CITY OF
BLOOMINGTON
MINNESOTA

# Request for Appeal
# Planning Commission Approval or Denial

**Right of Appeal**
City Code Sections 21.501.01 (c), 21.501.04 (d) (2) and 21.501.05 (d) (2) provide the applicant and members of the public the right to appeal a final decision of the Planning Commission to the City Council. Any appeal must use this form and must be submitted to the Planning Division **within three working days** of the Planning Commission's decision.

**Notice and Schedule**
The City Code requires that any appeal of a Planning Commission final decision receive a public hearing before the City Council. Notice of the hearing must be sent to all property owners within 500 feet of the site and published in the official newspaper.

**Fees**
To defray the costs of sending notices and holding a hearing, the City Code requires submittal of a $210 fee for an appeal made by the applicant. There is no fee for an appeal made by a member of the public not affiliated with the applicant.

**Required Information**

**Application Information:**

City Case File Number or description of application: PL202300158

**Appellant Information:**

Name: Lindsey Frey Palmquist

Address: PO Box 386195, Bloomington, MN 55438

Phone and E-Mail: worktogetherbloomington@gmail.com 612-398-1402

**Reason for Appeal (attach any supporting documentation):**

See supporting documentation. 1. The application process did not ensure sufficient information was provided for compliance with city code requirements 21.501.01 (e)(2).

2. Did not sufficiently meet 21.501.01 requirements (a)(1), (d)(3) and (d)(4) regarding findings.

3. Serious questions remain about proof of compliance for parking and Veneklasen's sound study metrics.

4. The entity empowered to take action should attach conditions of approval for the application under 21.501.01 (e)(5)

Lindsey Frey Palmquist
**Signature**

06/11/2024
**Date**

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PLANNING DIVISION
1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
PH 952-563-8920 FAX 952-563-8949 TTY 952-563-8740

AN AFFIRMATIVE ACTION/EQUAL OPPORTUNITIES EMPLOYER

June 11, 2024

To: Planning Division
1800 W. Old Shakopee Road
Bloomington, MN 55431

As Jefferson-area representative of Work Together Bloomington, a coalition of east and westside neighbors collectively championing more sustainable actions and mitigation for the stadiums proposed at Kennedy and Jefferson High Schools, I am requesting an appeal to Bloomington City Council of the June 6, 2024, Planning Commission decision to approve final site and building plans for a stadium at Thomas Jefferson High School 4001 West 102nd Street, Bloomington, MN 55437 (PL20300158).

The stadiums project is being proposed by the Bloomington Public School District #271, 1350 West 106th Street, Bloomington, MN 55431, in partnership with Wold Architects & Engineers, 332 Minnesota Street, Suite W2000, Saint Paul, MN 55101.

The appeal request is detailed within city code 21.501.01 FINAL SITE AND BUILDING PLANS sections (c) *Review and approval* numbers (2), (4) and (5) as well as (d) *Findings* numbers (3) and (4) below:

*DIVISION A: APPROVALS AND PERMITS*
*§ 21.501.01 FINAL SITE AND BUILDING PLANS.*

*(c) Review and approval.*

*(2) The Planning Commission will review and act upon all other types of final site and building plan applications except as discussed in subsection (c)(3) below. The applicant or a member of the public may appeal the decision of the Planning Commission to the City Council by submitting an appeals request with supporting materials within three business days of the decision. If the Planning Commission action results in a tie vote, the final site and building plan application is automatically sent to the City Council for final action.*

*(4) The City Council will review and act upon any tie vote by the Planning Commission or appeal of a decision by the Planning Manager or Planning Commission of a final site and building plan application. The appellant will be given the opportunity to present their case in front of the City Council.*

*(5) The entity empowered to take action on a given final site and building plan application has the authority to attach conditions of approval to that application.*

*(d) Findings. The following findings must be made prior to approval of final site and building plans or revisions to final site and building plans:*

*(3) The proposed development is not in conflict with city code provisions or state law; and*

*(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.*

Reasons cited for the appeal include:

I. The application process did not meet 21.501.01 requirements (a)(2)

*(2) Ensure that sufficient information is provided by the applicant to determine compliance with city code requirements;*

A. Questions regarding the calculation methodology used and unanswered requests for information remain for the Veneklasen and Associates sound study that was submitted as proof of compliance with sound ordinances on March 14, 2024 and uploaded to the project documents portal for public review on April 3, 2024.
B. Citizen requests for the input data and assumptions have gone unanswered.
C. The study does not include the input data and assumptions used to calculate the computer model's geometry that is customarily provided as part of a scientific study document of this sort. These are important details to understand, review, and accept the study results that estimate compliance with city and MPCA sound ordinances, and they should be provided for review. The lack of supporting documentation was noted by a registered professional sound engineer with decades of experience who consulted with members of the neighborhoods for both proposed stadium locations.
D. Accuracy of these inputs raises serious questions about the validity of compliance, especially regarding compounding sound sources and reflections (which each adds 3dBa to the resulting decibel level) as well as the accuracy or "low-balling" of decibel levels at the L10 and L50 levels. These numbers are important as they would mean the L10 sound levels estimated at the property lines are not in compliance.
    a. BKL, the largest acoustical consultancy in Western Canada, has more than 200 years of experience in acoustics and states on its website: "The quality of noise predictions depends greatly on the accuracy of the inputs." In the Veneklasen study, the accuracy of the inputs is in question.
    b. Especially in regards to reflection of sound off homes, which would potentially increase the decibel levels at the closest residence to the Jefferson stadium to 67 dBa, exceeding the MPCA L10 level of 65.
    c. When input data is available, the Veneklasen study uses questionable measurements for sound levels and distances.
        i. The study uses an estimated measurement of 85dBa for marching band noise at the L10 level and 78dBa for L50 level, both of which are lower than standard averages appear, especially in combination with crowd noise and loudspeakers (again compounding and increasing by 3dBa). Marching band levels consistently show an average of 100dB of sound and range of 95–122dBa according to the CDC.

ii. The levels listed on Letter1_Stadium Noise Study Calculation Methodology page 1 say the measurements in the 2002 Ernest Righetti High School study during nighttime football games measured the marching band sound at distances "ranging from 300ft to 450ft away from the stadiums." Those distances are much further than the distance to the nearest property line at the Jefferson stadium location (~320ft). Those numbers were then taken and "calculated an average sound power level." This level inputted would not be accurate for calculating sound levels near Jefferson property lines given it is averaging sound levels taken over a greater distance than exists to the residence nearest the Jefferson stadium site.

1. On May 14, May 15, May 20, Work Together Bloomington representative Lindsey Frey Palmquist emailed with Mike Centinario requesting the input data and assumptions used in the computer modeling geometry by Veneklasen in order to understand and review how they achieved their results within one decibel of compliance.

iii. Mr. Centinario stated that the report and letter documents provided by Veneklasen were all the methodology that was available and, on May 21, replied finally with a directive for Frey Palmquist to contact Veneklasen. Calls to Veneklasen went to voicemail boxes where messages were left with the two authors of the study, Kevin Patterson (1 message, May 28) and Arjun Shankar (2 messages, May 23, May 24) specifically referencing that Mike Centinario referred to Veneklasen for the information and regarding the Bloomington Stadiums projects in Minnesota.

E. The Veneklasen methodology was supplied instead through a narrative letter and report submitted that include generalized phrasing instead of the data set and assumptions (examples provided below) and do not provide sufficient information for residents, Planning Commission, City Councilmembers or MPCA to review the calculation methodology in full and determine if the study indeed proves compliance. Examples of the missing/insufficient information include:

a. Report1b_Stadium Noise Study_Bloomington High School Stadiums.pdf

i.) Page 1: "Computer modeling and predictions were made using current known locations of the stadiums, and the updated layouts of the stadium/bleachers/loudspeaker locations shown in the CD drawings dated October 24, 2022."

QUESTIONS:

- How was the "current known location" information provided?
- Did a Veneklasen team representative attend the site in person to review topography or map unique features or was it done using an estimation like Google Earth? How were important inputs like distance from source to property lines measured or calculated?

ii.) Also page 1: Crowd noise levels are listed as based on a widely cited noise study from 1954 and sound power levels are calculated using noise spectrum for a "shouted" voice for average males. The narrative says "this sound power level was then inputted into the modeling program and located at the center of the bleachers."

QUESTIONS:

- Sound levels of 95 to 110dBa is now the typically reported range for recorded noise levels within various sports arenas. In Report1b, Veneklasen states the crowd noise level of 85dBa was used for L10 and 78dBa for L50. Why is the range so low?
- In which direction was the sound source facing in the model?

iii.) Page 2: "Veneklasen utilized the ISO 9613 noise calculation method in the SoftNoise Predictor-LimA modeling program in order to predict stadium noise to nearby residences. The model accounts for known geographical conditions at both locations and accounts for any corresponding atmospheric mitigation effects."

QUESTIONS:

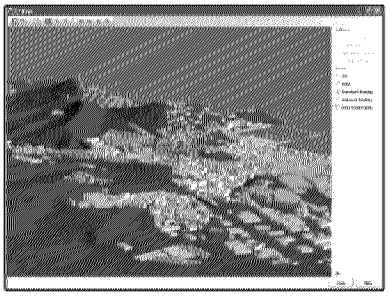
- What "geographical conditions"? Does it include the specific landscape topography, paved surfaces, and nearby residences and buildings?
- If geographical conditions were inputted, why does the sound contour "heat map" not show 3D directivity of the sound as it impacts and reacts with the landscape features and buildings?
- What "corresponding atmospheric mitigation effects"? What were the weather, humidity and wind speed used in the study assumptions?
    - According to HBK, product physics experts and global providers of integrated test, measurement, control, and simulation solutions for product performance evaluation, "A number of meteorological and atmospheric factors, which vary as a function of time, will combine to influence the propagation of sound. Actually, for any given measurement point, the measured result is dependent on weather conditions at the time of the measurement." A HBK whitepaper "How Weather Effects on Noise Measurements" states that, "Wind speed and direction, even over short periods, are important factors affecting measurements."
    - And "ISO 9613 modeling program itself has limitations: it does not consider all situations encountered in the real world. [..] It assumes a constant set of conditions within

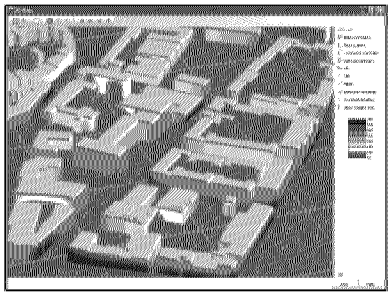
the air that never exactly reflect the real world. Also, parameters like ground absorption reflections are treated with discrete values. In reality, the amount of absorption in different ground materials fluctuates, and reflections off real buildings are quite complex acoustically, especially off buildings with many different shapes."

- Why did the model not use the 3D source directivity and viewing features of Predictor-LimA that map buildings on top of the terrain model? These software features are detailed on the SoftNoise marketing materials and would appear in a map like this:

From the SoftNoise website demonstrating capabilities:

Fig. 8 (Left) 3D view of Blanes in Spain with terrain model. Items such as buildings are mapped on top of the terrain model making it easy to create real-life models from the input data
Fig. 9 (Right) 3D view with vertical contours on the facades of buildings





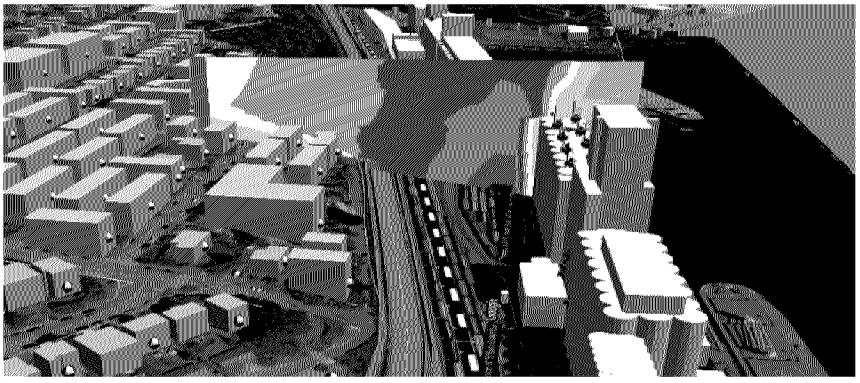


Image from BKL's website demonstrating 3D capabilities.

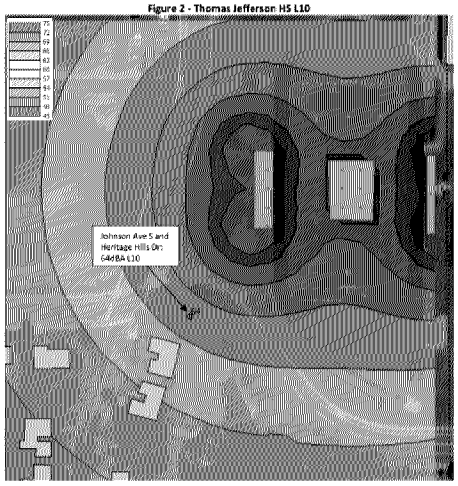
iv.) Page 3: "Veneklasen predicted noise levels due to typical stadium noise sources to the nearest residences to the school.In completing these acoustic models, Veneklasen notes that noise from loudspeakers generally dominates the property line noise levels. This is the most controllable of the sound sources. One option to control noise levels from this source would be to incorporate an electronic volume limiter to control maximum wattage fed to loudspeakers. This system would need to be tuned to the anticipated sound levels discussed in the previous section.

QUESTIONS:

- What was the distance used from the noise source to the property line? How was it calculated?
- If noise from loudspeakers "generally dominates" what were the levels at the property line from the other sources, including the marching band and crowd voices? Why are they not also included in the Table 1 Predicted Sound Levels?
- Why are no sound reflections present in the heat map or described methodology? According to BKL's website, ground effect and reflection from hard surfaces are important considerations "because sound reflects off hard objects like rocks or buildings and returns to the source. In fact, sound reflection is an important geometric consideration as sounds can bounce off one surface and cause a nuisance to people in a completely different direction." BKL uses 3D modeling for "the most accurate predictions possible, so we can consider the effects of outdoor environmental noise, include appropriate mitigation measures in the design, and avoid costly complaints and retrofits."
- Why is reflection off structures and terrain surrounding the schools not appear to be taken into account at either stadium site? The professionals we consulted with identified that the heat map and the modeling appears to use hemispherical spreading of sound (confirmed in Veneklasen's letter narrative on page with no reflectivity calculated off the buildings, surfaces, and homes. Sound has physical properties that do not carry into the distance without impact.
    - When sound is reflected off a surface, such as a house, the reflected sound compounds with the existing directed sound and increases the decibel level by 3.
    - Thomas Jefferson HS L10 below in the Veneklasen report, the estimated decibel level at the nearest residential property at Johnson Ave and Heritage Hills Dr (around 320 feet from the center of the football field) shows an estimated level of 64dBA L10, which appears to be inaccurate. Sound reflection from the residence would show a curve at the structure, adding the compounding 3 decibels reflection, and would be estimated instead at 67dBa, exceeding the MPCA code for L10 daytime noise pollution levels at the property line (65 dba).

Thomas Jefferson High School

Figure 2 - Thomas Jefferson HS L10




- In the International Standards "Acoustics, Attenuation of sound during propagation outdoors" for ISO 9613, A.3 Housing Ahaus "A.3.1 When either the source or receiver, or both are situated in a built-up region of houses, an attenuation will occur due to screening by the houses. NOTE 25 The A-weighted sound pressure level at specific individual positions in a region of houses may differ by up to 10 dBa from the average value predicted using equations."

C. Both schools have active Air Quality Permits with the MPCA. According to discussions we have had with Lauren Dickerson, Air Policy Planner at the MPCA, both schools have active Air Quality Permits, meaning the MPCA is the "regulatory authority" to enforce noise standards at either school should violations be committed. "A Guide to Noise Control in Minnesota" (state.mn.us) shows that MPCA enforces noise standards at facilities with an air permit.

In Minnesota State section 7030.0030 Noise Control Requirements, the City of Bloomington must take all reasonable measures within its jurisdiction to prevent noise violations that may occur immediately upon the establishment of land use.

> https://www.revisor.mn.gov/rules/7030.0030/
> 7030.0030 NOISE CONTROL REQUIREMENT.
> No person may violate the standards established in part 7030.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.

ACTIVE AIR QUALITY PERMITS

What's in my Neighborhood page for Jefferson High School:
https://webapp.pca.state.mn.us/wimn/site/4504

What's in my Neighborhood page for Kennedy High School:
https://webapp.pca.state.mn.us/wimn/site/4502

D. Veneklasen's own disclaimer on the study states: "Note that these noise sources, particularly crowd noise and marching band noise, are all highly variable and dynamic. Any major fluctuations of sound level of these noise sources beyond what is typical and what was modeled could result in property line noise levels differing from predicted levels below." and the qualifier to "Understand that activity that does go past 10pm will not comply with MPCA standards."

E. May 2, 7:30pm at a boys soccer game at Jefferson with a crowd a fraction of the projected 2,500 capacity, readings on our sound meter averaged 65-80 decibels near the property line. While our equipment and methodology was not as sophisticated as an acoustical engineer, it raised more serious questions as to the variability of the sound measurements and warrants additional testing of comparable game play at the current locations.

II. The application process did not sufficiently meet 21.501.01 requirements (a)(1), (d)(3) and (d)(4):

*(a) Purpose. The purpose of the final site and building plan application process is to:*

*(1) Ensure that new buildings, building additions and site characteristics comply with city code requirements;*

AND

*(d) Findings. The following findings must be made prior to approval of final site and building plans or revisions to final site and building plans:*

*(1) The proposed development is not in conflict with the Comprehensive Plan;*

*(2) The proposed development is not in conflict with any adopted district plan for the area;*

*(3) The proposed development is not in conflict with city code provisions or state law; and*

*(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.*

A. Jefferson High School does not appear to meet the parking requirements.

1. Overparking for school capacity is already an issue and causes overflow parking nearly every weekend from March till October when the school rents out or uses the activity center, auditorium and fields at the same time.

§ 21.301.06 PARKING AND LOADING.

(a) Purpose and intent. The city recognizes the health, safety, welfare and aesthetic value of providing parking standards in the community. The provisions of this section are intended to:
(1) Promote traffic safety, emergency vehicle access and eliminate potential hazards to motorists and pedestrians using the public streets, sidewalks and rights-of-way;
(2) Protect and enhance property values;
(3) Protect government investments in streets, sidewalks, traffic control and utility devices;
(4) Avoid parking spillover conflicts;
(5) Offer flexibility in standards when appropriate;
(6) Promote access and connectivity, both vehicular and pedestrian;
(7) Minimize environmental degradation;
(8) Preserve and improve the appearance of the city through adherence to aesthetic principles, in order to create a community that is attractive to residents and to nonresidents who come to live, visit, work or trade;
(9) Implement the city's Comprehensive Plan;
(10) Promote the public health, safety and general welfare;

| | |
|---|---|
| Senior high school (public/ private/ charter) | 1 space per 400 square feet of gross floor area, (except for auditoriums, theaters, gymnasiums or activity centers, where spaces equal in number to 1/3 capacity in persons are required), plus adequate drop off/ pick up area for students |
| Arena; Dance Hall; Library; Mortuary; Museum; Place of Assembly; Stadium; or Theater, Indoor or Outdoor | Spaces equal in number to 1/3 capacity in persons; if use includes an educational component, those facilities are required to provide additional parking as provided in the ordinance under educational institutions |

Using the schools rentable figures from the website:

- When you add up the Lunch Rooms, Auditoriums, all the gyms, the total occupancy is 4,443 occupancy.
- So for 4,400 people you would need a parking lot of 1,470 spaces existing as part of the educational institutions in the chart above.
- Then you need to add the stadium of 2,500 capacity, 1/3 would be another 833 parking spots.

1,470 parking space should have existed as part of the city code
+ 833 parking spaces need to be added for the stadium
= 2,303 is the total spaces if you follow city code plus 1 per every 400 sq/ft.
Subtract the 691 existing parking spaces

Jefferson High Schools would need to add 1,612 parking spots

If we understand the city code is to have parking on the site that creates the parking requirement, not in the neighborhoods.

B. It should be confirmed that final lighting plans have removed features that violate city code in sections § 21.301.07 EXTERIOR LIGHTING *Purpose and Intent* (a)(3–5) and *Prohibitions* (e)(3) and (5).

1.) Field light use at night should be included in conditional use agreements and adhere to lighting best practices outlined in the 2022 Responsible Outdoor Lighting at Night (ROLAN) Manifesto and follow the sustainability best practices outlined in the MPCA GreenStep Cities program. It should also adhere to the 5 principles of responsible lighting, jointly developed by DarkSky International and the Illuminating Engineering Society (IES). Details provided in conditions for use.

2.) Uplit ball-tracking feature identified on lighting plans as TLC-BT-575. Uplit fixtures are prohibited in the city of Bloomington where Dark Sky progress is a city priority and have been stated as removed from the plans but still appeared on the fixtures April 3.
3.) Final lighting plans also include the colored, rotating lighting fixture identified as TLC-RGBW, which may also be at odds with Bloomington city code regarding blinking, flashing, moving lights.

§ 21.301.07 EXTERIOR LIGHTING.

(a) Purpose and intent. The city recognizes the health, safety, welfare and aesthetic value of providing lighting standards in the community. This section's provisions are intended to:

(3) Reduce light pollution, light trespass, glare and offensive light sources;

(4) Provide an environmentally sensitive nighttime environment;

(5) Discourage inappropriate, poorly designed or installed outdoor lighting by requiring quality lighting design, light fixture shielding and maximum uniformity ratios;

(e) *Prohibitions*. After the effective date of this section, no person may install any of the following types of outdoor lighting fixtures:

(3) Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except lighting for temporary seasonal displays, lighting for public safety or required for air traffic safety;

(5) Any upward oriented lighting, including searchlights, beacons and laser source light fixtures, except as otherwise provided for in this section or approved by the City Council for a special event or purpose;

From the final lighting plans submitted April 3, 2024:

**Bloomington Thomas Jefferson Football**
Bloomington MN

Lighting System

Pole/Fixture Summary

| Pole ID | Pole Height | Mtg Height | Fixture Qty | Luminaire Type | Load | Circuit |
|---|---|---|---|---|---|---|
| F1-F4 | 90' | 90' | 1 | TLC-LED-1200 | 1.17 kW | A |
| | | 90' | 5 | TLC-LED-1500 | 7.05 kW | A |
| | | 90' | 5 | TLC-LED-900 | 4.40 kW | A |
| | | 70' | 1 | TLC-RGBW | 0.64 kW | B |
| | | 16' | 2 | TLC-BT-575 | 1.15 kW | A |
| **4** | | | **56** | | **57.64 kW** | |

*DIVISION A: APPROVALS AND PERMITS*
*§ 21.501.01 FINAL SITE AND BUILDING PLANS.*

*(c) Review and approval.*

*(5) The entity empowered to take action on a given final site and building plan application has the authority to attach conditions of approval to that application.*

We request that the Bloomington City Council attach conditions for approval to the Jefferson stadium project:

1. Conditions for use of the loudspeaker system and lights limited to Jefferson High School student games and special school assemblies such as graduation, requiring them to be powered off by 10pm. This directive would mean games would have to end and spectators and teams have exited the facility with at least 30–45 minutes before the 10pm to ensure all had sufficient time for safely exiting. It would also ensure that lights and sound systems are not frequently used for practices, outside rentals or other unofficial school group use and would be less intrusive to local insects, wildlife, and migratory species who rely on darkness and vocal signaling for nesting, breeding, hunting, and travel (following B3 Guidelines and the SB2030 Energy Standards and "Lights Out" light management program which addresses operation of lights at night for specified times and dates of bird migrations).
2. Sound measurements performed and studies conducted at the residential property lines to ensure compliance with noise ordinances. Proper training and assigning of management for the DSP on the loudspeaker system be assigned during all events where loudspeaker use is authorized.
3. Adequate "no parking" signage as well as proper wayfinding and directing implemented for the parking lot at Olson Elementary and Middle Schools.

The neighborhoods surrounding Jefferson High School additionally request that a Conditional Use Permit (CUP) govern the use of the proposed athletic stadium.

A conditional use permit can help make a night stadium more tolerable to surrounding neighbors so that the stadium doesn't become a public nuisance. Residents are aware of common law which provides that the school activities cannot create an unlivable situation for residents. This includes use of excessive noise, light and the respectful limits to on-street residential parking and every effort to maintain pedestrian safety.

A Conditional use permit shall:

- Limit the nighttime use of the outdoor stadium to the Bloomington Public High Schools only. Stadium use is clarified in the outline of games correspondence from Superintendent Melbye to K. Babcock, attached below.** There is potential for 20–40 home games for sports at all levels and male/female teams in a winning season, with 157 days of stadium potential availability that neighbors would be subjected to lights, noise and traffic.

- The formation of a Neighborhood Commission as a partner in oversight and ongoing review.
- Address the preexisting excessive parking issues in a concurrent use agreement. Limit the use of campus facilities to only those activities that can accommodate parking and traffic safely and without excessive imposition on the neighborhood.
- Continue to monitor and rapidly address traffic and pedestrian safety issues
- Trial use of the stadium light feature, Musco TLC-RGBW (colored flashing light) which appears to violate Bloomington City Code § 21.301.07 (e) (3) Exterior Lighting.
- Lights out at 9:45pm
- Mitigate light pollution impact on the environment with early lights out at key times including during firefly season (late June to mid August) and during heavy fall and spring bird migration nights as indicated by radar monitoring.
- Additional items that may become apparent

This CUP does not relieve the school from mitigating all violations of noise ordinances which will continue to be overseen by the MPCA as active Air Quality permits require.

*(d) Findings. The following findings must be made prior to approval of final site and building plans or revisions to final site and building plans:*

> *(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.*

We request that the City of Bloomington recommend the School District take measures to ensure mitigation of development features that go beyond compliance and work to create partnership and good faith with the surrounding neighborhoods and preserve the natural areas.

1. Best practices for acting out of land ethic, page 5: "The Guide to Urban Bird Conservation: For the Twin Cities and Surrounding Area" https://mn.audubon.org/sites/default/files/gubc_03-19-12_pdf.pdf

   The idea of a land ethic was eloquently summarized by Aldo Leopold: "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it does otherwise." This philosophy of the environmental land ethic is the basis for the majority of natural resource conservation work today. The land ethic, however, is challenged when it is applied to urban landscapes because the biotic community has been so drastically altered. Yet, if we don't address urban landscapes in the context of conservation, we risk further separating ourselves from the environment.

   In his understanding of people and their relationship to the land, Leopold also knew that "We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect." With over half of the world's population living in urban areas, there is an increased need for environmental conservation within those areas. By emphasizing the community element of the land ethic, conservation in urban areas considers not just the relationships between parts of the natural world, but includes the social structures (economies, communities and infrastructure) that impact the environment as well.

2. Actively participate in the Urban Bird Treaty Program already established for the Twin Cities Metro with Minneapolis and Saint Paul in 2011. The United States Fish and Wildlife Service, in recognition of the need for conservation within the urban environment, developed the Urban Conservation Treaty for Migratory Birds (Urban Bird Treaty) Program in 1999 to support bird conservation initiatives in urban areas throughout the country. This program was created to help municipal governments conserve birds that live or nest in, or overwinter or migrate through, their cities.

3. Mitigate crowds and noise by reducing stadium capacity to numbers that better reflect current school populations and game attendance. The stadium could be outsized based on current attendance to school events (outlined below in Superintendent Melbye's letter), and the falling school population as outlined in the school district letter.

At Jefferson, the proposed increase in capacity from 500 to 2,500 seats may be too large for the property to safely accommodate parking with all other preexisting parking and traffic problems.

4. Create landscaping plans that install plants and trees around the stadiums that provide ecosystem services to the current local wildlife populations and also to reduce light and sound trespass into the surrounding neighborhood. Plantings should be varied in species including conifers, deciduous, and varied native shrubs. Use Minnesota Green Step best practices to preserve existing trees and to plant additional native trees and shrubs.
   https://greenstep.pca.state.mn.us/best_practice/community-forests-and-soils

   "Enhancing areas of degraded habitat, and creating habitat corridors to improve connectivity of isolated areas."
   Guide to Urban Bird Conservation for the Twin Cities and Surrounding Area, p.34
   https://mn.audubon.org/sites/default/files/gubc_03-19-12_pdf.pdf

5. Choose environmental mitigation using scientifically driven best practices as outlined in Minnesota's Green Step Cities Program and US Fish and Wildlife Services Bird Treaty Program.

   Bloomington is part of The State of Minnesota's Green Step Cities program which outlines its best practices based on expert scientific guidance.
   - Mitigate soil damage during grading and construction by following scientifically determined Minnesota Green Step Cities Best Practices for soil preparation. https://greenstep.pca.state.mn.us/bp-detail/81726

   We ask that this project use Green Step Best Practices for soil and forestry management during construction to mitigate the loss of valuable microbes.

   The soil at the stadiums as it has evolved is a complex ecosystem. Microbes are central to all life on Earth due to their huge diversity in form and function. In soils, one teaspoon of topsoil contains around 1 billion individual microscopic cells and around 10,000 different species https://meta.eeb.org/2023/05/16/soil-its-the-little-things-that-make-life/

6. Use Minnesota Green Step best practices https://greenstep.pca.state.mn.us/bp-detail/81726 to preserve existing trees and to improve the tree canopy by planting additional native trees and shrubs.
   https://www.hennepin.us/en/residents/conservation/trees-forestry

7. To mitigate bird strikes to any exterior glass surfaces on new construction, specifically the press box east elevation, apply exterior "no-strike "window treatments for when the building is not in use.

8. To mitigate habitat loss for birds, the Twin Cities Metro area cities are active members of the The US Fish and Wildlife Services Bird Treaty Program. Bloomington is in Bird Conservation Region (BCR) 23—the Prairie Hardwood Transition. The program details actions needed to protect, restore and enhance urban areas for birds in the Twin Cities through targeted habitat restoration, species management, environmental education, hazard reduction, and community involvement activities

   Though urban sprawl and densification has subtracted from available natural lands, the most recent Urban Bird Treaty from 2014 states: "The Twin Cities metropolitan area falls within the transition zone between prairie and deciduous forest. Habitat types that have declined significantly include prairie, oak savanna, wetland, and deciduous upland hardwoods. All of these habitat types are important for breeding and migratory bird conservation. Current land cover classification of the seven-county metro area is approximately 36% urban, 36% cultivated land, 12% forested, 11% non-forested natural land, and 6% water. Based on a 2003 habitat quality assessment, approximately 14% (280,000 acres of 1.9 million) could be classified as remaining high-quality habitat but it exists in small fragments throughout the landscape."

   "The Guide to Urban Bird Conservation: For the Twin Cities and Surrounding Area"
   https://mn.audubon.org/sites/default/files/gubc_03-19-12_pdf.pdf

   The US Fish and Wildlife's Urban Bird Treaty
   https://www.fws.gov/sites/default/files/documents/2024-05/urban-bird-reaty-v4.pdf

   Guide to the Twin CIties Urban Bird Treaty
   https://mn.audubon.org/sites/default/files/gubc_03-19-12_pdf.pdf
   Hazard reduction, Lights out during Bird Migration

****Correspondence from Superintendent Melbye outlining the use of stadiums.**

On Tue, Apr 30, 2024 at 9:26 AM Eric Melbye <emelbye@isd271.org> wrote:
Dear Ms. Babcock,

Thank you for the discussion last week. I hope the information I'm sharing in this email is helpful to you. At both Kennedy and Jefferson we will be adding eight evenings of fall activity at the stadiums. These eight evenings include four football games and four soccer games. Football games at Kennedy average 500 fans and soccer games average around 80. Those numbers are based on attendance at the current Bloomington Stadium. At Jefferson the football games average 1300 fans and soccer games, like Kennedy, average around 80 spectators. In the spring we would add approximately 6 evenings at each stadium for lacrosse and track and field. Those events typically start earlier in the evening, but could last long enough to have the lights activated. All events in the fall and spring will end before 10:00 pm. Average attendance at lacrosse events is roughly 100 spectators at each high school (Kennedy boys lacrosse can get as high as 150).

Between fall and spring sports we would bring approximately 14/15 new events to each stadium. Most ending well before 10:00 pm. Football games typically end sometime between 9:15 - 10:00. Please keep in mind that we currently play some soccer and lacrosse games at each high school on the turf fields where the stadiums will go. Those events will continue. I hope this information is what you were hoping for. If I missed the mark, please let me know and I can follow up.

Sincerely,

Eric Melbye, Ed.D.
Superintendent
Bloomington Public Schools

To summarize
14-15 Regular season games (football, soccer, Lacrosse, track meets) between all those sports, regular season = 4 football, 16 b/g/ soccer, 12 b/g lacrosse, 2 or 3 track meets -grand total = 34/35 events (keep in mind we already do some of these at the existing turf fields at each high school where the stadium will go, so the number of "new" events at the stadiums is closer to 15 at each site)
11 Playoff games (football, soccer, Lacrosse, track meets) could be up to 15 if every team made it state finals - I wish that was a possibility, but highly unlikely
15 additional "sporting events at all levels"? (need help here with how many more to add) I wouldn't say additional - they are included in the 34/35 number of regular season events. As I mentioned before we have a number of lacrosse/soccer/track events at the current high school sites which will continue, events that used to held at current Bloomington stadium that would move to the school sites is 15 as you stated here

41 night games in grand total? (if all teams, at all levels, men's and women's, have championship games)
Could be around that number, but in reality won't come close. Also, soccer/lacrosse/track would likely take place in the late afternoon/early evening

Also, will there be two bands at any championship games? I believe just football

- All intramural events none
- Other added district events none
- All summer nighttime use events none
- All non-school event rentals none
- Any other activities not listed where new lights and/or new sound systems would be used none

3. What are the usual start and end dates for fall and spring season stadium use, including playoffs? Fall Aug 15 - Oct 31, Spring March 15 - June 5
Fall 74 days + Spring 83 days = total of 157 days of stadium availability

4. Which days each week, if any, will the stadium be guaranteed dark/idle at night? no concrete answer, we play as the schedule dictates

5. What are the months in summer and winter, the stadium will be guaranteed dark/idle at night? Mid November - Mid March, most of June/July (estimate)
The stadium will be dark/idle for an estimated 208 days

6. At how many of the evening events listed above should we expect a marching band or pep band to be playing? How many times will there be more than one marching band or pep band? Only our bands at the 4 home football games