

Regular Meeting
Monday, October 19, 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** City Manager Jamie Verbrugge announced Item 9.3 has been added to the agenda. A public hearing on an ordinance establishing a Creative Placemaking Commission was noticed in the newspaper but the item did not make it into the City's electronic agenda. As a result, he suggested the Council open the public hearing to take testimony on it but then continue the hearing to the November 2, 2015, Regular City Council meeting.
- 2.1 **FLAG PRESENTATION** Mayor Winstead led the audience in the pledge of allegiance to the flag.
- 3 **CONSENT BUSINESS**
- 3.1 **Preliminary and Final Plat of FLETCHER PAISLEY ADDITION** Requested Action: Approve the Preliminary Plat and adopt a resolution granting Final Plat approval of FLETCHER PAISLEY ADDITION located at 11147 Harrison Avenue South.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval of FLETCHER PAISLEY ADDITION, subject to completion of the conditions listed in the staff report, receipt of title, necessary documents and deposits, and a review of all documents by the City Attorney. (R-2015-109)
- 3.2 **Adopt Resolution Accepting Permanent Easements 8705 & 8707 Beard Rd.** Requested Action: Adopt a resolution accepting permanent public utility easements in Lots 19 and 20, Block 1, SHEPHERD HILLS FIRST ADDITION at 8705 and 8707 Beard Road.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt a resolution accepting permanent public utility easements in Lots 19 and 20, Block 1, SHEPHERD HILLS FIRST ADDITION. (R-2015-110)
- 3.3 **Preliminary and Final Plat of NORLING ADDITION** Requested Action: Approve the Preliminary Plat and adopt a resolution granting Final Plat approval of NORLING ADDITION located at 7303 Auto Club Road and 11400 Pennsylvania Avenue South.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval of NORLING ADDITION, subject to completion of the conditions listed in the staff report, receipt of title, necessary documents and deposits, and a review of all documents by the City Attorney. (R-2015-111)

- 3.4 Acknowledgment of Proposed 2016 Overlay Streets** Requested Action: Acknowledge receipt of the list of streets to be included in the 2016-102 Pavement Management Program (PMP) Overlay project.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to acknowledge receipt of the list of streets to be included in the 2016-102 PMP Overlay project, as listed in the agenda item.
- 3.5 Approve SHIP 4 Grant Agreement with MDH** Requested Action: Approve a Grant Agreement with the Minnesota Department of Health (MDH) for the 2015-2020 State Health Improvement Program (SHIP).
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve a Grant Agreement with the MDH for the 2015-2020 State Health Improvement Program (SHIP) as described in the agenda item.
- 3.6 Approve WIC Grant Agreement with MDH** Requested Action: Approve a Grant Agreement with the Minnesota Department of Health (MDH) for the 2016-2020 Supplemental Nutrition Program for Women, Infants and Children (WIC Program).
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve a Grant Agreement with the MDH for the 2016-2020 Supplemental Nutrition Program for Women, Infants and Children (WIC Program), as described in the agenda item.
- 3.7 Fixed Fuel - Approve Quantity Commitment** Requested Action: Authorize the City's annual quantity commitment under the fixed price portion of the State of Minnesota Fixed and Spot Price Fuel contract for the period from February 1, 2016 through January 31, 2017 at 157,050 gallons of unleaded gasoline, 24,000 gallons of B10 bio-diesel fuel, and 27,000 gallons of B-5 bio-diesel fuel.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to authorize the City's annual quantity commitment under the fixed price portion of the State of Minnesota Fixed and Spot Price Fuel contract for the period from February 1, 2016 through January 31, 2017, as described in the agenda item.
- 3.8 2016 City Council Meeting Calendar Approve** Requested Action: Approve the City Council 2016 Meeting Calendar as presented.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the 2016 City Council Meeting calendar as presented.
- 3.9 2015 Park Improvement Projects Approve Funding** Requested Action: Approve up to \$232,320 in funding from the Parks Capital Replacement Fund for park improvements at the Dupont Playlot and the Hampshire Hills Park including a 10% contingency to cover any additional work that may arise during construction.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the funding from the Parks Capital Replacement Fund for the park improvements at the Dupont Playlot and the Hampshire Hills Park as described in the agenda item.

- 3.10 Cancel Special Assessments on City and State Property** Requested Action: Approve the cancellation of Special Assessments levied on certain City and State properties in the amount of \$17,469.94. This cancellation is an annual housekeeping item and, upon approval, the amount being canceled will be, along with similar cancellations for prior years, recouped through a levy that is included with debt service each year (e.g. paid from reserve dollars from the debt service).
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the cancellation of Special Assessments levied on certain City and State properties in the amount of \$17,469.94 as listed in the agenda item.
- 3.11 HRA/VEBA Plan Changes** Requested Action: Authorize a change to the HRA/VEBA Basic Plan Document and Adoption Agreement with Genesis Employee Benefits, Inc., d.b.a. America's VEBA Solution.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the HRA/VEBA Plan changes as described in the item.
- 3.12 Budget Adjustment MN Department of Public Safety Joint Powers Agreement** Requested Action: Approve a budget adjustment in the amount of \$27,000 in the Joint Powers Agreement with the Minnesota Department of Public Safety-Homeland Security and Emergency Management to allow for the billing of bomb disposal services provided by the Bloomington Police Department in accordance with the grant.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the Police Department budget adjustment as described in the agenda item.
- 3.13 2016 Health Insurance** Requested Action: Approve the maximum monthly employer contribution of \$1,365/month for full-time employees and \$670/month for benefit-eligible employees effective January 2016.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the maximum monthly employer contribution towards the 2016 health insurance premiums as described in the agenda item.
- 3.14 Meeting Minutes City Council-Approval** Requested Action: Approve the following 2015 City Council Meeting minutes: June 8 (Study), October 5 (Regular), and October 12 (Regular).
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the following 2015 City Council Meeting minutes as presented: June 8 (Study), October 5 (Regular), and October 12 (Regular).
- 4 PUBLIC COMMENT PERIOD**
- 4.1 Response to Prior Meeting's Public Comments** City Manager Verbrugge stated two commenters at the last meeting spoke about the Dar Al Farooq (DAF) Youth & Family Center (AFYFC) at 8201 Park Avenue South but only one new issue was brought up by Vi Rozek. Her concerns were regarding food preparation and kitchen safety in conjunction with a day program DAF hosted. He said he received information from Environmental Health (E.H.) and prepared a response. He also followed up with the other commenter Sally Ness who questioned that information. He will again follow up with staff and report back next meeting.

4.2 Public Comment

Speaker #1: Sally Ness, 8127 Oakland Avenue South
 She commented on her concern that DAF is not providing sufficient off-street parking for the patrons attending their events and as a result, Type 3 vehicles, i.e. semi-trucks and buses are parking in the street during DAF events. She said they are in violation of the City Code because Type 3 vehicles are not allowed to park in residential neighborhoods. She questioned why those vehicles are not being ticketed by Police. She said the neighborhood has been complaining for four years about the inadequate off-street parking facilities provided by DAF. She said DAF is supposed to provide traffic control whenever there is overflow parking but they don't. Regarding the practice area and the berm, she said that's the responsibility of DAF and reported they've received orders from Environmental Health for not mowing it. She disputed how long it took City staff to remove the concrete from the berm and questioned what else is buried within it. She showed several photos of the AFYFC facility and said the City's Environmental Health Division has documented four years' worth of complaints against them. She questioned how DAF was able to obtain a food license when Environmental Health has received complaints about them for four years. She commented on the federally funded summer food program DAF conducted last summer. She said DAF was required to obtain a food license, which requires a certified food manager. She said DAF provided the same food program again in 2015 and obtained a food license but stated they are still not in compliance because they didn't have a certified food manager. She questioned how DAF was able to get a food license without having a food manager on staff. She showed photos of the condition of DAF's kitchen.

Winstead asked the City Manager to respond next week to any new issues.

**5 LICENSING DIVISION:
PUBLIC HEARINGS**

None.

**6 DEVELOPMENT
BUSINESS: PUBLIC
HEARINGS**

**6.1 Keith Freemark 10801
Xerxes Ave. S. Fence
Variances**

Requested Action: In Case 06410AB-15, Planning Commission and staff recommend denial of the variance application. If the City Council supports the recommendation of denial, it should continue the item to the November 2, 2015, City Council meeting for a resolution of denial. However, if the City Council supports the variance, it should continue the item to the November 2, 2015, City Council meeting for a resolution of approval.

Planner Nick Johnson presented the staff report on the application for an "after-the-fact" variance for a six-foot privacy fence constructed in the side and rear yard abutting a street, along the northern parcel boundary located at 10801 Xerxes Avenue South. He explained Xerxes Avenue is a collector road and 108th Street is a local road. He showed an aerial photo of the applicant's property; where the current fence is situated, and where a Code complying fence would be located. He stated the applicant's major concern is the traffic along Xerxes Avenue and his desire to construct a tall enough fence to contain his small child and dog. He reviewed the findings for granting the variance and said the applicant only meets five of the six findings; the same conclusion reached by the Planning Commission (PC). As a result, staff and the Planning Commission recommend denial of the variance. It was stated this property was not unique enough to warrant a variance. He reported some neighbors support the applicant's fence.

Winstead asked about the lot size. Staff replied it's 10,000 square feet in size. He said the lot is smaller than a Code complying lot and it's located on a corner.

Busse asked how the fence issue was discovered. Johnson replied it was observed by Environmental Health staff during their Code enforcement activities.

Speaker #1: Keith Freemark, 10801 Xerxes Avenue South
He bought the property when it was in foreclosure and showed photos of the yard, which was overgrown with vegetation. He has a 6-year old child and a large dog. He lives on a busy street -- more than 3,000 cars per day. He went to City Hall in 2014 to get a permit to build a fence but was told Bloomington doesn't require one. He said he was misinformed by City staff. He removed several large pine trees along the street but wouldn't have done that had he not been able to construct a fence in that location. He said he relayed fully to the woman at the counter the type of fence he planned to build and the location of it on his property. He said she had no concerns regarding its location or that it was going to be a solid privacy fence. He said the construction of the fence went on for months and no one from the City ever stopped by to tell him what he was building was in violation of the City Code. He said he received a letter about the fence months after it was completed. He is concerned with the traffic on his street -- semi-trucks coming from Dwan, a new bar in the neighborhood, and the future construction of several new homes near the golf course. He's received signed affidavits in support of his fence from his neighbors including the neighbor directly behind him. He confirmed he didn't have his lot surveyed before he built the fence and went by what the neighbors had told him was the lot line. He commented on the thousands of dollars he's put into his fence.

Abrams asked Freemark why he pursued a six-foot fence rather than a four-foot fence. Freemark replied it was for the safety of his child and his dog.

Baloga questioned how far around the front of the property does the fence go. Freemark replied the fence is 40 feet back from Xerxes Avenue. Baloga asked Freemark if he looked at the City's fence standards. Freemark replied he did not but when he came into the City to get the proper permit, he was told he didn't need one. Baloga asked Freemark what research he performed when he purchased the home with respect to the traffic on 108th Street and in anticipation of building a fence. Freemark said he purchased the home on a short sale so there wasn't much time before the closing plus it was wintertime. In the spring of 2014, he came to city hall to take out a fence permit.

Lowman asked Freemark if he told the counter clerk that he was intending to build a six-foot high fence. Freemark replied he did and that it was going to be a privacy fence. He showed her the same photos he just showed the Council. He said he was told it would not be a problem if he removed the pine trees to build a fence. He asked Council what's the difference between having the trees right on top of the sidewalk vs. a fence.

Abrams asked staff if information that provides guidance for people building fences was readily available and visible to customers at the counter. Planning Manager Glen Markegard said there is a handout available at the counter and on the internet. When asked by Baloga if he queried staff about Freemark's conversation with staff at the counter, Markegard replied he did not. He said all members of the Planning Staff are well trained on fences. He said perhaps the counter person didn't realize that was a street on Freemark's photo.

Oleson asked Freemark if he'd be willing to relocate his fence out of the right-of-way (ROW) and/or shorten it to four feet if the City required him to do so. Freemark replied he would agree to relocate it if the City needed access to the ROW.

Speaker #2: Peter Freemark (Applicant's father)

He worked for the City of Minneapolis for 34 years clearing trees. He always made sure all the street signs and stoplights were visible looking down the street. He said the stop signs in both directions on 108th Street at Xerxes Avenue are clear and visible. He said a neighbor across the street from the applicant said his fence is the same and would also be illegal today. He said when Old Shakopee Road is opened up, people will turn onto Xerxes and there will be more and more traffic but visibility of the corner is no problem.

Speaker #3: Steve Warner, 10800 Xerxes Avenue South

As a 28-year resident residing at the corner of 108th & Xerxes, he's very aware of the applicant's property and how nice it and his fence looks. He said there are three fences besides Freemark's in the area that wouldn't meet City Code so he understands why Freemark thought it was okay to build his fence; especially given the City never said he couldn't build it. He said the fence looks good. He's concerned about wildlife predators and said there are coyotes in the area so a six-foot high privacy fence would definitely provide greater protection for Freemark's child and dog. He agreed with Freemark that the peak time traffic is bad. He supports the fence as it is.

Speaker #4: Annie Marshall, 10801 Xerxes Avenue South

She lives with the applicant and said their son is very busy. He plays baseball in their yard. She is also very concerned about the safety of her son and her dog. She doesn't let him play out front but rather keeps him in the back yard to keep him safe. She mentioned the traffic from the bar at France & Old Shakopee. She said he's outside playing when happy hour ends. She said her son might not be autistic, but she's still greatly concerned for his safety while playing in their yard. She showed photos of other tall fences in Bloomington that span across entire yards. She reiterated they've spent a lot of money on the fence.

Winstead said he disagreed with staff's statement that this is not a unique lot. He said it is unique -- it's smaller than a normal size lot in Bloomington plus it's on a corner, which usually have larger lots. He said in this case, the side yard turns into what people would normally use their backyard for. He is sympathetic regarding the location of the fence. He said the fence hasn't caused any sightline issues for the neighbor to the side. He said it is a problem that the fence was built in the public right-of-way but said it wasn't done on purpose. He said that can be dealt with by an encroachment agreement. He's conflicted with staff's recommendation for denial because this is a backyard fence that had to be built on the side of the house.

Lowman said he walked through the neighborhood and commented there are a lot of fences similar to Freemark's. He's seen taller fences in the neighborhood and commented on the smaller lot size and the fact that there are no issues with sightlines at the corner.

Abrams asked about the speed limit on Xerxes Avenue. Freemark replied it's 30 miles per hour.

Carlson said he's conflicted also and said it's unfortunate the fence encroaches into the public right-of-way.

Abrams said nobody is coming forward to take issue with this fence. She said in smaller houses, parents want the kids to play outside. She asked staff to be sure anyone asking about a fence gets the City’s fence guidelines and City Code requirements. She supports allowing the applicant to keep his fence as it is.

Oleson commented it can be a problem when the City Code or the rules change and someone uses what’s already been built in the surrounding area as a guide. He said he personally has a concern with tall, solid fences that appear “compound” like but said the City needs to work with Freemark. He mentioned the compliments people gave Freemark on the property he purchased out of foreclosure and how it is an improvement to the neighborhood. He supports leaving the fence as it is.

Busse said the Freemark family is the type of family the Council wants living in Bloomington. They took a foreclosed property and improved the neighborhood. He is, however, troubled by the applicant’s need for a six-foot high fence for safety and security. He said according to the staff report, the traffic levels are not excessive. He mentioned checking and triple checking before he put in the footings for a fence he built in his yard. He believes it’s incumbent upon the homeowner to get the right information before starting such a project. He’s hesitant to approve this one given the precedence it could set for other fences and disagreed that a six-foot fence is needed for safety in a Bloomington neighborhood.

Oleson commented a lot of the homes in his neighborhood were built in the 1950’s and have cyclone fences, which presents a difference appearance. He said the City should be looking in that direction while getting input from people. He still supports the fence as it is.

Winstead restated the circumstances in this case are unusual.

Motion was made by Abrams, seconded by Lowman, to direct staff to bring back a resolution at the November 2, 2015, Regular Council meeting approving a variance to increase the fence height from four feet to six feet and to increase the fence opacity from 50 percent to 100 percent for Keith Freemark (owner) at 10801 Xerxes Avenue South along with the addition of an Encroachment Agreement due to the location of the fence in the public right-of-way, which was agreeable to the applicant. Motion passed 5-2 (Busse and Carlson opposing).

Closed Public Comment Period

Mayor Winstead asked if anyone else wished to address the Council on any matters not on tonight’s agenda. No one came forward to speak so the Public Comment Period was closed.

6.2 Park Place on France, LLC 10700 France Ave FDP/CUPs

Requested Action: Approve a major revision to the Final Development Plan for an approximately 1,400 square foot second-level building addition at 10700 France Avenue South (Case 8926F-15) and adopt a resolution amending a previously approved Conditional Use Permit for a 180 indoor seat and 57 rooftop seat restaurant (Case 8926I-15) at 10700 France Avenue South for Park Place Bloomington, LLC (owner), subject to the conditions listed in the staff report for both items.

Planning Manager Glen Markegard presented the staff report. His presentation highlighted the Revised Final Development Plan, the amended Conditional Use Permit (CUP) changing the seat count within the restaurant and on the rooftop, an elevation drawing, floor plan, and recommendation.

Oleson asked if an alarm will sound on the emergency exit door on the rooftop patio and expressed concern regarding the safety of patrons using the stairway in the wintertime. Markegard replied the rooftop seating area won't be used in the wintertime so the interior stairwell will accommodate exiting from the indoor area. He said the need for the fire escape has to do with the amount of outdoor seating. He said there will be an alarm on the emergency exit door.

Speaker #1: Tom Kendall (Business Owner's Agent), Corey Bannerman, and Willie McCoy
McCoy said the alarm question never came up but said he didn't think the exterior stairwell would be alarmed. He said there is panic bar hardware on the upstairs gate, which will allow people to use it as a form of egress.

Winstead asked if people will be allowed to access the stairway from the patio at will. McCoy replied yes, people can use it to go up and down.

Kendall stated this restaurant concept is something the residents of Bloomington have been looking for and they're anticipating a positive outcome.

Lowman commented he's looking forward to the rooftop space.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve a major revision to the Final Development Plan for an approximately 1,400 square foot second floor addition (Case 8926F-15), at 10700 France Avenue South for Park Place Bloomington, LLC, subject to the conditions listed in the staff report prior to the issuance of building permits.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution approving an amendment to a previously approved Conditional Use Permit to expand a 180 indoor seat and 57 rooftop seat restaurant (Case 8926I-15) at 10700 France Avenue South for Park Place Bloomington, LLC, subject to the conditions listed in the staff report prior to the issuance of building permits. (R-2015-112)

No public testimony was received.

6.3 Dean Nephew 8330 Pillsbury Ave Interim Use Permit

Requested Action: Continue this item to the November 16, 2015, Regular City Council meeting per the applicant.

Motion was made by Baloga, seconded by Oleson, and all voting aye, to continue to the November 16, 2015, Regular Council meeting, an Interim Use Permit for Dean Nephew at 8330 Pillsbury Avenue South, Case 08931A-15.

7 TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS

None.

8 ORDINANCES: PUBLIC HEARINGS

**8.1 City Code Change
Limited Financial
Institutions**

Requested Action: Adopt an ordinance to define “Financial Institution – Limited” and to add “Financial Institution – Limited” as a conditional accessory use in the B-1 Zoning District.

Markegard presented this staff report on a privately-initiated City Code amendment that makes two changes to the City Code; sets up a new use definition called, “Limited Financial Institutions” and allows a limited financial institution within the B-1 Zoning District (Neighborhood Office). He said it will allow a limited financial institution offering retail services as a conditional accessory in the B-1, Neighborhood Office District. He described the differences between this use and that of a bank or a financial institution. He called it a light version of a bank. He said while the applicant will be using the bulk of the space in the building they purchased in the southwestern corner of 98th Street & Normandale Boulevard as office space, they desire to have a small, limited financial institution in the ground level of their space. He said a separate Conditional Use Permit will be submitted and approved by the Planning Commission subject to the approval of this ordinance. He said staff and the Planning Commission recommend approval of the Code amendment.

Baloga inquired if there are any other work-a-rounds to getting approval for such a use without doing a Code amendment. Markegard replied none at this time, as no use variance can be done under State law. He said the Code needs to be opened up to allow this use in this zoning district. He said alternatively, a regular bank or financial institution could be allowed in the B-1 District but staff doesn't recommend that, as there are residential uses in the surrounding area. He said this use is less intensive than a full bank operation.

Baloga asked if there will be a nighttime bank depository. Markegard deferred that question to the applicant but said it would be allowed.

Speaker #1: Phillip Kopischke, President & CEO of SharePoint Credit Union He stated there will be no drive in and no safety deposit. It will be a very limited type of facility; similar to what one would find in a grocery store. Nothing will be located in the parking lot. He said most everything in the building will be technology based. He said the building sits in a great location. They're putting \$200,000 into the exterior of the building and \$1.1 million into the interior to house their financial services group; accounting, technology, etc. He said the credit union services the grocery store industry. They have three other locations in Burnsville, Andover and St. Louis Park. This building will house 20-24 of their administration staff above the facility so they wanted a limited use financial institution on the first floor, not to exceed more than 10-12 percent of the space they occupy. He said they don't plan to generate as much traffic as has been generated over the last 25 years. He said a City Code amendment was the only way to achieve the financial use they desired for this building.

Motion was made by Abrams, seconded by Oleson, and all voting aye, to adopt an ordinance amending Section 19.03 to define a “Financial Institution – Limited” and to Section 21.209(D) to add “Financial Institution – Limited” as a conditional accessory use in the B-1 Zoning District, thereby amending Chapters 19 and 21 of the City Code. (O-2015-26)

No public testimony was received.

8.1.1 Resolution Directing Summary Publication

Requested Action: Adopt a resolution authorizing summary publication of Ordinance No. O-2015-26.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt a resolution directing summary publication of Ordinance No. O-2015-26, as described above. (R-2015-113)

8.2 Medical Marijuana Ordinance

Requested Action: Adopt an ordinance amending Chapters 14, 19, and 21 of the City Code regarding medical marijuana distribution facilities.

Planner Elizabeth Heyman presented this item. Her presentation highlighted the following slides: Overview, Project Schedule, State-wide Update, Proposed Standards, Licensing Standards, Land Use Standards (manufacturing facilities are prohibited in Bloomington but laboratories would be allowed in any Industrial District), Distribution Facilities Allowed, and Proposed Standards for Distribution Facilities (buffer of 1,000 feet from a school, one facility per 100,000 residents meaning only one facility allowed in the city). Her presentation continued with a Map Showing Applied Filters (179 potential locations for medical marijuana distribution facilities), Public Review, and the Recommendation (adopt the proposed ordinance and the summary publication resolution.)

Baloga inquired as to the consideration given to the location of distribution facilities to daycares and places of worship. Heyman replied per the feedback received from the Planning Commission and the Council, it was suggested the buffer be kept only at the school level.

Busse explained this work was done in advance of a proposal, as no distribution facilities are being proposed for Bloomington at this time. He said one will be opening in Eden Prairie so until the State law changes, no facility could open in Bloomington.

Motion was made by Busse, seconded by Abrams, and all voting aye, to adopt an ordinance amending Chapter 14 of the City Code to add licensing regulations and fees applicable to medical marijuana (cannabis) distribution facilities and amending Chapters 19 and 21 of the City Code to create standards and definitions for medical marijuana distribution facilities and establishing them as a conditional use in the B-2, B-4, C-2, C-3, C-5, CR-1, CX-2, and the LX Zoning Districts to be reviewed and acted upon by the City Council. (O-2015-27)

No public testimony was received.

8.2.1 Resolution Directing Summary Publication

Requested Action: Adopt a resolution authorizing summary publication of Ordinance O-2015-27.

Motion was made by Busse, seconded by Abrams, and all voting aye, to adopt a resolution directing summary publication of Ordinance O-2015-27 as described above. (R-2015-114)

8.3 City Code Amendments - Residential Phase II

Requested Action: Continue to the November 16, 2015, Regular City Council meeting, an ordinance to make multiple amendments to Chapters 1, 2, 12, 14, 19, and 21 of the City Code addressing residential districts and standards as well as institutional standards for the purpose of allowing staff the additional time needed to review and update the ordinance amendments per Council's discussion at the October 12, 2015, City Council Study meeting.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to continue to the November 16, 2015, Regular City Council meeting, an ordinance making multiple amendments to Chapters 1, 2, 12, 14, 19, and 21 of the City Code as described above.

No public testimony was received.

9 OTHER: PUBLIC HEARINGS

9.1 Adopt Resolutions Cancel Assessment and Approve Assessment Roll 2015-1 (Killebrew Ped. Bridge)

Requested Action: Adopt one resolution canceling a portion of Assessment Roll 2013-2 and one resolution approving Assessment Roll 2015-1.

Winstead explained this item pertains to the assessments related to the Killebrew Pedestrian Bridge project and that a judge determined the City can't assess one of the properties. As a result, that assessment will be canceled and added to the Mall of America's assessment.

Motion was made by Abrams, seconded by Oleson, and all voting aye, to adopt a resolution canceling a portion of Assessment Roll 2013-2 as described in the agenda item. (R-2015-115)

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt a resolution approving Assessment Roll 2015-1 (2009-202 Killebrew Pedestrian Bridge Reassessment) pursuant to the City's agreements with the Mall of America. (R-2015-116)

No public testimony was received.

9.2 Adopt Resolution Approve Assessment Roll 2015-3 (2013-201 South Loop Local Wayfinding)

Requested Action: Adopt a resolution approving Assessment Roll 2015-3.

Motion was made by Abrams, seconded by Oleson, and all voting aye, to adopt a resolution approving Assessment Roll 2015-3 (2013-201 South Loop Local Wayfinding Project) as described in the agenda item. (R-2015-117)

No public testimony was received.

9.3 Ordinance Establishing a Creative Placemaking Commission

Requested Action: This public hearing on an ordinance establishing a Creative Placemaking Commission was added to tonight's agenda by the City Manager because it was noticed in the City's official newspaper but the item didn't make it into the electronic agenda packet. The public hearing is to be opened and continued to the November 2, 2015, Regular City Council meeting.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to continue to the November 2, 2015, Regular City Council meeting, a public hearing on an ordinance establishing a Creative Placemaking Commission.

No public testimony was received.

10 ORGANIZATIONAL BUSINESS

10.1 City Council Policy & Issue Update

City Manager Verbrugge had no policy or issue update.

Abrams reported on her attendance at the Statewide Community Health Services Advisory Committee meeting where she said Bloomington’s Public Health Division continued to be a leader. She said City Public Health Administrator Bonnie Paulsen is co-chair of the Advancing Health Equity Work Group working on what it’s going to take in order to have health equity in Bloomington. She also reported two City Public Health staffers Joan Bulfer and Maria Regan Gonzales presented at the conference on the topic Impacting Health Equity through Early Education and Child Care. She said great work is being done by the City’s Public Health Division.

Baloga said he’s received some support and feedback on the idea of a Placemaking Commission. However, someone also asked about the need for a sustainability commission. He said now is the time to give that further consideration, as he believes such a commission could take some of the workload off of staff.

Abrams said it would be a good opportunity to see how the current commission structure lines up with the Council’s future strategies and tactics to determine if it’s as effective as it could or should be. She believes a conversation is definitely in order regarding sustainability or something larger.

Lowman is supportive of a sustainability commission but not just for the environment. He’d like to see it broadened to include financial pieces to figure out all ways people can be sustainable within Bloomington.

He mentioned he and Bonnie Paulsen serve on the Metropolitan Association for Healthy Families and reported he is now chairing a fundraising committee to help with home visits.

He also commented he is still hearing from residents who are having issues with the current design of 106th Street and in particular, getting in and out of their driveways during rush hour. They report 106th Street is like a freeway.

Public Works Director Karl Keel said he didn’t have a report prepared but explained a portion of 106th Street was striped from four lanes to two. He said staff is now collecting data one year after the project, which they’ll be presenting to the Council. Lowman asked staff if they’re looking at various sections of 106th Street. Keel replied they are. He said 106th Street was left as four lanes from Humboldt Avenue to 35W but the transition to four lanes is a concern. He agreed there have been concerns regarding the speeds on 106th Street along with the gaps on the three-lane segment causing issues for people accessing their driveways. He said staff collected data before the project and is collecting data on the changed roadway, which will be reported back to Council.

Abrams suggested Keel have staff talk to the School District given the proximity of this area to Oak Grove Elementary and Oak Grove Middle School.

10.2 Community Center Task Force Appointments

Requested Action: Appoint Representatives and Alternates to the Community Center Task Force from the list of applicants provided in the agenda item.

Verbrugge explained the Council directed staff to move forward on establishing a task force to look at the possibility and the issues surrounding a new community center in Bloomington. He said the City advertised for applicants to volunteer on this task force and proceeded to present a tally of the appointment voting by the Council. He reminded Council the School District will be appointing two youth representatives and will forward those names to the City for ratification by the Council. After announcing the top vote-getters in each of the seven categories, the following motion was made to adopt the slate of Representatives.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to appoint the following slate of Representatives to the Community Center Task Force per the City Manager’s tally of all Council member votes:

- Business: Maureen Scallen-Failor
- Diverse Community: John Schatzlein
- General Community (2): John Stanley and Mary Ann London
- School District: Maureen Bartolotta
- Senior Female: Mary Anne Josephson
- Senior Male: Daniel Cripe
- Youth Athletic Group: Tammy Galvin

Winstead said there will also be some City-appointed and other organization-appointed representatives serving on the Task Force.

Abrams said it’s reassuring to know citizens of all ages are interested in what’s going on in the city. She said the City received 25 solid applications and hopes there will be more opportunities for community engagement in the future. She said the Community Center Task Force will be doing some really hard work.

Baloga asked if Alternates should be appointed to the Task Force and staff confirmed they should. Following the City Manager’s recap of the Council’s voting tally, the following motion was made to adopt the slate of Alternates.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to move the following slate of Alternates to the Community Center Task Force per the City Manager’s tally of all Council member votes:

- Business: Mark Thorson
- Diverse Community: Leo Espinoza
- General Community: Chuck Walter
- School District: Anne Marie Terpstra
- Senior Female: Michelle La Beau
- Senior Male: Lyle Abeln
- Youth Athletic Group: Charles Woldum

Motion was made by Busse, seconded by Baloga, and all voting aye, to appoint Oleson as the City Council Representative and Lowman as the Alternate on the Community Center Task Force.

10.3 Appoint Voting Delegate & Alternates National League Of Cities Conference

Requested Action: Appoint one Voting Delegate for the National League of Cities Congress of Cities and Exposition business meeting that will occur on November 7, 2015 in Nashville, TN.

Winstead commented the City only has one delegate attending the conference but he will get two votes.

Motion was made by Busse, seconded by Abrams, and all voting aye, to appoint Lowman as the voting delegate at the NLC Congress of Cities and Exposition on November 7, 2015.

**10.4 Resolution Approve
2016 Enterprise Fund
Budgets**

Requested Action: Adopt a resolution approving the 2016 Enterprise Fund Budgets.

Budget Manager Cindy Rollins presented the staff report on the 2016 Enterprise Fund Budgets.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution adopting the 2016 Police Contractual, Motor Vehicle Licensing, Ice Garden, Center for the Arts, Aquatics and Golf Enterprise Fund Budgets as presented in the agenda item. (R-2015-118)

**10.5 Resolution Approve
2016 Special Revenue
Fund Budgets**

Requested Action: Adopt a resolution approving the 2016 Special Revenue Fund Budgets.

Rollins also presented this staff report.

Motion was made by Abrams, seconded by Busse, and all voting aye, to adopt a resolution adopting the 2016 Police Special Revenue, Public Health Special Revenue, South Loop Revolving Development Fund, and Park Grants Budgets as presented in the agenda item. (R-2015-119)

11 ADJOURN

Mayor Winstead adjourned the meeting at 9:01 p.m.

Barbara Clawson
Council Secretary