

Regular Meeting
Monday, March 17, 2014, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- Call to Order** Mayor Gene Winstead called the meeting to order at 7:01 p.m. and led the audience in the pledge of allegiance to the flag.
- Roll Call** *Present:* Mayor Winstead, Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson, D. Lowman, and J. Oleson.
- Approved Met Council Regional Park Improvement Grant #SG-2013-094 ITEM 3.2** Motion was made by Lowman, seconded by Abrams, and all voting aye, to approve the Metropolitan Council Regional Park Improvement Grant #SG-2013-094 between the City of Bloomington and the Metropolitan Council to reconstruct parking lots at the Hyland-Bush-Anderson Lakes Regional Park Reserve. The grant is proposed to be used in 2014 to partially fund the reconstruction of the Chalet Road parking lot at Normandale Lake Park.
- Approved Contract Amendment with Ron Kassa Construction, Inc. ITEM 3.5** Motion was made by Lowman, seconded by Abrams, and all voting aye, to approve a contract amendment with Ron Kassa Construction, Inc. to replace sections of curb, gutter, sidewalk, and miscellaneous concrete for an additional twelve-month period through March 31, 2015, with a 3% increase to rates and a total not-to-exceed contract amount of \$183,700 (\$85,700 in 2013; \$98,000 in 2014).

Funding for the curb, gutter, sidewalk replacement contract is available in the 2014 Public Works Maintenance, Activity 7600.
- Approved Minutes ITEM 3.6** Motion was made by Lowman, seconded by Abrams, and all voting aye, to approve the minutes for the February 3, 2014 (Regular) City Council meeting as presented.
- Awarded Contract to Braun Intertec Corporation ITEM 3.1** This item was held by Oleson who inquired as to the purpose of the testing services and who pays for it.

Shelly Pederson, City Engineer stated this testing to be performed for the 2014 construction projects includes the asphalt testing associated with the Pavement Management Program. She said the testing performed in conjunction with the South Loop District projects will be covered by those construction projects, typically the 425, 435 and 810 accounts.

Motion was made by Oleson, seconded by Baloga, and all voting aye, to award the 2014 Construction Testing Contract to Braun Intertec Corporation for the not-to-exceed amount of \$85,000.
- Approved Purchase from Dresser Trap Rock ITEM 3.3** This item was also held by Oleson who stated the total cost was quite a bit higher in 2014 than in 2013 adding the data was somewhat confusing.

Jim Eiler, Maintenance Superintendent explained the City switched to trap rock two years ago, which is more expensive but uses less oil. He said while being slightly more expensive, it's a better product.

Motion was made by Oleson, seconded by Baloga, and all voting aye, to approve the purchase to furnish and deliver seal coat aggregate for use by the Street Maintenance Division to Dresser Trap Rock for a unit price of \$49.25 per ton.

Funding is available in the Street Maintenance Activity 7623.

**Continued to April 7
Contract Amendment
with Republic Services
ITEM 3.4**

This item was held by Baloga who commented the contract for solid waste and recyclable material continues the status quo while the Council is going to be asking residents to do things that the City's isn't doing in its parks.

Mark Bernhardson, City Manager explained the contract involves unit pricing and said the City is looking to have recycling in all of the parks. He said the total pricing for 2013 can't be used as a guide, as the City is looking to expand its current contract so it's on a unit price basis. He said it will be put in place around May 2014.

Baloga commented there will be an increase for the next two years but the cost differential is unknown. He requested a date specific as to when the City will be instituting recycling collection in all of its parks and at all City buildings, what the costs will be, and why this contract isn't being rebid with a proposed 4% increase.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to continue to the April 7, 2014, Regular Council meeting, a contract amendment with Republic Services (fka Allied Waste Services) for solid waste and recyclable material collection services extending the contract through March 31, 2016, with a 4% increase.

**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: Sally Ness, 8127 Oakland Avenue South

She requested an update on the "parking in the street" situation at the Al Farooq Youth & Family Center (AFYFC) located at 8201 Park Avenue South. She believes the AFYFC building is overused and that drivers choose to park in the street to avoid the congestion that results in their own parking lot from too many cars trying to access their site. She also said the City is willing to pay almost \$3,000 for a separate water meter to track the water usage for the athletic field; something AFYFC should be paying for.

Staff stated it would provide information to Council and copy Ms. Ness on whether or not the entrances and exits to the AFYFC parking lot are sufficient to handle the number of parking spaces.

Speaker #2: Joan Kampmeyer with Members of the Bloomington Sustainability Coalition (BSC) and the Master Recycler Composter Group, 9525 Wyoming Avenue South

She thanked the Council for taking up the issue of solid waste in Bloomington and encouraged the Council to adopt a Solid Waste Management Plan that makes sense for the City and its residents. Upon its completion, she encouraged the Council to share the Plan with the public and stated the BSC continues to support the notion of organized collection of waste, recyclables, yard waste and organics for residents in Bloomington.

Mayor Winstead encouraged members of the BSC to provide the City with data on the level of solid waste service they have, the name of their contractor, and the amount they are currently paying for that service, as it's trying to collect data on what people are paying for the various services.

Speaker #3: Terry Langness, 11100 Bloomington Ferry Road

He requested an update on the Hyland Multi-Modal Trail Project regarding the timetable for the letting of bids for the project and the dissemination of the bid results to the public. He wants to make sure the bid doesn't come in \$300,000 higher than anticipated.

Pederson stated the City is getting ready to advertise for bids soon, which should come back in a few weeks for awarding of the bid in April. She said homeowners can be informed when the bids have been opened at which time the information is provided to Council.

PUBLIC COMMENT PERIOD continued

Speaker #4: Tricia Fisher (*No address provided*)

She questioned the \$1.3 million cost of the Hyland Multi-Modal Bike Trail and asked how many people will use it. She was requested to provide an e-mail address to staff so she could be sent a link to the information on that project.

Speaker #5: Zavier Bicott, 5000 West 109th Street

He commented he was in attendance at tonight's study meeting and was pleased to hear Council requested a Needs Assessment be conducted as a first step in the process leading to a new community center. He proceeded to read more comments from the survey he conducted while door knocking during his campaign for City Council At Large last year. He said he would provide staff with information relating to his survey as well as a copy of the survey questions and the resulting comments/questions he received from the public.

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.

**Approved New On-Sale Intoxicating Liquor License for El Loro Mexican Restaurant at 5001 American Boulevard W
ITEM 5.1A**

Motion was made by Baloga, seconded by Oleson, and all voting aye, to approve a New On-Sale Intoxicating Liquor license, expiring June 30, 2014, for El Loro of Bloomington, LLC dba El Loro Mexican Restaurant at 5001 American Boulevard West, Suite 102.

No public testimony was received.

**Approved New On-Sale Wine License & On-Sale 3.2% Malt Liquor License for Umbria Gourmet Pizzeria at 521 West 98th Street
ITEM 5.1B**

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve a New On-Sale Wine license, expiring June 30, 2014, and a New On-Sale 3.2 Percent Malt Liquor license, expiring December 31, 2014, for International Café Inc. dba Umbria Gourmet Pizzeria at 521 West 98th Street.

No public testimony was received.

**Approved Interim Management Agreement for Embassy Suites Bloomington at 2800 American Boulevard W
ITEM 5.1C**

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve an interim management agreement between DJONT/JPM Leasing LLC and Aimbridge Concessions, Inc., dba Embassy Suites Bloomington at 2800 American Boulevard West.

The management agreement will be in effect until the New On-Sale Liquor license is approved by the City Council. The management agreement also identifies the management and operation of the establishment and is filed pursuant to City Code.

No public testimony was received.

**Approved Preliminary Plat & Adopted Resolution Granting Final Plat Approval of RAHR PRESERVE at 8231, 8233, 8301 & 8321 West 110th Street Case 10926AB-14
ITEM 5.2A1,2
R-2014-28**

Planner Dennis Fields presented the staff report on an application by Frederick & Jodell Rahr to subdivide four (4) lots into (15) single-family residential lots at 8231, 8233, 8301 & 8321 West 110th Street. His presentation was as follows:

- Aerial map: Development located just south of West 110th Street to the Minnesota River. (4) lots converted into (15) single-family residential lots.
- Land Use and Zoning: Comp Plan designates this area as Low Residential.
- Existing Conditions: 10.7 developable acres.
- Site Plan: Development Completes Boone Circle and constructs West 110th Street Circle. Access to four lots off of West 110th Street, two lots off of Boone Circle, and nine lots off of the new 110th Street Circle. The Rahr homestead and garage on Lot 5 will remain.
- Paving Lot Width: Minimum lot size is 11,000 square feet and 15,000 square feet for corner lots. All proposed lots comply with the minimum lot width.

**ITEM 5.2A1,2
continued**

- Prevailing Lot Width
- Prehistoric Sites – Burial Mounds: Six prehistoric sites located within proposed plats. 20-foot buffer zone is proposed around each. Fences are proposed around two of the mounds.
- Tree Preservation: 36% of the existing, inventoried trees will be removed. Planning Commission had concerns regarding the site lines on West 110th Street, which will be improved with removal of trees in that location. Another concern was regarding Indian remains. If new mounds are discovered during excavation of the basements, work will cease, barriers and buffers will be established, which could result in some lots being undevelopable. Borings have been completed and it is believed all burial sites have been discovered.
- Stormwater and Utilities: Two combination underground infiltration storage pipe systems for water rate, quality control, and volume.
- Recommendation: Planning Commission and Staff recommend approval.

Council comments/inquiries:

Winstead inquired if an outlot was being created above the bluff protection area.

Staff replied no because one already exists, which is not buildable.

Abrams inquired about the section on Code compliance with regard to yard pools.

Fields replied these lots are potentially smaller so that combined with larger homes and some burial grounds, an amenity like a pool might not be possible. He said they will be considered on a case-by-case basis and that a variance could be requested to allow increased impervious percentage.

Carlson inquired how the responsibility for a burial mound transfers to a private homeowner.

Fields explained the burial area would be marked and then there would be a 20-foot buffer. He said there are easements over each of the burial sites.

Abrams referenced the discussion of Tim McCollow, 8330 West 109th Street during the Planning Commission meeting who expressed concerns with traffic sight lines. She said currently walking or driving by the 5300 home, there is congestion and cars whipping around there. She mentioned a fence covered with ivy. She said it could be dangerous for pedestrians in the wintertime if they have to walk in the street alongside parked cars.

Fields stated there will be some clearing of trees outside of the right-of-way and the fence will go away, which will open up the sightlines. He said there will be a sidewalk on the south side of West 110th Street.

Abrams asked about parking on the curve.

Bernhardson said Engineering will look at that.

Pederson said there is a sidewalk on one side of the street that meets the needs of the neighborhood. She said the construction plans don't show a sidewalk on the south side.

Bernhardson asked if staff reviewed the sightlines with a sidewalk on either the south side or the north side of the street. He asked if the parking needs to be restricted during the winter months along the double curve.

Pederson stated staff would review the parking situation.

Oleson asked about parking in cul-de-sacs.

Fields said it was requested by the Fire Department that no parking occur in the bulbs in the circles.

Oleson inquired about the storage of water during some rain events and asked if the 100-year storm was considered.

Pederson explained the system is designed for the 10-year event, which meets all of the City's current requirements.

**ITEM 5.2A1,2
continued**

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Preliminary Plat and adopted a resolution granting Final Plat approval of the RAHR PRESERVE at 8231, 8233, 8301 and 8321 West 110th Street, Case 10926AB-14, for Frederick & Jodell Rahr, subject to the following 17 conditions of approval and 2 Code requirements being met prior to the issuance of a Grading permit:

1. The applicant must provide a mound management plan that must be approved by the State Archeologist and Minnesota Indian Affairs Council (MIAC). The plan must be filed at Hennepin County with every lot that contains prehistoric sites and the applicant must provide proof of filing;
2. The Grading, Drainage, Utility, Erosion Control and Traffic Control, and Haul Route plans must be revised for approval by the City Engineer;
3. A Stormwater Management Plan must be provided for approval by the City Engineer;
4. A review from Lower Minnesota River Watershed District and Riley-Purgatory-Bluff Creek Watershed District Permit must be completed;
5. A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided;
6. An Erosion Control Bond must be provided;
7. A haul route for construction traffic must be approved by the City Engineer;
8. Sewer Availability Charges (SAC) must be satisfied;

The following conditions must be satisfied prior to releasing the Final Plat mylar to the applicant for recording at Hennepin County:

9. A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within the past 6 months, must be provided;
10. Consent to plat forms must be provided for any mortgage companies with property interest;
11. Drainage and utility easements must be provided as follows: 10 feet along all street frontage, 5 feet along all interior lot lines, and as approved by the City Engineer for watermain, storm sewer, and infiltration system;
12. A 10-foot sidewalk/bikeway easement must be provided along all street frontages;
13. A scenic easement must be provided for all property below the 800 contour;
14. Park Dedication must be satisfied;

and subject to the following ongoing conditions:

15. All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets and public rights-of-way;
16. Alterations to utilities will be at the developer's expense; and
17. Signs must be installed that read "no parking fire lane" in Cul-de-sac bulbs.

and subject to the following Code Requirements:

1. The property must be platted, and the plat must be filed with Hennepin County prior to the issuance of building permits (Section 22.06); and
2. As required for tree preservation, the City Forester must perform a pre-grading inspection of field staking prior to the issuance of a grading permit, a post grading inspection prior to the issuance of any building permits, and final inspection prior to the issuance of any certificates of occupancy (Section 19.53 (k)).

No public testimony was received.

**Adopted Ordinance
Changing Various
License & Permit Fees
ITEM 5.4A1
O-2014-7**

Bernhardson stated the proposed license and permit fee changes are self-explanatory. He said all of them are in the 2% increase range except for curb inspections, which were increased to bring the fee closer in line to the time needed to do the inspection.

Winstead inquired if the City had any escort services licenses within the city.

ITEM 5.4A1 continued

Licensing Examiner Doug Junker explained there are no escort licenses in Bloomington and there likely won't be any due to the language contained in the ordinance but the fees exist. Winstead also inquired about the Bed & Breakfast (B&B) license that includes a food license even though B&B's are not permitted in the city at this time.

Larry Lee, Community Development Director said the City's Zoning Code does not have a way to allow a B&B in an R-1 Residential District. They are allowed in other districts but the R-1 zoning precludes it. He confirmed there are no B&B licenses in the city at this time.

Winstead also commented on the Potholing fee under Right-of-Way permits.

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt an ordinance amending Sections 14.03 and 21.502.01 of the City Code concerning the fees charged for various licenses and permits.

No public testimony was received.

**Adopted Resolution
Directing Summary
Publication of
Ordinance #O-2014-7
ITEM 5.4A2
R-2014-29**

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt a resolution directing summary publication of Ordinance No. O-2014-7 amending Section 14.03 of the City Code concerning the fees charges for various licenses and permits.

**Approved FY 2014
CDBG Budget &
Application
ITEM 5.5A**

Bryan Hartman, Program Manager for the Housing & Redevelopment Authority (HRA) presented the staff report on the FY 2014 Community Development Block Grant (CDBG) Budget and Application. His presentation was as follows:

- CDBG Program: Signed into law in 1974. It's funded through the Housing and Urban Development (HUD). Assists cities based on a formula. Cities with populations over 50,000 are grant eligible.
- Program Year & Consortium: Program year is July 1 through June 30. Bloomington is a member of a consortium: Bloomington, Eden Prairie, Minnetonka, Plymouth and Hennepin County.
- Program Administration: Every December, City signs a contract with HRA to administer the program.
- Action Plan: HUD mandates that the Plan activities must serve low and moderate income persons in the community. Income limit for a family of four is \$63,900.
- 2014 Activities: Bloomington has historically funded four activities: Single-Family Rehabilitation Loan Program, Lead-Based Paint Abatement, Household & Outside Maintenance for the Elderly (H.OME.), and Fair Housing Initiatives.
- Single-Family Rehabilitation Loans: Biggest activity of the program. Provides deferred loans for repairs to homes. Maximum loan is \$35,000. Loan is deferred until home is sold or loan is paid off. 2014 funding totals \$257,782.
- Lead-Based Paint Abatement Testing: Pays for testing of painted surfaces to determine if lead-paint is present. (Pre-1978 homes).
- Household and Outside Maintenance For Elderly (H.O.M.E.): Services provided by Senior Community Services (SCS). 2014 funding totals \$20,000. (100 seniors served each year.)
- Deb Taylor, CEO from Senior Community Services was in the audience.
- H.O.M.E. Program CDBG Funding Homemaking Services Graph for Years 2009-2013
- Fair Housing: Requires working on impediments to fair housing within community. It funds various activities: 2014 funding totals \$5,000.
- 2014-2015 CDBG Budget: Anticipates \$400,000 in program income from paid off loans.

ITEM 5.5A continued

Motion was made by Carlson, seconded by Lowman, and all voting aye, to approve the FY 2014 Community Development Block Grant Budget and Application as presented.

No public testimony was received.

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

The City Manager reminded Council of the following dates: Tomorrow's Mall of America Phase 1C Groundbreaking event now scheduled for inside the East Rotunda; the State of the City event on Wednesday, March 19 at the former Radisson South Hotel; the Richfield-Bloomington Watershed Management Organization (RBWMO) Annual meeting on March 24 followed by an Imagine 2025 Update presentation for Council (and a discussion of the upcoming study meeting schedule); and a Joint Council/Port Authority meeting on Tuesday, April 8.

Bernhardson also talked about the conversion from paper agendas to electronic agendas and said a dual process (providing both paper and electronic agendas) will be used for a couple of Council meetings. He said staff is targeting the April/May timeframe for the switch over and that it is anticipated the agenda will be completely electronic by the second meeting in May. He stated training sessions on this process for Council members will take place the second week in April.

Winstead stated Council members have opinions on how they'd like to see the study meetings handled so it will be good to talk about it. He said April 14 will be a regular study meeting.

Carlson suggested including the presenter's name on the Request for Council Action sheet or listed somewhere on the Agenda Listing.

Oleson requested the April 14 study session include a historical discussion on the City's Joint Use Agreement at 8201 Park Avenue South and a mutual timeline to address the needs of the City and its owner, the Dar Al Farooq Youth & Family Center (AFYFC).

Bernhardson explained the April 14th study meeting is dedicated to the Solid Waste Management Plan and the AFYFC Joint Use Agreement discussion is slated for the April 21st study session with formal approval of the Agreement in May.

Lowman suggested the study session on May 12th could be devoted to AFYFC.

Winstead said the discussion could start at the April 21st meeting and be continued to the May 12th meeting.

Lowman inquired if study meetings could start at 5:45 or 6 p.m.

Winstead said short, single study items could be put on the study meetings held before the regular meetings and the off-week study meetings could be devoted to the longer study items.

Abrams mentioned she noticed while reading the item on the Rahr development that there were some inconsistencies regarding the use of the word, "prehistoric." She asked if the Human Rights Commission (HRC) could look into the use of "prehistoric" across all City publications.

Sandra Johnson, City Attorney said her staff would do that will also run the language by the State Archeologist. It was stated the City needs to remain in parallel with the language used by the State Archaeologist and the Bureau of Indian Affairs.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 8:25 p.m.

Barbara Clawson
Council Secretary