

~~ITEM 5.1B continued~~ Mayor Winstead called for a vote on the main motion as amended by Council increasing the length of the suspension from 3 days to 7 days. The motion passed 5-2 (Winstead & Wilcox opposing).

~~CLOSED PUBLIC COMMENT PERIOD~~ The Mayor asked if anyone wished to address the Council during the public comment period, or it would be closed. No one came forward to speak so the public comment period was closed.

Approved an Interim Use Permit for Fowler Electric Company Inc. at 9054, 9060 & 9100 Grand Avenue South Case 8055A-09 ITEM 5.2A

Winstead acknowledged the updated memo the Council received from the Environmental Health Division Manager dated today.

Planning Manager Bob Hawbaker presented the staff report on an application by Eric Hillger dba Fowler Electric Company Ind. for an Interim Use Permit for open outdoor storage. He explained this item was continued several times to allow the applicant more time to bring his property into compliance. He stated the applicant has worked consistently with Environmental Health and has now achieved 99.5% compliance. As a result, he stated staff recommends a 1-year Interim Use Permit with 7 amended conditions.

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a one-year Interim Use Permit for open storage at 9054, 9060, and 9100 Grand Avenue, Case 8055A-09, for Eric Hillger, dba Fowler Electric Company Inc. subject to the following amended 7 conditions of approval and 4 Code requirements as set forth by the Planning Division staff and the Planning Commission:

1. The existing screening will be maintained;
2. Open outdoor storage is restricted to those areas on the three properties as shown on the aerial photo labeled *Open Outdoor Storage Areas* in Case 8055A-09;
3. Open outdoor storage shall be limited to those items listed on the September 9, 2009 letter signed by Eric Hillger in Case 8055A-09 and such other items as may be approved by the Planning Manager, with the additional requirement that all semi-trailers stored on the property must be empty;
4. The area between the street and the single-family homes on each lot must remain established as landscaped grass yard area, except for that portion of each lot where the driveway currently enters the property;
5. No storage or accessory buildings are allowed between the single-family homes and their corresponding detached garages;
6. No on-street parking is allowed; and
7. Any repair, rebuilding and painting of vehicles, machinery and equipment must be within a conforming building, not in an accessory structure;

and subject to the following Code requirements:

1. All trash and recyclable materials be stored inside the principal building. (Sec. 19.51);
2. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
3. No storage of abandoned or inoperable vehicles. (Sec. 8.37); and
4. Retail sales are subject to the requirements in Section 19.33 Industrial (I-1, I-2, and I-3) Districts.

No public testimony was received.

**Approved Special
Event Liquor
Caterer's License
ITEM 5.1E**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve a Special Event Liquor Caterer's license for Prom Catering.

This request is in conjunction with Cirque du Soleil – OVO, an event planned for May 25 - June 19, 2011. The event will be held on the Mall of America's north lot located at 8000 24th Avenue. The license is to allow intoxicating liquor to be consumed in the specified event area during the hours of the event.

**Continued to June 6
Interim Use Permit for
James Hillger dba
Fowler Electric Co.
Inc. at 9054, 9060 &
9100 Grand Avenue
Case 8055A-11
ITEM 5.2A**

Markegard provided the staff report on the application for a five-year Interim Use Permit by James Hillger dba Fowler Electric Co. Inc. at 9054, 9060 and 9100 Grand Avenue. He showed the location of the site using an aerial map and explained the permit is for outdoor storage. He said they've been operating under a one-year Interim Use Permit, which Council approved on April 26, 2010, with conditions. He explained the permit would be for the open storage of vehicles (cars, boats, ATVs, RVs), DOT semi-trailers used for hauling, roll-off containers, contractor equipment, landscape supplies, tools, a variety of trailers, and grounds maintenance equipment (lawn mowers, trailers, etc.). He said Hillger would like a five-year permit but staff and the Planning Commission are recommending a three-year Interim Use Permit.

Wilcox inquired about the changes that will need to be made by the applicant to bring this property up to Code.

Markegard stated after 3-5 years, the applicant will have to bring the property up to Code, which means they would have to make permanent improvements.

Speaker #1: Eric Hillger, Applicant and Owner of Fowler Electric

He stated he is requesting a five-year permit but Planning is recommending a 3-year permit. He stated deviating from the precedent might be warranted in his situation. He believes the difference between a 3-year and a 5-year permit is a tradeoff of the environmental Code and the success of his company and the success of the companies he employs. He talked about his company and provided background on the Hillger family and Fowler Electric. He said they grew up here and want to stay in Bloomington. As he explained it, he and his wife own the company but they lease the entire property from his father. They distribute parts and store property for others. He showed a list of their clients. He also showed a map indicating where his tenants are located. He discussed the 5-year plan and stated it will cost him \$100,000 to complete all of the necessary improvements. He stated he could save \$20,000 for five years to reach the \$100,000. He commented they're a local Bloomington business. They live in Bloomington and their clients operate in Bloomington. He believes this is an opportunity for him to keep this company going but it will take five years to complete their plan.

Grady inquired if the permit could be granted for three years with marks of progress being shown so that if progress is demonstrated, it could be extended for another two years beyond the three. She'd like to see this get going and it's better to check it at three years rather than five.

Markegard suggested Council could approve a 3-year permit and then look to do another 1-2 years before requiring the property be completely Code compliant.

Grady commented she'd like to see things continue to move in the Code compliant direction.

Hillger stated he was told by staff it would be difficult to do this piecemeal.

Bernhardson stated if Council wants to approve a 3-5 year permit but wants the property Code compliant within five years, they indicate what they'd like to see completed in each of the five years. He suggested Council postpone this item so staff can discuss this option with the applicant.

Wilcox stated he doesn't want to see Hillger commit to something he thought was going to cost \$100,000 when it will actually cost him a lot more.

ITEM 5.2A continued Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to continue to the June 6, 2011, Regular Council meeting, a request by James Hillger dba Fowler Electric Co. Inc. at 9054, 9060 and 9100 Grand Avenue, Case 8055A-11, for a five-year Interim Use Permit for open storage.

Adopted Ordinance Amending the City Code with Regard to the Parking Regulations on East 88th Street
ITEM 5.4A
O-2011-14

~~Amy Marohn, Traffic Civil Engineer presented the staff report on a parking regulation ordinance amendment to City Code Section 8.86 involving the south side of East 88th Street near the Valley View Elementary School area. She reported City staff worked with school staff to evaluate pedestrian safety in the area. She said people currently park on the south side of 88th Street but staff would like to prohibit parking within 50 feet on either side of the pedestrian crosswalk on East 88th Street at Clinton Avenue. In addition, staff will ensure all signage is marked for maximum visibility.~~

~~Hulting commented the homes on the north side seem to have adequate parking in their driveways and asked about who parks in front of the school.~~

~~Marohn replied parents who can't get into the school parking lot park in front of the school.~~

~~Busse inquired if 50 feet was enough.~~

~~Marohn replied 30 feet is State statute so 50 feet should be adequate.~~

~~Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt an ordinance amending Section 8.86 of the City Code regarding parking regulations on East 88th Street, in front of Valley View Elementary School as follows:~~

~~The parking of vehicles upon the following described streets or portions thereof are hereby prohibited during the hours prescribed:~~

- ~~- On the south side of East 88th Street from 50 feet west of Clinton Avenue to 50 feet east of Clinton Avenue, 24 hours.~~

~~No public testimony was received.~~

Adopted Resolution Approving Application for Minnesota Investment Fund Loan Funds for King Controls Project
ITEM 5.5A
R-2011-67

~~Bernhardson explained this application submission relates to the request by Electronic Controlled Systems, Inc., dba King Controls whereby they have requested the City's assistance in their expansion, which will create jobs in Bloomington. He stated it is recommended for approval.~~

~~Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt a resolution approving the application of Minnesota Investment Fund Loan funds for the development of the King Controls Project.~~

~~Winstead asked King Controls to keep the Council posted on their process.~~

~~No public testimony was received.~~

City Council Policy & Issue Update
ITEM 6.1

~~The City Manager announced there will be a Study meeting at 5:30 pm ahead of June 6 Regular meeting but there will not be one ahead of the Regular meeting on June 20. At this point, he was unsure about the need for a Study meeting on June 27.~~

- ~~- Grady commented she would like to see a running total on the relocation payments that have been paid out resulting from the relocation of the Alpha Business Center tenants in conjunction with the Lindau Lane extension project.~~
- ~~- Peterson stated he had asked the Mayor and the City Manager if they thought the Bloomington City Council should express an opinion on the Vikings stadium issue, as some of the stadium locations would be better for Bloomington than others. To the extent that the City could use its powers at the Legislature, a downtown stadium has benefits for Bloomington – primarily for its hotels. He asked the Council if they wanted to have a conversation on this subject so they could draft a policy statement.~~

**ITEM 5.2A1,2
continued**

and subject to the following Code requirements.

1. Temporary advertising signs shall comply with the requirements of Section 19.119;
2. Permits for any tents or temporary structures be obtained and installed and used according to requirement(s) approved by the Fire Marshal and Manager of Building and Inspection (2007 State Fire Code, Chapter 24;
3. Food service to be provided in accordance with the permit and requirements of the Environmental Health Services Division (Sec. 14.360);
4. An alcoholic beverage service, if requested, be provided in accordance with a City of Bloomington special event license, City Code (Section 13.57) and State law;
5. Fire lanes on the site must remain open and be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
6. Handicapped parking, access and accessible toilet facilities be provided in accordance with plans approved by the Director of Community Development (State Building Code, Chapter 1341);
7. No on-site or off-site temporary residential use or camping as noted in Section 14.283(g), License Restrictions;
8. Electrical and gas installations shall be installed in accordance with the requirements and permits issued by the Building and Inspection Division and/or the Fire Marshal (2008 NEC and 2006 IFGC);
9. Amplified music is limited to 60 decibels between 10:00 a.m. and 10:00 p.m. After 10:00 p.m., the noise limit shall not exceed 50 decibels as outlined in Section 10.29.02;
10. Applicant shall provide trash and recycling receptacles at all events to prevent littering to the extent possible (Sec. 10.45); and
11. Searchlights are prohibited (Section 21.301.07(e)).

No public testimony was received.

**Approved Five-Year
Interim Use Permit for
James Hillger dba
Fowler Electric Co.
Inc. (owner) and Eric
Hillger (user)
Case 8055A-11
ITEM 5.2B**

Markegard explained this item was continued at the request of the applicant's representative on May 16 following Council's discussion regarding a phased compliance schedule, which would extend the Interim Use Permit (IUP) from a 3-year to a 5-year, in order to achieve Code compliance on this site. He reported staff met with the applicant and described what would be proposed for Years 1, 3 and 5. He stated staff is comfortable with a 5-year compliance schedule and that upon the applicant's completion of that schedule, he could then apply for a permanent Conditional Use Permit. He asked Council if they concurred with this plan or if they preferred a 3-year compliance schedule. He stated the original recommendation of the Planning Commission was a 3-year schedule prior to the discussion regarding the phased-in compliance schedule.

Grady inquired as to who would be checking up on this schedule and what will happen if the applicant doesn't comply with these timed phases.

Glen replied the Planning Division will monitor the timeline. He said if the applicant changes the plan, there is language in the conditions that would then limit the permit to three years and time.

Bernhardson inquired as to what happens if Hillger doesn't do the work required in Year 3?

Markegard stated if the applicant does not complete the Year 3 improvements, the IUP goes away.

Motion was made by Wilcox, seconded by Grady, and all voting aye, to approve a five-year Interim Use Permit for open storage at 9054, 9060, and 9100 Grand Avenue, Case 8055A-11, for James Hillger dba Fowler Electric Co. Inc. (owner) and Eric Hillger (user), subject to the following 11 conditions of approval and 4 Code requirements as set forth by the Planning Division and Engineering Division Staff and the Planning Commission:

1. The applicant/owner must complete the following phased improvements to bring the site into Code compliance by the end of the Interim Use Permit term:
 - a) Submit and receive administrative approval of minor revisions to Final Site Plans and Building Plans showing future conformance for open storage areas with setback, pavement, curb and gutter, stormwater, screening and lighting standards by June 6, 2012;

ITEM 5.2B continued

- b) Complete approved City Code compliant setback, pavement, curb and gutter, and stormwater improvements by September 30, 2014; and
 - c) Complete approved City Code compliant screening and lighting improvements by June 6, 2016.
2. Failure to comply with the approval for the Final Site Plans and Building plans will result in the Interim Use Permit terminating on June 6, 2014. Failure to comply with the approved phased improvements by the applicable date listed above will result in the automatic termination of the Interim Use Permit upon that date;
 3. Open storage shall be allowed only in those locations shown on the site plan approved in Case 8055A-11. Should the approved Revised Final Site Plans and Building Plans for the site include expansion of the open outdoor storage areas beyond the currently designated areas, a new Interim Use Permit or Conditional Use Permit will be required before the expanded open outdoor storage areas can be used;
 4. The open storage may consist of those items listed in Case 8055A-11, but must not include and landscaping or construction debris;
 5. The existing solid fence screening on 9100 Grand Avenue will be maintained;
 6. The area between the grand Avenue and the single-family homes must remain and be maintained as grass yard areas, except for the area where the driveway enters the property on 9060 Grand Avenue, and must not used for any other non-residential use;
 7. No storage or accessory buildings are allowed between the single-family homes and their corresponding detached garages;
 8. No on-street parking allowed;
 9. No additional illegal temporary accessory structures shall be added to the site;
 10. Any repair, rebuilding and painting of vehicles, machinery and equipment must be within a complying building, not in an accessory structure; and
 11. The site consisting of all three properties must be kept in a neat and orderly manner and free of weeds and trash.

and subject to the following Code requirements:

1. All trash and recyclable materials be stored inside the principal building. (Sec. 19.51);
2. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
3. No storage of abandoned or inoperable vehicles. (Sec. 8.37); and
4. Retail sales are subject to the requirements in Section 19.33 Industrial (I-1, I-2, and I-3) Districts.

Wilcox thanked Hillger for his cooperation during this process.

No public testimony was received.

~~City Council Policy &
Issue Update
ITEM 6.1~~

~~The City Manager announced there will be no study meeting on June 27. He asked the Council if they had a preference regarding the location of the City Council/staff booth at Summer Fete.~~

~~Peterson suggested location #1 or #2.~~

~~Grady suggested locating it nearest the stage.~~

~~Bernhardson inquired if any Council member was interested in serving on the Arterial Transportation Task Force Policy Committee.~~

~~Motion was made by Peterson, seconded by Busse, and all voting aye, to appoint Tim Busse.~~

~~Grady commented on the School District's desire to meet again with the City Council.~~

~~Winstead commented staff has done a good of job of posting information on the City's Website about the Al Farooq application and that it needs to keep the information updated.~~

~~Bernhardson stated staff continues to add more information to the Frequently Asked Questions (FAQ) regarding Al Farooq as issues come up and that requesters of information are steered to the Website.~~