

**Regular City Council Meeting**  
**Monday, March 21, 2016**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

- 1 CALL TO ORDER - 7:00 PM** Mayor Winstead called the meeting to order at 7:00 p.m.
- Present: Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson, D. Lowman, and J. Oleson.
- 2 INTRODUCTORY**
- 2.1 FLAG PRESENTATION - Girl Scout Troop #55928** Girl Scout Troop 55928 introduced themselves after leading the audience in the pledge of allegiance to the flag.
- 3 CONSENT BUSINESS**
- 3.1 Approve Cooperative Agreement Public Works 2-7-16 with Hennepin Co.** Requested Action: Approve Cooperative Agreement.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.2 Meeting Minutes City Council - Approval** Requested Action: Approve the December 4, 2015 (Joint City Council/Legislative Delegation) meeting minutes as presented.  
Approve the January 25, 2016 (Human Rights Commission interviews) minutes as presented.  
Approve the January 25, 2016 City Council Regular meeting minutes as presented.  
Approve the February 22, 2016 City Council Regular meeting minutes as presented.  
Approve the January 11, 2016 City Council Study meeting minutes as presented.  
Approve the February 8, 2016 City Council Study meeting minutes as presented.  
Approve the August 14, 2015 Special meeting minutes as presented.
- Hold minutes from 1/25/16 item 10.3 – HRC. Lowman was not present for interview but did vote at the 1/25/16 City Council meeting for appointment of the two HRC members. Minutes documents for both the 1/25/16 City Council and 1/25/16 HRC interviews will be corrected to reflect this information.
- Hold minutes from December 4, 2015 joint legislative meeting. Incorrect staff member was listed. Minutes will be corrected to reflect removal of L. Brodsky and addition of N. Kelley.
- Move by Lowman.  
Seconded by Busse.  
Motion carried 7-0.

- 3.3 Approve SNAP-Ed Grant Subaward Agreement with UMN** Requested Action: Approve the Supplemental Nutrition Assistance Program Education (SNAP-Ed) Grant Subaward Agreement with the University of Minnesota.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.4 Approve Early Childhood Services Data Sharing Agreement with ISD 271** Requested Action: Approve the Early Childhood Services Data Sharing Agreement with Bloomington Independent School District (ISD) No. 271.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.5 Normandale Blvd. Construction Cooperative Agreement with Hennepin County** Requested Action: Staff Recommends approval of the Construction Cooperative Agreement with Hennepin County for 2016-201 Normandale Boulevard Safety Improvement Project.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.6 MNDOT Master Partnership Agreement 2016** Requested Action: Adoption of a resolution granting approval of a Master Partnership contract between the City of Bloomington and the Minnesota Department of Transportation.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.7 Xcel Energy Contract for Lyndale Avenue Street Lights Contract** Requested Action: Request approval of the Street Lighting Contract with Xcel Energy for Street Lighting along Lyndale Avenue from 86<sup>th</sup> to 94<sup>th</sup> Street in the amount of \$144,748.00
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.8 2015 Year-End Budget Transfers & Adjustments** Requested Action: City Council is requested to approve the 2015 Budget Transfers and Adjustments within enclosures and to adopt a Resolution authorizing the transfers.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.9 Acknowledgement of Liquor Tax Penalty and Interest Abatement – Tiger Sushi** Requested Action: Staff recommends that City Council acknowledge receipt of the report requesting penalties and interest abatement of \$11.02.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.

- 3.10 Vueworks Agreement - Approve Award for Work Order and Asset Management Software** Requested Action: Approve award and purchase of work request/work order and asset management system software and implementation services to VueWorks in the amount of \$255,000.00.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.11 Diseased Tree Removal in District #1, 2, and 4 - Approve Extension to Agreement** Requested Action: Approve a 3% rate increase to the unit prices in the Diseased Tree Removal Contracts with North Star Tree Care.
- Approve extension of the contract with North Star Tree Care for diseased tree removal in Districts #1, 2, and 4 for an additional twelve-month period through March 31, 2017.
- Approve the not-to-exceed amount of the contract for Districts #1 and 2 in the amount of \$397,028.00 and District #4 in the amount of \$73,899.85.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.12 Approve 3-year Special Traffic Studies Contracts** Requested Action: It is recommended that the City Council approve 3-year Special Traffic Study Agreements for up to \$120,000 each between the City of Bloomington and the following Consultants:
- Alliant Engineering, Inc.
  - Bolton & Menk, Inc.
  - Kimley-Horn and Associates
  - SRF Consulting Group, Inc.
  - WSB & Associates
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.13 2015-202 Pedestrian Crossing Improvement Project Award Contract** Requested Action: Staff recommends the 2015-202 Pedestrian Crossing Improvement Project be awarded to New Look Contracting, Inc. in the amount of \$259,605.00 and approve funding for various contract changes up to 10% contingency of the original contract amount (\$25,960.50) for a total project construction authorization of \$285,565.50.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.14 Brine Mixing Equipment - Approve Purchase** Requested Action: Approve purchase of brine mixing equipment.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.15 LIMS Software - Approve Purchase** Requested Action: Approve LIMS software purchase.
- Motion by Busse.  
Seconded by Abrams.

Motion carried 7-0.

- 3.16 Public Health Nurse and Interpreter Services with BlueCross and BlueShield Approve Agreement**      Requested Action: Approve Agreement for Public Health Nurse (PHN) and Interpreter Services with BlueCross and BlueShield (BCBS).  
Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.17 Federal Lands Access Program & Federal Lands Transportation Program Agreement Adopt Resolution**      Requested Action: Adopt this Resolution for agreement to the Federal Lands Access Program Project Memorandum of Agreement Terms and Conditions which also includes the Federal Lands Transportation Program and authorize the City Engineer, Public Works Director and City Manager to sign and execute any necessary agreement documents related to these funds.  
  
Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.18 Contract Civil and Traffic Engineering Services from Bolton & Menk Approve**      Requested Action: Request approval of the contract for Civil and Traffic Engineering Professional Design and Construction Engineering Services with Bolton & Menk, Inc. in the amount of \$197,000.00.  
  
Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.19 Authorize Lease with Verizon Wireless at Valley View Playfield, 301 90th Street East**      Requested Action: Authorize Mayor and City Manager to sign both the lease and the memorandum of lease.  
  
Oleson stated this item involves Verizon replacing a light tower at Valley View. There were concerns raised by residents regarding radio waves. The research indicated that radio waves are not of particular concern. The beams are sent laterally across the horizon with not much coming down to where people are.  
  
Motion by Oleson.  
Seconded by Lowman.  
Motion carried 7-0.
- 3.20 Order Feasibility Study Signal Optimization and ITS Project**      Requested Action: Authorize the City Engineer to prepare a feasibility report for the Signal Optimization and ITS Project (City Project 2016-202).  
  
Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.21 Amendment to 2016 Compensation Plan**      Requested Action: Council to approve the Amended 2016 Compensation Plan for the City of Bloomington.  
  
Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.

- 3.22 Approve Signing and Resubmission of Signatures Edward Byrne Memorial Justice Grant**
- Requested Action: Staff recommends Council approve the signing and resubmission of the signature page for the FY2015 Edward Byrne Memorial Justice Assistance Grant.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.23 City Manager Employment Contract Extension**
- Requested Action: City Council is asked to extend the City Manager's Employment Agreement through August 2, 2016.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 3.24 Community Development Budget Amendment**
- Requested Action: Approve adjustment.
- Motion by Busse.  
Seconded by Abrams.  
Motion carried 7-0.
- 4 PUBLIC COMMENT PERIOD**
- 4.1 Response to Prior Meeting's Public Comments**
- City Manager Jamie Verbrugge stated there were no new issues presented at the last City Council meeting to report on.
- 4.2 Public Comment**
- Mayor Winstead opened the public comment period for anyone wishing to address the Council on matters not on tonight's agenda.
- Speaker #1:  
Dorette Kerian – 1033 Oxborough Road:  
With there being many critical needs in Bloomington, a Sustainability Commission should be made a top priority. Bloomington has other commissions, but nothing is focused on environment and sustainability. Understanding there are many questions involved with this, the Coalition named a task force of long-term Bloomington residents. The members are prepared to take on this task and make recommendations to City Council. List of task force members and a copy of the letter that was read will be sent to City Council.
- City Manager Verbrugge said this is not listed as an agenda topic but may be a topic that comes in the future due to the number of conversations regarding this topic that are currently happening.
- Speaker #2:  
Rob Boetta – 10100 James Road:  
A member of the Bloomington Sustainability Task Force. Encouraged City Council to build a commission for sustainability. Presented more reasons for the proposed Sustainability Commission. City needs to be sustainable and adapt to climate change. Climate change poses threats and is the biggest challenge of our time but also a major economic opportunity. Explained the importance of sustainability.
- Speaker #3:

Sally Ness - 8127 Oakland Avenue South:  
Spoke regarding lack of traffic control at 8201 Park Avenue. Showed pictures vehicles parked in multiple locations in presumably no parking zones. Explained there is not sufficient parking in residential areas. Asked City to address these parking issues.

Mayor Winstead asked City Manager Verbrugge to prepare a response for next Council meeting on the criteria for parking in parks and private properties and define when it could/should. That will help in the determination if enforcement will be required.

The berm issue has been there before, has been brought up, has been responded to, but if there is a definitive issue, would like to close the case on this issue. The food manager issue is definitively an issue. Asked Verbrugge to create a memo.

City Manager Verbrugge said the questions about the berm and food manager have been brought up and responded to, but complied.

**5 LICENSING DIVISION:  
PUBLIC HEARINGS**

**5.1 New Off-Sale Liquor License – Clover Liquor & Tobacco**

Requested Action: Staff recommends approval of the off-sale intoxicating liquor license for TS7 LLC., doing business as, Clover Liquor & Tobacco.

Motion by Busse.  
Seconded by Carlson.  
Motion carried 7-0.

**6 DEVELOPMENT  
BUSINESS: PUBLIC  
HEARINGS**

**6.1 HSSA Lighting 8800  
Chalet Rd Change of  
Condition**

Requested Action: Staff recommends, in Case #PL201600017, move to amend Condition #21 in Case #10917C-13 to read:

To reduce the impacts of the ski slope lighting on surrounding property owners, the lighting system for maintenance purposes must be wired to allow multiple maintenance zones. After hours and except for emergencies, general slope lighting must be extinguished and lights for maintenance purposes may only be used when maintenance is underway in a particular maintenance zone. To reduce impacts on surrounding property owners, the maintenance lighting system must use shields, louvers, or angled fixtures to minimize glare on surrounding properties. All other conditions from Case #10917C-13 are to remain the same.

The City Council also authorizes the Site Development Agreement to be amended to reflect the revised wording of Condition #21.

Planning Manager Glen Markegard presented item 6.1 via PowerPoint presentation. Presentation included information on the history of this location, neighborhood issues, alternative proposal, approval of the alternative for a one year test period. Staff is recommending approval to modify the condition as requested. Authorize site development agreement to be revised to match.

Mayor Winstead said the action tonight is to bring it to conclusion. It appears that it has met the needs and desires of the residents.

Abrams asked if the modifications had been observed by staff or by residents. Markegard said they were items that staff has requested. Did not hear from neighbors until after the notices were sent out.

Baloga has heard quite a number of favorable comments from residents via email and conversation and phone calls. Did receive one notice that there were no improvements and invited that person to tonight's Council meeting to get more input on this. Asked that person to contact him to gain more substance to the claims.

Busse asked if there were specific metrics. The comment was that there were no metrics, but more antidotal. Asked Markegard to summarize what he has heard from staff, residents, and Three Rivers Park District.

Markegard said there is no metric for glare, and essentially it's in the eye of the observer. Comparing the two images on PowerPoint, you can see there is less glare with the upgrades. Staff was impressed after visiting the site. Three Rivers has been very satisfied with the results. There are additional concerns, listed in the packet.

Boe Carlson, Superintendent of Three Rivers Park District, stated this was a cheaper, more cost effective solution for the tax payers to reduce the light pollution. The hope is to continue to replace existing lighting systems with downcast lights. Would like a majority of the lights to be downcast. In addition to the downcast lighting, went to a zone light system, with circuitry set to certain portions of the hill and can be shut off when not working there. Reached out to the neighborhood and the feedback was positive.

Baloga motioned to approve condition 21 to HSSA lighting at 8800 Chalet Road.

Seconded by Busse.

Motion carried 7-0.

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

Mayor Winstead asked if anyone else wished to address the Council. No one came forward to speak so the public comment period was closed.

**7.1 Accept Feasibility Order NE Penn Storm Sewer Project Adopt Resolution**

Requested Action: Recommended that Council adopt the attached resolution to accept the feasibility study and order the project for construction.

Sr. Stormwater Manager Bryan Gruidl presented PowerPoint presentation. Recommended to have City Council consider ordering project for ROW storage requirement (future 80 1/2 Street corridor) for March 21, 2016, to finalize design in 2016, and begin construction in 2017. Would like to complete the project before the Orange Line begins in 2019.

Mayor Winstead mentioned that this is the area of town where the worst flooding has happened. The reason for the flooding is because the city decided to develop a lake. This is a low point, a water-rich area. Asked if that is framed correctly.

Gruidl confirmed this frames it well. Explained that the area was during a time where stormwater management was not thought about. There is a lot of impervious areas. When it rains, it doesn't take a lot for the water to collect in those low spots.

Abrams asked Gruidl to explain how the \$6.7 million is being covered and

the purpose of the storm utility fund.

Gruidl responded that the \$6.7 million is being covered by the storm utility fund, issue bonds and will make payment to it. In order to keep pedestrian traffic and motoring public traveling the area, the storm utility will be bearing the cost of the project.

Gruidl said staff have met with property owners and had discussions. It has been left to them to digest that information and staff offered to meet with those people in order to implement a mutually agreeable solution.

Carlson said this does not address all the flooding but is part of the overall solution. Hopefully we will see this approach continue as sites develop.

Gruidl stated that development or redevelopment will be the threshold for storage on private property. As properties redevelop, they will implement storage. In order to require these storage areas to be implemented out here, will be implementing policy that will go out for 60 day public comment period this summer with the hopes of bringing to Council for public adoption before the end of the year.

Lowman asked if staff has looked at other possibilities for moving water. Gruidl responded that several options were considered. A pipe option was considered, but by increasing efficiency, they'd be increasing flood elevations, so rather than solving the problem, it would be just moving the problem from one place to another. Looked at storage options within watershed itself in intersection for other stormwater ponds, but that did not fit the vision of this area.

Oleson said that with some of the businesses having flooded, this is a good business decision for being proactive.

Gruidl said with the redevelopment, it opens an opportunity for a new street to go through there. There is space available currently and if we don't capitalize during the development phase, that opportunity will be gone.

Motion by Abrams.  
Seconded by Lowman.  
Motion carried 7-0.

**8 ORDINANCES: PUBLIC HEARINGS**

**8.1 Proposed License and Permit Fee Changes**

Requested Action: Staff recommends that City Council take the following actions:

1. Approve the attached ordinance concerning fees charged for various licenses and permits.
2. Approve the attached resolution authorizing the summary publication of the ordinance.

City of Bloomington License Examiner Doug Junker addressed Council. Said fees this year are based on the 2.5% cost of living increase. They are not all the licenses - intoxicating liquor is not on here. Any time there are add-ons or changes, they give them a year to catch up.

City Manager Verbrugge mentioned regulatory activity, specifically tobacco licenses. Asked if the \$165 license is inclusive of enforcement in other work.

Junker said state statute limits us to a fee that covers administrative cost. The license is very simple and is a simple application. The base administrative fee is small. The majority of the fee is for compliance checks for the officers. This was bumped up roughly 5-6 years ago.

Mayor Winstead said the license fee can reflect what it takes to police and enforce regulatory issues. Junker confirmed yes.

Busse added that this is to cover administrative fees, and is not a money-maker for the City.

Speaker Jo Ann Zitzow – previously sent email regarding therapeutic massage. As she has loved being a sole proprietor in Bloomington starting in 1994, it is higher than other municipalities. Asked if this fee can be looked at as far as the general massage enterprise license. Since she is a sole proprietor, maybe as a best practice, can the fee be graduated down or decreased in some way.

Mayor Winstead said this has been discussed with staff but is not prepared to answer. Junker to look into this and provide a response to City Council. City Manager Verbrugge confirmed staff will look into this.

Mayor Winstead asked if it's appropriate looking into other categories too. Junker said it's worth looking at some of these.

Carlson asked for clarity if Council is to amend this proposal now, or will it come before Council as a separate action.

Verbrugge stated that this is a proposal to adopt the amendments as presented this evening, then direct staff to research and come back for additional information. Timeline is driven by what council agenda is over the next couple months.

Baloga said this really impacts licenses for 2017. The majority of the people have done renewal for 2016. Junker clarified there are many different dates that require renewal. This particular renewal is to be completed by August.

Motion by Baloga.  
Seconded by Abrams.  
Motion carried 7-0.

Summary of publication for fee changes:

Motion by Baloga.  
Seconded by Lowman.  
Motion carried 7-0.

**9 OTHER: PUBLIC HEARINGS**

None

**9.1 2016 Community Development Block Grant Budget and Action Plan**

Requested Action: Approve FY2016 Community Development Block Grant Budget and Action Plan

City of Bloomington HRA Program Manager Bryan Hartman spoke regarding the annual action plan for budget of program for fiscal year July 1<sup>st</sup>. Proposing to conduct the same activities as in the past but to add additional activity to the CDBG budget. Proposing total of 2016 budget of \$986,825 which is funding enough to do 30 loans. Anticipating program income of \$400,000 in the next program year. Program income to CDBG is anything

returned to the program. In this case is the repayment of old rehab loans. \$8 million in outstanding rehab loans, which is a tremendous asset to the City to enable to fund the rehab loans program and to take on new activities.

The second activity is the lead-based paint abatement. Pays for testing of rehab loan, homeowners, properties, and lead-based paint. So they don't have to incur those costs themselves.

Funding home program, household program by Sr. Community Service. Deb Taylor CEO was acknowledged as being in attendance and able to answer questions.

Proposing to add one new activity, a low income homeownership activity, which has not been done in HRA for a number of years. Proposing to work with West Hennepin Affordable Housing Land Trust (WHAHLT). Proposing to spend \$100,000 of grant money in 2016 to purchase rehab homeownership opportunities for low/moderate income families. Staff to work with WHAHLT to purchase a single-family home within the city, rehab, then resell the structure itself to the homeowner. The land trust maintains ownership of the land so the homeowner is only paying for the structure itself.

Mayor Winstead added that, when it comes time for resale of that property, it would be made available for people, and the land would stay in trust so the home would resell to a qualified person at the building price.

Hartman said this is a way to guarantee long-term affordability with a 99-year lease with a requirement of reselling to a low/moderate income family.

Mayor Winstead said it's a good way to maintain affordable housing. It improves homes and takes them out of affordable range when time for sale. Highly in favor of this program.

Lowman asked what it looks like for the next year and if it's sustainable. Hartman said this depends on block grant coming through from Federal Government. Staff proposes to review budget every year and is all based on available funding.

Busse asked if lead-based paint is still an issue. Hartman confirmed it is, but in Bloomington it is typically found within window frames.

Carlson appreciates the modest approach and hopefully this can help expand the program in the future.

Oleson said this program is particularly important. The market interest in old homes has increased. What it means is that those who are buying to flip are selling for higher price. Therefore fewer houses are on the market that are affordable to low/moderate income families.

Motion by Lowman.  
Seconded by Carlson.  
Motion carried 7-0.

**10 ORGANIZATIONAL BUSINESS**

**10.1 City Council Policy & Issue Update**

City Manager Verbrugge had nothing to bring forward.

**10.2 Noise Oversight  
Committee  
Appointment**

Requested Action: Council is asked to appoint Oleson as the representative with Lowman as the alternate to the Noise Oversight Committee. The Noise Oversight Committee is to be notified of the change.

Motion by Busse.

Second by Abrams.

Motion carried 7-0.

**11 ADJOURN**

Mayor Winstead adjourned the regular City Council meeting at 8:20 PM.

Denise Dargan  
*Council Secretary*