

Regular City Council Meeting
Monday, May 02, 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** City Council greeting video was played.
- 2.1 FLAG PRESENTATION** Mayor Winstead led the audience in the pledge of allegiance to the flag.
- 2.2 2016 Drinking Water Week Proclamation** Requested Action: 2016 Water Week Proclamation
- Mayor Winstead read Proclamation and explained the importance of having healthy drinking water. Mentioned Best In Glass Award that was awarded to City of Bloomington for 2015 by AWWA. Introduced Public Works employees Tim Groff, Sr. Utility Operator, and Justin Johnson, Utilities Operator. Groff and Johnson accepted the Proclamation.
- 2.3 Poppy Days Proclamation** Requested Action: Mayor Winstead read Proclamation declaring May 20 & 21, 2016, as Poppy Days in Bloomington and said the proclamation will be mailed to the Auxiliary Poppy Chairman at the Everett McClay VFW Post #1296 in Bloomington.
- 2.4 Asian Pacific Heritage Month Proclamation** Requested Action: Mayor Winstead read the Asian Pacific Heritage Month Proclamation. Sia Her, Executive Director of the Council on Asian Pacific Minnesotans, accepted the Proclamation on behalf of the Bloomington Human Rights Commission.
- 2.5 Older Americans Month Proclamation** Requested Action: Mayor Winstead read the Older Americans Month Proclamation. The Older Americans Month Proclamation honors the older adults that contribute to the City of Bloomington. Linda Christle, member of the 50+ program offered through Human Services at Creekside Community Center, accepted the Proclamation.
- 2.6 2016 Report Board Of Appeal And Equalization** Requested Action: Receive the report of the City of Bloomington's 2016 Board of Appeal and Equalization.
- City Assessor Matt Gersemehl summarized the City of Bloomington's 2016 Board of Appeal and Equalization. Should any property owners wish to appeal the Board of Appeal and Equalization recommendations, such an appeal should properly be directed to the Hennepin County Board of Equalization. The property owner may contact the Hennepin County Board

of Equalization at 612-348-5076 for an appointment.

Motion by Baloga to accept report of the City of Bloomington's 2016 Board of Appeal and Equalization.

Seconded by Abrams.

Carried 7-0.

3 CONSENT BUSINESS

3.1 Comprehensive Plan Advisory Committee Roles and Responsibilities

Requested Action: Approve the roles, responsibilities and approach to establish an Advisory Committee to assist with the Comprehensive Plan. Update as described in the attachment.

Held by Councilmember Oleson to point out that this is referring to a comprehensive advisory committee to take part in the process of the 2018 comprehensive plan to begin this fall. Being asked to approve the details of roles and responsibilities.

Community Development Director Larry Lee mentioned that this committee will be made available to the Planning Commission and City Council as a 14-person committee. Seven members will be representatives from Council or the standing advisory boards to the Council. Seven will be community volunteers that are interested in this line of work, and will be appointed or will apply to the committee.

Motion by Oleson.

Seconded by Lowman.

Motion carried 7-0.

3.2 Approve Police Budget Adjustment \$50,000

Requested Action: Staff recommends Council approve budget adjustment.

Motion by Carlson

Seconded by Abrams.

Carried 7-0.

3.3 Approve Police Budget Adjustment \$65,000

Requested Action: Staff recommends Council approve budget adjustment.

Motion by Carlson

Seconded by Abrams.

Carried 7-0.

3.4 Accept Donations

Requested Action: Accept donations for Public Health Department from Kaye Aho and Scott Weatherhead. Donation from Richard Parks Painting, Inc. to the Bloomington Canine Unit.

Motion by Carlson

Seconded by Abrams.

Carried 7-0.

3.5 East Bush Lake Road / I494 WB Ramp Resolution and HC Cost Participation Agreement

Requested Action: Approve the Hennepin County Cooperative Agreement PW 55-07-15 and the resolution for the construction of the Westbound Ramp to I-494 at the East Bush Lake Road CSAH28/I-494 interchange, and approve the Mayor and the City Manager to sign the documents.

Item 3.5 was pulled from agenda, to be brought back to City Council at a

- 3.6 **Accept Permanent Easement; 6820 Auto Club Road; Adopt Resolution** Council meeting, date to be determined.
Requested Action: Staff recommends adoption of the resolution accepting the permanent public drainage and utility easement over Lot 18, Block 1, HIDDEN BLUFFS.
Motion by Carlson
Seconded by Abrams.
Carried 7-0.
- 3.7 **Lynch; Variance; 8720 Queen Avenue South** Requested Action: The Hearing Examiner and staff recommend the following motion:

The Hearing Examiner and staff recommend the following motion:
In Case PL2016-49, move to adopt a resolution to approve variances to reduce the front yard setback from 30 feet to 22 feet for a garage and to reduce the side yard setback from 10 feet to 5 feet for a principal dwelling addition at 8720 Queen Ave. S., subject to the conditions noted in the staff report.

Motion by Carlson
Seconded by Abrams.
Carried 7-0.
- 3.8 **Meeting Minutes City Council - Approve** Requested Action: Approve the April 11, 2016 City Council Study meeting minutes as presented.

Motion by Carlson
Seconded by Abrams.
Carried 7-0.
- 3.9 **Architecture/Engineering Consultant Miscellaneous Projects-Award Contract** Requested Action: Award a two year contract to Hammel, Green and Abrahamson, Inc. for the not-to exceed amount of \$25,000.00 per project and the not-to-exceed amount of \$150,000.00 per year.

Motion by Carlson
Seconded by Abrams.
Carried 7-0.
- 3.10 **Public Works Building Reroofing-Award Contract** Requested Action: Approve bid award for the partial reroofing of Public Works Building to John A. Dalsin & Sons, Inc. in the amount of \$212,322.00 and approve a 20% contingency in the amount of \$42,464.40 for a total project not-to-exceed amount of \$254,786.40.

Motion by Carlson
Seconded by Abrams.
Carried 7-0.
- 3.11 **Air Light Fire Apparatus - Approve Change Order** Requested Action: Approve the change order for the Fire Rescue Truck in the amount of \$4,745 for a total cost of \$384,634.

Motion by Carlson
Seconded by Abrams.
Carried 7-0.

4 PUBLIC COMMENT PERIOD

- 4.1 **Response to Prior Meeting's Public Comments** City Manager Verbrugge responded to resident Ken Nelson's question from the April 18th 2016 Council Public Comments regarding the vacant home on his block. Verbrugge said staff is attempting to contact the bank to encourage or facilitate the property to get to a lived-in status. Still have not been able to make contact with the bank.

City Manager Verbrugge stated there was no new material that warrant a response regarding Sally Ness' comments.

City Manager Verbrugge addressed Vi Rozek's comments regarding flushing and sweeping the lot at in front of 8201 Park Avenue. Smith Park, located next to the facility. Mentioned the shared parking agreement between the two lots. City workers did clarify the work area that the City is responsible for so that has been corrected. Verbrugge also responded to Rozek's questions regarding abatements for code violations. Environmental Health shared that City's contractor performed two exterior abatement clean-ups in 2015. The fees associated with both were billed to and paid by property owner, not assessed to taxes.

- 4.2 **Public Comment** Mayor Winstead opened public comment period at 7:30pm.

5 LICENSING DIVISION: PUBLIC HEARINGS

- 5.1 **New Medical Marijuana Distribution Facility - In Conjunction with Item 6.1** Requested Action: Staff recommends approval of the medical marijuana distribution facility license for Minnesota Medical Solutions, LLC, doing business as Minnesota Medical Solutions.

City of Bloomington Planner Nick Johnson discussed the location and proposed tenant space at retail center via overhead. Gave overview and background of medical marijuana program in Minnesota. Defined medical cannabis. The City of Bloomington enacted moratorium in January which resulted in many public meetings and a task group. Put forth an ordinance that was adopted in October 2015.

Johnson showed proposed floor plan and explained the layout and performance standards. No harvesting or manufacturing allowed. State law does not allow this type of facility to be within 1,000 feet of K-12 schools. No more than one facility per 100,000 residents. This location is 1,099 feet from Poplar Bridge School, which met the City and State criteria.

Oleson asked for clarification on one of the slides that read, "Operating documents must be submitted with Conditional Use Permit." Asked what the nature of documents are. Johnson responded that the documents do not relate to state health law, but more how the facility operates, i.e.: what it does to remain secure, how to dispose of the waste, product delivery plan.

Busse asked why this group chose Bloomington over their previous proposed located within Eden Prairie, and asked if it was brought to Eden Prairie City Council and was denied there. Johnson said Bloomington was a more desirable location. It had not gone through Eden Prairie City Council. Busse asked about the facility in Minneapolis and what their experience has been. Johnson explained that it is at approximately 3rd Avenue and 9th

Street, east of convention center. According to the crime reports, it does not appear there has been any crime or security issues. Does not have any evidence indicating there have been any issues.

Johnson discussed the signage concerns that were brought forth during Planning Commission. Johnson said the idea is to make the signage as non-descript as possible and to not include pictures and symbols. The ordinance helps remove that concern. There is a condition of approval to reiterate this point.

Johnson mentioned Bloomington Police were encouraged by the location of where this facility will be located due to increased surveillance. Applicant had made it clear that they would make surveillance in front and in alley and will be available to police for any incidents.

Carlson asked if the current tenants have any issues with the proposed facility. Johnson said they have not received any additional inquiries from any other property owners, nor has Kraus Anderson.

Lowman asked if there is a child care facility is within that shopping center. Johnson said there is child care within Lifetime Fitness which is the closest location of child care. Police did not offer concerns related to this.

Applicant Josh O'Neill, Chief Development Officer spoke. Said they have not had any security issues in Minnesota or New York facilities. They chose Bloomington because of location. They do have a great working relationship with Eden Prairie who welcomed the use, but Bloomington has better patient access. Have been operating in Minneapolis since July 2015. Intent is to be open in Bloomington by July 1, 2016.

Mayor Winstead said this takes on likings of a pharmacy versus a distribution site, much different from Colorado and California. This will be handled in a safe fashion.

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

**6 DEVELOPMENT
BUSINESS: PUBLIC
HEARINGS**

**6.1 Minnesota Medical
Solutions 5200 West
84th St CUP**

Requested Action: The Planning Commission and staff recommend approval with the following motion:

In Case PL2016-39, having been able to make the required findings, move to adopt a resolution approving a Conditional Use Permit for a medical marijuana distribution facility located at 5200 West 84th Street, subject to the conditions and Code requirements attached to the staff report.

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

Mayor Winstead closed the public comment period at 7:52 pm.

6.2 Marketpointe II; 4400 W

Requested Action: The Planning Commission and staff recommend

**78th St.; Major Revision
Final Development Plan**

approval using the following motion:
In Case PL2016-30, having been able to make the required findings, move to approve a Major Revision to Final Development Plans for the Marketpointe II parking ramp expansion at 4300 and 4400 West 78th Street and 4300 Marketpointe Drive, subject to the conditions and Code requirements attached to the staff report.

Mayor Winstead exited due to a relationship with real estate.

Community Development Manager Glen Markegard mentioned this is a major revision to development plan, continued from the April 18th, 2016 City Council meeting due to the sidewalk gap on Johnson Avenue as well as questions with parking.

Sidewalk gap – There is a gap of 205 feet with a width of 8 feet if installed. The Engineering cost estimate is \$16,500, including contingencies and overhead and materials. Showed pictures of the gap in sidewalk. There are pedestrians using the wear path. Grading is required to complete the sidewalk.

Network connectivity – There are some gaps. Markegard showed locations of transit stops around Marketpointe Office Development via PowerPoint.

Parking and storage – Storage, according to City Code, is defined as 48 hours or more, which is prohibited in this zoning district. Parking is 48 hours or less. Interim Use Permit was issued in 2013 for temporary surface lot, but that never materialized.

Carlson asked about a timeline for the parcel at 4300 78th Avenue North for development. Markegard confirmed it would be a market-driven development and there’s nothing on the horizon.

Carlson asked that, when there is a future development proposal, if staff would recommend a condition of approval for completion of sidewalk. Markegard confirmed that a condition of approval for completion of a sidewalk would be required at time of development.

Nick Schultz, Ryan Companies, addressed the Council. Mentioned third party leasing. There is no third party leasing on the existing ramp. Included that a sidewalk would be included in phase III of development and the ramp would extend to that area.

Abrams said the sidewalk impedes mobility and has concern with waiting on a sidewalk. It is a key point of circulation.

Motion by Abrams.
Seconded by Lowman.
Motion carried 6-0. Mayor Winstead abstained.

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

**8 ORDINANCES: PUBLIC
HEARINGS**

8.1 Cemetery Ordinance Requested Action: Adopt the ordinance revisions, as presented.

Amendments

City Clerk Janet Lewis presented ordinance amendments with revisions. Provided PowerPoint presentation on columbarium and recapped main goals of the cemetery strategic business plan. In 2014, cemetery was placed on national list of historic places. Showed aerial view of where columbarium would be placed. Mentioned bronze memorial plaques being removed and replaced with inscriptions. Presales may be available in June by contacting City Clerk’s office.

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

8.2 Recodification of City Code

Requested Action:

- Adopt the ordinance to approve the recodification project
- Adopt the resolution directing publication of the ordinance

City Clerk Janet Lewis discussed recodification examples. Explained the purpose of recodification of Bloomington City Code. This is recommended to be done every 25 years, or as necessary. Last time Bloomington was recodified was 1975. Clarified definition of codification. Amending of City Code is carefully considered. When published, they’re codified, then incorporated to City Code. Ordinances awaiting codification are posted on the City of Bloomington website. This work does not include 36 ordinances awaiting codification. Nothing substantive was changed in the Code.

Lewis provided some examples of what changes were made: spelling and grammar; words versus symbols; gender neutral language; fractions to be spelled out; Legislative citations updated; correcting internal citations to reference the correct section; titles within the organization. Draft manuscripts are available for public inspection at City Clerk’s office, available by appointment.

Abrams asked if recommended changes in Charter will be required to go through Charter Commission for formal adoption.

City Manager Verbrugge mentioned that the Charter Commission will be meeting on May 5th. If this were to need Charter review, it could be scheduled for a special meeting or await the next Charter Commission meeting in 2017.

Johnson said there were sections of code that were very old. Staff assisted in rewriting to get to current language. Great care was taken to not change the substance.

Motion by Carlson to adopt the ordinance to approve the recodification project; and adopt the resolution directing publication of the ordinance.
Seconded by Oleson.
Motion carried 7-0.

9 OTHER: PUBLIC HEARINGS

10 ORGANIZATIONAL BUSINESS

10.1 City Council Policy & Issue Update

City Manager Verbrugge had no policy or issue update to report.

Baloga said there is no differentiation for cost for ticket holders for

Bloomington theater. There is a consistent pricing between residents and non-residents. Urged PARC to review their policy relative to ticket pricing and distinguish between residents and non-residents.

Lowman asked if there is a way to see the accident report from that day because he had received a call earlier regarding an accident at 102nd. Verbrugge said police will follow up with City Council. Police to provide more of an assessment.

Mayor Winstead suggested we continue to dig into this issue. Traffic conditions on 102nd Street have been a known issue and have been constant and ongoing.

Busse mentioned that he attended several ceremonies last week for people that have had strong connections with the City. Ross Kramer retirement; Todd Klingel retirement; and Normandale Community College Education Foundation for Dr. Joyce Ester.

11 ADJOURN

Mayor Winstead adjourned the regular City Council meeting at 8:34 PM.

Denise Dargan
Council Secretary