

**Regular Meeting**  
**Monday, March 16, 2015**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

- 1      **CALL TO ORDER- 7 PM**      Mayor Winstead called the meeting to order at 7:00 p.m.
- Present:      Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson,  
D. Lowman and J. Oleson.
- 2      **INTRODUCTORY**
- 2.1      **FLAG PRESENTATION**      Mayor Winstead led the audience in the pledge of allegiance to the flag.
- 2.2      **Parkinson's Disease Awareness Month - Proclamation**      Requested Action:      Read the Parkinson's Disease Awareness Month Proclamation.
- Mayor Winstead read the proclamation and stated it will be displayed at Bloomington's Oxboro Library.
- 2.3      **Safe Digging Month April - Proclamation**      Requested Action:      Read and present the Safe Digging Month – April Proclamation.
- Mayor Winstead read and presented the proclamation to Christe Singleton, Director of Minnesota's Gas Operations for CenterPoint Energy. He stated there is a lot of activity in Bloomington, which is evident by the record number of construction permits that were issued in 2014.
- Singleton thanked everyone who has called 811 before digging and stated there is no charge to have Gopher One State come out and mark the utility lines in the area where digging will occur but it needs to occur within three days of placing the order.
- 3      **CONSENT BUSINESS**
- 3.1      **Variance, Robert and Denise Gardner; 10904 Glen Wilding Ln**      Requested Action:      Adopt a resolution approving a variance to reduce the front yard setback from 30 feet to 2 feet to replace a flat roof with a pitched roof on an existing single-family dwelling located at 10904 Glen Wilding Lane, subject to the conditions listed in the staff report.
- Motion was made by Lowman, seconded by Baloga, and all voting aye, to adopt a resolution approving a variance at 10904 Glen Wilding Lane subject to the conditions listed in the staff report. (R-2015-29)

- 3.2 Order Feasibility Study for 2016-501 Bloomington Ave Sanitary Sewer Adopt Resolution** Requested Action: Adopt a resolution authorizing the City Engineer to prepare a feasibility study and report for the 2016-501 Bloomington Avenue Sanitary Sewer Project.
- Motion was made by Lowman, seconded by Baloga, and all voting aye, to adopt a resolution ordering the feasibility study and report for the 2016-501 Bloomington Avenue Sanitary Sewer Project. (R-2015-30)
- 3.3 Accept Donations** Requested Action: Accept the donations as listed.
- Motion was made by Lowman, seconded by Abrams, and all voting aye, to accept the donations and approve the related budget adjustments.
- 3.4 Meeting Minutes City Council-Approval** Requested Action: Approve the December 1, 2014, Regular City Council Meeting minutes as presented.
- Oleson held this item to comment valuable feedback was provided by the residents at the December 1, 2015, Regular Council meeting during Item 7.1 per the attached minutes. He asked staff to review that discussion with regard to Old Cedar Avenue and the Old Cedar Avenue Bridge.
- Motion was made by Oleson, seconded by Lowman, and all voting aye, to approve the December 1, 2014, Regular Council Meeting minutes as presented.
- 3.5 Approve Plans, Specifications and Schedule 2015-101 PMP Street Improvement Project** Requested Action: Adopt a resolution approving the plans, specifications, and schedule for the 2015-101 PMP Street Improvement Project.
- Motion was made by Lowman, seconded by Baloga, and all voting aye, to adopt a resolution approving the plans, specifications, and schedule for the 2015-101 Pavement Management Program (PMP) Street Improvement Project. (R-2015-31)
- 3.6 HVAC Services Contract - Approve Extension** Requested Action: Approve extension of the contract with Legacy Companies to provide HVAC maintenance and repair services for an additional 2-year term through June 30, 2017, at the increased contract labor rates requested and increasing the not-to-exceed contract amount to \$282,000.00.
- Motion was made by Lowman, seconded by Baloga, and all voting aye, to approve an extension of the contract with Legacy Companies.
- 3.7 Title V Maternal and Child Health Agreement with Minnesota Dept. of Health Approve** Requested Action: Approve Title V Maternal and Child Health (MCH) Agreement with Minnesota Department of Health (MDH).
- Motion was made by Lowman, seconded by Baloga, and all voting aye, to approve the Title V Agreement listed above with the Minnesota Department of Health.
- 3.8 Foth Solid Waste Contract Extend** Requested Action: Approve the Organized Collection Options Committee (OCOC) and RFP work (Phase 4) in the amount of \$93,200 with a 10% contingency for a total of \$102,520.

This item was removed from the agenda.

- 3.9 Replacement Fire Department Radios – Approve Purchase** Requested Action: Approve the purchase of (65) Fire Department portable radios with accessories and (6) Fire Department station base stations under the State of Minnesota Contract #40071 from Motorola Solutions for the amount of \$281,541.50.
- Motion was made by Lowman, seconded by Baloga, and all voting aye, to approve the purchase of Fire Department portable radios and accessories as described above.
- 4 PUBLIC COMMENT PERIOD** The Mayor declared the Public Comment Period open for those wishing to address the Council on matters not on tonight's agenda.
- 4.1 Response to Prior Meeting's Public Comments** City Manager Jamie Verbrugge stated two speakers at the previous Council meeting opined on the open hauling process but no follow-up by staff was needed. He said many of the comments made by Ms. Ness were about issues she has raised before. One issue she raised regarding the Al Farooq Youth & Family Center (AFYFC) was the anticipation of sufficient parking for most days except for unusual events. He followed up with the Police Department regarding the traffic and reported it was slow last Friday. Two weeks ago it was busy during the peak and a few cars were parked on the west side of Park Avenue. In addition, there was a small delivery truck inside the lot making a delivery that clogged up the traffic flow. It was not a violation. An officer observed a semi-truck parked on Park Avenue, which moved after being requested to by the officer. He said a wedding was also occurring at the same time as the prayers, which brought more attendees to the site. He said it's worthwhile having an officer out there to help manage some of the parking issues.
- 4.2 Public Comment** Speaker #1: Sally Ness, 8127 Oakland Avenue South She asked Mayor Winstead if he would move to reconsider the Council's previous vote on the new JUA. She showed photos of the cars and the semi-truck that was moved at the police officer's request. She said there were also three buses and a car parked in the Smith Park area and three cars up on the curb where no parking is allowed. She showed a photo of cars parked in the fire lane. She asked where people with small children and in wheelchairs can park to access Smith Park. She asked if the Council's Rules of Procedure require staff present factual information to the City Council; specifically the JUA. She referenced a staff memo dated March 2<sup>nd</sup> relating to key issues in the Agreement; in particular an access easement for 8201 Park Avenue. She also referenced a May 17, 1999, agreement that stated the owner shall provide an easement for \$1 to effectuate the usage agreement. She asked if there was a deed of easement drafted in 2011. She asked if there was a City e-mail dated January 22 discussing why the City is paying for the meter and eliminating the sewer charge. She talked about another element in the JUA – control of irrigation and related water charges. Another issue in the JUA she referenced was the athletic field lighting shutoff requirement. She also referenced the Addendum Agreement dated June 26. She said the new JUA Council approved specifies the 2003 Development Agreement. She asked if the Amended and Restated Site Development Agreement recorded with Hennepin County, and if not, why. She said the new JUA states the 2000 Agreement has been terminated, but the new Amended Development Agreement isn't in the JUA. She asked Council how the new JUA is better for the patrons of Smith Park. She said the previous agreements have worked well since 1990.

Winstead said staff will follow up on her questions at the next Council meeting.

Speaker #2: Vi Rozek, 8214 Park Avenue

With regard to nighttime use limits on City parks, she asked if it's true that the City Code states, "no person shall park any motor vehicle in any place in public parks between the hours of 10 pm and one hour before sunrise. She asked if DAF entered into an agreement with Smith Park, which has a closing time of 10 pm posted at the Park parking lot. She asked if Hyder Aziz, AFYFC Director, sign an Amended Reinstated Site Development Agreement that states, "the applicant agrees that the development of the property shall also be in strict conformance with the Conditional Use Permit as approved on May 2, 2011, by the City Council. All applicable Code provisions including but not limited to City Code." She asked if what it says in the new JUA, "parks and recreation issues, after hours use permits, up to all night, only when 8201 facility is in use" will be true for all Bloomington parks. She asked if subjecting the neighborhood to an overflow parking through the night makes the new JUA better. She the Council is giving more attention to the garbage truck issue regarding noise and road abuse. She said that only happens one day per week during the daytime. She said there are many events happening at AFYFC that go on until 4 am with lots of noise from people and cars. She reminded Council that Mr. Aziz requested the need for 50-60 nights of overflow parking at the Smith Park parking lot. She said the neighborhood gets overflow parking every Friday and in and out traffic from Friday night through Sunday. She asked where the care is for this neighborhood because it's not fair.

Winstead said staff would respond to her questions at the next meeting.

**5 LICENSING DIVISION:  
PUBLIC HEARINGS**

**5.1 New On-Sale Wine License and On-Sale 3.2% Malt Liquor Application – Luna di Luna; 8820 Lyndale Avenue South**

Requested Action: Approve the on-sale wine license, expiring June 30, 2015, and the on-sale 3.2 percent malt liquor license, expiring December 31, 2015, for Luna di Luna LLC, doing business as Luna di Luna at 8820 Lyndale Avenue South.

Motion was made by Baloga, seconded by Carlson, and all voting aye, to approve the on-sale wine license and on-sale 3.2 percent malt liquor license for Luna di Luna per the agenda item.

No public testimony was received.

**6 DEVELOPMENT  
BUSINESS: PUBLIC  
HEARINGS**

**6.1 Approve Public Improvements Agreement between Jennifer Development and the City of Bloomington**

Requested Action: Approve the Public Improvements Agreement between Jennifer Development and the City of Bloomington relating to the redevelopment of the site at 10701 Hampshire Avenue and authorize its execution by the Mayor and City Manager.

City Engineer Shelly Pederson presented the staff report explaining this item approves the Public Improvements Agreement including a 10-foot wide bituminous trail along West Old Shakopee Road, which has been signed by Jennifer Development. She explained the developer will pay for 8 feet of the trail and the City will pay for the other 2 feet. She said the trail will be moved closer to the street so no retaining wall will need to be constructed.

Carlson asked if construction costs for the trail could reach \$100,000. Pederson replied staff doesn't anticipate the cost will be that high.

Abrams asked how the City's portion of the trail cost will be accounted for since this expenditure was not planned for or included in the development of the City's 2015 budget last year. Pederson said there are some internal State Aid Funds available that can be used because this project is located along Old Shakopee Road.

Motion was made by Baloga, seconded by Oleson, to approve the Public Improvements Agreement between Jennifer Development and the City of Bloomington relating to the redevelopment of the site at 10701 Hampshire Avenue and authorized the execution of such by the Mayor and City Manager. No vote was taken at this time.

Oleson thanked Jennifer Development and City staff for working this out.

The Mayor called for a vote on the motion. It passed 7-0.

No public testimony was received.

**6.2 Jennifer Development Company, Inc. 10701 Hampshire Ave. Appeal Condition of Approval**

Requested Action: Approve the agreement related to the delayed construction of the sidewalk along Hampshire Avenue South and the construction of a 10-foot bituminous trail along West Old Shakopee Road presented in the preceding agenda item. Should the City Council reject the proposed agreement, it's recommended the Council adopt a Resolution of Denial for the Appeal of the Planning Commission Condition of Approval and Code Interpretation.

Planning Manager Glen Markegard explained no action is necessary on this item due to the approval of the Agreement in Item 6.1.

At the request of the City Manager, Council made the following motion to acknowledge the withdrawal of the appeal by the Applicant:

Motion was made by Baloga, seconded by Lowman, and all voting aye, to acknowledge the withdrawal of the appeal of a Condition of Approval by Jennifer Development Company, Inc. regarding 10701 Hampshire Avenue.

**7 TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS**

None.

**8 ORDINANCES: PUBLIC HEARINGS**

**8.1 Rezoning City-Owned Properties to Lindau Mixed Use Zoning District per the South Loop District Plan**

Requested Action: Adopt an ordinance rezoning the primary zoning district at 2501, 2601, and 2701 American Boulevard East and 2600 Lindau Lane from I-1, Limited Industry, to LX, Lindau Mixed Use, with no change to the applicable overlay zoning districts.

Markegard explained this item needs to be continued to the April 6 Council meeting to allow for publication of the notice in the Sun Current newspaper. He said a more in-depth presentation will be made at that time. He provided a brief overview of the rezoning of four parcels in the South Loop District.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to continue to the April 6, 2015, Regular Council meeting the rezoning of City-owned properties in the South Loop District.

**9 OTHER: PUBLIC HEARINGS**

**9.1 2015 Community Development Block Grant (CDBG) Budget and Consolidated Plan**

Requested Action: Approve FY2015 Community Development Block Grant (CDBG) Budget and Consolidated Plan.

Housing & Redevelopment Authority (HRA) Program Manager Bryan Hartman presented the staff report on the annual 2015 Community CDBG Program Budget in the amount of \$415,634. He stated the fiscal year for this budget starts on July 1. There is a strong emphasis on single-family residences for these funds. Staff anticipates receiving \$400,000 in income from the repayment of rehab loans during the 2015 fiscal year so the City can administer another (30) new rehab loans. He presented slides highlighting the following: Lead Abatement Program, Fund Household and Outside Maintenance Program for Elderly Residents, Fair Housing Activity, and Total Budget. He said this budget has been approved by the HRA.

Oleson inquired if there was any possibility of increasing the amount of money offered in the loan program. Hartman replied the City can't add to the federal funds but said the HRA could fund additional neighborhood loans through the City's other rehab program. Oleson said people are appreciative of this program and asked for an explanation of how the money for the H.O.M.E. program is used.

Deb Taylor, CEO of Senior Community Services

She explained H.O.M.E. provides services to residents age 60 and older such as spring and fall yard clean up free of charge by volunteers. She said the homemaking, home maintenance, snow removal, and the lawn mowing service is provided on a sliding fee scale based on the individual's ability to pay. She said the funding they receive from the CDBG helps H.O.M.E. fund the sliding fee scale in order to serve more lower income seniors in Bloomington. They also provide help with the interior and exterior painting of homes. She said they have paid workers and independent contractors. She said they provide insurance and conducts background checks on all of the H.O.M.E. workers.

Abrams asked if the \$20,000 allocated to the H.O.M.E. Program by the City runs out during the year. Taylor replied they use the City's funding to leverage funding from other sources.

Oleson asked Hartman to comment on the administrative costs, which appeared high to him. Hartman replied the administrative fees are budgeted at \$90,000 for FY2015; the same as for FY2014. He said they can't spend more than 12% of their budget on administrative expenses. Salaries come out of there and the HRA is paid for services to administer the CDBG Program. He said there are also advertising expenses in there for the rehab loan program.

Winstead explained the rehab loan funds are administered through the City's HRA. It's through the CDBG but the City administers it internally.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the FY2015 Community Development Block Grant Budget and Consolidated Plan.

No public testimony was received.

## 10 ORGANIZATIONAL BUSINESS

### 10.1 City Council Policy & Issue Update

The City Manager had no issues to report and deferred to the three Council members who attended the National League of Cities conference with him in Washington, D.C. last week.

Busse commented it was a good conference. He talked about some Legislative priorities, closing the online sales tax loop holes and investing in local transportation initiatives, which he said dovetails nicely with Bloomington's strategic priorities. He said the group met with Senator Klobuchar to talk about the I-35/I-494 interchange. They also met with Senator Franken to discuss the need for federal funding. He said it was an informative conference and they heard from President Obama. He said a real value of the conference is the opportunity to talk to other council members from around the country. He said people are paying attention to what Bloomington is doing and he received compliments on the City's new city manager. He also heard positive comments regarding the City's work on vaping and on the Mall of America protests. In addition, two people told him they were very excited to hear Mayor Winstead was running again.

Carlson also attended the conference and said Bloomington is doing a lot of things right but said there are a lot of things the City can learn from other cities around the country.

Another attendee of the conference, Oleson said he was interested in exploring some of the good ideas other cities had regarding after-school activities. He attended a session on affordable housing and said Bloomington has a lot of older homes in the northeast section of the city. He said as a Noise Oversight Committee (NOC) member, he attended a good session put on by N.O.I.S.E. (National Organization to Insure a Sound-Controlled Environment) along with NOC members from Edina and Minneapolis. He said things are happening with airplane technology and flight information so it's good to know what is going on in the industry. He appreciated the opportunity to attend the conference for the information and the networking. He reported Senator Klobuchar said there is some bipartisan support for "overseas" money, some of which is being dedicated to infrastructure and bridges, which is encouraging.

Abrams commented the City Manager has reached the 6-week mark and asked Council if it's time to figure out what consulting firm will assist the Council in its City Manager evaluation process.

Winstead commented the City of Eden Prairie used a methodical process to review its city manager. He spoke with Scott Neal, former Eden Prairie City Manager, who has now started that same process in Edina. He said Neal gave him the name of a human resources professional that has done some work with Bloomington in the past. He will forward the name to the City Manager and Human Resources manager.

Verbrugge said this will be discussed at the end of next Monday's study session.

Lowman commented he's received some questions on the status of the Overlook project and asked if staff could provide the residents with a status update on that project.

Winstead said the Dwan Bluff Estates changed hands last month to Raptor LLC who has acquired the property. He said they've marketed it to different developers/home builders and are trying to figure out if they can develop and build upon it. He said they approached the Rahr developers to see if they wanted to acquire or develop that property. Rahr is looking at it but does not know if they could make the numbers work. He said the project is in flux with new owners.

Lowman asked if staff could put together some information to disseminate to the residents. Verbrugge to talk to staff.

Abrams asked in what format the City's business survey will be disseminated and how will the businesses slated to receive the survey be identified.

Verbrugge replied that will be discussed by staff in the morning. He said Community Services Director Diann Kirby will be sharing the survey draft with Executive Management and then it will be shared with the Council. He said it will be a survey structured for businesses similar to the survey that goes out to the residents. This product has been used for businesses in other communities.

Carlson encouraged the Council to e-mail their survey questions to the City Manager, as this is the first time the City has engaged the business community and it would be nice if some actionable data could be gained from the survey. He said while it's good to acknowledge the businesses that are doing well, it would be good to know which cities could use some assistance from the City.

Winstead said the Council should see the draft survey so it knows what questions it wants asked.

**11 ADJOURN**

Mayor Winstead adjourned the meeting at 7:56 p.m.

Barbara Clawson  
*Council Secretary*