

- 3.3 2015 HRA Levy** Requested Action: Adopt a resolution consenting to the 2015 Housing & Redevelopment Authority levy.
- This item was held out by Oleson who mentioned the great program the HRA offers to help residents fix up their homes and encouraged people to use it.
- Motion was made by Oleson, seconded by Abrams, and all voting aye, to adopt a resolution consenting to the 2015 HRA levy. (R-2014-134)
- 3.4 Thomson Reuters Contract Legal Department's WestNext Research Software** Requested Action: Approve and execute the 36-month contract with Thomson Reuters.
- Motion was made by Carlson, seconded by Busse, and all voting aye, to approve the contract with Thomson Reuters.
- 3.5 2014 Bloomington Crime Prevention Association Grants Approve Acceptance** Requested Action: Accept the Bloomington Crime Prevention Association grants and approve the budget adjustments as listed in the item.
- This item was held by Oleson who asked about the American Academy.
- Police Chief Potts said the academy was modeled after the Citizens Academy. He said this is the first year for this program.
- Motion was made by Oleson, seconded by Abrams, and all voting aye, to accept the grant and approve the budget adjustment for the American Academy.
- Winstead commented this is acceptance of a considerable grant amount and thanked the Bloomington Crime Prevention Association for it.
- 3.6 Budget Transfers and Adjustments** Requested Action: Approve a transfer of \$800,000 from Strategic Priorities to the Ice Garden and a transfer of \$800,000 from the Ice Garden to Golf Operations and the related budget amendments reflecting the transfers.
- This item was held by Baloga who said his questions were answered.
- Motion was made by Baloga, seconded by Lowman, and all voting aye, to approve the transfer and related budget adjustments.
- 3.7 Investment Policy Revisions Approval** Requested Action: Approve the revised Investment Policy.
- This item was held by Baloga who asked if the external auditors had signed off on the new policy.
- Chief Financial Officer Lori Economy-Scholler explained all of the changes in the policy are within State statute so the auditors have not reviewed them. She added they are also consistent with the GFOA website.
- Motion was made by Baloga, seconded by Lowman, and all voting aye, to approve the revised Investment Policy.

- 3.8 2015 HRA Staff Services Agreement** Requested Action: Approve and authorize execution of the 2015 Contract for Staff Services between the City of Bloomington and the HRA.
- Motion was made by Carlson, seconded by Busse, and all voting aye, to approve and authorize execution of the contract as described above.
- 3.9 Budgetary and Financial Control Policy Revisions Approval** Requested Action: Approve the revised Budgetary and Financial Control Policy.
- Motion was made by Baloga, seconded by Abrams, and all voting aye, to continue the Budgetary and Financial Control Policy to the December 15, 2015, Regular Council meeting to allow for more discussion.
- 4 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: Sally Ness, 8127 Oakland Avenue South
She requested the City not agree to the proposed Shared Use Agreement with the Dar Al Farooq Youth & Family Center at 8201 Park Avenue South and to not allow parking throughout the night at the Smith Park parking lot. She read from a City Attorney's memo, talked about who paid for the joint parking lot, and asked why the joint lot is considered AFYFC's private lot. She commented Smith Park is located in the middle of a neighborhood and asked why it was compared to Valley View playfield on 90th Street and to Dred Scott and not the many other fields throughout the city pertaining to late night usage. She reported there is traffic in and out of the Park parking lot all night long. She asked about setting hours as part of the Joint Use Agreement (JUA).
- When the Mayor asked when the JUA was coming to the Council for approval, City Manager Mark Bernhardson replied hopefully sooner rather than later and said he was checking with the Parks & Recreation Director.
- 5 LICENSING DIVISION: PUBLIC HEARINGS** None.
- 6 DEVELOPMENT BUSINESS: PUBLIC HEARINGS**
- 6.1 Julie Bauch; 9845 Brookside Avenue; Variance Rear Yard Setback** Requested Action: Continue to the December 15, 2014, Regular Council meeting per the Applicant's request.
- Motion was made by Baloga, seconded by Abrams, and all voting aye, to continue the application for Julie Bauch at 9845 Brookside Avenue to the December 15th meeting.
- 6.2 Dayton Nelson; 10476 Colorado Circle; Variance Lot Size Family Home** Requested Action: Adopt a resolution approving a variance for Dayton Nelson to reduce the required lot size from 7,500 square feet to 5,678 square feet for the easterly lot to allow a future subdivision of a zero lot line for a two-family dwelling at 10476 Colorado Circle, subject to the conditions listed in the staff report.

Planner Dennis Fields presented the staff report. He presented slides including aerial photos of the site, an Existing Conditions Survey of the Applicant's property, and information relating to the impervious surface. He said PC and Staff recommend approval of the variance.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution approving the variance at 10476 Colorado Circle subject to the conditions listed in the staff report. (R-2014-135)

6.3 Toro; 600 West 82nd Street; Variance Rooftop Screening

Requested Action: Adopt a resolution approving a variance from the rooftop screening requirements at 600 West 82nd Street for The Toro Company, subject to the conditions listed in the staff report.

Fields presented the staff report on this application. His slide presentation included the following information: An aerial of the Toro site, a site plan, a topography map, photos showing the elevation difference and a view from 82nd Street, information on the snow drifting issue, and staff's recommendation that it be approved subject to conditions.

Carlson commented the need to incorporate a larger screening wall is listed in the staff report but is not included in the list of conditions.

Fields replied this variance only pertains to the eastern half of their existing building. He said it is not a condition, as they are not working on the western portion of the building at this time. He said staff has informed the applicant they would be reluctant to support a variance request for additional rooftop screening.

Baloga asked about an additional condition but Fields replied it was Condition #2 that he was referring to.

Motion was made by Oleson, seconded by Abrams, and all voting aye, to adopt a resolution approving the variance for The Toro Company as described above per the conditions listed in the staff report. (R-2014-136)

7 TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS

7.1 Order 2015-101 Pavement Management Program Street Reconstruction Project Adopt Resolution

Requested Action: Approve the Feasibility Report and adopt a resolution ordering Street Ref. Nos. 4, 10, and 12 of the 2015-101 Pavement Management Program (PMP) Street Reconstruction Project.

Civil Engineer Bob Simons presented each street separately:

Street Ref. No. 4: Old Cedar Avenue
(From East Old Shakopee Road to South Terminus)

He explained the recommendation is to postpone this street to the 2016 PMP due to a lack of funding for trails and sidewalks along this segment. He said with the Old Cedar Avenue Bridge rehab project occurring in 2015 and 2016, staff would like this street reconstructed in 2016, as there will be heavy construction traffic on this segment in 2015.

Speaker #1: Kathleen Losurdo, 9450 Old Cedar Avenue South
They've lived in the last house before the Wildlife Refuge; a beautiful area, since 1999. She showed a photo of their driveway. She thanked the City for deferring this street until 2016 and encouraged the Council to walk Old Cedar Avenue (OCA) and the Refuge trails. She talked about the fence that runs the length of their property that provides shade, screening and enhances their property value. She said it needs to come down for the reconstruction of their street. Another concern she had was with water runoff from the condos that will occur due to the lack of trees, as they live downhill of that development. She showed more photos including one of Kidder Marsh on the east side of OCA and of the duck pond and Meadow Lake. She expressed concern for the snapping turtles that cross OCA in the spring along with other wildlife that cross the street. She requested staff conduct an environmental impact study to determine what the runoff from the new road might do to the Refuge eco system and animal habitats in the area and assess the harm caused by additional animal road kill from increased traffic once the OCA bridge; during and after completion of the project. She asked the City to share this information with the OCA bridge architects. She asked the City to consult with the MN Freshwater Society for their insight into the delicate eco system in the area. She said many walkers head down OCA to the park and a safety hazard results from the natural springs located alongside OCA that freeze up in the winter. She asked the Council to make the best decision for the health of the road and the area. She believes further study needs to be done on this street and doesn't know at this point if she supports the reconstruction of OCA or not.

Winstead said he doesn't foresee this project going to an environmental review but said staff will consider the concerns raised by the Losurdos.

Speaker #2: Domenic Losurdo, 9450 Old Cedar Avenue South
He said there are 280 users on this street segment so it's not equitable to allocate assessments based solely on front footage. He said it would be much less if the assessment was based on users.

Winstead explained the assessment on residential streets is at the 25% rate and it would be very difficult to change that policy.

Mr. Losurdo said their estimated assessment of \$11,000 is unreasonable and inequitable.

Winstead reassured the Losurdos that staff would confirm that the assessment calculation was done correctly.

Speaker #3: Ruth Robinson & Millard Neymark, 9347 Cedar Circle
They stated there should be an exception to the formula for this area, as their household assessment for this project is \$11,120. She quoted from Jen Desrude's materials regarding benefit. She said this will be an expensive road so it might be unfair to lump it in with the rest of the project. She doesn't think this will improve their property value by \$11,000, as they can't even see the road from their property. She said their neighbor who can see the road won't pay anything. She said the City has failed to maintain the road, as the last maintenance was done in 1981 and there have been no sealcoats or overlays since then. She estimates the City should have walked their road seven times since 1991 and questioned why they should pay for an assessment when the City hasn't maintained the road. She said it appears their property will help pay for a new road to the entrance of the reconstructed road. They said the use of the road will greatly increase and yet they're being asked to pay for this. They said this is a unique area with very few residences on this road. She said this project appears to be driven by the bridge reconstruction.

Speaker #4: Millard Nymark, 9347 Cedar Circle
He said they closed on their home five months ago and this assessment is unfair. This is the third house he's purchased in Bloomington and said no realtor has ever commented that the value of a home has increased due to the reconstruction of a road. He asked the City to provide some hard data relating to increased home values and street reconstruction. He said they've lived in the house for five months and have to pay the assessment while the previous owners lived there for 17 years and didn't have to pay anything. He said the other residents that live on Cedar Circle won't have to pay anything but will benefit from the road. He challenged the Council to change their assessment policy. He compared the PMP assessment to buying a furnace. He said OCA should have gone through many maintenance cycles and commented the reconstruction assessment is too high. He suggested the money the City would have spent on maintenance for OCA but didn't should be applied to their assessment. He asked the City to reduce the assessment by 50%. He said the City failed its obligation to them with regard to the road. He said a 50% reduction is reasonable given the lack of maintenance it's received.

Winstead said this street is going to be postponed so it will give Council and staff time to review it. He cautioned the construction costs will likely go up causing a higher price tag for reconstruction in 2016.

Speaker #5: Chris Heater, 1835 Meadowview Road
She lives on a peninsula – a corner lot and said it matters from a finance standpoint and from a policy standpoint. She doesn't think this road fits the standard PMP policy. She said the point of this road construction is the bridge.

Winstead said he will ask staff to explain the rationale as to why or why not this street fits the PMP policy.

Bernhardson explained everyone in the PMP program ends up paying the same front footage whether it's an expensive street or not. It's based on a front footage basis. The residents assessed on this street are assessed the same per front footage cost as every other house on a local street is assessed.

Speaker #6: Barb Pederson, 9407 Old Cedar Ave, Bloomington Garden Ctr
She said OCA has been forgotten for 30+ years and questioned why no repairs have been made for so many years. Why hasn't the City maintained its road? She said the Police tell them to call the US Fish & Wildlife Refuge and the Refuge tells them to call the Police Department when there are issues on that street. She commented their leaves didn't get cleaned out of the street gutters. They're just asking for a well maintained and safe road.

Speaker #7: Eric Pederson, 9407 Old Cedar Ave, Bloomington Garden Ctr
He's lived on that road since birth and has been at the nursery every day of his life. He said the gutters have been drastic since the 1970s and 1980s. They should have received lots of maintenance since the bridge was closed. He thanked the City for postponing the work on Old Cedar Avenue. He and other residents have asked for safety in this area so he was happy to hear about the Three Rivers trail. He asked the Council to think about how people will get to the jewel at the end of Old Cedar Avenue. He hopes to eventually have a nice new road to a nice park.

Speaker #8: David Gifford, 9401 Old Cedar Avenue
He owns the property just north of the nursery. His concern is there are a lot of springs above ground next to the road. He hit water every fourth post when he was putting in his fence. He asked if the reconstruction will interrupt the spring that feeds the pond and how will it affect his well. He hopes the engineers will do some core sampling. He added Dave and Mary Long received the same assessment as his and asked if that is an unusual situation.

Speaker #9: Don Specht, 9632 15th Avenue South
While not a landowner on that street, he's a retired teacher and a photographer. He said his concern on OCA is safety. There is a sharp curve and it gets icy. He's observed a lot of fat tire bicycles up and down that road and said they need a sidewalk or a multiple-use trail. He said the road in its current condition serves as a speed bump but fears everyone will drive too fast on it once it's been reconstructed. He asked the City to make the road safer, as it will be the route to the rehabilitated bridge. He requested being notified of future meetings involving OCA.

Speaker #10: Brad Pederson, 8121 34th Avenue South (Appletree Square)
He owns Bloomington Garden Center and said his property is listed as public property on the City's Comp Plan. He can't do much with it; it can't be sold for home sites. He said his taxes went up 22% this year and the assessment on his property is \$40,250. Spread out, he said it will be over \$60,000.

Motion was made by Abrams, seconded by Oleson, to defer Street Ref. No. 4 Old Cedar Avenue (from East Old Shakopee Road to the South Terminus) to the 2016 PMP Reconstruction Project. No vote was taken at this time.

Staff stated the estimated increase in cost to defer this road is 5%.

Oleson requested staff pay close attention to all of the issues raised with this road, and in particular, the springs alongside the road even though it won't qualify for an environmental study.

Mayor Winstead called for a vote on the motion. It passed unanimously.

Street Ref. No. 10: Fremont Avenue South
(From West 90th Street to West 86th Street)

Simons reported staff sent out a letter and a survey and 38 properties responded (16 said yes, 5 opposed, and 17 didn't respond). He said resident feedback indicated staff's letter was intimidating for trying to get people to support the reconstruction. He explained the impervious surface will be reduced on Fremont Avenue, as the width is being reduced from 35 feet to 32 feet, which will also aid in calming the traffic. He said for the management of stormwater, replacement of the curb and gutter is planned. He commented leaves and debris work their way into the storm sewers but the City installs stormwater treatment structures to help with that issue. He mentioned another neighborhood submitted a petition in 2007 for postponement of the PMP project on 94th Street (between Columbus Avenue and 12th Avenue). He said it was re-evaluated by staff two years later and then added to the PMP program the following year.

Street Ref. No. 12: Colfax Avenue South
(From West 89th Street to West 86th Street)

Simons reported the Pavement Condition Index (PCI) is 28 on the northern section, 35 in the middle section, and 28 on the south section of this road resulting in an average PCI of 30. He showed photos of the street segments between 86th – 87th Street, between 87th – 88th Street, and between 88th – 89th Street. He said it's been reconstructed within 35-year span segments.

Busse asked if there is an economy of scale in doing three blocks on the same street and Simons replied there is.

Baloga inquired as to the process used when the low PCI is due to poor soil conditions. Simons explained soil corrections are made 2-3 feet below the surface. They add sand to the sub soils and a denser layer of Class V.

Public testimony on Fremont Avenue:

Speaker #1: Ken Young, 8924 Fremont Avenue South

He returned a survey with a letter and said he's changed his opinion on the street. He read a couple of paragraphs from his letter that was previously sent to Council. He talked about the surveys not being returned counting as "yes" votes. He said it's time for this work to be done and supports the project.

Speaker #2: Jan Gasterland, Christ the King Lutheran Church, 8600 Fremont Avenue South

He attended both previous public meetings and sent a letter dated November 24. He's opposed to the reconstruction of Fremont Avenue. He agreed the letter and survey were intimidating. Per his letter, he said the PMP assesses commercial/industrial properties at the 50% rate but said the rate of assessment is unknown for the future and worries it could be changed to 100%. He commented Mr. Young was distraught about a \$38,000; even knowing the project might not go forward in 2015, and went to the Church to talk to Gasterland about it. He said the residents are being asked to pay for an alternate route to 35W. He said it's unfair to assess the residents for a street that is used as an access route to the freeway. He believes there will be an impact to the environment when the asphalt is ground up and left open. He doesn't believe Fremont is in that bad of condition. He hoped speed bumps or signs for traffic calming would be included but said they're not; nor are rain gardens or stormwater retention devices planned for stormwater management. He is worried that a narrower street will cause more safety hazards. He said nothing is planned for pedestrians or cyclists on this street. He said the Church is being assessed \$43,000 and now the neighborhood is mixed on this when initially they were opposed. He believes the City's letter was intimidating and it caused people to support the project. He said if the street is going to be reconstructed, they'd like to see some safety measures incorporated.

Winstead explained all the streets in the project are melded together to get a better cost, which takes into account the less traveled streets and greater traveled streets to get a price that is somewhat reasonable for all the people in the city of Bloomington. He asked if rain gardens would be discussed in the final design.

Simons replied rain gardens were not intended in the 2015 project but said staff started incorporating some in 2009. He said they planned to take a year off on rain garden structures so staff could discuss how to clean them.

Winstead said the maintenance issue should have been considered when the rain gardens were first put in. He said if they were deemed to be advantageous three years ago, they should still be advantageous.

Simons reported Emerson can experience traffic counts of 200-500 when 35W backs up but said staff will take a closer look at the counts on Fremont Avenue as they make their way through the design.

Bernhardson said it's the age of the street that causes decay, not the cut-through traffic but acknowledged cut-through traffic can occur on Fremont and Emerson depending on what's happening on 35W. He added Christ the King Church generates a certain amount of traffic on Fremont Avenue.

Carlson said he supports including Fremont in the 2015 PMP because it needs it but asked if rain gardens could be considered in the design and questioned what that would add to the cost. Bernhardson said staff will explore it. He said it doesn't add any cost for the residents, as it comes out of the stormwater fund. He said they're constructed on the properties of willing owners.

Oleson said this road needs some attention and asked if it's standard procedure to address traffic calming. Bernhardson explained if there is interest by the residents, staff will offer traffic calming measures beyond the reduction of the road width but the residents have to petition for it.

Winstead summarized staff will work on getting some hard data on the traffic counts to determine if traffic calming measures would be beneficial and that the information will be shared with the neighborhood. They can then decide if there is an interest to pursue further traffic calming measures.

Motion was made by Busse, seconded by Lowman, and all voting aye, to adopt a resolution ordering improvements 2015 Pavement Management Program (PMP) Street Reconstruction Project (City Project 2015-101) including Street Ref. No. 10 Fremont Avenue (from West 90th Street to West 86th Street) in the 2015 PMP Street Reconstruction Project. (R-2014-137)

Public testimony on Colfax Avenue:

Speaker #1: Dave & Beth Williams, 8816 Colfax Avenue South
They changed their minds and now want to see Colfax done in 2015.

Winstead commented on the letter the residents described as threatening stating it's the same letter that's has been sent to other neighborhoods. He said the City will have to do a better job of explaining the situation in a less controversial way. He said it wasn't meant to be threatening to the residents on Colfax and Fremont. He said staff was being factual when it stated there could be a 100% assessment to the residents if a street is deferred to a future PMP.

Motion was made by Busse, seconded by Lowman, and all voting aye, to include Street Ref. No. 12 Colfax Avenue (from West 89th Street to West 86th Street) in the resolution ordering 2015 PMP Street Reconstruction Project.

8 ORDINANCES: PUBLIC HEARINGS

8.1 Environmental Health Plan Review Fees Ordinance

Requested Action: Adopt an ordinance approving the proposed amendments to Chapters 14 and 15 of the City Code for updating and clarifying standards and Environmental Health fees for plan review of new or remodeled licensed body art, food, lodging, therapeutic massage, public swimming pools and tanning establishments, with new fee categories for Hazard Analysis of Critical Control Points (HACCP) plan review, annual HACCP audits and public pool seasonal opening re-inspections.

Environmental Health Manager Lynn Moore presented the staff report on the revised ordinance. She said City staff work with perspective licensed businesses in reviewing blueprints and providing comments to ensure applicable State, Federal and City sanitation codes are met. She said new businesses want to open with a complete license and the proposed plan reviews are based on annual license fees. She said specific City services are paid for by user fees. She mentioned a conversation she had with Bloomington Chamber of Commerce Executive Director Maureen Scallen-Failor. She said staff recommends approval of the proposed changes.

Winstead said these are license fees for plan reviews for new construction and/or a major remodeling. It's not an annual recurring fee. The applicant would work Building & Inspection.

No public testimony was received.

Motion was made by Busse, seconded by Carlson, to adopt an ordinance amending Chapters 14 and 15 of the City Code as described above. Motion passed 5-2 (Abrams and Lowman opposing). (O-2014-18)

8.1.1 Resolution Directing Summary Publication

Requested Action: Adopt a resolution directing summary publication of Ordinance O-2014-18.

Motion was made by Busse, seconded by Lowman, and all voting aye, to adopt a resolution directing summary publication of Ordinance No. 2014-18. (R-2014-138)

8.3 Increase Water and Wastewater Rates

Requested Action: Adopt ordinance increasing water and wastewater rates.

Budget Manager Cindy Rollins presented the staff report. She explained the changes in the Tier I and Tier II water rates or (\$.23/month) and described the change in the wastewater rate or (\$.86/month)

Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt an ordinance to increase water and wastewater rates, thereby amending Section 11.63 as presented in the agenda materials. (O-2014-19)

No public testimony was received.

8.4 Change Storm Water Charges Adopt Resolution

Requested Action: Adopt a resolution establishing a basic rate for the purpose of calculating storm water drainage charges pursuant to Section 11.45 of the City Code.

Rollins presented this staff report and explained the need for the rate increase in the amount of \$.23/month.

Motion was made by Abrams, seconded by Busse, and all voting aye, to adopt a resolution implementing the proposed new storm water rate as presented in the agenda materials. (R-2014-139)

No public testimony was received.

8.5 Increase Solid Waste Charges Adopt Resolution

Requested Action: Adopt a resolution implementing the proposed new rate for solid waste charges.

Rollins described what the \$.30/month increase covers.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution implementing the proposed new rate for solid waste charges as presented in the agenda materials. (R-2014-140)

No public testimony was received.

8.6 Privately Initiated City Code Amendments

Requested Action: Applicant withdrew their application after the public hearing was advertised. No further Council action is needed.

8.7 Vacation of Ingress and Egress Easement 8722 Lyndale Avenue South

Requested Action: Adopt an ordinance vacating an ingress and egress easement located at 8722 Lyndale Avenue So. for EFH Realty Advisors, Inc.

Motion was made by Carlson, seconded by Abrams, and all voting aye, to adopt an ordinance vacating easements at 8722 Lyndale Avenue South as described in the agenda materials. (O-2014-20)

No public testimony was received.

8.8 Vacation of Sidewalk and Bikeway Easement 5400 American Blvd. West

Requested Action: Adopt an ordinance vacating a sidewalk and bikeway easement located at 5400 American Boulevard West for BBC and Torgerson, LLC.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt an ordinance as described above. (O-2014-21)

No public testimony was received.

8.2 Mixed Use Districts and Nonconformity Standards

Requested Action:

In Case 10000C-14, approve Ordinance Option amending Chapters 19 and 21 of the City Code: 1) to modify use, development, and design standards in mixed use districts; 2) modify motor vehicle sales standards; and 3) modify nonconformity definitions.

At their meeting on September 11, 2014, the Planning Commission (PC) recommended denial of ordinance Option A and B to amend Chapters 19 and 21 of the City Code to: 1) modify use, development and design standards in mixed use districts; 2) modify motor vehicle dealer standards; and 3) modify nonconformity standards.

The Planning Commission further recommended that zoning for the Penn American District be more permissive and less prescriptive in nature and allow the vision to occur in a more organic manner.

Planning Manager Glen Markegard presented the staff report on the City Code Amendments to Chapters 19 and 21 involving the Penn American District Rezoning. His slide presentation highlighted the following:

- November 24th study meeting review
- Aerial of the Penn American District
- Phone bank calls received by the City
- Misinformation provided via the phone bank calls and the correction of that misinformation. (All of the uses in Southtown would be conforming and could remain forever; that the landowner decides when to redevelop; and the rezoning will add value, not devalue the property.)
- Oxboro Area photos as an example of when a vision doesn't require properties to redevelop
- Aerial of the 4th corner of the Oxboro Area (Clover Center) that hasn't redeveloped in 39 years. (Owned by Kraus-Anderson (K-A) and doesn't need to redevelop until Kraus-Anderson decides to.)

Markegard then presented the following if redevelopment were to occur:

- Penn American District vision rendering and aerial
- Elements of the District including Genesee Apartments (District is predominantly retail today. Vision includes retail but could include a hotel [Home 2 hotel currently under construction], Fresh Thyme grocery store currently under construction.)
- Transit investments planned in the area: A rebuilt I-35/I-494 interchange, Bus Rapid Transit [BRT], and east/west transit along American Boulevard
- Milestones in the planning process
- Previously rezoned properties: (Penn Avenue to Knox Avenue south of American Boulevard)
- Rezoning recommended by the District Plan (Areas shaded in gray and the A-1 areas on the District map)

Markegard continued by presenting the Plan Recommended Zoning (as development occurs), which includes Next Generation Retail (C-3), Mixed Uses (C-5), and Dense Office & Hotel (C-4). He then presented the rezonings recommended by the District Plan, which four property owners oppose (Luther, Lupient, K-A, Walser/Larry Reid). The five other property owners have not expressed any opposition.

He said a key policy question is whether to zone for current uses or for the District vision. He described each of the recommended rezonings in the District Plan:

- A) SouthPoint Office Center (CO-1 to C-4): C-4 allows hotel. No public objection to this rezoning.
- B) Knox Landing (R-1 to RM-50): Property owner supports rezoning.
- C) Southtown Office Park (CO-0.5 to C-4 and B-1): Southerly 125 feet to be rezoned B-1 and northerly portion rezoned to C-4. Restaurant could work well on the corner. No concerns from the property owner.
- D) Bloomington Chrysler Jeep (B-3 to C-5): Could be suitable for what's across the street.
- E) Wedding Day Jewelers & Jiffy Lube (CR-1 to C-3): Independently owned.
- F) Southtown Center (CR-1 to C-3 & C-5): Corner adjacent to transit is proposed to be zoned C-5 with higher densities.
- G) Lucky's, Mitsubishi and Lupient (CR-1 to C-4): Office and hotel-oriented uses. C-5 is not proposed in this area.

(Zoning not dependent on the BRT Orange Line alignment. The alignment doesn't need to be finalized; whether it's on the freeway or on Knox Avenue. However, a decision has been made that it be on Knox Avenue.)

- H) Luther Kia & Fiat (C-1 to C-5): Requires building placement close to the street.
- I) Luther Infinity (C-1 to C-4): Similar to the Lupient property

Baloga inquired about spot zoning and Markegard replied the City doesn't expect a challenge from the property owners regarding spot zoning.

Planner Julie Farnham continued with the presentation relating to the City Code Amendments and presented the following slides:

- Purpose of mixed use amendments
- Mixed use district amendments
- Consolidating mixed use standards: (brings all of the similar standards together)
- Modify mixed use standards (why and what?)
- Proposed amendments: (making things either more *permissive* or more *prescriptive*)
- Street enclosure modifications
- Window examples (art is another way to meet window requirements without actual windows)
- Corner site modifications
- Key landowner concerns
- Floor Area Ratio (FAR) – Existing and Proposed (minimum)
- Types of nonconformities

Markegard continued the presentation by discussing nonconformities:

- Types of nonconformities (a few areas of nonconformities at Southtown can stay that way indefinitely)
- Proposed definition of "expansion" (Code Amendment definition of "expansion" - references to "intensification" have been removed)
- Code Amendment definition of "expansion"
- Processes in place to allow expansion today
- Use non-conformities - if recommended zoning applied (Includes Jiffy Lube site and vehicle dealerships)
- City Council and PC direction – motor vehicle sales (Work toward vision while minimizing impacts to businesses)
- Options for nonconforming and conforming uses
- Two options closest to the Council's desire - Option 1 & Option 2 (Council's direction this past summer but Legal had concerns with this getting challenged).
- FAR (average is 0.18, which is fairly low)
- BMW dealership
- PC recommendation: (Supports vision but denies rezonings and Code amendments and favors less prescriptive and a more permissive approach)
- Housing & Redevelopment Authority (HRA) recommendation: (Approve the rezonings)
- Pros and cons of more permissive and less prescriptive approach
- Federal Transit Administration Small Starts Projects Map of the U.S.
- Met Transit lines
- Staff recommendation: (Approve rezonings and Code Amendments using Option 2)
- City's future options: (No zoning is cast in stone)

Winstead said parking for auto dealerships is used in a flexible fashion (to show cars and to park cars) and asked if it was prudent to figure out the use of the parking when determining the FAR.

Bernhardson replied when rezoning auto dealers as conforming, could require certain FAR. Then there is the issue of storage of vehicles under repair. He said Council could require that a portion of future applicants apply to a 1.0 FAR and said the BMW is more in line with the vision than dealerships with a surface parking area. He said Item 8.2 relates to the standards (conformity vs. nonconformity and the FAR issue). Those are the codes that get applied to the specific parcels.

Winstead requested speakers address the conformity standards, which apply to auto dealerships.

Speaker #1: Steve Elkins, Met Council Representative

Met Council is poised to issue its new Transportation Policy Plan. They've issued their Thrive 2040 blueprint. He said integration of transportation in land use is important to the region. He was pleased to see the City moving forward with these rezonings to bring them in line with the Comp Plan amendments. He announced the Transportation Planning Policy will be adopted by the Met Council by the February deadline. He presented the following slides:

- Density standards for cities within the urban category. (Development contemplated in C-5 District would meet what's on this chart).
- Expected Station Area Activity Levels: (He has a hard time seeing how an auto dealership would meet the activity standard).

Elkins said once the Transportation Plan is adopted and the Orange Line has been approved for project development, Met Council will engage with City staff on a station area plan. They expect to be working with the cities in a corridor in parallel with the engineering work on the land use plans to develop station area plans to be incorporated into comp plans. He said K-A is likely to extend a voluntary moratorium. He said that would give the Council a little more time to react to whatever comes out as the final form on January 14, 2015. He said once the Plan becomes final, it will become binding and will have to be reflected in the station area plans and in the next Comp Plan revision. He presented the following additional slides:

- Other Land Use and Development Considerations near Transitway Stations
- Transit Supportive Uses and Development Forms: (The historic form of an auto dealership, etc. doesn't satisfy the two primary needs of transit supported development. Need to have a level of activity of population, jobs, students, etc. that generate potential ridership and building forms that make for a transit friendly, inviting environment.)
- Photos: Self Storage facility across from Sam's Club.
- Photos: Fuel sales at the Sam's Club. Perfect in its context but it doesn't generate employment.
- Photo: Lehman's Garage: Pedestrian unfriendly environment.
- Photo: Back of the KIA dealership. Not an appropriate use if a transit station is going to be located next to it. Question is, "Can a transit station in this location succeed when it's surrounded by vehicle storage or is that what is desired?"

Winstead said auto dealers are there and no matter what is done with zoning, uses, and conformity, they might be restricted from expanding, but they're not going anywhere. In order to try and help reach the vision of the district, staff would need to work from the density angle rather than the use angle. He said there is also a practical aspect to it too. The reality is the auto dealerships in this district are going to remain way into the future.

Elkins said that may or may not be the case. He said if nothing can be done to nudge this along, maybe the Orange Line doesn't make sense.

Winstead said it's great to have the vision but short of taking auto dealerships, they're going to be there.

Elkins said Met Council is emphasizing "Expected Station Area Activity Levels." Uses will be part of the discussion between Met Council staff and City staff. He said the emphasis is on the activity level. It's how much activity is a particular use going to generate.

Busse asked about density expectations in other cities and said, "it feels like the City is being held hostage or the Orange Line won't go forward."

Elkins said they are tempering their expectations based on practicalities but stated there are some minimum basic requirements that if can't be met, it might not make sense to make the development.

Baloga asked if a park and ride is still on the table and does it count towards a minimum activity level.

Elkins replied yes and said it will be built into the stationary planning also. He mentioned they've been approached to share parking lots. He also said it doesn't count towards a minimum activity level so there is an incentive to share with the park and ride to increase the activity level.

Bernhardson commented the north/south BRT and the east/west BRT could bring other people into the area.

Speaker #2: Eric Galatz, Representing Lupient Chevrolet
He complimented the Council and staff on the level of discourse stating they definitely understand the problem. He reported there are seven thriving businesses in this area. He talked about the number of employees in the district. He said adoption of these amendments would be putting severe limits on their ability to expand. He said it's the City's intentional goal to prevent investment in this city. They are for this and really want to be a part of it. They want to be proponents of this plan and object to being excluded from it. They're all about driving traffic to their dealerships and their employment. They'd like to make three changes to the ordinance: They're okay with the C-4 zoning. They want the definition changed to make it a more realistic business model that has space for cars. They need space to show and service the cars. They would meet the development standards for the district but they want to be part of the game. They'd like to see .4 FAR and enclosed car storage included in the FAR calculation. They could live with 1.0 FAR if everything could be captured within a structure. They want a C-4 definition that allows for car dealerships. Under Motor Vehicles sales, they desire to change the wording to, "encourage redevelopment of existing motor vehicle sites." They want to see these things addressed. There is no reason for distinguishing them differently from other businesses like shoe stores, for example. Regarding the definition of nonconformity, they believe it is an unlawful restriction on nonconforming uses. He said he submitted these changes by e-mail this morning. They're not saying the City shouldn't rezone but asked one of the viable businesses in this district not be excluded. Build a story on how these are compatible.

Winstead told Galatz whether the City rezones or not, whether dealerships are conforming or nonconforming, his store will be there for decades.

Galatz concurred and said there are three laws that seal the deal on that point: There is a State statute that controls the spacing of auto dealerships, which means they're stuck and cannot move. They have 31 Full Time Equivalent union workers and talked about the Federal law that requires the funding of those pension plans. They cannot afford to go out of business and the City can't afford to buy them. The third statute involves nonconforming law.

Carlson said Lupient is not opposed to C-4 zoning or the development standards. He asked Galatz to speak to staff's recommended Option #2.

Galatz said it's okay with them if the permitted use is auto dealers. They need a definition of a permitted use they can fit. They're wondering what they could do if they wanted to tear down and rebuild. The current definition is for an office with a desk and a phone but no cars.

Speaker #3: Peter Beck, Representing the Luther Company
He asked if Option #2 would allow auto dealers as a conforming use in the B-4 and B-5 zones subject to the design standards.

Markegard said in the C-4 District, Option #2 allows Class I and II auto dealers as permitted uses. He explained Class I is new cars, Class II is used cars, and Class III are car sales as an accessory to another business such as auto repair, and IV is office use only. All of the auto dealers in the Penn American District are Class I. It would allow Class I and II. Class I and II (new and used auto sales) would be permitted uses within the C-4 District in Option #2.

Beck asked if C-4 and C-5 are treated the same and Markegard replied they are.

Beck asked if Option #2 is close to what he put in his letter with the exception of the FAR and how the density is ramped up over time.

Markegard confirmed it is. He said under Option #2, someone makes application for final development plans and the test would be does it meet the standards of the district.

Beck said they can't get to the 1.0 FAR unless it depends on how their inventory is treated. He said the .4 FAR would be a high bar for them but they think they can make that. He said they haven't said no to the Penn & American Plan. They believe they meet the standards of the grocery store but they sell cars rather than eggs and cars take up more space. They can't make the 1.0 FAR unless the floor area of their car storage counts. He wanted to address the comments made by the Met Council. He said they shouldn't tell land owners they're going to put in their BRT station and they'll have to go away. He said the City can move towards more density but they won't be going away. He said the City can't zone them out; rather, their business would have to be acquired. They've tried to work with the City on this project. He said the suggestion that if they don't go away, the Met Council won't put in the bus station is not right. He said the City has adopted the Penn & American Plan into its Comp Plan. He appreciates the staff recommendation and believes with a little more work, they can get it done.

Lowman asked Beck if he would be opposed to relocating somewhere else within the Penn & American District.

Beck replied their properties are very valuable for their use. They wouldn't move them to a site that didn't have comparable visibility and access.

Winstead again stated reality is such that these businesses are going to be there no matter what the City does with the zoning. He said long, long term, land values might alter but it will take decades. He asked if the City were to try and make the argument to the Met Council that a denser auto dealership is something that creates the jobs, trips to the area, etc. is there an argument to be made there. He asked if the Met Council could accept that an auto dealership is a job generator with real customers.

Elkins asked if an attractive environment was being created and does it generate the necessary activities.

Winstead said if the auto dealerships expand, they're going to generate a more urbanized environment. He suggested Elkins take it back to the Met Council so they can noodle it out. He said Met Council's current language starts to be restrictive on that particular use.

Bernhardson said the language addresses traditional, very surface, small building, and large lot. He asked if it could say car dealers under an FAR of X, for example.

Elkins restated it's the activity that is really important.

Bernhardson asked if the car dealerships densify, could they incorporate some business spaces on the first floor. He asked if there are some other ways to create densification by bringing in some other uses. Could they increase the FAR with other uses?

Oleson said car dealerships could be viewed as an amenity. He said the amenity issue attracts people to a district.

Elkins said there are good transit developments located where there are multi-story dealerships on the peripheral of the district but said the station needs to be located at Knox Avenue and American so it can cross connect with east/west service.

Speaker #4: Dan Engelsma, President of Kraus-Anderson (K-A) Realty He's owned Southtown for nearly 60 years. He said K-A has invested millions of dollars and has expanded Southtown many times. It is considered a thriving business. It's generating excellent rents and sales. It employs several hundred people. They generate about 2500 shoppers through Southtown daily. They are strong and solid. They're working with the City on the east end of the shopping center and with the Minnesota Department of Transportation (MnDOT) on transit oriented development. They agree something more intense should be located there. He said the zoning of Southtown has been driven by the vision of the Council and staff. He said it's not a market vision. The kind of zoning on the vision could become a hindrance and a disincentive to invest. He talked about Clover Center. He said it's a totally occupied center. He asked Council to leave the zoning on Southtown alone. They will continue to work with the City as they've always done. He said Southtown is a private development. Nothing can be overlaid on Southtown. They would have to scrape their buildings and start over in order to meet the vision. One of his major tenants just signed a 25-year lease, which is very restrictive. He said national tenants require those kinds of conditions. He said eventually one of the tenants will want to move a wall. They're on a Planned Unit basis. He said they want to work with the City to achieve improvements at the Southtown Center

Bernhardson explained this is a concept of one way to reach the zoning to help people visualize. He said the Council could pass the zoning and then owners could come forward with something that fits the vision.

Engelsma agreed but said this backs him into a corner and over time, something is going to happen on the density issue.

Bernhardson talked about 34th Avenue and said by putting the vision out there, it will look for higher density. He said retailing will change.

Speaker #5: Bill Griffith, Representing Kraus-Anderson

He said Southtown is a very important center and a very important landmark. There is a great deal of affection for this center. It serves Bloomington, Richfield, and beyond. He said he and others are focusing on the implementation of the vision. He showed an aerial of the Orange Line that will bisect the property. He said they worked with Met Transit to focus on a solution that could allow the Orange Line to go through. If there is one location in the district that has the opportunity for transit-oriented development, it's in this location. He said it can't be done if there is a rush to enact zoning. He said maybe the moratorium should be extended. He suggested the property owner initiate an extended moratorium. He said Herberger's just signed a 15-year lease. He said no vision is going to be reached unilaterally. He said no plan will work without the City, the landowners, and the investors coming together. He asked that Southtown not be rezoned but amend the Plan Development Agreement and provide for a trigger legally or build a trigger into the zoning. He said in order to meet .50 FAR, they'd have to tear down and rebuild with two-story buildings. He said they need a bridge or a trigger. When the 35W/494 interchange is reconstructed, the Toys R Us will lose its front door, access, and parking. He said Toys R Us will have to be redeveloped but it wouldn't meet the .50 FAR. A successful redevelopment could occur if they can meet a trigger with the City. They want to stay CR-1 (PD) on the westerly parcels and will find a trigger to the Council's vision. He said they were gratified by the Planning Commission recommendation to deny the rezoning.

Winstead asked Griffith about the purpose of a voluntary moratorium and if Griffith had a plan that would be more conducive to the zoning.

Griffith replied the purpose is to get to a resolution that recognizes the property owner's interests as well as the City's. They want to work on the BRT plan on the K-A property. He said maybe there's a high density auto dealership next to a transit ramp lined by K-A retail. He said it's going to take a lot of time, effort and investment on his client's part. They've had a very receptive discussion from staff on their plans. They'd like to get the westerly piece in the right mode. He added there is work on the easterly and westerly parcels if more time could be taken.

Winstead asked Griffith if he was working on any meaningful plans that work with the City's vision or the zoning or is to try and do something more of the same to accommodate the transit.

Griffith showed a plan that his client has reviewed with City staff, Met Council, and the Minnesota Department of Transportation that puts a transit station on the corner and puts the BRT alignment around the site. He said it doesn't fit with the proposed zoning but it works from an engineering standpoint.

Oleson asked for Met Transit's response when they saw that plan.

Griffith replied there are pros and cons. They didn't throw them out. He said this is the first plan that allows the bus to route through their property while creating a viable redevelopment.

Oleson said Met Transit was saying that the configuration of the route couldn't go under 494 but maybe they've changed their minds.

Griffith replied more engineering work has occurred and this design has it aligned to cross 494.

Winstead asked why the City wouldn't consider it if the talks can lead to something that accommodates the proposed rezoning.

Griffith said the time and money K-A has put into this solution has not been wasted. He said there is real investment in this district and asked how the City encourages this. He said the PC recommendation was to do something that is more permissive for property owners. He said it doesn't have to be highly prescriptive.

Bernhardson said the City, the Councils, and Planning Commissions over the years have zoned properties to encapsulate the vision they've had for a certain area and have been willing to come back and rework those as reality came in. At some point, the vision needs to be set and moved forward. He expressed concern regarding the voluntary extended moratorium. He suggested the Council could rezone the properties with an understanding that the City will work with the owners and that the City will remain flexible as things evolve. He said this Council is cognizant of what needs to be done to move it forward. If things change markedly, the Council could come back and tweak the rezoning. He said there are some issues regarding the text on the auto side and there is little time to get the text in line before Council rezones them. He said there are certain properties that have had no objections and then moved forward from there.

Speaker #6: Bruce Frimerman, 8200 Humboldt Avenue
He showed an aerial of his property, which he purchased in 1993. In 2006, he sent a letter to Planning discussing the same issue but involving different zoning. He said the City said his property shouldn't be zoned B-1, which it currently is, so he asked for C-4 zoning. He reported in 2007 and 2008, Met Transit appraised his property to purchase it for a park and ride but said the City Council voted against it so the property has been sitting with the old zoning. In 2011, he received a letter from the City explaining why things couldn't happen at the property and stated what the zoning would allow to be developed on the property. He said the 494/I-35 interchange has been hanging over everyone's heads. He said his property wasn't allowed to be rezoned per the proposed plan for the 494/35 interchange. He said SouthPoint is located closer to residential than his building. He believes there is some selected zoning going on. He said even though he is located next to the freeway, his property hasn't been rezoned while another property further west that is located north of 82nd Street, except for a small portion, is being proposed for a higher density use. He said he will be opposed if the other parcel is allowed to be rezoned.

Winstead said the Council has another six weeks to consider a moratorium. He asked Elkins to discuss the points he brought forward with the Met Council. He asked what would preclude Kraus-Anderson from proceeding with their plan if the Council went ahead and passed on all of the rezoning today. He suggested continuing this buys everyone some more time.

Baloga said he's encouraged so many have expressed support for the District Plan. He's pleased so many of the issues have been whittled down.

Motion was made by Baloga, seconded by Lowman, to continue the proposed amendments to Chapters 14 and 15 of the City Code to the January 26, 2015, Regular Council meeting. No vote was taken at this time.

Winstead concurred with the continuance but requested it be earlier.

Abrams suggested amending the motion to include that Council revisit this during a study session to see what is coming forward and to see what progress has been made.

Bernhardson suggested Council bring this back on January 5, 2015, to finish the public hearing, get an update, and continue to the January 12th study meeting.

Baloga supported amending the motion to continue this item to the January 5th meeting, then to the January 12th study meeting, and finally to the January 26 meeting, which was also supported by Lowman, the seconder.

Winstead explained more testimony will be allowed on January 5 and staff will receive an update. Council can then figure out the nuances and continue the discussion to the January 12 study meeting. Formal action will be continued to the January 26th meeting.

Carlson said he would support the motion if the discussion can be kept to the rezoning and the Code amendments and with everyone understanding how the standards will affect their property.

Busse said he'd like to see the questions answered. The City can clean up the Code amendments regarding auto dealers. He said Griffith's suggestion regarding the Planned Development as triggers is a good suggestion. He said the Council should heed the PC's advice to look at this through a different lens.

Winstead said staff needs to circle back and get a little more insight into the PC recommendation.

Oleson said it's tough to plan far out into the future and mentioned the Business Vitality Index sessions he's attended. He said they stress the competition that is out there is for transit funding. He said the City needs to work towards mass transit. There is congestion and there is pressure for adding more lanes. He is pleased with the progress that is happening. He's optimistic that a lot of things can happen. He said the trigger concept might be helpful in putting pressure on everyone.

Mayor Winstead called for a vote on the amended motion to continue the amendments to the meetings of January 5 (regular), January 12 (study), and January 26 (regular). It passed 7-0.

8.2.1 Resolution Directing Summary Publication

Requested Action: Adopt resolution authorizing summary publication of the ordinance in Item 8.2.

Motion was made by Baloga, seconded by Lowman, and all voting aye, to continue this resolution to the January 5, 12 and 26 meetings.

8.9 City Initiated (PENN AMERICAN) Rezone Multiple Parcels

Requested Action: To minimize motions, the Council could determine which case letters have unanimous support or unanimous opposition among the Council and handle those together in a combined motion. The others could then be handled individually to allow for votes by individual case.

- A) In Case 10940A-14, approve rezoning the primary district from CO-1 (Commercial Office) to C-4 (Freeway Office) for 1600 and 1700 West 82nd Street and 8101 Knox Avenue South;

- B) In Case 10940B-14, approve rezoning the primary district from R-1 (Single-Family Residential) to RM-50 (Multiple-Family Residential) for 8100 Knox Avenue South;
- C) In Case 10940C-14, approve rezoning the primary district from CO-0.5 (Commercial Office) to C-4 (Freeway Office) and B-1 (Neighborhood Office) for 8100 Penn Avenue South;
- D) In Case 10940D-14, recommend approval of rezoning the primary district from B-3 (General Business) to C-5 (Freeway Mixed Use) for 8000 and 8040 Penn Avenue South;
- E) In Case 10940E-14, approve rezoning the primary district from CR-1 (Regional Commercial) to C-3 (Freeway Commercial Center) for 7901 and 7999 Penn Avenue South;
- F) In Case 10940F-14, recommend approval of rezoning the primary district from CR-1 (Regional Commercial) to C-3 (Freeway Commercial Center) and C-5 (Freeway Mixed Use) for 7803 Penn Avenue South;
- G) In Case 10940G-14, approve rezoning the primary district from CR-1 (Regional Commercial) to C-4 (Freeway Office) for 1700, 1750, and 1800 American Boulevard West and 1601 Southtown Drive;
- H) In Case 10940H-14, approve rezoning the primary district from C-1 (Freeway Office and Service) to C-5 (Freeway Mixed Use) for 1601 and 1701 American Boulevard West, 1600 West 81st Street and 8033 Knox Avenue South; and
- I) In Case 10940I-14, approve rezoning the primary district from C-1 (Freeway Office and Service) to C-4 (Freeway Office) for 8030 Humboldt Avenue South.

The Planning Commission recommends denial of all nine rezonings based on concerns about new zoning district requirements being too prescriptive.

The Housing and Redevelopment Authority recommends proceeding with the rezonings as recommended in the adopted District Plan.

Motion was made by Baloga, seconded by Lowman, and all voting aye, to continue the City-initiated Penn American rezoning of multiple parcels to the meetings of January 5 (regular), January 12 (study), and January 26 (regular) as was done in Item 8.2.

8.9.1 Resolution Directing Summary Publication

Requested Action: Adopt a resolution authorizing summary publication of the ordinance in Item 8.9.

Motion was made by Baloga, seconded by Lowman, and all voting aye, to continue this resolution authorizing summary publication of the ordinance in Item 8.9 to the January 5 (regular), January 12 (study) and January 26 (regular) meetings.

Recessed Meeting

Mayor Winstead recessed the meeting for a short break.

Reconvened Meeting

Mayor Winstead reconvened the meeting after ten minutes.

2.4 2015 Tax Levy and Budget Public Hearing

Requested Action: Conduct the public hearing on the 2015 Property Tax Levy and General Fund Budget.

Economy-Scholler conducted the hearing and presented slides on the 2015 tax levy and budget. She reviewed the 2015 budget discussion items, the strategic community vision, the organizational mission, the goals for Bloomington 2025, and the results of the National Citizen Survey.

She presented information from Assessing regarding Minnesota’s government property tax system, factors that impact property taxes, historic information on residential market values and tax capacity, the 2014 assessment results, and the Minnesota homestead credit refund and renter’s property tax refund. The next part of her presentation focused on the City’s financial integrity; its three AAA ratings, rating factors, capital and service investments, budgeted revenues and expenditures, and levy history and trends. She described the 2015 priority services that were ranked by Council into Tiers I, II and III. At a 4% levy increase, the monthly cost on the median value home would be \$71.64.

Economy-Scholler concluded her presentation by highlighting some community comparison information showing how Bloomington’s property tax on the median value single-family home compares to other communities in the Metro Area. She stated the final Property Tax Levy and General Fund Budget will be adopted by the Council on December 15.

The Mayor invited the public to speak but no one provided any testimony. He stated it’s troubling that this item is being heard at the tail end of this long agenda. For the sake of the television audience, he announced if anyone still desires to provide testimony, they can send it to the City Council so it can be considered prior to the final adoption of the levy and budget on December 15. He noted the City might not receive any feedback this year due to increased values and lower tax amounts for many of Bloomington’s residential properties.

Motion was made by Busse, seconded by Abrams, and all voting aye, to close the public hearing on the 2015 Property Tax Levy and General Fund Budget.

9 OTHER: PUBLIC HEARINGS

10 ORGANIZATIONAL BUSINESS

10.2 Proposed Changes in Fees and Charges Schedule Adopt Resolution

Requested Action: Adopt a resolution approving the proposed changes in the Fees and Charges Schedule

Economy-Scholler said the interment fee for an adult and a child should be \$1,650; not \$1,640 as was stated in the fee schedule.

Motion was made by Abrams, seconded by Busse, and all voting aye, to adopt a resolution approving the Proposed Fees and Charges Schedule including the change identified by staff regarding the interment fee.
(R-2014-141)

No public testimony was received.

10.3 2015 Special Revenue Fund Budgets Adopt Resolution

Requested Action: Adopt a resolution approving the 2015 Special Revenue Fund Budgets.

Budget Manager Cindy Rollins presented the following Special Revenue Fund Budgets: Park Grants, South Loop Revolving Development, and Cemetery.

Motion was made by Abrams, seconded by Busse, and all voting aye, to adopt a resolution approving the 2015 Special Revenue Fund Budgets as presented. (R-2014-142)

No public testimony was received.

10.4 2015 Enterprise Fund Budgets Adopt Resolution

Requested Action: Adopt a resolution approving the 2015 Enterprise Fund Budgets.

Rollins presented the following Enterprise Fund Budgets: Water, Wastewater, Storm Water, Solid Waste, Golf and Ice Garden.

Motion was made by Oleson, seconded by Lowman, and all voting aye, to adopt a resolution approving the 2015 Enterprise Fund Budgets. (R-2014-143)

10.1 City Council Policy & Issue Update

Bernhardson reminded Council of the following meetings: City Manager interviews on December 2 at 1 pm and on December 6 at 8:00 am, Joint Council/Port Authority meeting on December 10 at 5:30 pm, Joint Council/School District meeting on December 10 at 7:00 pm, and a regular meeting on December 15 at 7:00 pm.

Busse suggested the Council consider instituting a mandatory meeting end time such as 11 pm, as it's not fair to those who want to testify when the meetings run so late. He said important items could be continued to the next meeting if necessary.

Winstead said time limits could be put on the speakers or alter the construction of the agenda.

Bernhardson said there are time limits on public testimony in the Council's Rules of Procedure.

City Attorney Johnson stated it's been a concern of hers that the public has had to stay at city hall until 2 am in order to testify. She said that practice could lead to a legal issue at some point.

Winstead suggested long items such as PMP should be scheduled as the main event of the evening.

Oleson suggested staff put together a plan that incorporates the agenda piece, the meeting length, and the Rules of Procedure.

Bernhardson reported the average end time for Council meetings has been 9:30 pm up until this quarter. He said agency timelines must be considered in managing the agenda. He said staff could provide some suggestions regarding time and testimony and some guidance as to when additional meetings should be scheduled. He said any changes could be made part of the Rules of Procedure.

11 ADJOURN

Mayor Winstead adjourned the meeting at 1:31 a.m.

Barbara Clawson
Council Secretary