

Following discussion, motion was made by Belanger, seconded by Allen, and all present voting aye to approve the recommendation of the Planning Commission to deny the request for a plat because it would create two undersized lots.

Revised Final Site
Plans and Building
Plans
Case 7376B-72
Item 6.2

The Council was requested by Orest M. Spande to consider approving the revised plans for a 46-unit apartment building at 1866-78 East Old Shakopee Road in a Multiple Dwelling (R-4) zone.

The Planning Commission at its meeting of May 17 recommended approval of the site plans and building plans with the following conditions:

1. property be platted in accordance with Chapter 20 of the City Code, including dedication of right-of-way for Cedar Avenue and for Old Shakopee Road,
2. existing houses on the property be removed,
3. sidewalks be constructed by the developer on both Cedar Avenue and Old Shakopee Road,
4. driveway be provided in the southwest corner of the property to function as a joint driveway in the future with property to the south of this area,
5. parking, circulation and access be approved by the Traffic Engineer,
6. drainage and utilities be approved by the Engineering Division,
7. landscape plan and schedule be approved by the Director of Planning.

Following discussion, motion was made by Darr, seconded by Allen, and all present voting aye to approve the final site plans and building plans subject to compliance with the conditions set forth by the Planning Commission but adding as an eighth condition that the building should be a four-story building with four efficiency units, 24 one-bedroom units and 18 two-bedroom units for a total of 46 units.

Revised Final Site
Plans and Building Plans
Case 813A-72
Item 6.

The Council was requested by Gilbert Feig to consider approving the revised final site plans and building plans for a two-family dwelling at 9739-41 Utica Road in a Residential (R-2) zone.

The Planning Commission at its meeting of May 17 recommended approval of the revised final site plans and building plans for a two-family dwelling at 9739-41 Utica Road.

Following discussion, motion was made by Belanger, seconded by King, and all present voting aye to approve the final site plans and building plans as recommended by the Planning Commission.

Claims Against the
City
Item 7.2

The Council was requested to accept notice of claims against the City in accordance with the requirements of MSA 466.05. The claims filed are as follows:

<u>Name</u>	<u>Description</u>	<u>Amount</u>
Oskar K. and Charlotte H. Marchner	Land title summons	
Calvary Temple Evangelical Association	Against zoning restriction to use Convention Center building as a church	
Sylvester J. and Virginia M. Zylla	Land title summons	
Group Health Plan, Inc.	Registration of land	
Robert D. Benda c/o Stonewall Insurance Co. 2308 Fourth Avenue North Birmingham, Ala. 35203	Wheel of car hit open storm sewer	\$154.24
Jerome J. Rein 638 East Fourth Avenue Shakopee, Minnesota 55379	City car hit parked car	\$75.42

The report to the Police Department was submitted to the Council prior to the meeting. Mayor King read portions of this report which indicated that Bloomington Police in plain clothes had visited this establishment one evening and had observed crowded conditions with persons passing from one bar area to another. The report said the officers observed young drinkers whose identification was not being checked. They also noted that one waitress did not have a liquor sales and serving license although she admitted she had been employed there for some time.

Edward J. Kocourek, Vice President and Treasurer of Eddie Webster's, said that the Chief of Police had discussed this report with Mr. Webster and corrective measures were being taken.

The City Manager said that the Staff has had discussion concerning liquor sales and serving licenses to provide for the simultaneous issuance of a badge with a photograph of the licensee. He said it was felt this would facilitate checking of these licenses. Mr. Pidgeon indicated this proposal is to be brought to the Council at a later date.

Following discussion, motion was made by Allen, seconded by Anderson, and all voting aye to close the continued hearing and approve renewal of an "on sale" and Sunday "on sale" intoxicating liquor license for Eddie Webster's with the understanding that the problems involving unlicensed liquor servers and identification checking will be satisfactorily resolved.

Sale of Bonds
Item 4.3

The Council was requested to consider adopting resolutions relating to the sale of P.I.R. Fund Bonds and General Obligation Water Revenue Bonds. Bids were opened June 25 and a tabulation is attached to these minutes.

The Director of Staff Services reviewed the bids. Following discussion, motion was made by Malone, seconded by Belanger, and all voting aye to adopt a resolution awarding the sale of \$2,500,000 Permanent Improvement Revolving Fund Bonds, Series 13, to Piper, Jaffray & Hopwood Incorporated and John Nuveen & Company, Incorporated and others for a net interest rate of 4.9492% and a net dollar cost of \$1,206,378.12.

Motion was made by Malone, seconded by Darr, and all voting aye to adopt a resolution relating to the \$2,500,000 P.I.R. Fund Bonds fixing their form and specifications, directing their execution and delivery, and providing for their payment.

Motion was made by Anderson, seconded by Belanger, and all voting aye to adopt a resolution awarding the sale of \$3,000,000 General Obligation Water Revenue Bonds of 1973 to Piper, Jaffray & Hopwood Incorporated and John Nuveen & Company, Incorporated and others for a net interest rate of 5.1076% and a net dollar cost of \$2,440,188.12.

Motion was made by Allen, seconded by Anderson, and all voting aye to adopt a resolution relating to \$3,200,000 General Obligation Water Revenue Bonds of 1973, establishing certain of their terms and conditions.

Preliminary and Final
Plat of Orest 2nd
Addition
Case 7376C-73
Item 5.1

A public hearing was scheduled for consideration of the preliminary and final plat of Orest 2nd Addition located at 1866 East Old Shakopee Road. The plat was submitted in conformance with the conditional use permit for multiple dwellings approved by the Council on May 29, 1973.

The plat was reviewed by the Administrative Subdivision Review Committee on June 13, 1973, and was recommended for approval with the following conditions:

1. 15 foot utility easement be provided along south property line,
2. 5 foot utility easement be provided along the north property line,
3. expand Old Shakopee Road to 50 feet half-width right-of-way,

4. expand Cedar Avenue to 40 feet half-width right-of-way,
5. 10 foot sidewalk easement be provided by deed along Cedar and Old Shakopee Road,
6. park dedication to be in cash.

The Assistant to the Public Works Director indicated that items 1, 2, 3 and 4 are accomplished on the final plat. Deeds have been prepared to accomplish item 5, and the park dedication has been received.

Following discussion, motion was made by Darr, seconded by Allen, and all voting aye to close the hearing, approve the preliminary and final plat of Orest 2nd Addition, approve the subdivision agreement and adopt a resolution granting final approval subject to receipt of the agreement, deposit and necessary deed as well as a favorable title opinion by the City Attorney.

Preliminary and Final
Plat of Marvin Manke
Addition
Case 5603A-73
Item 3.2

A public hearing was scheduled for consideration of the preliminary and final plat of Marvin Manke Addition located at 8113 Ensign Curve. The application was submitted to create a salable lot adjacent to the Manke home.

The plat was reviewed by the Administrative Subdivision Review Committee on June 13, 1973, and was recommended for approval with the following conditions:

1. rearrangement of lot line between two lots to allow 15-foot side yard setback on the existing home,
2. 5 foot drainage and utility easement be provided along all internal lot lines,
3. expand Townline Road to 40 feet half-width right-of-way,
4. park dedication be in cash for the new lot created with amount to be determined at the time of final platting.

The Assistant to the Public Works Director indicated that items 1, 2 and 3 are accomplished on the final plat and a cash donation has been submitted to accomplish item 4. The subdivision agreement and deposit and title opinion have been submitted.

Following discussion, motion was made by Allen, seconded by Belanger, and all voting aye to close the hearing, approve the preliminary and final plat of Marvin Manke Addition, approve the subdivision agreement, and adopt a resolution granting final approval.

Ordinance re Parking
Regulations
Item 5.4

The Council was requested to consider adopting an ordinance amending Section 102.01 of the City Code relating to "no parking" zones, to provide parking restrictions on the street sections listed below:

<u>Street</u>	<u>Side of Street</u>	<u>From</u>	<u>To</u>	<u>Hours Prohibited</u>
Kingsdale Drive	Both	East line of 4900 Kingsdale Dr.	West 90th Street	24 hours
Nine Oaks Circle	Both	Kingsdale Drive	W. Terminus	24 hours

The restrictions had been requested by the adjacent residents to eliminate parking on the street by persons going to the nearby park land.

Following discussion, motion was made by Anderson, seconded by Allen, and all voting aye to close the hearing and adopt the ordinance.

Consider Ordering
Improvement - 1972-3
Water and Sewer
Project
Item 3.2

The Council was requested to consider ordering Item 15 - Sewer and Water - for Bush Lake Road from West 106th Street to a point 1,000 feet north of West 106th Street. This item was tabled at the Council meeting of February 12, 1973. The street improvements for the same limits were ordered for construction, and according to the Assistant to the Public Works Director, two planned develop-

Following discussion, motion was made by Darr, seconded by Lindau, and all present voting aye, to authorize the staff to retain Corporate Risk Managers, Inc., as a consultant for an additional 10 months at a \$1,000 fee to provide assistance in the risk management area; to proceed with negotiation of insurance coverage for the next year utilizing the services of the consultant; and to request the staff to report to the Council in the future with a reply to the recommendations outlined in the risk management study report.

Revised Final Site Plan
and Building Plans
Case 7376A-81
Item 5.1

The Council was requested by the Roger Wahldick Company to consider approving a revised final site plan and building plans for the conversion of a party room into an efficiency apartment at 9101 Cedar Avenue.

The Planning Commission, at its meeting of October 22, recommended approval of the plans. Following discussion, motion was made by Blessum, seconded by Mahon, and all present voting aye, to approve the plans for the conversion of a party room into an efficiency apartment.

Conditional Use Permit
for Montessori School
Case 7376B-81
Item 5.

The Council was requested by Mrs. Nirmalene Gupta to consider approving a conditional use permit to operate a Montessori school at 9920 Normandale Boulevard.

The Planning Commission, at its October 22 meeting, recommended approval of a two-year temporary conditional use permit for the school, based on making the required City Code findings in Section 19.22(5)(A)(i)(ii)(iii) and (iv), with the following conditions:

1. all requirements resulting from inspections by the Building and Inspection Division, Fire Marshal and Environmental Services Section be complied with,
2. proof of State licensure be supplied for the current license (if not already supplied) by November 16, 1981, and within 30 days of the issuance of any subsequent license,
3. all pick-up and drop-off activities occur in the off-street parking area,
4. any sign for the school be fully incorporated into the church sign approved by the Director of Planning, with the total area of the sign not to exceed 24 square feet as per Section 19.66(a)(1) of the City Code.

Following discussion, motion was made by Mahon, seconded by Sping, and all present voting aye, to approve the conditional use permit based on making the required City Code findings and on compliance with the conditions set forth by the Planning Commission.

Agreement with
Chamber of Commerce
for 1981
Item 6.11

The Council was requested to consider approving a contract with the Bloomington Chamber of Commerce for 1981 for the purpose of authorizing the Chamber to coordinate and facilitate the efforts of the Economic Development Commission's brochure designed to attract businesses and developers to Bloomington. The Council had discussed the brochure at its October 26 meeting and had determined details of this publication could better be handled by the Chamber because of the particular financing arrangements. A transfer of funds from the EDC's budget would be made to the Chamber for the City's portion of the brochure expense.

Following discussion, motion was made by Blessum, seconded by Lindau, and all present voting aye, to approve the contract.

Agreement with
Chamber of Commerce
for 1982
Item 6.12

The Council was requested to consider approving a contract with the Chamber of Commerce which would transfer the advertising and promotional function from the Bloomington Convention Bureau to the Chamber of Commerce. An agreement has already been made to terminate the contract with the Convention Bureau. Expenditures by the Chamber of Commerce for these functions, on the City's behalf, would be limited to the amounts appropriated in the 1982 City budget and accounting for the expenditures would be in compliance with Minnesota Statutes.

Following discussion, motion was made by Blessum, seconded by Lindau, and all present voting aye, to approve the contract.

Adjourn Meeting

Motion was made by Herbst, seconded by Lindau, and all present voting aye, to adjourn the meeting at 8:15 p.m.

Evelynne Thompson
Secretary to the Council

CASE PL201700050

CITY OF BLOOMINGTON, MINNESOTA

APPROVED MINUTES

**1 AC Hotel Bloomington
MOA; New On-Sale
Intoxicating Liquor
License Application**

Requested Action: Staff recommends approval of the on-sale intoxicating liquor license for South Loop Investments LLC, doing business as, AC Hotel Bloomington Mall of America.

Motion by Baloga to close the public hearing.

Seconded by Oleson.

Motion carried 6-0.

Motion by Baloga.

Seconded by Oleson.

Motion carried 6-0.

**6 DEVELOPMENT
BUSINESS: PUBLIC
HEARINGS**

**6.1 Mall of America Noise
Exception; 8200 28th
Ave. S.**

Requested Action: City Code does not establish detailed performance standards for noise exceptions. Planning has prepared draft conditions of approval attached to the staff report for the City Council to consider. Community Development recommends approving the noise exception with conditions.

Community Development Director Larry Lee introduced the item. Asked that a noise study be done and defined the noise exposure area. This exception process serves as a way to inform residents and business owners of the possible noise exposure during the event.

Speaker #1 - Jacob Steen from Larken Hoffman:

Reiterated that this will be a two day event and they are committed to making it successful. Will work closely with City's special events committee to ensure it is smoothly executed.

Busse recommended that if there's a chance the noise will continue past the 10:15pm buffered cut-off, that accommodations are met in a way that needs to be accommodated.

Motion by Baloga to close the public hearing.

Seconded by Lowman.

Motion carried 6-0.

Motion by Baloga to approve noise exception with conditions.

Seconded by Vlasisavljevich.

Motion carried 6-0.

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

**8 ORDINANCES: PUBLIC
HEARINGS**

8.1 Palacio Del Sol; 9101

Requested Action: The Planning Commission and staff recommend

CASE PL201700050

CITY OF BLOOMINGTON, MINNESOTA

APPROVED MINUTES

Old Cedar Ave. S.; Rezone/FSBP

approval of the Rezoning from R-4 to RM-50 and the Final Site and Building Plans for a 32-unit apartment building and associated site improvements. Staff recommends the following two motions:

In Case PL2016-196, I move adopt an ordinance rezoning 9101 Old Cedar Avenue South from R-4 to RM-50.

In Case PL2016-196, having been able to make the required findings, I move to approve Final Site and Building Plans for the proposed 32-unit apartment building and associated site improvements located at 9101 Old Cedar Avenue South, subject to the conditions and Code requirements attached to the staff report.

City Planner Nick Johnson provided the project overview, explained the rezoning requirements, showed the site plan, parking requirements, and explained the recommendation.

Speaker #2 and 3 – Scott England, DJR Architecture and Helen Klug, 85% owner of the property:
Klug explained that rent would not go up drastically. Does not have the bids on the building yet, which are expected in February.

Motion by Busse to close public hearing.
Seconded by Vlasisavljevich.
Motion carried 6-0.

Motion by Busse to adopt an ordinance rezoning 9101 Old Cedar Avenue South from R-4 to RM-50.
Seconded by Baloga.
Motion carried 6-0.

Motion by Busse to approve Final Site and Building Plans.
Seconded by Oleson.
Motion carried 6-0.

Mayor Winstead closed the public comment period at 7:48pm.

8.2 Ordinance Modifying Minimum Food Sales On-Site Intoxicating Liquor and Wine Licenses

Requested Action:

Mayor Winstead said this item is being continued until the February 27th City Council meeting.

Motion by Baloga to continue item to February 27, 2017.
Seconded by Vlasisavljevich.
Motion carried 6-0.

8.3 Ordinance Amending City Code Chapter 16

Requested Action: Staff recommends the City Council continue this item to the February 27, 2017 City Council meeting.

Motion by Busse to continue item to Feb. 27, 2017.
Seconded by Baloga.
Motion carried 6-0.

City Attorney Melissa Manderschied added that there is a public hearing scheduled for items 8.2, 8.3, and 8.4. Suggested opening the public hearing and continuing until February 27th.