

**Regular Meeting #26**  
**Monday, May 16, 2011, 7:00 p.m.**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

**Call to Order and Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:04 p.m. The Bloomington Color Guard led the audience in the pledge of allegiance to the flag.

**Roll Call**

*Present:* Mayor Winstead, Councilmembers T. Busse, A. Grady, T. Hulting, K. Nordstrom, S. Peterson, and V. Wilcox.

**Proclamation – Police Week**

Mayor Winstead read and presented a proclamation declaring the week of May 15-21, 2011, as National Police Week to Police Chief Jeff Potts.

Potts stated this is an opportunity to honor police officers who have lost their lives serving others.

**PROCLAMATION - Public Works Week**

Mayor Winstead read and presented a proclamation declaring May 15-21, 2011, as Public Works Week to Polly Keat and Deb Weltzin. A major service provided by the City is the Public Works Department. Many of the calls the City receives relate to the services provided by Public Works but stated they perform at a high level of service. He thanked them for their energy and efforts in Public Works. A short video clip demonstrating all that Public Works provides was shown.

**Adopted Resolution Accepting Bid for 2011-101 PMP Street Improvement Project ITEM 3.1 R-20110-64**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution accepting the bid of Palda & Sons, Inc. in the amount of \$4,480,672.18 for the 2011-101 Pavement Management Program (PMP) Street Improvement Project. The list of streets to be reconstructed is as follows:

<u>Road Name</u>	<u>From</u>	<u>To</u>
W. 106 <sup>th</sup> St.	I-35W	Humboldt Ave.
W. 82 <sup>nd</sup> St.	Aldrich Ave.	I-35W
E. 82 <sup>nd</sup> St.	Portland Ave.	Park Ave.
Oakland Ave.	E. 81 <sup>st</sup> St.	E. 83 <sup>rd</sup> St.
W. 83 <sup>rd</sup> St.	Lyndale Ave. So.	Grand Ave.
Garfield Ave.	W. 82 <sup>nd</sup> St.	South Terminus
Harriet Ave.	W. 82 <sup>nd</sup> St.	South Terminus
Grand Ave.	W. 82 <sup>nd</sup> St.	W. 83 <sup>rd</sup> St.
W. 91 <sup>st</sup> St.	Penn Ave.	Russell Ave.
W. 92 <sup>nd</sup> St.	Penn Ave.	Russell Ave.
Queen Ave.	W. 91 <sup>st</sup> St.	Terminus South
E. 93 <sup>rd</sup> St.	Oakland Ave. So.	Chicago Ave.
Oakland Ave.	E. 92 <sup>nd</sup> St.	E. 93 <sup>rd</sup> St.
Park Ave.	E. 90 <sup>th</sup> St.	E. 96 <sup>th</sup> St.
W. 96 <sup>th</sup> St.	Lyndale Ave. So.	West Terminus
Aldrich Ave.	W. 96 <sup>th</sup> St.	South Terminus
W. 98½ St. Cir.	W. 98½ St.	West Terminus
W. 98½ St.	Hyland Greens Dr.	W. 99 <sup>th</sup> St.
W. 99 <sup>th</sup> St.	Hyland Greens Dr.	Nesbitt Ave.
Hyland Greens Dr.	Briar Rd.	Nesbitt Ave.
Yosemite Cir.	Yosemite Rd.	West Terminus
Yosemite Rd.	W. 99 <sup>th</sup> St.	Hyland Greens Dr.
E. 90 <sup>th</sup> St.	Portland Ave. So.	12 <sup>th</sup> Ave.
Halsey Ln.	Lyndale Ave. So.	East Terminus

**Adopted Resolution  
Accepting Bid for the  
2010-501 Project  
(Normandale Lake  
Boulevard Sanitary  
Sewer Improvement)  
ITEM 3.2  
R-2011-65**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution accepting the bid of Minger Construction, Inc. in the amount of \$638,354.10 for the 2010-501 Normandale Lake Boulevard Sanitary Sewer Improvement Project.

The improvements will be funded in accordance with budgeted sanitary sewer utility funds and assessments.

**Approved Advance  
Relocation Payments  
to McKay Enterprises,  
LLC and ASML U.S.,  
Inc.  
ITEM 3.3**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve an advance relocation payment of \$20,000 to McKay Enterprises, LLC and an advance payment of \$2,500 to ASML U.S., Inc., tenants at the Alpha Business Center properties that are scheduled to move out on or about May 31, 2011.

The City's relocation consultant SRF Consulting Group, Inc. has reviewed the requests for advance payments and has deemed them to be reasonable and necessary and recommends payment. The "advance" payments will be deducted from the full relocation entitlement when the relocation claims are filed for McKay Enterprises, LLC and ASML U.S., Inc.

Relocation benefits for McKay Enterprises, LLC and ASML U.S., Inc. and other tenants will be paid from Fund 435, Project 2009-704.

**Approved Request for  
Proposals (RFPs) for  
Group Insurance  
ITEM 3.4**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the Request for Proposals (RFP) for group insurance including: Health, Life, Dental and Long Term Disability. The official notice of the RFP's will be published in the newspaper on May 19, 2011. Submission of RFP's will be June 13, 2011, with an anticipated awarding of a contract by Council on August 22, 2011. The contracts will become effective at the start of the new plan year, January 1, 2012.

**Adopted Resolution  
Accepting Bid for  
2011-901 Storm Sewer  
Maintenance Project  
ITEM 3.5  
R-2011-66**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution accepting the bid of Minger Construction, Inc. in the amount of \$264,571.75 for the 2011-901 Storm Sewer Maintenance Project. The Council ordered the project and approved the plans and specifications at their meeting on April 4, 2011. It involves the following storm sewer locations:

- A. West Bush Lake Road at West 87<sup>th</sup> Street
- B. 8800 Lakeview Road
- C. West 102<sup>nd</sup> Street at Little Road
- D. West 102<sup>nd</sup> Street at Johnson Avenue South
- E. West 102<sup>nd</sup> Street at Harrison Avenue South
- F. 3806 West 103<sup>rd</sup> Street
- G. Overlook Drive, 800 feet west of Xerxes Avenue South
- H. West 93<sup>rd</sup> Street at Penn Avenue South
- I. Penn Avenue South at West 88<sup>th</sup> Street
- J. Queen Circle at Queen Avenue South (south of West 110<sup>th</sup> Street)
- K. Bliss Lane, between Humboldt Avenue South and River Terrace
- L. West Bloomington Freeway at West 105<sup>th</sup> Street
- M. West 106<sup>th</sup> Street at Interstate 35W
- N. 294 Mission Circle
- O. West 81<sup>st</sup> Street at Wentworth Avenue South
- P. Stevens Avenue South, 100 feet south of East 79½ Street
- Q. 17<sup>th</sup> Avenue South, East 86<sup>th</sup> Street to Wright's Lake
- R. Killebrew Drive at West Entrance to Mall of America

Funding is included in the Storm Water Drainage Utility Budget and no assessments will be involved in this project.

**Approved Revised Timelines for Demolition of Alpha V Building & Lease for Polar Semiconductor  
ITEM 3.7**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve a revised timeline for the Alpha Business Center (Alpha V) demolition and the lease of a portion of Alpha V to Polar Semiconductor substantially in the form contained in the agenda packet.

Originally, building five (Alpha V) was to be demolished in the fall of 2012 to accommodate the construction of Lindau Lane in 2013. Engineering has determined Alpha V can remain after the roadway construction, but with less parking. Polar Semiconductor is interested in leasing warehouse space in Alpha V to consolidate their two spaces. The space will be used only for warehouse purposes and will require minimal parking. Staff projects a net income (\$250,000) from the Alpha Business Center with the proposed lease to Polar Semiconductor.

**Approved Extension of HVAC Services Contract with Legacy Companies  
ITEM 3.8**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve an extension of the contract with Legacy Companies to provide HVAC maintenance and repair services at 6 fire stations, 28 park buildings, and 9 City buildings for an additional 2-year term through June 21, 2013, at the increased contract labor rates requested in the item.

Funding for these services is budgeted annually in the Facilities Maintenance Budgets. Expenditures for these services during the initial contract period were approximately \$122,000.

**Approved the 2012-2017 Regional Park Capital Improvement Plan Funding Request  
ITEM 3.9**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the 2012-2017 Regional Park Capital Improvement Plan (CIP) funding request as listed in the agenda document.

Funding for the acquisition, development and redevelopment of the Regional Park system is provided through grants from the Metropolitan Council with the financial support of the State of Minnesota. The City receives Regional Park CIP funding for those portions of the Hyland-Bush-Anderson Lakes Regional Park Reserve, which are owned and operated by the City. This includes Bush Lake Park, Normandale Lake Park, North Corridor Park, South Corridor Park and Tierney's Woods. Projects previously funded through Regional Park CIP grants include the reconstruction of Bush Lake Park trails and the construction of the Normandale Lake Bandshell.

The 2012-2017 Regional Park CIP as currently proposed by the Metropolitan Council provides up to \$433,000 per biennium for City CIP projects, for a total of \$1,299,000.

**Awarded Contracts for Diseased Tree Removal  
ITEM 3.11**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to award contracts for 2011 public and private diseased tree removal in District #1 to Pioneer Tree & Landscape in the amount of \$109,390 and in District #2 and District #4 to Golden Leaf Tree Service in the amounts of \$80,090 and \$37,710 respectively.

Funding for these contracts is available in the 2011 Solid Waste Management Budget, Activity 535-8557-432.63-21.

**Postponed to June 6 Contracts for Services Provided to Richfield  
ITEM 3.6**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to postpone to the June 6, 2011, Regular meeting, the contracts for providing services to the City of Richfield.

**Approved Minutes  
ITEM 3.10**

Motion was made by Wilcox, seconded by Nordstrom, to approve the minutes February 28, 2011 Regular meeting minutes as presented. Motion passed 5-0 (Peterson and Busse abstaining.)

**OPENED PUBLIC  
COMMENT PERIOD**

The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda.

Speaker #1: Tom Fronk, 10024 Nord Road

He stated he is a civil engineer and the lead safety engineer for a federal agency and that he works on projects similar to that of the West 102<sup>nd</sup> Street Striping Project. He stated there is broad support for a 3-lane striping project as proposed by the City. He asked the Council to approve it exactly as it was presented by City staff so that it can be built this summer. He stated he observed the street at many different times and took photos on several occasions. He said the 3-lane plan has wide shoulders that could be used for bicycles. He stated the existing sidewalk is not sufficient for handling pedestrians and bicycles. He showed photos of the conflicts that occur between walkers and bikers every day as school gets out. He explained how moving the bikers off the sidewalk and onto the street would improve the sidewalk congestion. He focused on two crosswalks – one in front of the elementary school and one in front of the middle school. He stated the drive lane is located right next to the curb where children congregate on the sidewalk and stated there is an issue with speeding vehicles exiting the Jefferson High School (JHS) parking lot at the same time the middle school gets out. He said after observing the timing of cars exiting the JHS parking lot in the afternoon, he did not see any congestion issues. Then he looked at the morning congestion, which was all single-file just as proposed in the 3-lane scheme, which shows the inside lane is not being used. He said there would be less congestion during the morning peak period if those cars could be moved over and a right turn lane added. Regarding the JHS crosswalk, he stated with a center left turn lane, there would be a safe haven between the directions of traffic for people crossing the street. They wouldn't have to cross all four lanes at once.

Winstead stated as the Council was split on its decision regarding the restriping of West 102<sup>nd</sup> Street, it will be restriped in its current configuration after the road is resurfaced. He stated the Council requested staff bring back some alternatives that could include lane configurations to help with the ingress and egresses from the schools. He stated later this summer staff will bring back some different alternatives involving lane configuration and medians, which could involve undoing some striping and restriping. He stated the Council will review the report when it's available from staff. He stated if some improvements were made at the schools, it would probably involve the acquisition of some additional right-of-way near the schools but added there is not enough time for that to occur this year. He stated Council will look at the alternatives to decide whether it wants any particular one studied. For now, the Council has acted and West 102<sup>nd</sup> Street will be restriped in its current configuration following the resurfacing.

Speaker #2: Larry Schack, 4525 Heritage Hills Circle

He stated the restriping is great from a bicyclist point of view, as they always need more room. However, he doesn't think elementary or middle school aged kids should or would ride in that lane or use it. He believes the sidewalk is a safer place for kids that age to ride. He said he supports the restriping but he doesn't think it will alleviate the congestion on the sidewalk. He said a bike path would separate the pedestrians and the bikers.

Speaker #3: Ken Waettler, Nesbitt/St. Edwards Church Area

He said there is currently a bike lane on Nesbitt and on 90<sup>th</sup> Street, which he finds to be of high value. He said those bike lanes cover central Bloomington (east/west). However, south Bloomington doesn't have a safe bike lane that goes somewhere. He said a bike lane is much faster than riding on the sidewalk. From a commuter's point of view, West 102<sup>nd</sup> Street has good value.

**PUBLIC COMMENT  
PERIOD continued**

Speaker #4: Sally Ness, 8127 Oakland Avenue South

She expressed concerns about the property at 8201 Park Avenue. She spoke with the pastor who said he didn't want to put this property on the market. That he was working hard to sell this to the Bloomington Public Schools and the City. She said the Pastor said they were working on it with the City but then the City suddenly backed out. She said according to the realtor, Bloomington Schools did make an offer and that he did then take it to another interested party. She stated Bloomington Schools needed a \$500,000 loan and wanted to know why the City didn't offer that assistance, as Smith Park had already lost two ball fields because of the Olsen Chain & Cable situation. She stated according to the City, it wanted the tennis courts, football field, and basketball courts so why didn't it offer up the \$500,000? Why did this property go through the City's hands when Bloomington needs a new senior community center? She said she was told by members of the Council that this is not a mosque but it's a community center. She stated a determination of what this building is will need to be made in order to know what impact it will have on the neighborhood. She commented this church will be accessed by a lot of people going through their neighborhood on Fridays and throughout the weekend. She stated there has been a lack of understanding and a lack of full disclosure and due diligence on the part of elected officials in Bloomington. She believes the City Council needed to find out more about who was purchasing this property. She said she went to the location at 983 17<sup>th</sup> Avenue and while they might be a good group of Muslims going to prayer, there's going to be a lot of people. She said she sat in her car and observed people coming to pray and it was like a flash mob. All of a sudden she was surrounded by it. She mentioned pictures she sent showing cars parked in front of fire hydrants, etc. and said people will need to get in and out their driveways. She said the issue of Ramadan was not addressed adequately by the Council. This is their neighborhood park and Ramadan lasts 10 days. She said this will be unlike any other church in the area where people will be coming and going at all hours. She stated there is an issue with dogs and that people walk their dogs in the park and it will create a conflict with these people. She said even though it's a mosque, it will still function as a church with bake sales, rummage sales, weddings and funerals, etc. She said Smith Park was supposed to be this neighborhood's "Centennial Lakes." She said that didn't happen so then the neighborhood was told this was going to be their "Hyland Park." She said the City is giving Al Farooq permission to take the entire parking lot, which is different than letting Concordia Academy use it for 3 or 4 nights of football. They will have a lot of events on a regular basis. They are devoted to their events. In addition, they have evening classes after which they encourage people to stay for basketball and lemonade. She stated that basketball court is the only haven for the kids at Georgetown. She stated the original school was built with 48 parking spots, which was increased for Concordia Academy. Now the new total number of required parking spaces is 380. She said with that much additional parking, the neighborhood deserves a traffic study. She said an increase in additional parking needs from 48 spaces to 380 is just under an 800% increase in their neighborhood and yet no one ordered a traffic study. She said that makes for a dangerous situation in their neighborhood especially given the saturation of children in this location. She stated this went through so quickly. She said a 791% increase in parking since the last traffic study is a travesty. She said if a study was done, the neighborhood was not consulted or notified about it. She said the elected officials are negligent and this issue should be reopened asked the City Council to reopen it. She said she talked to two Council members who said they would vote to revisit it with the understanding that this needs to go further after that. She said the proposed use is too large for the neighborhood and will negatively impact the residents. She said the City Attorney should not have advised the Council to approve the permit for fear of a lawsuit. Rather, they should vote on the facts specifically regarding capacity. She said some Council members don't know the capacity of the building. She said the Fire Marshal says it will hold 478 people. She said there is no limit as to how many people can attend this building. She stated this area already has a high water level and that 5 homes were going to be condemned. She stated the neighborhood on the Chicago/Columbus side cannot take any more water or those basements or will collapse. She said someone could die because the Council didn't do its due diligence.

**PUBLIC COMMENT  
PERIOD continued**

Winstead stated the Council has received ongoing correspondence from Ms. Ness and it has been responded to. He stated there is information out there, some of which is accurate and some of which is not. Since the City's Acting Planning Manager Glen Markegard is the one who responded to most of the e-mails, he asked Glen to speak to the information that was presented for Council's consideration and to some of the issues raised by Ms. Ness, as she is claiming the Council didn't know what was being proposed. He stated he for one, understood specifically what proposal was being put forth. He requested Markegard address the issues Ness raised in her comments relating to capacity, traffic, a community center, an assembly place, flooding, etc. to explain how it went through the Planning Commission and City Council process.

Markegard reviewed the following items Council discussed at their previous public hearings:

- City Code Parking Requirements: There are conditions that limit what portions of the building can be used at what time. The biggest condition is that the Large Gym cannot be used for assembly purposes when the Assembly Halls are being used for assembly purposes.
  - When the Assembly Halls are in use for Assembly uses, the required parking is 1 space per 3 occupants. Assembly Halls have a capacity under the Fire Code of 300 people, which would require 100 parking spaces for that use. It totals up to 214 parking spaces. He stated 216 parking spaces are on site but the City Council required an additional 50 parking spaces (25 prior to the school starting and 25 prior to any assembly use starting onsite). He said they intend to build more than that but 50 spaces are required by condition. That will bring the number of parking spaces onsite up to 266, which is beyond what is required by Code. In addition to those 266 spaces, there will be another 50 Proof of Parking spaces that would only be constructed if there proved to be a need for that, i.e. overflow parking on an ongoing basis. At that point, Al Farooq would be required to build those Proof of Parking spaces, which would bring the total number of parking spaces to 316.
  - When the Large Gym is in use, which they don't plan on using for assemblies but will reserve for recreational uses, the maximum occupancy is 500. (He explained this approval runs with the land so if a future user wanted to use the gym differently, they would be bound to these conditions.) In other words, an occupancy limit of 500 people requires 166 parking spaces. He said there are other conditions that state the Assembly Halls cannot be used or the School when the Large Gym is in use for those types of events. The Code would require 240 spaces but 266 would be available plus the 50 additional Proof of Parking spaces.

Winstead explained the Council put conditions on the uses that would be there at those limits stated.

- With regard to access, Markegard explained it is drawn off of local streets, which is not an ideal situation but is similar to other locations around the city. Upon reviewing other places of assembly and other schools, 7 places of assembly and 3 schools had that condition.
- With regard to stormwater issues and the expanded parking, the Applicant would have to meet City stormwater requirements, which include quality and quantity control. As parking is added, stormwater capacity must also be added to ensure the additional parking doesn't worsen any flooding conditions and the quality issue must be addressed.

**PUBLIC COMMENT  
PERIOD continued**

- Using a floor plan, Markegard explained the Gym is limited to a 500 capacity by condition. The occupancy for the two areas labeled as Assembly Halls, which includes a Men's Chapel and a Women's Chapel, is based on the Fire Code which looks at the size of the room and the number of exits in determining the number of occupants. Depending on how the rooms are used and configured, the numbers could be lower. A worse case scenario would be a capacity of 300 occupants for those areas. In addition, there is a Small Gymnasium that could be used for overflow.
- The remainder of the building would be used for office space and weekend school and during the week school or a fitness area, etc.

Winstead stated by condition, the Applicant can't use the Gymnasium for what is stated as the purpose for the Assembly Halls.

Markegard confirmed stating when the Assembly Halls are in use, the Gymnasium can only be used for school activities that would not generate any additional traffic beyond what is normally in the school. It could be used for daycare or school activities if those uses do not generate any additional cars to the site. Both of those spaces could not be used for assembly at the same time. An athletic event or a special event could take place in the Gymnasium for up to 500 people but they couldn't use the Assembly Halls at the same time as the Gymnasium. They would be limited to 500 people in that assembly area, which would require 166 parking spaces. If the neighborhood is full of cars, that would probably mean their parking is overflowing which would mean they might be overlapping in uses and therefore in violation of a condition. A vast majority of the churches in Bloomington are on busier or centralized streets but there are some located in residential neighborhoods adjacent to parks.

Winstead asked about the problems in neighborhoods where there are churches located adjacent to City parks.

Markegard stated some places of assembly include Holy Emanuel Lutheran Church, Southtown Baptist Church, and Evergreen Community Church. He reported they do experience some overflow parking from time-to-time especially on holidays. Sometimes there are conditions to address overflow parking. In the case of the Al Farooq Youth and Family Center, the busiest day will be midday on Fridays. He reported the peak demand for Smith Park is more in the evenings throughout the year. He asked if Council members had observed anything different.

Wilcox requested staff address the comments made about the loss of the basketball courts, the gymnasium, and the fields, etc. and talk about the cross-easement agreement the City had with Lutheran High School that carries forward.

Markegard explained the School owns the athletic fields behind it including a football/soccer field, a basketball court, and tennis courts. He said the City and the previous school jointly developed these fields and there was a complex joint agreement regarding maintenance and use. He said the City and the School has access to the fields and anyone who inherits this property inherits the agreement that runs until 2024 but added it could be extended. He stated due to the change in use from a high school to more of an elementary school, place of assembly, and daycare, the Agreement will be updated to the benefit of both parties, which staff is working on.

Bernhardson stated there was discussion regarding a purchase of the athletic fields by the City, as it had the opportunity to do so, but it didn't make sense for the City to do that. He said there was never any discussion about purchasing the building.

Winstead stated the School District looked at purchasing the building but backed away from it because of the costs to bring it up to Code.

Grady stated because the costs to rehabilitate this building were cost prohibitive, the School District decided not to pursue it.

**PUBLIC COMMENT  
PERIOD continued**

Winstead stated the City has no regulatory control over the sale of this building. It can't say yes or not to it being sold and it can't dictate to whom it is sold. The City looks at the Conditional Use Permit and this use is permitted within the R-1 District.

With regard to the notification process, Grady explained the City is required to notice up to 500 feet and stated notices were mailed. She reported the Council held two long public hearings with lots of questions and public testimony. She said there was a lot of Council discussion in trying to figure out the parking needs, which resulted in a lot of conditions for this application. She stated there were several hearings and it was heard by the Planning Commission so she was surprised no one knew what was going on. She said the City does what it can to get the word out and it always notifies 500 feet and that distance can't be changed because of the applicant.

Wilcox stated this application came to the City in February and was before the Council on three separate occasions.

Speaker #5: Vi Rozek, 8214 Park Avenue South

She lives across the street from the school and said she's excited it will be a school but not about what else is going to go on there. She reported she received one letter from the City. When she received it, she was instructed to call Planner Londell Pease and she did. She told him what she thought and sent a letter but has never heard anything back. She said none of her neighbors knew anything about the second and third meetings. She's lived in her house for 28 years. She said everyone in the neighborhood was contacted years ago when it first became Northgate Elementary. They gave input about what was planned for the school. Then 27 years ago, the school changed to Lutheran High School and the City notified the neighbors. She said they received three letters and that the neighbors attended each of the meetings. The City Council worked with them and kept them informed on what was happening. She said the neighborhood was pleased when it was occupied by Lutheran High School but not so much about this application. She said it will make parking very tough on her street. While other schools have overflow parking a few times a year, this building will have overflow parking every Friday, Saturday and Sunday. It will cause narrower streets. She expressed anger regarding this plan and said she wants to be able to get in and out of her driveway.

Winstead asked the Council if this is an item that warrants reconsideration. He said it's been heard and it was deliberated and parking was the main issue so the Council requested additional conditions to deal with that.

Wilcox stated he discussed this situation with Ms. Ness. He told her the only way this could be reconsidered is if a Council member on the prevailing side asked for a reconsideration. He said he told Ms. Ness he was not going to be one to ask that it be brought back for reconsideration.

Hulting stated two Council members would need to make the motion to have it reconsidered plus another two votes on the Council would be needed to have a majority wanting it to be reconsidered.

Speaker #6: Sandra Sears, 8508 10<sup>th</sup> Avenue South

She stated she lives near Smith Park and asked who is going to enforce how the building is used on the inside. Who will enforce the parking condition when the number of cars exceeds the 266 parking spaces? She said Smith Park is used for dog walking, sporting events, etc. but since it was upgraded, she has seen a lot of nature in the area. She believes the parking and the constant uses of the church will affect the nature that now frequents the area. She said people walk to the community garden plots and asked who will enforce the usage of the Park. She asked the Council to keep the neighborhood for its residents.



**PUBLIC COMMENT PERIOD continued**

Bernhardson stated with regard to enforcement, conditions have been set. At the point that the parking becomes a problem and is externally observed, Planning will get the call and they will go out and observe the situation. If the parking becomes an issue on a regular basis, staff will monitor it. If it's still a problem and there is a violation of the conditions, they will talk to Al Farooq. A determination will then be made regarding whether or not they need to expand the parking. He stated there should be no need to park in the street but added enforcement will occur through the Planning Department.

Grady said Council will be relying on calls from the neighborhood if there are problems, as they have the ability to go back and say the Applicant promised to adhere to the conditions. She said the neighborhood needs to provide feedback.

Speaker #7: Doriann Littlemoe, 8121 Oakland Avenue South

She said they've lived in Bloomington for 57 years and they walk through Smith Park daily. They take their grandchildren to the Park. They walk across 82<sup>nd</sup> Street. She said they enter the Park from the area under the power lines and then cross from one parking lot to another to access the Park. She stated there have been two 100-year rain events that flooded up and over Park Avenue. She reported there have been two 100-year rains and it has flooded twice in this neighborhood. She said the additional parking in the area won't be able to absorb water and it will flood into their houses. She said those people are desperate. This isn't New Orleans. The City should be able to take care of the amount of water we have in Bloomington.

City Engineer Shelly Pederson explained the proposed development will need to follow the City's stormwater policy. She said there have been floods in 1977 and in 1987. Since then, however, improvements have been made in this area but there is still some localized flooding in the low spots. She confirmed Smith Pond bounces up quite high in this area adding the City has done a lot of work since the flooding many years ago. She reported there might be some localized flooding onto the grass on Columbus Avenue during some of those fast moving rain events.

Wilcox stated when he was on the task force for upgrading Smith Park, flooding was a top priority and asked if there have been any floods since then.

Pederson reported there was localized street flooding in various pockets throughout the city.

Winstead restated this issue is clear to the Council and reported no one on the Council is coming forward to make a motion to have it reconsidered.

**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 On-Sale & Sunday On-Sale Intoxicating Liquor License Renewals ITEM 5.1A**

Licensing Examiner Doug Junker reported the Hotel Sofitel is not included in the list of On-Sale and Sunday On-Sale Intoxicating Liquor license renewals nor is the Purple Sandpiper located at 8405 Lyndale Avenue South included on the list of On-Sale Wine license renewals and is being requested for continuance.

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the following On-Sale and Sunday On-Sale Intoxicating Liquor license renewals for the period of July 1, 2011 through June 30, 2012:

**ITEM 5.1A continued**

AMF Southtown Lanes, Applebee's Neighborhood Grill (two locations), Bubba Gump Shrimp Co., Cadillac Ranch, Cambria Suites, Cantina #1, Chevy's Fresh-Mex, Chili's Grill & Bar, Ciao Bella, Country Club Inn & Suites, Courtyard by Marriott, Cowboy Jacks, Crave, Crowne Plaza Minneapolis, Crowne Plaza Hotel & Suites, David Fong's, Denny's, Embassy Suites, Embassy Suites Hotel, Everett McClay VFW #1296, Famous Dave's (two locations), Fuddrucker's, Hilton Garden Inn, Hilton Minneapolis/St. Paul Airport, Hilton Minneapolis/Bloomington, Holiday Inn I-35 Airport, Hooters, Joe Senser's Sports Grill & Bar, Kincaids, Kokomo Island Café, Le Bourget Aero Suites, Lucky's 13 Pub, Mandarin Kitchen, Minneapolis Airport Marriott, Napa Valley Grille, Oak City, Olive Garden #100, Osaka, Outback Steakhouse, Park Plaza Hotel, Parma 8200, Radisson Hotel Bloomington, Rainforest Café, Ramada Mall of America, Red Lobster Restaurant #249, RedRossa Italian Grille, Rick Bronson's House of Comedy, Ruby Tuesday, Shantytown Grill (not licensed for Sunday On-Sale), Sheraton Bloomington, Skydeck Sports Grille & Lanes, Sportspace, TGI Friday's (two locations), Timber Lodge Steakhouse, Tony Roma's, Tucci Benucch, and Twin City Grill.

No public testimony was received.

**Approved Off-Sale  
Intoxicating Liquor  
License Renewals  
ITEM 5.1B**

Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the following Off-Sale Intoxicating Liquor license renewals for the period of July 1, 2011 through June 30, 2012:

7 Eights Liquors, Big Bottle, Big Buck's Liquors, Cedar Liquor, Cheers Wine & Spirits, Cub Discount Liquor, Cub Liquor, Haskell's, Liquor Box, Liquor Locker, MGM Bloomington, MGM Wine & Spirits, MN Wines & Spirits, Old Vine Wine & Spirits, Otto's Liquors, Perrier Wine & Liquors, Sam's Club #4787, Sid's Discount Liquor, United Penn Lake Liquor, and Village Square Liquors.

No public testimony was received.

**Approved Wine  
License Renewals  
ITEM 5.1C**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve the following Wine license renewals for the period of July 1, 2011 through June 30, 2012, with the exception of the Purple Sandpiper Bakehouse & Pub, which is continued to the June 6, 2011, Regular meeting:

Bella Cucina, Bloomington Civic Theatre, Chipotle Mexican Grill #1133, Grand Szechuan, Hyatt Place Minneapolis Airport South, Hyland Ski & Snowboard Area, Noodles & Company, Nordstrom Marketplace Café, Perkins Restaurant & Bakery #1059, Surabhi Indian Cuisine, Tandoor Restaurant, Theatres at Mall of America, Tiger Sushi, Umbria Gourmet Pizzeria, and Zeke's Place.

No public testimony was received.

**Approved On-Sale &  
Sunday On-Sale Club  
Intoxicating Liquor  
Licenses  
ITEM 5.1D**

Motion was made by Peterson, seconded by Nordstrom, and all voting aye, to approve the following On-Sale and Sunday On-Sale Club Intoxicating Liquor license renewals for the period of July 1, 2011 through June 30, 2012:

Knights of Columbus #3827  
Minnesota Valley Country Club  
Richfield-Bloomington Eagles #3209

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 24<sup>th</sup> 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 88<sup>th</sup> 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 88<sup>th</sup> 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 88<sup>th</sup> Street but staff would like to prohibit parking within 50 feet on either side of the pedestrian crosswalk on East 88<sup>th</sup> 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 88<sup>th</sup> 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 88<sup>th</sup> 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 6.1 continued**

Wilcox stated the Council needs to have a serious debate about which location it would support.

Winstead stated there will be an issue of cost versus benefit plus others. He stated the Council could ponder this but where is it going. His concern is the financial package that could be put forth by Minneapolis or Hennepin County if the stadium ends up downtown. He stated the Council doesn't want to support one or the other.

Bernhardson stated there are questions relating to how a stadium would impact businesses in Bloomington, how would it be locally financed and how that would impact Bloomington, and to the extent there are transportation improvements to be made, would that negatively impact Bloomington. He stated staff could formulate something for Council's review at the next meeting.

Nordstrom mentioned an article in which former Council member Steve Elkins had commented on a stadium in Arden Hills.

**Adjourn Meeting**

Mayor Winstead adjourned the meeting at 8:53 p.m.

Barbara Clawson  
*Council Secretary*