

**Regular Meeting**  
**Monday, October 05, 2015**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

- 1      **CALL TO ORDER- 7 PM**      Mayor Winstead called the meeting to order at 7:00 p.m.
- Present:      Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson,  
D. Lowman and J. Oleson.
- 2      **INTRODUCTORY**
- 2.1      **FLAG PRESENTATION**      The Bloomington Fire Department Honor Guard presented the colors and led  
**BFD Honor Guard**      the audience in the pledge of allegiance to the flag.
- 2.2      **Award Sale of GO PIR**      Requested Action: Adopt a resolution awarding the sale of General  
**Revolving Fund Bonds**      Obligation Permanent Improvement Revolving Fund Bonds of 2015, Series  
**of 2015, Series 49**      49.  
**(Timed)**
- Chief Financial Officer Lori Economy-Scholler presented the staff report on this bond sale. She reported all three bond rating agencies (Standard & Poor's, Moody's, and Fitch) reaffirmed Bloomington's AAA ratings. She said the bonds were sold at a very good rate of 1.7286% for the General Obligation Permanent Improvement Revolving Bonds in the amount of \$5,355,000. The General Obligation Tax Increment Bonds for the Lennar Apartments Parking Ramp were also sold at a very good rate of 3.2884% in the amount of \$7,150,000. She said staff recommends Council accept the lower bidder of Wells Fargo with the first sale and Piper Jaffrey for the second. The City's Financial Advisor Terri Heaton and the City's Bond Attorney John Utley were present in the audience to answer any Council questions. There were none.
- Motion was made by Baloga, seconded by Abrams, to adopt a resolution awarding the sale of General Obligation Permanent Improvement Revolving Fund Bonds of 2015, Series 49, in the principal amount of \$5,355,000; fixing their form and specifications; directing their execution and delivery; and providing for their payment. It passed 6-0-1 (Lowman abstaining).  
(R-2015-100)
- 2.3      **Approve GO Tax**      Requested Action: Adopt a resolution awarding the sale of the Bloomington  
**Increment Bonds**      Port Authority Taxable General Obligation Tax Increment Bonds (Lennar  
**(Lennar Apartments**      Apartments Parking Ramp), Series 2015.  
**Parking Ramp) Series,**  
**2015 (Timed)**
- Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution approving the amount, form, and interest rates for the Taxable General Obligation Tax Increment bonds (Lennar Apartments Parking Ramp), Series 2015 to be issued by the Port Authority of the City of Bloomington, Minnesota pursuant to Minnesota Statutes, Section 469.060, Subdivision 1. (R-2015-101)

**3 CONSENT BUSINESS**

- 3.1 Student Experience Agreement with U of M School of Public Health - Approve** Requested Action: Approve Student Experience Agreement with University of Minnesota's School of Public Health.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the agreement with the University of Minnesota's School of Public Health as described in the agenda item.
- 3.2 HP Monitors Purchase** Requested Action: Approve the purchase of 55 HP monitors in the amount of \$11,000.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the purchase of monitors in the amount of \$11,000.
- 3.3 Approve Plans and Specifications 2015-905 Pond Maintenance Project** Requested Action: Approve the plans and specifications for the 2015-905 Pond Maintenance Project.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the plans and specifications for the 2015-905 Pond Maintenance Project as described in the agenda item.
- 3.4 Order Feasibility Report 2016-101 PMP Street Reconstruction** Requested Action: Adopt a resolution authorizing the City Engineer to prepare a feasibility report for the 2016-101 Pavement Management Program (PMP) Street Reconstruction Project.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to adopt a resolution ordering preparation of a feasibility report and calling for a hearing for Improvement Project 2016-101 PMP Street Reconstruction Project. (R-2015-102)
- 3.5 Order Feasibility Study Old Cedar Avenue Trailhead and Trail** Requested Action: Authorize the City Engineer to prepare a feasibility report for the Old Cedar Avenue Trailhead and Trail (Nokomis-Minnesota River Trail) (City Projects 2015-203 & 2016-204).
- Motion was made by Busse, seconded by Abrams, and all voting aye, to authorize the City Engineer to prepare a feasibility report for City Projects 2015-203 and 2016-204 as described above and in the agenda item.
- 3.6 Accept Donations** Requested Action: Accept the various donations listed in the agenda item.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to accept the various donations made to various City activities as listed in the agenda item and amend the revenue and expenditure budgets, as noted, to facilitate the appropriate use of these funds.
- 3.7 New Street Light Installation Approval - Nicollet Avenue** Requested Action: Approve a new local street light on the east side of Nicollet Avenue at the Kennedy High School driveway, over the school crossing.
- Motion was made by Busse, seconded by Abrams, and all voting aye, to approve the new local street light on Nicollet Avenue as described in the agenda item.

**3.8 Resolution Abating Debt Service Levies**

Requested Action: Adopt a resolution abating the debt service levy for the General Obligation Capital Improvement Plan Bonds, General Obligation PIR Refunding 2011A, General Obligation PIR Refunding 2013, and General Obligation PIR Series 47, 2013, as listed in the agenda item.

Motion was made by Busse, seconded by Abrams, and all voting aye, to adopt a resolution abating the Debt Service levies as described in the agenda item. (R-2015-103)

**3.9 Meeting Minutes City Council-Approval**

Requested Action: Approve the July 6, 2015 (Study) and September 28, 2015 (Regular) City Council Meeting minutes as presented.

This item was held by Oleson who wanted to clarify a comment he was said to have made in the July 6, 2015, Council study meeting minutes. During Study Item 6.2 regarding Hyland Greens, the minutes state Oleson said, “the Council needs to be upfront about what it means to be fiscally responsible – the course needs to be self-sustaining immediately.” Oleson said that’s not his expectation, as he understands the Hyland Greens Task Force will first need to do its job and will then present the information to the Council via a recommendation.

Upon further review of the audio from the July 6 study meeting, the following is provided for more context regarding Oleson’s comments and those minutes will be changed accordingly:

“Regarding vetting the viability of a private investor, Oleson said the City needs to be upfront about what it means to be fiscally responsible and should indicate the course needs to be on its own as soon as possible. He said he would be skeptical about moving forward with a private investor if they’re expecting there will be ongoing City/taxpayer revenue to assist them.”

Motion was made by Oleson, seconded by Busse, and all voting aye, to approve the July 6, 2015 (Study) meeting minutes as discussed above and the September 28, 2015 (Regular) meeting minutes as presented.

**4 PUBLIC COMMENT PERIOD****4.1 Response to Prior Meeting’s Public Comments**

City Manager Jamie Verbrugge said although he was absent from the last Council meeting, he reviewed the videotape and made notes.

He said Sally Ness expressed concern about the City maintaining the berm and fence area on the south side of 8201 Park Avenue and that it’s not the City’s obligation in the Joint Use Agreement (JUA). He said the City has been maintaining it for a couple of years. He said for more than 20 years, back to 1990 and the original agreement between the City and Lutheran High School, the City has been maintaining the multi-use field and the area south of it. He said in the JUA, the area of the fence is on Dar Al Farooq (DAF) property. He said the City has been maintaining the berm area for a couple of years. He said the City identified there is a misprint in the JUA that lists the City as being responsible for maintaining the press box on the multi-use field and lists DAF as being responsible for maintaining the multi-use field practice area. He said those two sections were transposed. Staff will contact DAF to confirm they have the same understanding. No action is necessary by the Council.

City Attorney Sandra Johnson clarified the mistake is in the Executive Summary grid summarizing the provisions of the Agreement where the two items got transposed. She said that has no real legal significance. The text of the JUA that was executed is correct.

Verbrugge said regarding the issue of exposed concrete in the berm, the City's mowing crew was aware of it and it was recently removed. With regard to Ness's concern about drainage, he said Public Works is not aware of any drainage issues impacting maintenance around the berm.

Verbrugge said with regard to the comments raised last Monday by Vi Rozek pertaining to buses and parking in general during a recent large DAF religious worship, Acting City Manager Lee reported Police, Planning Staff and a representative from the Fire Marshal's department were on the scene. He said citations were issued. Regarding the bus and whether it was parked illegally and within the Code, he said that would be a violation if buses parked on the street. He said staff doesn't see that occurring frequently enough to enforce. He said it's a complicated Code but staff will be more aware of it now that a complaint has been raised. He said police officers have a lot of discretion when issuing tickets. He said if this becomes a repeat situation whereby someone is flagrantly violating City Code, staff will respond when made aware of the situation.

#### 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  
With regard to Dar Al Farooq (DAF) and the Joint Use Agreement (JUA), she said DAF was trying to maintain the practice area. The City wasn't mowing the practice area or the berm earlier this summer. She said because DAF didn't have the capability of mowing the berm, the City started mowing it, which she said is contrary to what the Manager said. She said she's been watching the City mow the field for years but not the practice area and not around DAF's fence. She said the fence is completely on DAF'S property. She said the City has not been maintaining inside and outside of that fence. She showed a layout of the berm on the south end. She said DAF created a holding pond and put the dirt on the berm without permission. She said DAF was maintaining the practice area. She told the City Manager she was concerned with the City spending money to maintain DAF's property. She said the two documents she indicated were incorrect involved the perimeter fence and the practice area. She mentioned not receiving a copy of a conversation between the City Manager and a member of the Parks Department that should have been provided as a result of her data request to the City Manager and the Parks Department. She said the City is maintaining the berm, which it didn't do before. She questioned what else is in the berm besides the concrete. She said the City removed the concrete from the berm but it is still unknown what else is in there. She asked why the City continues to mow the DAF property, which it didn't do before. She referenced an e-mail Council received on August 3, 2015, at 7:54 pm. She said she received an e-mail from the City at 5:22 pm and was handed a hard copy of it at the Council meeting at 6:50 pm. She said at 7:54 pm Council received the e-mail she was presented last time. She said her prior concern was regarding the City taking pond soil and putting it over the field, which drains into Wright's Lake. She said Wright's Lake has PAH and wonders how the PAH got encapsulated.

Winstead requested staff respond to the appropriate questions at the next meeting.

Speaker #2: Vi Rozek, 8214 Park Avenue South  
 Her comments pertained to 8201 Park Avenue and about a program that was occurring there. She said the Environmental Health (E.H.) Division went out and cited over four pages worth of violations at DAF. She reported the E.H. Division went out again in July and compiled another two pages of outstanding violations. She said AFYFC was supposed to have a Certified Food Manager, which it didn't. She said this particular program was a federally funded children's summer program at AFYFC called the Al Jazari Institute Summer Youth & Daycare.  
 She said it's disturbing AFYFC had so much food, building dirt, and dirty equipment in their building while small children were present. She hopes the City takes a good look at that. She asked Council if it's typical for their neighborhood to look like the photos she presented dated September 24, 2015 of cars traveling up and down her street making it difficult for people to get to work and of cars parked in the street. She said the neighborhood had no idea what was going on. She said buses were going up and down her street including Bloomington school buses. She confirmed there were two police officers taking care of two entrances and exits to DAF but said a neighbor had to go out into the street and stop traffic so someone could get to their appointment. She said this goes on all the time. She asked about the next large event that will be happening at DAF. She asked if the City offered DAF other places at which to hold their big events such as Moir Park, Hyland Park, a convention center, etc. She said DAF needs a lot of room. She asked if the next event will occur during the middle of the week when school is in session and people are trying to get to and from work and appointments. She asked if Bloomington taxpayers are again paying for the lights to be turned on in the Smith Park parking lot so DAF can hold their events throughout the night. She asked if it's typical for a neighborhood to have to go through this all the time. It's been happening for over four years. She'd like to see these large events taken out of their neighborhood, as they can't sustain them anymore.

Verbrugge said he'll provide a response to the appropriate questions.

**5 LICENSING DIVISION:  
PUBLIC HEARINGS**

**5.1 New Therapeutic  
Massage Enterprise  
License; Sophia E.  
Strom de Maciel**

Requested Action: Approve the therapeutic massage enterprise license for Sophia E. Strom de Maciel, doing business as Sophia E. Strom de Maciel.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the therapeutic massage enterprise license described above.

No public testimony was received.

**5.2 New On-Sale  
Intoxicating Liquor  
License Application –  
Cantina Loreda**

Requested Action: Approve the on-sale intoxicating liquor license for Cantina Loreda MOA LP., doing business as Cantina Loreda.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the on-sale intoxicating liquor license for Cantina Loreda.

No public testimony was received.

- 5.3 New On-Sale Intoxicating Liquor License Application – JW Marriott Minneapolis MOA**
- Requested Action: Approve the on-sale intoxicating liquor license for Marriott International Inc., doing business as, JW Marriott Minneapolis Mall of America.
- Motion was made by Abrams, seconded by Oleson, and all voting aye, to approve the on-sale intoxicating liquor license for the JW Marriott Minneapolis Mall of America Hotel.
- No public testimony was received.
- 5.4 New On-Sale Intoxicating Liquor License Application – Rainforest Cafe**
- Requested Action: Approve the on-sale intoxicating liquor license for Rainforest Café Inc., doing business as, Rainforest Café.
- Motion was made by Carlson, seconded by Baloga, and all voting aye, to approve the on-sale intoxicating liquor license for the Rainforest Café.
- No public testimony was received.
- 5.5 New On-Sale Intoxicating Liquor License Application – Red Robin Gourmet Burgers & Brews**
- Requested Action: Approve the on-sale intoxicating liquor license for Red Robin International Inc., doing business as Red Robin Gourmet Burgers & Brews.
- Motion was made by Oleson, seconded by Abrams, and all voting aye, to approve the on-sale intoxicating liquor license for Red Robin Gourmet Burgers & Brews.
- No public testimony was received.
- 5.6 New On-Sale Wine License and On-Sale 3.2% Malt Liquor Application – Hyland Hills Ski Area**
- Requested Action: Approve the on-sale wine license and the on-sale 3.2 percent malt liquor license for Three Rivers Park District, doing business as Hyland Hills Ski Area.
- Motion was made by Lowman, seconded by Abrams, and all voting aye, to approve the on-sale wine license and the on-sale 3.2 percent malt liquor license for the Hyland Hills Ski Area.
- Busse asked if this license is for special events or will HSSA be selling wine and beer on a regular basis.
- Licensing Examiner Doug Junker said HHSA typically sells beer and wine in the summer. They sell from April through October and usually shut down their liquor sales in the winter.
- No public testimony was received.
- Closed Public Comment Period**
- Mayor Winstead asked if anyone else wished to address the Council on any matter not on tonight's agenda. No one came forward so the Public Comment Period was closed.
- 6 DEVELOPMENT BUSINESS: PUBLIC HEARINGS**

- 6.1 WITHDRAWN - Max Guns and Ammo 10750 Bloomington Ferry CUP** Requested Action: The applicant and property owner withdrew the Conditional Use Permit application. No action required of the Council.
- 6.2 Norman Pointe Residential 5650 American Blvd. W. Revision Preliminary Development Plan and Final Development Plan** Requested Action: Approve a Major Revision to the Norman Pointe Preliminary Development Plan and Final Development Plan for a 179-unit multiple-family residential building located at 5650 American Boulevard West, Case 5891AB-15, subject to the conditions listed in the staff report.

Planner Michael Centinario presented the staff report. His presentation included an overview of the agenda item, an aerial view of 5650 American Boulevard West, the Zoning Map showing this property is zoned C-4, the original Preliminary Development Plan (it was previously approved for an office building), proposed Preliminary and Final Development Plan (now proposes a 179-unit, 5-story multi-family building with a two-level underground parking garage), proposed walkout sidewalks on two sides, landscaping, building design, unit mix, proposed parking deviation (a 12.6 percent deviation from City Code, which staff recommends), proposed setback deviation (from 35 feet to 23.3 feet, which staff recommends), proposed storage deviation (from 179 lockers to 108 lockers, which staff doesn't recommend), Preliminary and Final Development Plan Findings, recommendation, and recommended conditions. Staff and the Planning Commission recommend approval subject to conditions in the staff report.

When asked if each unit will come with a parking stall, Centinario replied yes, per the intent of the Code. Regarding the condition relating to storage, Centinario said it's addressed under Code requirement #7: "Storage space for each dwelling unit must meet minimum requirements, as amended (Sec. 21.302.09), of which the applicant is aware. He pointed out where guests will park and how they will access the ground units facing the street. He said the main entrance or lobby area is located on the north side of the building. In addition to some surface spots, some underground parking spaces could be made available to visitors.

Speaker #1: Peter Coyle, Larkin, Hoffman, Representing the Applicant He commended City staff for being very accessible even though they haven't agreed on every point. They appreciate staff's recommendation. He introduced Mark Jepsen, Commercial Investment Properties.

Winstead asked if the applicant is in agreement with staff on the conditions and Coyle confirmed they are.

Speaker #2: Mark Jepsen, Commercial Investment Properties/Gen. Counsel He said it's a family-owned company and has been working in the Twin Cities market for almost three years. They have a current project in Woodbury. They've done almost 80 developments in the last 25 years. Today they're focused on multi-family residential in the suburban market. He commented the traffic corridors and park space in this development are positives. They anticipate the demographic in these units will range from the late 30's to the early 40's.

Carlson asked Jepsen if this development is similar to their other developments and which size units will have the walk-ups. Jepsen replied this one is not exactly the same because it will have five stories over a two-level podium garage structure. He said their construction partner will build it. Regarding the walk-ups, Jepsen said they'll be in primarily the alcove and one bedroom units. He said the idea behind the walkouts is it provides a little more suburban/urban feel. He said the primary access is into the garage.

Busse said he’s not comfortable with the requested deviation on the parking and asked if the City is deviating too much from the City’s requirements in this area only to have parking issues somewhere down the line. Jepsen said they’re comfortable with the deviation on the parking and so is City staff. He said without the access to the bus and the ability to park all of the units within the building, they like to be somewhere between 1.75-2.0 stalls per unit. Bloomington City Code requires much more than that. However, in their discussions with staff, a comfort level was reached on the proposed deviation. They believe there will be adequate parking in giving at least one stall to each unit, more to some, and another 50-70 stalls for guests. He said as part of the agreement, they do not have access to any of the parking garages on the other side so they wanted to ensure they could self-park it.

Lowman asked how the developer decided on the mix of apartment types. Jepsen said they’ve been working with a designer. He said studios and one-bedroom apartments absorb very quickly. He said it’s driven by demand. They believe there will be a demand for two and three bedroom units.

Oleson asked about a plan to secure tenant bicycles. Jepsen said there will be several ways in which to secure bikes within the development; in the garage and elsewhere.

Speaker #3: Michael Miller, ESG Architects

He said the bike storage shown in their plans shows “high security bike storage;” a lockable storage area. They can also provide bike storage above the cars. About half of their units have bike storage within their enclosed storage area and can add to if the demand is there. He said they typically number the stalls for each unit.

Centinario summarized by stating staff is comfortable with the proposed deviations, which are taken on a case by case analysis. He said staff doesn’t want universal deviations granted every time one is requested. He said a lot of it revolves around transit availability and proximity to employment. He said staff would not have been supportive of the deviation in this case had this development not been available to transit or located within a denser district of the city. Staff is comfortable with the deviations because there are multiple transit routes nearby and it’s located in a denser employment section of the city.

Busse again stated his concern for the cumulative number of deviations that have been granted over time, which could result in problems due to fewer parking spaces in this area. Centinario restated staff takes each application on a case by case basis and reviews the requested deviations. He said staff doesn’t recommend any changes to the City Code at this time.

Motion was made by Baloga, seconded by Carlson, and all voting aye, to approve a Major Revision to the Norman Pointe Preliminary Development Plan and Final Development Plan for a 179-unit multiple-family residential building located at 5650 American Boulevard West, Case 5891AB-15, for Duke Realty Limited Partnership (owner) and Invest Bloomington I, LLC (user), subject to the conditions listed in the staff report.

Jepsen said they plan to be in the ground by May 1, 2016.

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

None.

**8 ORDINANCES: PUBLIC HEARINGS**

None.

**9 OTHER: PUBLIC HEARINGS**

**9.1 Approve Assessment Roll 2015-2 Resolution**

Requested Action: Adopt a resolution approving Assessment Roll 2015-2 (2015-101 PMP Street Reconstruction Project).

Civil Engineer Bob Simons presented the staff report on the Assessment Roll for the 2015-101 Pavement Management Program (PMP) Street Reconstruction Project. His presentation included the following slides: Property owner contact, overview of the PMP Program, PMP construction techniques, pavement life with and without PMP, special assessments policy (25% for residential), project costs breakdown, and payment options.

Simons reported two property informational meetings were held at Public Works with a total of thirteen property owners represented. He said they intend to have all of the work done by October/November.

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt a resolution approving Assessment Roll 2015-2 (2015-101 Pavement Management Program Street Reconstruction Project). (R-2015-104)

No public testimony was received.

**10 ORGANIZATIONAL BUSINESS**

**10.1 City Council Policy & Issue Update**

City Manager Verbrugge had no Council policy or issue update to report.

Carlson said he followed the now withdrawn gun shop application in his District 2. He commented a lot of good questions were raised at the Planning Commission meeting and said maybe it's time for some updates to the City's codes and ordinances regarding firearms dealerships. He requested staff explore what other communities have and are doing to address firearms dealerships within their communities and bring back to Council any recommended changes or amendments. Verbrugge said staff has already had an internal conversation on this subject. He said staff could have something for Council discussion by the end of the year.

Winstead said this was a unique case. Sporting goods stores have sold firearms in Bloomington for years but this was a small shop specific to firearms. He said one-off sales for firearm collectors/ dealers have occurred in Bloomington. He said there are certain laws that permit them. He asked staff to provide information on how those kinds of sales take place. Broaden the scope a little bit to determine where transient sales can take place beyond shopping centers. He said staff is willing to look at it to see if any changes should be made to the City's zoning or codes.

Busse reminded everyone about the Bloomington City Council Candidate Forum that will take place at the Bloomington Chamber of Commerce offices on Friday, October 9 from 7:45 – 9:30 am.

Abrams asked about the enhanced Driver’s Licenses that Minnesota can’t issue. Verbrugge said it relates to the Real ID Act. Minnesota is one of only four states in the country that has chosen not to implement the Real ID Act. He said the purpose of the Act was to try and get conformity in identification across the country for travel through airports and entering federal buildings. He said the Minnesota State Legislature prohibited the State government from moving towards implementation of the Real ID Act in 2009 and the deadline for compliance is December 2015. He said Minnesota is not prepared to meet that deadline. He said residents with travel plans in January or February 2016 won’t be able to board planes with their Minnesota Driver’s License. They’ll also need a passport, which can be obtained here at Civic Plaza. State legislators are considering asking for a delay or an exemption until they can act early in the 2016 legislative session. He said the City will inform the residents on how this could potentially impact them.

**10.2 2016 Internal Service Fund Budgets Resolution**

Requested Action: Adopt a resolution approving the 2016 Internal Service Fund budgets.

Budget Manager Cindy Rollins presented the following Internal Service Fund budgets for Council approval: Support Services, Information Systems, Equipment, Public Safety Radio, Self-Insurance, Facilities & Parks Maintenance, and Accrued Benefits (plan is to meet the goal in 2021). Staff recommends adoption of the Internal Service Bund budgets.

Council had no questions.

Motion was made by Abrams, seconded by Lowman, and all voting aye, to adopt a resolution adopting the 2016 Support Services, Information Systems, Equipment, Self-Insurance, Accrued Benefits, Radio and Facility and Park Maintenance Internal Service Fund Budgets as presented in the agenda materials. (R-2015-105)

No public testimony was received.

**11 ADJOURN**

Mayor Winstead adjourned the meeting at 8:36 p.m.

Barbara Clawson  
*Council Secretary*