

Regular Meeting
Monday, July 6, 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 pm.
- 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 **25th Anniversary of
Signing of the
Americans with
Disabilities Act
Proclamation** Requested Action: Read and present the Recommit to Full Implementation
of the Americans with Disabilities Act (ADA) Proclamation.
- Mayor Winstead read and presented the proclamation to Bloomington
resident John Schatzlein who has been a long-time advocate for the rights of
persons with disabilities in Bloomington.
- Schatzlein moved to Bloomington in 1982 because of the available one-level
housing he desired due to his disability. He wanted his children to attend
Bloomington schools because of their handicapped accessibility, which
allowed him to attend their activities.
- Winstead announced the recent passing of Bloomington resident Bob Peters
who was very instrumental in getting ADA laws passed not only in
Bloomington but throughout the state of Minnesota.
- 2.3 **MSP Long Term
Comprehensive Plan.** Requested Action: No action required. Receive a presentation by the
Metropolitan Airports Commission (MAC) staff updating the Council on
MAC's MSP Long-Term Comprehensive Plan (LTCP).
- Community Development Director Larry Lee introduced MAC staff Neil
Ralston, Airport Planner and Dana Nelson, Manager of Noise, Environment
and Planning who jointly presented the update to the Council. Lee also
recognized Lisa Peilen, Bloomington's MAC Representative and Chad
Leqve, MAC Director of Environment who were available for questions.
- Ralston's portion of the presentation focused on the purpose,
recommendation, goals, passenger and aircraft operations forecasts, and
development alternatives. Nelson's presentation focused on the
environmental considerations; noise in particular. The information presented
indicated passenger flights will not be slowing down in the future, the airfield
is adequate to handle future passenger demand without expansion, but
there will be some parking and curb front deficiencies pre-2020.
- Council questioned what goes into MAC's fiscal viability review and how
historical weather patterns affect future runway operations projections.

3 CONSENT BUSINESS

- 3.1 Amendment 3 to Maternal, Infant and Early Childhood Home Visiting (MIECHV) 2 Program Agreement with Minnesota Department of Health**
- Requested Action: Approve Amendment No. 3 to the Maternal, Infant and Early Childhood Home Visiting 2 (MIECHV2) Grant Agreement with (MDH).
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve Amendment No. 3 to the MIECHV2 Agreement with the Department of Health as presented in the agenda item.
- 3.2 BUSH LAKE OASIS 2 Preliminary and Final Plat**
- Requested Action: Approve the Preliminary Plat and adopt a resolution granting approval of the Final Plat of BUSH LAKE OASIS 2 located at 9020 West Bush Lake Road and 9000 Veness Road subject to completion of the conditions listed in the staff report, receipt of the title, necessary documents and deposits, and a review of all documents by the City Attorney.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval of BUSH LAKE OASIS 2 subject to the conditions listed in the staff report. (R-2015-73)
- 3.3 2013 MN Department of Public Safety Grant**
- Requested Action: Accept the 2013 Urban Area Security Initiative (UASI) Law Enforcement grant in the amount of \$50,000 to cover overtime expenses for foot patrols at the Mall of America. The effective date of the grant is from June 1 through August 31, 2015.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to accept the UASI grant as described in the agenda item.
- 3.4 Budget Adjustment Police Department**
- Requested Action: Approve a Police Department budget transfer of \$29,289 to Capital Outlay for the purchase of four (4) ALPR (Automatic License Plate Readers) camera systems to be used at the Mall of America.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the budget adjustment for the Police Department as described in the agenda item.
- 3.5 Budget Adjustment For Training**
- Requested Action: Approve budget transfers in the amount of \$50,000 to fund training for several Bloomington senior executive management staff at the University of Virginia, Darden School of Business in Charlottesville.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the transfer as outlined in the agenda item.
- 3.6 Creekside Reroofing-Award Contract**
- Requested Action: Award the bid for the reroofing of Creekside Community Center to McPhillips Bros. Roofing Co. in the amount of \$150,000 and approve a 15% contingency in the amount of \$22,500 for a total project not-to-exceed amount of \$172,500.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to award a contract to McPhillips Bros. Roofing Co. for the Creekside reroofing project in the amounts as described above.

3.7 Meeting Minutes City Council-Approval

Requested Action: Approve the January 5, 2015 City Council Study Meeting minutes.

Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the January 5, 2015, City Council Study Meeting minutes as presented.

4 PUBLIC COMMENT PERIOD

4.1 Response to Prior Meeting's Public Comments

City Manager Jamie Verbrugge addressed the issues presented by the public at the last Council meeting.

Danielle Garbina commented on the safety issue her nanny experienced with her car being blocked in at the Smith Park parking lot. He followed up with the Police Department and was told the City enforces the standard parking rules which don't necessarily apply in a private lot. He reported the Police Department mailed a ticket to the vehicle's owner for double-parking. The public was encouraged to notify the police officer on duty in the vicinity of 8201 Park Avenue on Fridays if there are issues. If the City had known who the vehicle belonged to someone at AFYFC, they would have requested AFYFC make an announcement to have the car moved. The same applies to parking in a fire lane. The officer would have asked the driver to move the vehicle. Police officers have been asked to heighten their attention to these issues and be more proactive in this neighborhood.

Regarding the comments made by Sally Ness, Verbrugge said they're similar to ones she's made in the past. He said she's frustrated he hasn't addressed them but said when the City Council approved the Joint Use Agreement (JUA) with Dar Al Farooq, the Council was satisfied the issues had been appropriately addressed within the terms of that agreement. He said Council's approval of the agreement resolved a lot of the questions that continue. Staff will continue to look into safety and operational issues. He said she informed the City of graffiti which has been removed. He said staff will continue to monitor the use or overuse of the facility and will work with the operators of the facility to ensure the uses are sensitive to the surrounding neighbors while respecting AFYFC's ability to use their operation and facility as their own.

The public comment period was closed.

4.2 Public Comment

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

Speaker #1: Sally Ness, 8127 Oakland Avenue South
She again referenced Smith Park and the new Joint Use Agreement (JUA) with Dar Al Farooq that staff believes is better than the former agreement. She said the parking issues at AFYFC are not only holiday related, such as during Ramadan. She showed numerous photos of parking issues that have occurred throughout the year. She showed more photos from June 19. She questioned why the City would allow such an intense use such as EID in a residential neighborhood. She said there was parking in the street from 81st Street past 86th Street and five blocks from east to west. She believes the new JUA was made to accommodate AFYFC Director Hyder Aziz and said it's not better. She said Council isn't getting accurate information from staff.

Winstead said the JUA addresses the use of the parking lot. He said Smith Park and the parking lot are not considered to be one and the same.

**5 LICENSING DIVISION:
PUBLIC HEARINGS**

5.1 Amendment to an On-Sale Liquor License – Applebee’s

Requested Action: Approve the temporary on-sale liquor license amendment for Applebee’s at 9601 Lyndale Avenue South during their classic car show on July 25 from 6:00 – 11:00 pm.

No public testimony was received.

Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the liquor license amendment for Applebee’s.

5.2 Approval of Interim Management Agreement – Surabhi Indian Cuisine

Requested Action: Approve the interim management agreement between Flavors Inc., and Hooked on Spice LLC, doing business as, Surabhi Indian Cuisine at 517 West 98th Street.

No public testimony was received.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the interim management agreement for Surabhi Indian Cuisine.

5.3 Special Event On-Sale 3.2% Malt Liquor License – Knights Fraternal Corp of Bloomington

Requested Action: Approve the special event on-sale 3.2 percent malt liquor license for Knights Fraternal Corp of Bloomington for the Virg Ellrich Memorial Softball Tournament to be held at the Valley View Fields, 9000 Portland Avenue South from July 18-21, 2015.

No public testimony was received.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the special event on-sale 3.2 percent liquor license for the Knights Fraternal Corp of Bloomington.

6 DEVELOPMENT BUSINESS: PUBLIC HEARINGS

None.

7 TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS

7.1 18th Avenue Parking/Resident Appeal

Requested Action: Approve the following parking ordinance modification:

Add: No Parking, 24 hours, on the west side of 18th Avenue between East 89th Street and Park Avenue; and

Remove: No Parking, 24 hours, on the east side of 18th Avenue between East 89th Street and the north property line of 8807 18th Avenue South.

Engineering Technician Brian Hansen presented the request by resident Cynthia Adams, 8806 18th Avenue South, to allow parking on the west side of 18th Avenue, which was continued by Council following their discussion on May 4. Council requested staff recommend an on-street parking change that would reduce or eliminate the situation currently occurring, investigate if any additional on-site parking could be required for the multi-family housing that is not currently meeting its parking demand, and look to determine the extent of this issue occurring at other locations in the city.

With regard to possibly requiring additional on-site parking for existing multi-family housing, Hansen said their parking is legally nonconforming and requiring them to make such modifications to accommodate greater parking demand would be a difficult task and would require additional staff time. Regarding whether this is a global issue, he said on-site parking requirements were lower when the City was being developed due to less vehicles per household. As a result, this issue is quite common especially in areas of the city developed before 1970. He said parking regulations are typically set for at least one block. He said one option is to allow parking on both sides of the street or swap the current parking restrictions. He said other options include allowing parking on both sides of the street or swapping the parking restrictions and restricting it on the west side of 18th Avenue and allowing it on the east side. From a traffic safety standpoint, he said both options are acceptable but staff recommends restricting parking on the west side and allowing it on the east side from Park Road to East 89th Street.

Speaker #1: Lois Pribble, 8818 18th Avenue South

She lives on the same side of the street as Adams and wants to support Adams but doesn't want to see the parking in front of her house taken away. She said Adams is inundated with people parking in front of her house. She commented on the survey the neighbors received from the City. Per the City's parking policy, it requires 50% of the respondents to agree to a change and said they have more than that. They don't want to lose parking in front of their house. She said there are fourplexes across the street and the behavior of the residents living there has resulted in lots of police calls. She asked the Police for the number of police calls received in the last two years from residents living on 18th Avenue. She reported there were 134 police calls for service. She said that's excessive and asked where else in Bloomington does that happen. She said there are six fourplexes on her street and the rent might be low. Either way, she said it's excessive police necessity. She said the Bloomington Police Department (BPD) is very professional. Now she's being asked to park on their side. She said the police need those parking spaces. She said the neighbors haven't complained about the character of their neighborhood. She believes there are too many tenants in the fourplex across from Adams because there are too many cars in the area and the tenants park in the street. She asked the Council to explore another solution rather than denying her access to her curb. She said she's not comfortable parking across the street and asked why not open the parking to both sides of the street. She said the street is wide enough for cars to be parked on both sides per the City's policy. She asked the Council not to follow staff's recommendation of restricting parking on her side of the street. She said the fourplex tenants tend to park in the street. She said one building is for mentally ill residents and is operated by Common Bond. She added they should screen their tenants better.

Winstead asked Pribble if she regularly parked in her driveway.

Pribble replied her driveway is short so she periodically parks in the street. She again asked the Council to allow parking on both sides of the street.

Speaker #2: Marilyn Hoff, 8830 18th Avenue South

She often sees police in her neighborhood. She and her husband have lived in their house for 45 years and have seen the neighborhood change. It is no longer safe to keep their windows open. She said her home is the gathering place for family so they need to park in front of her house. She would fear for them having to park on the other side of the street so asked the Council to reconsider staff's recommendation and not take away their parking. She said tenants from the fourplexes do park in front of her house but it hasn't been a problem. She would prefer allowing parking on both sides.

Speaker #3: Cynthia Adams, 8806 18th Avenue South
She reported the parking problem has gotten worse since she last appeared before the Council. She said there are cars constantly parked in front of her house. She would prefer the parking be put on the other side of the street but said allowing parking on both sides of the street would be acceptable.

Oleson read a short letter from Roberta Wilson, 8824 18th Avenue South, who made the following suggestions: Post a two-hour parking restriction from Adams' address to the corner, have the City look into the issue of too many cars for the number of drivers, or look to see if there are too many people at the fourplex.

Baloga asked if staff concurs the width of the road is wide enough to accommodate parking on both sides of the street. Hansen replied yes. From a safety standpoint, he said the width of the road would accommodate parking on both sides.

Abrams asked if there were sidewalks on either side. Hansen replied no.

Abrams asked if people walk in the street. Pribble replied yes they do.

City Manager Jamie Verbrugge said public safety is an issue for the residents and said staff can address that. He said a review of the police calls for service over the last two years revealed that trend has diminished since the beginning of this year. He said two addresses account for the vast majority of the calls adding there is heightened police attention in this area.

Baloga inquired if the City takes into account the history of police calls when renewing rental licenses.

Larry Lee said staff has a frequent call process that applies to any property, rented housing or otherwise. He said there is a committee and when a property has frequent calls, it's brought up and handled with the property owner; sometimes in the form of administrative penalties. He said the police representative to this group will look at the address to see if it justifies being handled under the frequent call ordinance.

Winstead asked if the license could be withheld due to nuisance calls.

Police Chief Jeff Potts explained there were a total of 134 calls and 25 were to police. He said two addresses on 18th Avenue account for the majority of the calls. He said a police liaison is out there trying to solve the issues. He said there's a lot of police activity but in terms of calls for service, the number is quite low. He said there is police activity in the area but not as many actual police calls.

Winstead said he senses the Council will allow parking on both sides of the street to accommodate the neighborhood. He said things have changed in the neighborhood since the fourplexes were built. It's the parking standards that appear to be the root issue. He mentioned people living down the block across from buildings that have larger parking lots don't have the same problem as in front of Ms. Adams' home. He had a hard time accepting Planning staff's response regarding changing the ordinance or forcing multi-family buildings into compliance with new parking standards. He said if times have changed and there are substandard parking lots and tenants with more cars, the City needs to enact and enforce. He said staff should look for compliance to take them out of legally nonconforming status if there are complaints like there are in this neighborhood. He'd like to see something changed; not left as it is.

Lee said the agenda cover sheet says properties with nonconforming characteristics are protected by both State law and City ordinance. The parking spaces at those properties that were approved in the 1960s are nonconforming characteristics. He said State law gives the owner certain protections that only under certain trigger circumstances will the City come back and require they comply with the current ordinance for parking.

Winstead believes the City should get to a position where improvements can be made to parking lots to accommodate the parking at those buildings in order to prevent the parking from spilling out into the neighborhood. He would like to see staff work to get this done.

Lee explained there needs to be some other trigger such as a redevelopment or a demolition and replacement of parking on the site; not just because they are experiencing legal parking in the street.

Winstead said he was troubled by that and said he doesn't want to solve problems by juggling No Parking signs.

Carlson suggested the fourplexes properly paint their parking spaces and asked if there was a way to do an analysis to accommodate more on-site parking spaces. He's not convinced reversing the parking is not a viable solution based on today's testimony but believes there are other approaches that could be taken to help alleviate this issue.

Lee reported Environmental Health staff looked at the fourplex that had a boat and an inoperable vehicle taking up two spaces and both items have been removed. He said staff could look at ensuring the parking lot at the fourplex is adequately striped.

Busse said the issue is the six duplexes on the block and each of them share the parking area. He used Google Earth to determine there are ten parking spaces in each lot. He questioned whether or not the landlords of the fourplexes are charging for their parking spots. He asked if the City could compel them to provide a parking spot to their renters with vehicles to keep their cars off the street. He said in the 1970's, the City designated No Parking on the one side of the street to discourage overflow parking onto the street. He said it makes sense to approve parking on both sides of the street and asked the City to confirm with the landlord residents at the fourplexes are not being charged for parking. They need to be encouraged to park in the lot.

City Attorney Sandra Johnson said State law changed to protect nonconforming uses and perpetuate them. Unless there is a trigger and the owner is redoing something with a building, the City doesn't have any legal authority to require they comply with this. She said with problem properties, staff looks at creative problem solving. If the behavior of residents is such that it's obnoxious to the neighborhood, or they're breaking laws, or having an excessive number of police calls, staff will ask the owner to work with the City and might suggest they restripe their parking lot, for example, rather than issuing civil fines or nuisance penalties. Staff looks at a comprehensive strategy. If there is a symptom, the City needs to figure out why it's happening. She said start a dialogue and try to work the problem through.

Winstead said he'd like the City to work to get the parking onsite because of the problems parking in the street creates for neighborhoods. He supports staff having a stern conversation with them about the issues, police calls, and tenant mix, etc. and suggested a way to alleviate some of those problems is to increase the on-site parking. He said the owners would do it voluntarily.

Winstead said justifiable variances might be needed. He said times have changed and there have been negative impacts on neighborhoods. Now the units are denser in population so there are more cars. The City needs to work to alleviate problems any way it can.

Abrams agreed with the Mayor and said there are a lot of different collaborative/appropriate and less coercive ways of trying to achieve a change in some behaviors that will take place in those properties for a long time to come. She said Council needs to address the parking situation on 18th Avenue and alleviate Ms. Adams' current situation.

Motion was made by Abrams, seconded by Baloga, to remove the No Parking, 24 hours, on the east side of 18th Avenue between East 89th Street and the north property line of 8807; thereby allowing parking on both sides of 18th Avenue. No vote was taken at this time.

Oleson suggested a study session be scheduled to review what Council just discussed. He supports the motion.

Winstead said he will support the motion to remove the parking on one side of the street to allow parking on both sides of the street. He requested Abrams provide the Council with some feedback to see if this change has helped alleviate some of her issues. He also asked Police for some information on the frequency of police calls. He'd like to keep this before the Council as a case study on what is and isn't happening with the parking.

Oleson reported some residents told him the parking was reduced to one side due to overflow parking at the Vikings game at the Met Stadium.

The Mayor called for a vote on the motion to allow parking on both sides of 18th Avenue in this segment. It passed unanimously.

Winstead again requested Adams report back if this step doesn't move the problem in the right direction.

8 ORDINANCES: PUBLIC HEARINGS

8.1 Issuance of Taxable General Obligation Parking Ramp Bonds, Series 2015 (Timed 7:15)

Requested Action: Adopt an ordinance authorizing the issuance of Taxable General Obligation Parking Ramp Bonds, Series 2015.

Chief Financial Officer Lori Economy-Scholler explained this ordinance has been discussed by the Port Authority and the City Council. It authorizes the Port Authority to issue Taxable General Obligation Tax Increment Parking Ramp Bonds for Lennar Apartments, a multi-family rental housing facility of approximately 394 units to be constructed on land located in the Tax Increment District (The "Lennar Property"). Tax increment will be the primary source of these bonds. For the primary piece, tax increment from this District and from this project will generate sufficient, if not more, tax increment to pay the debt. Staff anticipates issuing debt in August or September depending on when the project closes its financing.

No public testimony was received.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt an ordinance authorizing the issuance of Taxable General Obligation Tax Increment Bonds (Lennar Apartments Parking Ramp), Series 2015, by the Port Authority of the City of Bloomington. (O-2015-20)

9 OTHER: PUBLIC HEARINGS

9.1 Adopt a Resolution Approving the Update to Section IV of the Comprehensive Surface Water Management Plan

Requested Action: Adopt a resolution approving the updates to Section IV of the Comprehensive Surface Water Management Plan

Senior Civil Engineer Bryan Gruidl explained the proposed updates to Section IV of the 2007 Comprehensive Surface Water Management Plan are needed to ensure City storm water goals and policies are consistent with the reissued NPDES Municipal Separate Storm Sewer System (MS4) permit. He presented a few slides that explained the purpose of the Plan and why it's being amended, and provided some of the proposed amendment details. He said the City hasn't chosen to be more restrictive than the State permit. He said this is the public's opportunity to comment on the updates.

Winstead said these updates to Bloomington's Plan bring it into State permit conformance.

Carlson asked if any dialog has taken place regarding on-site water mitigations, i.e. holding ponds, rain gardens, areas where the water could be filtered on-site. He asked if a dialog is taking place between City departments to ensure these implications are being communicated to other departments where they might have implications.

Gruidl replies yes, between internal departments. He added the City was given 60 days to comment on this update.

No public testimony was received.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to adopt a resolution to update Section IV of the City of Bloomington Comprehensive Surface Water Management Plan. (R-2015-74)

Closed Public Comment Period

Mayor Winstead asked if anyone else wished to address the Council on matters not on tonight's agenda. No one came forward to speak so the public comment period was closed.

10 ORGANIZATIONAL BUSINESS

10.1 City Council Policy & Issue Update

Verbrugge had no updates at this time.

Regarding organized collection, Lowman relayed a constituent question regarding whether or not biodegradable bags will be required for yard waste or if residents can continue to use the trash receptacles they already have.

Verbrugge said the haulers have yard waste carts. With an annual subscription fee of \$6.63/month, households will have an unlimited amount of yard waste pick up available for that rate either using the bins or biodegradable bags if they choose not to use the bin. If someone doesn't want to have the monthly subscription, they can use the biodegradable bags and pay for it on an ad hoc basis. He said the biodegradable bags are a State ordinance.

Abrams asked the Manager to comment on the short-term closure on Old Shakopee Road, which is a Hennepin County road.

Verbrugge said the closure came up on short notice with no time for a mailing so signs were put up. Hennepin County and Progressive Rail need to make improvements to the railroad crossing at Rich Road and Old Shakopee Road and work is planned from July 8-15. The detours will be Normandale Boulevard and France Avenue. They will also work to improve the sidewalk crossings at the tracks on both sides of the roadway. He said Hennepin County will be modifying the signal timing at all of the signals along the route to minimize congestion and encourage use of the designated route. There will be a hard closure of Toledo Road, Rich Road, and Rich Avenue at Old Shakopee Road. He reported the City's given the okay to Met Transit to maintain their bus route and detour the closure using Oxborough Road and West 110th Street to minimize impacts to the transit users in the area. He said staff will continue to work with the Police Department Traffic Unit to minimize impacts on parallel routes (102nd Street and 110th Street).

Winstead mentioned receiving eight comments regarding Summer Fete. He said it was a great fireworks show and expressed appreciation to the businesses and individuals who donated to it.

Council had no other updates or policy issues.

11 ADJOURN

Mayor Winstead adjourned the meeting at 9:04 p.m.

Barbara Clawson
Council Secretary