

Regular Meeting #9
Monday, February 22, 2010, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- Call to Order** Mayor Winstead called the meeting to order at 7:00 p.m.
- Presentation of the Colors** Tiger Cub Den Pack 461 presented the colors 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, and S. Peterson.
Absent: Councilmember V. Wilcox.
- Presentation of Advisory Board of Health Plaque** Mayor Winstead presented a plaque to Lynnette Buckley for her six years of service on the Advisory Board of Health.
- Accepted 2009 Annual Report & Approved 2010 Work Plan of the Advisory Board of Health**
ITEM 6.2 Karen Zeleznak, Public Health Administrator remarked that Lynnette Buckley is the last commissioner to have served on the Advisory Board of Health (ABH) during the period of time in which the smoking ban was adopted.
Michael Dardis, 2009 Chair of the Advisory Board of Health (ABH) presented the Board's 2009 Annual Report. His presentation highlighted the following slides:
- Emerging Health Issues and City Council Priorities
 - Public Health Planning and Evaluation
 - Adolescent Health
 - Emergency Preparedness
 - Environmental Health
 - Advisory Board of Health Development
- Carol Oldowski, 2010 Chair of the ABH presented the Board's 2010 Work Plan. Her presentation highlighted the following slides:
- Emerging Health Issues and City Council Priorities
 - Public Health Planning and Evaluation
 - Adolescent Health
 - Public Health Emergency Preparedness
 - Environmental Health
 - Advisory Board of Health Development
- Nordstrom stated she and Zeleznak recently learned that a third wave of the H1N1 flu is predicted so anyone who hasn't been vaccinated should do it now. It is safe to do so. It was reported approximately 10% of the City's population has been vaccinated and approximately 20% statewide. She encouraged the Advisory Board of Health to push for legislation stopping the use of cell phones while driving.
- Motion was made by Nordstrom, seconded by Grady, and all voting aye, to accept the 2009 Annual Report of the Advisory Board of Health and approve their 2010 Work Plan.

**Accepted 2009 Annual Report & Approved 2010 Work Plan for the Parks, Arts & Recreation Commission
ITEM 6.3**

Parks & Recreation Manager Randy Quale introduced David Schultz, Chair of the Parks, Arts & Recreation Commission (PARC) who presented the 2009 PARC Annual Report and 2010 Work Plan.

Schultz stated this is his third year on the Commission and first year as the Chair. He highlighted PARC’s 2009 activities as follows:

- Reviewed the Park Reserve Master Plan.
- Reviewed potential improvements to Civic Plaza.
- Developed a prioritized list for the 2009 Park Capital Improvement Plan.
- Met at Old Town Hall and visited many of the City’s parks.
- Received a presentation on the forestry services available in Bloomington by Assistant Maintenance Superintendent Paul Edwardson.

The 2010 PARC Work Plan includes the following:

- Public meetings to be held in April for 2010 PARC projects.
- The NRPA Conference will be held in Minneapolis in October.

Motion was made by Elkins, seconded by Grady, and all voting aye, to accept the 2009 Parks, Arts & Recreation Commission Annual Report and approve their 2010 Work Plan.

**Approved Amended Condition in Case 7883A-10 for Culvers Restaurant at 10 American Boulevard E
ITEM 3.1**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve a change in Condition of Approval #4 from 120 seats to 128 seats for the restaurant in Case 7883A-09 for RRH Group, LLC (Owner), Culvers Restaurant (User) located at 10 American Boulevard East, subject to the following condition of approval as set forth by the Planning Division Staff:

1. All other Conditions of Approval for Case 7883A-09 remain in effect.

**Approved Plans, Specs and Schedule for 2010-102 PMP Street Maintenance Project
ITEM 3.3**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the plans, specifications and schedule for the 2010-102 Pavement Management Program (PMP) Street Maintenance Project, which includes approximately 7.5 miles of overlay on the streets listed below. Storm sewer, sanitary sewer, and watermain maintenance will also occur.

These street overlays will be done without a direct assessment to the adjacent property owners. Project costs will be paid from the 425 State Aid PMP Overlay Fund and all other repairs will be from various budgeted utility maintenance funds.

<u>Road Name</u>	<u>From</u>	<u>To</u>
West Bush Lake Rd.	W. 86 th St.	Veness Rd.
Texas Ave.	W. 86 th St.	W. 87 th St.
W. 87 th St.	Walton Oaks Dr.	Texas Ave.
Walton Oaks Dr.	NE Terminus	South Terminus
Lakeview Rd.	W. 86 th St.	715’ south of Walton Pond Cir.
Lakeview Cir.	Lakeview Dr.	East Terminus
Marth Rd.	Hwy. 169 EB Entrance to I-494	West Bush Lake Rd.
Maryland Ave.	W. 106 th St.	South Terminus
Maryland Cir.	Maryland Ave.	West Terminus
Oregon Ave.	W. 106 th St.	SE Terminus
Collegeview Rd.	930’ north of Little Rd.	W. 98 th St.
W. 89 th St.	Morris Rd.	Kell Ave.
Kell Ave.	W. 88 th St.	W. 90 th St.
W. 90 th St.	France Ave.	Penn Ave.
Towerview Cir.	Wellswood Cur.	West Terminus
Wellswood Cur.	Overlook Dr. (N)	Overlook Dr. (S)

ITEM 3.3 continued

<u>Road Name</u>	<u>From</u>	<u>To</u>
Washburn Ave.	W. 84 th St.	W. 82 nd St.
Vincent Ave.	W. 82 nd St.	American Blvd. W
Upton Ave.	W. 82 nd St.	American Blvd. W
Thomas Ave.	W. 82 nd St.	American Blvd. W
Sheridan Ave.	W. 81 st St.	American Blvd. W
Russell Ave.	Queen Ave.	North Terminus
Queen Ave.	W. 81 st St.	American Blvd. W
W. 81 st St.	Sheridan Ave.	Penn Ave.
1 st Ave.	American Blvd.	E. 81 st St.
E. 82 nd St.	Stevens Ave.	Portland Ave.
12 th Ave.	American Blvd. E.	E. 78 th St.
Metro Parkway	E. 78 th St.	Metro Dr.
Metro Dr.	American Blvd. E. (E)	American Blvd. E (W)
E. 90 th St.	110' west of Stevens Ave.	Portland Ave.
Pleasant Ave.	W. 98 th St.	W. 100 th St.
3 rd Ave.	W. 98 th St.	Portland Pl.
Portland Ave.	E. 99 th St.	E. 102 nd St.

Approved 2010 CHS Agreement with Edina ITEM 3.4A

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the 2010 Community Health Services (CHS) Agreement with the City of Edina. Through this Agreement, Edina will pay Bloomington \$183,706 in quarterly payments of \$45,926.50 for services provided by the Public Health Division.

The City receives revenues from other fees for providing public health services to the City of Edina. In 2010, this is projected to be approximately \$14,300.

Funds are included in Public Health’s 2010 Budget.

Approved 2010 Public Health Preparedness and Response to Bioterrorism Agreement with Edina ITEM 3.4B

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the 2010 Public Health Preparedness and Response to Bioterrorism Agreement with the City of Edina. As Community Health Boards, the cities of Bloomington and Edina have received funding from the Centers for Disease Control, through the Minnesota Department of Health, for planning related to bioterrorism, infectious diseases, and other threats to public health. The City of Edina wishes to continue using a portion of their funds to purchase preparedness services from the City’s Public Health Division. Payment for services provided August 10, 2009 through August 9, 2010, is set at \$38,731.

These funds are included in the Public Health’s 2010 Budget.

Approved Agreement with Edina for PHER I, II & III ITEM 3.5

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve Agreement between Cities of Bloomington and Edina for Public Health Emergency Response (PHER I, II & III). The purpose of the Public Health Emergency Response (PHER) Agreement is to support and enhance the infrastructure critical to public health preparedness and response through ensuring continuity of the various public health functions listed in the agenda item. The City, acting through its Public Health Division, will receive \$106,181.00 over the period of October 1, 2009 through July 31, 2012 for Public Health Emergency Response services and duties from the City of Edina.

Also approved were the budget adjustments, as listed in the agenda item, to the Public Health Budget to accommodate the grant.

- Approved 2010 CHS Agreement with Richfield
ITEM 3.6A**
- Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the 2010 Community Health Services (CHS) Agreement with the City of Richfield. Through this Agreement, Richfield will pay Bloomington \$193,284 in quarterly payments of \$48,321 for services provided by the Public Health Division.
- The City receives revenues from other fees for providing public health services to the City of Richfield. In 2010, this is projected to be approximately \$90,000.
- Funds are included in Public Health's 2010 Budget.
- Approved 2010 Public Health Preparedness and Response to Bioterrorism Agreement with Richfield
ITEM 3.6B**
- Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the 2010 Public Health Preparedness and Response to Bioterrorism Agreement with the City of Richfield. As Community Health Boards, the cities of Bloomington and Richfield have received funding from the Centers for Disease Control, through the Minnesota Department of Health, for planning related to bioterrorism, infectious diseases, and other threats to public health. The City of Richfield wishes to continue using a portion of their funds to purchase preparedness services from the City's Public Health Division. Payment for services provided August 10, 2009 through August 9, 2010, is set at \$28,857.
- These funds are included in the Public Health's 2010 Budget.
- Approved Agreement with Richfield for PHER I, II & III
ITEM 3.7**
- Motion was made by Peterson, seconded by Grady, and all voting aye, to approve Agreement between Cities of Bloomington and Richfield for Public Health Emergency Response (PHER I, II & III). The purpose of the Public Health Emergency Response (PHER) Agreement is to support and enhance the infrastructure critical to public health preparedness and response through ensuring continuity of the various public health functions listed in the agenda item. The City, acting through its Public Health Division, will receive \$79,535 over the period of October 1, 2009 through July 31, 2012 for Public Health Emergency Response services and duties from the City of Richfield.
- Also approved were the budget adjustments, as listed in the agenda item, to the Public Health Budget to accommodate the grant.
- Adopted Resolution Approving Funding for LOGIS Public Safety Application Upgrade
ITEM 3.8
R-2010-9**
- Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt resolution #2010-AA for the City's share to upgrade the LOGIS Public Safety application that is used primarily by the Police and Fire Departments.
- LOGIS recently completed contract negotiations with Motorola and requires agencies to select a payment option, which staff recommends be a single payment of \$220,851 due on February 1, 2011.
- Adopted Resolution Approving Agreement with Hennepin Youth Sports Program
ITEM 3.9
R-2010-10**
- Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving the Hennepin Youth Sports Program Agreement for the Red Haddock Baseball Field Improvement Project. The Project will receive funding of \$235,488 through the Hennepin Youth Sports Program.
- Approved 2009 Budget Adjustments for Golf Course & Ice Garden
ITEM 3.10**
- Motion was made by Peterson, seconded by Grady, and all voting aye, to approve an increase in the Salaries and Benefits line items for the Golf Course by \$23,810 and for the Ice Garden by \$55,260, while reducing the Materials and Supplies or Capital line items by the same amounts in the 2009 Budget.
- Ratified Labor Agreement with Police Supervisors
ITEM 3.11**
- Motion was made by Peterson, seconded by Grady, and all voting aye, to ratify a two-year labor agreement (2010-2011) with Police Supervisors LELS Local 303. LELS Local 303 represents approximately 23 police supervisors with the City of Bloomington.

Approved 2009 Year-End Budget Carryover & Transfer Reappropriation ITEM 3.12

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the reappropriation of the 2009 budgeted expenditures into 2010 and approved a transfer of \$300,000 reflecting positive performance in the Public Safety departments to the Pension Residual Special Revenue Fund to offset a portion of the 2010 Fire Pension Obligation.

Approved Minutes ITEM 3.14

Motion was made by Peterson, seconded by Grady, to approve the following minutes as presented: July 20, 2009 (Study), August 3, 2009 (Study), and November 2, 2009 (Regular). (Motion passed 6-0-1 with Hulting abstaining.)

Approved Purchase of Replacement Vehicles ITEM 3.2

Grady held this item out to state she thought Council had decided to put off purchasing replacement vehicles due to the budget cuts.

City Manager Mark Bernhardson stated these are the vehicles staff has been tracking with management software. These vehicles are starting to rust and it's getting harder to get parts for them. Staff tries to balance that with the capital costs. He stated the City is charged on an ongoing basis.

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve the purchase of five (5) 2010 Ford Focus 4-door sedans @ \$13,529.24 each totaling \$67,646.20 and two (2) 2010 Ford Explorer XLT Sport Utility Vehicles @ \$23,353.40 each totaling \$46,706.80 under State of Minnesota Contract #442458 from Elk River Ford for a total expenditure of \$114,353.00. They will replace the following vehicles:

- #404 – 1998 Ford Taurus Sedan assigned to Building & Inspections.
- #406 – 1997 Ford Taurus Sedan assigned to Assessing.
- #411 – 1997 Ford Taurus Sedan assigned to Environmental Health.
- #418 – 1998 Ford Taurus Sedan assigned to Building & Inspections.
- #449 – 1996 Ford Taurus Sedan assigned to Assessing.
- #969 – 2006 Ford Explorer SUV assigned to the Police Department.
- #905 – 2002 Dodge Grand Caravan assigned to the Police Department.

Funding for the purchase of these vehicles was approved in the 2010 Equipment Replacement Fund Budget, Activity 617-0618-499.70-42. The dollar amounts do not include 6.5% Motor Vehicle Sales Tax. The City will remit any applicable sales tax directly to the State of Minnesota when the vehicles are licensed.

Continued Indefinitely Application for Grant Funds for Penn & American Project ITEM 3.13

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to continue indefinitely a resolution supporting an application for Transit Oriented Development (TOD) grant funds for development of the Penn & American 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.

Speaker #1: Illona Spencer, 9116 Vincent Avenue South
She expressed concern that 10-12 school buses are using Vincent Avenue as a shortcut to Hillcrest School when they're supposed to be using Thomas Avenue. She stated there are no sidewalks on Vincent so the roadway becomes narrow during the winter, which makes it dangerous for kids walking to school. As a result, five families on her street drive their kids to school.

Bernhardson stated in Minnesota, the cities don't control the school boards and that it would be better for Ms. Spencer to forward her inquiry directly to the School Board. He mentioned the Safe Routes to School Program that might be a possibility for her street because the City doesn't have much control with actual school bus routing.

Elkins asked Ms. Spencer how she would feel about sidewalks in her neighborhood.

She replied she would love them.

PUBLIC COMMENT PERIOD continued

Speaker #2: Tyler Clark, Jefferson High School Student, 11004 Trail West Road
 He commented on the potholes on France Avenue & 102nd Street and asked when they would be fixed.

Bernhardson explained the City is familiar with that area stating it's been a bad year for potholes. He stated the City can do some temporary patching but they're not as effective as the permanent patches. He stated staff will see what can be done but that now is not the best time to fix them. They last longer when filled during warmer weather.

Grady reported she saw City workers filling potholes this morning.

Approved New Precious Metal Dealer Licenses ITEM 5.1A

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve the following new precious metal dealer licenses:

- | | |
|--------------------------------------|--------------------------------|
| 2. American Rare Coin & Collectables | 7900 Xerxes Avenue South, #140 |
| 3. The Gold Guys | 357 East Broadway |
| 4. Investment Rarities | 7850 Metro Parkway |
| 5. Wedding Day Diamonds | 7901 Penn Avenue South |
| 6. Wixon Jewelers | 9955 Lyndale Avenue South |

No public testimony was received.

Continued to March 1 Ordering of Oxboro Streetscape Improvement Project (City Project 2010-802) ITEM 5.3A

Bernhardson explained the Oxboro Streetscape Project initially started in the 1980s but the plantings have matured and grown rank. He stated this public hearing is to consider the improvement needs, how much planting is needed, and who will pay what. He stated a separate hearing will be held on the assessments.

Paul Edwardson, Assistant Maintenance Superintendent presented the following:

2010 Oxboro Streetscape Improvement Proposal

- History: Program started in the 1980s. The City agreed to perform some public maintenance on the streetscape from 1994-2008 and \$14,400.00 was split between all of the properties. Now in 2010, the entire area is worn out and needs replacing. He showed photos of dead or dying shrubs and retaining walls that are leaning.
- Lyndale Street Reconstruction Project: Staff is trying to package the Oxboro Streetscape Improvement Project with the Lyndale Street Reconstruction Project.
- Proposed Improvements: He showed schematic drawings of the proposed concepts for the various sized planting beds - narrow (2-3 feet wide, medium (4-5 feet wide), and wide (6 feet plus).
- Preliminary Cost Estimate: The entire project is estimated to cost \$540,075, which includes the following areas of improvements: repairs, plantings and medians.
- Proposed Funding Sources: Assessments = \$374,228 and City's share = \$165,847.
- Construction Schedule: Project to be installed in late spring/summer 2010.
- Urgency of Schedule: The site needs attention and will be combined with Lyndale Project.
- Input to Date: Lots of concern by the businesses relating to cost.
- Recommendation: Staff recommends moving forward with the project as proposed; implementing the proposed assessments and following the proposed schedule.

ITEM 5.3A continued

Council comments/inquiries:

- Grady stated the bid numbers are pretty specific but inquired if there was a chance the bids could come in lower or if City staff could do this work.

Edwardson replied the bids are based on outside contractors doing all of the work but staff anticipates there would be some savings if it is built in conjunction with the Lyndale Project.

- Peterson requested clarification on the estimated streetscape assessment figures.
- Hulting commented there are 12-13 businesses affected and yet there were only comments received from four of them. He asked if only four cared enough to respond.

Edwardson replied staff notified businesses of the stakeholder meetings via multiple mailings, phone conversations and e-mails. He reported City staff talked to eight of them.

- Grady inquired where the letters were sent for US Bank and McDonalds -- to the local establishments or to the owners.

Edwardson replied they were sent to both the local businesses and the owners.

- Nordstrom inquired if the plan calls for replacing or fixing the railings.

Edwardson replied the proposal is just to fix what is there.

- Hulting inquired if there was an opportunity to back off on the organic treatment for something inorganic, i.e. fence posts, rod iron, and brick work, as there is a higher level of maintenance required for plant life. Would it be better to go with something more permanent and less organic? He inquired if the maintenance could be phased to minimize the impact to the business owners.

Edwardson replied the initial plan was to have shrubs and living plants to enhance the area. He stated the new plantings should last a lot longer. He stated staff didn't look at anything inorganic.

Bernhardson commented it could cost more to put in more permanent structures rather than plants. He clarified the businesses wouldn't pay until May 2011 but staff could look at deferring the cost to 2012.

- Elkins stated there is too much stamped concrete around the City, which can result in added maintenance costs.

The public was invited to provide testimony.

Speaker #1: Ronald Weeks, South Exchange Properties (Owner of 9740 Grand Avenue South) He stated his property is currently vacant and has been for sale since June 2009. He stated the commercial real estate market in Bloomington remains depressed. He doesn't believe he would derive any special benefit from the proposed special assessments. He stated he is not benefiting \$18,700 worth of benefits, which is the amount of his assessment. He stated his building is located behind the Premier Bank building and doesn't front Lyndale Avenue or 98th Street. He inquired how his property would benefit from this improvement. He doesn't believe the assessment is warranted.

ITEM 5.3A continued

Speaker #2: Al Allstadt, Al's Vacuum and Janitorial Supply

He stated they began their business 37 years ago. They were displaced from their previous location and worked with the City of Bloomington to relocate. He showed a photo of the shopping center where his business is located. He stated he has maintained that property for the last 23 years at his own expense. He stated he represents the small family-owned businesses that are struggling and that his business is down 20%. He stated his property is located at the north end of the development and could potentially be assessed from three different exposures. He expressed his frustration with over \$33,000 in assessments and increased real estate taxes. He mentioned the care he has taken with the hedge in front of his business. He stated the City hasn't performed any maintenance on it. He stated his tenants can't handle this kind of special assessment. He read a definition of a special assessment district and stated the property owners are supposed to realize some kind of special benefit from the improvement. He stated this is the first special assessment district in the state and inquired why his district is the first special assessment district in the city. He commented on the irrigation system he put in and on the one the City put in. He stated the City took out a section of his irrigation system and reported the City's system has never worked.

Winstead commented the condition of the hedge Mr. Allstadt has been taking care of is in a lot better shape than most of the other areas in this district.

Allstadt stated he has a pulse on his business and of those in the area and that the letters from the City never went to the tenants.

Speaker #3: Tom O'Connell, BTO Development

He stated he was also there 20 years ago and has been in continuous ownership with Oxboro Square Shopping Center south of 98th Street and the Oxboro theme center north of 98th Street. He stated they are also the builders and developers of the medical building occupied by Fairview. He reported this area is blighted. There is an empty business sign on the corner of 98th & Lyndale. He asked the City three years ago to move ahead and he did with the help of the City. He and his partner worked with Edwardson. He stated his own property taxes are \$500,000 per year but they need to keep businesses in business. He believes the streetscape is the first thing people see. He stated it's the owners who have footed the bill for streetscape. He stated they strongly support the streetscape project and what the City is doing to improve the streetscape because it's important to the businesses.

Hulting asked O'Connell if he maintains his own landscaping and if he wanted more landscaping and expense.

O'Connell stated there is a problem with the Oxboro Shopping Center. There is a demarcation between their business and the City's. He stated they expect their landscaping to look better. He reported the City is stepping up to remove the dead plant material but added they've already done some of that on their own property. He reported his partnership strongly supports the City's project. They've invested approximately \$75,000 of the partnership's money over the last couple of years. He stated his assessment would be 44% of the total assessment.

Winstead commented Edwardson worked with O'Connell and that the City is going to plant what BTO planted by Oxboro. The City will use the same type of materials to get the same general type of look.

Public Works Director Karl Keel stated BTO tried to get a streetscape project. He reported the City is anticipating crediting BTO properties for the investment they've already made.

Grady inquired if the City was planning to remove the hedge in front of Al's Vacuum.

Edwardson replied the conceptual plans do not show a hedge so it would come out and the berm would be graded. He stated the shrubs in front of Al's could be maintained but because they are in a decline, the City is looking to replace all of that with the current new design.

ITEM 5.3A continued

Speaker #4: Jeff Hatten, Representing Premier Bank on 98th Street

He said there has always been a question about who is responsible for the streetscape. He sees the value but wonders if this is the right time. He asked if other alternatives had been considered, as it's a huge cost to the businesses. He inquired what assurance the City can give that the new plantings won't end up looking like they do now. He stated somewhere along the line the burden will get passed along to their customers. He supported the idea of more permanent structures.

Bernhardson stated a different type of plant materials will be planted, which should reduce the maintenance costs.

Allstadt inquired about the formula used to determine the annual assessment and wondered if it was the same formula that was used in figuring the total project and the assessed portion.

Keel replied there is a description of the assessment formula and that the formula takes different components of the streetscape and then the costs of those components are distributed differently depending on where the streetscape is located. He explained the portions of the streetscape that are within the public right-of-way (public portion) are more heavily subsidized by the City while those streetscape portions that are located on private property are entirely charged towards the private property owner. He stated back in the 90s when the City was trying to cut back on the assessment costs for the maintenance, the City only performed work on the public side so that is why the public assessment resulted in a higher percentage than what is being proposed for the public assessment tonight. What is being proposed this evening is a project that replaces the largest portion of the project which is for work on the private side which results in a larger percentage assessment for the private side. That is why there is a difference in the total percentage amount in each of the maintenance and replacement projects that are being proposed.

Bernhardson suggested Allstadt sit down with City staff to understand how the formulas work out differently on a total percentage. He suggested because of the questions raised tonight regarding how much material will be replaced, whether phasing is possible, the term of the special assessment and when it's imposed, whether the project should be done in conjunction with the street project or not, he recommended this item be continued to the March 1, 2010, Council meeting.

Hulting stated he's partial to the stakeholders themselves, as they're doing what they need to do to increase the value of their own properties. He has a difficult time telling them what the City will do and what they will pay for. He mentioned there are a dozen businesses the City hasn't heard from. He requested some assurance that the other businesses will put some skin in the game. He doesn't believe the meeting invitations went to the proper people because so many stakeholders aren't here. He asked how they could be drawn out.

Peterson stated it's tough to distinguish the reason why people don't come to the meetings. With regard to the notification process, he stated there is no perfect list to contact the right people. The City has to trust that these businesses have looked at this and that they've made the decision that they are not interested in this. He stated it would be a bad idea to let the public's money go now because the City doesn't want to keep up what it paid for before. The City needs to do something to maintain the streetscape at a level that is correct based on the City's past investment. He asked staff to look at the Al's Vacuum parcel to see if something could be done with it. He stated this area needs to be considered as a whole so it can move forward.

Grady inquired if this could go back to the drawing board to make sure the City isn't putting in more than what it needs to do. She asked if it was necessary to have the hedge in front of Al's Vacuum removed and replanted. She also inquired about a phased project. She stated she would contact the owner of McDonald's to see if he is aware of this proposal. She asked the Council to make sure this proposal isn't going overboard.

Elkins commented it's great that the Oxboro owners have taken an initiative to do some of this work on their own but it needs to be district wide with the costs shared between all properties. He doesn't want to postpone the work, as the costs will probably never be lower.

ITEM 5.3A continued Keel stated the City wants to package this project with the Pavement Management Program (PMP) on Lyndale Avenue. He stated the City wants to bid it as part of the larger package.

Grady inquired if the vacant building back on Garfield is in the same formula.

Keel stated those buildings on Garfield and West 97th Street are to be assessed at 50% of the full assessment. He stated staff would provide a spreadsheet on the costs.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to continue to March 1, 2010, a resolution ordering the Oxboro Streetscape Improvement Project (City Project 2010-802).

**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.

Short Recess

Council took a 5-minute recess to sign agendas for the Jefferson High School students.

**Approved the Modified
Striping Plans for
West 90th Street
ITEM 5.3B**

Amy Marohn, Civil Engineer explained Council had requested staff re-examine the location of the transition zone on 90th Street where the road transitions from 4-lanes to 3-lanes on the east end to move it further east to provide protection for the left turns at Vincent Avenue without causing increased delays at the signalized intersection of 90th Street & Penn Avenue. She showed a drawing of the new location for the transition from 4-lanes to 3-lanes further to the east which provides a protected left turn for Vincent Avenue, both southbound and northbound. She stated it's an overlay project so the extension of the island will be painted.

Winstead inquired if the islands to the west, closer to France Avenue, will stay. He also inquired if signage should be added to address the blind driveways and speed where the road goes from 2-lanes to 4-lanes heading east up the hill.

Marohn stated staff would prefer to make the striping changes and then collect some "after" data if there appears to be new speeding issues. Signage could be added at that point.

Grady inquired if there will be an advance merge sign notification posted.

Marohn replied yes plus there will be merge markings on the pavement.

Elkins inquired if the pedestrian crosswalk at Xerxes would remain and if the drivers heading eastward out of the merge from 3-lanes to 4-lanes could be directed to stay in the left lane as much as possible.

Marohn replied the crosswalk will remain.

Nordstrom stated there is a similar situation at 90th Street & France Avenue and that people are polite and merge.

Speaker #1: Keith Olson, 2531 West 90th Street

He referenced the comments from his neighbors. He stated it's too dangerous for a bike trail. He believes a majority of the Council have already made up their minds. He is opposed to the modified striping. He stated he lives on top of the hill and is concerned about backing out of his driveway. He stated 90th & France doesn't narrow as quickly as this one will. He stated there is a lot less traffic going west at 90th Street. His concern is living on top of the hill. He inquired if 90th Street needs to be a bike lane.

ITEM 5.3B continued

Hulting stated he is opposed to the striping. Speaking from personal experience, he said he and his neighbors were told they had to convert their two-lane road to four lanes during a time when the road was carrying 5,000 cars per day. Today it carries 3,000 cars per day. Back then, he stated he and his neighbors tried to convince the City they shouldn't do it. At the time, they were told four lanes were considered safer than two lanes because of the platooning in both directions. The City said trust us it will be safer. Today we're told just the inverse. The City wants to take a street with 11,000 cars per day and reduce the lanes from four to two. He believes this will create accidents. He believes people will get anxious and frustrated trying to turn left on France Avenue from 90th Street. He believes they will shift their driving habits. He also sees a lot of compounding adverse affects from trying to create a bike path. He wondered how many people understand the effects of this. He stated he asked 50 random people about the restriping of 90th Street and 86th Street and people thought that was crazy and wondered what will happen with the traffic patterns through the rest of the city. He believes less than 1% of the people have any clue this is happening or that this could happen to them until they are called to a Council meeting. He'd like to see more resident buy-in in this process.

Elkins stated everything the City said back when Hulting's street was done has been proven to be. He gave Hulting a book that explains how these procedures have been proven to increase safety without altering operations.

Winstead stated this one could backfire and go backwards but it's been proven to work in different areas.

Peterson stated if it turns out this doesn't work, it's only paint and it could be restriped later. He stated the City has to try something and it's worked in the past. He expressed support for going forward with this.

Bernhardson stated the transition occurred on Overlook over 20 years ago and several things have changed over the last 20 years. He stated the primary driver for restriping all of the streets has been traffic safety. He stated looking at alternative transportation bike lanes has been a secondary enhancement. The City started with the lower volume streets and has worked up to the higher volume streets.

Elkins reported there are streets in St. Paul with 15,000 –16,000 cars per days that have been restriped with very little operational impact.

Winstead mentioned that Mr. Olson had stated many people showed up for this project but they're opposed to it. He stated the Council doesn't necessarily make decisions based on what the public says. He did reassure everyone that the Council is taking into consideration the public comments as well as those from City staff.

Olson inquired how much time should the restriping be given to determine whether or not it works.

Winstead stated at least six months to a year. Let's get through a football season.

Grady stated restriping was done on Poplar Bridge Road when a pack-filled room opposed the project but they came back a year later and stated they were happy with it.

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the modified striping plans for West 90th Street between France Avenue and Penn Avenue as presented.

**Adopted Ordinance
Rezoning 10840
Lyndale & 10840
Aldrich Avenue South
Case 10850A-09
ITEM 5.4A
O-2010-3**

Senior Planner Glen Markegard stated the City is initiating the rezoning of 10840 Lyndale Avenue South and 10840 Aldrich Avenue South. He explained these are tax forfeited parcels that are part of the open space and the ordinance will rezone them to Conservation (Bluff Development Overlay District). He reported no correspondence was received and the rezoning is recommended by staff and the Planning Commission.

ITEM 5.4A continued Motion was made by Grady, seconded by Nordstrom, and all voting aye, to adopt an ordinance amending the Zoning Map to rezone certain properties located at 10840 Lyndale Avenue South and 10840 Aldrich Avenue South, Case 10850A-09, from RO-50(PD)(BP-2), Residential Office (Planned Development) (Bluff Development Overlay District) to SC(BP-2), Conservation (Bluff Development Overlay District) as presented for the City of Bloomington.

No public testimony was received.

**Adopted Ordinance
Rezoning 2020 West
Old Shakopee Road
Case 10851A-09
ITEM 5.4B
O-2010-4**

Markegard provided the staff report indicating the following rezoning affects Cobblestone Gardens and will make the zoning consistent. He reported the property owner is in support of the rezoning and no correspondence was received on this one. He stated staff and the Planning Commission recommend approval.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to adopt an ordinance amending the Zoning Map to rezone certain property located at 2020 West Old Shakopee Road, Case 10851A-09, from R-1, Single Family Residential District to B-2, General Commercial District as presented for the City of Bloomington.

No public testimony was received.

**Adopted Ordinance
Rezoning 10000, 10010
& 10020 Morgan Ave.
Case 10852A-09
ITEM 5.4C
O-2010-5**

Staff reported the three parcels at 10000, 10010 and 10020 Morgan Avenue are occupied by 12-unit apartment buildings and these residential uses are legally nonconforming today. As a result, they will all be rezoned to RM-24, Multiple Family Residential District. It was indicated the property owner approves of the rezoning. No correspondence was received.

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to adopt an ordinance amending the Zoning Map to rezone certain properties located at 10000, 10010, and 10020 Morgan Avenue South, Case 10852A-09, from B-1, Neighborhood Office District and R-4, Multiple Family Residential District to RM-24, Multiple Family Residential District as presented for the City of Bloomington.

No public testimony was received.

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

Bernhardson reminded Council of the Annual Richfield-Bloomington Watershed Management Organization Meeting on Monday, March 1. He stated dinner will be available at 5:30 pm and the meeting officially starts at 6 pm.

Nordstrom reminded Council of the Taste of Japan dinner on Saturday, March 6 and reported there are still spaces available. It will be at the Hilton Hotel on France & 494.

ADJOURN Mayor Winstead adjourned the meeting at 9:40 p.m.

Barbara Clawson
Council Secretary