

Winstead asked about the new pension liability reporting requirement in 2015 and if it takes into account the funding of it so people realize it's not a liability.

Mol replied the estimated net pension liability is the total pension liability calculated by PERA's actuarial provider. Deducted from that is the cash and investments that are held in trust for pension purposes. This is a net number. No change in how it works; it's just that number needs to appear on the balance sheet.

Winstead reminded the public the external auditor works for the City Council; not City staff. He thanked Mol for his work and good summary results.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to accept the City's Comprehensive Annual Financial Report for calendar year 2014.

3 CONSENT BUSINESS

- 3.1 Normandale Community College Dietetic Program Approve Renewal Agreement**
- Requested Action: Approve renewal of an Agreement with the Normandale Community College Dietetic Program.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the Agreement as presented in the agenda materials.

- 3.2 Duane R. Gregg Estate; 9300 Colorado Road; Variance Front Yard Setback**
- Requested Action: Adopt a resolution approving a variance to reduce the front yard setback from 50 to 39 feet for an existing twin home at 9300 Colorado Road subject to the conditions listed in the staff report.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to adopt a resolution approving the variance as described above for Duane R. Gregg Estate at 9300 Colorado Road subject to the conditions listed in the staff report. (R-2015-64)

- 3.3 Budget Adjustments for Shell Space Transfer**
- Requested Action: Adjust the budget accounts for the transfer of \$120,000 from the Internal Service Fund and South Loop Fund to the Facilities Fund, as approved by Council on May 4, 2015, for the renovation of the empty shell office space in Civic Plaza.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the budget adjustments as listed in the agenda item.

- 3.4 Performance Measurement Reporting Requirements Program - Adopt Resolution**
- Requested Action: Adopt a resolution authorizing the Local Performance Measurement Program Reporting Requirements Program for 2015.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to adopt a resolution authorizing the reporting requirements for the Local Performance Measurement Program. (R-2015-65)

- 3.5 Prepaid Debit Card Agreement**
- Requested Action: Approve the U. S. Bank contract for prepaid debit cards at no expense to the City for a period of three years.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the U.S. Bank contract as described in the agenda item.

- 3.6 Intercity Regional Trail Parcels Approve Agreement and Restrictive Covenants** Requested Action: Approve Agreement and Restrictive Covenants for the Intercity Regional Trail parcels.
Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the Agreement and Restrictive Covenants as described above.
- 3.7 Appoint Election Judges Adopt Resolution** Requested Action: Adopt a resolution appointing eligible individuals to serve as election judges for the 2015 Primary and General Elections.

Abrams requested this item be voted on separate from the rest of the Consent Agenda, as she recused herself due to her husband being one of the election judges.

Motion was made by Oleson, seconded by Lowman, to adopt a resolution appointing election judges for the August 11, 2015 Primary Election and the November 3, 2015 General Election as presented in the agenda materials. Motion passed 6-0-1 (Abrams abstaining). (R-2015-66)
- 3.8 Cultural Arts Funding Grant Recommendations** Requested Action: Review and approve 2015 Cultural Arts Grant funding recommendations totaling \$173,000.

This item was held by Busse who recused himself from this item to avoid any appearance of impropriety or a conflict of interest.

Motion was made by Abrams, seconded by Lowman, to approve the 2015 Cultural Arts Grant recommendations totaling \$173,000 as presented in the agenda item. Motion passed 6-0-1 (Busse abstaining).
- 3.9 2015-925 Nine Mile Creek Lower Valley Bank Stabilization; Approve Plans and Specifications:** Requested Action: Approve the plans and specifications for the 2015-925 Nine Mile Creek Lower Valley Bank Stabilization project.

Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the plans and specifications for Project 2015-925.
- 3.10 Alpha Business Center Lease to Elite6Ops Minnesota, Inc.** Requested Action: Approve the lease for Elite6Ops Minnesota, Inc. to lease space in the Alpha V building until December, 2017.

Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the lease as described in the agenda item.
- 3.11 Spent Lime Removal - Approve Award** Requested Action: Award a contract for the excavation, removal, and land application of spent lime from the City's holding ponds during 2015 to Beneficial Reuse Management for the unit bid price of \$18.39 per cubic yard and a not-to-exceed annual contract amount of \$441,360.00.

Motion was made by Lowman, seconded by Oleson, and all voting aye, to award a contract to Beneficial Reuse Management as described above.
- 3.12 Curb, Gutter, and Sidewalk Contract – Approve Amendment** Requested Action: Approve an amendment to the contract with Ron Kassa Construction for curb, gutter, and sidewalk replacement increasing the not-to-exceed contract amount of \$109,650 to \$137,062.50

Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the contract amendment described above.

- 3.13 Accept Donations** Requested Action: Accept the donations as listed in the agenda item.
- Lowman stated there were too many donations to read but highlighted the organizations to which the donations were made.
- Motion was made by Lowman, seconded by Baloga, and all voting aye, to accept the donations made to various City departments as listed in the agenda materials and approve the amendments to the revenue and expenditure budgets to facilitate the appropriate use of the funds.
- 3.14 Electric Services with Peoples Electric Services - Approve Amendment** Requested Action: Approve an amendment to People's Electric Company contract to increase the labor rate 4.5% as specified in the attached letter.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the amendment to the contract listed above.
- 3.15 Approve Utility Tractor Purchase** Requested Action: Approve the purchase of a 2015 MacLean MV4 Municipal Utility Tractor from ABM Equipment and Supply under Minnesota State Contract #74412 for the total amount of \$118,467.00.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the purchase as described above.
- 3.16 Meeting Minutes City Council-Approval** Requested Action: Approve the May 4, May 18, and June 1, 2015 City Council Regular meeting minutes.
- Two corrections were noted. Oleson requested a correction be made to the May 18th minutes regarding how times he said he's driven by the Al Farooq Youth & Family Center. It should read, "He's driven by AFYFC 30 times in total and as many as 6 times during the month of Ramadan."
- Winstead also requested a correction be made to the May 18th minutes during the discussion of the Neighborhoods and Housing item. His statement should read: "There are 11 styles out of 12,000 ramblers in Bloomington so it would be good to identify a family type."
- Motion was made by Lowman, seconded by Abrams, and all voting aye, to approve the May 4, May 18, and June 1, 2015 City Council Regular meeting minutes as amended.
- 3.17 Regular and Treated Road Salt - Approve Purchase** Requested Action: Approve the purchase of up to 2400 tons of regular road salt at cost of \$68.55 per ton under State of Minnesota Contract #77774 and up to 4,800 tons of treated road salt at a cost of \$82.47 per ton under State of Minnesota Contract #77778 from Cargill, Inc.
- Motion was made by Lowman, seconded by Oleson, and all voting aye, to approve the purchase as described above.
- 4 PUBLIC COMMENT PERIOD**
- 4.1 Response to Prior Meeting's Public Comments** City Manager Jamie Verbrugge stated Sally Ness spoke at the last Council meeting and reported some graffiti. He reported graffiti continues to be a high priority for the City's Maintenance Division. The City tries to remove it within one to two working days of notification.

Verbrugge said the Smith Park area closes at 10 pm nightly or at 11:30 pm on those nights during which the athletic field has been scheduled for use past 10 pm. Officers will enforce the City's ordinance on park hours if violations are being observed. He said Environmental Health will address five of her items and will follow up with enforcement actions if appropriate. He said her continuing concerns regarding the Joint Use Agreement (JUA) with the Al Farooq Youth & Family Center (AFYFC) are issues that have been addressed previously to the City. That's a disagreement between Ms. Ness and the City in terms of the process for the JUA. There will be no more response on that issue.

4.2 Public Comment

Mayor Winstead opened the public comment period for anyone wishing to address the Council on any matter not on tonight's agenda.

Speaker #1: Sally Ness, 8127 Oakland Avenue South
She again commented on Smith Park and the JUA. She asked Council to take another look at what the neighborhood has endured. She showed photos of cars with their headlights shining into resident's windows at 2 am and 4 am. She said the new JUA allows parking in the Smith Park parking lot all night. She brought up issues regarding an easement, irrigation of the athletic field, athletic field lighting, noncompliance issues, and the number of parking spaces. She continued to address the issue of parking throughout the night. She said all parks fall under the City Code and read the definition of a park from the Code. She talked about the Conditional Use Permit approval Al Farooq Youth & Family Center (AFYFC) received from the Council on May 2, 2011. She said AFYFC Director Hyder Aziz told the City Council he would follow the City Code. She quoted from the June 4, 2012 City Council minutes, an e-mail from Larry Lee dated August 10, 2012, an e-mail from Chief Potts to City Manager Mark Bernhardson dated August 15, 2012, and the August 20, 2012 City Council study meeting minutes. She said the Planning Commission tried to change the City Code in February 2013 and quoted a Randy Quale memo dated March 8, 2013.

Winstead requested staff address Ness's statements that the Smith Park parking lot is considered part of Smith Park.

Verbrugge said part of the issue in terms of the ongoing discussion is that the information being presented is from three years ago, prior to the adoption of the JUA. He said there is a JUA in place now that has addressed these issues.

Winstead commented it's been reiterated and clarified several times.

Speaker #2: Danielle Garbina, 9225 2nd Avenue South
She said her nanny says the programs at Smith Park are amazing but there was an incident in the Smith Park parking lot whereby her nanny's car got blocked in by a patron of AFYFC. She showed photos of her nanny's car that was blocked in and of the traffic in the middle of the parking lot. She said her nanny had an appointment that day but couldn't leave the parking lot. She asked what would have happened if her son had an allergic reaction. Her nanny wouldn't have been able to leave the parking lot to get to medical help nor would an emergency vehicle have been able to get to her son.

Winstead requested the City look into the double-parking violation and determine what can be done in that situation.

Verbrugge stated Ramadan began last week so it's very busy at the AFYFC. He said Dar Al Farooq is working with City staff to try and manage the parking issue during Ramadan and the upcoming EID celebration.

Speaker #3: Greg Joseph, 8315 14th Avenue South
He desired to speak to the petition that is being circulated and the lawsuit recently filed against the City and City Attorney.

Winstead stated both of those items are related to organized collection.

Verbrugge reported there is currently active litigation regarding organized collection so any response regarding this at a subsequent meeting will be limited.

Mr. Joseph continued by showing some of the petitions they've gathered to date opposing organized collection. He said they submitted some language for a petition back in March but didn't get any response from the City Attorney's office. After some months they did receive a response from the City Attorney's office that said the petition was pre-empted by State law. He said they haven't received much cooperation to date including the public hearing for organized collection that was scheduled on the same night as the two local high school graduation ceremonies. He reported he's gathered thousands of signatures from Bloomington citizens in just over three weeks. He said the signatures have been collected by volunteers. He said they're not speaking on behalf of any organization or trash hauler. He said a Summons and Complaint have been served against the City so it will have to spend the public's money to prevent the public from commenting or voting on this matter in the fall. He said this is about following the law and following the will of the people. He said all they ask is to let the people vote on it.

Mayor Winstead closed the public comment period.

**5 LICENSING DIVISION:
PUBLIC HEARINGS**

**5.1 New On-Sale
Intoxicating Liquor
License Application –
Radisson Hotel
Bloomington**

Requested Action: Approve the on-sale intoxicating liquor license for Solana Beverage Concessions LLC, doing business as, Radisson Hotel Bloomington at 1700 American Boulevard East.

Motion was made by Carlson, seconded by Baloga, and all voting aye, to approve the liquor license for the Radisson Hotel.

**5.2 New On-Sale
Intoxicating Liquor
License Application –
Holiday Inn
Bloomington**

Requested Action: Approve the on-sale intoxicating liquor license for HI Bloomington LLC, doing business as, Holiday Inn Bloomington at 1201 West 94th Street.

Winstead asked if this was a separate license from the hotel restaurant. Licensing Examiner Doug Junker replied the hotel owns the restaurant.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the liquor license as described above.

**5.3 New Therapeutic
Massage Enterprise
License –
Radisson Hotel
Bloomington**

Requested Action: Approve the therapeutic massage enterprise license for Solana Beverage Concessions LLC, doing business as the Radisson Hotel Bloomington.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the therapeutic massage license for Radisson Hotel Bloomington.

**6 DEVELOPMENT
BUSINESS: PUBLIC
HEARINGS**

**6.1 Adawe Jimale; 9440
Penn Avenue; Variance
Front Yard Setback**

Requested Action: Adopt a resolution of denial of a variance to reduce the required front yard setback from 10 feet to 0 feet for two retaining walls less than four feet in height at 9440 Penn Avenue South for Adawe Jimale (owner).

Senior Planner Londell Pease presented the staff report. He described the variance requested for the retaining walls and used an aerial to describe the location. He said this property used to be an issue for Environmental Health staff but the new owner has worked hard to remove the former violations associated with it. The owner widened the driveway and extended the retaining walls into the 10-foot setbacks. He explained the existing wall was legally nonconforming so if it's changed, it must meet the City Code. He said the City wants to maintain a 10-foot right-of-way (ROW). He said there is no issue with the 4-foot walls inside the setback but there is with anything located within the City ROW. The driveway can only be 15 feet wide due to the existing curb cut. It could be widened with a permit from Hennepin County. Photos were shown of the Class IV historic structure. Staff doesn't believe a wall is necessary in order to widen the driveway but the Planning Commission (PC) found it difficult to make four of the six findings. He said staff and the PC recommend denial of the variance for the reasons stated in the staff report.

Winstead asked what needs to occur for the variance to be granted.

Pease described the "no variance" remedy.

Baloga asked what Hennepin County had said.

Pease said staff contacted Hennepin County about obtaining an encroachment agreement for the wall within the ROW and the County said one wasn't necessary, as it isn't a greater encroachment, just an encroachment in a different area.

Carlson commented the owner could still reasonably access his property without the existence of the retaining walls and asked if it was done without the City's knowledge.

Pease said this is a case of the applicant not understanding the Code. He said the driveways on Penn Avenue should be 20 feet wide for public safety purposes and it would be achievable.

Busse asked about cost implications to construct a wall with historic character to complement the existing wall.

Pease had no idea but said the hardest thing would be to find more field stone. The applicant was not in attendance.

Oleson said the historical status of this home includes the wall. This applicant is a fairly new owner of this property and is just trying to upgrade the home. He said the home is not a protected home under the Historic Register. His concern is the narrowness of the sidewalk, as the traffic comes close to the curb. He wanted to register a concern for pedestrians on the sidewalk in this area.

Carlson said the applicant can achieve the same goal by accessing their property without the retaining wall. For all the reasons cited by the PC and brought forth by staff, the grade can be reduced down within the setback areas to achieve a safer condition without the retaining walls.

No public testimony was received.

Motion was made by Baloga, seconded by Lowman, and all voting aye, to adopt a resolution denying a variance request to reduce the required front yard setback for a retaining wall under 4 feet in height from 10 feet to 0 feet at 9440 Penn Avenue South for not being able to meet the Findings. (R-2015-67)

6.2 Three Rivers Park District; 8800 Chalet Rd.; Change of Condition Lighting System

Requested Action: Amend Condition #21 in Case 10917C-13 for Three Rivers Park District (TRPD) at 8800 Chalet Road to allow for the installation of a trial ski hill maintenance lighting system for the 2015/16 season as described below:

To reduce the impacts of ski slope lighting on surrounding property owners, by November of 2016, Three Rivers must install a secondary slope lighting system for maintenance purposes (including grooming and snow-making). The secondary slope lighting system must direct all lights up-slope and must be wired to allow multiple maintenance zones. After hours and except for emergencies, general slope lighting must be extinguished and lights for maintenance purposes may only be used when maintenance is underway in a particular maintenance zone. For the 2015-2016 ski and snowboard season, Three Rivers may install a pilot maintenance lighting system designed to reduce impacts on surrounding property owners through the use of shields, louvers, or angled fixtures rather than by directing all lights up-slope. In February 2016, Three Rivers may apply again to amend this condition and remove the up-slope lighting requirement for maintenance lighting. The City Council will review any future amendment to the up-slope lighting requirement based on the pilot lighting system's success in reducing impacts to surrounding property owners.

All other Conditions of Approval from Case 10917C-13 are to remain the same.

Planning Manager Glen Markegard presented this staff report on this change in condition requested by the Three Rivers Park District. He presented a series of slides that covered the following:

- Chalet approved on December 16, 2013
- Concern – Glare from existing lighting on ski slope
- Agreement – Separate Lighting System for Maintenance Facing Up-Slope: City and Three Rivers came to an agreement. After reviewing what would be required to make a second redundant lighting system, Three Rivers said they can provide the same benefit in a less expensive manner.
- Photo of New Fixture: Would have shielding and can be angled so the light source would not be visible outside of the property but would like the slope.
- Three Rivers' Proposal: Pilot project during 2015/16 ski season to reduce glare. Observe the results after one year. If it's successful, Three Rivers would apply next year to amend the condition on a permanent basis next year.
- Poles with New Fixtures: Shown in red on the aerial.
- Lighting Conditions: Normal operations, grooming, and snowmaking.

- Normal Operations: Aerial photo. Lights in red would not be as apparent.
- Normal Operations – Some Lights Shielded: Photo.
- Grooming Conditions: Only lights to be on would be the new fixtures with a shield. Snow would still be illuminated but not the light sources.
- Snowmaking Conditions: New fixtures would not have a glare but other lights would be turned on and would still be visible.
- Recommendation: Amend the condition to allow the one-year test during the 2015/16 ski season.

Winstead asked if the new lighting is tested this year, would the condition automatically get amended.

Markegard replied it would be up to Three Rivers to apply for an amended condition. The Council will decide, based on public input, whether or not to make the change permanent. He said if Three Rivers doesn't apply to amend the condition permanently, the existing Code language would apply and Three Rivers would be required to put in the up-slope maintenance lighting.

Busse asked what will be tested to determine if it's successful.

Markegard said there isn't a good way to objectively measure glare. The pilot project would allow the City, Three Rivers and the neighbors to look at it and determine if it's performing or not in dealing with the glare issue.

Busse asked how staff will base its findings. Will they go out and observe?

Markegard said staff will go out and observe to determine if it's successful. He said people will be able to comment if there is an application to make it permanent.

Baloga said he attended a neighborhood meeting with the residents in the affected area during which Three Rivers demonstrated the effect the lighting will have on the neighborhood. There was universal acceptance by the neighbors at the meeting. As a result, he will support it.

Abrams said the graphics were helpful but suggested it would be helpful if there existed photos taken by neighbors, skiers or HSSA personnel of the glare as it existed last season from different vantage points to compare with photos that could be taken this coming season with the new lighting from the same vantage points and under the same snow conditions, etc. Those would provide some good before and after photos.

Council had no more questions.

Speaker #1: Kevin Velgersdyk, 8621 Chalet Road

This particular expansion was delayed two years ago by the City and the Council and now Three Rivers is asking for an amendment. He said Three Rivers is not concerned with the neighbors or nighttime ski hours. He's concerned about glare in the middle of the night. He doesn't want Three Rivers to evaluate the pilot project. He said Three Rivers was going to have a sign to indicate whether or not the parking lot was open but it ended up being a highway sign. The sign has been running ever since. He said they now have a shopping grade parking lot in his neighborhood. He wants the ski hill to operate within the ordinances everyone has to live with. The snowmaking machines have doubled and he can't sleep now due to the drone of those machines. He said Three Rivers tore up their parking lot before Memorial Day and didn't do anything until after Labor Day.

Velgersdyk asked how the lighting will be evaluated and said Three Rivers should not be a part of it. He asked if the lights will be on in sections or all the time. He asked that the sign to the parking lot be smaller than the highway sign that's there now and that it not be used for advertising. He requested snowmaking only occur up until 11 pm and said it could start at 6 am the next morning. He expressed concern with the Chalet area during the off-season with talk of eight special events occurring at the Chalet during that time. He'd like the number of events reduced to a certain number each month; not just for a total of eight per year. He doesn't want to fight through a crowd to get to his driveway during the summer. He again asked how this lighting will be evaluated if this amendment is approved.

Winstead said when this lighting plan went through, lights were going to be turned on and turned off for normal ski use, certain lights on for grooming, and certain lights on only for snowmaking that is part of the conditions. He said those should still be conditions as part of the lighting plan while this is just to try a new glare-reducing fixture for a year.

Markegard asked TRPD if the south hill lights will be on when snow is being made on the north side and will snow be made all over the hill at one time. Do you make snow all over the hill all the time?

Beau Carlson, Three Rivers said they are trying to make it efficient. Yes, snow will be made all across the hill. It concentrates it during a shorter period of time. The most intensive grooming time occurs when they're in the terrain park located in the center of the hill where the features are located. They can shut off the north and south hill lights when grooming the terrain park. They need to groom the terrain park every night. Their goal is to get all of the intensive snowmaking done in the first couple of weeks of the season.

Winstead asked if the snowmaking hours could be limited.

Carlson said snowmaking is a very intensive effort and it would not be efficient to stop it and restart it again. It's better to try and get it completed all at once but within a shorter time period.

Winstead questioned the needs of the operation and said it sounds like snowmaking needs to be done within the nighttime hours at the beginning of the season.

Abrams said grooming runs until 6 or 7 am so there is only an hour or hour and a half break between grooming and daylight. Sunset is around 4:32 pm and the lights come on so it appears to be non-stop if you're a neighbor. She hopes these lights will work and that it will provide some relief for the neighborhood.

Carlson asked if a lighting consultant at Three Rivers' expense could be provided to evaluate the new lighting.

Winstead said the City has a lighting expert on staff that could opine if the new fixtures are meeting the expectations presented. It's something the City needs to be serious about to ensure the lighting is meeting the goals to lessen the impact to the neighborhood.

Carlson encouraged Three Rivers to hire an expert to evaluate the results of the new lighting fixtures measurable numbers in a report.

Winstead said he hopes the actual photos will be a representation of what Three Rivers has said it will be. We have the actual and are looking for improvements with the new fixtures. He acknowledged snowmaking needs to be done for extended night hours early in the season. That is something that won't change.

Lowman asked about the possibility of forming an advisory group of citizens to work in concert with City staff to provide another perspective on an issue that affects a group of residents.

Motion was made by Baloga, seconded by Abrams, to approve the temporary amendment of a condition to allow for the installation of a trial lighting system for a period of one year or the 2015/2016 ski season with an evaluation to occur at the end of the season to determine whether or not it was successful. No vote was taken at this time.

Baloga said the ski hill is in his district and the neighbors in his district have been active and vocal. They will be the first gauge on the effectiveness of this trial lighting.

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

7 TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS

None.

8 ORDINANCES: PUBLIC HEARINGS

8.1 Alpha B - South Loop, Investment, LLC; 8100 26th Ave.; Amend Master Sign Plan

Requested Action: Adopt the privately initiated ordinance to amend the City Code as attached to the staff report.

Markegard presented the staff report on the application by South Loop Investments LLC (owner of the Alpha B site) to privately initiate an ordinance to amend the City Code to allow the master sign plan flexibility process to be available in the entire South Loop District, thereby making it available for the Alpha B property. The ordinance will allow flexibility in the sign standards with regard to the number, size, location, and type of sign within the South Loop District Plan to be approved with reasonable discretion by the City Council through the master sign plan process outlined in Section 21.501.06.

Winstead commented Council will have discretion as this plan moves forward.

Oleson said it makes sense to broaden this to the entire South Loop District.

Busse asked if there have been any other requests for this signage flexibility besides the AC Hotels by Marriott.

Markegard replied staff has heard from McGough on the Bloomington Central Station site specifically for the Hyatt Regency Hotel.

Speaker #1: David Peters, Terratron (Developer)

He said the AC hotel will provide a unique, European style experience. They'd like to highlight the experience with signage that comports with the South Loop's unique character. He confirmed the unique character will be compatible with the Mall of America (MOA). He said it's very important to complete the vision of AC Marriott.

Winstead said it was the cube sign that brought this to the Council. He doesn't see this as being problematic.

Carlson said the flexibility could be restricted to just the AC hotel site but it adds to the overall comprehensive strategic approach the City wants to see in the South Loop District. It makes sense to expand the signage flexibility at this time and throughout the entire district.

No public testimony was received.

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt an ordinance referencing the Master Sign Plan in the General Provisions, revising the Class VI Sign District Standards and revising the Master Sign Plan process, thereby amending Chapters 19 and 21 of the City Code. (O-2015-17)

8.1.1 Resolution Directing Summary Publication City Code Master Sign Plan Standards

Requested Action: Adopt a resolution authorizing summary publication of Ordinance # O-2015-17.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt a resolution authorizing summary publication of Ordinance # O-2015-17. (R-2015-68)

8.2 City Code Amendments - Beekeeping and Animal Structures

Requested Action: Adopt an ordinance amending Chapters 12, 19, and 21 of the City Code regarding beekeeping and animal structures.

Planner Jason Schmidt presented this staff report on the continuance of the Council's discussion on May 18th regarding amendments relating to beekeeping and farm animal structure standards. He said based on that discussion, the newly revised language relating to location standards for structures, enclosures, and beehives now reads as follows: "... must not be located in the front yard and must not be located closer to a property line along a street than the principal structure is from the same street unless set back at least 50 feet from the property line adjacent to the street."

Schmidt's presentation included an explanation of the existing standard and the proposed new standard. He provided lot examples using a residential corner lot and a non-residential lot. He said they are adding beekeeping to non-commercial districts. In summary, he stated beekeeping will be added as an accessory use in the non-residential districts. Beekeeping will be removed from the definition of "farm animal" with the creation of its own definition for bees and beekeeping. He explained the beekeeping standards to be added to the non-residential districts.

Winstead said it appears staff has addressed the elements from the last meeting and asked if there was concurrence by the Council.

Oleson asked about a definition for bees, as he said people might be thinking about hornets and wasps. He said it might be a good idea to have a community dialogue about the value of honey bees.

No public testimony was received.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt an ordinance that includes the following City Code amendments: Modifying and adding definitions to the Animal Code (12.91); modifying standards for chickens, farm poultry, farm animals and bees (12.115, 12.116, 21.302.05); modifying and adding definitions to the Zoning Code (19.03); and adding beekeeping as accessory use to all zoning districts except RO-24 and RO-50; thereby amending Chapters 12, 19, and 21 of the City Code. (O-2015-18)

8.2.1 Resolution Directing Summary Publication City Code Beekeeping and Animal Structure Standards

Requested Action: Adopt a resolution authorizing summary publication of Ordinance # O-2015-18.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution authorizing summary publication of Ordinance #O-2015-18. (R-2015-69)

8.3 Revision for Open Burning Permits

Requested Action: Earlier this spring a company submitted an open burning permit to remove thatch and control cool season exotic species for a shoreline restoration project on Izaak Walton Pond. The burn was proposed in an area where residential structures are less than 600 feet from the burn area. Based on the restrictions listed in City Code Section 6.35 (f) (1), the permit was denied. The Fire Marshal’s application of Code requirements was not well received by the company or the property owner.

Research by the Fire Marshal was done to find out the origin of the 600-foot restriction. Based on a statement from a long-time Department of Natural Resources (DNR) employee, the 600-foot restriction was a dimension used by a now retired supervisor at the DNR. It apparently was not put in writing or based on any national code, standard or governing entity. By amendment, the State does not incorporate the section in the International Fire Code pertaining to open burning restrictions. Instead Minnesota defers to local ordinance and DNR requirements. A contractor has to first obtain a permit to burn from the DNR. They then submit the approved DNR burn permit, a burn plan, and permit fee to the City for approval of an open burning permit. The Fire Marshal’s office, who is the listed Bloomington Fire Warden, reviews the documentation for compliance.

The DNR burning permit application still references the Minnesota Uniform Fire Code which hasn’t been in effect in Minnesota since the 2000 International Fire Code was adopted by the State, Minnesota Rules 7005.0705 to 7005.0805 and Minnesota Statute 88.16.

Based on the above information and knowledge gathered from outside sources, staff recommends Bloomington change Section 6.35 (f) (1) to read: “The location of the burning shall not be within 200 feet of an occupied residence other than those located on the property on which the burning is conducted.” Reducing the distance to 200 feet will provide a safe buffer between other structures and the burn area while allowing the removal of evasive species that are harmful to the environment.

Fire Chief Ulie Seal said an amendment to Chapter 6 reduces the existing setback from 600 feet to 200 feet for agriculture, lake shore, and prairie burnings.

Abrams applauded Chief Seal’s willingness to look back at history and explore whether or not the existing ordinance should be amended to something more lax.

Seal said the credit goes to Assistant Fire Chief Laura McCarthy.

No public testimony was received.

Motion was made by Carlson, seconded by Oleson, and all voting aye, to adopt an ordinance amending Section 6.33, 6.34, and 6.35 of the City with regard to open burning permits. (O-2015-19)

9 OTHER: PUBLIC HEARINGS

9.1 CenturyLink Franchise Application

Requested Action: Adopt a resolution establishing findings of fact regarding CenturyLink’s legal, technical and financial qualifications to be granted a franchise agreement to provide cable television service to Bloomington residents and authorize staff to negotiate a proposed franchise with CenturyLink.

Communications Administrator Janine Hill introduced Brian Grogan, Attorney from Moss & Barnett who was hired by the City to prepare a report on CenturyLink’s application and qualifications for a cable television franchise in Bloomington. CenturyLink does not propose to offer service to all Bloomington residents immediately. Its cable TV service, which is delivered through a fiber-optic network, would only be offered to neighborhoods where its network is already in place. Future expansion of their network depends on the success of its Prism TV service. Grogan explained, “the Cable Act promotes competition in cable communications and minimizes unnecessary regulation that would impose an undue economic burden on cable systems.” He reported only one applicant responded to the City’s notice of intent to franchise cable television. He presented a series of slides regarding the Cable Act, the existing Comcast franchise, and CenturyLink’s legal, technical and financial qualifications. He said customers will have to purchase both broadband and cable TV in order to receive their video product. He said the City Council is being asked to adopt a resolution establishing findings of fact regarding CenturyLink’s qualifications and authorize City staff to negotiate a proposed franchise with CenturyLink that will come back to the Council for approved.

Winstead said Comcast provides cable TV and internet services. CenturyLink will be delivering TV programming over an internet connection and asked why is that part of a franchise agreement whereas the internet side of the Comcast relationship is not.

Grogan said, “the City is not permitted to condition, restrict or in any way encumber the award of a cable franchise on the provision of broadband.” However, per CenturyLink’s application, they will not be offering cable TV without customers also subscribing to internet service; it’s their policy.

Winstead asked if TV programming delivered over an internet service is a franchisable scenario. In other words, if Comcast were to back off on cable and start delivering content over its internet connection that would be a franchisable scenario.

Grogan said that is correct as the law stands today. With regard to their financial qualifications, he is not aware of any state or federal law guidelines that require a competitor meet certain criteria. He said no financials were provided by the applicant QBSI as a standalone company, but rather they were provided financials for CenturyLink, Inc., the parent company. He said the report concluded CenturyLink is legally, technically, and financially qualified to operate a cable system in Bloomington.

Grogan said tonight's action would authorize staff to negotiate an acceptable franchise with CenturyLink, which will come back to the Council for review and consideration. He said CenturyLink has yet to provide their marked up copy of franchise agreement.

Baloga asked Grogan if he was aware of any financial commitments made between QBSI and CenturyLink guaranteeing they will provide a certain amount of capital or capital as required.

Grogan replied that information hasn't been requested. There are two alternatives to addressing the parent/subsidiary relationship. Get a corporate guarantee from CenturyLink, Inc. backing the obligations of QBS or ensure there is adequate security in place should the City need those resources to guarantee QBSI's performance. Those discussions haven't yet occurred with CenturyLink.

Baloga said to become a customer of CenturyLink's Prism's service, one must have internet service but not telephone service. (Grogan concurred.) He also asked if CenturyLink will be putting in new twisted pair to help gain speed and quality into actual residences from data points from around the city where they have fiber optics located.

Grogan said if they're awarded a franchise, they'll be able to provide cable service to a large percentage of Bloomington residents because they have already have facilities in place that meet or exceed the 25 megabyte speed. They will actively be improving their architecture and network to drive fiber deeper into the neighborhoods to improve their speeds to make sure more and more customers will be able to receive it.

Busse asked why the City received more financial information regarding the Comcast merger than is available on CenturyLink's franchise request.

Grogan replied the financial information provided by CenturyLink provided a better financial picture than did the merger information so didn't believe it was necessary to go beyond what was provided.

Oleson asked if the cost to the City for reviewing a second provider would be borne by the applicant.

Grogan replied yes; there is an application fee in escrow the City could use to offset the cost associated with these reviews and negotiations. He said it should be a revenue neutral item as it relates to out-of-pocket costs.

Oleson asked if CenturyLink will be providing six public access stations, including high definition.

Grogan said they provided CenturyLink with a Word version of the Comcast franchise agreement requesting they review and return it. In other jurisdictions, CenturyLink has matched all PEG obligations. He said they're able to provide high definition to all PEG channels if that is what is delivered to them.

Winstead asked if Grogan was aware of anything that could impact the City's infrastructure and environment should Council move this forward,

Grogan said if this resolution is adopted, it gets CenturyLink to the next step. He's not aware of any issues that would jeopardize the City's infrastructure.

Winstead explained with franchise agreements, the City has no input into the rates that could be charged by the existing franchise holder or CenturyLink.

Grogan said once the City grants a competitive franchise agreement where there are two wireline providers, it's deemed effective competitive under federal law and rates can no longer be regulated. He said the FCC has taken away all rate regulation authority from cities nationwide.

Speaker #2: Tyler Middleton, Vice President, MN CenturyLink Operations
He said the headline is Bloomington residents will have a choice and competition in cable providers for the first time in 30-35 years. CenturyLink is in 14 markets across the country and they have 250,000 customers. They're a newcomer to the cable TV industry. Their products run over IP TV or the internet protocol. He talked about the benefits of CenturyLink as a provider and how they'll deliver a high quality picture. He talked about the services they can provide. They're trying to leverage as much of their existing infrastructure as possible; a combination of their fiber backbone and the twisted pair network to the home. They're in the process of building a one gigabyte network, 1,000 megabytes higher. The goal is to continue to allow having the video service available over that legacy network. He said they have the financial wherewithal and employ 44,000 people around the world. He said they are more than ready to bring their product to the market. He reported they're currently negotiating with 63 cities across the Twin Cities Metro Area but Minneapolis was the first city to adopt an ordinance to put a new franchise in place. He said on June 1, they quietly turned on Prism service in the city of Minneapolis for those households that met certain criteria.

Presenter #2: Patrick Haggarty, CenturyLink Director of State Regulatory
He said per Minnesota State statute, there are two elements that require the local franchising authority to impose a level playing field requirements of a second entrant into the marketplace and a required build out procedure. He said CenturyLink has taken the position that the FCC and the 621 Order pre-empts Minnesota state statute. He said CenturyLink agrees to be in parity in terms of what the incumbent collects for PEG fees and remits back to the City. With regard to gross revenue, CenturyLink is in agreement they will meet the same requirements of the franchise fee as with Comcast. They'll meet the revenue of the current provider. They propose an initial build out of a percentage of households over an initial period of time. At that time, CenturyLink will look to see if they've met that initial obligation of the build out requirement. They'll look to see how successful they've been in the marketplace. They are confident in their position of the 621 order. They agree to the indemnification language for the City in the event anything should come forward.

Winstead said what's before the Council tonight is the CenturyLink application and their finance qualifications. He said the build out requirements will be part of the next step.

Council had no more questions.

Grogan directed the Council to take public testimony after which the Council can close the hearing or leave it open. Once it's closed, the Council needs to consider the resolution and approve it or request it be modified for a subsequent meeting.

Speaker #1: Zavier Bicott 5000 West 109th Street
He said CenturyLink is looking to bring in competition and choice to Bloomington residents. He said he switched to CenturyLink, which offered a different cost and a different service. He asked if the Council plans to section off certain areas of Bloomington for certain Comcast providers or CenturyLink providers for just phone or internet.

Winstead said sectioning off portions of the City is what is being proposed by CenturyLink at this time. They desire to set up in certain sections of the city in which they're able to provide cable at this time. He said going forward all providers will be able to lie on top of each other to provide service. There will be competition within the cable and internet services.

Motion was made by Baloga, seconded by Busse, and all voting aye, to close the public hearing to consider a CenturyLink cable television franchise application.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to adopt a resolution regarding Findings of Fact with Respect to the Proposal of Qwest Broadband Services, Inc. d/b/a CenturyLink, Inc. for a Cable Communications Franchise and authorized staff to negotiate a proposed franchise with CenturyLink. (R-2015-70)

9.2 Delinquent Assessments, Public Nuisance, and Administrative Civil Citation

Requested Action: Approve an assessment hearing for delinquent water, sewer, storm drainage and recycling bills, weed/brush removal charges, tree removal charges, abatement or removal of public nuisance charges, and administrative civil citations according to the schedule provided in the agenda item.

Verbrugge explained this is a standard process for handling delinquent accounts that need to be accounted for. He said a public hearing will be held on the accounts the City plans to special assess.

No public testimony was received.

Motion was made by Busse, seconded by Baloga, and all voting aye, to set the date for the above-listed assessment hearings per the agenda item.

10 ORGANIZATIONAL BUSINESS

10.1 City Council Policy & Issue Update

Verbrugge reminded Council of the "by invitation only" event put on by Magney Mingle at the Izaak Walton League regarding the Minnesota Valley State Trail. This event is not open to the public. He requested they contact staff of their intentions to attend. He said Mayor Winstead is planning to go.

Council had no policies or issues to discuss.

10.2 Organized Collection Decision Item

Requested Action: Adopt a resolution adopting organized collection of residential solid waste material in Bloomington based on the proposal submitted by the existing residential haulers.

Mayor Winstead stated the public hearing on solid waste collection was conducted on June 1, at which time, it was indicated Council would consider making a decision on June 22.

Public Works Director Karl Keel explained the issue of organized collection has been raised on and off for many years. The fall of 2012 included preparation of a solid waste management plan. The formal process to consider organized collection began in October 2014 and is laid out in State statute. It includes negotiation of a contract with the seven current haulers in Bloomington providing residential services. The City Council formed an Organized Collection Options Committee (OCOC), which was charged to look at other ways toward organized collection.

Keel said on May 4, 2015, the Council directed a public hearing to be held based on the negotiated proposal from the existing haulers, which was the basis for the public hearing held on June 1. There was lots of public testimony at that June public hearing and a lot of input has been submitted in writing. He said the haulers' proposal was presented at the public hearing. Before the City Council tonight is a resolution to approve organized collection in Bloomington based on the proposal from the haulers. The next steps involve bringing back a final contract with the haulers in the fall as well as a number of ordinance changes to finalize the implementation of organized collection. He said organized collection service is anticipated to begin in the spring of 2016. He stated representatives from Foth, the City's consultant, are also in attendance and available for questions.

Winstead said the Council put forth a series of questions the night of the hearing and was provided a follow-up response to those questions, which will be reviewed now for the benefit of those in the audience and watching at home.

Keel said a summary of those questions was put into a memo which was included in Council's packet and is available on the City's website. He presented the following information based on the questions presented to staff by the City Council on June 1.

- City's estimate of what residents are currently paying:
A 275-person voluntary survey was used to gain an understanding of what residents are currently paying. Staff concurs it is not a statistical survey but it was the City's best attempt to gain some rate information. It was a voluntary survey of invoices from 275 Bloomington residents. Council asked staff to get rate information from the existing haulers but many of them were reluctant to provide it, as they consider that to be a trade secret. Staff asked the haulers to provide the City with summary information from their billing systems. Many of them would not provide that either due to the sensitive nature of the information. The few that would have provided it were concerned that not all of the haulers were willing to do so. He said the best information available to staff is the invoice information from the 275 households. Staff believes it's a reasonable estimate of what people are paying in Bloomington.

Winstead asked Keel if he and the consultants believe the 275 surveys provide a reasonable estimate on what other communities' that have a system similar to Bloomington have reported regarding what their residents are paying.

Keel replied yes and said the Minnesota Pollution Control Agency (MPCA) did an exhaustive study of rates of organized collection. Bloomington's rates from the study are very similar to the rates portrayed in the MPCA Study. They are a reasonable representation.

- What about the additional fees charged by the City?
The City's average rate of \$18.49/month is inclusive of all fees. No extra fuel charges or environmental fees are proposed. He said the numbers shown by the City are all inclusive and include all hauler charges and any surcharges the City would apply to run the system.
- How can people compare their invoices to what has been proposed by the City?
The City's website includes a calculator to determine what their fee would be under organized collection as compared to their currently monthly cost.

- The City's add on cost:
A \$1 fee has been estimated to be the cost of an additional fee beyond what the haulers are paid to run the organized collection system – the cost of billing and customer service on the City side. It was originally estimated to \$.68 but it was increased to \$1 to be sure all costs on the City side were covered. Staff believes \$1.00 will cover the estimated cost to administer the billing.

Winstead said that estimated amount came from the haulers in how they would reduce their amount if the City were to take over the billing.

- Does the proposed yard waste subscription fee include unlimited service for those who subscribe to that service?
Staff went back through the data. It includes unlimited service for those who subscribe to the yard waste service. An additional service that is optional for those who do not subscribe to yard waste service, is \$4 per bag. For those that do subscribe, it will be an unlimited amount of yard waste collection.
- Use of compostable bags.
They're required under State statute.
- What about residents who are out of town and want to turn off their service?
A service hold item is included in the proposal. Whether it's a 3 or 4-week hiatus will be negotiated in the final contract.
- Who will take phone calls and guarantee service?
There will be one phone number for all people and customer service issues. The City will handle the billing and the haulers will handle the customer service issues. Specific requirements for customer service and levels of performance will be included in the contract. Some performance requirements will ensure sureties on behalf of the contractors; performance bonds or deposits the City, the City could use if the performance standards are not being met. It will be a 5-year contract with an option to extend it for another 5 years. The issue of customer service and performance will be reviewed at the time the City is considering a contract extension.
- What happens with existing contracts?
Will be handled in two ways. A contract with the consortium will include a requirement of the haulers that they cancel the current contracts. Haulers will do so because they must be licensed in the City to provide trash service. The City will not issue new licenses this year or next year to any haulers that are not part of the consortium. That will be handled through the contract and licensing procedure.

Winstead said if someone has a contract that goes beyond the implementation date for a City-organized collection plan, the individual hauler will credit that customer or adjust the rate.

- Impact of heavily loaded garbage trucks on residential streets.
Council was provided with a list of references to a variety of different studies. When staff was asked how much would be saved by the City on road maintenance, staff was very reluctant to estimate that amount. He said the damage done to roadways by heavily loaded vehicles is much more than by standard vehicles in the neighborhood.

Winstead said the wear of a garbage truck on a local street is 1,000 times the amount of damage of a single vehicle on a residential street.

Keel said it's not easy to estimate roadway life. There are many factors to consider. It's difficult and staff was not willing to make a guess at what the extension of roadway life would be by moving towards organization collection. That's why staff couldn't measure a reduction in the budgets by moving towards organized collection.

- Will the garbage go to the Hennepin County burner (HERC)? Yes. It will go to a facility that converts the waste into energy. Proposal includes the actual disposal costs are passed through directly based upon the rates being charged at HERC. They do go up slightly but are fairly stable and reasonable.

Winstead said the rates now being paid per ton are all included in the rates being proposed.

Keel concurred and said it's based on the current rate of \$49/ton. If that rate increased, it would reflect a very modest increase in what is charged to the home.

- Statistics involving crashes by heavy vehicles and truck traffic: City doesn't keep track of accidents specific to trucks. It tracks accidents involving commercial trucks. They searched for accidents involving garbage trucks. They discovered 2-5 minor incidents per year; none of them involving injuries. The safety record involving garbage trucks is quite good. Safety would be improved if the number of garbage trucks were reduced.
- Curbside Cleanup Program: Years ago City crews did that work. Proposal includes provisions for the Curbside Cleanup Program beginning in 2017. In years past, City crews picked up the materials in dump trucks and hauled it to a landfill. The City doesn't currently have that type of equipment available anymore so it would be very expensive to do it in-house. Now the materials picked up have to be separated, etc. and the City doesn't have the expertise to do it. It is best handled by the solid waste community and by the haulers.

Winstead asked if there was a way for residents to opt out of organized collection if they have another way of legally getting rid of their waste. Or, if an elderly person has a neighbor who is willing to combine the garbage with theirs. Any opt out provision for that?

Keel replied yes. Provisions will be available to opt out of organized collection but will be used very sparingly under strict conditions using an application process. Criteria would be built into the contract to allow it but very seldom would people qualify for that program.

Council had no more questions.

Winstead stated it's time for a decision on the negotiated terms for an organized solid waste collection system.

Carlson thanked those that participated in the process through submission of their comments and their public testimony. He thanked Karl Keel and Deputy Director Jim Gates for all of the time they put into getting all of the information on the City's website. He thanked the haulers for their efforts in working with City staff. He read the following quote from a January 12, 2015 memo from the haulers to the City Council: "While the haulers generally prefer the subscription system and the opportunity to freely compete, the new State statute has been embraced by the haulers as a way to achieve municipal goals while preserving business that has been hard earned; often over multiple family generations." He appreciated the residents who made it very clear in terms of the available choices. It's the idea of free markets vs. the freedom to choose a "quality of life" issue as well as improvements to the environment. He's anxious to hear the comments from the other Council members.

Oleson said when the concept was first brought to the City Council, it was stated labor, fuel, and other operating costs would drop significantly with organized collection. He questioned how the quality of service would be affected. He promised he would get very good information and work hard to understand all points of view. He said getting good information has been very difficult due to the rumors. He held up a copy of a mailer that was sent out early on, which he said revved up the emotions in a portion of Bloomington's population that is not happy with government. That became clear when a lot of people opposed to organized trash collection hollered on the phone and used strong language in e-mails. He said a negotiated process takes time before the final answer is known. As was indicated tonight, some elements still need to be finalized. He fully understands the right for residents to choose their own hauler. He also understands those who are not carrying signs feel they have the right to have a different environment on their street and lower garbage rates. He realizes some people already have a cheaper rate because they've played one hauler against the other. He mentioned an elderly person at his church who doesn't have e-mail but told him the City needs to have organized trash pick up. He recalled another conversation with someone who was very interested in communicating his opposition to organized collection on the phone, but the tone of that caller's voice led to a productive, hour-long conversation. That person said someone came to his door with a petition but he chose not to sign it because he didn't have enough information. He suggested everyone should do that. He said every American has a right to their opinion. Some people will play the system to get a cheaper rate while others will pay much more because they don't want to have to bargain with their hauler. He said an employee from one of the trash companies expressed concern for his job. It currently takes him six hours to do his route but said it will be reduced to two hours with organized collection. He said it makes sense less labor and fuel costs will make it cheaper for the haulers. He will support organized collection and will support the right of the people in Bloomington to go through the process of putting together a petition to request a referendum but said that process needs to follow the law. If it does, it will go out to the people. He encouraged everyone in the room and watching on TV to seek good information, which includes being open to hearing what someone else has to say. The information needs to be good. He held up the postcard that was mailed from an organization in Roseville. Someone from another city telling him what to do bothers him. He reported one of the Bloomington haulers is a member of the group that sent out the postcard so cautioned everyone to be careful when getting information and to be open to other points of view.

Busse said this is a Public Works issue. Organized collection is in place in cities across Minnesota and across the country. In many cities, it's a municipal service but said the City isn't going there. He said 72% of the cities nationwide have organized collection. Thirty percent in Minnesota have it (approximately 250 cities). He read off a list of them in the Metro area. He said it works in all of those cities. It's effective and it works. He said the agreement before the Council meets the social, economic and environmental goals set forth by the Council. There will be fewer trucks on the streets. Everything staff has been presented has been challenged and questioned except for what Keel said about trying to quantify the amount of damage caused to the streets by garbage trucks. A logical assumption is that twenty-one trucks on the street cause more damage to the street and give off more emissions into the air. Twenty-one trucks are greater than three. It's a logical assumption. He was puzzled by people who said making decisions using logic is wrong. He searched the Internet and found the 271-page Minnesota Pollution Control Agency study that was conducted in 2009. He read from page 1 of the Report Summary: "Organized collections consistently result in lower overall costs to consumers, recycling capture rates are typically higher, it reduces noise pollution, road wear, air emissions, and fuel consumption." He said organized collection works and it's successful and that's why he supports it. He said Bloomington Schools hosted a community discussion on racism on May 9 and only 40 people attended. Another community discussion was held at a church about homeless youth and only 50 people showed up. He said it's disappointing to know so much time, effort, and angst has been spent on a Public Works issue; on trash collection. He said, "we have more to do in this community and we can do better."

Baloga thanked Busse for articulating what trash is – it's a utility. He said it's important to point out there are many people here and the Council has heard a reoccurring theme. During the public hearing, there were more people against organized collection than were for it in the room that night. He said the Council represents all the people in Bloomington; not just the people who were there on June 1 or those who are present tonight. He's heard from many who are opposed to organized collection and from many who are strongly in favor of it because they've realized what the benefits are to the community; not just to themselves. He said he serves all Bloomington citizens and proudly supports organized collection and will vote in favor of it.

Lowman said he's given this subject a lot of thought. The Bloomington Sustainability Coalition asked him if he would support a measure to reduce road wear and car emissions even if it meant eliminating a choice. He responded to that survey; yes and no. He said while something should be done to reduce wear and tear on the streets and the emission of pollutants and greenhouse gases, choice is an important function of economic democracy. At a Council meeting, he wanted to place the organized trash question on the Citizens' Survey but the Council discussed it and decided it didn't make sense to put an incomplete proposal on the Citizens' Survey as it wasn't complete and it could create a lot of confusion. At another Council meeting, he attempted to propose a solution to meet the sustainability goals and the free choice market enterprise, which he believes are core values in the city of Bloomington. However, after talking to the City's Legal staff, he said State law only leaves the Council with three choices: do nothing, agree to a hauler consortium proposal, or a government-managed Request for Proposals take over. He said his proposal was not an option, a solution, or a legal possibility. Although frustrated by this process, he said the consortium hauler proposal was created to reduce noise, provide safety for youth/vulnerable citizens, reduce carbon emissions and wear and tear on the roads.

Lowman said he, as someone who believes in free choice, supports those goals but also believes sustainability can be accomplished through a free market system. He's been a strong proponent of organics. He said keeping Bloomington taxes down is of primary importance, which was listed as a top issue in the latest Citizens' Survey. He said everyone values their home and takes great pride living in the city of Bloomington. He said the City needs "policies that reflect our values and the pride we have in our city today and tomorrow. We do better when we work together." He encouraged residents to take this new step toward a more sustainable Bloomington while looking for ways to take another step toward free market enterprise. He believes people value sustainability and choice as core principles in Bloomington.

Abrams said she will be voting against organized collection per the statements she made back in May. She hasn't changed her mind.

Winstead said he came to tonight's meeting ready to vote against the negotiated proposal because he didn't believe it was good enough in terms of price or that the contract term was beneficial for the City. It wasn't because he wanted the system to stay in its current form. He said this issue has been defined as a Public Works issue and a utility issue and he agrees with that. He said cities are charged with ensuring these services are provided to the community. He said Bloomington has had an open system that is to a degree an organized system on a very limited level. The industry, however, has evolved to lots of truck traffic and a pricing structure that is hard to define. He said, "the issue of having the ability to choose is something of value but loves how the Public Works issue of picking up trash in the community has been hijacked to a question of freedom. Freedom to choose." He said that was kicked off by a piece put out by a group called Haulers for Citizen Choice. He said people's ability to choose is important but it needs to be weighed against the benefits of an organized system that will reduce the truck traffic, environmental impacts, and road wear. He believes elected officials are obligated to move the city in the direction of reducing costs for the citizens of Bloomington. He is going to support organized collection going forward even though he was on the fence wanting to take it to more of a bid process to get the price down and the term in place. He said it's a Public Works issue ... not something that necessarily should, could or needs to go to the people for a vote. He's heard the public's message and now the public is hearing the Council's message. He will support it because it's in the best interest of all of the citizens of Bloomington; not for those who put a value on "choosing" above the value of benefits to the city of Bloomington. The Council has done this per State statute.

Motion was made by Baloga, seconded by Oleson, to adopt a resolution adopting organized collection of residential solid waste material in Bloomington based on the proposal submitted by the existing residential haulers. Motion passed 6-1 (Abrams opposing).

Baloga offered his thanks to Karl Keel and Jim Gates in particular for going above and beyond to answer phone calls and e-mails; most of which were pleasant but many that were not.

11 **ADJOURN**

Mayor Winstead adjourned the meeting at 10:35 pm

Barbara Clawson
Council Secretary