

Study Meeting
Monday, October 12, 2015
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- 1 **Call to Order - 6:10 PM** Mayor Winstead called the study meeting to order at 6:02 p.m.
- Present: Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson, D. Lowman and J. Oleson.
- 2 **INTRODUCTORY** None.
- 3 **CONSENT BUSINESS** None.
- 4 **PUBLIC COMMENT PERIOD** None.
- 5 **HEARINGS/PUBLIC INPUT** None.
- 6 **STUDY ITEMS**
- 6.1 **CenturyLink Franchise Presentation** Requested Action: City staff has been in negotiations with CenturyLink regarding its request for a cable television franchise in Bloomington. Moss & Barnett Attorney Brian Grogan will present the highlights of the agreement and answer questions.
- Communications Administrator Janine Hill introduced Brian Grogan who presented this item. He said the City has a deal substantially completed with CenturyLink. Council will take action on the franchise agreement in mid-November. He reminded the Council they can't approve an exclusive franchise or turn down a franchise. He said the negotiation terms with CenturyLink are very similar to the agreement with Comcast. Qwest Broadband Services, Inc. (QBSI) will deliver all of the channels to the Bloomington subscribers. The franchise term is for five years with a unilateral right of the Council to extend it for another five years, which matches up with CenturyLink's build-out proposal. They refer to "living units," which includes every structure -- commercial and residential in place of "households." He said there are living units and then there are qualified living units. A qualified living unit requires a minimum of 25 Mbps downstream. Initially their Prism product will focus on residential service.
- Grogan said Comcast is essentially built out. He said there are different criteria in the Comcast agreement vs. the CenturyLink build-out criteria. CenturyLink is authorized to provide service to all four corners of the city. They plan to build out 15% of the city within the first 24 months. They've agreed to a market success requirement using quarterly meetings. Every quarter, the market success requirement resets.
- Carlson said existing wires are random so believed it to be an equitable service approach. Grogan explained CenturyLink won't be concentrated in one area; it will be a salt and pepper approach.

Grogan explained criteria were put in so that as CenturyLink builds out, they have to target homes that are below the City's median income. They will be targeted first, which is unique language.

Baloga asked what technically does Qwest have to do to build out the system given its salt and pepper approach so that those homes that aren't qualified to get CenturyLink can get it. Grogan said CenturyLink needs to drive fiber deeper into the neighborhoods to increase broadband speed to a level that will bring all households in the area up to 25 megahertz or higher. Regarding the PEG (Public, Educational, Government) channels, all Bloomington subscribers will be able to view all of them. He said CenturyLink will match Comcast with a PEG fee of \$1.40 per subscriber. With regard to indemnification, he said CenturyLink has matched the verbiage exactly to that of Comcast but in addition, CenturyLink will take over defending this franchise should it be challenged. He said Council will act on the franchise agreement on November 16, 2015.

Busse asked where the 27.5% market success requirement came from. Grogan replied Denver and Omaha and then it became CenturyLink's corporate position.

Winstead said if CenturyLink has the potential to service 100 homes and Comcast has the same potential, CenturyLink would need to bring on 25% of them as customers. He asked how many out of 100 homes want to purchase cable. Grogan replied in the Twin Cities, Comcast's approximate market penetration is 55% or 55 out of 100, which means 28 of them have to buy CenturyLink in order for these criteria to kick in. The remainder could continue with Comcast.

Oleson asked about contract length for signing up with CenturyLink. Grogan replied there is none, as there is no language in the Comcast agreement either. Both franchises are free to try and get business.

6.2 Hennepin County District Court Complex Presentation

Housing and Redevelopment Authority (HRA) Administrator Doug Grout, Traffic and Transportation Engineer Kirk Roberts, and Brett Bauer and Michael Noonan from Hennepin County jointly presented this item on the Hennepin County District Court's Letter of Intent to construct a two-story, 28,000 square foot addition onto Bloomington Civic Plaza to replace the Edina Southdale court facility. Their presentation included an overview of the proposed project, a rendering of the proposed addition on the southwest end of Civic Plaza, a review of Hennepin County's non-binding Letter of Intent, first and second floor plans of the addition, a review of the City's parking analysis and parking options, and next steps. Highlights of their presentation included the following:

- Parties to this proposal are the City of Bloomington and Hennepin County.
- Dedicated entrance for the District Court Complex with no access into Civic Plaza.
- Addition will include space for City of Bloomington.
- Next step will be approval of the Development Agreement between the City and County for the construction of the addition.
- Construction to start late summer/early fall 2016 with anticipated completion within 12-18 months.
- Hennepin County to construct the addition and lease it from the City for a term of 30 years with four 5-year renewal options.

- City of Bloomington to provide property management services to the property with Hennepin County paying the City a proportionate share of the operating/management costs.
- Wayfinding signage will be key – County will work with City regarding appropriate signage for building entrance and parking.

Abrams inquired about the use of space in the new addition by City of Bloomington employees. Noonan stated there will be a new Sally Port that will be accessed jointly by the Bloomington Police Department (BPD), Hennepin County law enforcement, and Edina Police. There will also be space for screening for weapons.

Baloga asked what other cities besides Edina will be using this new court facility and who uses the current building in Edina. Police Chief Potts said that has yet to be determined.

Noonan said the current facility is used by the cities of Bloomington, Richfield, and Edina and the Airport. Baloga asked what will happen if Civic Plaza needs to expand in the future.

Community Development Director Larry Lee said Civic Plaza was designed to add future additions adjacent to the Art Center on the east side of the building. Roberts reviewed the City's parking analysis that was performed by Civil Engineer Amy Marohn. Staff estimates 138 spaces will be needed when both courts are in session. He said there are enough surface parking spaces to accommodate the courts' use with some minor changes to the use of the parking lot by the City of Bloomington. The City's inspector vehicles would have to park in a lot across Logan Avenue. He said there are 10-15 large events per year in the City's Art Center which could create a parking issue. There could be a shortage of 100 parking spaces on those busy Art Center days during which both courts are in session. He mentioned St. Luke's Church across Old Shakopee Road could be used as a parking location during overflow events. He said the Annex will be built and then the City will manage the overflow parking. If parking becomes an issue, Proof of Parking could be required, which would trigger the construction of additional parking. Other options for dealing with a parking shortage would be to limit the Art Center rentals, reduce the number of large events, or limit use of the Court Annex. He said construction of structured parking could cost an estimated \$3 million.

Baloga inquired as to where the structured parking would be located so as to not impinge on the views of the building. Noonan said they would probably put a parking deck on top of the current parking in the southwest corner of the parcel. He said it would be design intensive with a parking lot below a parking deck with a speed ramp.

Winstead said he doesn't want the court facility to preclude the functions that were intended to occur at Civic Plaza. Grout said the option of limiting or not using the Court Annex during those 10-15 special events during weekdays at the Art Center needs further consideration.

Lowman asked about the parking needs in 30 years if the City continues to grow as well as the Courts. Bauer said there is presently surplus court capacity within the system if the Fourth Judicial District Courts need to expand. At the same time, they want to maintain the geographic balance to make it convenient for the municipalities and the clients they serve. They are quite comfortable with what's being proposed and believe future needs can be managed.

Baloga asked about the City's needs with regard to the Public Health building, for example, that is in desperate need of replacement. He said the City's first obligation is to its employees and residents. He said until there are ways to accommodate Public Health and their potential for growth, he's not comfortable with this discussion. He asked if the City is going to be responsible for bonding the capital costs of this project.

Bauer explained 100% of the capital costs will be the responsibility of the County. They'll work with the existing parking and if there is a need to construct additional parking, it will be discussed by the City and the County regarding options and cost sharing.

Oleson touched on the benefits to City employees of having the Court Annex attached to Civic Plaza.

Baloga again stated he wants to be sure the City of Bloomington can live in Civic Plaza well into the future.

Carlson said his preference is for the County to find another site in Bloomington. He's not thrilled with the expansion onto Civic Plaza. He questioned what will happen if the construction bids come in higher than the Engineer's estimate and how can the City ensure it will be a quality addition.

Bauer said the City of Bloomington has the ultimate veto authority if it's not okay with the plans and specs. He said an oversight committee will ensure a quality building is delivered within budget.

Carlson asked if the following clause in the LOI could be deleted: "Approvals shall not be unreasonably withheld ... Grout said staff will look into it. Carlson requested the Proof of Parking be spelled out, as the City requires other developers to have it. He asked for sharper teeth in what triggers the Proof of Parking.

Abrams asked about camera monitoring inside Civic Plaza and the existing parking lot as well as the new courts facility and parking lot. Chief Potts reported there are currently 30 cameras currently monitoring the interior and exterior of Civic Plaza and they could be modified or changed as needed.

Baloga said there are other places within the city of Bloomington that would serve the County equally as well. He suggested Public Health could be added onto Civic Plaza instead of the Court Annex.

Bauer said they've been engaged in discussions with the City of Bloomington for at least one year and there is great synergy between the City and the County. If there hadn't been a meeting of the minds, they would have been sent back to the table to consider other options. He said the days of the Southdale Court facility are numbered. He said Civic Plaza is the County's preferred site but they will take the Council's feedback to the County Board of Commissioners. He said if this doesn't come together, they'll look at another location in Bloomington or in another suburb.

Lowman said it makes the most sense to build it where it's being proposed, as it would be more costly to add a Sally Port, for example, to the Public Health building if it were to be transformed into a courts facility. City Manager Jamie Verbrugge said new site development is low on the list because there are additional costs. The County is trying to minimize the development costs associated with this project. The County is on a truncated schedule. If this site doesn't work for some reason, the next step would be to find another site in Bloomington that would work. He said the closer the City can keep its police and attorneys the better.

Winstead said this discussion goes back at least three years and this has been deemed to be a reasonable solution. Now the question is, is it a desirable location for the City Council? He said another site could cost the County out of the realm of doing this. He said there are some desirable elements and some concerns with this plan but it's a feasible one.

Abrams said the City has reacted responsibly to the County's concerns. She said the next conversation brings it to a policy and strategic point. The Council has made certain decisions regarding bonding in order to make some of these things happen. She believes it's the most appropriate thing to do with taxpayer money. Verbrugge said the Letter of Intent will be before the Council for action by November 2.

Bauer said the signing off on the Letter of Intent by the County Administrator was done by resolution. He'll provide the Council with a copy of it.

Winstead said the Council needs to have a discussion on the pros and cons of adding the Court Annex onto Civic Plaza so it can come to a decision.

Busse asked how many people will use the Court Annex. Bauer replied 15,000 to 20,000 people per year; 40% of which will be residents of Bloomington.

Winstead suggested the Council set aside some time for further discussion of this matter on November 2.

6.3 Public Health Division 2014 Annual Report

The 2014 Public Health Annual Report was presented by Public Health Administrator Bonnie Paulsen and Assistant Public Health Administrator Dr. Nick Kelly.

Their presentation highlighted the Local Public Health Act, how the Division is performing, their efforts to create wellness in the community, the family health services provided to the community, the Health Development Life Course, a review of the areas of concentrated poverty by census tract 2009-2013, percent of children living in poverty, percentage of students enrolled in free or reduced lunch, health and income, Division approach, and accreditation. They stated Bloomington Public Health (BPH) provides service to Bloomington, Edina and Richfield residents. They said increased poverty moving into Bloomington is a concern as is the percentage of children living in poverty.

Winstead asked if the percentages could be converted to raw numbers. Paulsen replied 25% of Bloomington's population is non-Caucasian and 44% of Bloomington's student population is non-white. Winstead recognized Valley View Elementary and Washburn Elementary for having received School of Excellence Awards.

Lowman said he was asked about the difference in Bloomington having a public health department vs. Hennepin County's health department. Paulsen explained in 1976 when Bloomington became a Community Health Board (CHB), they took on certain responsibilities. The City takes care of them so the County doesn't have to come into Bloomington to do them. Sometimes the City works with the County to do activities. Lowman said a resident asked him if it would be cheaper for Bloomington if the County performed all of the health services. Paulsen replied the County charges for its services but State statute says the County is supposed to decrease its charge if a city is collecting tax dollars for public health. She said the taxes to the City would increase because Hennepin County isn't supposed to be charging for public health.

Busse asked how Bloomington compares to cities that don't have a CHB. Paulsen said Bloomington provides contracted public health services to both Edina and Richfield even though they each have their own CHB. Busse asked how Bloomington compares to Lakeville on a community health measurement standpoint.

Abrams mentioned she recently returned from a CHB conference and said resources primarily drives the red on the graph (those cities that can't meet the standards). She said Lakeville and Duluth rely on the county's inspector to test all of their restaurants. She said when Bloomington opted into a CHB, the cities of Bloomington, Richfield and Edina had the collective wealth to ensure high standards would be maintained. She said the work of Paulsen, Environmental Health Manager Lynn Moore, and Fire Chief Seal is unmatched in the State. Paulsen stated Hennepin County is probably not going to focus on the needs of Bloomington because it has greater needs elsewhere and as a CHB, Bloomington can focus on the needs of this city.

Baloga asked if Bloomington residents receive a tax credit related to public health services. Verbrugge said there isn't an adjusted tax rate among the Hennepin County communities based on the fact that Bloomington has public health services. Paulsen said per State statute, there should not be a levy coming from Hennepin County if the City is levying for public health.

Baloga said the Hennepin County levy is distributed the same as the City's without an adjustment for public health.

Winstead requested finance staff provide that information. He said the City is paying for public health countywide plus it's funding it to a greater degree.

Oleson concurred and said the City needs to find out if it's double paying or is paying for a service it isn't getting. He said keep in mind the founders of the CHB in 1976 said public health was a program that gave Bloomington a return on investment.

Winstead said per the 2014 financials, State and Federal grants fund all that happens in Public Health but Bloomington has an expense of \$580,000. He asked if Brooklyn Park has a \$500,000 line item in their budget. The answer was no, which indicates whatever services were provided weren't funded through other cities' tax dollars unless they have their own health department; which Brooklyn Park doesn't. He said it's a 2% of the levy circumstance.

Baloga asked about a large pocket in his district that showed 5.35% poverty and asked to see where those demographics are concentrated. Dr. Kelly said it's based on Census Tract. Poverty is low in that pocket because of Friendship Village. He asked stated poverty is low because Friendship Village is in that track.

Lee asked why that 5% track was called out. Paulsen said it's the lowest poverty percentage rate. Dr. Kelly said there are 3,598 residents; which mean 189 residents are living in poverty.

6.4 City Code Amendments - Residential Phase II

This item was presented by Planning Manager Glen Markegard and Planners Liz Heyman and Jason Schmidt. It's the second phase of updates to Bloomington's residential and institutional zoning standards. Phase II amendments focus on creating standards for specific uses in Residential districts (i.e. multiple-family dwellings, daycare facilities, senior housing, schools and colleges, etc.)

Markegard said this is Phase II of a two-part project. It was heard at the Planning Commission (PC) meeting and approved. While there are no deadlines with this ordinance, it is scheduled to go to Council for approval on October 19.

Their presentation highlighted the following slides: Overview of Phase II Residential Code amendments, minimum floor area, multiple-family (RM-100) parking placement, multi-family dwelling standards, school and college standards, congregate living facility standards, daycare standards, manufactured home parks, home businesses, residential care facility standards, management plan, and parking and storage of vehicles and trailers in residential districts.

Baloga said bees are popular but he doesn't see any change in keeping bees on residential properties so he'd like that discussed tonight. He also didn't see the storage of trash and yard waste containers in these amendments.

Winstead said bees were discussed and staff was directed to get the City to where it currently is but there was also conversation about bringing it back to a degree. He said trash might warrant more discussion.

With regard to minimum floor area, Schmidt said the only change is in the minimum floor area for apartments. He said the multiple-family dwelling standards will be moved to Chapter 21 to codify the senior citizen accessibility housing standards. Regarding lockable storage space, he said the PC discussed setting the minimum vertical dimension at 6 feet. Staff said 4 feet would be acceptable. Odor suppression systems will be required.

Heyman discussed the daycare standards.

Carlson questioned how certain hazardous materials are handled; shredded rubber for example. Heyman said it's dealt with by Hennepin County and isn't addressed in the standards. She said standards were added for manufactured home parks to mirror State law. They must be considered a conditional use and conditional accessory use. She stated the City's two existing mobile home parks do not conform to these statutes but were grandfathered in under earlier statutes.

Larry Lee asked staff to talk about the zoning of the two existing mobile home parks.

Markegard said the Southgate Mobile Home Park is zoned Industrial so it's nonconforming in many ways. Krestwood is zoned Residential so it wouldn't conform to the new density limits.

Heyman said home businesses moved from Chapter 19 to 21 and some language was cleaned up. She said fitness instruction and animal grooming are significant features of Type 1 home businesses. Type II home businesses have potential for higher impact and do require a Conditional Use Permit. She said fitness schools and cottage food operations that make less than \$18,000 annually in profit were added. They mirror State statute.

Baloga questioned how the amount of profit is determined.

Winstead questioned if it's \$18,000 of business or profit. Heyman said she believes it's profit but she will confirm that. She said animal kenneling was added to the prohibited list.

Winstead said room rentals/crash pads in a townhome complex are coming down the pipeline. He asked how they would be defined. A hotel boarding house or is it roommates. He said that is on the horizon. Markegard said a crash pad similar to the one in the South Loop District under the City's Code is considered transient lodging, which is prohibited in Bloomington today. He said a privately initiated Code amendment will be considered at tomorrow's DRC meeting to add back in bed and breakfasts as allowed uses. He said that might be initiated privately.

Busse said it's hard to imagine a 500-foot, 3-bedroom apartment and asked how that works. Schmidt said the Building Code has a minimum square footage for bedrooms. They would have to meet the criteria in the Code to move forward. He said 70 square feet is the smallest a bedroom can be within the Building Code. If someone were to come in with efficiency or a compact residential multi-family dwelling, this would open it up for them to do it if the market would support it.

Lee said for three or more bedrooms would be approaching the tiny apartment category. He asked if that's what the Council wants to allow.

Winstead said someone could take a 3-bedroom apartment and operate it as a transient house but say it's an apartment. The City needs to be clear. Can this be done? Markegard said it's theoretically possible but it doesn't mean the City has to allow it if there are concerns.

Baloga asked what drove staff to address the minimum floor area in this proposal. Schmidt said staff looked at what is happening nationally in the movement of multi-family housing. Several scenarios were presented to Council in June regarding what was happening within the Metro Area. He said many communities were establishing a flat minimum 500 square feet for multi-family units and letting the market dictate the size.

Baloga said the majority of these were focused on Minneapolis standards and a majority of those are situated around the University of Minnesota for student housing. He said that's a little different than a residential use of an apartment. He said Council needs to have more discussion on this. He sees no compelling reason to change the standards. He believes going with the proposed minimums would open the City up to more transient housing.

Abrams agreed.

Markegard said the City is starting to see some people wanting to challenge the City by going below the one and two bedroom minimum square footage standards to 100 square feet below the current standard.

Oleson said the City needs to be light on its feet about this. Have an appeal or variance process. He said there are young professionals out there that are interested in living in a smaller space and the City has to be aware of it.

Winstead asked if that's a reasonable way to go.

Lowman said he liked what he saw in South Loop in the more dense areas. He said having lived a considerable amount of time in a small apartment, going from 950 square feet of space to 500 square feet would be radical and asked if there could be a step in between. He said maybe an appeals process is the way to do it. Another concern of his was that it would also shrink storage space. On the other hand, he said it might allow more people to move into Bloomington because smaller units would be less expensive. He restated 500 square feet seems a little small.

Winstead said he could support the affordability issue but a 500-square foot three or more bedroom unit is a substandard living condition. He said the “proposed” needs to be ratcheted up.

Oleson said staff was thinking more of an “efficiency” type of idea in June and agreed a 500-square foot, three-bedroom is small. He said the market will ultimately. Schmidt said cities around the country are putting in minimums across the board; many of them using 500 square feet as the minimum. He said Council’s prior feedback was to keep the single-family at 1,040 square feet, the two-family at 960 square feet, and the townhomes alone and only adjust the minimum floor area within the apartments. He said staff could look at other communities that have established minimum floor areas for their two and three-bedroom units to determine if the average square footage is within that and also look at what’s been built in Bloomington within the last couple of years..

Winstead said this might be a trend or work for millennials but cautioned Council to think about the tails that could result if a decade from now if it becomes the housing for a large, limited income family that is overusing the space. Then it becomes a concern. Think about what happens to these, if they’re built, as they age.

Baloga said this concept might work for the east and west coasts but Midwesterners have different standards.

Abrams said her concern is moving off the 950 square feet down to 500 square feet for three or more bedrooms could be an invitation to the illegal sex trade, drug trade, and transient lodging. She asked how close to an airport or a “Mall of America” are the cities that were surveyed and what are the poverty rates in the areas where that development might be considered. She said the City hasn’t thought through who could be the end user three years from now.

Oleson said he agrees with the others about the two and three-bedroom units but was thinking of it more along the lines of an efficiency.

Winstead restated the square footage needs to be adjusted up.

Oleson asked about the Type II Home Business standards and if there was something to limit having three shifts going 24 hours per day. How technical does that wording have to be? Heyman said there is another standard that says you cannot have more than two persons working there at any one time and tighter standards for the number of customers.

Regarding an earlier question pertaining to cottage businesses, Lee said it’s \$18,000 of revenue in State law; not profit.

Schmidt provided the definition of Residential Care Facilities. He said the City is trying to codify standards the City has authority to control. He described what the City can and can’t prohibit within the single-family zoning districts for facilities with six or less persons. He said cities can’t enforce additional standards than those imposed on other permitted uses. For facilities serving seven or more persons, he said they must be a Conditional Use Permit within multi-family zoning districts. He explained what the City cannot prohibit. He discussed the standards the City is proposing within these facilities.

Winstead commented there are good managers and poor managers. It could be problematic if management is lax. He said the CUP goes with the property not with the quality of the management and asked what the City can do. Schmidt said the management plan helps lay out what's happening with the facility. City staff can talk to them but legally it can't revoke the CUP based on poor management.

Winstead said the City can keep trying and trying but with no results.

Baloga said the City used to issue Temporary CUPs and tried to get out of that process. Markegard said the City has an Interim Use Permit but people are reluctant to invest in IUP's where there is no guarantee beyond 3-5 years. He said staff was advised the City would be on shaky ground with TCUPs so they were discontinued.

Winstead said with TCUPs, staff could look at the management and make them rectify any issues. He said there are well managed facilities and others that shouldn't be in the business because they don't care and it becomes an issue for the neighborhood.

Oleson asked if their license can be revoked. Markegard said the license is issued at the State level.

In summary, Schmidt said most of the City's control is pre-empted by State statute. When problems have arisen in the past, staff has tried to work with the operators and generally achieve results.

Verbrugge said there is a spectrum of needs that are being met in different facilities. He reported the operators of the facility on Quebec Avenue worked with City staff and removed a couple of residents from that facility.

Carlson said we're off to a good start but said the City needs to include Chapter 245A to get at more intense types of activities with regard to residential care facilities. He said it would be good to know what the City can and can't do regarding these facilities within residential neighborhoods. With regard to intensity and the type of license, he asked what would be applicable in acquiring these types of standards. Markegard said staff talked about that with Legal. He said with six or fewer residents, the City can't go into that territory based on State law. The Federal Fair Housing Act is more open with regard to State laws involving seven or more residents.

Carlson said knowing that all residential care facilities are not the same but yet the City is lumping them into one category asked what can be done to manage them. He commented residents have lost faith in what the City can do and that's not fair. He said a group home isn't located in the right place when people are afraid to let their children catch the bus on the corner where one is located. He asked staff to look at some realistic ways, if not from a zoning standpoint, regarding what the City can do from a management and operational standpoint so the City can provide transparency to the neighborhoods regarding what it can and can't do.

Carlson said this is a good start but the fundamental question is should all residential care facilities be treated the same within the City's codes. Verbrugge said the State answered that question when it started mainstreaming people with developmental and mental health issues, as there is a spectrum of needs and issues. He said unless someone is classified as mentally ill or dangerous with violent behaviors, the residents and clients within those facilities have rights and protections as well. They too have the right to privacy.

Carlson asked if Sec. 245 D would be the statute to prohibit certain types of clients from single-family residential districts. Markegard said Sec. 245 D states it's an allowed use for six or fewer people. Regarding what the City can do with six or fewer residents, it can apply any code that applies uniformly to single-family residences. If a single-family home is subject to certain requirements regarding where they put their trash bins, so would a residential care facility of six or fewer. Carlson said if the State depends on the City to handle the enforcement, do they take into account the fines and history associated with a facility when it comes time to renew their license.

Lee said he was not aware of any cyclical relicensing. Chief Potts said the complaint would need to be based on the care of the people within the facility and the State would have jurisdiction. He said the City has been involved with what happens on the outside. As far as Code violations, he said there isn't a mechanism in place that would have an impact on the renewal of the license.

Carlson said the table needs to reference MN statutes that would also define those licenses (Chapter 245 A) in addition to what is there. Markegard concurred and said staff could do that.

Heyman said the Parking and Storage of Vehicles and Trailers in Residential Districts was moved into Chapter 21. Significant features of this change include: Increased the maximum vehicle height to 8 feet, added buses, flatbed trucks and skid steers to the prohibited list, and clarified the allowable locations for trailer storage. She mentioned a resident's complaint regarding being in violation of the trailer ordinance. She said that same trailer would still be in violation with the proposed changes in the ordinance. That resident pointed out some inconsistencies in the way the City regulates trailers. She reviewed the four high level options for Council's consideration. She said staff recommends Option 1 -- keeping the current standards in place, as the inconsistencies can be maintained. She reported the following numbers of orders were issued in 2014 by Environmental Health: 80 orders for oversized trailers, 85 issued for too many vehicles, 112 RV violations, and 75 for prohibited vehicles.

Winstead said this Council has taken on the subject of residential renewal and upgrading, maintenance and conditions. One way to improve those things is to be sure there aren't non-residential elements in a neighborhood. He said trailers are non-residential elements and that's one of the things that affects neighborhood attitude.

Oleson said the City needs to look at this from more than just an enforcement standpoint.

Busse said he's comfortable with staff's recommendation to leave the inconsistencies in place. He doesn't want to completely ban trailers so leaving it as is is a reasonable compromise for now.

Abrams agreed.

Winstead said this is one area that will remain to be an issue within the Code.

Baloga asked about the number of vehicles allowed to be parked at a residence. Heyman replied four vehicles are allowed. Baloga said he would provide Lee with an address of a resident who is in violation of this ordinance.

Markegard reviewed the requirements regarding storage of trash containers. Bloomington has no requirement that they need to be screened from the public street.

Baloga said he'd like the Council to have a discussion about that, as it gets complaints about the unsightly appearance of neighbors' garbage cans. He said outdoor storage is permitted within the city and asked Council if it wanted to change that. Should the trash containers be required to be out of sight? Winstead said that would involve the need for the City to screen its containers at City facilities.

Abrams asked for some scientific research or direction from a Public Health perspective regarding food that is stored inside a container in a garage.

Winstead said the weekly trash pickup is predicated on the fact that the organics needs to be disposed of weekly.

Verbrugge asked Council if they wanted staff to bring this issue back.

Baloga suggested prior to next April.

Winstead said the Council needs to understand how this affects people and asked if they wanted to look at it further. He said he's willing to take a look. He said it's an issue that is heavily weighted on the easterly side of the city. They are the neighborhoods Council has talked about wanting to maintain and renew and sometimes it's these smaller types of issues that make a difference.

Abrams said the Council has bigger issues.

Lowman wanted to take a look.

Oleson said given the pushback on organized collection, perhaps it would be better to hold off on this one for a while.

Baloga said trash containers have to be stored inside in Edina.

Verbrugge said staff will set aside some time in January to identify the issues Council would like to discuss further.

Busse said there's a financial discussion that needs to go along with that.

Regarding bees, Baloga asked if they needed to be as restricted as other farm animals.

Oleson doesn't think they do.

Winstead said there was a meaningful discussion and testimony about bees in the past and should probably be discussed again in the future.

Council directed staff to bring forth the ordinance at the October 19 Regular Council meeting highlighting the new numbers for the minimum unit sizes. If Council doesn't like the new numbers, the item could then be continued. Bees to be a separate hearing.

6.5 2016 Special Revenue and Enterprise Fund Budgets

Requested Action: Staff to present the 2016 Proposed Special Revenue and Enterprise Fund Budgets. No action required.

Budget Manager Cindy Rollins presented the fourteen budgets.

Baloga asked about the spike in contractual police revenue funds in 2015. Rollins replied there's been sustained additional contractual police overtime at the Mall of America since the video.

Verbrugge asked if there was some kind of allocation for Fiscal Disparities going into the revenue line. He said no and it has to do with the coding. Rollins explained when the City gets its percentage of the levy, it gets siphoned into a Fiscal Disparities line item and a tax item. It's just the way the County designates which portion of the levy they are sending us. It's all tax levy. It is not Bloomington's portion of Fiscal Disparities.

With regard to theater tickets, Baloga suggested a two-tier pricing schedule for Bloomington vs. non-Bloomington residents.

Abrams said she would prefer the Art Center Board consider ways to enhance their revenues looking first at a different ticketing structure or let the Council know the philosophy behind it.

Winstead said it's an interesting concept that might have merit.

Regarding Aquatics, Abrams asked if the City should issue a communication to the owners of the Aquatics operation to say what is the plan for mitigating or at least holding still the losses that are projected and what are the plans to improve the situation. Rollins said staff is looking at an increase in the tax levy and is looking at providing more capital. They are looking at a \$1.50 increase in the daily rates as it's modeled out which achieves positive working capital in 2022.

Winstead said Council approves the rate charged for this facility. He said it's heavily subsidized with property taxes and is posting a loss. The direction has been set that this will be a subsidized amenity. He asked what can be done to improve this situation.

With regard to Golf, the budget is predicated on golfing operations continuing at Hyland in 2016. The task force is to begin its work on Wednesday.

Baloga asked that no capital be spent on Hyland Greens.

Winstead said it needs to stay open in 2016, as the task force's direction will not yet be known. A \$225,000 Strategic Priority item is being budgeted to make the numbers work in 2016.

6.6 2016 Draft Council Meeting Calendar

Requested Action: Review the proposed City Council 2015 meeting calendar as presented.

Verbrugge said staff looked at the national holidays and several religious observances to avoid Council meeting conflicts.

Baloga asked if the high school graduation dates were taken into consideration. Verbrugge replied they were not. He said if any Council members are planning to attend the National League of Cities Conference in March, there could be a shortage of Council members at the March 7th meeting. He said if that's the case, staff will look to see what items are on that agenda. Council had no issues with the proposed 2016 Council meeting calendar.

7 ADJOURN

Mayor Winstead adjourned the study meeting at 10:16 p.m.

Barbara Clawson
Council Secretary