights Commission for the Youth Leadership event; and a \$25 Red Robin gift card donated by Solar Midwest, three compact refrigerator wine coolers donated by Home Depot, a \$50 Chipotle gift card donated by Sass Construction, a keyboard partner donated by Advanced Home Improvement, a t-shirt donated by Topside, a drill kit donated by Crask Homes & Design, and three \$100 Home Depot gift cards donated by Bloomington HRA to the HRA Home Show.

**OPENED PUBLIC COMMENT PERIOD**

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

Speaker #1: Jean Mellum & Todd Toepel, 10229 Colorado Road

They stated they received a call from the Environmental Health Division informing them they were in violation of the City's ordinance regarding chickens and honey bees, as the enclosure needs to be 100 ft. or more from any lot in a residential district. They stated their lot size is 80 ft. x 110 ft. and that the City's ordinance prevents them and others from keeping chickens or honey bees on their property. They described the location of the 4 ft. x 4 ft. x 5 ft. coop that houses their four hens in the backyard. They stated they don't let their chickens run wild. They have a run for them. They reported no predators near the coop and stated their neighbors enjoy the chickens. It's been a fun hobby for their family. She named several cities that allow backyard chickens. They requested the Council adopt a change in the ordinance reducing the setback required from any residential structure to 50 feet and from any property line to 10 feet.

Winstead explained the Council can't deal with this issue tonight because it would have to go through the proper hearing process.

City Manager Mark Bernhardson stated staff would provide Council with copies of the Mellum's comments and will also include background on the City's ordinance along with a survey of how other cities have dealt with this issue. He explained an item could be placed on a future Council agenda if there was Council consensus to explore changing the ordinance.

**OPENED PUBLIC COMMENT PERIOD continued**

Grady commented someone else in town was looking to have this ordinance changed but this issue had been moved off the Planning Commission’s work schedule. She suggested it be put back on.

Speaker #2: Margo Roberts, 10221 Colorado Road

She indicated her support for allowing the chickens. She said they don’t make much noise and they don’t smell. She enjoys having them next door. It’s nice to see this family caring for the chickens.

Speaker #3: Jane Udlinek, 11039 Stanley Curve

She also supports having chickens. She said it’s nice to have some country within the city. She also commented about an article she read in the Sun Current that stated homeowners’ taxes were going to be raised to support Phase II of the Mall of America.

Bernhardson replied he hadn’t seen the article but knew there was going to be one regarding legislative changes related to the Mall. He explained the Mall has never relied on residential property taxes in Bloomington to finance it. It’s been totally done with Tax Increment Financing (TIF). He stated some additional revenues were adopted by the Legislature in 2008 but they have not been implemented. Something would need to be negotiated between the City and Port Authority and the Mall for that to happen. He reported the Mall of America, even though it’s in a TIF district, contributes a net of more than \$1 million to the community by way of the General Fund every year.

Winstead added the Mall pays approximately \$17 million in property taxes per year and much of it goes into a state Fiscal Disparities pool. The portion of tax that is City and County is captured to pay for the improvements the City put in (roads, parking ramps, etc.). The property taxes they pay are captured to pay off the bonds that were let to build those types of infrastructure.

Bernhardson stated part of the liquor lodging tax has been used to fund additional police officers at the Mall but the officers working parking details at the Mall on weekends and on holidays is all paid for by the Mall.

**Approved On-Sale Liquor Management Agreement with Radisson Hotel Bloomington ITEM 5.1A**

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a management agreement between Bloomington Hospitality LLC, the current on-sale liquor licensee at the Radisson Hotel Bloomington, 1700 American Boulevard East, and S&L Hospitality, LLC. The ownership of this establishment has been transferred to a new owner. The management agreement will be in effect until the new on-sale liquor license is approved by the City Council.

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

**Approved Interim Use Permit for Lakeview Electric at 8124 Pillsbury Avenue So. Case 9391A-10 ITEM 5.2A**

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to approve an Interim Use Permit expiring August 24, 2014, for the outdoor storage of construction equipment at 8124 Pillsbury Avenue South, Case 9391A-10, for Lakeview Electric c/o Galeon Company subject to the following 5 conditions of approval as set forth by the Planning Division staff and the Planning Commission:

1. The permit expires on August 24, 2014;
2. The existing fence be maintained in good repair;
3. The asphalt be removed from the boulevard and boulevard restored as approved by the City Engineer;
4. No on-street parking allowed; and
5. No exterior storage of construction debris allowed.

Wilcox inquired about blacktop area in the front being grandfathered in if it’s illegal.

Using an aerial photo, Planning Manager Bob Hawbaker explained the current driveway isn’t usable because of the fence. He stated the driveway Wilcox is referencing belongs to the property at 8116 Pillsbury. He pointed out the parking and access is on the back side. He stated in this case, all of these properties predate zoning regulations.

**ITEM 5.2A continued**

Wilcox commented he hates to see that area stay blacktop.

Bernhardson asked if there is supposed to be grass between the right-of-way (ROW) line and the curb per the plan.

Hawbaker explained the ROW will be grass. He stated the asphalt parking and access on the applicant’s drawing looks to be used for parking and a drive aisle in front of the building.

Wilcox indicated his approval of this application.

No public testimony was received.

**CLOSED PUBLIC COMMENT PERIOD**

The Mayor asked if anyone else 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.

**Accepted Feasibility Study & Adopted Resolution Ordering Construction of Oxboro Street Improvements (City Project 2010-802) ITEM 5.3A R-2010-13**

Public Works Director Karl Keel provided the staff report on the Oxboro Streetscape Improvement Project highlighting the following:

- A public hearing was held on February 22, 2010, for a streetscape project with improvements on public and private properties totaling \$540,075. At that hearing, property owners expressed concern with the high costs. As a result, the hearing was continued to allow staff time to reevaluate the assessments to see if any of the improvements could be eliminated or phased.
- Proposed Approach: Council is requested to order the public improvements in the amount of \$181,028 that are located within the street side of the ROW and will be 100% assessed to the City. The City will bid and construct the project in conjunction with the Lyndale Avenue Street Improvement Project. These project costs will not impact the property owners who will be assessed on the street improvement project. Staff will prepare a landscape plan for the private streetscape portion. Two options to implement that landscape plan will be presented later this spring. The first option will be to construct the private landscape improvements as a public project with 100% of the costs assessed to the private property owners as part of a special services district. The total amount of that project would be \$359,046. The other option will be for staff to prepare a plan that will only be offered to individual property owners. If they choose to participate, there will be a separate contract to build those improvements on the individual properties that requested the improvements concurrent with the Lyndale Avenue project. Staff will assess those costs as an incentive to help private property owners finance those improvements if they so choose. If a private property doesn’t want to participate, they don’t have to. He stated the downside is that there wouldn’t be a consistent landscaping plan on the private side. These two options will come back to Council for approval later in the spring.
- Recommendation: Direct staff to split out the public side of the improvements and have them constructed as part of the Lyndale Avenue project 100% paid by the City and direct staff to prepare an overall landscaping plan for the private properties to act as a guide for the future.

Council comments/inquiries:

- Grady inquired about the property owner who had previously commented regarding the median in front of his property on Garfield Avenue.

Bernhardson explained if Council approves the private improvements as a district, then that property owner would be assessed as part of the district at the 50% rate, as the improvement doesn’t abut the street project. If Council chooses to go with the private plantings on those interested properties, the owner on Garfield would not be assessed because they would not have any particular plantings that would be on their property.

- Grady inquired if any tree or major elements have been eliminated.

**ITEM 5.3A continued**

Keel stated there were not any elements that they thought they could pull out of the project that would have significantly reduced the assessment amounts.

Bernhardson stated staff looked at a 25% reduction in plantings on the private side, but that will be coming back.

- Grady stated \$181,000 is what has to be done for sure. There is nothing to cut or trim. She suggested getting that done on the City's dime and talk about the private landscaping later. She stated McDonald's told her they did get the street information but never got the streetscape information.

Bernhardson stated Paul Edwardson, the City's Assistant Maintenance Superintendent, said he spoke with McDonald's today and they mentioned perhaps they lost the streetscape information.

Keel reported notices were sent to the owners and the tenants of McDonald's.

- Wilcox stated for clarification staff will bid the options separately but the work will be scheduled at the same time.

Keel confirmed private contractors would be working with the City's contractors.

Bernhardson stated planting work wouldn't be done until late in the project. At that point, it will be mostly clean up.

Keel stated there is a clear demarcation where the full plantings are on the private side and for the most part it will be a sidewalk.

- Wilcox stated it's not worth the City's investment to redo its plantings up against a private property owner that chooses not to do something.

Bernhardson stated when this comes back, the Council can decide if it still wants it to be a streetscape district.

- Wilcox stated he doesn't agree with bidding the contracts separately.

Bernhardson stated staff is not convinced there would be economies of scale bidding the two projects together. One would be a general contractor and one a subcontractor.

- Elkins inquired about the Junipers on the northeast corner around the bell tower.

Keel replied those are all public.

- Hulting stated he is pleased staff is putting more flexibility into the project giving the businesses a choice in how they can be involved rather than mandating the streetscape district. He inquired if that flexibility could be expanded to allow the individual stakeholders to secure bids for the upgrades they desire on their properties that would be consistent with the City's plan rather than having it let by the City.

Keel explained they could do their own bidding and reported the bulk of the landscaping will occur in the spring of 2011.

Bernhardson stated there is the potential for flexibility but the Council still has to make that decision.

- Winstead stated there would be an overall plan for the area to keep it cohesive.
- Grady inquired about the dead plant material and who will be taking it out. She asked where it is on the list of components the City will be paying for.

Keel replied the majority of the plantings are on the private portion of the project and the bulk of the plantings shown in the photo are private. He stated they wouldn't be coming out with this project.

**ITEM 5.3A continued**

- Nordstrom commented on the good and bad streetscape she saw while in Denver and stated it would be good to see this whole project get done.
- Peterson indicated a desire to talk about the rehab that has occurred on the clock tower.

The public was invited to comment:

Speaker #1: Ashwin Shaw, Owner of 9800 Lyndale Avenue South

He stated there is no improvement that would be done on his property and while he likes this proposal, he inquired what the incentive would be to maintain the improvements when the entire landscape project is done in the spring and everyone in the district is assessed or will only those properties interested in participating be assessed.

Speaker #2: Al Allstadt, Al's Vacuum, 9517 Lyndale Avenue South

He stated the City came up with a reasonable approach to solving this problem but he expressed a concern with the two proposals. He hopes to work with the serious stakeholders. He'd prefer to see the assessment district go away but wants everyone to maintain their property appropriately with a master plan that fits together. He appreciated the City's flexibility.

Winstead agreed otherwise it could be an enforcement issue for the City.

Speaker #3: Jeff Hatten, Premier Bank, 500 West 98<sup>th</sup> Street

He thanked the Council for being supportive and for listening to the stakeholders. He indicated support for the plan presented tonight and the phased approach.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to accept the Feasibility Report and adopt a resolution ordering the construction of the Oxboro Street Improvements (City Project 2010-802) on the public side while delaying the decision regarding the approach and scope of the project involving private properties per the schedule proposed by the Public Works Director. The delay will give the property owners an opportunity to determine how they want the streetscape maintained long term. The City's participation is based on the private property owners stepping up collectively.

Grady inquired if the resolution contained the modified amount.

Keel reassured the Council the resolution contains the new number for the public portion.

Wilcox expressed concern in supporting the resolution because Council has been down this road before. He'd like to see some type of commitment that the second option will be going ahead.

Winstead inquired about the timeline regarding the next decision.

Bernhardson replied staff will bring it back on May 3. In meantime, staff will work with the property owners regarding plants, schedule and cost.

Wilcox doubted many of the stakeholders will show up for the meetings and inquired if the City would then maintain these or not.

Peterson inquired if the City could advertise the streetscape elements as an add alternate.

Bernhardson replied the options need to proceed separately. The City needs to move ahead with the PMP program.

Keel stated the PMP bids go out in May. He stated the Council would have to order it tonight in order for it to be bid as an add alternate.

Peterson stated the property owners need to be brought to the table, as the City needs to have a solid agreement with them.

**ITEM 5.3A continued**

Bernhardson stated the public portion could be done as an add-alternate and the private portion could be done on a side track.

Wilcox commented why not do all the landscaping in a separate contract. He would be okay with bidding the landscaping project as one project but have a commitment before moving ahead with the rest of the project.

Bernhardson stated the City will bid the public ROW portion of the streetscape as an add alternate or a deduct, whichever is better, and will look at the portion that is plantings to determine if it is done as part of that project or separately.

Keel stated of the estimated \$181,000 cost, approximately \$25,000 - \$30,000 is plant material and the remainder is hardscape items.

Winstead inquired which utilities are predicting a delay.

City Engineer Shelly Pederson replied private utility companies are anticipating eight weeks. She stated the road construction and hardscape could get done this year with the planting to be done in 2011. She stated the City can only work on top of the street contractors for four weeks.

Nordstrom suggested sending out letters to all of the property owners.

Allstadt stated he has taken responsibility for maintaining his area for the last 23 years so hopefully it will get passed along to the others members.

Wilcox thanked everyone who has maintained their property over the years stating this is a protection for the investments they've made.

**Adopted Lower Penn  
Lake Management  
Plan & Ordered a  
Feasibility Study  
ITEM 5.5A**

Civil Engineer Scott Anderson presented the Lower Penn Lake Management Plan. His presentation highlighted the following:

- A public hearing was held on January 25, 2010 to receive public comments. Residents desired and were granted additional time to review the City's plan. A deadline of February 5, 2010, was given as the deadline for submitting written comments. Staff was given a deadline of February 19 to respond to all of the written comments to inform them which comments submitted could be incorporated into the Plan for Council adoption.
- Comments Received: He provided Council with a summary of the comments received, a redlined Plan from the Association, and staff's responses. He explained many of the comments were related to text changes, wording change requests, groundwater well use, the use of that well at different rates and at different times of the year to achieve different results, a request to delete Alternative R, which was ultimately not a recommended alternative in the Plan but is an alternative to actually remove or seal the well should conditions warrant, a request for some additional goals, and cost modifications to the existing alternatives.
- Summary of Plan changes: Some of the text and wording changes were included as suggested. A key change was removal of a date-specific reference to use of the groundwater well as a part of Alternative D for winter aeration. Included was some additional discussion regarding the use of the well and the currently permitted 10 million gallons per year of groundwater strictly allowed in the fall and wintertime to raise the water level. Some additional limited detail was added regarding fish restocking. Some of the estimated costs will be adjusted for some of the alternatives – primarily the public education component and the cost estimate for maintaining or for having to replace the groundwater well was modified.

**ITEM 5.5A continued**

- Water Balance Chart: It was provided by an engineer for the watershed district using a groundwater well. It was requested the well be used at a slower pace over a longer period of time. It was stated 10 million gallons a year will provide, in the absence of any losses other than exfiltration from the bottom of the lake, maintenance of the water level for about 87 to 90 days. He stated if, for example, the elevation of the lake was 807 and the discharge rate of that pump could be lowered enough, 807 could be maintained for 87 days minus any losses with the exception of exfiltration. He stated the chart shows different starting elevations that could be used to determine when groundwater would be used if it were a necessary component of the Plan. He stated the critical elevation in terms of that system functioning or not functioning is that of the intake to the in-lake recirculator, which is roughly at an elevation of 803.5. He stated that number does need to be confirmed with the survey work currently taking place.

Bernhardson stated the 10 million gallon pre-augmentation relates to water level augmentation. He stated the one exception found to that was Lowry Pond, which was allowed an additional 2 million gallons per year for the making of ice in the wintertime. He inquired if there is a cost to achieve the pumping.

Anderson stated it is unknown if the current equipment could facilitate this pumping rate but an estimated cost of between \$5,000 - \$15,000 could likely achieve a number of different scenarios.

Bernhardson stated this plan was developed to improve the water quality of Lower Penn Lake and that the City was not required to do it. He asked if the Department of Natural Resources (DNR) will let the City pump more than 10 million gallons.

Anderson replied, "No."

Bernhardson stated as the Plan was not required of the City, Council could table it if they so desired.

Speaker #1: Lisa McIntire, 2006 West 89<sup>th</sup> Street

She introduced Gordie Heitzman, an engineer and hydrologist recruited by the Lower Penn Lake Association to review the Plan.

Speaker #2: Gordie Heitzman, Engineer & Hydrologist

He stated his background is in hydraulics and that he worked for The Corps of Engineers for over 20 years. He talked about the water balance chart. In looking through the Plan, he stated there isn't a table or a curve to show the relationship to elevation. The chart assumes the lake is a soup can, which it's not. It's shaped more like a cone than a soup can. He said it could be done at a modest cost. He stated it would be nice to have a lake gauge so everyone could see what's happening with the lake level. He stated they're asking for a lake level now to determine the amount of exfiltration. With regard to the well, he stated the residents advocate minimal use of it. Pump enough to get through 3 days in the winter. He stated it's important to find out the best time to pump the 10 million gallons. He advocated for a delay in approving the Plan until the data can be strengthened or bolstered.

Bernhardson stated staff is looking for the Plan to be approved before some of that specific data is discovered. He asked what is the best way to use the pump. Should the Plan be adopted and then get the measurements or get the measurements and then adopt the Plan?

Anderson stated the Plan is not proposing exclusion of the well use but it's a component of Alternative "D." A goal of the Plan is to look for a longer term way to aerate the lake.

Peterson inquired if there is a lake gauge in the Plan and if there isn't, how expensive is it.

Anderson replied it's not a component of the Plan and probably isn't very expensive. He stated it could be added.

**ITEM 5.5A continued**

McIntire reapproached to state when the lake is at an elevation of 807 feet it's 33 acres. When the lake is frozen there is only about 8 acres of liquid water left so the amount of water it would take to replenish what is exfiltrating would be pretty small. She stated it's good to look at what is exfiltrating in the winter because it's important to keep enough water in the lake to have 8 acres of liquid water in which the fish can swim.

Winstead stated it's how best time to use the 10 million gallons.

McIntire stated it's important to keep the pump. She thanked the Council for postponing its decision. They met with City staff and discussed what it might take to renovate the pump to allow 10 million gallons to be used in the best way. She reported the residents made 11 requests for changes in the Plan and staff made one of them. She stated there was not a lot of staff responsiveness to their requests. The residents are concerned with some of the ways the goals are stated without having the data to back them up. They want the emphasis to be on a continuous collection of data.

Peterson asked the residents if they support or oppose the Plan as it's been presented.

McIntire stated the Lake Association voted to request the Council delay the Plan until more data is collected. She stated it's too early to decide how many fish should be replaced if the lake freezes out. She suggested Smith Park is a similar lake and it could be used as a similar benchmark. She asked how does anyone know 10 pair is the right number of fish. She stated the plan is to remove sediment from areas around inlets but staff indicated it was only going to do a little sediment review. She stated there are several statements in the Plan the Association would like held out or changed until more data is collected.

Elkins stated he agrees with having a fish survey and a bathymetric survey. While data is being collected there will be feedback back and forth.

Winstead stated the Council needs to move on this Plan now and that it helps set a direction. This Plan will help the lake be a more sustainable amenity in the future. He concurred the data will change over the decade but there is nothing to indicate this plan shouldn't be approved. This will get it going. There will be a pump and it can be altered so that it is used as is best determined. It can pump faster or slower depending on what is needed and it can change annually. In the meantime, data will continue to be collected.

Elkins stated it would be good to get to the point where the items in the yellow category can move forward.

Grady mentioned the Implementation Strategies on page 10 are a starting point for achieving the City's goals. This is not a final document but it's got to get going.

Peterson stated the Plan is a good one. What troubles him is that the City is putting a lot of effort into this lake and the Plan calls for a lot of things the City doesn't routinely do. He stated if the City is going to take people's money to improve this and the neighborhood association isn't supportive of the Plan, perhaps the Council should say no to this one and work with another group that wants the City to spend money on them.

Wilcox stated he is still confused about whether the neighborhood association supports this or not. This is a model that can be used for other lakes so the Council needs to be sure. He's comfortable with what he is seeing but he'd like to see a more favorable response to the Plan.

Peterson requested confirmation on the language in the Plan relating to not eliminating the well.

**ITEM 5.5A continued**

Anderson stated alternate methods, although not recommended, were left in the Plan. It was left in the Plan to be transparent in the potential of needing to remove or seal the well should it become, through the data collection efforts and through the implementation of the Plan, evident that the well simply is not needed to preserve the fish population. Whatever the fish population may be, there would be no need to operate that well; hence there would be no need to keep it in place as a potential source of groundwater contamination.

Bernhardson stated maybe the 10 million gallons goes away – the DNR takes it away or the pump quits working. The question is who pays for it -- the City or the lake property owners, or does it get sealed. That possibility exists.

Nordstrom inquired about the total cost for all of the solutions.

Anderson referenced Friday's revised cost chart over 20 years and the green section -- \$360,000 through 2020. \$36,000 per year. He stated those are scoping estimates. They are not engineer's estimates.

Bernhardson stated there is a willingness to go ahead with a good plan but there is a desire to see that the neighborhood is supportive of it.

Peterson stated with regard to the green section of the 10-year expenditure, the Council will have to authorize the sediment removal. He stated he is okay with adopting the Plan tonight but unless the Association is behind the Plan, he would want to examine closely the expenditures in the area of fish inventory and water quality monitoring if the neighborhood isn't supportive.

Grady stated the neighborhood wanted some more word changes but she didn't read that the Association doesn't support it.

Winstead asked for a show of hands of how many in the audience are interested in Penn Lake. He asked how many think the Plan should be adopted. Many raised their hands. He asked how many think the Plan should be refined. He stated the Council doesn't want to hold off the good for the perfect.

Speaker #3: Glenys Thorsen, 2030 West 89<sup>th</sup> Street

She stated we need to know what we're doing before we spend the money. Let's do some of these tests to see if it warrants doing the Plan. She stated they've been cleaning the lake. Sweeping the parking lot and picking up the litter. She stated it's enjoyed by all of the businesses in the area. It's a good asset. She stated it's not that they're not supportive of the Plan, they just want the money to be spent wisely and agreed this is a good starting point.

Bernhardson stated the City won't implement options that don't make sense.

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt the Lower Penn Lake Management Plan as presented by staff and to order a Feasibility Study for the Lower Penn Lake Management Plan six recommended implementation strategies.

Winstead stated the Council has taken a major direction now and Lower Penn Lake will be a model for many lakes in our community. He stated people will be reporting back and forth as time goes on.

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

The City Manager mentioned the tentative date of April 22 for a joint meeting with the Port Authority and inquired if that created a problem for anyone. He mentioned the Washington, D.C. Transportation Fly –In event in June and that any interested Council members should contact the Council secretary.

Nordstrom thanked Scott Anderson for the time he has spent on the Lower Penn Lake Management Plan.

**ITEM 6.1 continued**

Anderson thanked the DNR, the Watershed District, and Engineer Steve Segar for all of their hard work on this Plan.

Council was reminded of the meeting with its legislative delegation on Friday, March 5.

**Adjourn Meeting**

Mayor Winstead adjourned the meeting at 8:59 p.m.

Barbara Clawson  
*Council Secretary*