

Regular Meeting
Monday, July 27, 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** None.
- 2.1 **FLAG PRESENTATION** Mayor Winstead led the audience in the pledge of allegiance to the flag.
- 3 **CONSENT BUSINESS**
- 3.1 **Amending Building and Inspection Plumbing Registration and Fees Adopt Resolution** Requested Action: Building & Inspection recommends that the Council adopt the attached resolution to remove the requirement for Plumbing Registration and increase the amount for collecting an up-front plan review fee.
- This item was pulled by staff due to a procedural issue.
- 3.2 **Preliminary and Final Plat of MAX AND VIVI ADDITION; 10626 Vincent Avenue South** Requested Action: Approve the Preliminary Plat and adopt a resolution granting approval of the Final Plat of MAX AND VIVI ADDITION located at 10626 Vincent Avenue South, subject to the completion of the conditions listed in the staff report, receipt of the title, necessary documents and deposits, and a review of all documents by the City Attorney.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval of MAX AND VIVI ADDITION, subject to the conditions listed in the staff report. (R-2015-75)
- 3.3 **Approve Amendment Public Health Emergency Preparedness and Community Readiness Initiative Agreement with MDH** Requested Action: Approve Amendment to the Public Health Emergency Preparedness (PHEP) and Community Readiness Initiative (CRI) Grant Agreement with the Minnesota Department of Health (MDH). This amendment provides an additional \$84,650 (\$68,537 for PHEP and \$16,113 for CRI) of funding to the previously-approved amount, bringing this Agreement's total not-to-exceed value to \$217,835 as listed in the agenda item.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the amendment to the PHEP/CRI Agreement with MDH as stated above and described in the agenda item.

3.4 Preliminary and Final Plat of DUANE AND BLANCH GREGG HOMESTEAD; 9300 Colorado Road

Requested Action: Approve the Preliminary Plat and adopt a resolution granting approval of the Final Plat of DUANE AND BLANCHE GREGG HOMESTEAD located at 9300 Colorado Road, subject to the completion of the conditions listed in the staff report, receipt of the title, necessary documents and deposits, and a review of all documents by the City Attorney.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval of DUANE AND BLANCHE GREGG HOMESTEAD, subject to the conditions listed in the staff report. (R-2015-76)

3.5 Extend Foth Solid Waste Contract Organized Collection Phase 5 Work

Requested Action: Approve the extension of the Foth Solid Waste Contract for the implementation of organized collection (described as Phase 5) in the amount of \$54,400 with a 10% contingency for a total of \$59,840.

This item was held by Busse who asked what steps would be taken if the litigation is successful and the brakes are put on the organized efforts. How would the Foth work be accomplished, paid for, and the timeline of it.

City Manager Jamie Verbrugge said the professional services contract is an "hours worked" contract. Foth is proceeding forward with implementation of Phase 5 of the work for organized collection irrespective of the lawsuit. He said the lawsuit has an undetermined timeline at this point. The City is waiting for a response and scheduling. He said staff is continuing with the action approved by the City Council to finalize details of the contract with the consortium. He said the process will keep moving forward until a judge tells the City to stop.

City Attorney Sandra Johnson commented civil cases can take many months to years to be determined.

Motion was made by Busse, seconded by Baloga, and all voting aye, to extend the Foth Solid Waste Contract for implementation of the organized collection work described as Phase 5 work as described above.

3.6 Minnesota Internet Crimes Against Children Task Force Agreement

Requested Action: Approve Minnesota Internet Crimes Against Children Task Force/Multi-Agency Joint Powers Agreement.

This item was held by Abrams who requested some insight from the Police Department on how this fits in with other work the City is doing and how it continues to serve the families of Bloomington.

Deputy Police Chief Hartley explained this agreement is renewed annually or semiannually. It allocates a certain amount of a detectives' time towards the investigation of these crimes. This task force helps train the detectives to better investigate, educate, and bring awareness to the public about what is an increasing level of reported crimes in this area. He said Detective Heather Potter is assigned to these and reported rarely does something slip through the crack because there are so many failsafes. He said once the offender is identified, the City can go ahead and investigate and charge the individual.

Motion was made by Abrams, seconded by Oleson, and all voting aye, to approve the Multi-Agency Law Enforcement Joint Powers Agreement as described above.

- 3.7 Approve State of Minnesota 2016-2017 Auto Theft Grant**
- Requested Action: Approve a FY2016-2017 Auto Theft Grant in the amount of \$107,196.00 that will be used for costs associated with equipment and personnel used in the prevention of auto theft. The contract term is from July 1, 2015, or the date the State obtains all required signatures, through June 30, 2017.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the State of Minnesota 2016-2017 Auto Theft Grant as described above and in the agenda item.
- 3.8 2015 Edward Byrne Memorial Justice Assistance Grant**
- Requested Action: Accept the Office of Justice Programs FY2015 Edward Byrne Memorial Justice Assistance Grant in the amount of \$14,960.00 to be used primarily for overtime costs to fund current departmental programs including Business Watch, youth curfew enforcement, underage drinking enforcement, enhanced BPD/Bloomington Schools educational programs, and security for school functions. It will also be utilized for the BPD Citizens' Academy, Neighborhood Watch, National Night Out, and the Block Captains' Workshop.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to accept the 2015 Edward Byrne Memorial Justice Assistance Grant as described above and in the agenda item.
- 3.9 Appointment to LOGIS Board of Directors Adopt Resolution**
- Requested Action: Adopt a resolution appointing Laurene Draper as Alternate Director to the LOGIS Board of Directors.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt a resolution appointing Laurene Draper as Alternate Director to the LOGIS Board of Directors. (R-2015-77)
- 3.10 Accept Donations**
- Requested Action: Accept donations as listed and amend budgets accordingly.
- Abrams held out this item to thank everyone who made donations to various City activities. She gave special thanks to the individuals who donated \$9,970 and to the businesses that donated \$9,528 for a total of \$19,498 donated to this year's Summer Fete fireworks display.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to accept the donations made to various City activities and amend the revenue and expenditure budgets, as noted in the agenda item, to facilitate the appropriate use of those funds.
- 3.11 2015-16 Ice Rental Agreements**
- Requested Action: Approve the rental agreements for ice time at the Bloomington Ice Garden from September 2015 through August 2016.
- Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the Bloomington Ice Garden rental agreements as listed in the agenda item.
- 3.12 Diseased Tree Removal for Districts #4 – Approve Award of Contract**
- Requested Action: Reject the previously awarded contract to Golden Leaf Tree Service for Diseased Tree Removal in District #4 and award a new contract to North Star Tree Care, Inc.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to reject the previously awarded contract to Golden Leaf Tree Service for Diseased Tree Removal in District #4 and award a contract to North Star Tree Care, Inc. for Diseased Tree Removal in District #4 in the amount of \$36,995.00.

3.13 DEED Redevelopment Grant for BCS Adopt Resolution

Requested Action: Adopt a resolution supporting application for DEED’s Minnesota Redevelopment Grant Program funds for development of the Bloomington Central Station (BCS) office project.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt a resolution supporting the DEED Redevelopment Grant for Bloomington Central Station. (R-2015-78)

3.14 Meeting Minutes Approval-City Council

Requested Action: Approve the following 2015 City Council Meeting minutes as presented: January 12 (Study), February 9, (Study), and June 22 (Regular).

Motion was made by Abrams, seconded by Baloga, and all voting aye, to approve the 2015 minutes for the January 12 (Study), February 9 (Study) and June 22 (Regular) City Council meetings as presented.

4 PUBLIC COMMENT PERIOD

4.1 Response to Prior Meeting’s Public Comments

Verbrugge said Sally Ness spoke at the last meeting to again express concerns regarding the Dar Al Farooq Youth & Family Center (AFYFC) at 8201 Park Avenue. He said she presented many of the same questions she’s presented before. He said there was a specific request regarding the special event permit for the upcoming Eid event related to the end of Ramadan. He said he drove past AFYFC that morning and stopped in Vi Rozek’s driveway and spoke to her and Ness. He reported the traffic was very busy but orderly. Cars were parked along Park Avenue for 3-4 blocks south. He said there was some illegal parking in areas that were designated as “No Parking” zones and citations were written. He said it was probably the busiest during morning services. He said AFYFC staff members helped direct traffic. He said this morning was probably the worst. He reported Oleson and Baloga have met with Ness and specifically asked him to revisit a couple of the issues she’s raised in the past. He will do that and will provide that follow-up information to Ness and the Council and then again at a subsequent meeting. He’ll provide that follow-up information to Ness and the Council. One of the issues is regarding the maintenance of the Smith Park field and whether City crews have provided maintenance on AFYFC property. He is going to have Park Maintenance staff walk him around the boundaries of the Smith Park property so he knows where City crews are providing park maintenance and where they’re not. He’ll report back to the Council in a week or so.

4.2 Public Comment

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

Speaker #1: Sally Ness, 8127 Oakland Avenue South
She brought two concerned citizens with her to the meeting who sat in the audience. She again commented on the Joint Use Agreement (JUA) between the City and AFYFC. She disagrees with the City that the JUA is better. She showed photos from last month of what the new JUA allows to continually happen regardless that according to City Code, parks and their parking lots are closed through the night. She showed photos of cars parked in a dark AFYFC parking lot while the lights were on in Smith Park, of cars parked in the fire lane, and of cars parked on Park Avenue, 82nd Street and 83rd Street at 3:30 a.m. She talked about excessive holiday traffic from a facility that proposed 150-200 people for Friday prayer. She said other neighborhoods don't experience this type of traffic during the night. She asked how is it that AFYFC's lot is private and therefore they are able to make their own rules regardless that it's a shared lot with the City and yet the Smith Park parking lot is a public lot that has rules but the City is not able to enforce those rules. She questioned the ability of emergency vehicles to access AFYFC when cars are double-parked and asked if the City could be held liable should there be an emergency at the Center. She read from the City Code regarding places of assembly that indicates no parking shall be permitted on the site in front of the place of assembly. She showed what the building looked like prior to AFYFC and what it looked like after they were allowed to construct parking against City Code. She said it's been stated the City views its parks and parking lots separately but showed a photo of the Smith Park sign and the parking lot. She said the parking lot should fall under the City's park rules. She read the definition of a park from the City Code and said the parking is not separate. She said the land use permit with Xcel indicates for park purposes only. It's a land use agreement with Xcel for City park purposes. It doesn't indicate for park parking purposes only. She showed where it's located on the map.

Mayor Winstead said the City Manager will respond to the appropriate items.

Speaker #2: Bill Reichert, 4732 Nine Mile Creek Parkway
He asked if the public meeting notice for the City Council's consideration of a proposed Charter amendment was noticed in the Sun Current newspaper.

Verbrugge replied it was noticed in the July 23, 2015, edition on page 17.

Mayor Winstead asked if anyone else wished to address the Council on any matters not on tonight's agenda or the Public Comment Period would be closed.

Speaker #3: Bill Reichert, 4732 Nine Mile Creek Parkway
He again approached the podium to inform the Council the public notice of the Council's consideration of a Charter amendment must appear in the local newspaper two weeks prior to the scheduled meeting date. He requested the proposed Charter amendment also be posted on the City's webpage. He asked on what date was the proposed amendment brought to the Council from the Charter Commission. He said Subdivision 7 states within one month from the time the amendments presented to the Council, it must be noticed and brought to a public hearing. He said the next possible public hearing date would be August 24, which would put it seven weeks out.

Verbrugge confirmed the notice of the Council's consideration of a Charter amendment in the newspaper is 14 days. As a result, proper notice wasn't provided for this item to be on the August 4 Council agenda. He said it will appear in the August 6 issue of the Sun Current, which means August 24th is the first day a public hearing could be held. He explained the amendment authorizes the City Council to approve certain types of debt issuance.

Verbrugge said the Charter Commission put a limitation on the total indebtedness that is far less than the statutory authority granted to cities. It doesn't automatically presume there's going to be an increase in indebtedness for the City. It grants the City Council an authority for approval that is consistent with what other communities have done.

Mayor Winstead closed the public comment period.

**5 LICENSING DIVISION:
PUBLIC HEARINGS**

5.1 Interim Management Agreement – TGI Friday's (Normandale)

Requested Action: Approve the Interim Management Agreement between TGI Friday's of Minnesota, Inc., and Central Florida Restaurants Inc., doing business as, TGI Friday's located at 7730 Normandale Boulevard.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Interim Management Agreement for the TGI Friday's on Normandale Boulevard as described above.

5.2 Interim Management Agreement – TGI Friday's (Killebrew)

Requested Action: Approve the Interim Management Agreement between TGI Friday's of Minnesota, Inc., and Central Florida Restaurants Inc., doing business as, TGI Friday's located at 2201 Killebrew Drive.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Interim Management Agreement for the TGI Friday's on Killebrew Drive as described above.

6 DEVELOPMENT BUSINESS: PUBLIC HEARINGS

None.

7 TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS

None.

8 ORDINANCES: PUBLIC HEARINGS

8.1 Vacation of 9020 West Bush Lake Road and 9000 Veness Road (Lots 1 and 2, Block 1, BUSH LAKE OASIS)

Requested Action: Adopt an ordinance vacating public drainage, utility, sidewalk, and bikeway easements located at 9020 West Bush Lake Road and 9000 Veness Road (Lots 1 and 2, Block 1, BUSH LAKE OASIS).

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt an ordinance vacating public easements at 9020 West Bush Lake Road and 9000 Veness Road as described above. (O-2015-21)

9 OTHER: PUBLIC HEARINGS

9.1 Creative Placemaking Plan Adopt Resolution

Requested Action: Adopt a resolution adopting the *Plan for Creative Placemaking in the South Loop District*.

Community Development Director Larry Lee made the staff presentation. Andrea Specht, Executive Director of Artistry was in the audience available for Council questions. He presented the following slides:

- Phases: Three phases to the project (National Endowment for the Arts (NEA) grant phase, which is nearing the end, the momentum phase (2-4 years), and the permanent phase (expanding placemaking to the rest of Bloomington.)
- Governance: Establishes a creative placemaking 9-member commission, which Council will do by ordinance. He discussed the makeup of the commission. A half-time creative placemaking director will be hired. Where that person will be located within the City structure has yet to be determined. In addition, there will be a contract with Artistry for consultant services to address the artistic elements. He talked about the level of financial commitment that's been made to date and said the artists' commission will be \$270,000 per year. He said the annual budget for Creative Placemaking (CP) will be \$400,000 to be paid out of the South Loop Development Fund liquor and lodging taxes paid to the City by visitors to the city.
- Activities: (it's more than sculpture): Engaging the stakeholders in the community and building leadership capacity, building brand and regional promotion. Figure out how placemaking fits into the District's infrastructure. Attracting new development. He said Terratron was attracted to the description of placemaking. Placemaking will foster the creative sector.
- Evaluation: The first part of the placemaking process will be evaluated with continuing evaluations throughout the placemaking process, which will be forwarded to the City Council.
- Next Steps: Includes hiring a creative placemaking director and adoption by the Council of an ordinance establishing the CP Commission.
- Review Process
- Recommendation: Adopt the resolution adopting the Plan for Creative Placemaking in the South Loop.

Winstead suggested members of the Creative Placemaking Commission share what they learn throughout this process with members of other City commissions such as the Planning Commission and the Parks, Arts & Recreation Commission to see if mini placemaking amenities can be worked into development elsewhere throughout the city.

Lee replied staff would be delighted to pass along what it's learned as long as the developer has a way to fund it. No other funding has been identified for placemaking in other districts. He mentioned what's happening at Penn & American Boulevard on the northeast corner of the Fresh Thyme Market building. He said it will receive artwork commissioned by United Properties. It will be paid for by United Properties and the Housing & Redevelopment Authority (HRA). He added there is nothing to prevent a grant from being used elsewhere in the community.

Carlson asked if Artistry is a 501C3 non-profit organization. He said they would have the ability outside the City to apply for grants that could be used for placemaking moving forward. This strengthens the partnership so there would be a process in place to seek out those outside funds to bring them into the community to do some more of this work. There will be the potential for other funding sources as well.

Lee said Artistry has a grants maker on staff and the City has cooperated in grant applications in the past and will continue to do so.

Carlson asked about the term length of the CP commissioners, the application that will be used, and the type of qualifications that will be required. Lee said he initially thought 2 or 4-year terms. He said two years might be too short and four years might be too long of a commitment so 3-year staggered terms might be the best. Lee said the plan is to use the same application as for other commissions and that staff would like a breadth of qualifications. He said Artistry might naturally select some of the artist slots while the City might choose other areas of expertise.

Oleson commented on the artwork he saw today at the TownePlace Plaza. He said it came forward in part from the City and the developer wanting to do something with it. He asked if the funding for at least the sculpture and construction of much of that area as well as the ongoing maintenance will be picked up by the hotel. Lee said the Port Authority participated in the cost of doing the Plaza, while the property owner provided the easement for it. The developer provided the sculpture and will be responsible for the maintenance of it.

Oleson said he likes the concept of private involvement in the artistic placemaking. He said Minneapolis has a downtown business association and suggested maybe the City should have some conversations along those lines. He said seeking grants might be necessary in some situations. Lee said Planner Julie Farnham could talk about leading by ordinance (requiring the developer spend so much for artwork within their development) or leading by example. Staff believes leading by example approach, and not having requirements in an ordinance, actually yields a better result.

Oleson requested Lee elaborate on the Port Authority's involved in the right-of-way.

Lee said with regard to the Plan, the Council has given the Port Authority responsibility for administering the South Loop Development Fund. It made sense that if the funding was going to come from the South Loop Development Fund that the Port Authority should be involved. In addition, the Port Authority is responsible for many of the things that have to do with infrastructure and development in the South Loop District. He said it was respectful to include the Parks, Arts, & Recreation Commission in the description and discussion of what the Creative Placemaking Commission does.

Oleson said collaboration is quite widespread. There will be a variety of input. He liked that neighborhoods will be involved. Lee said the artistic ability of the Bloomington Art Center members is amazing. The City needs to be cognizant of the abilities of its residents.

Regarding the evaluation process, Busse asked how the City will know if it's getting its money's worth. He asked what the NEA looks for. What is the City going to tell the NEA about its successes and how will the City prove it to them. Will the City ask stakeholders and artists how this process worked for them? What worked and what didn't? Lee said they ask what worked and what didn't and would you be interested in continual involvement in the future. He said staff has sought feedback from people who have attended events.

Specht said the evaluation is pretty open and broad. She said the NEA grant is about livability.

Lee said he's been posting on Facebook and it's garnered much viewership and likes. He said feedback on Facebook is better than no feedback at all. He suggested the City might want to consider structuring some questions about citizens' awareness of placemaking in its citizen survey.

Busse said by using South Development Funds, perhaps staff will be able to measure if the City is getting its money worth.

Winstead said the City will need to reach out and get information and comment from people who have moved to the area and from the existing business tenants in the area. Ask them if the placemaking makes a difference. Is that why you chose to live here? Is there an element here that enhances it for you? Specht said not only did the City include a section in the Plan on evaluation, she said Artistry desires to hire a consultant that not only provides artistic services but is a skilled evaluator as well.

Lowman said creative placemaking is a real economic driver for the economy of the future, which is evident in the comment that businesses purposely selected to locate in the South Loop District. He commended staff for the work they've done with this particular program.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to adopt a resolution adopting the plan for creative placemaking in the South Loop District. (R-2015-79)

10 ORGANIZATIONAL BUSINESS

10.1 City Council Policy & Issue Update

Verbrugge said he had no policy or issue updates to present.

Winstead mentioned the Charter amendment will be coming to Council on August 24.

Council had no issues to discuss.

10.2 Hyland Greens

Requested Action: Review revisions to the Hyland Greens Task Force charge, composition and timeline and provide feedback.

Community Services Director Diann Kirby presented the staff report on the Hyland Greens Golf and Learning Center. She said the conversation about Hyland Greens started back in October 2014. She presented slides that provided the following information: State of Golf, the History of Hyland Greens Golf Course, the Driving Range, Annual and Monthly Golf Rounds, the Operating Revenue vs. Operating Expenditures, the City's Vision, Parks and Recreation Goals, and the Pros and Cons of each of the following options - Option #1 (continue as City-operated golf course), Option #2 (convert to park), Option #3 (sell for development), Option #4 (private management), and Option #5 (partner on year-round golf facility). She said at the June 8th study meeting, Council indicated they wanted staff to further explore the option of converting the course to a park (#2), selling the property for reuse as a residential development (#3), or a hybrid approach that would combine the first two options. At that time, Council also directed staff to pursue a public engagement process.

Kirby continued with the timeline for engaging the public process. She said Council would appoint a task force at the August 24th meeting. The decision by Council on which option to pursue for Hyland Greens is anticipated to occur in April 2016. She discussed the makeup of the task force members and City staff. She announced the City is actively recruiting applicants for the task force and reported she's received one application and several inquiries.

Council comments/inquiries:

Winstead said there would be considerable capital costs to convert the course to a park (Option #2). He said with Option #3, the sale of the property wouldn't only generate a one-time cash infusion but would be an ongoing tax base for the City worth a potential \$50 million. He asked Kirby to dig into that a little more and report back on those two options.

Carlson said he was glad to hear the public is being notified about the task force and asked if the application asks which role the applicant desires to fill. Kirby replied the application doesn't request that information and said staff prefers to leave it open, as people could fill multiple roles. Staff will list out the roles a person could potentially fill which will give Council more flexibility.

Abrams thanked staff for bringing this to the public's attention. She said several opportunities have come to light over the last few weeks to engage the public in some significant change planning going on in Bloomington. She said the City has opened up the books and the challenges to the public, which gives the City an opportunity to bring some of the best minds in Bloomington to the table. She looks forward to more good work.

Lowman said he appreciates staff's work on reorganizing the task force and looks forward to seeing how this process works.

Carlson said he was glad to see all options are still being considered at this time, which is appropriate, and is looking forward to more updates from staff.

Winstead said the Council concurs with the timeline, the concept, and the task force, and directed staff to proceed as presented.

11 ADJOURN

Mayor Winstead adjourned the meeting at 8:27 p.m.

Barbara Clawson
Council Secretary