

**Monday, August 01, 2016**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

- 1 GREETING TO COUNCIL** City Council greeting video was played, featuring Artistry employee Bill Ronchak.
- 1.1 CALL TO ORDER - 7:00 PM** Mayor Winstead called the City Council meeting to order at 7:00 pm.  
Present: Councilmembers J. Baloga, T. Busse, A. Carlson, D. Lowman, J. Oleson, K. Vlasisvljevich
- 2 INTRODUCTORY**
- 2.1 FLAG PRESENTATION** Mayor Winstead led the audience in the pledge of allegiance to the flag.
- 2.2 National Night Out Proclamation** Requested Action: Mayor to read and present National Night Out Proclamation declaring August 2, 2016 as National Night Out.  
Mayor Winstead read and Katie Swatosh accepted proclamation.  
Swatosh explained that this will be the 33<sup>rd</sup> annual National Night Out in Bloomington. There are approximately 345 parties being hosted this year.  
Mayor Winstead said this is a good event for crime prevention, public safety, and community building.
- 3 CONSENT BUSINESS**
- 3.1 Support League of American Bicyclists Bike Friendly Community Program Resolution** Requested Action: The City Council is asked to adopt the resolution of support for the application to the League of American Bicyclists, Bike Friendly Community Program.  
Motion by Lowman.  
Seconded by Carlson.  
Motion carried 7-0.
- 3.2 Business Associate Agreement with Wilder Research Approve** Requested Action: Approve the Business Associate Agreement with Wilder Research.  
Item 3.2 continued to the August 15, 2016 City Council meeting.
- 3.3 Meeting Minutes City Council - Approval** Requested Action: Approve the June 27, 2016 City Council Regular Meeting minutes with the word "irrigation" amended from page 13, listed under item 10.3, regarding item 10.1. Approve the July 6, 2016 City Council Regular

Meeting minutes as presented. Approve the July 14, 2016 City Council Meeting minutes as presented.

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

**3.4 Set Compensation, Easement Acquisition WB On-Ramp to I-494**

Requested Action: Staff recommends approval to set “Just Compensation” and make offers to the property owner, and approval of the Eminent Domain Resolution for the 2016-706 WB ramp to I-494 at East Bush Lake Road ROW Project.

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

**3.5 Sidewalk Snow Plow - Approve Purchase and Transfer Funds**

Requested Action: Approve the purchase of a sidewalk snowplow 2015 MV4 Municipal Tractor from ABM Equipment and Supply, LLC under Minnesota State Contract #110754 in the amount of \$112,296.00.

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

**3.6 2016-2017 Insurance Renewals**

Requested Action: Approve the renewal of the LMCIT Commercial Package Policy. Authorize non-waiver of the statutory tort liability limits.

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

**3.7 Review and Ratify 2017 Fire Pension Contribution**

Requested Action: Ratify the 2016, payable 2017 Fire Pension obligation.

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

**4 PUBLIC COMMENT PERIOD**

**4.1 Response to Prior Meeting's Public Comments**

Requested Action: City Manager Verbrugge discussed the Marriott unfair labor practices discussion from last week. Staff did follow up and contact those two individuals. Human Rights Commission worked with the two parties. In this case, the complaint has already been filed. Local mediation is exempted at this point. There is not a role for City to play, the two individuals were contacted and this issue is concluded from the City's involvement.

Tim Sandry presented information on the Sustainability Coalition, urging the City Council to consider elements on the Strategic Plan. Council will be meeting on August 10<sup>th</sup> and Sandry's comments will factor into that discussion.

Several residents approached Council regarding 8201 Park, Dar Al Farooq and Mr. Frost's petition of Redress of Grievances. In terms of what our City

Code defines as a petition, this document is not that. There are no signatures associated with the document to verify, there is no obligation or responsibility on the Council to accept or acknowledge the receipt of the document. In reviewing the document and the concerns that it expressed, it appears to be a repackaging of a number of complaints that have been made over the past 4-5 years. City Staff has been responsive to those complaints. When we receive a complaint about the property, they are responded to by the appropriate department. We have responded to those complaints to the best of our ability. It's safe to say that we have not responded to the satisfaction of the complainant. Regarding the concern over the uses of Smith Park and peoples' concerns with safety, Verbrugge explained that he spoke to the Police Department and they do not have any track record of people calling or reporting incidents or indicating they don't feel safe in the park. If there are people that no longer using the park because of safety concerns, we have not been made aware of that. Those subjective comments are very difficult to quantify or to respond to. Some of the questions about the Joint Use Agreement or Conditional Use Permit are disagreements in law. There are certain remedies that are available if they feel the City is not enforcing those legal documents. The speaker from last week said he would be supplementing information. There are a number of footnotes and exhibits to reference, and that information is difficult to respond to since the exhibits were not provided at the time of submission. There is an extensive data practice in place now. The process for handling data practice requests does not elevate one above another just because people might be more vocal of a concern. If someone is the subject of data, and we're requesting data specific to them, there is a time frame we must respond by. For other data practice requests, we go by available staff resources. We have rolling production because the volumes of data are so significant. Will accommodate requests as quickly as we can, but in order to respond to things past this, we would need to see the supporting data. Is confident that most of the complaints are ones we have already responded to.

City Manager Verbrugge mentioned the discussion regarding the City rules of procedure and how people may comment. In the rules of procedure, if issues has been presented before, it's been heard and it's at the discretion of the presiding Officer to take or not to take additional testimony unless there is new information. This has been communicated to some of the commenters multiple times.

**4.2 Public Comment**

Mayor Winstead opened public comment period at 7:14pm.

Speaker #1 – Dan Cripe, 10817 Kell Avenue South:  
 He is a member of the Community Center Task Force. He talked with children at the skate park at Valley View. In talking with the kids, he has heard a resounding request to get additional shade and a drinking fountain, possibly picnic tables. Is unsure where the money would come from, but thinks this would be a good idea.

Mayor Winstead asked Public Works Director to look into the feasibility and practicality of this request.

City Manager Verbrugge offered that a response would be given this week to Mr. Cripe.

**5 LICENSING DIVISION:  
 PUBLIC HEARINGS**

**5.1 St. Bonaventure Catholic Church; Special Event On-Sale 3.2% Malt Liquor License**

Requested Action: Staff recommends approval of the special event on-sale 3.2 percent malt liquor license for St. Bonaventure Catholic Church.

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

**5.2 Bloomington Heritage Days; Special Event On-Sale Intoxicating Liquor License**

Requested Action: Staff recommends approval of the special event on-sale intoxicating license for Bloomington Heritage Days.

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

**5.3 Holiday Inn Bloomington (Green Mill); Approval of Interim Management Agreement**

Requested Action: Staff recommends approval of the interim management agreement between HI Bloomington, LLC, and MSP Restaurant Group LLC, doing business as, Holiday Inn Bloomington (Green Mill).

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

**6 DEVELOPMENT BUSINESS: PUBLIC HEARINGS**

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

**8 ORDINANCES: PUBLIC HEARINGS**

**8.1 Division E: Peddlers and Division R: Solicitors of the City Code Ordinance Amendment**

Requested Action: Staff recommends approval of proposed peddler and solicitor ordinance changes.

License Inspector Doug Junker said in June, an amendment was brought forward on the solicitor ordinance due to a court challenge on previous ordinance. Would like to get it in place for summer solicitor crowd. Bringing forth the peddler ordinance to bring it in line with solicitor recommendations from the Judge. The time is now changed to 9pm on both. All the same things that have been discussed for solicitor is being proposed for peddler, and changing the time from 8pm to 9pm.

Baloga questioned the time change from 8pm – 9pm. Junker said that before the solicitor and door-to-door sales, it could just be a 'reasonable time.' At the time the code was written, 8pm was common and reasonable. This Judge said that 9pm is the new standard so it was instructed to be changed it to 9pm.

Mayor Winstead shared an experience he recently had with a pest/rodent control person who pushed his services until he was questioned about his license because this person did not have a City license. Winstead said it is

good to have this ordinance change in place.

Junker said there is video on the City of Bloomington website, but as a reminder, be sure to ask for IDs, and call 911 if unsure.

Oleson said people can be persistent and intimidating and can be a problem. Said there was a for-profit window salesman who told him he did not need a permit. Oleson said he will provide staff with that information. Asked if this ruling was for non-profits.

Junker said the ruling was based on non-profits. Previous code tried to carve out representatives that were paid professional solicitors. There are organizations that hire third parties and are used to make sales. Those for profit or not are required to get a license. The latest court findings, leave non-profit, stay away from that. If representing non-profit, no license required. Peddlers need to have similar guidelines. It is based on protecting the rights of non-profits.

Oleson said it would be important as a City and the safety of residents, to indicate what rights residents have to say no, what number to call, if they have concerns.

Junker said there has traditionally been a spring roll call with Police on the community access channel and an article in the spring newsletter. Will get that out again mid-summer. Will try to get more publicity on the website.

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

**8.1.1 Summary Publication of Ordinance Amendments**

Requested Action: Approve resolution for summary publication.

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

Mayor Winstead closed the public comment period at 7:30 pm.

**9 OTHER: PUBLIC HEARINGS**

**9.1 Fee Schedule Amendment - Bloomington Ice Garden**

Requested Action: Close the public hearing and adopt the Resolution amending the 2016 Fee Schedule.

City Manager Verbrugge said last week there were questions about the rates, specifically competitive rates from other rinks and prime time versus non-prime time rates. Comparison information is the packet.

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

**10 ORGANIZATIONAL BUSINESS**

**10.1 City Council Policy and Issue Update**

City Manager Verbrugge made mention of the upcoming open house for the proposed Hennepin County Courts facility, scheduled for Wednesday,

August 3, 2016 from 6:00pm – 7:00pm in the Haeg Conference Room. It is open to the public. The purpose of the open house is to share information related to the potential relocation of the Hennepin County Courts facility from Southdale to Bloomington. Staff has been working on this issue for some time. Council has been briefed as well. Before making a decision, we'd like to share the proposed facility plan. Will be working with the *Sun Current* to try to get follow-up information in the paper prior to the next City Council meeting on August 15<sup>th</sup>, when we expect to have agreements in front of the Council for consideration. If there are timing issues, will advocate for that. We don't want to rush the agreements if the agreements aren't complete.

Busse mentioned jeopardized funding for the Orange Line and MOA Transit Station due to issues between Dakota County and the Counties Transit Improvement Board (CTIB). The next meeting of the CTIB is August 17<sup>th</sup>, Prior to that board meeting on the 17<sup>th</sup>, there is a City Council meeting on August 15<sup>th</sup> and the hope is to have a Resolution or letter to strongly express our desire to have this worked out so funding is not jeopardized by this issue between Dakota County and the Transit Improvement Board.

Busse said the bicycle-friendly community plan. Minneapolis has an open street program throughout the summer and fall and thinks it would be a great opportunity for Bloomington to host an open streets program. Explained the program in that it's a day-long celebration where a busy street is closed for traffic and open to the public, like a street fair. Said it is a great opportunity and would encourage Bloomington Bicycle Alliance and the City to get involved with this.

Oleson mentioned the upcoming events involving St. Bonaventure and Heritage Days, and said these are excellent events that encourage community building. Encouraged people to get out and attend.

**10.2 Appointment to the Statewide Community Health Services Advisory Committee**

Requested Action: Appoint a member of the City Council to serve as Bloomington's representative to SCHSAC; appoint the Public Health Administrator to serve as the alternate.

Vlaisavljevich offered to be appointed to this Committee.

Motion by Busse.

Seconded by Oleson.

Motion carried 7-0.

Mayor Winstead suggested working to define the different things that the Council partakes in and committees to serve on. Sister City Organization as one example, is not an official appointment, but would like to see someone be part of this organization.

Baloga asked if appointment has been made to 169 Rapid Transit Committee. Baloga explained the two different 169 committees, the Corridor Commission and the Rapid Transit Committee. Abrams was part of the Rapid Transit Committee. City Manager Verbrugge responded that this would be brought back later this month. Will share information and be brought back at a future meeting.

**10.3 Heritage Days – Donation Request**

Requested Action: Council is asked to take action upon the request for donation.

City Manager Verbrugge explained how the event is budgeted. When approved, it is assigned to the contingency budget. We don't want to

presume Council will do this every year or that it will be requested every year. Hopefully this will become so successful that additional City subsidy will not be necessary in the future.

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

**10.4 Summary City  
Manager's Performance  
Review and Extension  
of Employment  
Agreement**

Requested Action: The Council is asked to authorize the Mayor to sign the attached City Manager's Employment Agreement on behalf of the City. Mayor Winstead explained the performance evaluation of City Manager Verbrugge that took place in a closed session on July 25<sup>th</sup>. City Manager was evaluated on four categories: important skills and attributes for a City Manager, Relationship with City Council, organizational management, and leadership. Evaluations show he is exceeding in each category. Council specifically commended Verbrugge for his work that he has done to get to know Bloomington and build strong relationships with key partners and stakeholders. As a result of evaluation, City Council is directing Human Resources Director to prepare an extension of employment agreement for an additional two years, running from August 1, 2016 through July 31, 2018. The compensation was set and will be at \$169,870 which will have no car allowance attached to it.

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

**11 ADJOURN**

Mayor Winstead adjourned the meeting at 7:45 pm.

Denise Dargan  
*Council Secretary*