



City Council AGENDA

**CITY COUNCIL BUSINESS MEETING
MONDAY, APRIL 11, 2022
COUNCIL CHAMBERS
BLOOMINGTON CIVIC PLAZA
1800 W. OLD SHAKOPEE RD.
BLOOMINGTON, MN 55431
6:30 PM**

Mayor: Tim Busse

Councilmembers: Patrick Martin
Lona Dallessandro
Dwayne Lowman
Shawn Nelson
Nathan Coulter
Jenna Carter

ANNOUNCEMENT

This meeting will be held in the Council Chambers at Bloomington Civic Plaza. Some members of the City Council, testifiers, and presenters may participate electronically as permitted by Minnesota Statutes. Members of the public may participate in person or electronically. Directions are provided below.

To watch or listen to the meeting:

- Attend in person
- Watch online at blm.mn/btv-live or the City's YouTube channel blm.mn/youtube
- Watch BTV (Comcast channels 859 or 14)
- Listen by phone: 1-415-655-0001, access code 2463 481 6647, password 041122

To speak during a public hearing:

- Attend in person and speak at the podium; or
- Dial phone number: 1-866-801-8457 and enter conference ID 3862329, prior the start of the item you wish to speak on during the meeting. Provide the operator with the item number and name listed on the agenda. You will be placed on hold and your line muted until it is your turn to speak; or
- To offer comment in advance of the meeting, leave a voicemail at 952-563-4695 or email councilsecretary@bloomingtonmn.gov no later than 2:00 p.m. on the meeting date. Include the item number and item name listed on the agenda. Include your name, phone number, and address when leaving a voicemail or email. Please indicate if you also plan to attend in person or call in during the meeting to provide live comment or testimony.

CALL TO ORDER

The City Council requests that attendees silence cell phones during the meeting. A paper copy of the full City Council packet is available to the public in the ring binder at the entrance of Council Chambers.

PLEDGE OF ALLEGIANCE AND PRESENTATION OF COLORS

The Bloomington Police Department Honor Guard will open the City Council meeting with the Presentation of Colors.

1. APPROVAL OF AGENDA

2. INTRODUCTORY

- 2.1 Swearing in of Police Chief Booker T. Hodges
- 2.2 Proclamation - National Public Safety Telecommunicators Week
- 2.3 Proclamation - Volunteer Recognition Week
- 2.4 Veterans Memorial Update
- 2.5 2022 Assessment Report

3. CONSENT BUSINESS

The following items are considered to be routine by the City Council and will be acted on by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered at the end of Consent Business or at another stated time on the agenda as determined by the City Council. If you desire to have an item removed from the consent agenda, then please alert the Council Secretary prior to the start of the City Council meeting. The Council Secretary will notify the City Council of a request to remove an item from the consent agenda.

- 3.1 Resolution to Accept Donations
- 3.2 Schneider Theater Lighting System Upgrade
- 3.3 2021 Year-End Budget Adjustments
- 3.4 Resolution Accepting State Homeland Security Program Grant Funds and Making Related Budget Adjustment
- 3.5 Resolution Accepting Urban Areas Security Initiative Grant Funds and Making Related Budget Adjustment
- 3.6 Approve First Amendment to Agreement with Graymont (WI) LLC
- 3.7 Local Board of Review Temporary Appointment
- 3.8 Amendment to 2022 Non-Union Part-Time, Temporary, and Seasonal Non-Union Compensation Plan
- 3.9 Resolution of Support of Valley View Schools Safe Routes to School Project
- 3.10 Resolution of Support of a Bicycle Facility Project - Normandale Boulevard Multi-Modal Trail
- 3.11 Approval of City Council Meeting Minutes

4. HEARINGS, RESOLUTIONS, AND ORDINANCES

To address the Council on an item, please approach the podium, clearly state your name, and after you have spoken, please sign the roster so the City can accurately include your comments in the official meeting minutes.

- 4.1 Public Hearing: Louisiana Avenue Traffic Calming Project
- 4.2 Public Hearing: Residential Livability Ordinance

4.3 Public Hearing: Annual Miscellaneous Issues Ordinances

4.4 Public Hearing: Earned Sick and Safe Leave Ordinance

5. ORGANIZATIONAL BUSINESS

5.1 City Council Policy & Issue Update

6. ADJOURNMENT

MEETING ATTACHMENTS

Meeting Attachments

View regular meetings live or via archive at blm.mn/meetings. Catch the replay on Comcast cable by tuning to Bloomington TV channels 14(SD) and 859(HD) the Wednesday after a meeting at 6:00 p.m. and Thursday at 12:00 a.m., 6:00 a.m. and 12:00 p.m.

BloomingtonMN.gov: A yearly meeting schedule, agendas, and the official minutes once approved are available. If you require a reasonable accommodation, please call 952-563-8733 (MN Relay 711) as soon as possible, but no later than 9:00 a.m. one business day before the meeting day.



Request for Council Action

Originator Police Department	Item 2.1 Swearing in of Police Chief Booker T. Hodges
Agenda Section INTRODUCTORY	Date April 11, 2022

Requested Action:

No City Council action is required for this item.

Item created by: Emily Herman, Police Department

Item presented by: James D. Verbrugge, City Manager

Description:

Presentation of Colors by the Bloomington Police Department Honor Guard followed by the swearing in of Chief Booker Hodges by the City Clerk.



Request for Council Action

Originator Police Department	Item 2.2 Proclamation - National Public Safety Telecommunicators Week
Agenda Section INTRODUCTORY	Date April 11, 2022

Requested Action:

The Bloomington Police Department respectfully requests Mayor Busse proclaim the week of April 10-16, 2022 as National Public Safety Telecommunicators Week.

Item created by: Emily Herman, Police Department

Item presented by: Booker Hodges, Chief of Police

Description:

The Bloomington Police Department (BPD) requests Mayor Busse proclaim the week of April 10-16, 2022 as National Public Safety Telecommunicators Week to honor the public safety telecommunicators. The telecommunicators are the first and most critical contact our citizens have with emergency services. They also provide a single, vital link in monitoring the police officers and firefighters to ensure their safety.

In 2021, the Police Department staffed eight telecommunicators who worked as a team to handle 166,408 phone calls and who entered 64,904 Computer Aided Dispatch events, all while exhibiting compassion, understanding and professionalism during the performance of their job.

Attachments:

[2022 National Public Safety Telecommunicators Week Proclamation.pdf](#)

Proclamation

National Public Safety Telecommunicators Week

April 10-16, 2022

WHEREAS, emergencies can occur at any time that require emergency services; and

WHEREAS, when an emergency occurs, the prompt response of first responders is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Bloomington emergency communications center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and


WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities, providing information and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the City of Bloomington have contributed substantially to the apprehension of criminals, suppression of fires and care of patients; and

WHEREAS, in 2021, the City of Bloomington Police Department staffed eight telecommunicators who worked as a team to handle 166,408 phone calls and who entered 64,904 Computer Aided Dispatch events; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

THEREFORE, I, Tim Busse, Mayor of the City of Bloomington, Minnesota, do hereby proclaim the week of April 10-16, 2022 to be National Public Safety Telecommunicators Week in the City of Bloomington, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.



Tim Busse, Mayor
City of Bloomington, Minnesota
Dated this 11th day of April 2022



Request for Council Action

Originator Community Services	Item 2.3 Proclamation - Volunteer Recognition Week
Agenda Section INTRODUCTORY	Date April 11, 2022

Requested Action:

Mayor proclaims the week of April 17 - 23, 2022 as Volunteer Recognition Week in the City of Bloomington.

Item created by: Sharon Williams, Community Services

Item presented by: Nancy Brewster, Community Outreach and Engagement Coordinator

Description:

National Volunteer Week is April 17-23, 2022. This marks an opportunity to publicly acknowledge the time, service, and talents of volunteers who've helped shape our City. The power of working together has been one of the biggest themes coming out of the City of Bloomington's volunteer network throughout this past year. We are living in a moment of hope, and we applaud the efforts done by non-profits, faith-based, military service, and community organizations that have stepped to the challenge of helping in these unprecedented times.

Look for the following ways in which we are celebrating our volunteers this year:

- City marquees
- Social media platforms and City communication channels
- A Volunteer Appreciation Open House

To accept this year's proclamation, we have a group who regularly volunteers for our Police Department: Police Reserves Chris Butts and Chris Ekdahl; Police Chaplains Marina Weddington and Tim Toyen; and Selena Montoya and Sue Martell who serve on the Multicultural Advisory Committee. We have seen reserve officers donate hundreds of hours of service and assist at every large public event in the city, chaplains provide confidential counseling, and the multicultural advisory committee assists with decisions that benefit us all. Thank you volunteers for your dedication to service, generosity and working together to improve our communities.

Attachments:

[Volunteer Proclamation_2022.pdf](#)

Proclamation

Volunteer Recognition Week

April 17-23, 2022

WHEREAS, Volunteers come from different walks of life and shape our City with their tremendous concern and generosity; and

WHEREAS, We all thrive when everyone is involved, and applaud the efforts from nonprofit, faith-based, military service, and community organizations that have stepped forward to advance the City's mission; and

WHEREAS, Throughout this period of hope we've seen reserve officers donate hundreds of hours of service and assist at every large public event in the city, conservationists clean up miles of invasive species in our parks, medical and emergency personnel volunteer their time at COVID-19 vaccination clinics, needleworkers contribute numerous handmade items during the holidays, and ushers support the arts at the Center for the Arts; and

WHEREAS, During this week we would like to thank the City's robust group of approximately 1,000 volunteers and invite others to join their ranks.

THEREFORE, I, Mayor Tim Busse, do hereby proclaim the week of April 17-23, 2022, as Volunteer Recognition Week in the City of Bloomington.



Tim Busse, Mayor
City of Bloomington, Minnesota
Dated this 11th day of April, 2022.



Request for Council Action

Originator Community Services	Item 2.4 Veterans Memorial Update
Agenda Section INTRODUCTORY	Date April 11, 2022

Requested Action:

Information only - no action requested

Item created by: Sharon Williams, Community Services

Item presented by: Terry Collins and Duane Brinkman, Board of Directors, Bloomington Remembers Veterans Inc.

Description:

On November 23, 2020, the City Council approved the Bloomington Veterans Memorial design concept and location on the east lawn of Civic Plaza. On April 11, 2022, board members from Bloomington Remembers Veterans Inc., a 501(c)3 nonprofit, will provide a progress report on the group's fundraising efforts to the City Council. The presentation will include updates on marketing and promotion, grant funding, partnerships, donor recognition and dog tag sales. The presentation will also provide an overview of how Bloomington Remembers Veterans is seeking support.

Attachments:

[BRV Veteran Memorial Update_4.11.22.pptx](#)



Bloomington Remembers Veterans Update to City Council

MONDAY, APRIL 11, 2022

PRESENTERS:

TERRY COLLINS, PRESIDENT

DUANE BRINKMAN, TREASURER

Bloomington Remembers Veterans Inc.

BOARD MEMBERS:

Terry Collins, President

Michael Dardis, Vice President *

Fran Stachour, Secretary *

Duane Brinkman, Treasurer *

Les Fordahl, At Large Member *

Richard Warren, At Large Member *

Kate Blessing, At Large Member

Tom Hulting, At Large Member *

William Botsford, At Large Member *



Leo A Daly Design Concept



Marketing and Promotion

- ▶ Media Campaign (Television, Radio, and Print)
- ▶ Community Presentations
- ▶ Website and Social Media



Grant Opportunities

- ▶ Bloomington Community Foundation
- ▶ Professional Grant Writer
- ▶ MN Legacy Grant



Partnerships





Future Planning

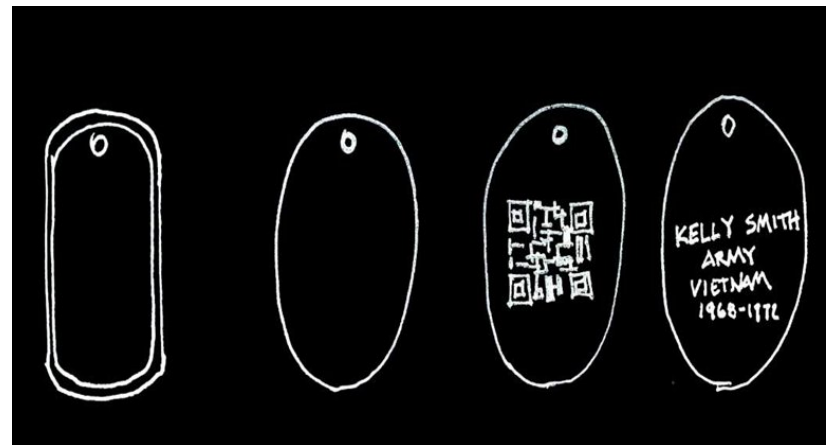
Donor Recognition

Corporate
Individual
In-Kind

DONOR RECOGNITION LEVELS

\$1,000 - \$2,499 -	★
\$2,500 - \$4,999 -	★ ★
\$5,000 - \$9,999 -	★ ★ ★
\$10,000 - \$19,999 -	★ ★ ★ ★
\$20,000 - \$49,999 -	★ ★ ★ ★ ★

Veteran Recognition




State Funding

Bonding
Budget Appropriation
Legacy Grant Matching





Ways to Support

- 
1. LETTER OF SUPPORT
 2. MATCHING OF FUNDS THROUGH LEGACY GRANT
 3. ASSISTANCE AND SUPPORT IN SECURING BOND FUNDING AND/OR BUDGET APPROPRIATION
 4. COUNCILMEMBER REPRESENTATION ON BOARD OF DIRECTORS



Thank You

Questions?



Request for Council Action

Originator Finance	Item 2.5 2022 Assessment Report
Agenda Section INTRODUCTORY	Date April 11, 2022

Requested Action:

Discussion item for information only. No action requested.

Item created by: Briana Eicheldinger, Finance

Item presented by: Matt Gersemehl, City Assessor

Description:

City Assessor Matt Gersemehl will give a presentation on the 2022 Assessment Report. The 2022 Assessment Report is available here: <https://www.bloomingtonmn.gov/as/annual-assessment-reports>

Attachments:

[Item 2.5 Assessment Report.pdf](#)

The background is a complex collage. It features a world map on the left side. Overlaid on the map and the rest of the image are various financial and data-related graphics, including line graphs, bar charts, and pie charts. Some of these graphics include percentage labels like 25%, 50%, and 100%. In the lower right portion of the image, there are three 3D models of houses. The house on the far left is highlighted with a red glow. The word 'stock market' is faintly visible in the upper left area. The word 'NEWS' appears in large, bold letters at the top right. The overall color scheme is dominated by blues and greys, with the red highlight on the first house providing a focal point.

2022 Assessment Report

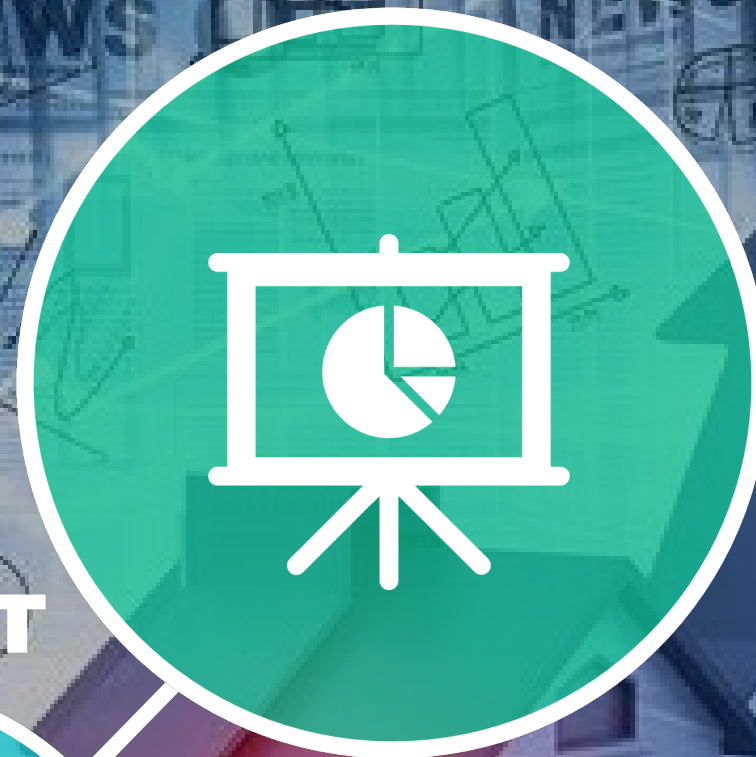
Presented by: Matt Gersemehl, AAS, SAMA, City Assessor

April 11, 2022

MINNESOTA PROPERTY TAX



MARKET



**ASSESSMENT
RESULTS**



QUESTIONS

QUESTIONS



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graph LR; A((QUESTIONS)) --- B((Property Taxes)); A --- C((Market Value Exclusion)); A --- D((Property Tax Refund));
```

**Property
Taxes**

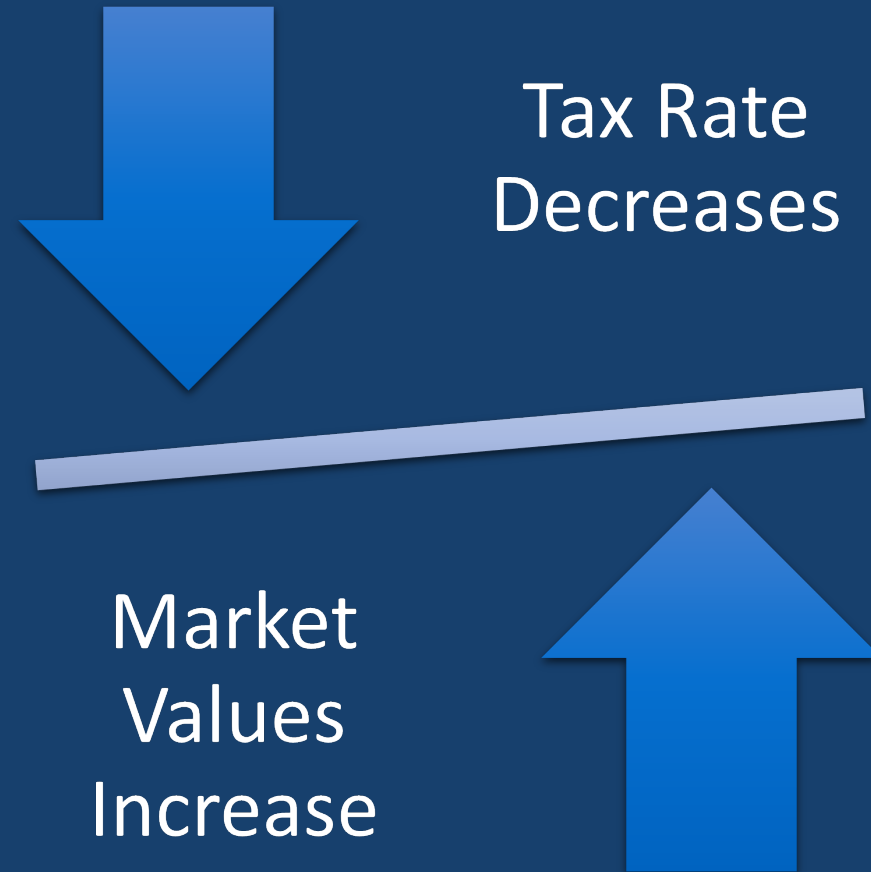
**Market Value
Exclusion**

**Property
Tax Refund**

Property Taxes

Does a 17% increase in my market value mean my taxes will increase 17%?

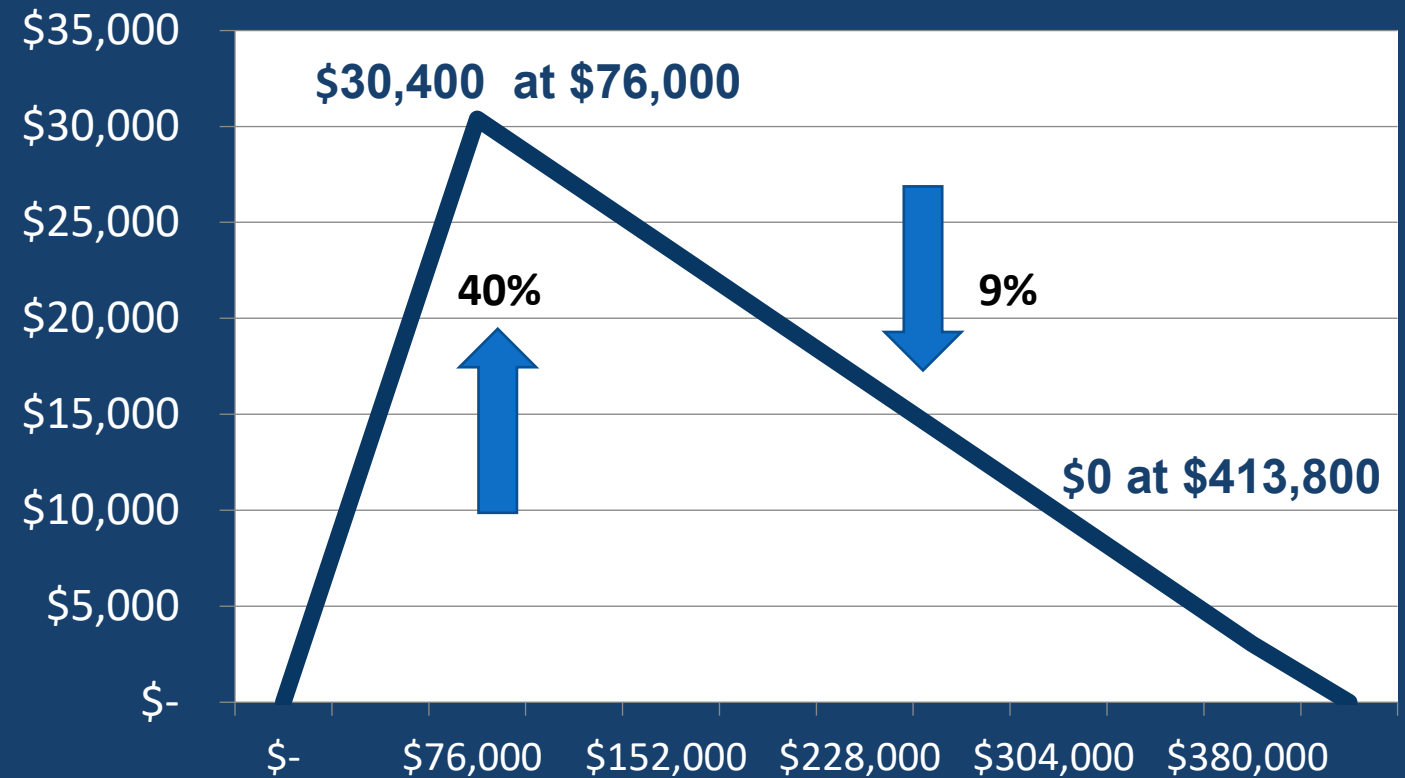
Answer: No





Homestead Market Value Exclusion

Why did my homestead market value exclusion decrease so much or went completely away?



Property Tax Refund

As someone on a fixed income is there a deferral program?

Answer: No...BUT there is a Property Tax Refund program for Homeowners and Renters!

Median-Value Home		
<u>2021 Value</u>	<u>2022 Total Tax</u>	
\$307,200	\$3,841	*
Refund Table		
<u>Household Income **</u>	<u>Refund</u>	<u>% of Tax Paid</u>
\$30,000	\$2,269	59.1%
\$40,000	\$1,977	51.5%
\$50,000	\$1,847	48.1%
\$60,000	\$1,717	44.7%
\$70,000	\$1,465	38.1%
\$80,000	\$1,297	33.8%
\$90,000	\$1,117	29.1%
\$100,000	\$925	24.1%
\$119,790	\$423	11.0%
> \$119,790	\$0	0.0%

2022 Average Monthly Rent = \$1,285		
<u>Annual Rent</u>	<u>Tax @ 17%</u>	
\$15,420	\$2,621	
Refund Table		
<u>Household Income **</u>	<u>Refund</u>	<u>% of Imputed Tax</u>
\$30,000	\$1,561	59.5%
\$40,000	\$1,184	45.2%
\$50,000	\$973	37.1%
\$60,000	\$711	27.1%
\$64,920	\$220	8.4%
> \$64,920	\$0	0.0%

**See M1PR form for instructions on calculating household income, filing deadline is August 15

MINNESOTA PROPERTY TAX



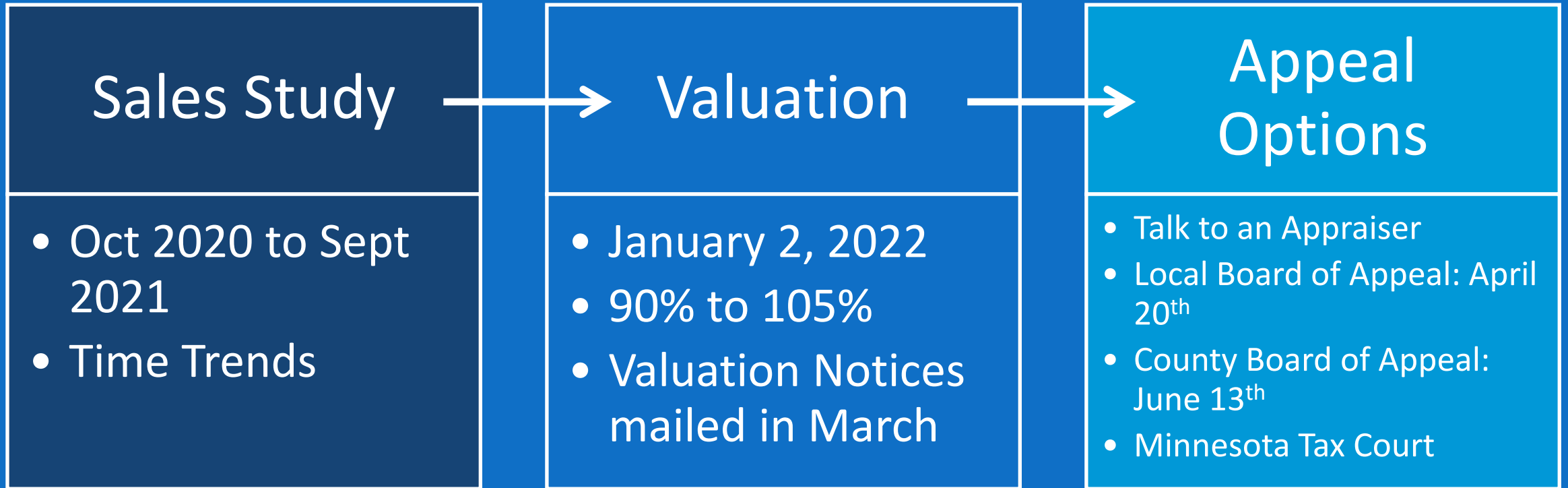
The diagram features a large central blue circle with a white border. Inside this circle, the text 'MINNESOTA PROPERTY TAX' is written in bold white capital letters. Below the text, there is a circular flow diagram consisting of three small white dots connected by curved white arrows, indicating a continuous cycle. Three white lines extend from the right side of the central circle to three smaller blue circles, each with a white border. These smaller circles are arranged vertically and contain the text 'MARKET VALUE ASSESSMENT', 'PROPERTY TAX LEVY', and 'CALCULATING PROPERTY TAX' respectively, all in bold white capital letters.

**MARKET VALUE
ASSESSMENT**

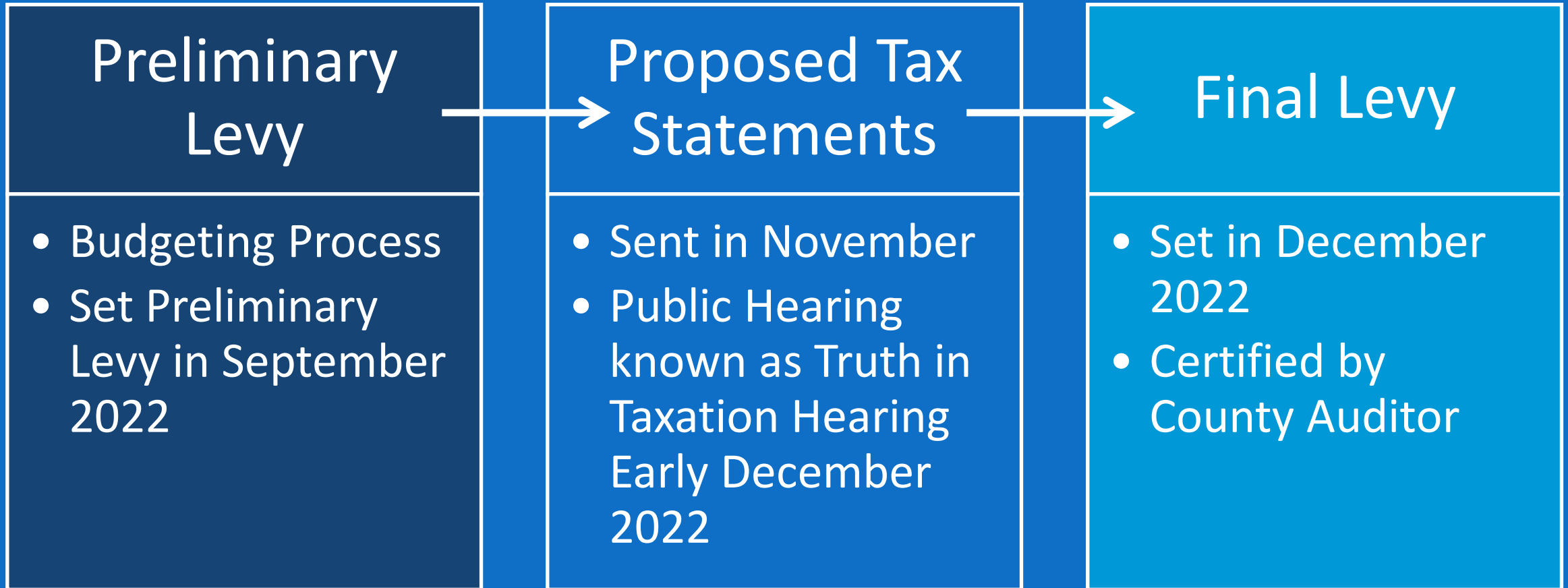
**PROPERTY
TAX LEVY**

**CALCULATING
PROPERTY
TAX**

Bloomington Assessor's Office

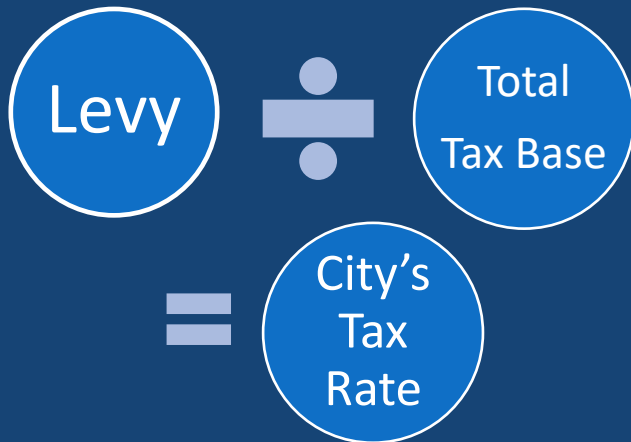


City, County and School Districts

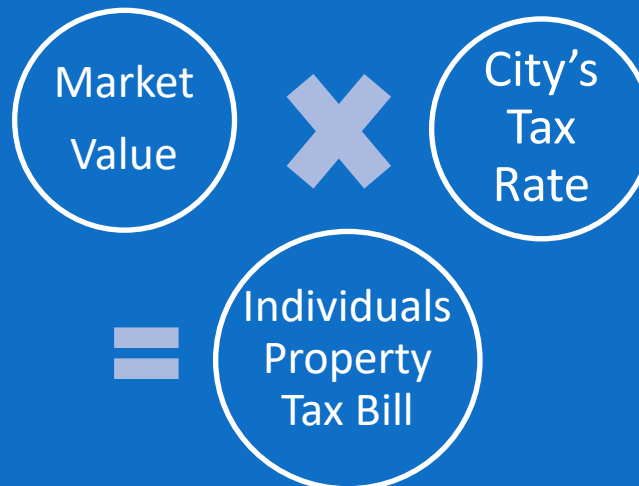


County Auditor

Calculates Tax Rates

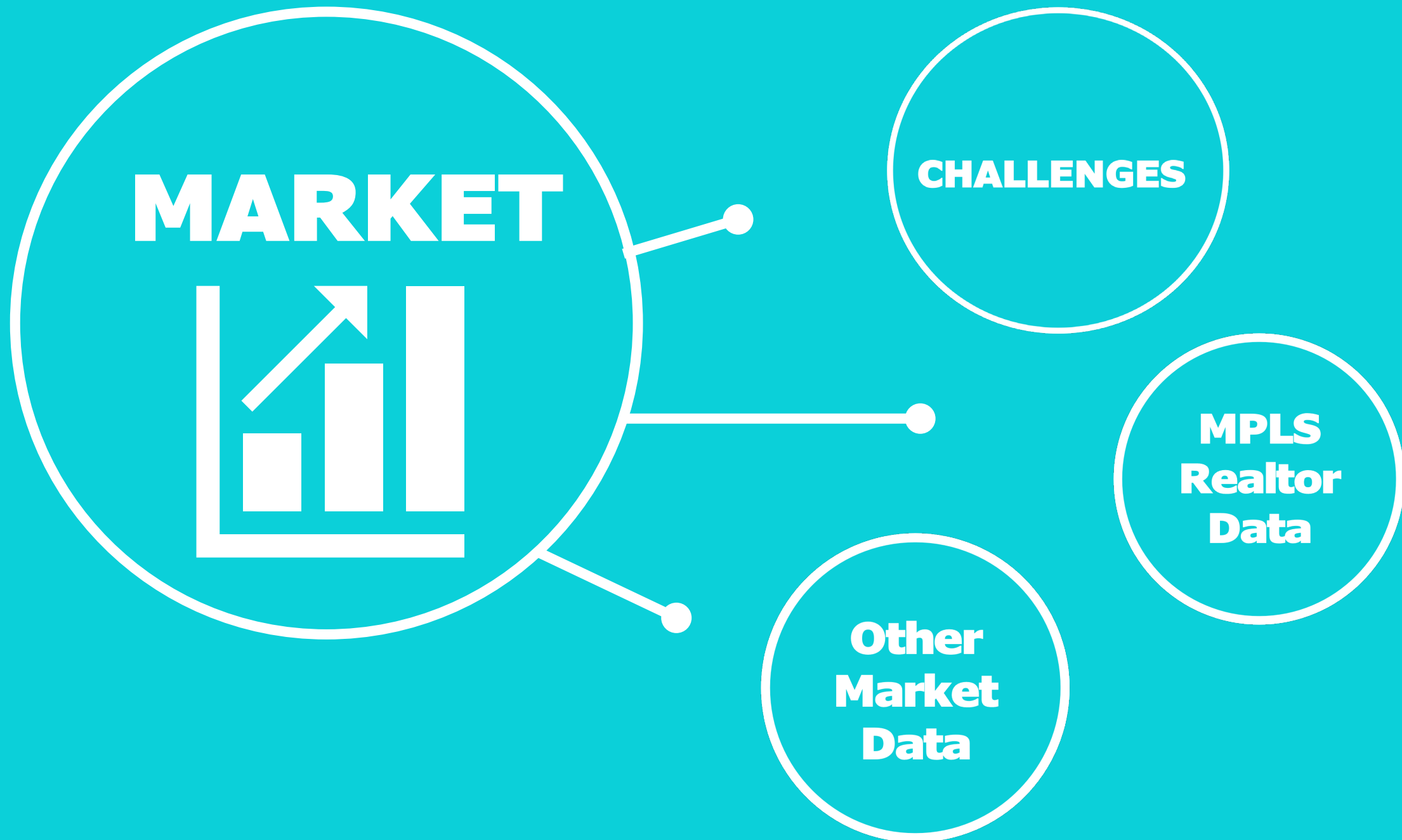


Calculates Individual Property Taxes



Mail Property Tax Notices

- Mailed in March 2023
- Payments Due
- May 15th and October 15th 2023





CHALLENGES



Follow the Headlines



**Homebuyer Preferences
shift during Pandemic**



**Online Shopping and
Supply Chain Disruptions**

CHALLENGES

Follow the Headlines

BUSINESS

Twin Cities area has new hot real estate segment: Million-dollar homes

Pandemic generates more upper-bracket sales as wealthier buyers hit the market.

By Jim Buchta Star Tribune | FEBRUARY 20, 2021 — 8:00AM

BUSINESS

Few houses, eager buyers, rising prices in Twin Cities: 'It's just insane'

Homes are selling in near-record time as the median price hit \$314,000 in February.

By Jim Buchta Star Tribune | MARCH 17, 2021 — 4:42PM

Dearth of homes for sale in Twin Cities sends median sale price to \$327,500 in March

Many sellers are now getting more than list price as buyers face fierce bidding wars fueled by low interest rates.

By Jim Buchta Star Tribune | APRIL 17, 2021 — 12:22AM

Twin Cities housing market stays strong as median price hits \$342,500 in May

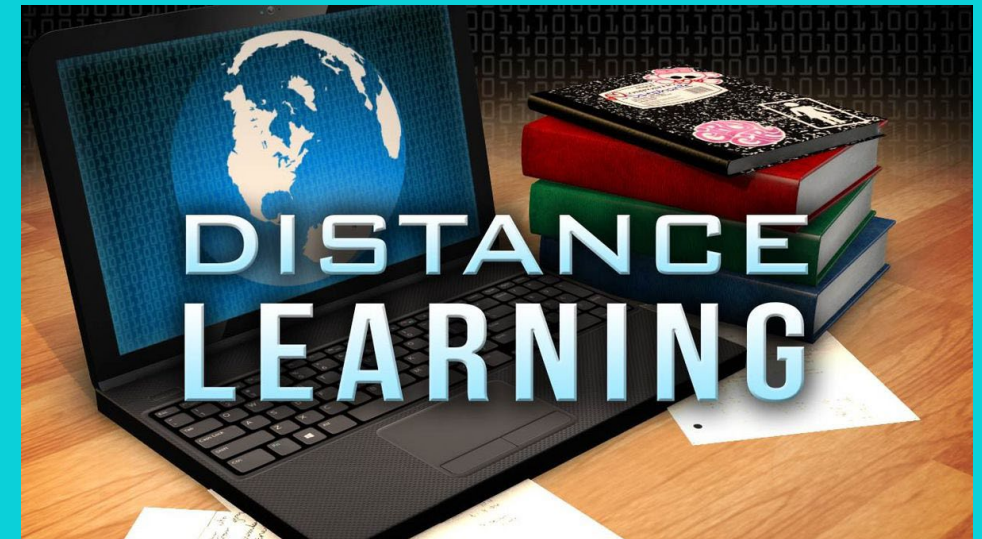
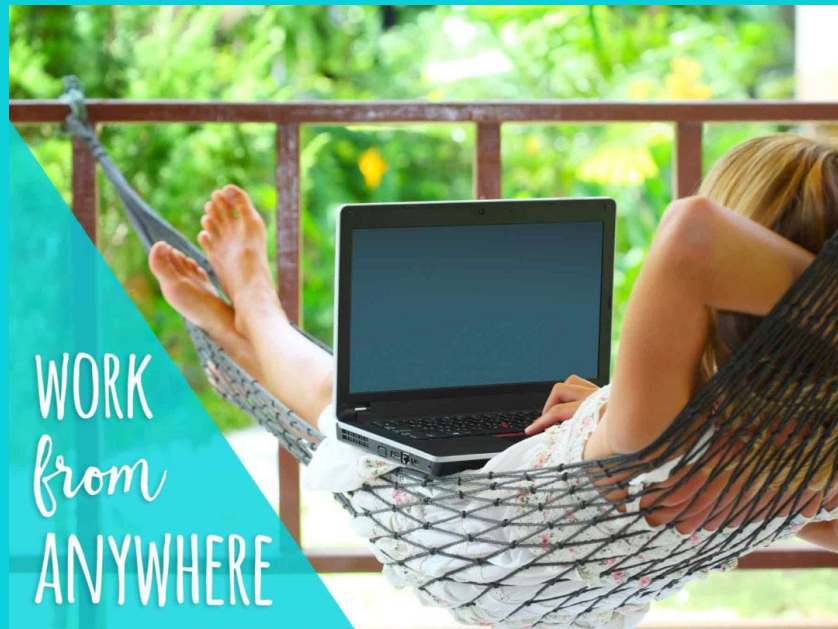
Buyers still outnumber sellers in much of the metro area and prices are rising at a rapid clip, though one survey showed a slight uptick in price cuts.

By Jim Buchta Star Tribune | JUNE 16, 2021 — 2:21PM

Buyers battle for \$1 million houses in the Twin Cities area

With listings dwindling, there are now bidding wars for upper-bracket houses in the metro area.

By Jim Buchta Star Tribune | APRIL 2, 2022 — 7:28PM





March 2021

Used car prices are up nearly 40% during the pandemic

Change in prices since March 1, 2020

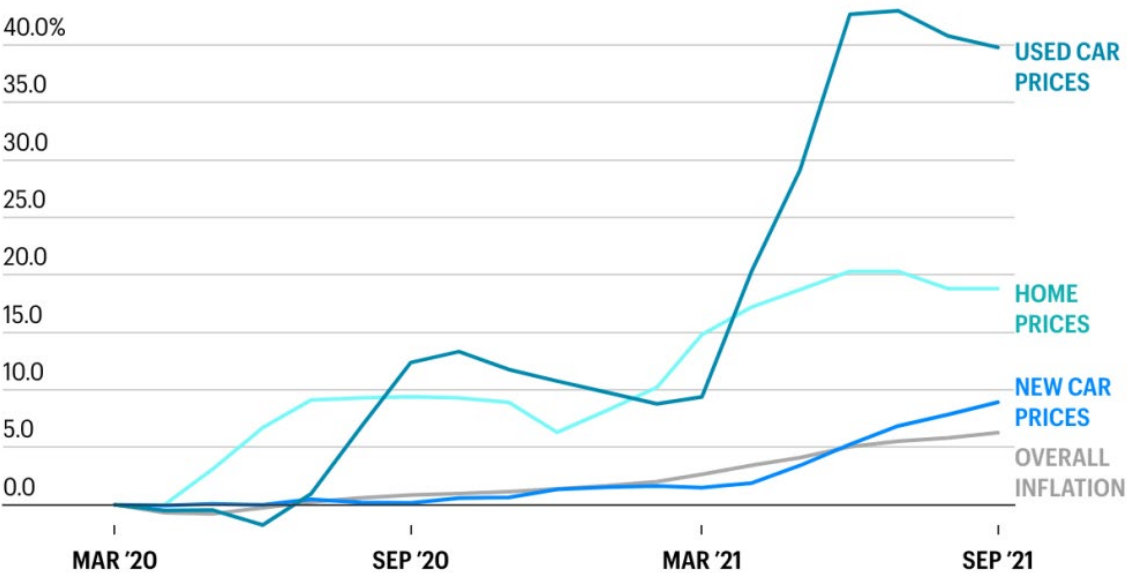
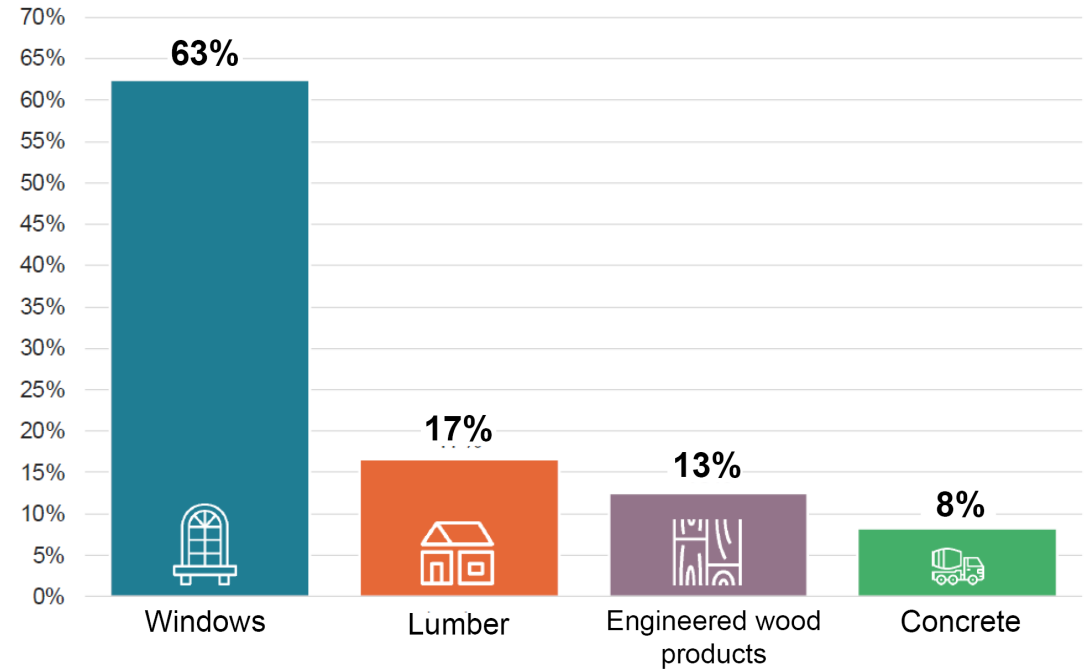


CHART: LANCE LAMBERT • SOURCE: U.S. BUREAU OF LABOR STATISTICS, REALTOR.COM

FORTUNE

Building Material Causing Contractor Project Delays

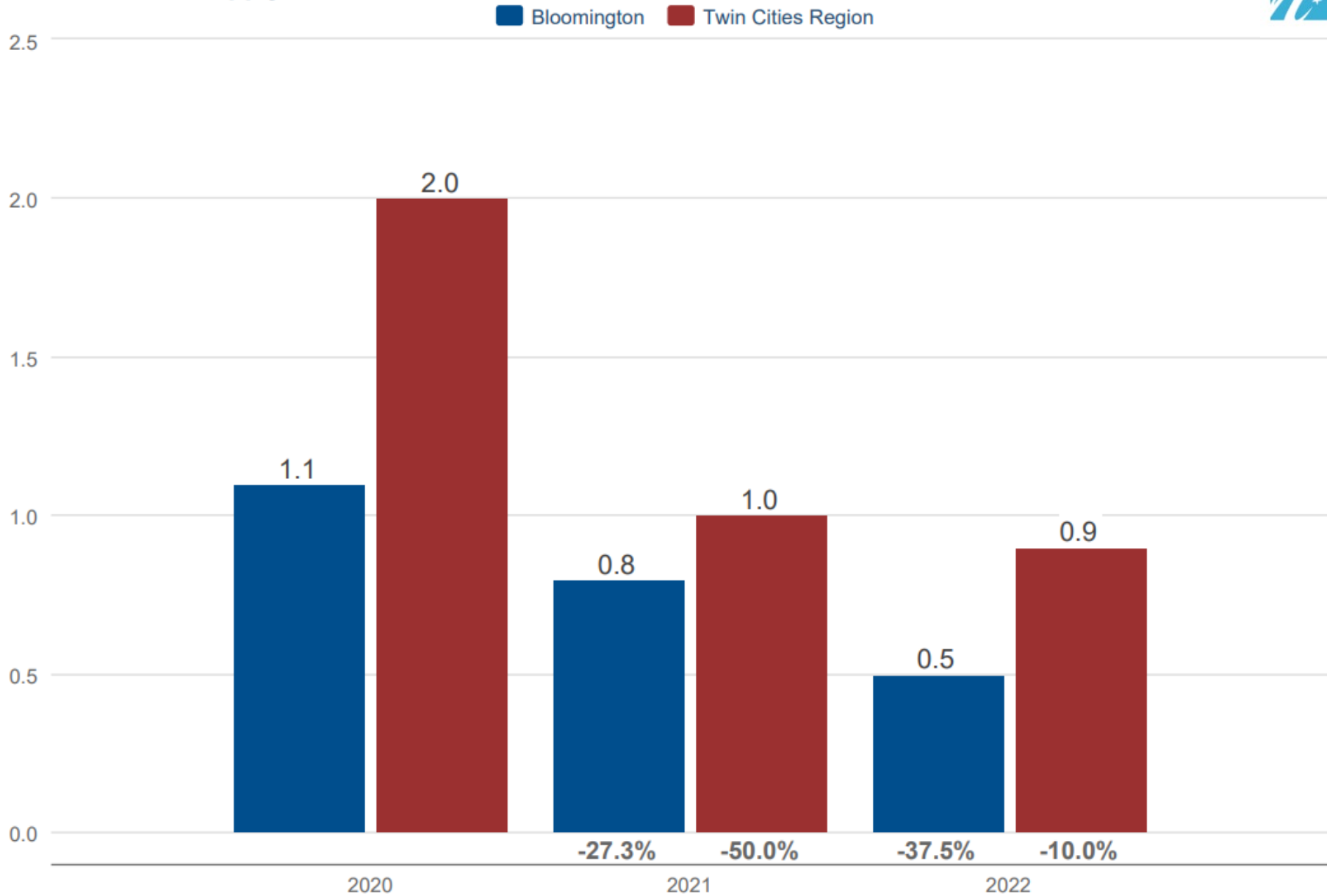


Note: Percentages do not add up to 100% due to rounding.

Source: John Burns Real Estate Consulting, LLC, Building Materials Survey (Data: Sep-21; Pub: Oct-21)



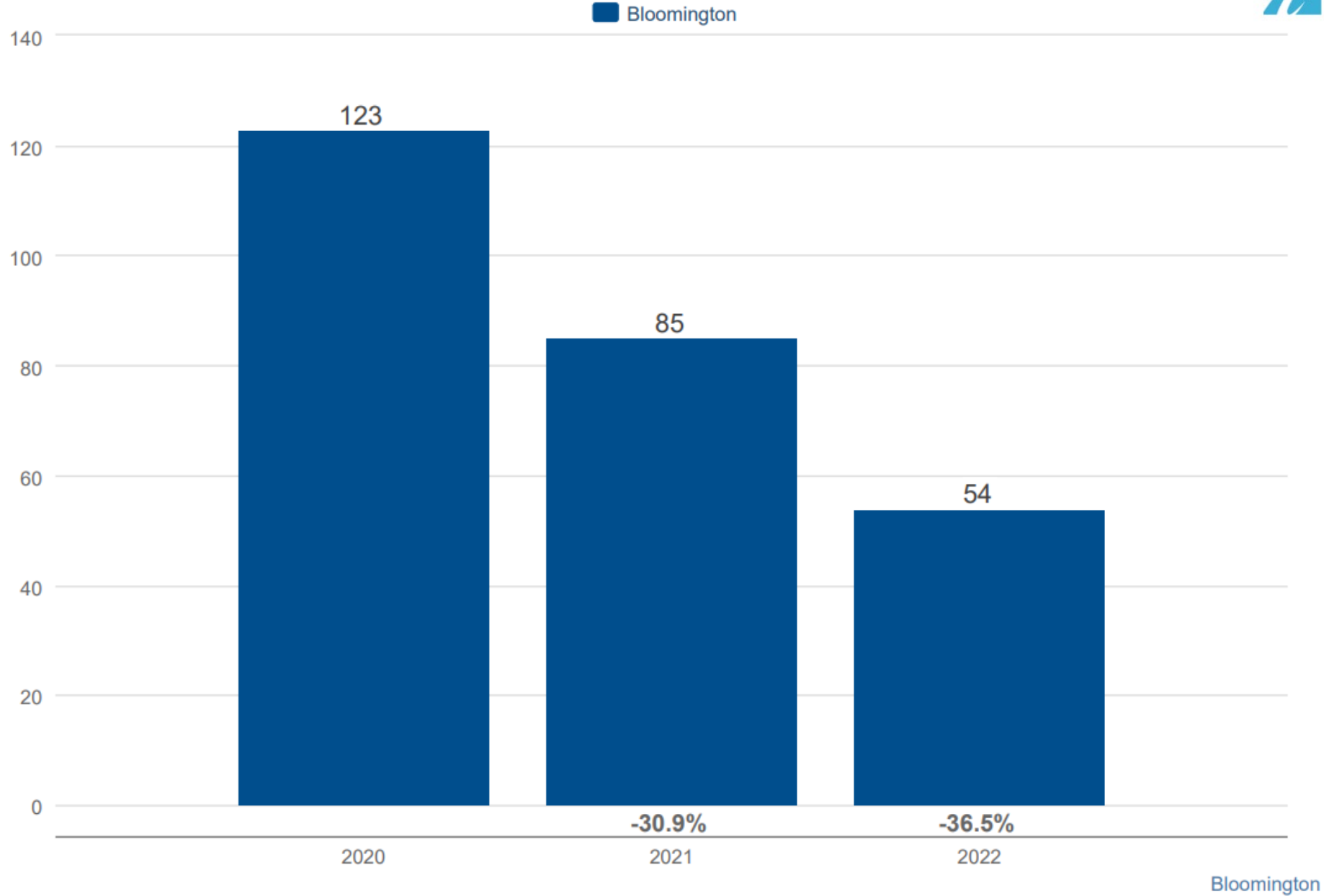
March Months Supply of Homes for Sale



Bloomington & Twin Cities Region

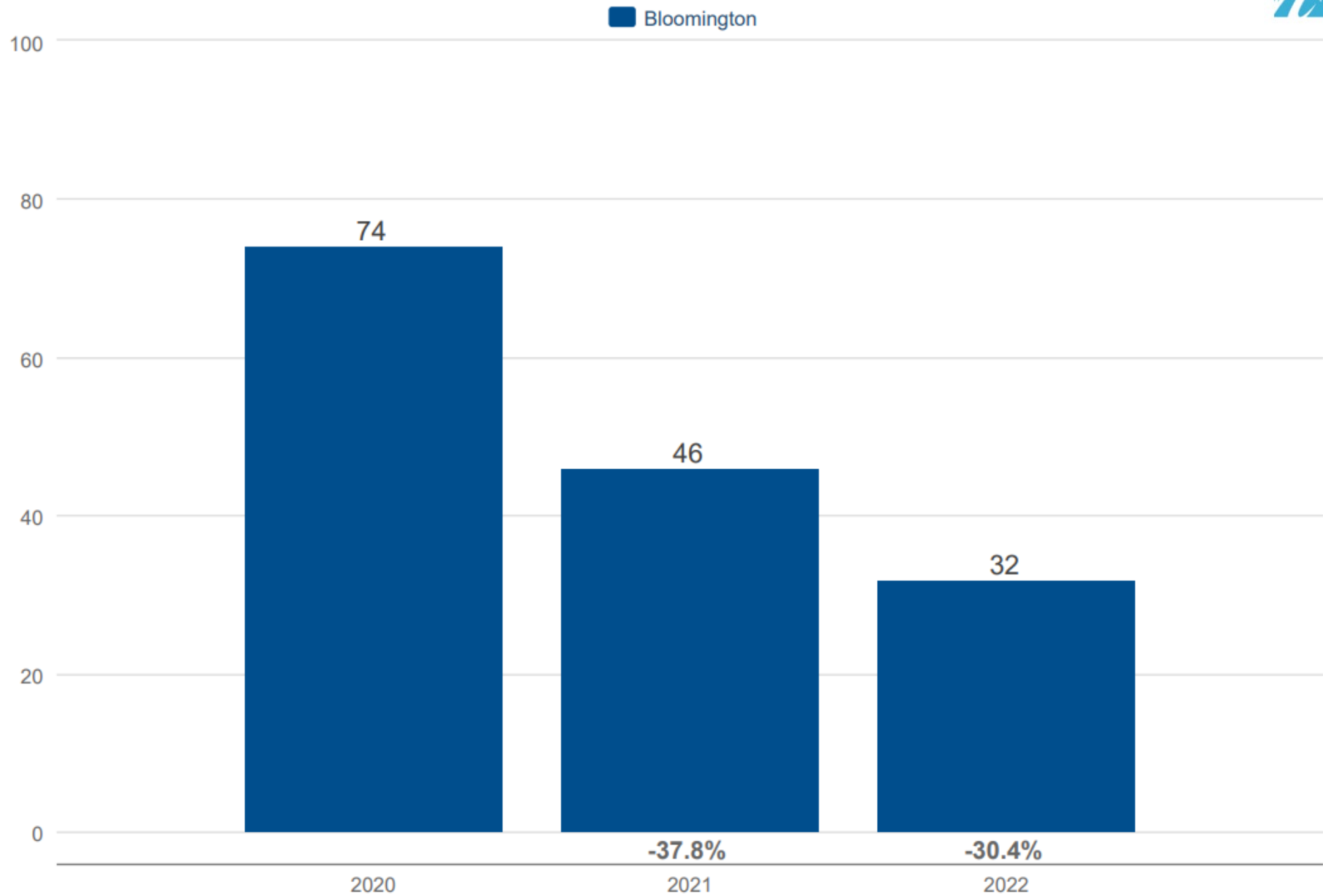
Each point is actual monthly data. Data is from April 11, 2022.

March Homes for Sale



Each point is actual monthly data. Data is from April 4, 2022.

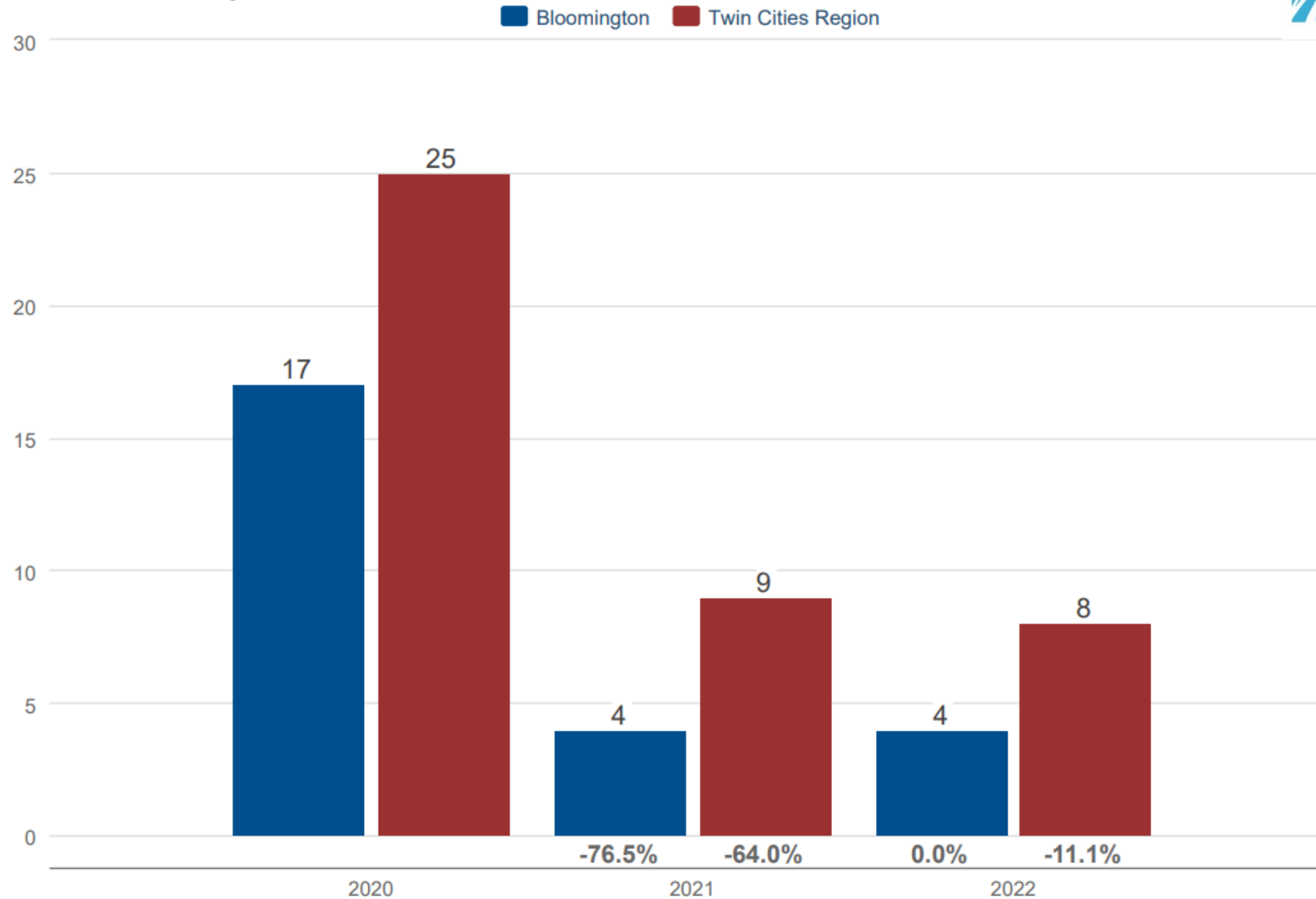
March Homes for Sale



Bloomington: Previously Owned, Single-Family

Each point is actual monthly data. Data is from April 4, 2022.

March Median Days on Market

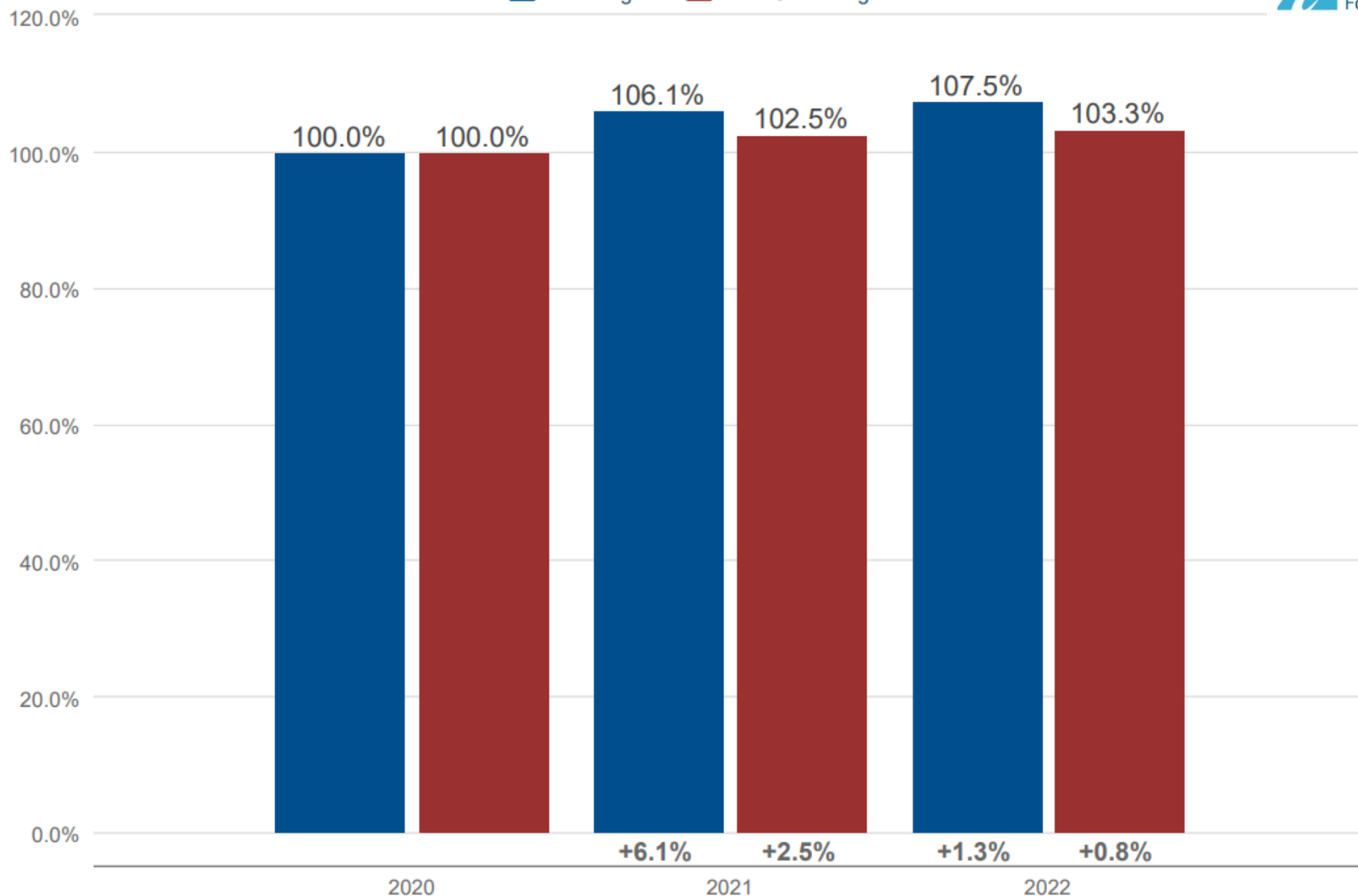


Bloomington & Twin Cities Region: Traditional, Previously Owned, Single-Family

Each point is actual monthly data. Data is from April 11, 2022.

March Median Percent of Original Price

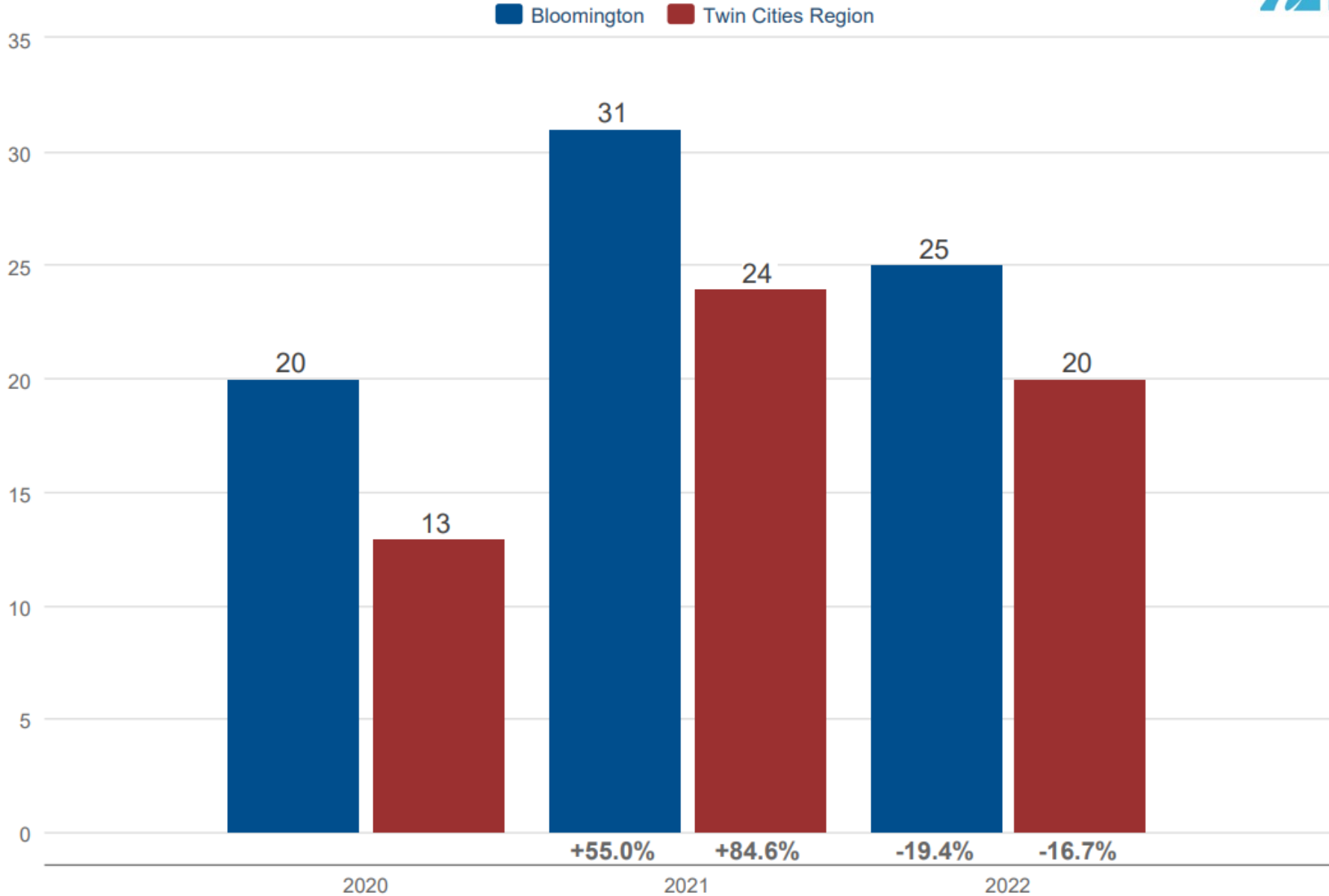
■ Bloomington ■ Twin Cities Region



Bloomington & Twin Cities Region: Traditional, Previously Owned, Single-Family

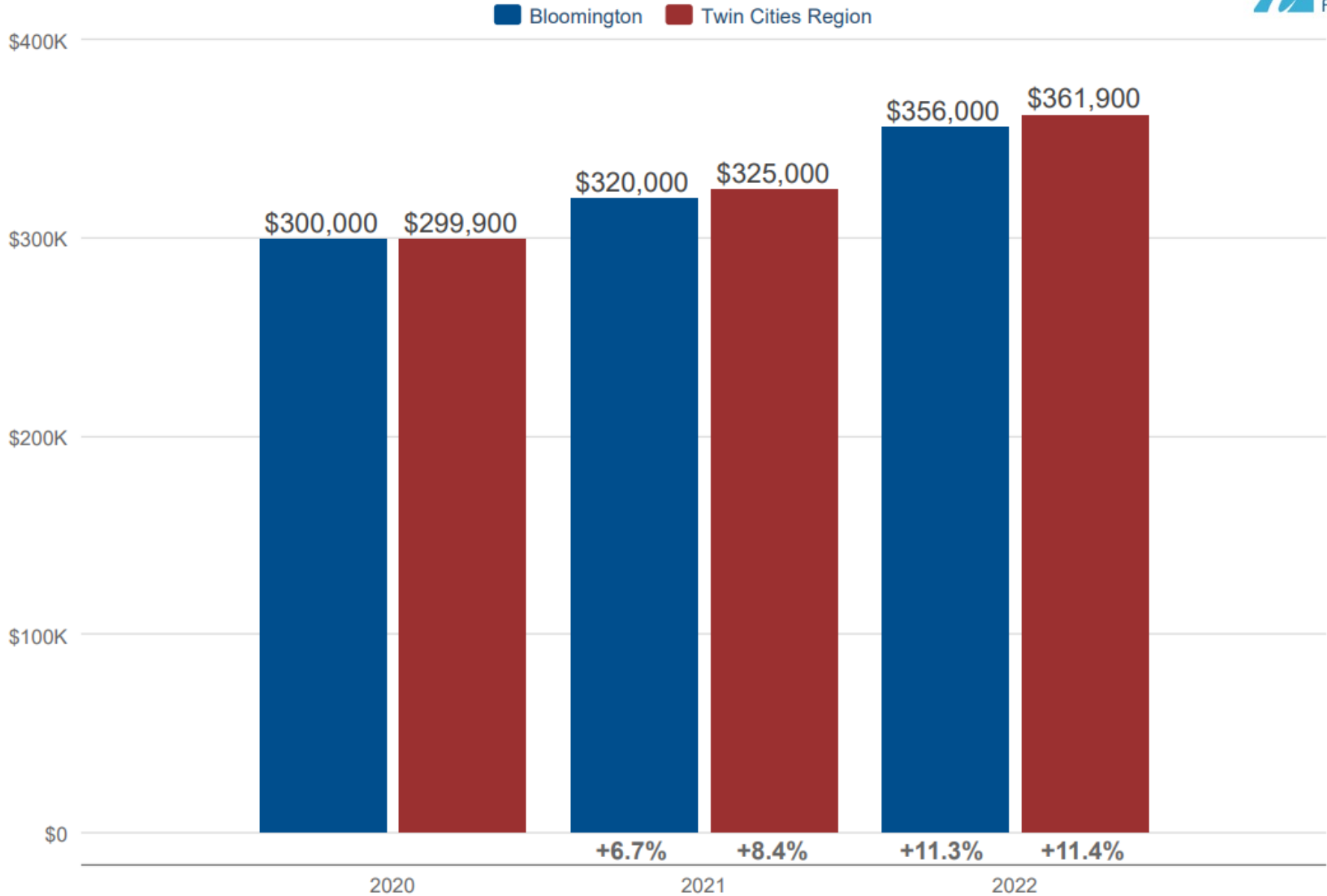
Each point is actual monthly data. Data is from April 11, 2022.

March Median Showings to Pending



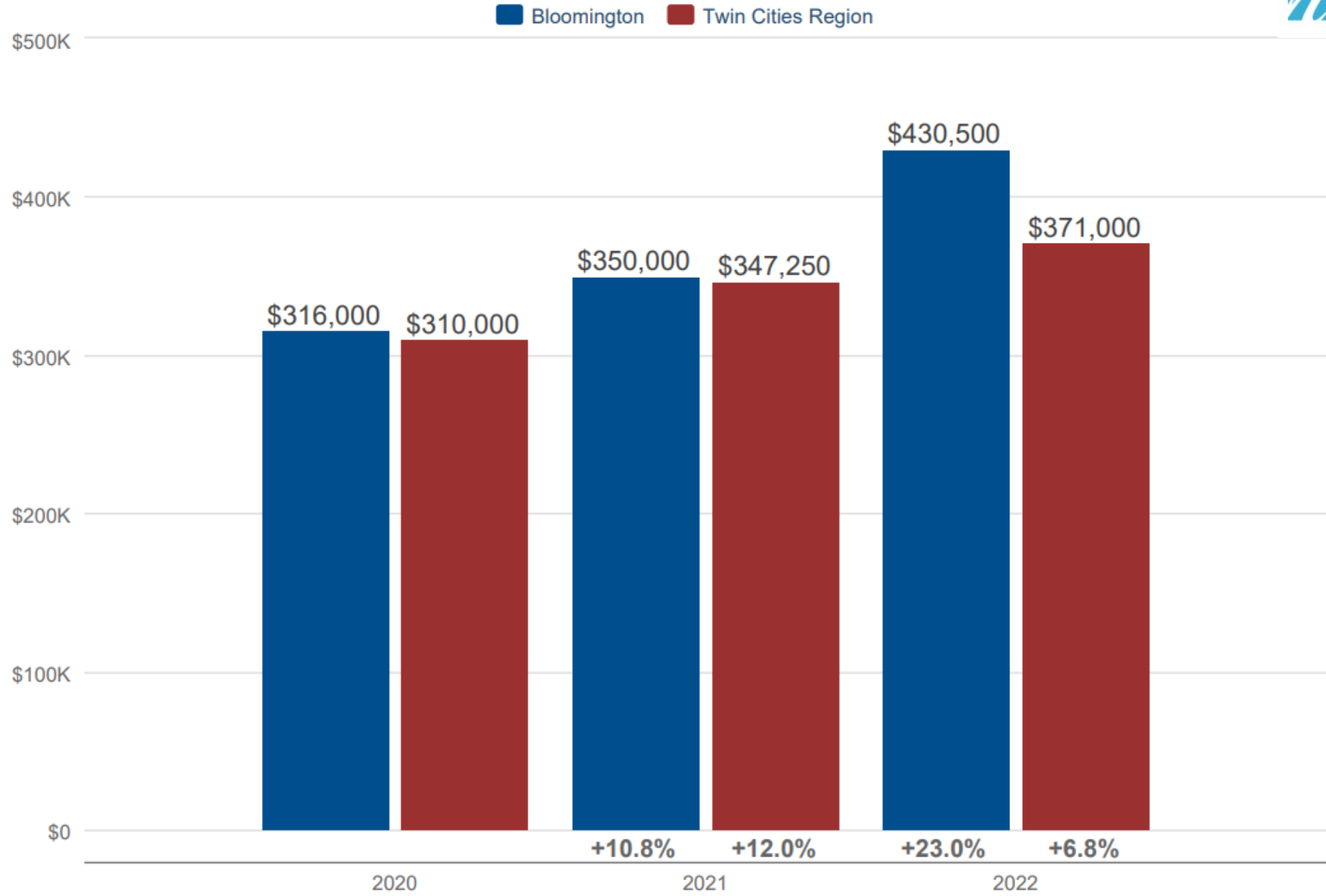
Bloomington & Twin Cities Region: Traditional, Previously Owned, Single-Family
Each point is actual monthly data. Data is from April 11, 2022.

March Median Sales Price



Bloomington & Twin Cities Region: Traditional, Previously Owned, Single-Family
Each data point is 12 months of activity. Data is from April 11, 2022.

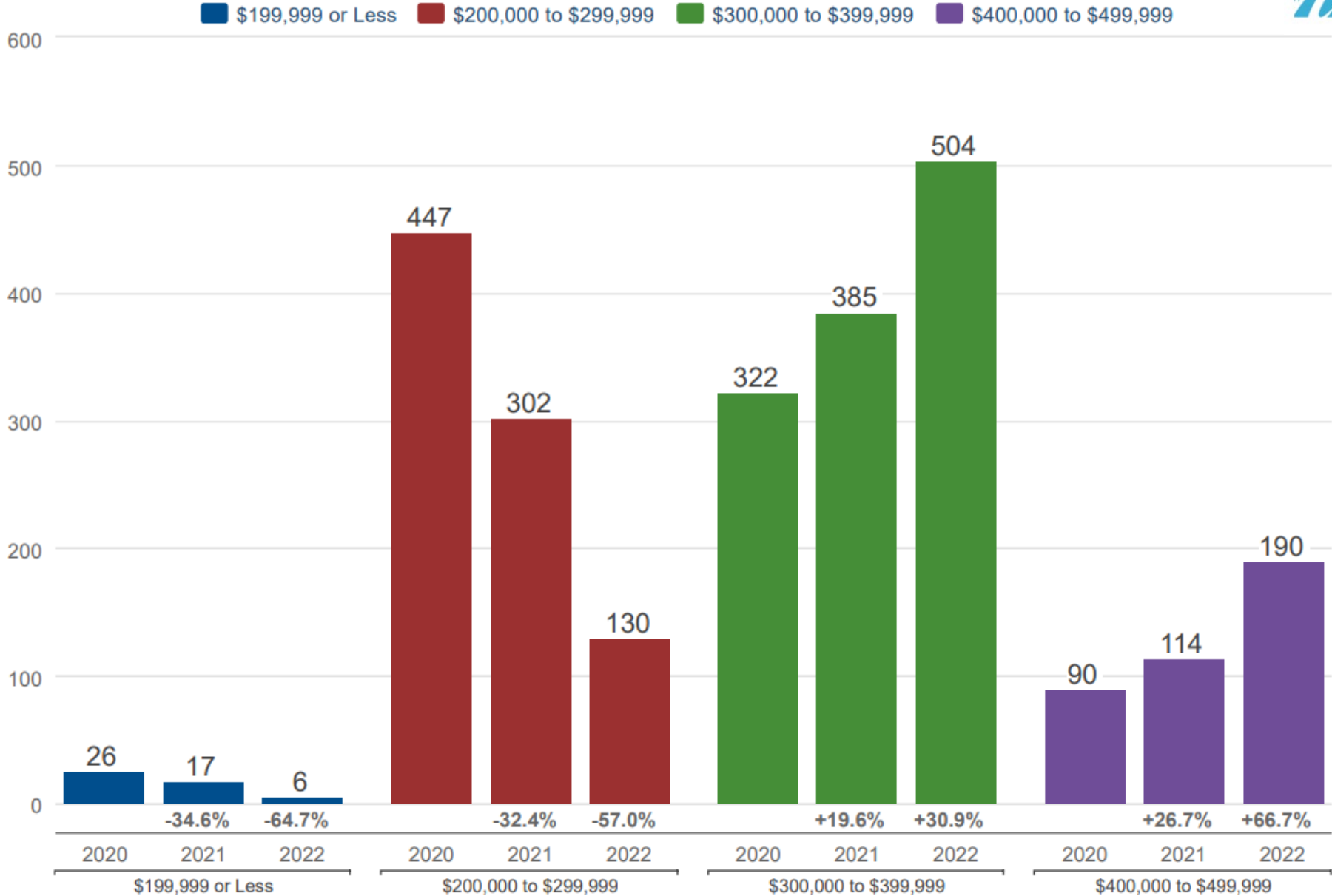
March Median Sales Price



Bloomington & Twin Cities Region: Traditional, Previously Owned, Single-Family

Each point is actual monthly data. Data is from April 11, 2022.

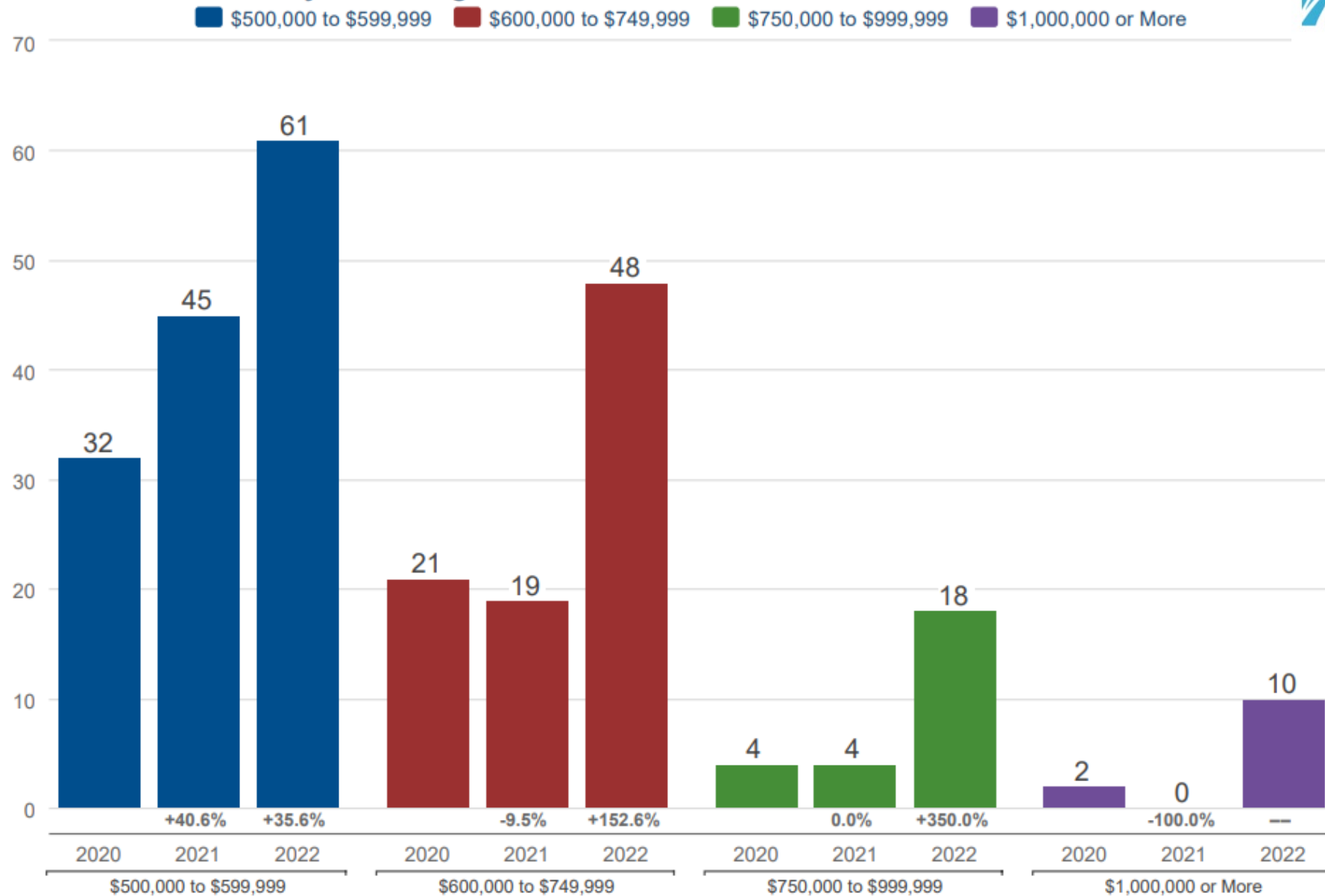
March Closed Sales - By Price Range



Bloomington: Previously Owned, Single-Family

Each data point is 12 months of activity. Data is from April 4, 2022.

March Closed Sales - By Price Range



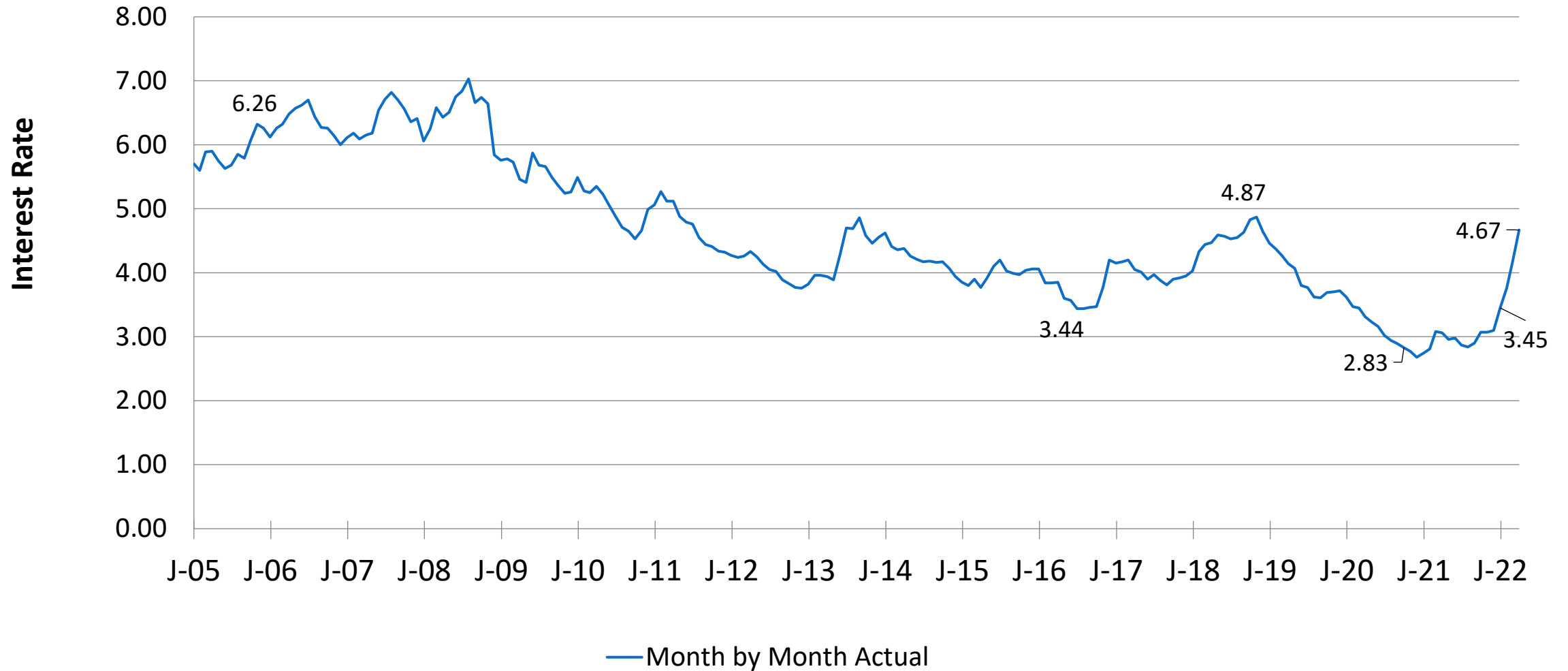
Bloomington: Previously Owned, Single-Family

Each data point is 12 months of activity. Data is from April 4, 2022.

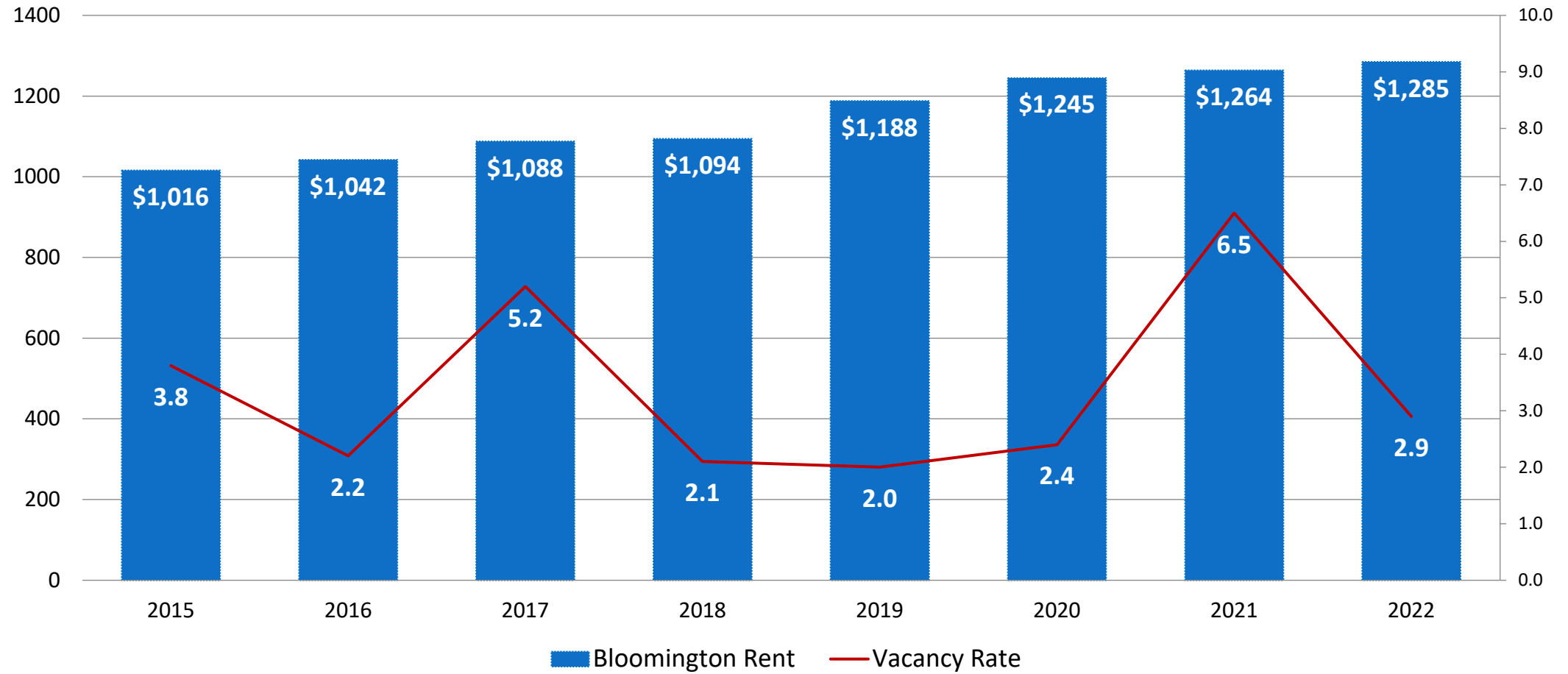
All data from NorthstarMLS. Data deemed reliable but not guaranteed. InfoSparks © 2022 ShowingTime.

30 Year Interest Rates

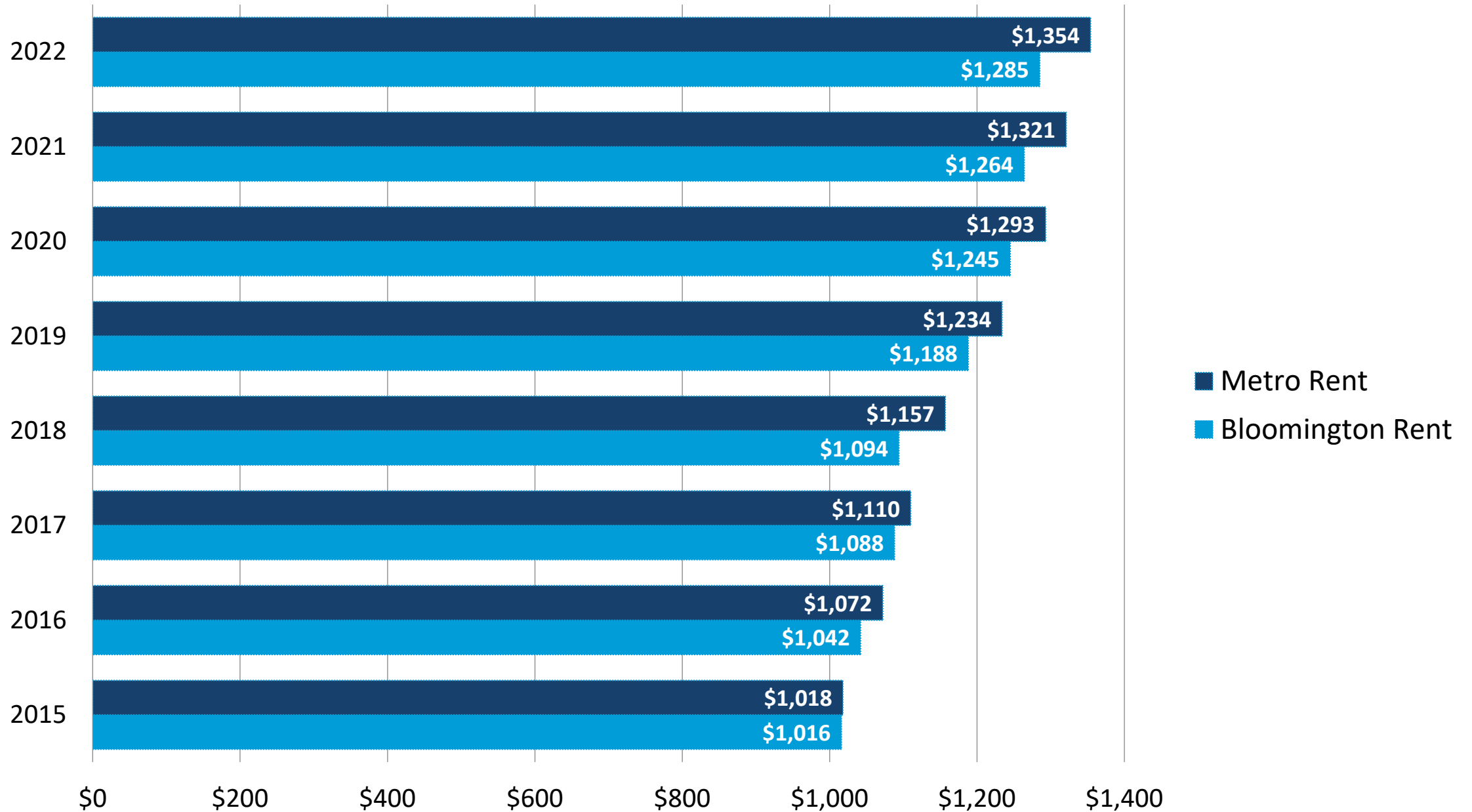
Twin Cities, MN



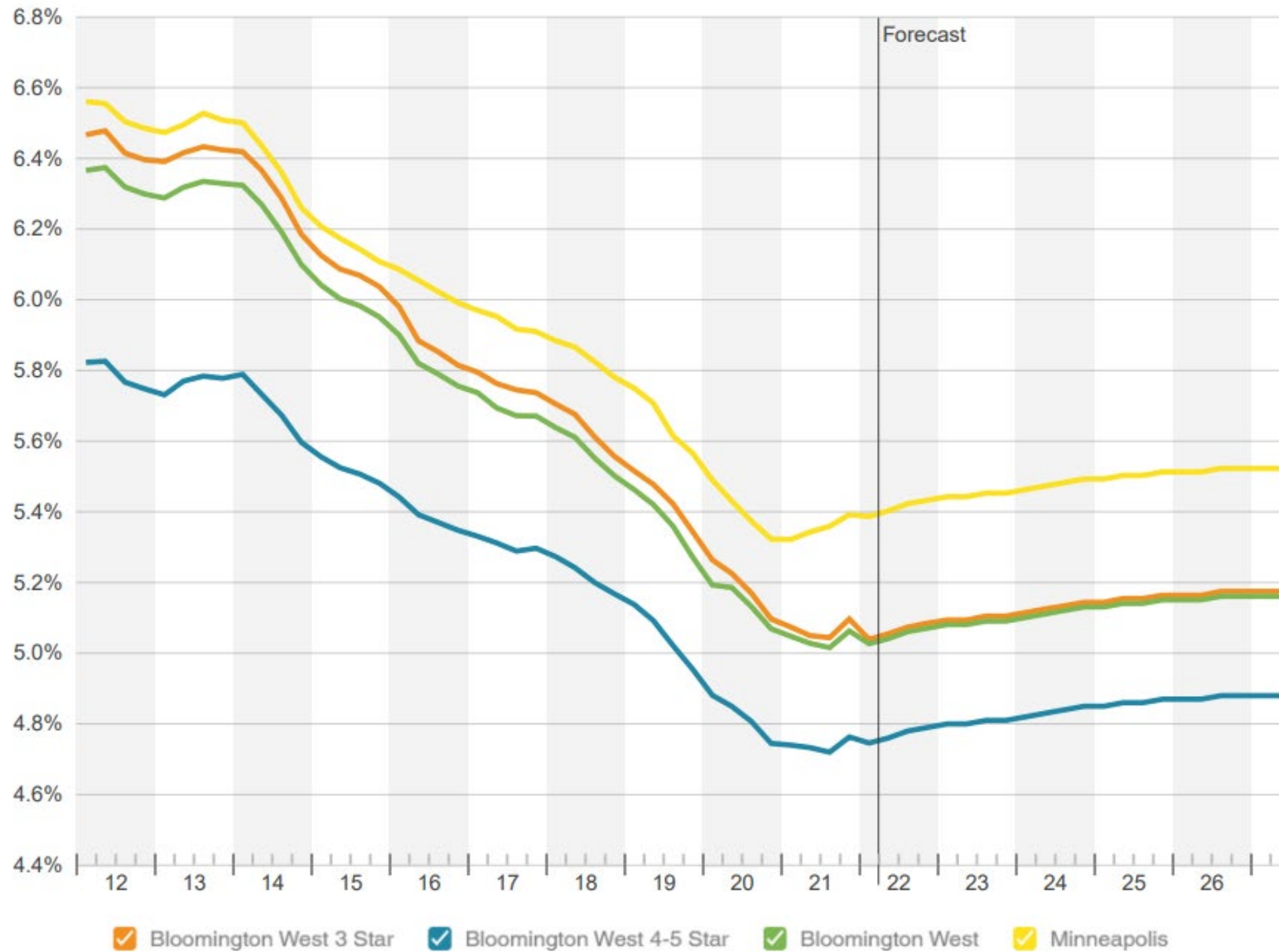
GVA Marquette Advisors Twin Cities Metro Area 4Q Apartment Trends



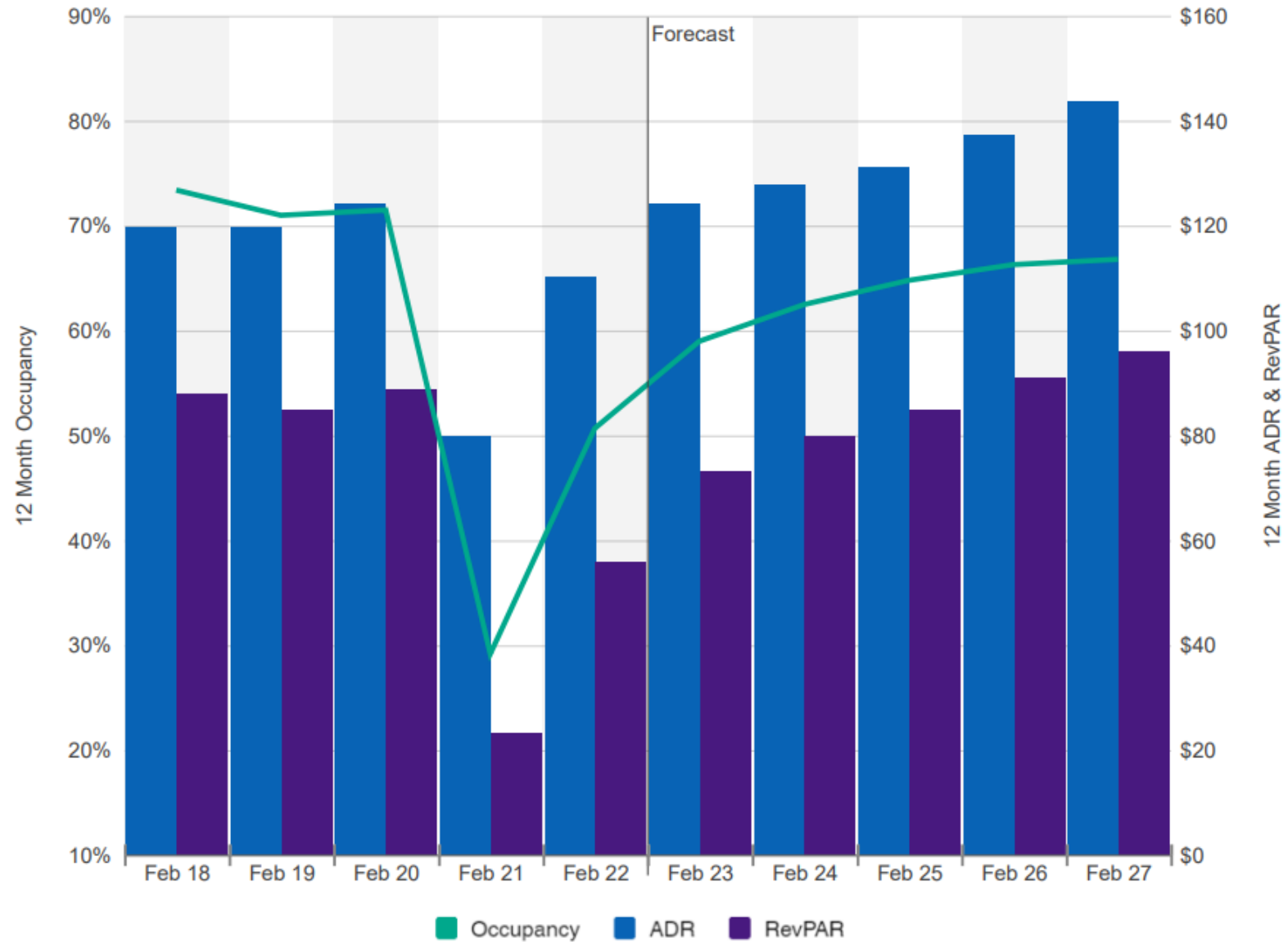
GVA Marquette Advisors Twin Cities Metro Area Apartment Trends



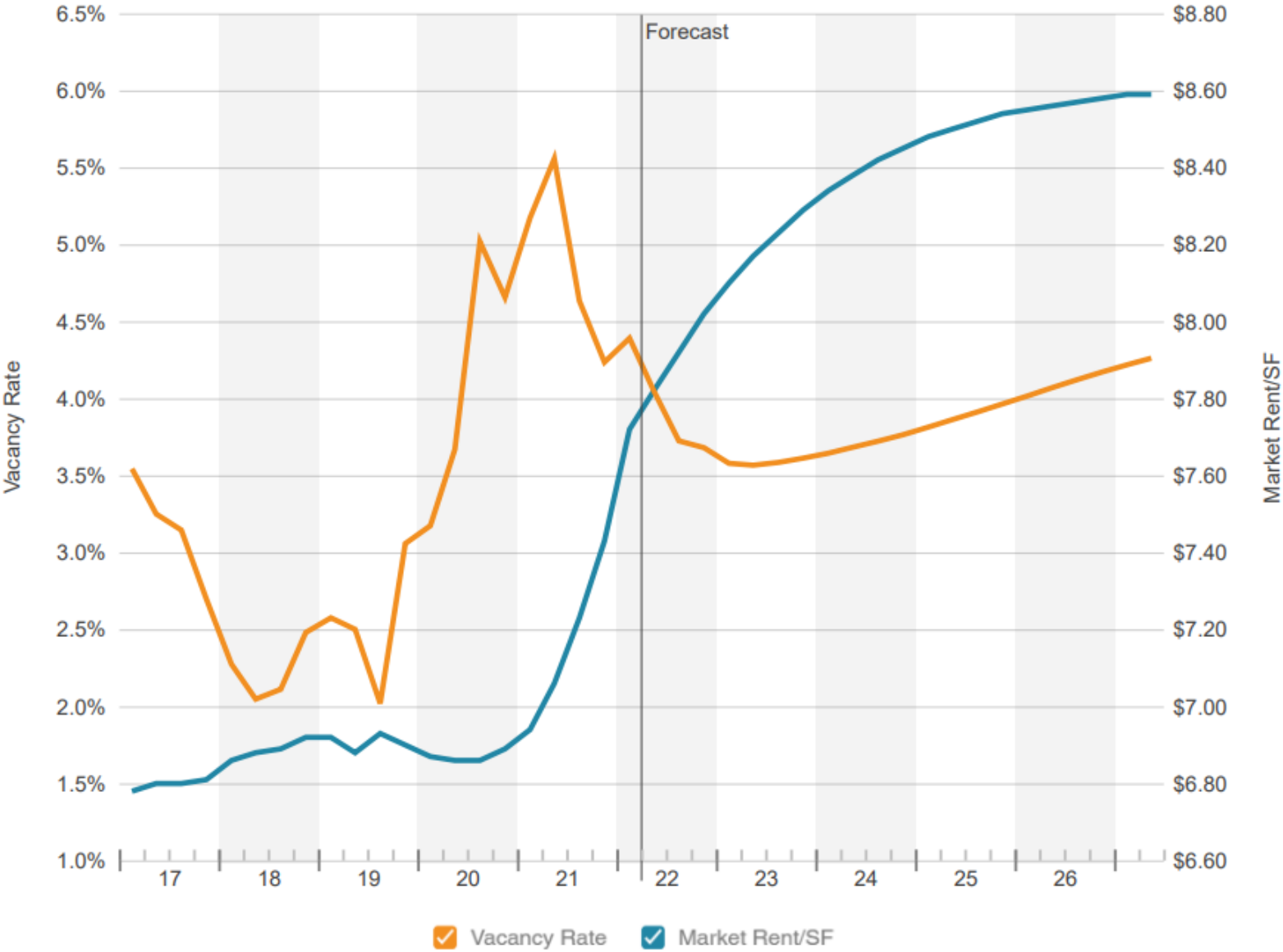
Market Cap Rate Bloomington West Multi-Family Submarket



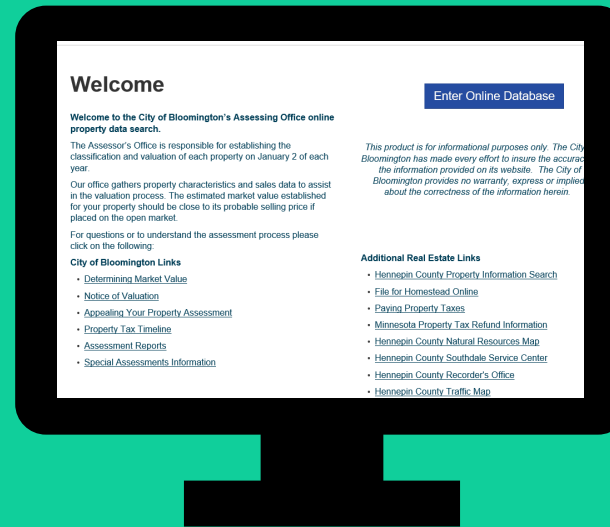
Occupancy, ADR & RevPAR Bloomington Submarket



Vacancy & Market Rent Per SF Southwest Industrial Submarket



2022 ASSESSMENT RESULTS



Online Resources
blm.mn/assess

Property Characteristics,
Sales, Assessment Report
and hyperlinks to news
articles relating to property
values



2022 Assessment Results

Property Type	Parcel Count	*2022 Value	21/22 % Chg	2022 New Construction	21/22 %Chg Without New Construction
Residential	28,946	9,960,580,100	17.0%	9,645,000	16.9%
Commercial	1,201	3,966,478,000	6.7%	22,710,000	6.1%
Industrial	334	1,003,040,300	18.3%	20,214,000	15.9%
Apartments	385	2,214,761,000	21.7%	126,316,400	14.8%
Total Real Property	30,038	17,144,860,200	14.4%	179,105,400	13.2%

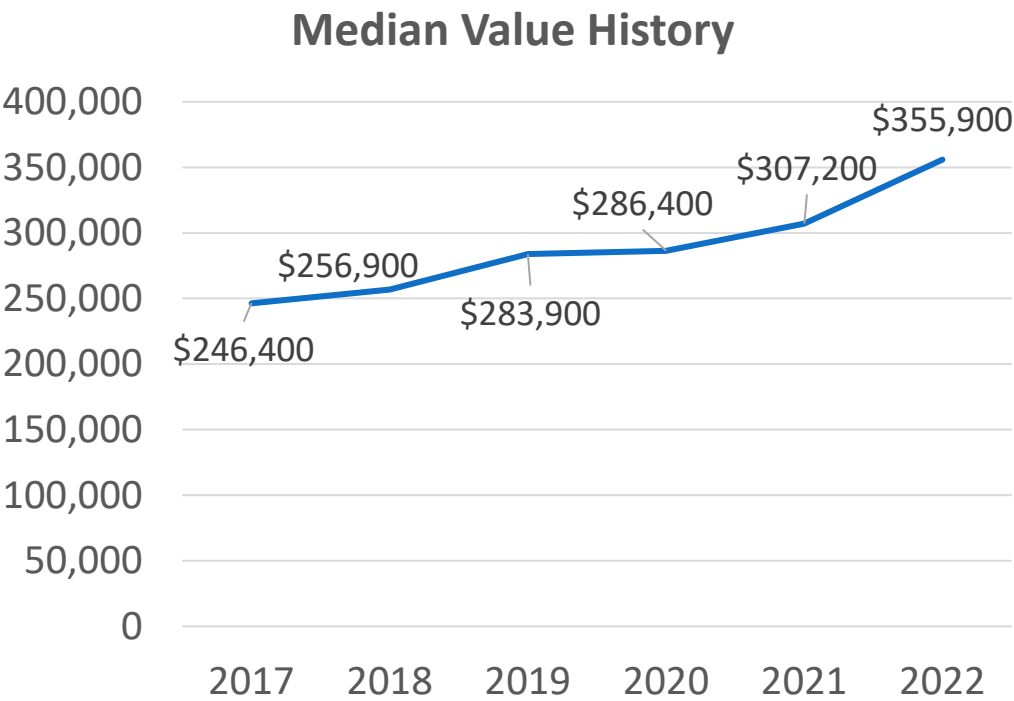
2022 Assessment is the basis for property taxes payable in 2023

CITY OF BLOOMINGTON, MINNESOTA

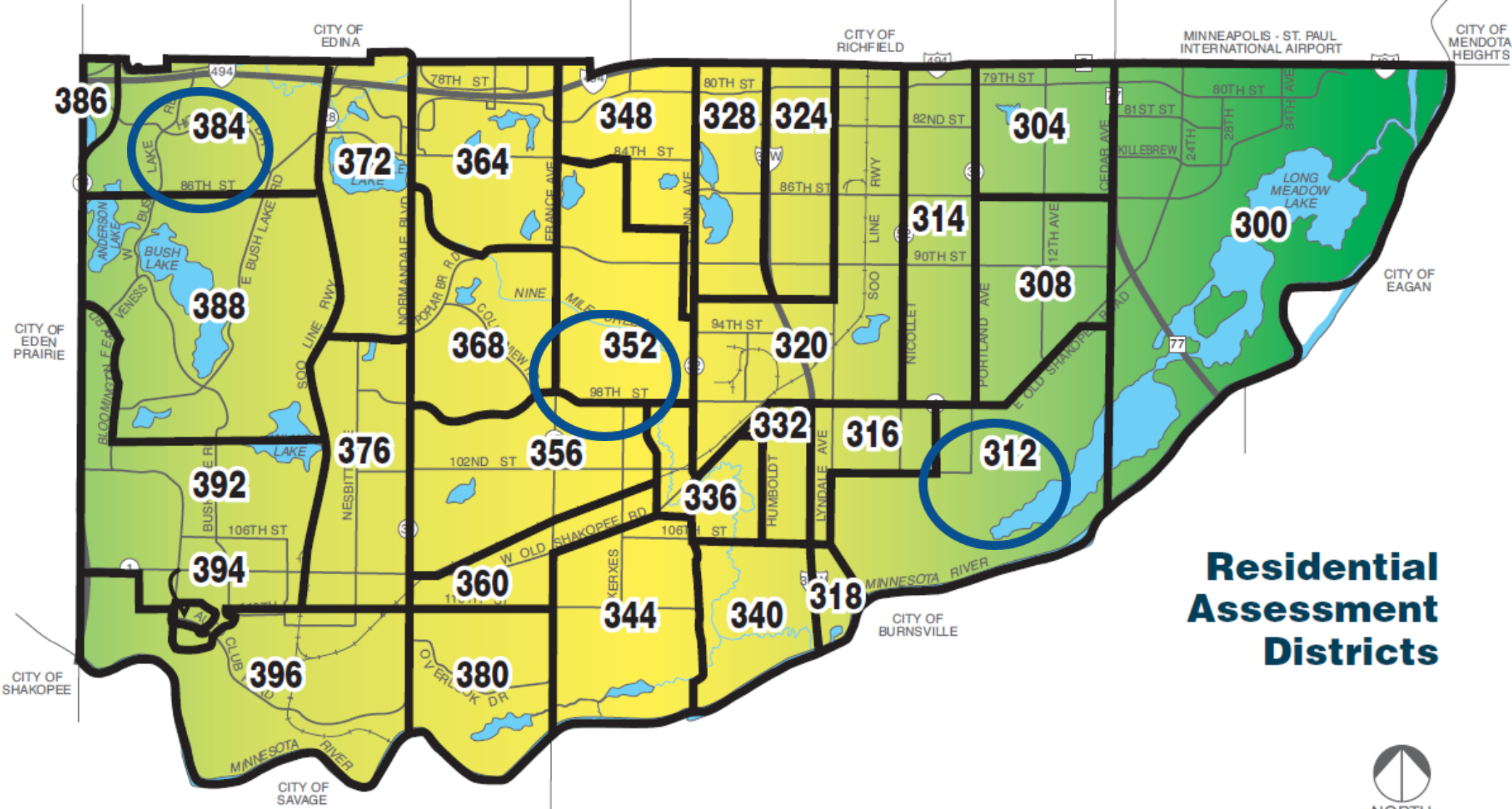
Single Family Residential

Assessment Year	Median Value	% Chg
2022	355,900	15.9%
2021	307,200	7.3%
2020	286,400	0.9%
2019	283,900	10.5%
2018	256,900	4.3%
2017	246,400	9.1%

Five Year % Change: 44.4%



CITY OF BLOOMINGTON, MINNESOTA

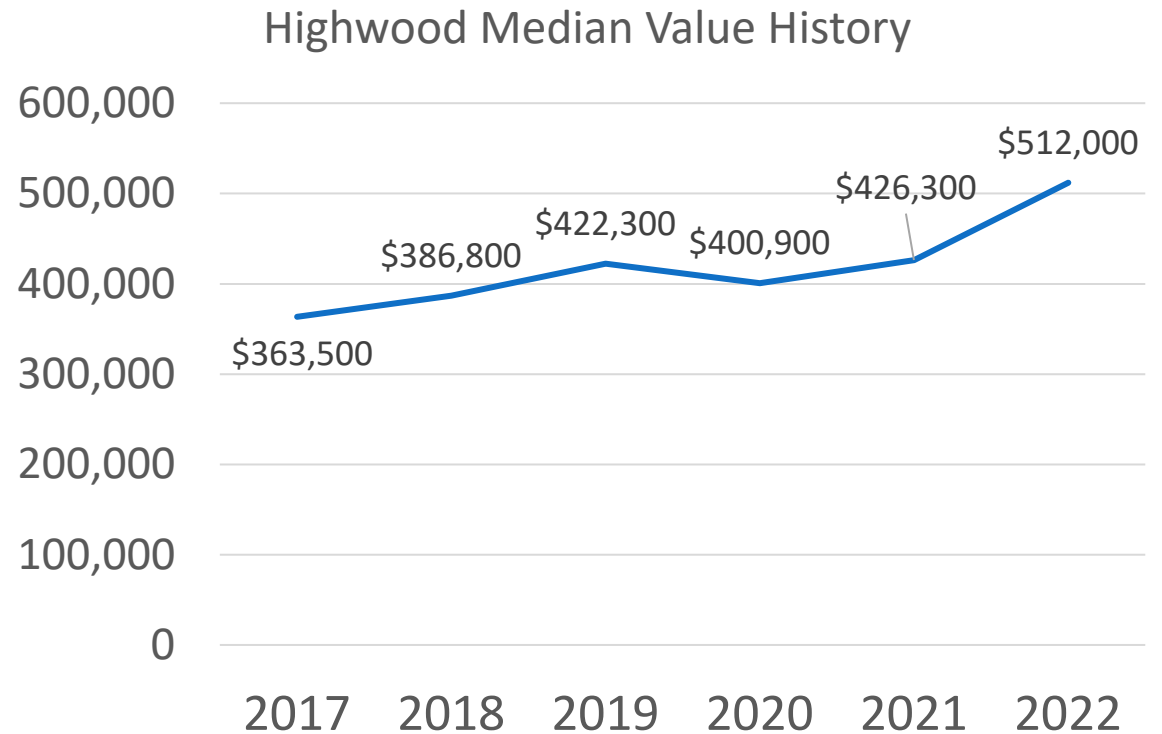


**Residential
Assessment
Districts**



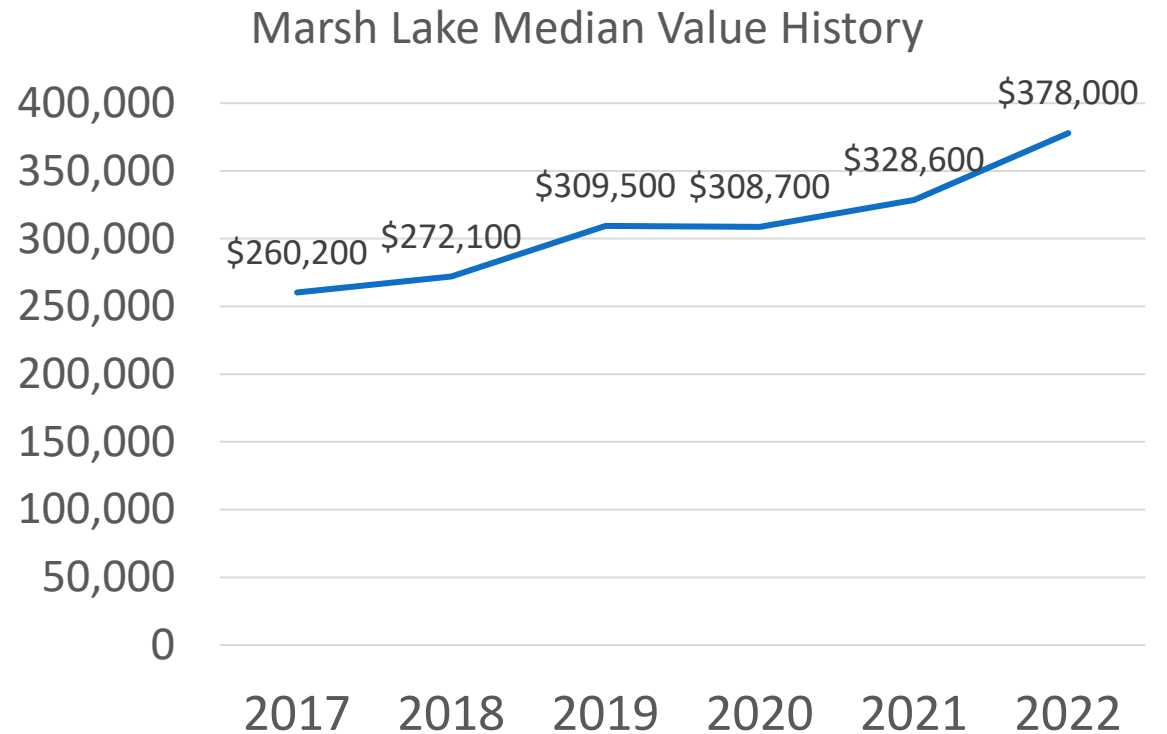
Neighborhood 384: Highwood

Single Family Homes	641
Sales	21
Median Sale Price	\$561,000
2021 Median Value	\$426,300
2022 Median Value	\$512,000
2021/2022 % Change	20.2%
Five Year % Change	40.4%



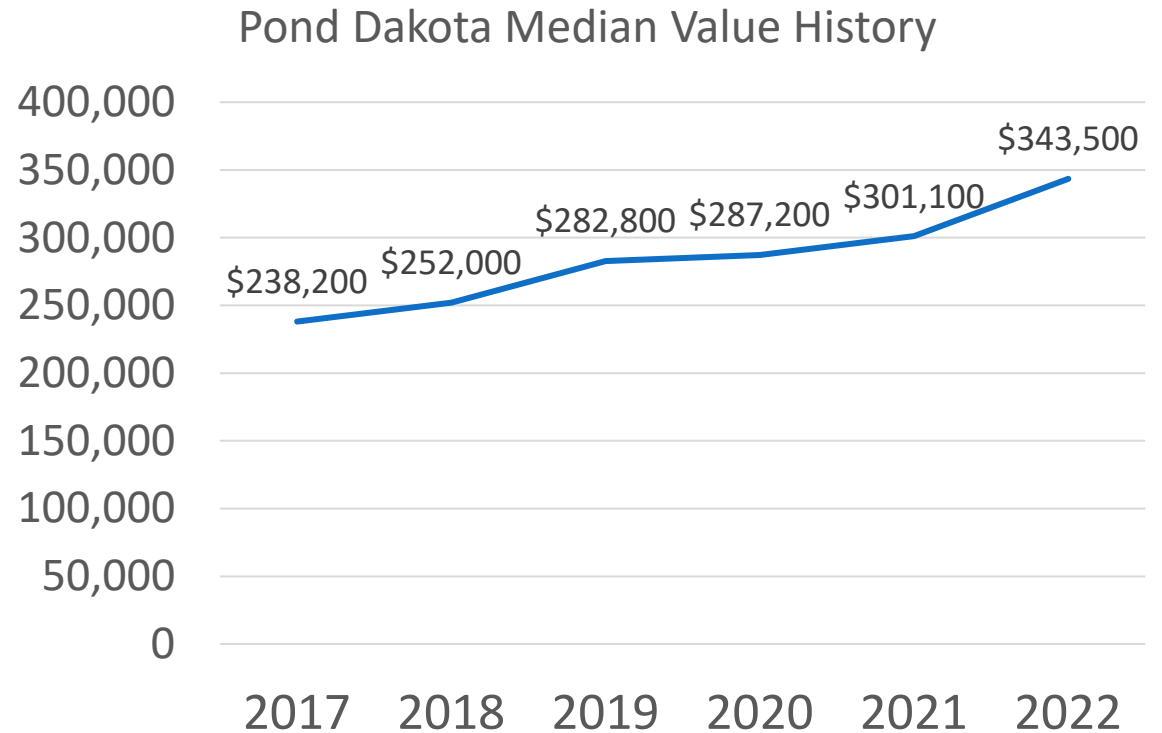
Neighborhood 352: Marsh Lake

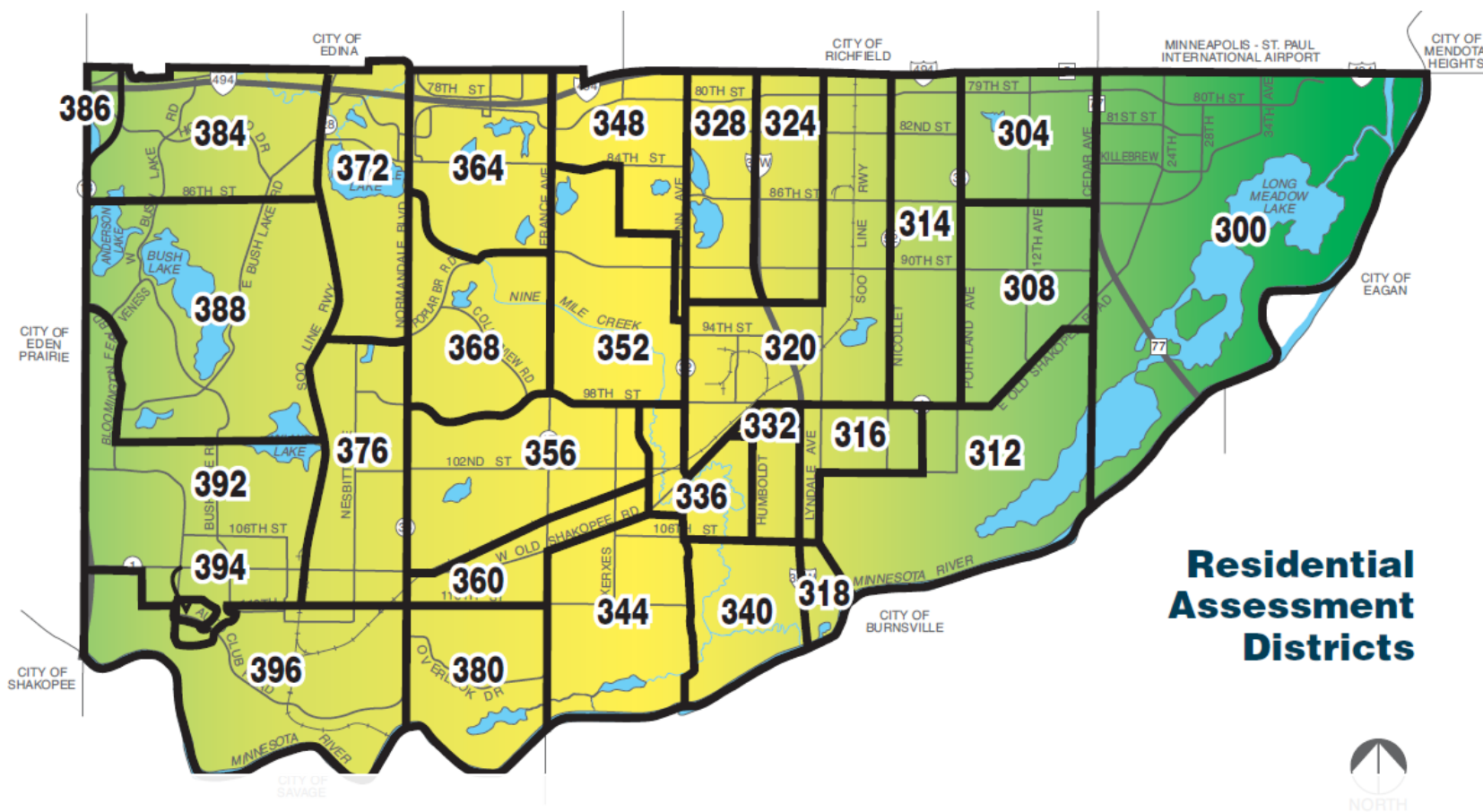
Single Family Homes	974
Sales	46
Median Sale Price	\$404,100
2021 Median Value	\$328,400
2022 Median Value	\$378,000
2021/2022 % Change	15.0%
Five Year % Change	45.3%



Neighborhood 312: Pond Dakota

Single Family Homes	1,489
Sales	61
Median Sale Price	\$372,400
2021 Median Value	\$301,100
2022 Median Value	\$343,500
2021/2022 % Change	14.1%
Five Year % Change	44.2%





	City Median	384: Highwood	352: Marsh Lake	312: Pond Dakota
2021 Value	\$307,200	\$426,300	\$328,400	\$301,100
2022 Value	\$355,900	\$512,000	\$378,000	\$343,500
2021/2022 % Change	15.9%	20.2%	15.0%	14.1%
Five Year % Change	44.4%	40.4%	45.3%	44.2%

Bloomington's Commercial Industrial Property Segments

Property Segment	2022 Property Value	21/22 %Chg	Commercial Industrial Value Share
Hospitality	\$645,841,900	14.2%	13.3%
Retail Properties	\$1,365,018,200	7.1%	28.0%
Office/Medical Buildings	\$1,374,177,700	1.0%	28.2%
Industrial	\$1,042,075,000	17.8%	21.4%
Automotive Services	\$231,614,800	8.9%	4.8%
Misc. Commercial & Land	\$213,896,900	4.8%	4.4%
Total	\$4,872,624,500	8.2%	

Minnesota Homestead Credit Refund and Renter's Property Tax Refund

- Homeowners and Renters
- Principal place of residence
- New legislation in 2013 enhanced the program
- Two types available
 1. Regular Property Tax Refund
 - Property taxes versus your total household income
 - Renter \$64,920, Homeowner \$119,790
 2. Special Property Tax Refund
 - Increase in taxes beyond State Set level – not income based.
 - For 2021 to 2022: increase of 12% AND at least \$100 increase.

The form required for filing for this refund is known as Form M1PR. Contact www.taxes.state.mn.us or 651-296-4444 or 1-800-657-3676 or call your Assessor's office for more information.



Request for Council Action

Originator Finance	Item 3.1 Resolution to Accept Donations
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution No. 2022-_____ to accept donations as listed.

Item created by: Briana Eicheldinger, Finance
Item presented by: Lori Economy-Scholler, CFO

Description:

The City Council is asked to accept the attached donations made to various City activities and to amend the revenue and expenditure budgets, as noted, to facilitate the appropriate use of these funds.

Upon approval, the appropriate staff will send a thank you to the donors listed.

Attachments:

[Resolution_with_exhibits](#)

RESOLUTION NO. 2022-

**RESOLUTION ACCEPTING DONATIONS AND APPROVING RELATED
ADJUSTMENTS TO THE APPROVED BUDGET**

WHEREAS, the Bloomington City Council is the official governing body of the City of Bloomington, Minnesota (“City”); and

WHEREAS, the City is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes §§ 465.03 and 471.17 for the benefit of its citizens and as authorized by law; and

WHEREAS, Minnesota Statutes § 465.03 requires a city to act by resolution adopted by two-thirds majority of its members to accept a grant or devise of real or personal property; and

WHEREAS, City Charter § 7.08 requires the City Council to act by resolution to alter the approved budget; and

WHEREAS, persons and entities have contributed to the City as set forth in the list attached and incorporated hereto as Exhibits A-B (“Donations”); and

WHEREAS, no goods or services were provided by the City in exchange for the Donations; and

WHEREAS, the City Council finds that it is lawful and appropriate to accept these Donations and to make the necessary related budget adjustments to the approved budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA that based on the foregoing:

1. The Donations are hereby accepted by the City for public purposes and the lawful express conditions of the donor(s).
2. The Chief Financial Officer or its designee is hereby authorized and directed to issue a receipt to each donor acknowledging the City’s receipt.
3. The Mayor, City Manager, Chief Financial Officer, and City Attorney are hereby authorized and directed to take all necessary and expedient measures in furtherance of the intent of this Resolution including but not limited to any necessary related adjustments to the approved budget.

Passed and adopted this 11th day of April, 2022.

Mayor

ATTEST:


Secretary to the Council

Exhibit A

REQUEST FOR COUNCIL APPROVAL TO ACCEPT DONATIONS

Any department receiving a donation, whether cash, merchandise or in-kind, should complete this form and forward to Joan Feely in the Finance Department for inclusion in the City Council agenda. The City Council must approve acceptance of all donations. To avoid sending multiple requests to the Council, the Finance Department prepares a monthly agenda item listing all donations received.

Date of Request	Donation Received From	Donation to	Donation Amount or Description	Budget Adjustments, if Required		
				Revenue Code	Expenditure Code	Project Code
April 11, 2022	Boy Scouts of America Troop #374	Bloomington Police Chaplains	\$100	145212-46401	145212-56990	



Booker T. Hodges, Chief of Police

Exhibit B

REQUEST FOR COUNCIL APPROVAL TO ACCEPT DONATIONS

Any department receiving a donation, whether cash, merchandise or in-kind, should complete this form and forward to Briana Eicheldinger in the Finance Department for inclusion in the City Council agenda. The City Council must approve acceptance of all donations. To avoid sending multiple requests to the Council, the Finance Department prepares a monthly agenda item listing all donations received.

Date of Request	Donation Received From	Donation to	Donation Amount or Description	Budget Adjustments, if Required	
				Revenue Code	Expenditure Code
Apr. 2022	Bundles of Love	CS – Public Health	7 newborn “bundles” and quilts	n/a	n/a
Apr. 2022	Diaper Bank	CS – Public Health	Diapers and wipes	n/a	n/a
Apr. 2022	Edina Schools	CS – Public Health	PPE – gloves, gowns, face shields, N95’s, lab coats	n/a	n/a



Request for Council Action

Originator Parks and Recreation	Item 3.2 Schneider Theater Lighting System Upgrade
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the Schneider Theater Lighting System Upgrade CIP Project proposal by Monkey Wrench Production.

Item created by: Linda Batterson, Parks and Recreation
Item presented by: Leah Hughes, Center for the Arts Manager

Description:

Staff is requesting City Council approve the request for proposal application with the selected Proposer to upgrade the original lighting system in the Schneider Theater and make general enhancements to lighting quality and functions including; expand components of the lighting system to meet the needs of theater user; upgrade the dimming control system and network infrastructure; add dimming/circuit locations and other improvements to enhance the usability of the existing lighting components. The existing technology is over 20 years old and outdated. There are 5 phases included in the lighting proposal. The expense of all 5 Phases of the Lighting Upgrades is \$151,463.50 with a total budget limit not to exceed \$191,356.20 (that includes 20% overage due to copper, steel and labor volatility).

Funding for the 2022 Schneider Theater Lighting Upgrades was approved in the 2022-2031 Capital Improvement Plan and the funding for the project is in the Art Center 2022 budget.



Request for Council Action

Originator Finance	Item 3.3 2021 Year-End Budget Adjustments
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution No. 2022-_____ making alterations to the approved budget through the 2021 Year-End Budget Request.

Item created by: Briana Eicheldinger, Finance

Item presented by: Lori Economy-Scholler, CFO

Description:

The Finance Department is requesting Council approval of the attached list of 2021 year-end budget adjustments in order to move budget appropriations to the proper expense classifications.

Section 7.05 of the City Code provides that budgets for each department or division be divided by categories including: Operating Expenses, Capital Outlay, and Debt.

If a department/division expends more than budgeted in one category, such as operating expenses, but doesn't go over their budget in total, Section 7.07 of the Code says that the budget needs amending to move budget authority between these categories because the City Manager cannot approve an expenditure in excess of the budget (generally interpreted as in excess of each category).

Attachments:

[Resolution](#)
[Exhibit A](#)

RESOLUTION NO. 2022 - _____

RESOLUTION MAKING ALTERATIONS TO THE APPROVED BUDGET

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota (“City”); and

WHEREAS, City Charter Section 7.08 requires the City Council to act by resolution with the required authorization to alter the approved budget; and

WHEREAS, year-end budget adjustments are required for the 2021 budget as set forth in the list attached and incorporated hereto as Exhibit A (“Year-End Budget Adjustment Request”); and

WHEREAS, the City Council has determined that it is in the City’s best interests to make the necessary budget alterations for this Year-End Budget Adjustment Request to the approved budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, based on the foregoing recitals and in furtherance of the intent of this Resolution, that the Mayor, City Manager, Chief Financial Officer are hereby authorized and directed to make any and all necessary alterations to the approved budget of the City.

Passed and adopted this 11th day of April 2022.

Mayor

Attest:

Secretary to the Council

CITY OF BLOOMINGTON - Exhibit A

Year-End Budget Adjustment Requests 2021 - City Council Meeting April 11, 2022

Account (Org-Object)	Account Description	\$ Amount	Description/Explanation for Carryover
245433-50040	Federal Treasury Drug Forfeiture Funds / Overtime	\$ (16,850)	Moving budget from overtime to capital outlay for purchase of a Speed Alert Radar Message sign.
245433-57040	Federal Treasury Drug Forf. Funds / Capital Outlay Equip.	\$ 16,850	
7200-49101	Public Safety Technology & Equipment - Transfers In	\$ (1,744,454)	Transfer Fire Department assests that were still in the Fleet Fund Balance Sheet to the Public Safety Tech & Equipment Fund. There is no cash movement for this transaction. This is an accounting entry to move the remaining book value of the assets from the Fund 7100 Balance Sheet to the Fund 7200 Balance Sheet where the Fire assets are managed.
7200-16501	Public Safety Tech & Equip - Balance Sheet Equipment	\$ 1,744,454	
7100-16501	Fleet Fund - Balance Sheet Equipment Assets	\$ (1,744,454)	
7100-59020	Fleet Fund - Transfers Out	\$ 1,744,454	



Request for Council Action

Originator Police Department	Item 3.4 Resolution Accepting State Homeland Security Program Grant Funds and Making Related Budget Adjustment
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to approve Resolution No. 2022-____ accepting State Homeland Security Program (SHSP) grant funds and making related budget adjustment.

Item created by: Emily Herman, Police Department
Item presented by: Booker Hodges, Chief of Police

Description:

The City of Bloomington, through its Police Department, has received \$200,000 in SHSP grant funds through the Minnesota Department of Public Safety Homeland Security and Emergency Management Division. The funds will be used for: 1) the purchase of a ICOR Technology Caliber FLEX Robot (\$190,000) and 2) bomb technician training (\$10,000).

The Bloomington Police Department is requesting approval of the attached Resolution. The respective budget adjustment is outlined below:

245440-43101-HSB22	Fed Grant	\$200,000
245440-54650-HSB22	Training Other	\$10,000
245440-57070-HSB22	Capital Outlay	\$190,000

Attachments:

[UASI 2022 Resolution \(Approved by Legal\).pdf](#)

RESOLUTION NO. 2022 - _____

RESOLUTION ACCEPTING URBAN AREA SECURITY INITIATIVE PROGRAM (UASI)
FEDERAL GRANT FUNDS FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION AND
MAKING RELATED BUDGET ADJUSTMENTS

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota (“City”); and

WHEREAS, City Charter Section 6.06 authorizes the Mayor and City Manager, with the City Attorney, to sign and execute contracts, bonds, and instruments in the name of the City; and

WHEREAS, City Charter Section 7.08 requires the City Council to act by resolution to alter the approved budget; and

WHEREAS, Minnesota Statutes Section 465.03, requires a city to act by resolution adopted by a two-thirds majority of its members to accept a grant or devise of real or personal property and expressing the terms in full; and

WHEREAS, the Minnesota Department of Public Safety Homeland Security and Emergency Management Divisions have granted the City of Bloomington, through its Police Department, \$170,000 for: 1) the purchase of Mobile PRO camera trailers with Neology Automatic License Plate Reader (ALPR) systems (\$120,000) and 2) Law Enforcement and Terrorism Prevention (LETP) funds (\$50,000) to provide for high-visibility foot patrols that are conducted by partnering with Mall of America Security to enhance the presence and visibility of routine police and security patrols at that location;

WHEREAS, the City Council has determined that it is in the City’s best interests to approve the acceptance of the funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, based on the foregoing recitals and as required by State Law and City Charter, that the Mayor, City Manager, Chief Financial Officer, and City Attorney are hereby authorized and directed to take any and all actions required to accept the grant funds for and on behalf of the City of Bloomington and to make any and all necessary related budget adjustments.

Passed and adopted this 11th day of April 2022.

Mayor Tim Busse

Attest:

Secretary to the Council



Request for Council Action

Originator Police Department	Item 3.5 Resolution Accepting Urban Areas Security Initiative Grant Funds and Making Related Budget Adjustment
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to approve Resolution No. 2022-___ accepting Urban Areas Security Initiative (UASI) Program grant funds through the Minnesota Department of Public Safety Homeland Security and Emergency Management Division and making related budget adjustment.

Item created by: Emily Herman, Police Department

Item presented by: Booker Hodges, Chief of Police

Description:

The City of Bloomington, through its Police Department, has received \$170,000 in UASI federal funds through the Minnesota Department of Public Safety Homeland Security and Emergency Management Division. The funds will be used to: 1) purchase Mobile PRO camera trailers with Neology Automatic License Plate Reader (ALPR) systems (\$120,000), which will include the installation of the hardware and software from the manufacturer and 2) Law Enforcement Terrorism Prevention (LETP) funds (\$50,000) to provide high-visibility foot patrols that are conducted by partnering with Mall of America Security to enhance the presence and visibility of routine police and security patrols at that location.

The Bloomington Police Department is requesting approval of the attached Resolution. The respective budget adjustment is outlined below:

245448-43101-UAS22 Fed Grant	\$170,000
245448-50040-UAS22 Overtime	\$41,408
245448-5105P-UAS22 Workers Comp	\$663
245448-5106P-UAS22 FICA/Medicare	\$600
245448-5107P-UAS22 PERA	\$7,329
245448-57070-UAS22 Capital Outlay	\$120,000

Attachments:

[UASI 2022 Resolution \(Approved by Legal\).pdf](#)

RESOLUTION NO. 2022 - _____

RESOLUTION ACCEPTING URBAN AREA SECURITY INITIATIVE PROGRAM (UASI)
FEDERAL GRANT FUNDS FROM MINNESOTA DEPARTMENT OF PUBLIC SAFETY
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION AND
MAKING RELATED BUDGET ADJUSTMENTS

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota (“City”); and

WHEREAS, City Charter Section 6.06 authorizes the Mayor and City Manager, with the City Attorney, to sign and execute contracts, bonds, and instruments in the name of the City; and

WHEREAS, City Charter Section 7.08 requires the City Council to act by resolution to alter the approved budget; and

WHEREAS, Minnesota Statutes Section 465.03, requires a city to act by resolution adopted by a two-thirds majority of its members to accept a grant or devise of real or personal property and expressing the terms in full; and

WHEREAS, the Minnesota Department of Public Safety Homeland Security and Emergency Management Divisions have granted the City of Bloomington, through its Police Department, \$170,000 for: 1) the purchase of Mobile PRO camera trailers with Neology Automatic License Plate Reader (ALPR) systems (\$120,000) and 2) Law Enforcement and Terrorism Prevention (LETP) funds (\$50,000) to provide for high-visibility foot patrols that are conducted by partnering with Mall of America Security to enhance the presence and visibility of routine police and security patrols at that location;

WHEREAS, the City Council has determined that it is in the City’s best interests to approve the acceptance of the funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, based on the foregoing recitals and as required by State Law and City Charter, that the Mayor, City Manager, Chief Financial Officer, and City Attorney are hereby authorized and directed to take any and all actions required to accept the grant funds for and on behalf of the City of Bloomington and to make any and all necessary related budget adjustments.

Passed and adopted this 11th day of April 2022.

Mayor Tim Busse

Attest:

Secretary to the Council



Request for Council Action

Originator Utilities	Item 3.6 Approve First Amendment to Agreement with Graymont (WI) LLC
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to authorize the Mayor and City Manager to amend the agreement with Graymont (WI) LLC for quicklime services.

Item created by: Kim Larson, Utilities

Item presented by: Karl Keel, Public Works Director

Description:

The City Council awarded a contract for the purchase of quicklime for use at the Bloomington Water Treatment Plant through March 1, 2024. As allowed by the original agreement, this amendment will increase the amount of work authorized as well as a per-ton price adjustment to account for raw materials, labor and fuel cost increases. In 2021, the cost for quicklime was \$180.00 per ton. In 2022 the price will be \$190.98 per ton and it is estimated that the treatment plant will purchase up to 3,600 tons.

Funding for this is in the Water Supply & Treatment - Supplies 665503-56990.



Request for Council Action

Originator Community Outreach and Engagement	Item 3.7 Local Board of Review Temporary Appointment
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to appoint Clay Dodd to the Local Board of Review with term expiring 6/30/2022.

Item created by: Carolyn Lane, Community Outreach and Engagement

Item presented by: Matt Gersemehl, City Assessor

Emily Larson, Community Outreach and Engagement

Description:

The purpose of the Local Board of Review is to conduct hearings and to make final property classification and assessment determinations. The Local Board of Review has five members. All members shall have experience as an appraiser, realtor, real estate attorney or property manager, or be otherwise familiar with real estate valuation in the city. At least two of the members shall have experience in commercial, industrial, or apartment valuation, or any combination thereof. At least one member must be certified through the Minnesota Department of Revenue training process; traditionally all members on the Local Board of Review are certified. Members serve 3-year terms. No service limit shall apply to members of the Local Board of Review.

The City Council will be asked to appoint members to the following terms:

- Number of Openings: 1
- Expired Term: 0
- Vacant Terms: 1 (Temporary Appointment through June 30, 2022)

Clay Dodd served on the local board last year. His term expired in June 2021 and he has volunteered to serve until June 2022. Staff will continue to recruit residents to fill the remaining vacancy with an individual who has commercial real estate experience.



Request for Council Action

Originator City Manager's Office	Item 3.8 Amendment to 2022 Non-Union Part-Time, Temporary, and Seasonal Non-Union Compensation Plan
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution No. 2022 - _____ amending the 2022 Compensation Plan for Part-Time, Temporary, and Seasonal Non-Union Employees.

Item created by: Michael Sable, City Manager's Office

Item presented by: Dr. Booker T Hodges, Police Chief
Michael Sable, Assistant City Manager

Description:

The City is proposing the following Amendment to the 2022 Part-Time, Temporary, and Seasonal Non-Union Compensation Plan:

Classification of Digital Evidence and Data Technician (Grade 3)

Background:

Requests for data and digital evidence continue to increase. In 2021, we received and processed 3354 public data requests through the police department's JustFOIA portal. Additionally, we received and processed a number of requests through the city's General JustFOIA portal, as well as requests from other agencies and law enforcement partners. Already this year our data requests are trending upward, putting us on track to receive nearly 4,300, not including requests from the city's portal or other agencies. This is a projected increase of nearly 1000 requests in just one year.

The addition of digital/video evidence such as body-worn camera and squad video makes discovery requests more time consuming as well, and with an average of nearly 250 received monthly, this task is no longer manageable for one staff person.

This position was approved in the 2022 Budget and is fully-funded going forward.

Attachments:

[2022 Hourly Wages for Part-Time Temporary Seasonal Employees-Working Doc.pdf](#)
[Resolution_Amending_Compensation_Plan_April_2022.pdf](#)

CITY OF BLOOMINGTON, MN

2022 HOURLY WAGES FOR PART-TIME, TEMPORARY & SEASONAL EMPLOYEES

PART 2

POSITION	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	MAX
GRADE P-A	\$21.01	\$21.64	\$22.29	\$22.96	\$23.65	\$24.36	\$28.01
Cadet							
GRADE P-B	\$22.32	\$22.99	\$23.68	\$24.39	\$25.12	\$25.87	\$29.75
Information Assistant							
Mail Coordinator							
GRADE P1	\$24.03	\$24.75	\$25.49	\$26.26	\$27.05	\$27.86	\$32.04
Office Assistant							
GRADE P2	\$25.83	\$26.61	\$27.41	\$28.23	\$29.07	\$29.95	\$34.44
Community Health Worker							
GRADE P3	\$27.65	\$28.48	\$29.33	\$30.21	\$31.12	\$32.05	\$36.86
Accounting Assistant							
Assessment Assistant							
Data Specialist							
Engineering Aide							
Licensing Specialist							
Office Support Specialist							
Property Control Assistant							
Digital Evidence & Data Technician							
GRADE P5	\$31.13	\$32.06	\$33.02	\$34.01	\$35.03	\$36.08	\$41.50
Administrative Assistant							
Engineering Technician							
GRADE P7	\$33.68	\$34.69	\$35.73	\$36.80	\$37.91	\$39.05	\$44.90
Communications Specialist							
GRADE P8	\$35.70	\$36.77	\$37.87	\$39.01	\$40.18	\$41.39	\$47.59
Outreach and Volunteer Coordinator							
Recreation Coordinator							
Traffic Management Coordinator							
GRADE P9	\$36.93	\$38.03	\$39.17	\$40.35	\$41.56	\$42.81	\$49.23
Dietitian							
Public Health Nurse							
Public Health Specialist							
WIC Peer Program Specialist							

APPROVED

Human Resources Manager

Date

RESOLUTION NO. 2022 - _____

**A RESOLUTION AMENDING THE 2022 PART-TIME, TEMPORARY &
SEASONAL EMPLOYEE COMPENSATION PLAN FOR THE CITY OF
BLOOMINGTON**

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota ("City"); and

WHEREAS, Chapter 2, Section 2.64 of the Bloomington City Code states that the City Council shall establish a Compensation Plan for all city employees, and Section 2.65 establishes that the City Council may modify the Compensation Plan by resolution; and

WHEREAS, from time to time it is necessary and appropriate for the City Council to amend the Compensation Plan for Full-Time Part-Time, Temporary & Seasonal Employees.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA that the attached 2022 Compensation Plan for Part-Time, Temporary & Seasonal Employees of the City of Bloomington is hereby amended to approve the classification Data Evidence and Data Technician for part-time, seasonal, or temporary employees

Passed and adopted in regular session this 11st day of April, 2022.

ATTEST:

Mayor

Secretary to the Council



Request for Council Action

Originator Engineering	Item 3.9 Resolution of Support of Valley View Schools Safe Routes to School Project
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution no. 2022-____, a Resolution of Support of Valley View Schools Safe Routes to School Project, Sidewalk and Pedestrian Safety Enhancements, Valley View Middle and Elementary Schools, Bloomington, Minnesota.

Item created by: Amy Marohn, Engineering

Item presented by: Amy Marohn, Civil Engineer (if needed)

Description:

The Metropolitan Council will be accepting applications for funding through the 2022 Regional Solicitation for Transportation Funding for applications for 2026 and 2027 fiscal year funds. The purpose of the regional solicitation funds is to award federal transportation funding to projects that meet regional transportation needs.

City Staff have been working with School District Staff to develop the scope of a safe routes to project for the Valley View Schools area that will construct sidewalk and improve pedestrian crossing safety at key locations around the schools. These safety improvements are based on the recommendations from the 2016 Safe Routes to School Plan and from current input and conversations with District Staff and parents in the area.

Attachments:

[Resolution_2022 SRTS.docx](#)

RESOLUTION NO. 2022-____

RESOLUTION OF SUPPORT OF VALLEY VIEW SCHOOLS SAFE ROUTES TO SCHOOL PROJECT
SIDEWALK AND PEDESTRIAN SAFETY ENHANCEMENTS
VALLEY VIEW MIDDLE AND ELEMENTARY SCHOOLS
BLOOMINGTON, MINNESOTA

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington; and

WHEREAS, the City of Bloomington in cooperation with Bloomington Public Schools has created a District-wide Safe Routes to School Plan with identified safe routes to school safety improvement locations and is working to increase the opportunities for students to safely walk and bike to school; and

WHEREAS, the Safe Routes to School Plan identifies and prioritizes sidewalk construction along the Valley View Schools walking routes to fill the identified sidewalk network gap, as well as improving pedestrian guidance and safety improvements at the school crossings on Portland Avenue and on E 88th Street (the “Project”); and

WHEREAS, the “Project” will include a 6’ concrete sidewalk with boulevard on the north side of E 88th Street between Nicollet and Portland Avenues, sidewalk connections from the school entrances to the school crossings, and school crossing safety improvements across Portland Avenue and across E 88th Street; and

WHEREAS, Bloomington Public Schools, who are the local authority of the two public schools involved in the project, have indicated support of the proposed project within the City of Bloomington and support of the improvements on their private property; and

WHEREAS, the City, documents its acceptance of the responsibility for operation and maintenance of the project facilities located within the public right-of-way, throughout their useful life; and

WHEREAS, the City of Bloomington accepts responsibility for an amount equal to or greater than 20% of the eligible project construction costs, including design, construction, construction engineering, administration, rights-of-way, and peripheral project costs.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington in regular meeting assembled to adopt this Resolution in support of the request for federal funds under the Safe Routes to School category of the 2022 Regional Solicitation for Transportation Funding for 2026 or 2027 Fiscal Year funds.

BE IT FURTHER RESOLVED, that a copy of this Resolution be provided to the Metropolitan Council Transportation Advisory Board with the Bloomington Project Submittal.

Passed and adopted this 11th day of April 2022.

Mayor

ATTEST:

Secretary to the Council



Request for Council Action

Originator Engineering	Item 3.10 Resolution of Support of a Bicycle Facility Project - Normandale Boulevard Multi-Modal Trail
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution no. 2022-____, a Resolution of Support of a Bicycle Facility Project, Normandale Boulevard Multi-Modal Trail Between Old Shakopee Road and W 84th Street, Bloomington, Minnesota.

Item created by: Amy Marohn, Engineering

Item presented by: Amy Marohn, Civil Engineer (if needed)

Description:

The Metropolitan Council will be accepting applications for funding through the 2022 Regional Solicitation for Transportation Funding for applications for 2026 and 2027 fiscal year funds. The purpose of the regional solicitation funds is to award federal transportation funding to projects that meet regional transportation needs.

The City of Bloomington is planning to construct bicycle and pedestrian facilities on Normandale Boulevard (CSAH 34) between Old Shakopee Road (CSAH 1) and W 94th Street. This bicycle and pedestrian infrastructure will connect to existing park trails, bikeways, right-of-way trails and sidewalks with new trail and sidewalk along this corridor. The objective is to create better system connectivity and improved safety and comfort for bicycle and pedestrian users. This funding application will seek federal funds to support the cost of building this bicycle and pedestrian infrastructure.

Attachments:

[Resolution_2022 NormTrails_revised per 04112022 Council.docx](#)

RESOLUTION NO. 2022 - ____

RESOLUTION OF SUPPORT OF A BICYCLE FACILITY PROJECT,
NORMANDALE BOULEVARD MULTI-MODAL TRAIL
BETWEEN OLD SHAKOPEE ROAD AND W 94TH STREET
BLOOMINGTON, MINNESOTA

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota; and

WHEREAS, the City of Bloomington places a high value on providing a safe and convenient bicycle and pedestrian network for its residents; and

WHEREAS, the condition of the existing pedestrian and bicycle infrastructure along the Normandale Boulevard corridor between Old Shakopee Road and West 94th Street is deteriorated and there is a need for safe and convenient multi-modal access along this roadway (the “Project”); and

WHEREAS, the Project would include a 10’ bituminous trail on the west and/or east side of the roadway and a 6’ concrete walk or a 10’ bituminous trail on the other side, which will be determined through a public process that considers user needs, topography, public right-of-way and potential impacts to the area; and

WHEREAS, Hennepin County, the local road authority, has shown support for the proposed multi-use trail Project; and

WHEREAS, the City documents its acceptance of the responsibility for operation and maintenance of the Project throughout its useful life, including snow removal to allow for year round use of the bicycle and pedestrian facility;

WHEREAS, the City of Bloomington has identified this corridor as a Proposed Off-Street Trail in its Alternative Transportation Plan dated November 21, 2016; and

WHEREAS, Hennepin County has identified this corridor as an Off-Street Bikeway in the Hennepin County 2040 Bikeway System Plan; and

WHEREAS, Metropolitan Council has identified this corridor as a Tier II Alignment in the Regional Bicycle Transportation Network Corridors from the 2013-14 Regional Bicycle System Study; and

WHEREAS, the City of Bloomington accepts responsibility for an amount equal to or greater than 20% of the eligible Project construction costs, in addition to the design, administration, rights-of-way, and peripheral Project costs.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington in regular meeting assembled to adopt this Resolution in support of the request for federal funds under the Bicycle Facility category of the 2022 Regional Solicitation for Transportation Funding for 2026 or 2027 Fiscal Year funds.

BE IT FURTHER RESOLVED, that a copy of this Resolution be provided to Metropolitan Council Transportation Advisory Board with the Bloomington Project submittal.

Passed and adopted this 11th day of April 2022.

Mayor

ATTEST:

Secretary to the Council



Request for Council Action

Originator City Manager's Office	Item 3.11 Approval of City Council Meeting Minutes
Agenda Section CONSENT BUSINESS	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the minutes of the March 7, 2022 meeting as presented.

Item created by: Matt Brillhart, City Manager's Office

Item presented by: Matt Brillhart, Council Secretary

Description:

Attached for the Council's approval are the minutes of the following City Council meetings:

March 7, 2022 regular meeting

Attachments:

[03-07-22 draft.docx](#)

City Council Regular Business Meeting
Monday, March 7, 2022 - 6:00 p.m.
Bloomington Civic Plaza
Council Chambers / Webex
1800 W. Old Shakopee Road
Bloomington, MN 55431

1. CALL TO ORDER – 6:00pm Mayor Busse called the meeting to order at 6:00 p.m.
Official Council attendance and all votes were taken via roll call.

Present in person: Mayor Busse and Councilmembers N. Coulter, L. Dallessandro, and P. Martin
Present virtually via Webex: Councilmembers D. Lowman and S. Nelson
Absent: Councilmember J. Carter

City Manager Jamie Verbrugge, City Clerk Christina Scipioni, Parks and Recreation Director Ann Kattreh, Council Secretary Matt Brillhart, and other staff were present in person.
City Attorney Melissa Manderscheid and other staff were present virtually.
2. PLEDGE OF ALLEGIANCE Mayor Busse led the audience in the pledge of allegiance to the flag.
3. Approval of Agenda Motion by Mayor Busse, seconded by Martin to approve the agenda as listed.
Motion carried 6-0.
4. PUBLIC COMMENT
- 4.1 Response to Prior Meeting's Comments City Manager Verbrugge had no responses to prior comments.
- 4.2 Public Comment Period Mayor Busse opened the public comment period at 6:05 p.m.

Sally Ness spoke regarding parking issues surrounding Dar Al-Farooq.

Rick Zeidler thanked the City Council for their work, keeping up the great amenities, streets, parks, and Police and Fire Departments in Bloomington.

Andy Thul spoke regarding abandoned shopping carts along public rights of way.

Dory Mazur [spelling uncertain as the speaker did not sign in] spoke regarding COVID-19 and vaccines, providing a handout to the City Council.

Mayor Busse closed the public comment period at 6:26 p.m.
5. INTRODUCTORY
- 5.1 Parks, Arts and Recreation Commission 2022 Work Plan Parks and Recreation Director Ann Kattreh, Parks, Arts and Recreation Commission Chair Laura Perreault and Vice Chair Andy Hoffmann presented the Parks, Arts and Recreation Commission 2022 Work Plan.

Lowman inquired how can we involve other departments and other areas of the city when developing natural resources plans. Ms. Kattreh noted that staff have convened working groups across sustainability, maintenance, and recreation.

Responding to Dallessandro, Kattreh summarized what is included in the natural resources plan. It is an attempt to look at all existing plans by various bodies of government, including the city, county, regional parks, watershed district, to collaborate on issues that extend beyond their boundaries, like invasive species.

Nelson inquired about the plan extending throughout the river valley. Kattreh responded eventually, yes, but the first phase is a scaled down look at all existing plans and prioritizing 5-10 years' worth of projects. We can then take a longer-term detailed look at the whole city.

Responding to Nelson regarding changes to neighborhood parks, Kattreh stated that staff will use the framework that was established in the master plan to start our service area planning. The nine parks that will be redone this summer will include resident feedback. We would like residents to tell us what they would like to see in those parks.

Motion by Coulter, seconded by Martin to adopt the Parks, Arts and Recreation Commission (PARC) 2022 Work Plan. Motion carried 6-0.

- | | | |
|-----|--|---|
| 5.2 | Proclamation - March is Procurement Month | Mayor Busse read a proclamation declaring March Procurement Month. |
| 6. | CONSENT BUSINESS | Dallessandro moved to approve the consent agenda, seconded by Martin. Items 6.1 – 6.10 were approved on consent. |
| 6.1 | 2021 Year-End Carryover Budget for American Rescue Plan Funds | <u>Motion by Dallessandro, seconded by Martin to adopt Resolution No. 2022-42 making alterations to the approved budget through the re-appropriation of 2021 budgeted American Rescue Plan expenditures to be carried over into 2022. Motion carried 6-0.</u> |
| 6.2 | 2021 Year-End Budget Adjustments | <u>Motion by Dallessandro, seconded by Martin to adopt Resolution No. 2022-43 making alterations to the approved budget through the 2021 Year-End Budget Request. Motion carried 6-0.</u> |
| 6.3 | Resolution to Approve Plans and Specifications for PMP Street Improvement Project (2022-101) | <u>Motion by Dallessandro, seconded by Martin to adopt Resolution 2022-44 approving plans and specifications for the 2022-101 PMP Street Improvement Project. Motion carried 6-0.</u> |
| 6.4 | Approve Plans and Specifications for 2022 PMP Street Maintenance Project (2022-102) | <u>Motion by Dallessandro, seconded by Martin to approve the plans and specifications for the 2022-102 PMP Street Maintenance Project. Motion carried 6-0.</u> |
| 6.5 | Approve List of Transportation Projects for 2022 Federal Funding Applications | <u>Motion by Dallessandro, seconded by Martin to approve the recommended list of transportation projects for application of 2022 federal funding applications. Motion carried 6-0.</u> |
| 6.6 | Resolution Accepting Vibrant and Equitable Communities Program | <u>Motion by Dallessandro, seconded by Martin to adopt Resolution No. 2022-45, a resolution accepting Vibrant and Equitable Communities Program grant funds from McKnight Foundation and making related budget adjustments. Motion carried 6-0.</u> |

- Grant Funds from McKnight Foundation
- 6.7 Approve Out of State Travel Expenses - Planning Commission Motion by Dallessandro, seconded by Martin to approve the out-of-state travel expenses for up to six Planning Commissioners to travel to San Diego, CA for the National American Planning Association Conference. Motion carried 6-0.
- 6.8 Wayfinding Agreement Amendment Motion by Dallessandro, seconded by Martin to approve the amendment to the On-Site Wayfinding Agreement between the City, Port Authority, and MOAC Mall Holdings LLC. Motion carried 6-0.
- 6.9 Acknowledge Determination Regarding In-Person Meetings Motion by Dallessandro, seconded by Martin to acknowledge the City Manager's determination regarding returning to in-person meetings. Motion carried 6-0.
- 6.10 Approval of City Council Meeting Minutes Motion by Dallessandro, seconded by Martin to approve the minutes of the February 7 meeting as presented. Motion carried 6-0.
7. HEARINGS, RESOLUTIONS, AND ORDINANCES
- 7.1 Public Comment: Redistricted City Council Member Districts and City Precincts
- City Clerk Christina Scipioni presented the changes to Councilmember districts and precincts across the city.
- Responding to a question from Councilmember Coulter, Scipioni noted that they tried to keep as many voters as possible at their current polling locations.
- Nelson inquired when the Secretary of State's website would be updated with new polling places. Scipioni replied likely in May following completion of the County's redistricting process. Updated information can be found at Mnvotes.org.
- Scipioni also noted that if any voter went to the wrong polling place, the election judges on site could look up their correct polling place and provide an address.
- Responding to Nelson on accessibility and equity in polling locations, Scipioni noted each precinct had an upper limit voting-age population of 3,000, which keeps our precincts pretty small compared to other cities. Precincts could see even fewer voters in person due to the increased use of absentee voting. Scipioni noted that state law requires a postcard to every voter stating that we've gone through a redistricting process and then notes the various districts they live in - City, County, School, etc. and their polling place. That will be out mid-May, before absentee voting begins for the primary.
- Regarding to Mayor Busse's question on postcards notifying voters of their polling place, Scipioni noted that postcards are sent by Hennepin County and are sent to every registered voter, rather than one to each household.
- Mayor Busse opened the public comment period.
No one spoke.
Mayor Busse closed the public comment period.
- Scipioni noted the item will come back before the Council on March 21 for a public hearing and ordinance adoption.

8. ORGANIZATIONAL
BUSINESS

8.1 2023 Budget Process
Discussion

Budget Manager Kari Carlson presented a summary of public engagement efforts from recent budgets and updated the Council on plans for engagement activities over the coming year.

Martin noted this was an opportunity to introduce the community to the strategic plan via the budget process.

Lowman inquired on using software to share budget information with residents in an interactive way. Carlson was looking at doing workshops including a similar exercise that lets residents put a budget together. City Manager Verbrugge added that we are also looking at dashboard reporting on operational performance.

Dallessandro noted including on the calendar other jurisdictions' important dates, County, School Board, etc.

Coulter noted that folks are often interested in a particular department's budget, so budget information and learning opportunities could be organized in that way.

Nelson left the meeting at approximately 7:46 p.m.

8.2 Bloomington Sales Tax
Update

City Manager Jamie Verbrugge presented an update on the process of implementing a local sales tax in Bloomington to support funding projects of a regional nature, including Bloomington Ice Garden (BIG), a Community Health and Wellness Center, Center for the Arts expansion, and clubhouse replacement at Dwan Golf Course. Estimates by the University of Minnesota extension service indicate the 0.5% sales tax could raise approximately \$11 Million per year over the course of 20 years. Verbrugge noted that items such as food, baby products and clothing that are exempt from the sales tax would remain exempt, meaning no change in taxation on those items. Estimates indicate that approximately 75% of the taxes collected would be paid by visitors who live outside of Bloomington, and about 25% by Bloomington residents. Estimates will be updated in the near future with more recent economic data. He also noted that following approval by the Legislature, all four items will be put on the ballot for approval by voters.

Coulter noted our options for funding projects like these generally includes property taxes, sales taxes, and state bonding. In the absence of other sources, we would need to fund these entirely through property taxes. Verbrugge confirmed that was correct and also noted fee revenue as another source. Coulter noted that deadlines for bills are coming up at the Legislature.

Lowman inquired how we arrived at these particular projects. Verbrugge responded that the selection process based on a number of factors including the cost of project and impact on property taxpayers, and looking at available ways to finance them. He stated that with some of these projects, we don't have a choice, such as the necessity of replacing BIG's refrigeration equipment and roof. In reference to other mentioned potential projects such as the MN River Valley Trail, Verbrugge noted that has been a state project thus far, and the city was wary of taking that on as a city project.

Dallessandro inquired if there had been any analysis done by staff if we didn't get these things approved, would facilities have to close? Verbrugge responded that previously work had been done to estimate the impact on property taxes over time, and that would also mean phasing these projects over a longer period of time. Staff have not modeled for closure of any of these facilities and have not been directed to do that.

Dallessandro also commented on increasing online sales and shifts in shopping patterns, inquiring if the U of M extension service could break those categories out to help us forecast if a greater share might be paid by Bloomington residents rather than visitors, i.e. could it be 50%-50% rather than 75%-25%.

Dallessandro also commented on how these facilities got in this condition, how do we plan to avoid repeating that mistake 50 years down the line in terms of maintenance & upkeep. Verbrugge noted that the Public Health building was originally built for a much smaller population and Creekside was an elementary school, not a community center. We shouldn't design buildings that are only meant to last 30-40 years; he noted Civic Plaza as an example as a building that was designed to stand the test of time. We're doing that with new fire stations as well.

8.3 City Council Policy & Issue Update

Verbrugge noted that on the March 21 agenda, staff would bring forward some recommendations for the Council Rules of Procedure regarding the public comment period. We want to make it more accessible to the community, more conversational between residents and the Council.

Martin spoke regarding hardship qualifications for special assessments; as we're looking the budget process for this year, would like to take a look at that policy. Dallessandro and Mayor Busse agreed it was worth a look.

Lowman proposed doing a mid-year review of the ideas and priorities brought forward by the Council at the first meeting of the year.

9. ADJOURNMENT

Motion by Lowman, seconded by Martin to adjourn the meeting.
Motion carried 5-0.

Mayor Busse adjourned the meeting at 8:39 p.m.

Matt Brillhart
Council Secretary



Request for Council Action

Originator Engineering	Item 4.1 Public Hearing: Louisiana Avenue Traffic Calming Project
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date April 11, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution no. 2022-_____ authorizing the City Engineer to prepare a feasibility report for the 2022-604 Louisiana Avenue Traffic Calming Project.

Item created by: Paul Jarvis, Engineering

Item presented by: Paul L. Jarvis, Traffic Management Coordinator, Engineering

Description:

The City of Bloomington received a neighborhood application for the 2021 Local Street Traffic Management program. This program is an option for people living on local, residential roadways who believe there is a traffic speed or cut-through problem. The residents along Louisiana Avenue have submitted an application for traffic calming along this roadway to address their concerns with the amount of motor vehicle traffic and vehicle speeds on Louisiana Avenue.

Attachments:

[Engineering Memo 4-11-2022.pdf](#)
[Louisiana Ave CC power pres.pptx](#)
[Neighborhood Comments Prior to Public Hearing.pdf](#)
[LTCP Input Survey -- Results and Comments.pdf](#)
[Louisiana Ave Project Comments.pdf](#)
[RES-OrderFeas-2022-604 Final.docx](#)

DATE: March 29, 2022

TO: City Council

FROM: Paul Jarvis, Traffic Management Coordinator

RE: Louisiana Avenue Traffic Calming Project
Engineering Memo

Program Background

The Local Street Traffic Management program is a resident driven option for people living on local, residential roadways that feel there is a speed or cut-through problem. Visit the programs webpage to read the full program policy document. www.bloomingtonmn.gov/traffic-engineering

Project Background

The Residents along Louisiana Avenue (Old Shakopee Rd to W 106th Street) applied for inclusion into the 2021 Local Street Traffic Management Program. Their primary concern was vehicle speeds along Louisiana Avenue. The application asked for a series of speed tables be installed on Louisiana Avenue.

Traffic Study – Existing Data (Before Conditions)

The first part of the process was to gather traffic data along the Louisiana Avenue corridor and the adjacent roadways. Data collected prior to any work being done helps establish a baseline to understand the existing problems. This data can then be used to gauge the effectiveness of any trial devices that will be deployed.

Existing Data

- Louisiana Ave S of Garden Cir – ADT=600, Avg Speed=29 mph/85%=34 mph
- Louisiana Ave S of Daisy Cir – ADT=600, Avg Speed=29 mph/85%=35 mph
- W 106th St W of Louisiana Ave – ADT=1,100, Avg Speed=33/85%=38 mph
- W 106th St E of Louisiana Ave – ADT=1,500, Avg Speed=31 mph/85%=36 mph
- Bush Lake Rd S of 106th St – ADT=4,450
- Hampshire Ave S of 106th St – ADT=2,400, Avg Speed=35 mph/85%=39 mph

A turning movement count was also conducted at the intersection of Louisiana Avenue and Old Shakopee Road.

Conclusion: Looking at the speed data for Louisiana vehicle speeds are averaging slightly under the speed limit of 30 mph. Volume data is hard to define what it should be for this roadway. Land use near Louisiana avenue goes from low volume residential to multi-family apartments to commercial/industrial usage. This roadway may carry a higher volume of traffic due to the

Device Trial #1 Data

- Louisiana Ave S of Garden Cir – ADT=400, Avg Speed=15 mph/85%=18 mph
- Louisiana Ave S of Daisy Cir – ADT=500, Avg Speed=18 mph/85%=21 mph
- W 106th St W of Louisiana Ave – ADT=1,200, Avg Speed=30/85%=34 mph
- W 106th St E of Louisiana Ave – ADT=1,400, Avg Speed=31 mph/85%=37 mph
- Hampshire Ave S of 106th St – ADT=2,600, Avg Speed=33 mph/85%=38 mph

Device Trial #1 Conclusion: Speed tables reduced the average speed substantially going from an average of 29 mph down to 15-18 mph. Vehicle volumes also saw a reduction of about 100-200 cars per day. While the speed tables did accomplish the goals of reducing vehicle speeds, implementing them on a permanent basis could be challenging. Impacts on storm water drainage and winter maintenance were brought up as a concern by Street Maintenance.

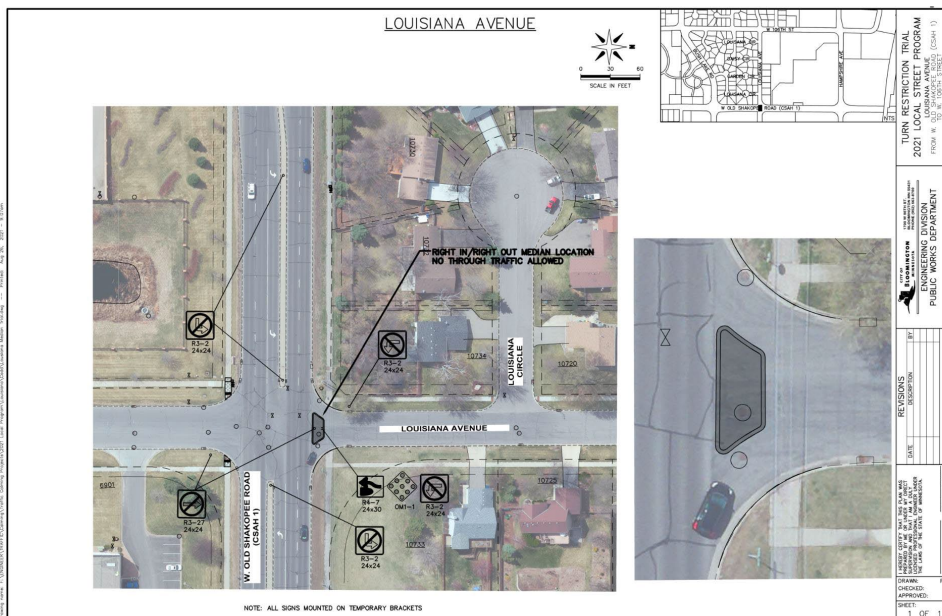
Neighborhood Open House

Staff held a public open house on Tuesday July 13, 2021 at Hampshire Hills Park for the residents of the Louisiana neighborhood. Staff provided speed and volume data from before and during the current trial of the temporary speed tables. Of the approximately 20 residents that attended, the comments received were primarily positive and most thought the trial was going well.



Device Trial #2

Based on the maintenance concerns from device trial #1 Engineering staff along with staff from Street Maintenance came up with an alternative solution for Louisiana Avenue that may provide the same benefit of the speed tables but will be less obtrusive to the maintenance equipment. Staff proposed a short trial of turn restrictions at Louisiana Avenue and Old Shakopee Road. A temporary median was placed at the entrance to Louisiana enforcing a right in, right out intersection.



The temporary trial was setup on September 8, 2021 and was in place for about 5 weeks. Engineering staff used rubber curbing and signage to accomplish the turn restrictions attempting to simulate what a permanent median island would look like. The westbound to northbound left turn lane on Old Shakopee Road was closed during the trial.



Device Trial #2 Data

- Louisiana Ave S of Daisy Cir – ADT=200, Avg Speed=25 mph/85%=31 mph

Device Trail #2 Conclusion: Median/turn restriction reduced the vehicle volumes on Louisiana by 400 cars per day. The median alone should not have affected the average speeds of the cars along Louisiana, but we did see some reductions. This may be due to the reduction of vehicles cutting through the neighborhood.

Neighborhood Survey

An opinion survey was sent out to the entire neighborhood surrounding Louisiana Avenue. The survey looked for opinion feedback on the traffic issues, the impacts of the temporary speed tables, impact of the intersection median/turn restriction, and resident preferences.

Survey Questions:

1. Do you think there is a safety concern along Louisiana Ave? **Yes or No**
2. What do you feel worked better to address your safety concerns? **Speed Table, Median & Turn Restriction, No change**
3. What is more important to you? Reduce vehicle **Speeds** or **Volume**
4. What would you like to see installed permanently? **Speed Tables** or **Median Turn Restrictions**

The return rate for the survey was 50%, with a majority of residents indicating a desire to move forward with one of the treatments, as opposed to “do nothing”. Of the two treatment options, speed table or median, the median solution was the most popular with the neighborhood as a whole and was also the majority choice of the 14 benefitting properties along Louisiana Avenue.

With data from both trials and the results from the opinion survey Engineering staff determined that the solution of the median and turn restriction was the best way forward. We contacted the lead



Neighborhood Opinion Survey Louisiana Avenue Traffic Calming Trials

Survey Results are in RED below

The objective of the two different device trials conducted this summer was to reduce vehicle speeds and volume. This was in response to a neighborhood application for traffic calming. Both trials went about achieving these objectives in different ways. The speed tables affected the entire corridor and achieved their goal of reducing vehicle speeds with a modest drop in vehicle volumes. The median and turn restrictions affected the intersection of Old Shakopee and Louisiana, and had a significant reduction in vehicle volumes and a modest reduction in vehicle speeds. Traffic data is shown below:

- Trial #1 - 3 Speed Tables: **avg speed 18 mph** and **500 vehicles per day**
- Trial #2 - Median and Right-in Right-out Turn Restrictions: **avg speed 25 mph** and **200 vehicles per day**

Existing traffic speed and volume before the trials: **avg speed 27 mph** and **600 vehicles per day**

The neighborhood now needs to choose what device(s) it would like to move forward. Below is an opinion survey that's being given out to the entire Louisiana neighborhood. The results will be used along with adjacent properties preferences and city staff's recommendation to choose what solution to move forward with.

Please fill out the survey below and return it using the self-addressed stamped envelope by November 15, 2021.

Survey Questions

- | | |
|---|--|
| 1) Do you think there is a safety concern along Louisiana Avenue? | 2) What do you feel worked better to address your safety concern? |
| <input type="checkbox"/> Yes – 57% | <input type="checkbox"/> Speed Tables – 20% |
| <input type="checkbox"/> No – 42% | <input type="checkbox"/> Median and Turn Restrictions – 40% |
| | <input type="checkbox"/> No change – 19% |
| 3) What is more important to you? | 4) What would you like to see installed permanently? |
| <input type="checkbox"/> Reduced vehicle speeds – 40% | <input type="checkbox"/> Speed Tables – 20% |
| <input type="checkbox"/> Reduced vehicle volume – 19% | <input type="checkbox"/> Median and Turn Restrictions – 37% |
| <input type="checkbox"/> Both – 40% | <input type="checkbox"/> None, leave as is – 43% |

Mailing Area = 98 Residents – 49 Surveys Returned = 50%

General Feedback (feel free to use back of sheet)

About You (required, but will not be shared with the survey results)

Name _____ E-mail _____
 Address _____ Phone _____
 City, State, Zip Code _____

Please use the self-addressed stamped envelope provided and send in your survey no later than **November 15, 2021** or Email your response to glaris@bloomingtonmn.gov. Additional information can be found on the project webpage at: letstalk.bloomingtonmn.gov, Louisiana Traffic Calming Project (see QR Code on the back of this page for link)

resident on the original application, and they concurred and supported the median solution. The next step in the program was to send out and get back petition and waiver to the benefiting properties

Petition and Waiver Forms

Staff sent out Petition and Waiver of Hearing forms to the 14 benefitting properties along Louisiana Avenue. The acceptance and return of this form indicates the resident wants a construction project to move forward and is willing to be assessed for a minimum of 1/14th share of a pre-established neighborhood cost for a median treatment (Local Street Traffic Calming Assessment Policy). To be a benefitting property under the Local Street Traffic Management Policy as currently defined, the benefitting properties of a central island are defined as residents/property owners within 300 feet along the block from the proposed central island location. However, in this instance the proposed median treatment provides a self-enforcing turn restriction/movement barrier and the affected or benefitting area is being delineated to include all of the properties adjacent to Louisiana Avenue, matching the original Louisiana Avenue neighborhood application for local street traffic calming.

A total 10 petition and waiver forms were returned from the 14 benefiting properties or 71%.

Planning Commission

Engineering staff brought this item to the March 17, 2022 planning commission as a study item.

Next Steps

Hennepin County

As of March 29, 2022, Hennepin County traffic engineering and ROW departments are still reviewing this project.

City Council

Hold a public hearing and order the feasibility study on April 11, 2022. If ordered, staff would return with a feasibility study and resolutions that accept the feasibility study and petition and waiver agreements at the April 25, 2022, City Council meeting. The project would be ordered to be included with the 2022-101 PMP project.



Louisiana Avenue Traffic Calming Project

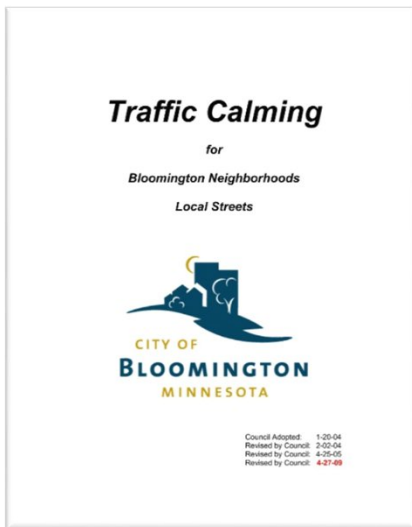
Bloomington City Council

April 11, 2022



LOCAL STREET TRAFFIC MANAGEMENT PROGRAM

LOUISIANA AVE TRAFFIC CALMING PROJECT



Local Street Traffic Management Program

- Resident driven program
- Application process
- Residents agree to be assessed for the improvement
- City Council has final approval

Louisiana Avenue Traffic Calming Project

- Residents along Louisiana Avenue applied for traffic calming on January 21, 2021
- Concern was primarily speed and cut through traffic
- Asked for speed tables as their preferred solution

Traffic Calming Project Application Petition Form (Local Street)

Contact Name GARY GUERIN Day Phone 952- [REDACTED]
 Address 10 [REDACTED] GARDEN CIRCLE BLOOMINGTON, MINN.
 E-mail Address [REDACTED]@gmail.com 55438
 Traffic Calming Measure Requested (List one only) SPEED BUMP
 Proposed Location from: DANF CIRCLE to LOUISIANA CIRCLE
 (street name) (street name)
 on LOUISIANA AVE (street name)
 * (S) SPEED BUMP, W/ APPROPRIATE SIGNAGE LOCATED APPROX. PER ATTACHED - SEE (S) STREET Frontside, Driveways listed above. We understand we may be assessed for part of the cost for the device.

We, the undersigned, as residents, hereby request the installation of the traffic calming device listed above. We understand we may be assessed for part of the cost for the device.

Please list all addresses in the potentially benefited area. One signature per household or business.

Date	Name (please print)	Address	Signature	*
1/21/21	ALDREY	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	ANDERSON	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	DEY	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	GUERIN	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	GUERIN	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	LARIN	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	LARIN	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	BLANKENHORN	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	BLANKENHORN	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	NATKOVIC	10 [REDACTED] LOUISIANA AVE	[Signature]	✓
1/21/21	WYNN	10 [REDACTED] LOUISIANA AVE	[Signature]	✓

Page 3 of 4

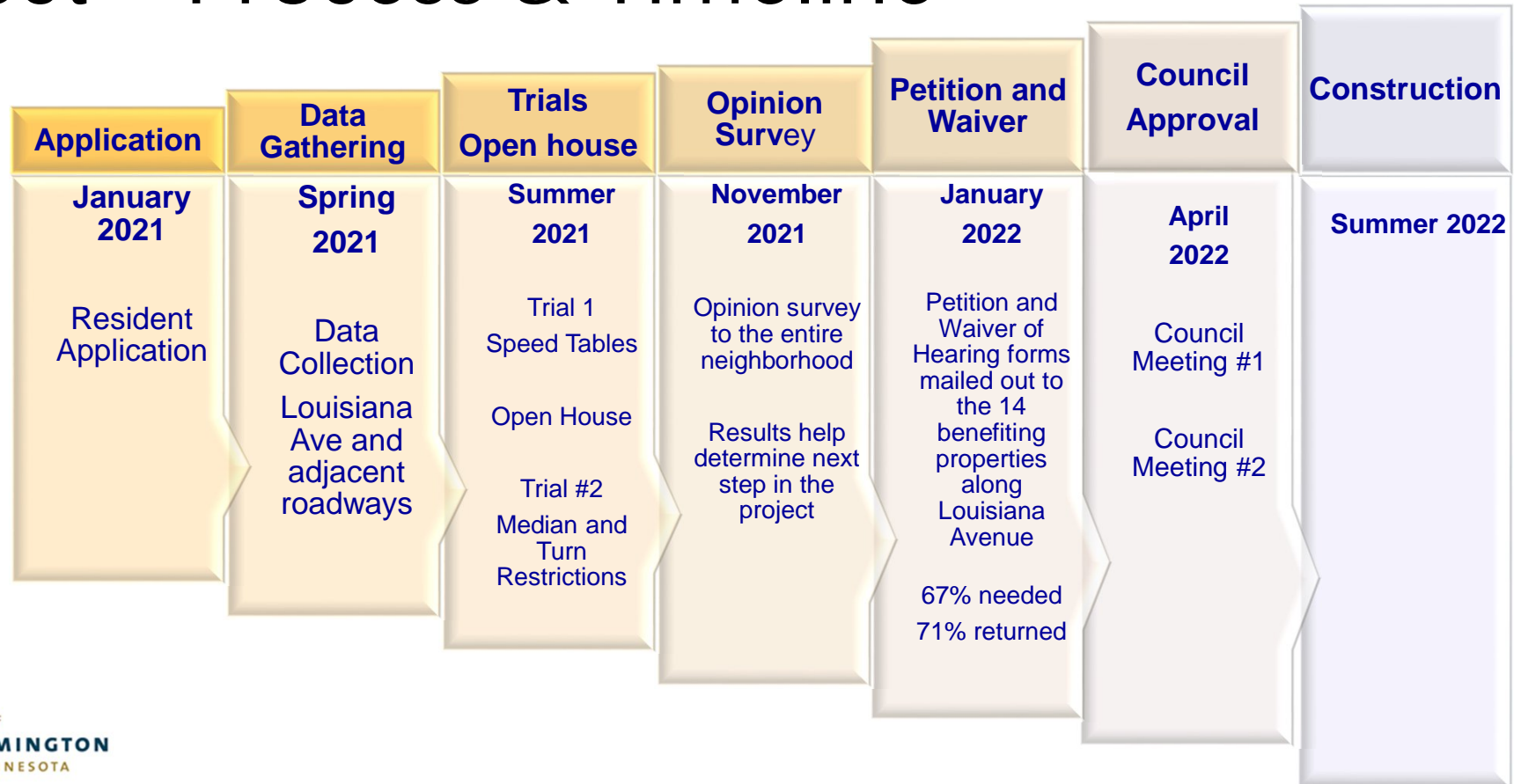
Please return the completed application form along with the signed petition forms to:
 City of Bloomington, Engineering Division, Traffic
 1700 W. 98th Street, Bloomington, MN 55420-2501

* Please check box adjacent to signature if you have reviewed page 3, "Removal of Traffic Calming Measures."

Email - [REDACTED]@gmail.com



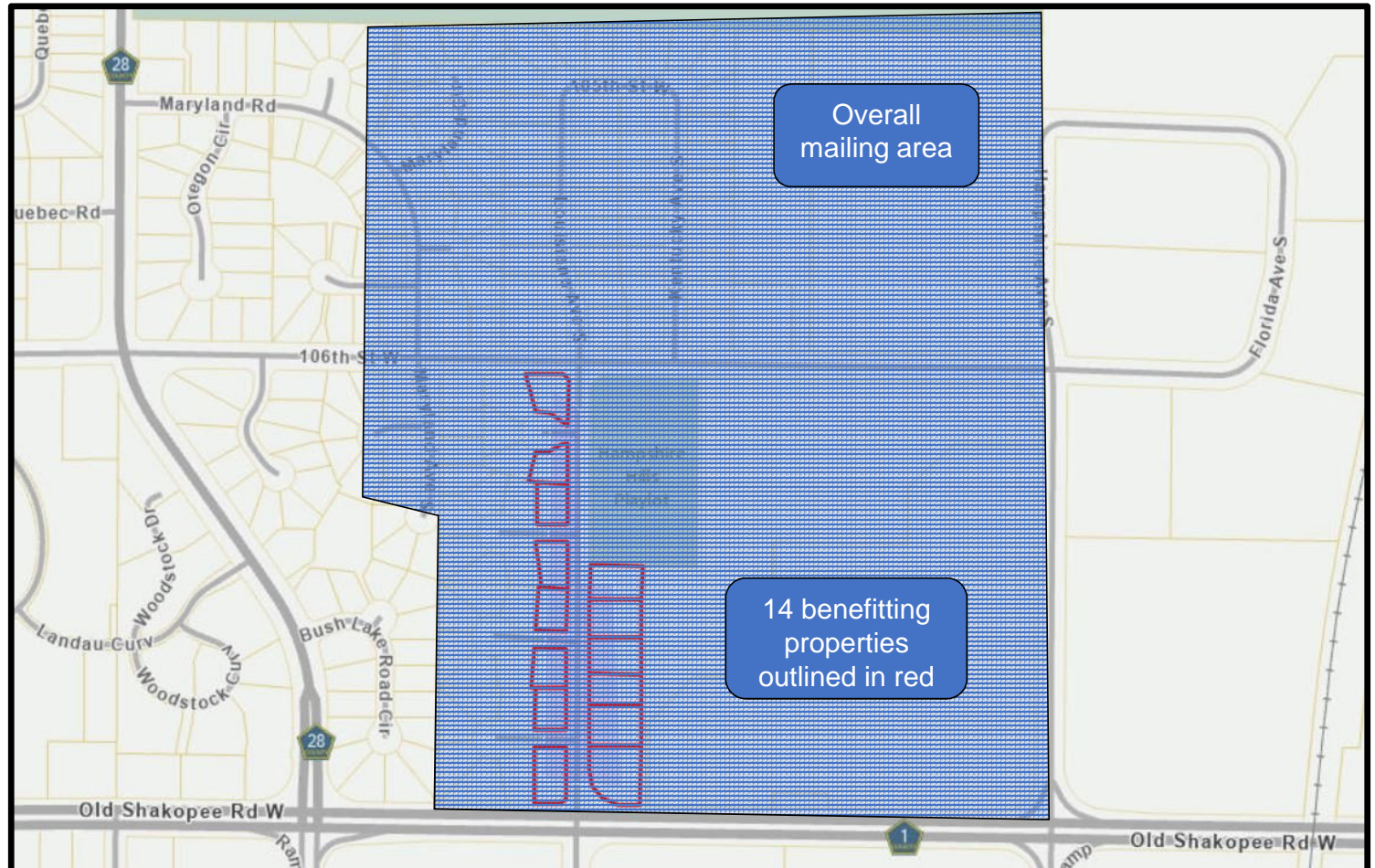
Project – Process & Timeline



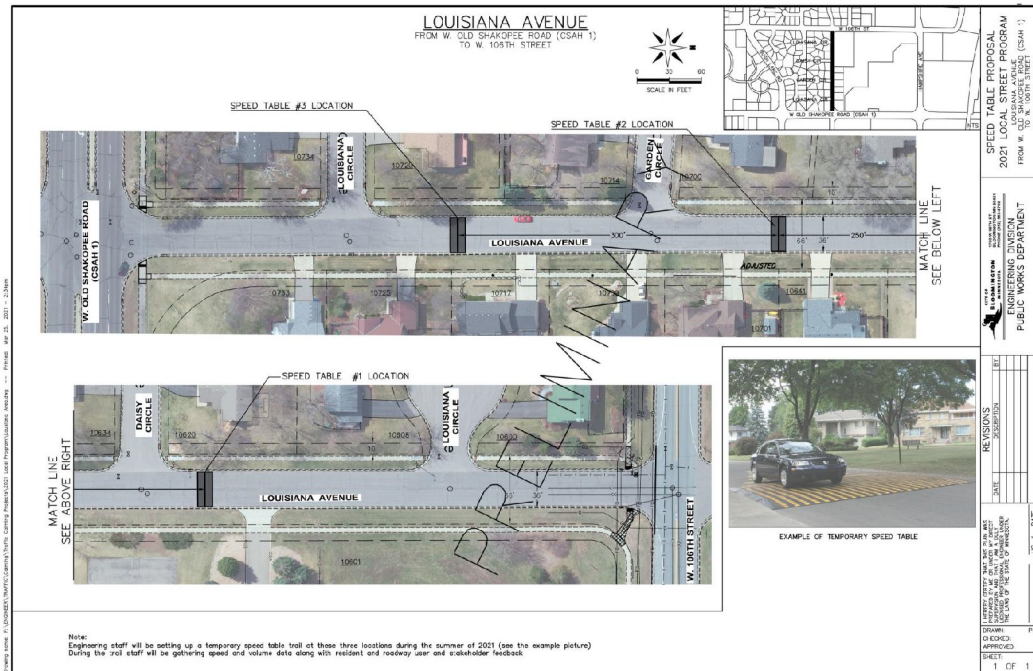
Area Map



NEIGHBORHOOD DEFINED



DEVICE TRIAL 1 – SPEED TABLES



Vehicle Data Existing

- ADT = 600
- Avg Speed = 30 mph

Vehicle Data Trial #1

- ADT = 500
- Avg Speed = 15 mph

PUBLIC OPEN HOUSE



Public Open House
Hampshire Hill Park
Tuesday July 13, 2021

Display Boards

- Speed and Volume Data, before and during trial #1
- Next Steps



Gathered neighborhood feedback and concerns.
Talked about doing second trial of medians and turn restrictions.

NOTE: ALL SIGNS MOUNTED ON TEMPORARY BRACKETS



- ADT = 600
- Avg Speed = 30 mph

- ADT = 200
- Avg Speed = 25 mph

OPINION SURVEY

Question 1

Do you think there is a safety concern along Louisiana Avenue?

Yes – 57%

No – 42%

Question 2

What do you feel worked better to address your safety concern

Speed Table – 20%

Median and Turn Restrictions – 40%

No Change – 19%

Question 3

What is more important to you?

Reduced vehicle speed – 40%

Reduced vehicle volume – 19%

Both – 40%

Question 4

What would you like to see installed permanently?

Speed Tables – 20%

Median and Turn Restrictions – 37%

None, leave as is – 43%



Neighborhood Opinion Survey Louisiana Avenue Traffic Calming Trials

Survey Results are in RED below

The objective of the two different device trials conducted this summer was to reduce vehicle speeds and volume. This was in response to a neighborhood application for traffic calming. Both trials went about achieving these objectives in different ways. The speed tables affected the entire corridor and achieved their goal of reducing vehicle speeds with a modest drop in vehicle volumes. The median and turn restrictions affected the intersection of Old Shakopee and Louisiana, and had a significant reduction in vehicle volumes and a modest reduction in vehicle speeds. Traffic data is shown below:

- Trial #1 - 3 Speed Tables: **avg speed 18 mph** and **500 vehicles per day**
- Trial #2 - Median and Right-in Right-out Turn Restrictions: **avg speed 25 mph** and **200 vehicles per day**

Existing traffic speed and volume before the trials: **avg speed 27 mph** and **600 vehicles per day**

The neighborhood now needs to choose what device(s) it would like to move forward. Below is an opinion survey that's being given out to the entire Louisiana neighborhood. The results will be used along with adjacent properties preferences and city staff's recommendation to choose what solution to move forward with.

Please fill out the survey below and return it using the self-addressed stamped envelope by November 15, 2021.

Survey Questions

- 1) Do you think there is a safety concern along Louisiana Avenue?
☐ Yes – **57%**
☐ No – **42%**
- 2) What do you feel worked better to address your safety concern?
☐ Speed Tables – **20%**
☐ Median and Turn Restrictions – **40%**
☐ No change – **19%**
- 3) What is more important to you?
☐ Reduced vehicle speeds – **40%**
☐ Reduced vehicle volume – **19%**
☐ Both – **40%**
- 4) What would you like to see installed permanently?
☐ Speed Tables – **20%**
☐ Median and Turn Restrictions – **37%**
☐ None, leave as is – **43%**

Mailing Area = 98 Residents – 49 Surveys Returned = 50%

General Feedback (feel free to use back of sheet)

About You (required, but will not be shared with the survey results)

Name _____ E-mail _____
Address _____ Phone _____
City, State, Zip Code _____

Please use the self-addressed stamped envelope provided and send in your survey no later than **November 15, 2021** or Email your response to piarvis@BloomingtonMn.gov. Additional information can be found on the project webpage at: letstalk.bloomingtonmn.gov, Louisiana Traffic Calming Project (see QR Code on the back of this page for link)

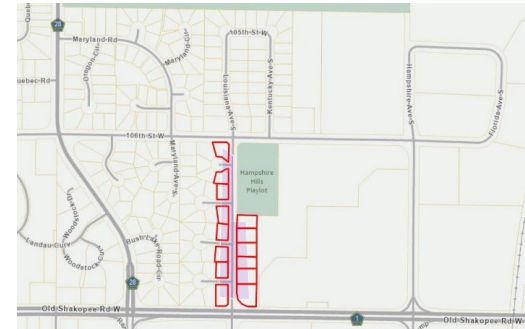
PETITION AND WAIVER AGREEMENT

Program:

For the application to move forward a majority (67%) of residents in the benefiting area must agree to be assessed for the proposed solution.

Project:

Agreement forms were mailed to the 14 properties along Louisiana Avenue. Ten residents signed and returned the form prior to the deadline. Return rate of 71%, project moves forward to Bloomington City Council for approval.



If Council approves the Louisiana Traffic Calming Project construction would most likely happen in conjunction with one of the PMP projects the summer of 2022

NEXT STEPS

Council Meeting – April 25, 2022

- Accept the Feasibility Report
- Accept the Petition and Waiver Louisiana Avenue Traffic Calming Project
- Order the Project

Future

- Revise the Local Street Traffic Calming Policy and Local Street Assessment Policy

Council Action

Motion by _____, seconded by _____ to adopt Resolution no. 2022-_____ authorizing the City Engineer to prepare a feasibility report for the 2022-604 Louisiana Avenue Traffic Calming Project.

Steve and Debbie Jung
10630 Daisy Circle
Bloomington MN, 55438

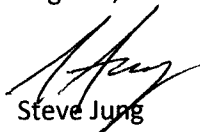
April 1, 2022

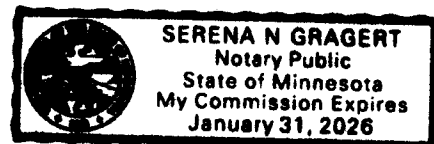
To whom it may concern:

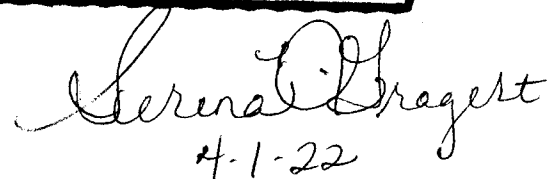
My wife Debbie Jung and I have been residents at 10630 Daisy Circle Bloomington, MN, since June of 2014. Daisy Circle is the 3rd cul-de-sac north of Old Shakopee Road off Louisiana Avenue. Since 2014, we have seen the amount of traffic and people speeding up Louisiana Ave increase over the years, to the point where we have grown concerned for the safety of our children. Having a safe neighborhood where our children can safely play and go between the homes of their friends, is a very important part of living in our neighborhood. All our neighbors have seen and been concerned for the safety of our children as the volume of traffic and their speed has increase dramatically over the years. We and our neighbors have spent time discussing this as concerned residents. The proposed Louisiana Ave traffic control project; RIRO Median, has shown to be a very effective solution to ensure Louisiana Ave will be a safe road for our neighborhood for years to come. We very much support this effective and safe solution.

Thank you very much for listening to our feedback on this proposed project to make our neighborhood safe for all residents.

Regards,


Steve Jung




4-1-22

My name is Lori Blomquist and my husband and I have lived at 10701 Louisiana Ave South for the past 21 years. It has been a wonderful home and amazing neighborhood to raise our 3 children. Our neighborhood is pretty awesome.. We have an annual neighborhood picnic and a Christmas party (please do not ask about the white elephant gifts that have been exchanged over the years ;), kids run from house to house (you might just see a group roaming through your yard, and early in the spring you just might see everyone gathered at the man hole cover on Garden Circle with a beverage (Its tradition).. Our family has made great use of Hampshire Hills Park (my kids still affectionately call it the “orange park” because it was 70’s burnt orange equipment when we first moved in. It was upgraded in the last few years - thank you for that! My kids attended classes at Richardson Nature Center, we have ridden probably thousands of miles on our bikes through Hyland park, swam countless hours at Bush Lake beach and took ski lessons at Highland. Bloomington is truly a gem of a Suburb.

When I first moved into the neighborhood, there were no speed limit signs on Louisiana, so I was able to get the city to install some. That helped a bit; but, much to our dismay, as the industrial park to the northeast of us (on Hampshire Avenue) started to grow, so did the traffic on Louisiana Avenue. It is a known cut through for people going to and from work- people that do not want to wait at the stoplight on Hampshire Avenue. Much, much more to our dismay is that in the last few years, it is not just the amount of traffic, it is the manner in which people recklessly speed up and down Louisiana Ave. It is honestly frightening to see and hear the way people that do not live in our neighborhood drive in our neighborhood. The Right In Right Out pilot program last summer was an amazing time for our street. Kids could safely cross to the other side and gone were the days of having to helplessly witness drivers recklessly drive at top speeds from Old Shakopee to 106th. However, there have been confrontations with drivers who drove so dangerously that they were confronted by some of my neighbors. This resulted in the drivers threatening them and telling them “I know where you live”. Obviously confronting dangerous drivers is not ideal, but sometimes you can only take so much.

As more and more of our homes in the 4 cul de sacs and the buffer zone (which are the houses that abut Hampshire Hills Apartments) turn over to homeowners that have young children or pets, the more we see the need and the value in limiting the amount of dangerous traffic on Louisiana Avenue. It is only a matter of time before someone speeding up the hill from Old Shakopee, racing to work and not wanting to wait at the stoplight injures or kills someone crossing the street.

As a real estate agent, I also believe that the traffic mitigation project will protect home values on Louisiana Avenue. Obviously, people purchasing a home would rather live on a safe with neighborhood traffic only street over one with a lot of traffic, especially dangerous traffic.

I am in favor of the permanent right in right out only project proposed for Louisiana and Old Shakopee and I implore the council to approve it without haste.

Thank You-
Lori Blomquist

Mar 30, 2022, 6:19 PM (5 days ago)



Valerie M. Faure

to me ▾

There you are. Let me know if you would like me to drop off a paper copy.

Thank you

Valerie

Valerie Faure
10709 Louisiana Ave, Bloomington Mn 55438

I am in strong favor of the project as I could see the positive traffic impacts during the preliminary testing of the RIRO median.

...

	Survey Questions											General Feedback
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is		
email	1			1			1		1		Test had a positive impact on traffic. Immedatly after removal both volume jumped and high speed returned	
1	1		1			1			1		In order of preference I would like to see the speed tables, the no change, the the turn restrictions. I am not in favor of those. My greatest safety concern is the stop sign at Louisiana and 106th, there seems to be many people that ignore that one.	
2		1			1						1	Speed limit is 30mph. It seem that is adheard to
3		1		1			1			1		
4	1			1				1		1		
5		1	1			1			1			

	Survey Questions											General Feedback
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is		
6 7		1			1	1					1	I would suggest an automatic speed indicator such as located off 169/Andersons Lake parkway. That blinks if you over the speed limit and indicates the vehicle speed. It reminds me to slow down
	1				1		1				1	
8	1		1	1				1	1	1		The real safety concern is Bush Lake and 106th Interseccion. Funneling traffic away from Louisiana to this intersection. Ideally a four way stop or light is needed. Anything to reduce speeds and traffic on Louisiana is great. Thank you so much for your care and hard work

	Survey Questions										General Feedback	
	1		2		3		4					
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?		What is more important to you?		What would you like to see installed permanently?					
	YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is	
9a		1			1						1	I live one block north of the area in question on Louisiana. But there are some random speeder chasing each other that I have seen. More importantly speeders ans stop sign busters on 106th and Louisiana and big speeders on BLR, The blockade at Louisiana and OSR are very disturbing we have so few egresses ouf our dead end neighborhood. I think addressing the speeders on a cas by case basis is more appropriate and concentrating on speeder on or reducing speed limit on BLR
9b		1		1			1				1	
10	1		1			1			1			we feel the speed tables addressed the concern without impeding the accessibility for residents which the turn restrictions caused.

	Survey Questions										General Feedback	
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
	YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is	
11	1			1			1			1		600 vehicles per day seems extremely high for a residential street. 27mph speed does not seem excessive too me. Reducing traffic by 67% seems to be the clear best way to go. It is also clear to me that Louisiana ave is beng used by non-residents regularly
email		1			1	1					1	One main issue not covered is the stop sign at 106th and Louisiana ave. Numerous cars barely stop. Very unsafe
12	1			1				1		1		The drastic reduction in volume had a notable and meaningful reduction in the volume of cars excedding the posted speed limit of 30 mph

	Survey Questions										General Feedback	
	1		2			3		4				
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?		What would you like to see installed permanently?				
	YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is	
13	1			1			1			1		<p>Why is there a yellow blinking left turn at Old Shakopee Road and BFR and NOT at OSR and BLR or Hampshire? The extremely long red left turn at Hampshire caused the extreme high amount of traffic on Louisiana Ave South. Everyone used Louisiana to avoid the long left turn lights on both BLR and Hampshire. Speed tables are not enough and costly to the residents for a problem the City has caused and only reduced traffic by 100 cars, it may have slowed cars down, but still to many vehicles. The left turn restrictions worked great, the amount of vehicles reduced by 400 vehicles from a normal 600 vehicles, that's incredible. The speed limit on Louisiana is 30mph, so the 200 vehicle averging 25mph are below the speed limit. Fix the problem THE CITY CAUSED without cost to residences.</p>

	Survey Questions										General Feedback	
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
	YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is	
14	1			1				1		1		The median and turn restrictions were able to provide the reduced speeds and volume of vehicles in our neighborhood to feel safe crossing the street and having our children play.
15	1		1			1			1			Thank you for running these trails and the efforts to address the concerns of the Neighborhood. I prefer to have access to Louisiana Ave from both east and west on OSR with speed tables to ensure safer speeds.
16	1			1				1		1		Today was the first day I have heard/seen a car racing up our street for months. Assume it was to show all of us who really dislike speed bumps or turn restrictions. The turn restrictions were amazing - traffic was drastically reduced and finally felt safe and normal. Very sad to see the traffic return and the stress that comes with it!

	Survey Questions											General Feedback
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is		
17	1			1			1		1		both options worked but the reduction in total traffic with the median and turn restrictions was very noticeable. Great Work!	
18		1		1			1			1		
19	1		1			1		1				
20		1			1					1	Note average speed	
21		1			1					1	Lately the speeds have been slower. Traffic is traffic, how are you going to tell people not to drive down our streets?	
22	1			1			1		1			
23	1			1			1		1			

	Survey Questions										General Feedback	
	1		2			3		4				
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?		What would you like to see installed permanently?				
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is		
24		1			1	1					1	We have lived here with no issues or changes in traffic. This made it more dangerous for me. I found myself using the BLR & 106 intersection more which is very dangerous. We will get no benefit only increased turn risk onto BLR from 106th. I definitely would not agree to get assesed or pay for this.
		1			1	1					1	Why are a few home allowed to change traffic flow of a whole neighborhood? These changes are more than an inconvenience to the rest of us living in the neighborhood. It just moves traffic to someone else's street.

	Survey Questions										General Feedback	
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
	YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is	
26		1			1	1					1	There are some families who's children do not watch for cars. That is concerning but generally street seems safe. Speed tables would be the only option if there has to be a change. The turn restrictions affected the local residents not the fast driving cars. It was very inconcient to have the left turns taken away.
27	1				1			1			1	
28	1			1				1		1		
29		1			1		1				1	
30	1			1			1			1		
31	1			1				1		1		I think the traffic works best going thru at Hampshire were there is a traffic light. I appreciate seeing the results of the tests.
32	1		1			1			1			
33		1			1						1	

	Survey Questions											General Feedback
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is		
34		1			1						1	reducing traffic on Louisiana results in increased traffic on streets parraled to it and couse longer driving distance leading to enviromental issues. The options of median and turn restriction is a primitive method and a dangerous one because it is accident prone. Perhaps there is a third method of reducing speeds below 30 mph
		1			1						1	Winter plowing would not be able to be done with either options. Reduce speed limit to 25 and cite speeders is my suggestion
		1			1						1	Question 3 is misleading - calls for un-needed action forcing change issue. see #36 for full comments

	Survey Questions											General Feedback
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is		
37	1			1			1		1		The drivers who come up Louisiana from Old shakopee Rarely stop at the intersection with 106th street, so reducing the number of vehicles on Louisiana is extremely important. There are many children who bicycle on Louisiana. And there is park on this street.	
38	1		1				1	1			a concern I have is the stop sign on 106th and Louisiana. People coming off OSR on Louisiana often don't even stop at 106th st. They are turning right and speeding down 106th to get to their job that are off of Hampshire. I live on Kentucky and see this all the time. So the concern isn't just Louisiana its also the concern at that stop sign and along 106th St.	
39	1		1			1			1			
40	1		1			1			1			

	Survey Questions											General Feedback
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is		
											I don't believe there is any traffic safety concerns on Louisiana Ave. I believe the major safety concern is at the 4-way stop sign at Louisiana and 106th St. There are too many vehicles traveling on 106th street that are not stopping at the intersection. I witness around 10 vehicles weekly not stopping at this intersection. a few years ago, one of my neighbors was nearly involved in a collision with a vehicle that ran the stop sign. I would recommend installing a traffic circle at the intersection, or maybe flashing lights to warn drivers of the stop sign.	
email		1			1						1	
41	1			1			1		1			
42	1			1			1		1			

	Survey Questions										General Feedback	
	1		2			3			4			
	Do you think there was a safety concern along Louisiana Avenue		What do you feel worked better to address your safety concerns?			What is more important to you?			What would you like to see installed permanently?			
	YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is	
43	1						1					The increase in traffic on Louisiana is primarily a result of the industrial area on 106th and Hampshire and the Hampshire hills apartments. People coming to work in th industrial area as well as apartment residents from the west on Old shakopee road do not want to wait for the left turn arrows at Hampshire and BLR. a simpler solution, without penalizing residents along Louisiana ave would be flashing arrows at Hampshire and BLR
44												The safety concern is at Louisiana at 106th St. Too many vehicles not stopping at 4-way stop sign. I would recommend installing a traffic circle at this intersection
45		1			1	1					1	After living at a property along Louisiana Ave for over a decade we have not observed any issues with either traffic speed or traffic volume

Survey Questions											General Feedback
1	2	3			4						
Do you think there was a safety concern along Louisiana Avenue	What do you feel worked better to address your safety concerns?	What is more important to you?			What would you like to see installed permanently?						
YES	NO	Speed Table	Medians	NC	Reduced Vehicle speeds	Reduced vehicle Volume	Both	Speed Table	Median & Turn Restrictions	None, leave as is	
											re: trial #2 feel the restrictions on right turns penalized the residents on Louisiana ave
	1			1						1	I really don't know which neighbors are complaining about speed noise on Louisiana. I've lived here over 30 years and feel there is not a problem.
28	21	10	20	19	17	8	17	10	18	21	
49 57%	42%	49 20%	40%	32%	42 40%	19%	40%	49 20%	37%	43%	

Louisiana Avenue Project Comments

General Comments	Email or Meeting
I will be listing a home on Louisiana Ave South in Bloomington and would like to get some clarification re: the speed tables currently in place. Do you have a link that I can refer to Selling Agents that would explain the project, current status and do you have an estimate of the costs that will be assessed to each home owner on the street once the speed bumps are put into place?	email
Hi Paul. I live off of 105th and Kentucky Ave. I was unable to attend the meeting regarding the calming project on Louisiana Ave. Can you please give me the info you gave out at the meeting? I'm particularly interested in what the next phase is.	Email
I received the Louisiana Ave traffic survey, and would like to give my opinion on the issue. I live at 10548 Louisiana. I don't believe there is any traffic safety concerns on Louisiana Ave. I believe the major safety concern is at the 4 way stop sign at Louisiana and 106th street. There are too many vehicles traveling on 106th street that are not stopping at the intersection. I witness around 10 vehicles weekly not stopping at this intersection. A few years ago, one of my neighbors was nearly involved in a collision with a vehicle that ran the stop sign. I would recommend installing a traffic circle at the intersection, or maybe flashing lights to warn drivers of the stop sign	email
Public Meeting Comment Cards	
My car at stock height bottoms out even at 5 mph, that being said a little less height on the table would be great.	area resident
Of the 10 of 14 houses needed to have the project go through - what if someone paid more than their share to have the project happen? Also would we get to know how many houses are in favor of it before the final decision is made?	area resident
Thanks for the info session, it was very helpful. Thanks for all the work	area resident
Thank you for sharing the data and taking time to provide personal feedback. We are very excited at the proposed project to improve safety for our family's and neighbors.	area resident
Remarkable difference with the temporary speed tables. Our big concern is speed and the number of cars. There are more young children in the neighborhood. Always children at the park.	area resident
Love the speed tables, lessens the traffic and the speed. I vote for bumps	area resident

RESOLUTION NO. 2022-

A RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT
FOR CITY PROJECT 2022-604
LOUISIANA AVENUE TRAFFIC CALMING PROJECT

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota (“City”); and

WHEREAS, it is proposed to construct local street traffic calming devices and to assess the benefited properties for a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429 and to the Local Street Traffic Calming Assessment Policy dated April, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, THAT:

The proposed Traffic Calming Project 2022-604 be referred to the City Engineer for study and that the City Engineer is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate the individual assessments for affected parcels.

Passed and adopted this 11th day of April, 2022.

Mayor

Attest:

Secretary to the Council



Request for Council Action

Originator Planning	Item 4.2 Public Hearing: Residential Livability Ordinance
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date April 11, 2022

Requested Action:

The Planning Commission and Staff recommend adoption via the following motion:

Motion by _____, seconded by _____, to adopt Ordinance no. 2022-____ amending Chapter 21 of the City Code to establish standards for motion activated lighting in non-residential structures, location requirements of outdoor mechanical equipment, and perimeter screening amendments.

Staff also recommends approval of a resolution authorizing summary publication using the following motion:

Motion by _____, seconded by _____ to approve Resolution No. 2022 - _____ authorizing summary publication of the ordinance attached to the staff report.

Item created by: Shawn James, Planning

Item presented by: Shawn James, Planner

Description:

New types of uses and technologies warrant periodic review and updating of existing Code provisions. The proposed Code amendments help to mitigate ongoing issues related to noise, lighting, and screening that were identified at previous meetings.

Attachments:

[Staff Report](#)

[Proposed Ordinance](#)

[Resolution of Summary Publication](#)

[Racial Equity Impact Assessment \(REIA\)](#)

[Planning Commission Minutes 3.17.22](#)

[City Council Minutes 12.20.2021](#)

[Planning Commission Minutes 12.02.2021](#)

Affidavit of Publication
Item 4.2 correspondence_Redacted.pdf

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Consider an ordinance to establish motion activated lighting standards in non-residential structures, location requirements for outdoor mechanical equipment, and perimeter screening amendments.

CHRONOLOGY

Planning Commission:	12/02/2021 Study Item
City Council:	12/20/2021 Study Item
Planning Commission:	03/17/2022 Public Hearing (recommended approval)
City Council:	04/11/2022 Public Hearing

DEADLINE FOR AGENCY ACTION

Application Date:	02/09/2022
Applicable Deadline:	Agency Action Deadline Waived
Newspaper Notification:	Confirmed – (03/31/2021 Sun Current – 10 day notice)
Direct Mail Notification:	Not required.

STAFF CONTACT

Shawn James
(952) 563-8918
sjames@bloomingtonmn.gov

BACKGROUND

With any intensification of development and the introduction of new use and building types, there is potential for new or increased impacts on nearby properties. This occurs most commonly when higher intensity uses (e.g., industrial) are located near more sensitive uses (e.g. residential). Many off-site impacts are addressed through State Statutes, the Fire Code, or the Building Code. Others are addressed in the City Code, typically in the Zoning Code or

Report to the City Council
Planning Division

04/11/2022

Environmental Health standards. However, new types of uses and advanced technologies warrant periodic review and updating of existing Code provisions. The proposed Code amendments help to mitigate ongoing issues related to noise, lighting, and screening that were identified at the previous meetings.

ANALYSIS

Individual chapters in the City Code are organized into separate articles and divisions to address specific topics. Amendments are proposed to various chapters, articles and divisions in City Code as described below. These are organized in the order of amendments proposed in the attached draft ordinance.

Amendments to Chapter 21 – Zoning and Development

- **Section 21.301.07 EXTERIOR LIGHTING** – A standard is added requiring owners of nonresidential structures within 250 feet of residentially zoned and used properties to turn off their lights between 10 p.m. and 6:00 a.m. when visible to neighboring residential properties and not in use. This standard resembles previous conditions of approval that have mitigated issues related to transparent facades with late-night interior lighting. Since issues related to lighting have historically been addressed through conditions of approval, this standard only applies only to new construction. This is intended to minimize late-night lighting and glare visible to adjacent residential properties.
- **Section 21.301.12 NOISE ATTENUATION** – The City requires noise impact statements for projects that have potential to exceed with decibel limits set by State Statute, such as projects with commercial grade outdoor mechanical equipment. This standard would only apply in situations where a noise study is required, and requires that outdoor mechanical equipment be situated in the code-complying location least impactful to nearby residential properties. The preparer of the noise impact statement would be responsible for identifying such location. Alternative locations may be considered if the applicant provides evaluation comparing impacts of different code-complying locations and possible noise mitigation.

At the study meetings, staff identified outdoor mechanical equipment as a primary nuisance related to noise. Sometimes mechanical equipment meets the decibel limits set by State Statute, but still results in nuisance to nearby residents. This standard helps to minimize impacts and creates a process for evaluation of alternatives, where applicable.

- **Section 21.301.15 LANDSCAPING AND SCREENING** – To minimize potential negative impacts on future residents, a standard is added requiring new multi-family residential development to install screening, if none already exists, when adjacent to industrial properties or nonresidential off-street parking areas.

This requirement helps ensure future residents are provided screening from abutting industrial development and parking areas. It also helps prevent future code conflicts. When commercial or industrial properties are rezoned and redeveloped for residential uses, then adjacent industrial and commercial properties are subject to higher standards if those properties later expand or redevelop. Industrial properties and nonresidential properties with parking areas are currently required to provide screening from residential properties. By requiring the same of residential properties, future code nonconformities are avoided.

RACIAL EQUITY IMPACT ASSESSMENT (REIA)

A racial equity impact assessment (REIAs) is a formal process in which an organization analyzes how a decision is likely to impact different racial and ethnic groups. Modeled after the environmental impact statements required by the National Environmental Policy Act of 1969, REIAs can help local leaders understand the racial equity implications of a policy, program, or institutional practice and determine if it will improve or exacerbate existing economic and social inequities.

In adopting the Racial Equity Business Plan, the City acknowledged that using racial equity tools can help develop strategies and actions that reduce racial inequities and improve success for all groups. As a result, staff is required to complete a REIA when bringing requests for council action to the City Council for the following legislative actions: new ordinances and updates to ordinances, modifications to City code, or program requests that have significant funding implications not included in the existing fiscal year budget. The REIA for this project is attached to the staff report.

OUTREACH

- **Direct Phone Calls & Emails** – Staff consulted with residents that previously voiced concerns about noise related to new development projects. Staff also called and emailed potentially impacted businesses and developers, but only received feedback from one (Donaldson).
- **Project Webpage** – The City’s website includes a webpage dedicated to Zoning Ordinance updates. The proposed updates are identified in the “Industrial Impact Study / Residential Livability Ordinance” project along with information about upcoming meetings and a link to the casefile, which contains the draft ordinance and supplemental information.
- **E-Subscribe Notice** - Notice of the public hearings were sent via email to the 1,863 registered users of the “Planning Commission” and to the 1,408 registered users of the “Zoning Ordinance Updates” e-subscribe groups.
- **Newspaper Notice** – Notice of the ordinance ran in the City’s official newspaper, the Bloomington Sun Current.

PLANNING COMMISSION RECOMMENDATION

At its March 17, 2022 meeting, the Planning Commission unanimously recommended approval of the proposed ordinance. One resident provided public testimony. This resident stated that she lives near the Verizon facility and had questions about the proposed noise standards. She appreciates the new standards and supports the proposed ordinance but would like additional specific standards for data centers.

REQUESTED ACTION

The Planning Commission and Staff recommend the following motion:

Motion by _____, seconded by _____ to adopt Ordinance No. 2022-_____ amending Chapter 21 of the City Code to establish standards for motion activated lighting in non-residential structures, location requirements of outdoor mechanical equipment, and perimeter screening amendments.

Staff also recommends approval of a resolution authorizing summary publication using the following motion:

Motion by _____, seconded by _____ to approve Resolution No. 2022 - _____ authorizing summary publication of the ordinance attached to the staff report.

ORDINANCE NO. 2022 -

AN ORDINANCE CREATING STANDARDS FOR MOTION-ACTIVATED LIGHTING IN NON-RESIDENTIAL STRUCTURES; LOCATION REQUIREMENTS FOR OUTDOOR MECHANICAL EQUIPMENT; AND PERIMETER SCREENING OF NEW RESIDENTIAL USES ADJACENT TO INDUSTRIAL USES OR NONRESIDENTIAL DRIVEWAYS AND OFF-STREET PARKING AREAS, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE.

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

* * *

CHAPTER 21: ZONING AND LAND DEVELOPMENT

* * *

ARTICLE III. DEVELOPMENT STANDARDS

DIVISION A. GENERAL STANDARDS

* * *

§ 21.301.07 EXTERIOR LIGHTING.

* * *

(c) Lighting standards. In addition to the following specific requirements, all exterior lighting must comply with the standards set forth in this section.

* * *

(9) *Glare*. In all zoning districts, all lighting must be arranged so as not to shine directly on any adjoining property. A person must not create light that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort or impairment of vision. Lenses, deflectors, shields, louvers or prismatic control devices must be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

(A) *Motion-Activated Lighting*. Between 10:00 p.m. and 6:00 a.m., owners of nonresidential structures within 250 feet of property that is residentially zoned and used must extinguish interior lighting in unoccupied spaces on façades facing residential properties with the following exemptions:

- (i) Nonresidential structures existing prior to {insert adoption date}, unless required by conditions of approval;
- (ii) Motion triggered lighting activated for safety and security purposes; or
- (iii) Lighting approved by the Planning Commission or City Council.

* * *

§ 21.301.12 NOISE ATTENUATION

* * *

(e) *Outdoor Mechanical Equipment*.

- (1) *Applicability*. The standards of this subsection apply to commercial grade mechanical equipment and similar noise sources including, but not limited to, generators, ventilation equipment or air heating or cooling equipment, commercial laundry appliances, and carwash equipment.
- (2) Noise impact statements associated with outdoor mechanical equipment may be required in accordance with Section 10.29.04.
- (3) *Standard*. When required, noise impact statements that analyze the operation of proposed outdoor mechanical equipment and similar noise sources including, but not limited to, generators, ventilation equipment or air heating or cooling equipment, commercial laundry appliances, and

carwash equipment must identify the code compliant location(s) of said equipment that is least impactful to nearby residential uses.

(A) Placement. Equipment must be situated in the location that is least impactful to nearby residential uses, as determined in the noise impact statement.

(B) Alternatives. At its discretion, the approving body may allow outdoor equipment at other code compliant locations when information is provided that addresses the following:

(i) The viability of code complying alternative locations for the outdoor mechanical equipment;

(ii) The impacts of the outdoor mechanical equipment at the proposed location relative to the impacts of the outdoor mechanical equipment at a code complying alternative location;

(iii) The extent to which the proposed equipment is the lowest impact design available;

(iv) The extent to which mitigation is provided to minimize impacts.

* * *

§ 21.301.15 LANDSCAPING AND SCREENING.

* * *

(d) Screening standards.

(1) Perimeter screening designed to buffer incompatible uses. Perimeter screening designed to buffer incompatible uses is required:

* * *

(A) Along any off-street parking area containing over six parking spaces that lies within 30 feet of an abutting site that is residentially used and either residentially zoned or guided;

(B) Along any driveway to an off-street parking area containing over six parking spaces when the driveway is within 15 feet of an abutting site that is residentially used and either residentially zoned or guided;

(C) On industrial sites, along any property line that directly abuts a site that is residentially used and either residentially zoned or guided and along any side or rear property line that faces across a street a site that is residentially used and either residentially zoned or guided;

* * *

(G) On sites developed for residential use after {insert adoption date} and either residentially zoned or guided:

i. Along any unscreened property line that directly abuts a site that is industrially zoned and used;

ii. Along any unscreened property line shared with a nonresidential use within 15 feet of a driveway to an off-street parking area containing over six parking spaces located within the nonresidential use; and

iii. Along any unscreened property line shared with a nonresidential use within 30 feet of an off-street parking area containing over six parking spaces located within the nonresidential use.

* * *

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

RESOLUTION NO. 2022 -

**A RESOLUTION DIRECTING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022 -___ AN ORDINANCE CREATING STANDARDS FOR
MOTION-ACTIVATED LIGHTING IN NON-RESIDENTIAL STRUCTURES;
LOCATION REQUIREMENTS FOR OUTDOOR MECHANICAL EQUIPMENT;
AND PERIMETER SCREENING OF NEW RESIDENTIAL USES ADJACENT
TO INDUSTRIAL USES OR NONRESIDENTIAL DRIVEWAYS AND OFF-
STREET PARKING AREAS, THEREBY AMENDING CHAPTER 21 OF THE
CITY CODE.**

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota; and

WHEREAS, Section 3.08 of the Bloomington City Charter provides as follows:

SEC. 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Every ordinance or resolution passed by the council must be signed by the mayor or by the acting mayor, attested by the secretary of the council and filed and preserved by the secretary. Every ordinance and any resolutions requested by the mayor or by two other members of the council must be published at least once in the official newspaper. The council, by a two-thirds vote of all of its members, can direct publication of only the title and a summary of an ordinance, if the council approves the text of the summary and determines that it would clearly inform the public of the intent and effect of the ordinance. The summary must comply with the requirements of Minnesota Statutes Section 331A.01, subd. 10 and give notice that a full copy of the ordinance is available for inspection during regular office hours at the city clerk's office. As provided by law, an ordinance can incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

; and

WHEREAS, the City Council at its regular meeting on April 11, 2022, enacted the attached ordinance amending Chapter 21 of the City Code, creating standards for motion-activated lighting in non-residential structures, location requirements for outdoor

mechanical equipment, and perimeter screening of new residential uses adjacent to industrial uses or nonresidential driveways and off-street parking areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, that the following title and summary of the ordinance be published in the official newspaper. The City Council determines that the following summary would clearly inform the public of the intent and effect of the ordinance enacted:

NOTICE OF SUMMARY
PUBLICATION OF ORDINANCES

On April 11, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-____) amending Chapter 21 of the City Code, to create standards for motion-activated lighting in non-residential structures, location requirements for outdoor mechanical equipment, and perimeter screening of new residential uses adjacent to industrial uses or nonresidential driveways and off-street parking areas. The full ordinance is available to the public for inspection at the Bloomington City Clerk's Office, 1800 West Old Shakopee Road, Bloomington, Minnesota 55431, (952) 563-8700, during the hours of 8:00 a.m. and 4:30 p.m. and online at www.blm.mn/code.

Passed and adopted this 11th day of April, 2022.

Mayor

ATTEST:

Secretary to the Council



Racial Equity Impact Assessment

Proposal Name:	Residential Livability Ordinance
Description:	The proposed ordinance addresses nuisances and concerns that have been raised with past development projects.
Department:	Community Development – Planning Division
Contact:	Shawn James, Planner

Part 1. Set outcomes.

1a. What is your proposal and how does it relate to Bloomington's Racial Equity Business Plan Focus Areas? Will it reduce disparities or discrimination? Does it help Bloomington become a vibrant, safe, and healthy place where people of all races thrive?

The application of the proposed ordinance is citywide, but it specifically mitigates certain types of nuisances from businesses that are located near residents. The ordinance is intended to improve health, safety, and vibrancy of residential neighborhoods by minimizing nuisances related to noise and lighting from nearby businesses. The ordinance also includes provisions to ensure screening between incompatible uses, such as industrial and multi-family residential. Since a disproportionate amount of housing near businesses is multi-family residential and renter-occupied, there is potential that this ordinance could reduce racial disparities among residents.

Focus Areas	How does this proposal relate?
Workforce Diversity	NA
Training and Professional Development	NA
Equitable Outcomes in Services Delivered	NA

Strategies/actions that reduce racial inequities (health, sustainability, jobs, housing, contracting, etc.)	The proposed ordinance could potentially reduce racial disparities among residents. The ordinance primarily effects residents and businesses located in close proximity. Demographic data on businesses is limited. Housing near businesses is disproportionately multi-family, which is disproportionately occupied by people of color. The ordinance is intended to reduce nuisances and improve living conditions for those residents.
Authentic Community Engagement	NA

Part 2. Analyze data.

2a. Are impacts from this item concentrated and/or more visible in specific geographic areas? If yes, identify on Bloomington map.

Impacts are concentrated in areas where residential uses are located near commercial and industrial uses. For data gathering purposes, staff chose to sample the demographics of residential areas within 250 feet of commercial and industrial areas, which primarily captures properties immediately adjacent to businesses. Demographic data for business owners and managers is not available.

2b. What are the racial demographics of residents in the area or are impacted by the issue?

Within 250 feet of businesses, the residential housing stock is disproportionately comprised of multi-family rental units. Over half (51%) of housing units near businesses are renter-occupied, compared to 32% renter-occupied units citywide. Rental housing is disproportionately occupied by our BIPOC community, and the demographics of residents within 250 ft of businesses are also more diverse than citywide demographics. Those that identify by a race other than white represent around 33% of the population in this area, compared to 25% citywide according to 2015-2019 Census American Community Survey estimates (which vary slightly from the recent 2020 decennial data, but are used for comparison purposes).

The attached infographic provides further information on demographics and characteristics of impacted residential areas.

2c. How are they impacted?

The proposed code amendments are intended to mitigate noise and lighting impacts for all residents that live near commercial and industrial uses.

Part 3. Involve stakeholders.

3a. How have you involved community members and stakeholders in discussing, planning, developing, or reviewing this proposal? Have stakeholders from different racial/ethnic groups – especially those adversely affected – been informed, meaningfully involved and authentically represented in the development of the decision? Who's missing and how can they be engaged?

Refer to the [IAP2 Spectrum](#) in your discussion of community engagement.

The scope of this project was to address recurring issues from past development projects. Staff met with a group of residents that previously voiced concerns related to related noise. Staff also reviewed public comments that were submitted for past development projects. Residents that did not previously express concerns about nuisances were not involved. Staff does not have demographic data on those that have submitted public comments, but presumes that representation from different racial or ethnic groups is not reflective of the impacted community's demographics. The impacted community could be better engaged by enhancing our notification practices during the development review process, which is an ongoing project.

3b. What do your conversations with stakeholders and data gathered tell you about existing racial inequities in the community?

Conversations with stakeholders were focused on past and existing noise and lighting concerns coming from nonresidential properties. The demographics of involved stakeholders is unknown, but staff presumes they are not reflective of the impacted community's demographics. Enhancements are needed to the notification and public comment processes to facilitate input from races and ethnicities that better reflect the impacted community.

Part 4. Determine benefits and/or burdens.

4a. Which racial/ethnic groups are currently most advantaged and most disadvantaged by the issue this seeks to address?

The proposed ordinance is most advantageous to residents that previously expressed concerns. However, the ordinance is applicable citywide and is intended to address nuisances of businesses that are located near residents. Demographic data for business owners and managers is insufficient to answer this question. However, the ordinance is applicable citywide and targets specific nuisances. Staff does not foresee adverse impacts to specific racial or ethnic groups as a result of this ordinance.

4b. What positive impacts on equity and inclusion could result from this proposal? Which racial/ethnic groups could benefit?

The proposed ordinance could reduce the nuisances of commercial and industrial businesses for residents living nearby, which are disproportionately non-white. However, this ordinance is a result of previously received feedback primarily from residents of single-family housing. Demographic data on impacted businesses is insufficient, but impacts are anticipated to be minimal, if any.

4c. What adverse impacts or unintended consequences could result from this action? Which racial/ethnic groups could be negatively affected?

The proposed ordinance primarily benefits residents, and creates standards on business operations related to noise and lighting. Since the ordinance targets specific nuisances, impacts on businesses are anticipated to be minimal. Staff does not foresee adverse impacts to specific racial or ethnic groups as result of this project.

4d. Are you accomplishing what you set out to do in Part 1? If not, how can you minimize harm or change your proposal so the work is not creating greater inequity.

Yes. The proposed ordinance mitigates specific nuisances of businesses that are located near residents.

Part 5. Develop strategies to eliminate inequities and advance

5a. How could adverse impacts be prevented or minimized?

Adverse impacts can be prevented or minimized through continued improvement of public outreach and engagement during the development review process.

5b. Are there further ways to maximize equitable opportunities and impacts?

As part of continuing efforts to notify residents of development projects, staff is exploring ways to better notify occupants of residential properties.

5c. Are there ways to revise the proposal to reduce racial disparities and advance racial equity? What could be changed, removed, or added to ensure positive impacts on racial equity and inclusion?

The ordinance applies citywide. Staff does not perceive ways to amend the proposed ordinance in a manner that would further advance racial equity.

5d. What are your strategies (short-term and long-term) to reach your desired racially-equitable outcomes and address the impacts? How will you measure and track the progress?

Progress is primarily measured by feedback received from the community during the review of new development. Staff continues to explore ways to better notify the public about development projects.

Part 6. Evaluate. Raise racial awareness. Be accountable.

6a. How will you evaluate and be accountable?

Zoning ordinances are repeatedly reviewed and evaluated as the city receives development inquiries and conducts zoning studies.

6b. What issues or racial inequities are unresolved? What resources/partnerships do you still need to make changes?

Continued efforts are needed to improve the development notification process. Additional methods to engage residents and property owners throughout the stages of a project should be further explored with the Community Development Racial Equity Action Team. Staff should also work with the City's Community Outreach and Engagement Division during project development to learn best practices and develop outreach and engagement plans.

6c. How will you share information learned from this analysis with your department? How will you raise awareness about racial inequity to this issue at the City?

This analysis will contribute to future discussions among Community Development and Planning staff when reviewing ordinances and engaging the public.

COMMUNITY PROFILE

Comparison Areas	2021 Total Population	2021 Total Housing
Residential areas near businesses	8,210	4,246
Bloomington city	87,984	39,597

Race and Ethnicity

The largest group: White Alone (66.85)
The smallest group: Pacific Islander Alone (0.04)

Indicator	Value	Difference from City
White Alone	66.85	-8.11
Black Alone	14.02	+4.61
American Indian/Alaska Native Alone	0.45	+0.09
Asian Alone	8.21	+0.69
Pacific Islander Alone	0.04	-0.03
Other Race	5.87	+1.87
Two or More Races	4.57	+0.89
Hispanic Origin (Any Race)	10.29	+2.91

Bars show deviation from Bloomington city

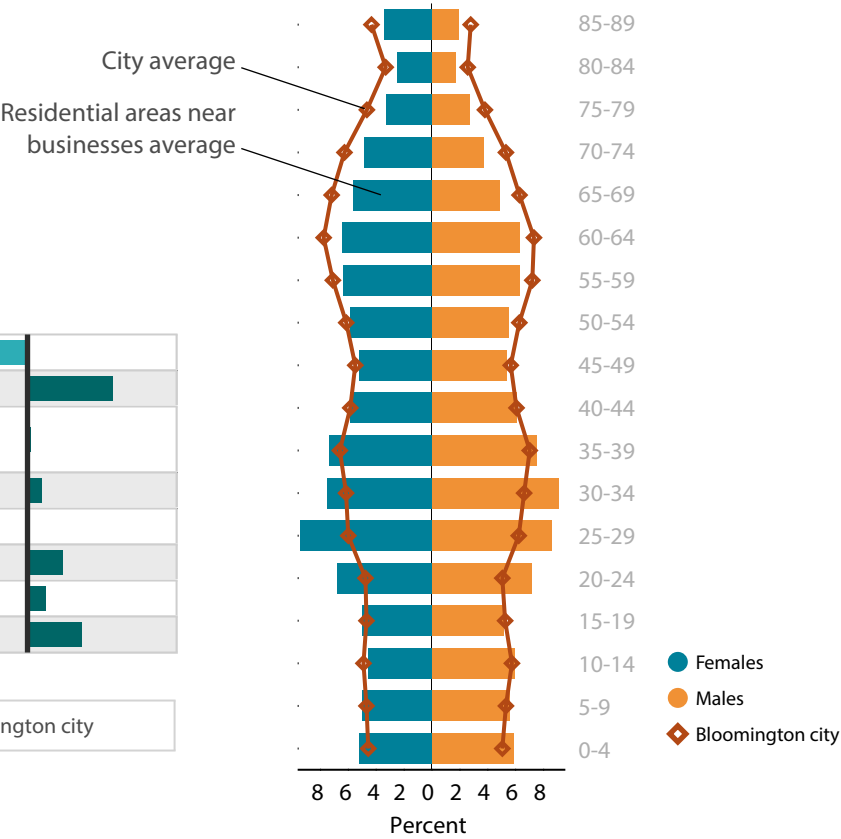
Households By Income

The largest group: \$50,000 - \$74,999 (18.3%)
The smallest group: <\$15,000 (5.7%)

Indicator	Value	Difference from City
<\$15,000	5.7%	+0.4%
\$15,000 - \$24,999	5.7%	+0.8%
\$25,000 - \$34,999	6.9%	+0.7%
\$35,000 - \$49,999	16.2%	+4.6%
\$50,000 - \$74,999	18.3%	+1.1%
\$75,000 - \$99,999	16.7%	+0.7%
\$100,000 - \$149,999	16.0%	-3.3%
\$150,000 - \$199,999	7.0%	-2.7%
\$200,000+	7.5%	-2.3%

Bars show deviation from Bloomington city

Age Profile: 5 Year Increments

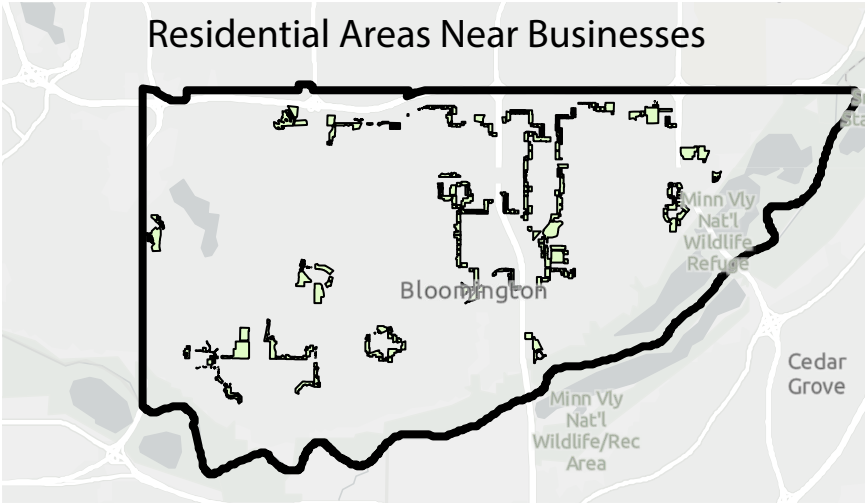


Dots show comparison to Bloomington city

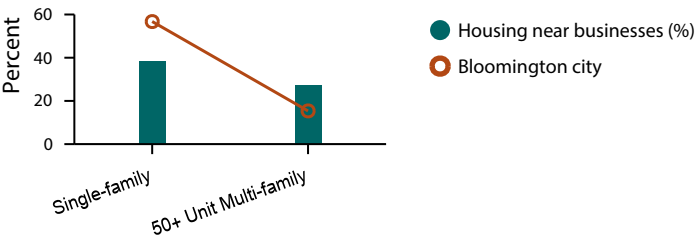
Home Ownership



Residential Areas Near Businesses

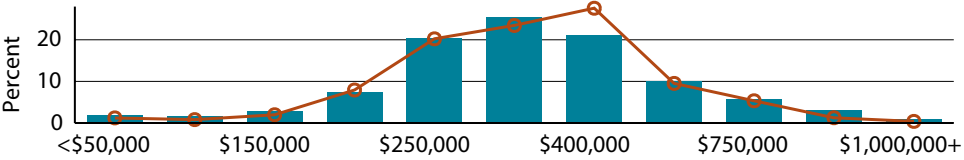


Housing Types



Dots show comparison to Bloomington city

Home Value



Dots show comparison to Bloomington city

ITEM 2	CASE:	PL2022-32
6:17 p.m.	APPLICANT:	City of Bloomington
	LOCATION:	Citywide
	REQUEST:	Consider an ordinance to establish motion activated lighting standards in non-residential structures, location requirements of outdoor mechanical equipment, and perimeter screening amendments.

SPEAKING FROM THE PUBLIC:

Linda Fletcher

PUBLIC HEARING DISCUSSION:

James said the ordinance amendments address known or recurring issues. One amendment is intended to address glare from overnight interior lights in unoccupied spaces that shine through windows. The standard would require motion lighting for non-residential structures within 250 feet of residentially zoned and used property lines and would apply only to new development. Another amendment is to require perimeter screening of new residential development in the same way that non-residential development is required to provide perimeter screening near residential properties. The last proposed amendment applies when noise impact statements are required. The proposed standard would require noise impact statements to identify the code compliant locations for outdoor mechanical equipment that are the least impactful location to nearby residential. Equipment must be in that location unless the applicant can demonstrate the appropriateness of alternative locations by responding to the alternatives analysis in the proposed ordinance. If the equipment does not pose a noise issue, this standard would not apply.

During the project, James reached out to residents, especially those that provided public comment for the Verizon Wireless data center project. James also provided background and findings of the racial equity impact assessment that is now required for all ordinance amendments. The takeaway from the assessment is there is a need to improve the City's notification practices during the development review process in order to adequately engage interested parties.

Albrecht asked if the required perimeter screening includes natural screening.

James stated the Code does allow for vegetation as screening.

Rohman asked if there is an allowance for lighting to be partially extinguished.

James stated he thought the U-haul project on Lyndale Avenue was required through condition of approval to be completely extinguished.

Rohman clarified the intent of the proposed ordinance is the motion-censored lighting be either on or completely extinguished.

James confirmed.

Rohman asked if there is seasonality consideration for noise.

James said he was not sure how to incorporate noise issues during winter into the ordinance.

Solberg said there was previous discussion about noise impacts during the winter, but the time spent outside is less and windows aren't open during winter months.

Rohman questioned what type of recourse a resident has.

Goltzman asked if there was consideration for lights turning on and off multiple times. That could be more disruptive than light that remains turned on.

James said there was discussion on setting a specific standard, but staff left it open for flexibility. He has not heard that it's an issue at existing facilities.

Rohman asked if staff has discussed when there is residential across the street, but business on the main level.

James said in the mixed-use area, the motion sensor lighting might not be necessary. But staff was hesitant to apply it in certain zones.

Chair Solberg opened the public hearing.

Linda Fletcher said she lives near the Verizon facility on Bush Lake Road. She suggested a statement be added to the ordinance describing how resident complaints could trigger a noise impact statement. She asked who the approving body is. She also asked how "viability" is defined. Lastly, she mentioned that data centers will become more prevalent. It is important that data centers have a clear definition and purpose. She appreciated Commissioner Rohman's question about noise during winter.

The public hearing was closed via a roll call vote.

James said the approving body depends on the project, but it could be staff, the Planning Commission, or the City Council. The City takes into account resident feedback as well as potential noise levels when deciding whether to require a noise impact statement. In the alternatives analysis, the consideration of viability of alternative locations is intended to address whether the location of equipment works from a business operations perspective and whether there are site constraints, such as circulation concerns. Outdoor mechanical equipment, such as generators and air handling units are a common noise source typically associated with data centers. However, data centers are difficult to define

in the Zoning Code because there are many uses and buildings with network servers that could be categorized as a data center. Creating standards that apply to outdoor equipment better and more directly addresses the noise impacts.

Albrecht asked how the standards would apply to a new development.

James said new development may require a noise impact statement, which would identify the least impactful, code compliant location of equipment. This location would be evaluated during the staff review with the party preparing the statement.

Albrecht asked if the noise impact statement would be evaluated prior to it getting to Planning Commission.

James said the ordinance gives the City discretion to decide if alternative locations are viable based on the applicant's evaluation.

Markegard said, using the recent Verizon application as an example, that had the proposed ordinance been in place at that time, the noise study would have identified the least impactful area for the proposed equipment, presumably on the east side of the building. Then, unless the applicant successfully argued that that location was not viable under the language of the escape clause, they would have been required to locate the equipment at the identified least impactful spot. Cities are not allowed to be more restrictive than State Statute with regard to noise levels. However, State Statute does not address placement of equipment. The proposed ordinance would provide a placement standard and still be in conformance with State Statute.

Rohman said he has concerns about the ordinance affecting mixed-use development with residential.

Markegard said the proposed ordinance language says "zoned and used residentially". The ordinance would not trigger for mixed-use zones because they are not residentially zoned.

Rohman asked if it would apply to Penn-American.

Markegard said it would not apply because they are mixed-use zoning districts.

Solberg said sometimes the sign brightness can be more intrusive but that is a separate ordinance. Are security lights allowed?

Markegard said yes, if it is an unoccupied space, but lighting would need to be motion activated rather than left on permanently.

Solberg said staff should look at security lights but was not sure how it would be applied. If all lights are motion activated, then the street lighting would be the only lighting.

Rohman said at his employer, security lights are dim until there is activation.

Goltzman said the lights outside the building would still be standard. The ordinance is just addressing the interior.

Rohman stated the ordinance should be clear.

Solberg asked if perimeter screening is for both commercial and industrial uses.

James stated the current Code requires screening of industrial uses and commercial and industrial parking areas. The proposed ordinance would require that new residential development provide screening otherwise required of adjacent businesses in order to avoid circumstances where new development creates code non-conformities for existing businesses.

Rohman asked if this is a blanket exception.

Markegard said the Code has specific standards on non-conformity. Anything that exists would be legally non-conforming and they can stay that way unless there is an addition or redevelopment, then the standards would trigger.

Solberg asked when a noise impact statement is triggered.

James stated it is triggered when there are changes in zoning, alteration, installation, operation, or an addition.

Solberg appreciated the clarification. He supported the application as proposed. Data centers could be identified on next year's work plan.

Albrecht said she appreciated the clarification. It is important to work with the applicant on noise and other alternatives before it goes to Planning Commission.

The item continues to City Council on April 11th as a Public Hearing.

ACTIONS OF THE COMMISSION:

M/Rohman, S/Korman: To close the public hearing.
Motion carried 5-0.

M/Albrecht, S/Korman: In Case PL2022-32, I move to recommend adoption of the Ordinance attached to the staff report amending Chapter 21 of the City Code to establish standards for motion activated lighting in non-residential structures, location requirements of outdoor mechanical equipment, and perimeter screening amendments.
Motion carried 5-0.

Coulter encouraged staff to approach this issue as if there is no such thing as too much information. Mayor Busse would like bullet point information provided for Councilmembers to be able to answer the questions they're going to get on this.

**8.2 Discuss Residential
Livability Standards**

Planner Shawn James presented the recommendations for livability standards.

Mayor Busse asked if these standards would retroactively apply to properties or only to new development. Mr. James responded it would mostly be to new development and expansions, not retroactive to properties not making changes.

Councilmember Nelson: Are noise studies already required or would this be a new requirement for businesses? Mr. James responded they are required on a case-by-case basis, but this would codify the requirement.

Nelson: Would this require multi-family projects to install screening (from existing industrial uses) rather than the producer of light or noise pollution?

Mr. James answered that if new multifamily development comes in adjacent to existing industrial, that new use would be required to add the screening, as to avoid creating a nonconformity for an existing industrial user that could affect their ability to expand or redevelop.

Coulter and Busse agree these are good initial steps. Council consensus was the recommendation is to move forward on this.

**8.3 Comment Letter -
Burnsville Sanitary
Landfill**

Planning Manager Glen Markegard presented.

Councilmembers expressed frustration with the MPCA's responses to the City's July 2021 letter.

Nelson stated there are better solutions to waste management than continuing to locate more of it in a river valley floodplain and near drinking water sources.

Markegard noted that the permit itself is for the entire proposed expansion, but the certificate of need is good for seven years.

Mayor Busse stated the City may need to find alternative ways to bring this issue to the attention of decision makers.

Motion by Lowman, seconded by Martin to authorize transmittal of a comment letter to the Minnesota Pollution Control Agency regarding the Final Supplemental Environmental Impact Statement for the Burnsville Sanitary Landfill, with the inclusion of transmitted Sustainability Commissioner revisions. Motion carried 7-0.

**8.4 Supplemental Cultural
Arts Grant for Artistry**

Mayor Busse introduced the topic, followed by Councilmember Baloga.

Motion by Baloga, seconded by Martin to authorize the Mayor and City Manager to sign the agreement between the City and Artistry for a supplemental cultural arts grant. Motion carried 7-0.

8.5 Strategic Planning Update

City Manager Verbrugge provided an update on the work of the core planning team, showed a video, detailed next steps in the strategic planning process and shared upcoming dates for the Action and Measurement Teams.

ITEM 2
6:58 p.m.

APPLICANT: City of Bloomington

REQUEST: Discuss Residential Livability Standards (study item)

DISCUSSION:

James mentioned the purpose of discussing residential livability is to mitigate impacts from non-residential uses while also balancing the viability of business uses. The item was requested by the City Council following a recent data center application. Potential impacts to residential include but not limited to noise, odor, lighting and truck traffic. It is important to note that there are federal and state regulations that take authority over local standards.

For noise impacts, the City has limited authority. The main sources include loading docks opening, outdoor operations, air handling units, and outdoor patios. Recent examples include data centers, uses with cooling towers, and restaurants.

It is difficult to measure odor and it is not regulated. Sources could include loading docks, stockpiles, diesel generators and food processing facilities. Recent examples include restaurants and coffee roasters.

The issue with lighting is overnight interior lights that come from glass façades. The most prominent recent examples triggering complaints are self-storage buildings with glass façades.

Some strategies to address these issues in the Zoning Code could include screening, distance, design and the application process. **Screening** could consist of enhancing perimeter screening or add screening around mechanical equipment. For **distance**, the structure setbacks could increase, or limit placement of equipment toward residential or locate equipment on the opposite side of the structure from residential. The current distance requirement is 100 feet between a residential property line and the structure. Staff does not recommend increasing structure setbacks as it could be a barrier to redevelopment. The second and third options could be difficult for businesses as the structure wouldn't be next to the room that needs cooling. For **design**, vents could be located and directed away from residential or require motion activated lighting. The first option has been applied through conditions of development on a case by case basis. For the **application processes**, the Code could require that a noise study identify the least impactful location of equipment. Another option could include requiring a conditional use permit when there is equipment near residential. The third option would be to require neighborhood meetings. Staff has recommended the following strategies to address these potential impacts:

- Require noise impact statement to identify least impactful, code-complying location, and require equipment to be located there, if feasible.
- Codify motion lighting
- Pursue policy update mapping known issues
- Codify multi-family residential & townhome screening requirement

Additional considerations would be to map known impacts to inform decision making. Currently, the Code requires screening for non-compatible uses. Staff is also suggesting a code amendment that would require new multi-family residential and townhomes to screen from industrial uses.

Staff notified and interviewed residents who were specifically involved in the Verizon project at 10801 Bush Lake Road. Staff also reached out to developers and brokers, and received feedback from Donaldson. Lastly, it is important to note that the noise issue is proposed on the 2022 City Legislative agenda to advocate for the ability for cities to be able to adopt stricter standards than the State Statute allows.

Solberg stated that the noise study approach to equipment placement may be difficult because it will be challenging for cities to manage identifying the least impactful noise location. He commented that the least impactful location for residents might also be in front of businesses and not ideal.

Koktan asked if multi-family residential would be included in the proposed standard of motion sensor lighting. James stated the City could have the standard apply to properties zoned residential or only to properties currently used for residential. Koktan stated the environment is denser in some multi-family residential locations so having a self-storage building with lights on is not intrusive. It could potentially create a more walkable, urban character. Solberg said the motion sensor lighting standard is geared more toward single family locations. Koktan expressed that he might support a code amendment regarding motion lighting if it applied only to businesses adjacent to single-family residential. Albrecht asked if there has been feedback about the U-haul self-storage site lighting going on and off. James said he is not aware of complaints but questioned how much overnight activity there is in self-storage settings. Albrecht said there needs to be a better indication of light pollution, especially when winter days are shorter.

Rohman stated with the noise standards, it is important to consider seasonality. He asked about the screening standards from residential. James stated it must be five feet tall and consist of a berm, solid fence or rows of evergreen. Rohman questioned whether this is helpful in a multi-story residential building. It is only benefitting the ground floor, which are usually amenity and lobby spaces anyway.

Solberg stated mapping the impacts would be helpful in decision making and it's also great to have the additional information. Furthermore, in mapping the known issues, it is important to consider the seasonality. Albrecht cautioned if the map is open to the public, then it must be accurate and reflect seasonal impacts to noise and screening.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Karen Nelson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington Richfield

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:
HENNEPIN

and has full knowledge of the facts stated below:

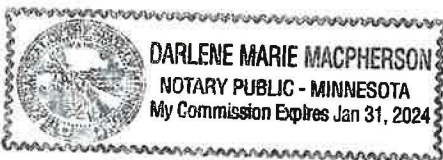
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 03/31/2022 and the last insertion being on 03/31/2022.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Karen Nelson
Designated Agent

Subscribed and sworn to or affirmed before me on 03/31/2022 by Karen Nelson.

Darlene M MacPherson
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$34.45 per column inch

Ad ID 1215896

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL

The Bloomington City Council will hold a public hearing on April 11, 2022, for a meeting expected to start on or after 6:30 p.m. in the Council Chambers at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, Minnesota, or by electronic means as permitted by state law, to consider Case PL2022-32, an application by the City of Bloomington for proposed revisions to Chapter 21 of the City Code including: standards for motion activated lighting in non-residential structures (§ 21.301.07); perimeter screening amendments (§ 21.301.15); and location requirements of outdoor mechanical equipment (§ 21.301.12).

Review information and materials at www.blm.mn/notices. For more information or to submit comments, contact Shawn James, Planner, at 952-563-8918 or sjames@BloomingtonMN.gov.

Published in the
Sun Current
March 31, 2022
1215896

From: [REDACTED]
To: [City-Council](#)
Subject: Fw: Extra Extra
Date: Friday, April 8, 2022 1:27:15 PM

----- Forwarded Message -----

From: linda fletcher [REDACTED]
Sent: Friday, April 8, 2022, 01:19:35 PM CDT
Subject: Fw: Extra Extra

EXTRA, EXTRA READ ALL ABOUT IT!

Attached is important information from remarks and questions of the Bloomington Planning Commission meeting of March 17, 2022. These minutes are included in your packet. Only those portions addressing the **Noise Attenuation, Section 21.301.12** have been selected for this writing.

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“Rohman asked if there is seasonality consideration for noise.

James said he was not sure how to incorporate noise issues during winter into the ordinance.

Solberg said there was previous discussion about noise impacts during the winter, but the time spent outside is less and windows aren't open during winter months.”

My response to the above statements is the following. Chairman Solberg's comment is not applicable. The Winter noise is louder and goes right through building walls even though the windows are closed. **Imagine this reality at 2:00 AM.**

“Chair Solberg opened the public hearing.

Linda Fletcher said she lives near the Verizon facility on Bush Lake Road. She suggested a statement be added to the ordinance describing how resident complaints could trigger a noise impact statement. ...Lastly, she mentioned that data centers will become more prevalent. It is important that data centers have a clear definition and purpose.”

“Outdoor mechanical equipment, such as generators and air handling units are a common noise source typically associated with data centers. However, data centers are difficult to define in the Zoning Code because there are many uses and buildings with network servers that could be categorized as a data center.”

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“Solberg: Data centers could be identified on next year’s work plan.”

I would appreciate it if you would focus on these remarks as you prepare for this Monday night’s City Council meeting. I will be speaking to them and other concerns I have about this proposal. Thank you, in advance, for your attention to this issue of great importance to nearby residents, both present and future.

Linda Fletcher [REDACTED] Bloomington MN 55438 [REDACTED]

From: [REDACTED]
To: [Council Secretary](#)
Cc: [REDACTED]; [James, Shawn](#)
Subject: City Council meeting Monday 4/11, Residential Livability Ordinance (item 4.2): public comment
Date: Saturday, April 9, 2022 7:30:45 PM

Greetings City Councilmembers,

I'm writing in advance of the Council meeting on Monday, as I may not be able to attend remotely at the time of the meeting. I primarily wanted to offer support for what Shawn James has so thoughtfully been working on, and offer a couple of more comments on the proposed Residential Livability Ordinance.

-I agree that one of the triggers for a noise study should be the expressed concerns of neighboring residences.
-Ideally, for a noise study, decibel levels should be sampled during night and daytimes, and both during winter and summer. This would present a logistical challenge to some degree, as we wouldn't want a noise study to take so many months, but it's a thought. I think it'd be important to at least acknowledge that winter seems to be much worse for noise transmission.

-I agree that it should be an independent party who does any noise studies, chosen by the City.

Two other things on my wish list that are not applicable to this particular meeting on Monday, but I'm writing down to get my thoughts out there:

-It'd be great if we can have some language somewhere about accountability if noise is measured too high (like Verizon, for example, would likely be able to easily just pay the fine and keep going with what they're doing).
-I think we still also want to keep moving forward as best we can for the City to set its own acceptable noise levels (which I think needs to be done at the state level, but something to shoot for).

Thank you very much for your consideration and hard work - it is so appreciated.

Respectfully,
Molly J. Lahn

[REDACTED]
Bloomington



Request for Council Action

Originator Community Development	Item 4.3 Public Hearing: Annual Miscellaneous Issues Ordinances
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date April 11, 2022

Requested Action:

The Planning Commission and Staff recommend approval using the following motion to adopt Items A-F, which staff have characterized as housekeeping or otherwise simple clarifications:

Items A – F: Motion by _____, seconded by _____ to adopt Ordinances Nos. 2022-____, _____, _____, _____, _____, _____, ordinances updating references, clarifying pet services does not include general sales, updating language pertaining to residential care facilities, defining clear view triangle area, clarifying that daycare facilities are permitted as accessory or conditional use, and amending the maximum size of private stables, thereby amending Chapters 19 and 21 of the City Code.

If any member of the City Council wishes to vote on any or all of Ordinances A through F individually, then staff recommends that that ordinance be separated and acted upon using an individual motion.

The Planning Commission and Staff recommend approval using the following motion to adopt Items G-M, which staff have characterized as slightly more than housekeeping or simple clarifications:

Items G-M: Motion by _____, seconded by _____ to adopt Ordinance Nos. 2022-____, an ordinance exempting properties from platting for new buildings and building additions that do not exceed 1,000 square feet, clarifying drive through requirements in the B-4, C-3, C-5, and LX zoning districts, clarifying that window film coverings are restricted, clarifying circular driveway requirements, allowing dog runs to encroach into required landscape yards, exempting temporary leasing signs from permit requirements, requiring private sidewalk connections for new uses without new development or significant redevelopment, thereby amending Chapters 17, 19, 21 and 22 of the City Code.

If any member of the City Council wishes to vote on any or all of Ordinances G through M individually, then staff recommends that that ordinance be separated and acted upon using the individual motion below:

Item G: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to exempt properties from platting for new buildings and building additions that do not exceed 1,000 square feet, thereby amending Chapters 21 and 22 of the City Code.

Item H: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to clarify drive through requirements in the B-4, C-3, C-5, and LX zoning districts, thereby amending Chapter 21 of the City Code.

Item I: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to clarify that window film coverings are restricted, thereby amending Chapter 21 of the City Code.

Item J: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to clarify circular driveway requirements, thereby amending Chapters 17 and 21 of the City Code.

Item K: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to allow dog runs to encroach into required landscape yards, thereby amending Chapter 19 of the City Code.

Item L: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to exempt temporary leasing signs from permit requirements, thereby amending Chapter 19 of the City Code.

Item M: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to require private sidewalk connections for new uses without new development or significant redevelopment, thereby amending Chapter 21 of the City Code.

The Planning Commission and Staff recommend approval using the following motion to adopt a Resolution authorizing summary publication of Ordinance Nos. 2022-____ (Items A-M), approved by the City Council on April 11, 2022:

Motion by _____, second by _____ to adopt Resolution No. 2022-____, a resolution authorizing summary publication of the Ordinance Nos 2022-____, (Items A through M) ordinances amending chapters 17, 19, 21, and 22 of the City Code as adopted by the City Council on April 11, 2022.

Item created by: Michael Palermo, Community Development

Item presented by: Michael Palermo, Planner

Description:

On an annual basis, staff prepare ordinances to collectively consider multiple minor City Code amendments that relate to land use, zoning, and development. Items included typically do not, on their own, merit immediate action or the singular consideration that accompanies drafting, reviewing, publishing, and hearing an individual ordinance. These minor amendments are primarily intended to clarify existing provisions in more detail, assist in public understanding, and aid in enforcement.

Included with the staff report are ordinances that provide language for proposed amendments specific to individual sections of the City Code. There are 13 proposed amendments. Items A-F are considered clean-up items and can be adopted through one motion and public hearing. Items G-M are considered more substantive and the Council may decide to hold a public hearing on each and act on each by separate motions. In the alternative, a motion has been drafted if the Council decides to take collective action to approve Items G-M in a single motion.

Attachments:

[Staff Report](#)

[Ordinances \(Items A-M\)](#)

[Resolution of Summary Publication](#)

[Planning Commission Minutes Mar 17, 2022](#)

[Affidavit of Publication](#)

[Planning Commission Minutes Feb 3, 2022](#)

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Annual Miscellaneous Issues ordinances (multiple ordinances to amend Chapters 17, 19, 21, and 22 of the City Code)

CHRONOLOGY

Planning Commission: 02/03/2022 – Study Session
03/17/2022 – Recommended Approval

City Council: 04/11/2022 – Public Hearing Scheduled

DEADLINE FOR AGENCY ACTION

The agency action deadline was waived by the applicant.
Newspaper Notification: confirmed – (3/31/2022 Sun Current – 10-day notice)
Direct Mail Notification: Not Required

STAFF CONTACT

Michael Palermo
(952) 563-8924
mpalermo@BloomingtonMN.gov

PROPOSAL

On an annual basis, staff prepares ordinances to collectively consider multiple minor City Code amendments that relate to land use, zoning, and development. Items included typically do not, on their own, merit the overhead that accompanies drafting, reviewing, publishing, and hearing an individual ordinance. These minor amendments are primarily intended to clarify existing provisions in more detail, assist in public understanding, and aid in enforcement.

ANALYSIS

Included with the staff report are ordinances that provide language for proposed amendments specific to individual sections of the City Code. There are 13 proposed amendments. Items A-F are considered clean up items and can be adopted through one motion and public hearing. Items G-M are considered more substantive and the Council may decide to hold a public hearing on each and to act on each by separate motion. In the alternative, a motion has been drafted if the Council decides to take collective action to approve Items G-M in a single motion.

Item A – Clean Up Items Chapters 19 and 21

Issue: From time-to-time staff identifies errors in the code. These errors are usually related to terminology or a referenced code section or statute that has changed.

Proposed Amendment: Correct the errors found. These updates do not change how the code is applied.

Item B –Clarify “Pet Services” Does Not Include General Sales

§19.03 Definitions

Issue: The definition of pet services includes the term “sales” implying general retail would be an acceptable type of pet services. The change will have two benefits. First, it will clarify that a retail use that happens to sell pet supplies without any of the other features of a pet services facility would not need to obtain a conditional use permit in districts where retail is a permitted use. Second, it would clarify that a pet supplies retailer is not allowed in districts where retail is prohibited simply by virtue of its meeting the definition of “pet services”.

Proposed Amendment: Remove “sales” from the definition. Some sales may be permitted as customarily and incidental to a veterinary clinic or other primary use in the definition, and “sales” does not need to be explicitly called out.

Item C – Amend Group Home Classification to Align with State Requirements

§21:209 Use Tables

Issue: The State both registers and licenses residential care facilities. The current City Code text implies only licensed facilities are permitted. There are other consistency issues with State requirements pertaining to licensed verse registered facilities that must be reconciled in the City Code.

Proposed Amendment: Update the language to clarify that residential care facilities are reviewed by the State whether they are licensed, registered, or some other future designation and address consistency issues.

Item D – Clarify Clear View Triangle

§19.03 Definitions

Issue: The clear view triangle is described several times throughout the code but not in the definition section. The clear view triangle is the area within 15 feet of a street corner or driveway access onto a street, above 3 feet in height, that must remain clear of large shrubs, fences, signs, etc. that could impede the vision of approaching vehicles and pedestrians.

Proposed Amendment: Add a definition of clear view triangle in the definitions section (§19.03) for reference to support other code sections.

**Item E - Clarify when Daycare Facilities are Permitted as Accessory or Conditional Use
§ 21.302.27 Day care facilities.**

Issue: The current language implies that day care facilities are only permitted as accessory uses in buildings with office and manufacturing uses. In some cases, daycare facilities are conditional uses that require approval of a conditional use permit.

Proposed Amendment: Add language clarifying that day care facilities may be permitted as either accessory or conditional uses in buildings with office and manufacturing pursuant to §21.209 Use Tables.

Item F – Reduce Private Stables Size from 6,000 SF to 600 SF

§19.03 Definitions

Issue: As currently written, the code allows private stables up to 6,000 SF. Older versions of the same City Code provision reflect 600 sq. ft. rather than 6,000 sq. ft. Staff has not been able to find an ordinance that changed it from 600 to 6,000 and believes a typo occurred many decades back as the Code was recodified. Further supporting this interpretation is the fact that the same definition also limits the private stable to four horses, a number that fits with 600 sq. ft. but not 6,000 sq. ft., which could house many more than four horses.

Proposed Amendment: Change the maximum stable area from 6,000 SF to 600 SF, as it originally appeared in the City Code.

Item G –Exempt Platting for Small Additions

§22.03(a)(2), §21.501.03(d), and §21.501(c)(1)

Issue: In some rare cases, an older property has not been platted in the block and lot format. Property must be platted when a building addition is constructed, regardless of how minor the addition may be.

Proposed Amendment: Add language to exempt small additions (under 1,000 SF) from platting requirements.

Item H – Clarify the Number of Drive Through Lanes Allowed in B-4, C-3, C-5, and LX

§21.301.05 Drive Through Facilities

Issue: In mixed use districts drive throughs are limited to one lane. The current language can be interpreted as allowing one drive through facility per site rather than one drive through lane per building

Proposed Amendment: Amend the language to clarify that only one drive through lane is allowed per building. Note that some sites may have more than one drive through facility, which is allowed, but each facility is limited to one drive through lane.

Item I – Add “Film” to the List of Prohibited Window Coverings.

§ 21.301.03 Structure Design

Issue: In several commercial zoning districts, the code prohibits covering more than 25% of windows facing the street with “signs, product displays or similar coverings” but it allows covering by “blinds, curtains or similar temporary coverings.” Film coverings have become common, and staff wishes to clarify they are a type of covering that is limited rather than unlimited.

Proposed Amendment: Add film coverings to the prohibited coverings list, thus limiting to 25% of window area.

Item J – Clarify that Circular Driveways do not Always Require a Second Curb Cut
§21.301.06 – Parking and Loading

Issue: The code only references circular driveways in a section dedicated to two curb cuts. This implies a circular driveway must have a second curb cut, which is not always true. Some circular driveways may loop in upon themselves with a single access onto the street. Furthermore, the existing language limits the section of the driveway that does not directly lead to a garage to 12 feet in width.

Proposed Amendment: Add new subsection dedicated to circular driveways to describe the width limitations for driveways with one curb cut.

Item K – Allow Dog Runs in Landscape Yards of Multifamily Projects
§19.08 Permitted Encroachments

Issue: Dogs runs are not allowed to encroach into required landscape yards in multifamily residential developments. Many new multifamily developments have dog runs. Dog runs are outdoors features that typically are fenced in areas without structures. They usually compliment open landscaped areas. As such, setbacks greater than those currently provided by required landscape yards (typically 20 feet adjacent to street) may be excessive and hinder the ability to provide onsite dog runs. In many situations, a dog run can be integrated into the landscape yard and maintain a sufficient buffering provided to adjacent properties. Structures and fencing would still be required to meet the current City Code requirements.

Proposed Amendment: Allow dog runs to encroach into the required landscape yards of multifamily developments, while retaining landscape requirements for trees and shrubs. The amendment would be incorporated in the permitted encroachment section to allow dog runs to encroach but maintain at least 15 feet for front setback and 5 feet for side and rear setbacks.

Item L – Exempt Leasing Signs from Permit Requirements
§19. 105 Regulated Signs Exempt from Obtaining a Sign Permit.

Issue: The code exempts certain signs, including leasing signs, from sign permit requirements. However, code language is very narrowly tailored and ignores the need for new developments to have additional signage during an initial lease up period.

Proposed Amendment: Amend the code to specifically address the needs for lease up signage for new multifamily buildings.

Item M – Sidewalk Link Requirements
§ 21.301.04 Sidewalks

Issue: In cases where new building users are likely to generate additional pedestrian traffic than previous users, Bloomington has frequently required sidewalk links to be added between the public sidewalk network and building of the use via condition of approval on condition use permits. Recent Planning Commission discussion raised the question of whether these conditions should be codified for more transparency and consistency. Establishing pedestrian links is already a code requirement for new construction or significant redevelopment. This code change would apply to new uses likely to spur additional pedestrian traffic.

Proposed Amendment: Codify a requirement for sidewalk links for conditional uses.

PLANNING COMMISSION

On February 3rd staff presented to the Planning Commission a study item regarding the proposed amendments. A few minor suggestions from the discussion were incorporated into the proposed amendments. On March 17th the Planning Commission held a public hearing and unanimously recommended adoption of the ordinances. There were no questions and no members of the public provided comment.

PUBLIC OUTREACH

Notice of the public hearing on the proposed amendments to the City Code was published in the official newspaper (Sun Current). Notice was also sent via e-mail to those registered for the “Zoning Ordinance Updates” E-subscribe group and the “Planning Commission” E-subscribe group. In addition, the proposed amendments and supporting information contained in the staff report is posted on the City website.

RECOMMENDATION

The Planning Commission and Staff recommend approval using the following motion to adopt Items A-F, which staff have characterized as housekeeping or otherwise simply clarifications:

Items A – F: Motion By _____, seconded By _____ to adopt Ordinances Nos. 2022-____, _____, _____, _____, _____, _____, ordinances updating references, clarifying pet services does not include general sales, updating language pertaining to residential care facilities, defining clear view triangle area, clarifying that daycare facilities are permitted as accessory or conditional use, and amending the maximum size of private stables, thereby amending Chapters 19 and 21 of the City Code.

If any member of the City Council wishes to vote on any or all of Ordinances A through F individually, then staff recommends that that ordinance be separated and acted upon using an individual motion.

The Planning Commission and Staff recommend approval using the following motion to adopt Items G-M, which staff have characterized as slightly more than housekeeping or simple clarifications:

Items G-M: Motion by _____, seconded by _____ to adopt Ordinance Nos. 2022-____, an ordinance exempting properties from platting for new buildings and building additions that do not exceed 1,000 square feet, clarifying drive through requirements in the B-4, C-3, C-5, and LX zoning districts, clarifying that window film coverings are restricted, clarifying circular driveway requirements, allowing dog runs to encroach into required landscape yards, exempting temporary leasing signs from permit requirements, requiring private sidewalk connections for new uses without new development or significant redevelopment, thereby amending Chapters 17, 19, 21 and 22 of the City Code.

If any member of the City Council wishes to vote on any or all of Ordinances G through M individually, then staff recommends that that ordinance be separated and acted upon using the individual motion below:

Item G: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to exempt properties from platting for new buildings and building additions that do not exceed 1,000 square feet, thereby amending Chapters 21 and 22 of the City Code.

Item H: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to clarify drive through requirements in the B-4, C-3, C-5, and LX zoning districts, thereby amending Chapter 21 of the City Code.

Item I: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to clarify that window film coverings are restricted, thereby amending Chapter 21 of the City Code.

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Item L: Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance to exempt temporary leasing signs from permit requirements, thereby amending Chapter 19 of the City Code.

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The Planning Commission and Staff recommend approval using the following motion to adopt a Resolution authorizing summary publication of Ordinance Nos. 2022-____ (Items A-M), approved by the City Council on April 11, 2022:

Motion by _____, second by _____ to adopt Resolution No. 2022-____, a resolution authorizing summary publication of the Ordinance Nos 2022-____, (Items A through M) ordinances amending chapters 17, 19, 21, and 22 of the City Code as adopted by the City Council on April 11, 2022.

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Ordinance A

This amendment corrects references to other code sections or State Statute that are incorrect.

ORDINANCE NO. 2022-

AN ORDINANCE TO UPDATE REFERENCES, THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19

ARTICLE III: ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

§ 19.24 ZONING DISTRICTS AND ZONING DISTRICT ORDINANCES AND MAPS.

(b) *Overlay districts.* For the purpose of this code, the city is hereby organized into the following overlay zoning districts:

- (3) Bluff Protection BP[-4] Overlay District;
- (4) ~~[Bluff Development BP-2 Overlay District]~~ Reserved;

ARTICLE X: SIGN REGULATIONS

DIVISION C: GENERAL REGULATIONS

§ 19.108 GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS.

(h) *Basic design elements for specific signs.*

- (4) *Electronic changeable copy sign.* Electronic changeable copy signs must meet the following standards. When attached to walls, electronic changeable copy signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Bluff Protection Overlay (BP[-1, BP-2]) District.

- (5) *Video display sign.* Video display signs must meet the following standards. When attached to walls, video display signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in a Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24), Conservation, or Bluff Protection Overlay (BP[-1, BP-2]) District.

- (6) *Electronic graphic display sign.* Electronic graphic display signs must meet the following standards. When attached to walls, electronic graphic display signs are classified as cabinet signs.

(B) *District imitations.* The sign must not be located in a Conservation, Bluff Protection Overlay (BP[-1, BP-2]) District or Residential District (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24).

- (7) *Multi-vision sign.* Multi-vision signs must meet the following standards. When attached to walls, multi-vision signs are classified as cabinet signs.

Ordinance A

(B) *District limitations.* The sign must not be located in a Conservation, Bluff Protection Overlay (BP[-1, BP-2]) District or Residential District (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24).

(8) *Time and temperature sign.* Time and temperature signs must meet the following standards. When attached to walls, time and temperature signs are classified as cabinet signs.

(B) *District limitations.* The sign must not be located in Residential (R-1, R-1A, RS-1, R-3, R-4, RM-12, RM-24, RM-50, RM-100, RO-24), Conservation or Bluff Protection Overlay (BP[-1, BP-2]) District.

Section 2. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ARTICLE II: DISTRICTS AND USES

DIVISION H: USES

§ 21.209 USE TABLES.

(d) *Neighborhood and Freeway Commercial Zoning Districts.*

Use Type	Zoning District								References; See Listed Section
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
RETAIL/SERVICES									
Retail Sales and Services									
Pet services facility		C	C		C	C		C	<u>21.302.28</u>

(e) *Industrial Zoning districts.*

Use Type	Zoning District						References; See Listed Section
	IT	I-1	I-2	I-3	IP	FD-2	
GOVERNMENT, INSTITUTIONAL, OPEN SPACE							
Social and Cultural Facilities							
Crematories			P	P	P		21.302.[06]20
RETAIL							
Motor Vehicle Services							
Service and/or fuel station		C	C	C			[19-64] 21.302.15
Retail Sales and Services							
Pet services facility	C L			C		C	21.302.28

(f) *Specialized zoning districts.*

Ordinance A

Use Type	Zoning District		References See Listed Section
	CX-2	LX	
RETAIL/SERVICES			
Retail Sales and Services			
Pet services facility	C	d	<u>21.302.28</u>

ARTICLE III: DEVELOPMENT STANDARDS

DIVISION B: USE STANDARDS

§ 21.302.25 SCHOOLS AND COLLEGES.

(d) *Performance standards.*

(6) *Compliance with other sections.* Schools and colleges must meet applicable standards within city code, including but not limited to:

(C) Exterior storage (§ [49.50]21.301.16);

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

DIVISION A: APPROVALS AND PERMITS

§ 21.501.04 CONDITIONAL USE PERMITS.

(d) *Review and approval.* Conditional use permit applications must be reviewed and acted upon by the Planning Commission, except for the uses listed in subsection (d)(1) below, which must be reviewed by the Planning Commission and acted upon by the City Council. If the Planning Commission action results in a tie vote, the conditional use permit application is automatically sent to the City Council for their final action.

(1) *City Council review.* Because of higher potential to negatively impact surrounding property, the following use types must be reviewed by the Planning Commission and acted upon by the City Council when a conditional use permit is required by the underlying zoning district.

(Q) Public and public utility buildings in the BP[-1 and BP-2] Overlay Zoning District[s];

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance B

This update will clarify that pet services does not include general retail sales.

ORDINANCE NO. 2022-

**AN ORDINANCE CLARIFYING PET SERVICES DOES NOT INCLUDE GENERAL SALES,
THEREBY AMENDING CHAPTER 19 OF THE CITY CODE**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19

ARTICLE I: GENERAL PROVISIONS

Division B: Definition

§ 19.03 DEFINITIONS.

PET SERVICES FACILITY. A business establishment that provides any of the following services or retail activity either individually or in combination, for pets and domestic animals as defined in § 12.91: ~~[sales,]~~ animal sales, veterinary care, animal hospital, short-term daily care, training classes, boarding and grooming.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance C

This update will make updates pertaining to residential care facilities to consistent with State Statute.

ORDINANCE NO. 2022- AN ORDINANCE TO UPDATE LANGUAGE PERTAINING TO RESIDENTIAL CARE FACILITIES, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strikethrough~~ text and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

* * *

ARTICLE II: DISTRICTS AND USES

* * *

DIVISION H: USES

* * *

§ 21.209 USE TABLES.

* * *

(c) *Residential Zoning Districts.*

Use Type	Zoning District									References; See Listed Section
	R-1	R- 1A	RS-1	R-3	R-4	RM-12	RM-24	RM-50	RM-100	
RESIDENTIAL										

* * *

Congregate Living										
State <u>reviewed</u> (licensed, <u>registered</u> , <u>etc.</u>) residential care facility serving 6 or fewer persons	P	P	P	P	P	P	P	P	P	21.302.23; M.S. 144[D]G, 245A.11, 245D, 462.357
State <u>reviewed</u> (licensed, <u>registered</u> , <u>etc.</u>) residential care facility serving 7 or more persons					C	C	C	C	C	21.302.06, 21.302.23; M.S. 144[D]G, 245A.11, 245D, 462.357

* * *

(d) *Neighborhood and Freeway Commercial Zoning Districts.*

Use Type	Zoning District								References; See Listed Section
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	
RESIDENTIAL									
Residences									
Multiple-family residence			P		P	P	P	P	21.302.02
Townhouse/rowhouse			P		P	P	P	P	21.302.02

Ordinance C

Other Residential								
State reviewed (licensed, registered, etc.) residential care facility serving 7 or more persons							CA	21.302.06, 21.302.23; M.S. 144[D]G, 245A.11, 245D, 462.357

* * *

(e) *Industrial Zoning districts.*

se Type	Zoning District						References; See Listed Section	
	IT	I-1	I-2	I-3	IP	FD-2		
RESIDENTIAL								
Residences								
Congregate Living								
State <u>reviewed</u> (<u>licensed</u> , <u>registered</u> , <u>etc.</u>) residential care facility						C	21.302.23, M.S. 144[D]G, 245A.11, 245D, 462.357	

* * *

ARTICLE III: DEVELOPMENT STANDARDS

* * *

DIVISION B: USE STANDARDS

* * *

§ 21.302.23 RESIDENTIAL CARE FACILITIES.

* * *

(c) *Where allowed.* See § 21.209 of this code for the classification of residential care facilities within the zoning districts.

- (1) Except where exempt in M.S. § 245A.11, as it may be amended from time to time, no Minnesota Department of Human Services licensed residential care facility may be located within 1,320 feet of another existing or approved Minnesota Department of Human Services licensed residential care facility, as measured without regard to intervening structures or objects from the closest point of the residential care facility's site boundaries to the closest point of an existing residential care facility's site boundaries.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance D

This update will define clear view triangle area.

ORDINANCE NO. 2022-_____ AN ORDINANCE TO DEFINE CLEAR VIEW TRIANGLE AREA, THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19: ZONING

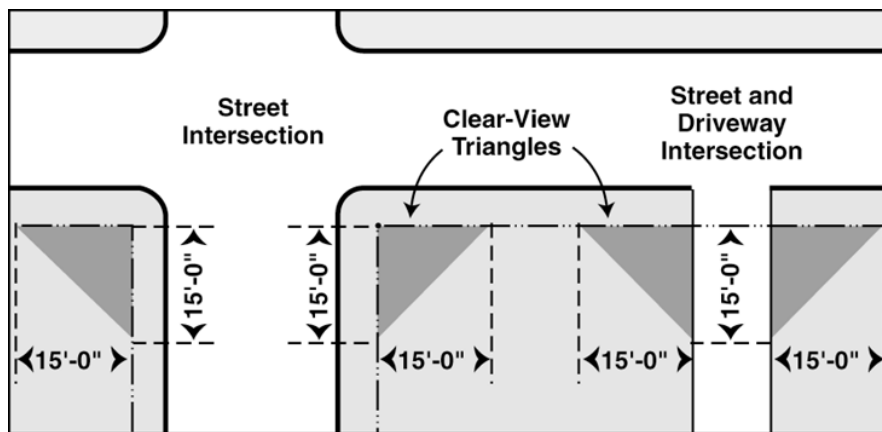
ARTICLE I: GENERAL PROVISIONS

Division B: Definitions

§ 19.03 DEFINITIONS.

CEMETERY. An area used for the burial or entombment of one or more deceased persons, including graveyards, mausoleums and columbaria.

CLEAR VIEW TRIANGLE AREA. The triangular area to provide an unobstructed clear view to a height greater than three feet above the level of the center of the adjacent intersection or driveway within the triangle of land formed on the corner of the lot by measuring a distance of 15 feet along each lot line from the street-property line intersection or lot line and driveway.



ARTICLE X: SIGN REGULATIONS

Division C: General Regulations

§19.105 REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

(c) Regulated signs exempt from permit requirements

Click for Table of Contents

Ordinance D

(15) Real estate signs. Real estate signs are exempt from obtaining a permit, provided:

(B) Real estate signs for all other uses.

(ii) For real estate signs adjacent to I-35W, I-494 and TH-77. The site may elect one of the following options, subject to the provisions of the clear view triangle area ~~[as defined in § 19.108(e)]~~ and subject to the provisions of § 19.108(c):

(iii) For signs on other street frontages. The site may elect one of the following options, subject to provisions of the clear view triangle area ~~[as defined in § 19.108(e)]~~ and subject to the provisions of § 19.108(c):

(23) Farmers market and arts and craft festival signs. Farmers market signs are exempt from obtaining a permit but must meet the following standards:

(B) Maximum height and minimum setbacks. Any temporary signs must maintain a minimum setback of five feet from any street right-of-way unless the farmers market or arts and crafts festival itself has approval to locate in the right-of-way. No temporary sign is allowed to be placed above the highest outside wall of a structure. All temporary signs are subject to the requirements of the § 19.108(e)(1), clear view triangle area.

§ 19.108 GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS.

(e) *Sign location.*

(1) Clear view triangle area. Where otherwise allowed in the setback, so sign or sign structures taller than three feet shall be located within a clear view triangle area.

~~[(A) Where otherwise allowed in the setback, no sign or sign structures taller than three feet shall be located within a clear view triangle area.~~

~~(B) On a corner lot, the clear view triangle area is formed by the street right-of-way lines and the line connecting points 15 feet from the intersection of such street right-of-way lines extended. See § 19.126.6 for graphic illustration.~~

~~(C) On a lot which has a driveway or is next to a lot which has a driveway, the two clear view triangle areas are formed by the street right-of-way line, both sides of the surface edge of the driveway, and the line connecting points 15 feet from the intersection of the street right-of-way line and driveway. See § 19.126.6 for graphic illustration.]~~

Division E: Special Provisions

§ 19.119 TEMPORARY SIGNS FOR COMMERCIAL PROMOTIONS.

(b) *On-site temporary signs.*

(2) *Maximum height and minimum setbacks.* Any temporary signs shall maintain a minimum setback of 20 feet from any street right-of-way. No temporary sign shall be placed above the highest outside wall.

Exception: in lieu of a larger sign, a temporary sign of 16 square feet or less with a maximum height of six feet may have a minimum setback of ten feet from any street right-of-way line, subject to the [§19.108(e)(1)] clear view triangle area.

§ 19.121 SIGNS FOR HOTELS.

(b) *Identification signs.* Identification signs shall be located on the site of the use and shall comply with the following standards.

Click for Table of Contents

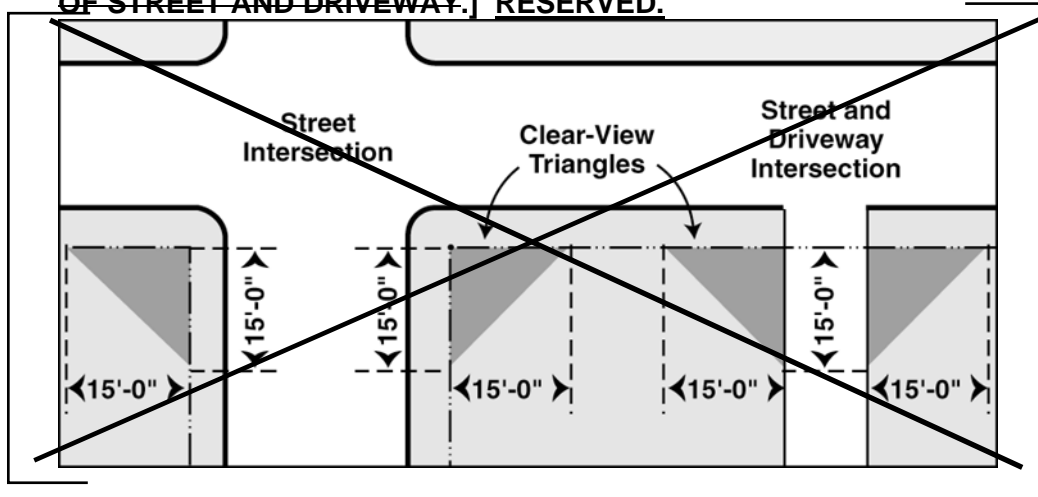
Ordinance D

(1) Freestanding identification sign.

(A) *Maximum sign height, sign area, number of signs and minimum setbacks.* The hotel may elect one of the following options per street frontage, subject to the provisions of the clear view triangle area [as defined in § 19.108(e)] and subject to the provisions of § 19.108(c):

Division F: Graphic Illustrations

~~§ 19.126.6 [CLEAR VIEW TRIANGLE AREA/INTERSECTION OF STREETS/INTERSECTION OF STREET AND DRIVEWAY.] RESERVED.~~



CHAPTER 21

Article III: Development Standards

Division A: General Standards

§ 21.301.08 FENCES.

(b) Location.

(2) *Fence location on lot.* Unless otherwise required by this code, fences are permitted up to, but not over the property line. Fences must maintain a clear view triangle area setback [as required in § 17.31 and subsection (f)(3) below].

(d) *Opacity (the degree of openness to which light or views are blocked measured perpendicular to the fence for each fence section between supports).* The following opacity limitations are meant to maintain an open feeling along public streets and to prevent crime.

(2) Exceptions. The following fences are exempt from opacity limitations:

(A) Fences in a yard adjacent to an arterial street as designated by the City Comprehensive Plan provided a 15-foot clear view triangle area is maintained between the intersection of any driveway with a sidewalk or bikeway.

(f) *Restrictions.* The following restrictions on fences apply to protect the public health, safety and welfare.

(3) Clear view triangle.

(A) *Requirement; intersection of two streets.* Fences of any style or material placed on corner lots must maintain a clear view triangle area [for visibility at the intersection of two streets or at the intersection of an alley and a street (see city code § 17.31)].

Click for Table of Contents

Ordinance D

(B) *Requirement; driveways.* Fences of any style or material must maintain a clear view triangle area from the street curb or street edge, not including alleys, for visibility from driveways on the lot or on an adjacent lot. ~~[The clear view triangle area for a driveway is formed on each side of the driveway by measuring a distance of 15 feet along the street curb or edge and 15 feet along the driveway edge].~~

~~[(C) Graphic illustration: clear view triangle at street intersection and driveway.]~~

§ 21.301.14 TREE PRESERVATION.

(h) *Reforestation plan.* All plat applications that would create one or more new parcels in the R-1, R-1A and RS-1 Zoning Districts must include a reforestation plan if the amount of significant tree caliper inches to be removed or disturbed as shown on the tree survey and tree preservation plans exceeds the removal threshold. The reforestation plan must be prepared and signed by a registered landscape architect or forester and must comply with the following criteria.

(10) Unless approved by the City Engineer, trees must not be planted within 15 feet of city curb and gutter or sidewalk, must not be planted in a clear view triangle and must not be planted in a public utility easement.

§ 21.301.15 LANDSCAPING AND SCREENING.

(f) *Restrictions.* The following restrictions on landscaping and screening apply to protect the public health, safety and welfare.

(3) *Clear view triangle.* Landscaping and screening must not interfere with the clear view triangle area ~~[as specified in §§ 17.31 and 17.32].~~

§ 21.301.19 ACCESSORY BUILDINGS.

(h) *Other structures.*

(3) Temporary storage units or containers may be stored on any property and must meet the following requirements:

(iii) Units or containers must maintain a minimum five-foot setback from abutting properties and may not be stored within the clear view triangle area ~~[(see § 21.301.08(f)(3)(C) for clear vision triangle illustration)].~~

Division B: Use Standards

§ 21.302.12 TEMPORARY OUTDOOR SALES.

(b) *Standards.* Temporary outdoor sales must meet the following standards:

(4) *Placement.* Temporary outdoor sales may not block fire lanes, needed traffic circulation drives, or clear view triangle[s] areas.

Ordinance D

Passed and adopted this _____ day of _____, 2022.

May

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance E

This update will clarify that daycare uses are either accessory or conditional use in industrial zoning districts.

ORDINANCE NO. 2022-

AN ORDINANCE TO CLARIFY THAT DAYCARE FACILITIES ARE PERMITTED AS ACCESSORY OR CONDITIONAL USE, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ARTICLE III: DEVELOPMENT STANDARDS

Division B: Use Standards

§ 21.302.27 DAY CARE FACILITIES.

(c) *Standards.*

(5) Day care facilities in industrial districts.

(A) Permitted as accessory or conditional use in buildings primarily occupied by business and professional offices and manufacturing uses pursuant to § 21.209(e).

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance F

This update will amend the private stable limitation from 6,000 SF to the intended 600 SF.

ORDINANCE NO. 2022-

**AN ORDINANCE AMENDING THE MAXIMUM SIZE OF PRIVATE STABLES, THEREBY
AMENDING CHAPTER 19 OF THE CITY CODE**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19

ARTICLE I: GENERAL PROVISIONS

Division B: Definition

§ 19.03 DEFINITIONS.

STABLE, PRIVATE. A stable is any building located on a lot on which a residence is located, designed, arranged, used or intended to be used for not more than four horses for the private use of the residence, but shall not exceed ~~[6,000]~~ 600 square feet in area.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

This update will exempt properties from platting for small additions under 1,000 square feet.

ORDINANCE NO. 2022-
AN ORDINANCE TO EXEMPT PROPERTIES FROM PLATTING FOR NEW BUILDINGS AND
BUILDING ADDITIONS THAT DO NOT EXCEED 1,000 SQUARE FEET, THEREBY
AMENDING CHAPTERS 21 AND 22 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

Division A: Approvals and Permits

§ 21.501.01 FINAL SITE AND BUILDING PLANS.

(c) *Review and approval.*

(1) The Planning Manager will review and act upon the following types of final site and building plan applications. In the event that a final site and building plan application is denied by the Planning Manager, the applicant may appeal the decision to the City Council by submitting an appeals request with supporting materials within three business days of the decision:

- (A) Two-family dwellings;
- (B) Accessory buildings (except for single-family and two-family dwellings);
- (C) Garages (except for single-family and two-family dwellings);
- (D) Parking lots or other site characteristic modifications; ~~[and]~~
- (E) New buildings or building additions to unplatted properties that do not exceed 1,000 square feet; and

(F) Revisions to previously approved final site and building plans except those that involve:

- (i) Building additions that exceed 5% of the existing floor area for the building or that exceed 10,000 square feet;
- (ii) An increase in the number of dwelling units;
- (iii) Deviations to city code requirements; or
- (iv) Modifications to any condition of approval adopted by the Planning Commission or City Council. If a revision requires modification to a condition of approval previously adopted by the City Council, the revision must be reviewed by the City Council.

§ 21.501.03 FINAL DEVELOPMENT PLANS.

(c) *Review and approval.* New final development plans and major revisions to previously approved final development plans must be reviewed by the Planning Commission and acted upon by the City Council, which has the authority to attach conditions of approval. Minor revisions to previously approved final development plans will be reviewed and acted upon by the Planning Manager, who has the authority to attach conditions of approval. In the event that an application for a minor revision to a final development plan is denied by the Planning Manager, the applicant may appeal the decision to the City Council by submitting an appeals request and any supporting materials within three business days of the decision.

(d) *Revisions.* Revisions to final development plans are considered minor if:

- (1) There is no increase to the proposed number of dwelling units;
- (2) Any proposed increase in the floor area of structures on site does not exceed 5% or a total of 10,000 square feet;

Ordinance G

- (3) All proposed revisions comply with city code requirements;
- (4) There is no alteration to any condition of approval previously attached by the City Council; ~~and~~
- (5) There is no alteration to a plan modification previously required by the City Council; or
- (6) The proposed new building or building addition to an unplatted property does not exceed 1,000 square feet.

Section 2. That Chapter 22 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 22

Division B: Requirements

§ 22.03 WHERE REQUIRED.

(a) *Where platting is required.*

- (2) *Permit issuance.* Platting is required to obtain a footing and foundation permit or a building permit. Footing and foundation or building permits may not be granted upon land that is not described as a platted lot .

Exceptions: platting is not required for permit issuance in the circumstances noted below:

(A) Single- and two-family residential dwelling additions that result in an increase of 50% or less in total floor area for living space or additions to other types of structures that result in an increase of 25% or less in total floor area;

(B) Single- and two-family residential dwelling additions that result in an increase in total floor area for living space of over 50%, provided:

(i) Sidewalk, bikeway, drainage and utility easements have been granted to the city; and

(ii) Rights-of-way of adjacent streets have been provided by deed to the widths designated on the city's Master Right-of-Way Plan .

(C) Repair, maintenance and other improvements to existing buildings on outlots , as described in city code § 15.09(c);

(D) The erection of, or additions to, garages and accessory buildings as defined in city code § 19.03; ~~and~~

(E) Interior remodeling or improvements where no work is done that removes, relocates or adds an exterior wall of an existing building; and

(F) Construction of new buildings or building additions that do not exceed 1,000 square feet, subject to final site and building plan approval by the Planning Manager.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance H

This update clarifies drive through requirements for mixed use zoning districts.

ORDINANCE NO. 2022-

AN ORDINANCE TO CLARIFY DRIVE THROUGH REQUIREMENTS IN THE B-4, C-3, C-5 AND LX ZONING DISTRICTS, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ARTICLE III: DEVELOPMENT STANDARDS

Division A: General Standards

§ 21.301.05 DRIVE THROUGH FACILITIES.

(g) *Number of drive through lanes permitted.* The number of drive through lanes is limited to one lane per building in the B-4, C-3, C-5 and LX Zoning Districts. Any driving lane used for drive through purposes is counted as one lane whether the driving lane is at the payment window, pick-up window, teller window, order station, menu board, or stacking area.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance I

This update clarifies that window film coverings are restricted window coverings.

ORDINANCE NO. 2022-

AN ORDINANCE TO CLARIFY THAT WINDOW FILM COVERINGS ARE RESTRICTED, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ARTICLE III: DEVELOPMENT STANDARDS

Division A: General Standards

§ 21.301.03 STRUCTURE DESIGN.

(a) *General structure design standards.* Structures in the B-1, B-2, B-4, C-1, C-2, C-3, C-4, C-5 and LX zoning districts must meet the following requirements.

(4) *Windows.* For windows facing public or private streets or pedestrian corridors, no more than 25% of the total window area and no more than 25% of linear eye-level window width may be obscured by signs, film coverings, product displays or similar covering. Blinds, curtains and similar temporary coverings for privacy or sunlight control are permitted.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance J

This update will clarify circular driveway standards.

ORDINANCE NO. 2022-

AN ORDINANCE TO CLARIFY CIRCULAR DRIVEWAY REQUIREMENTS, THEREBY AMENDING CHAPTERS 17 AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 17 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 17 ARTICLE I: DRIVEWAYS, APPROACHES AND ENTRANCES

§ 17.13 RESIDENTIAL DRIVEWAY APPROACHES.

(b) *Widths and locations.* Residential driveway approach dimensions must comply with the applicable city construction detail for driveway approaches and the following.

(4) Second curb cut and connecting driveway: a permit for a second curb cut to a single-family site must not be issued unless the site has at least 120 feet of frontage along a single public street or is a corner lot and complies with the standards of this Chapter 17 of this code. For corner lots, when two curb cuts are present, each curb cut must be to a separate street unless the site has at least 120 feet of frontage along a single public street. More than two curb cuts are prohibited for single- or two-family residential sites. In the event a second driveway is installed to serve a second garage, the second driveway must meet all driveway standards. If a second driveway is installed to serve as a circular driveway, the secondary driveway is limited to 12 feet in width and must meet all other driveway standards. A minimum of 18 feet (one parallel parking space) must separate each driveway approach.

(5) Circular Driveways without second curb cuts. If a circular driveway does not require a second curb cut the secondary driveway not leading to a garage is limited to 12 feet in width and must meet all other driveway standards.

Section 2. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ARTICLE III: DEVELOPMENT STANDARDS

Division A: General Standards

§ 21.301.06 PARKING AND LOADING.

(i) *Single-family and two-family residential driveways and off-street parking.*

(7) *Second curb cut and connecting driveway.* A permit for a second curb cut to a single-family site must not be issued unless the site has at least 120 feet of frontage along a single public street or is a

Ordinance J

corner lot and complies with the standards of Chapter 17 of this code. For corner lots, when two curb cuts are present, each curb cut must be to a separate street unless the site has at least 120 feet of frontage along a single public street. More than two curb cuts are prohibited for single- or two-family residential sites. In the event a second driveway is installed to service a second garage, the second driveway must meet all driveway standards. ~~If [In the event]~~ a second driveway is installed to serve as a circular driveway, the secondary driveway is limited to 12 feet in width and must meet all other driveway standards. See Figure 21.301.06(i)(12)(B) below.

(10) *Driveway and off-drive parking area setbacks.* Driveways and off-drive parking and turnaround areas must meet the following setback requirements.

(F) Variances. Variances to driveway setbacks from property lines may be processed as administrative variances, in accordance with the provisions of Chapter 2, Article II of this code.

(11) Circular Driveways without second curb cuts. If a circular driveway does not require a second curb cut the secondary driveway not leading to a garage is limited to 12 feet in width and must meet all other driveway standards.

(1[4]2) Permit required. A driveway permit is required for construction, replacement, overlay or alteration of a residential driveway or off-drive parking or turnaround area, with limited exceptions for repairs as set forth in this section of this code. If the driveway approach is modified, appropriate permits must be obtained as required in Chapter 17, Article I of this code.

(1[2]3) *Graphic illustrations.*

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance K

This update will allow dog runs to encroach into required landscape yards for multifamily buildings.

ORDINANCE NO. 2022-

AN ORDINANCE TO ALLOW DOG RUNS TO ENCROACH INTO REQUIRED LANDSCAPE YARDS, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19

ARTICLE I: GENERAL PROVISIONS

Division C: Lots, Buildings, and Obstructions

§ 19.08 PERMITTED ENCROACHMENTS INTO REQUIRED YARDS AND SETBACK AREAS.

(c) *In all zoning districts.*

(9) Fences are permitted to encroach into front, side and rear yard setbacks when specifically permitted by the city code.

(10) Open air dog runs may encroach into any required front, side or rear setback, provided that a front setback of not less than 15 feet and side and rear setbacks of not less than five feet shall be maintained. Structures as part of the dog run must meet the required setback. Fencing must comply with city code requirements. There shall be no encroachment into public easements of record without the written approval of the issuing authority.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance L

This update will allow temporary leasing signs to be exempt from permit for two years from issuance of certificate of occupancy for new multifamily buildings

ORDINANCE NO. 2022-

AN ORDINANCE TO EXEMPT TEMPORARY LEASING SIGNS FROM PERMIT REQUIREMENTS, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 19

ARTICLE X: SIGN REGULATIONS

Division C: General Regulations

§ 19.105 REGULATED SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.

(c) *Regulated signs exempt from permit requirements*

(15) *Real estate signs.* Real estate signs are exempt from obtaining a permit, provided:

(B) *Real estate signs for all other uses.*

(iv) *Two street frontages.* If a site is allowed two real estate signs due to two street frontages, both frontages shall use the same style option, either incorporating the real estate sign into the permanent identification signs or utilizing separate real estate sign. In addition, if one frontage is adjacent to I-35W, I-494 or TH-77, the regulations in subsection (c)(15)(b)(ii) above apply; for other street frontages, the regulations in subsection (c)(15)(B)(iii). above apply.

(v) *Real estate signs for new buildings.* One real estate sign, not exceeding 100 square feet, shall be permitted per street frontage for 2 years after certificate of occupancy for new multifamily buildings.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

Ordinance M

This update will require sidewalk connections for new uses that do not involve new development or significant redevelopment to improve pedestrian safety.

ORDINANCE NO. 2022-

AN ORDINANCE TO REQUIRE PRIVATE SIDEWALK CONNECTIONS FOR NEW USES WITHOUT NEW DEVELOPMENT OR SIGNIFICANT REDEVELOPMENT, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 21

ARTICLE III: DEVELOPMENT STANDARDS

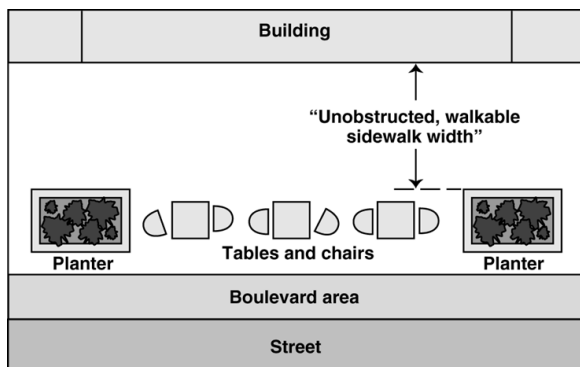
Division A: General Standards

§ 21.301.04 SIDEWALKS.

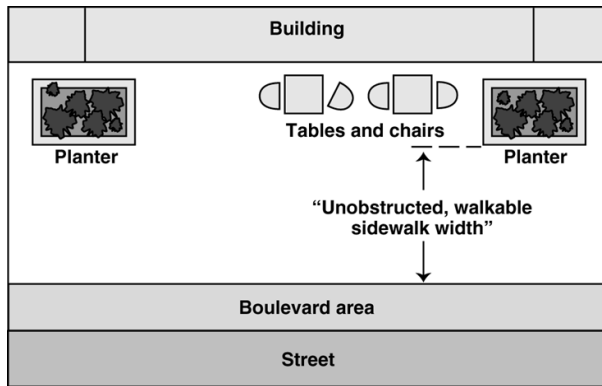
(f) *Graphic illustrations.*

(1) *Unobstructed, walkable sidewalk width.*

Figure 21.301.04(f)



Ordinance M



(g) Private Sidewalks for New Uses Without New Development or Significant Redevelopment. When the City Engineer or its designee determines that a new use that does not involve new development or significant redevelopment is likely to increase the amount of pedestrian traffic coming to the site relative to the previous use and a public sidewalk exists adjacent to the site, the property owner must provide a sidewalk link conforming to the standards of this section between the public sidewalk and either the entrance to the new use or the parking lot used by the new use.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

RESOLUTION NO. 2022 -

**A RESOLUTION DIRECTING SUMMARY PUBLICATION OF
ORDINANCE NOS. 2022 - __, __, __, __, __, __, __, __, __, __, __,
__, THEREBY AMENDING CHAPTERS 17, 19, 21, AND 22 OF THE CITY
CODE**

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota (“City”); and

WHEREAS, Section 3.08 of the Bloomington City Charter provides as follows:

SEC. 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Every ordinance or resolution passed by the council must be signed by the mayor or by the acting mayor, attested by the secretary of the council and filed and preserved by the secretary. Every ordinance and any resolutions requested by the mayor or by two other members of the council must be published at least once in the official newspaper. The council, by a two-thirds vote of all of its members, can direct publication of only the title and a summary of an ordinance, if the council approves the text of the summary and determines that it would clearly inform the public of the intent and effect of the ordinance. The summary must comply with the requirements of Minnesota Statutes Section 331A.01, subd. 10 and give notice that a full copy of the ordinance is available for inspection during regular office hours at the city clerk’s office. As provided by law, an ordinance can incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

; and

WHEREAS, the City Council at its regular meeting on April 11, 2022, enacted the attached ordinances that include multiple City Code amendments related to: correcting references to other code sections or State Statute that are incorrect (Chapters 19 and 21); clarifying that pet services does not include general retail sales (§19.03); updating language pertaining to residential care facilities to consistent with State Statute (§21.209, §21.302.23); defining clear view triangle (§19.03); clarifying that daycare uses are either accessory or conditional use in industrial zoning districts (§21.302.27);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, that the following titles and summary of the ordinances be published in the official newspaper. The City Council determines that the following summary would clearly inform the public of the intent and effect of the ordinance enacted:

On April 11, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-____,____,____,____,____,____,____,____,____,____,____,____,____) amending Chapters 17, 19, 21, and 22 of the City Code related to relating to correcting references to other code sections or State Statute that are incorrect (Chapters 19 and 21), clarifying that pet services does not include general retail sales (§19.03), updating language pertaining to residential care facilities to consistent with State Statute (§21:209, §21.302.23), defining clear view triangle (§19.03), clarifying that daycare uses are either accessory or conditional use in industrial zoning districts (§21.302.27), clarifying circular driveway standards (§17.13, §21.301.06), exempting properties from platting for small additions under 1,000 square feet (§21.501.01, §21.501.03, §22.03),

clarifying drive through requirements for mixed use zoning districts (§21.301.05), clarifying that window film coverings are restricted window coverings (§21.301.03), amending the private stable limitation from 6,000 SF to the intended 600 SF (§19.03), allowing dog runs to encroach into required landscape yards for multifamily buildings (§19.08), allowing temporary leasing signs to be exempt from permit for two years from issuance of certificate of occupancy for new multifamily buildings (§19.105), and clarifying requiring sidewalk connections for new uses that do not involve new development or significant redevelopment to improve pedestrian safety (§21.301.04).

The specific title of the ordinances enacted were: **“AN ORDINANCE TO UPDATE REFERENCES, THEREBY AMENDING CHAPTERS 19 AND 21 OF THE CITY CODE”**; **“AN ORDINANCE CLARIFYING PET SERVICES DOES NOT INCLUDE GENERAL SALES, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE”**; **“AN ORDINANCE TO UPDATE LANGUAGE PERTAINING TO RESIDENTIAL CARE FACILITIES, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE”**; **“AN ORDINANCE TO DEFINE CLEAR VIEW TRIANGLE, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE”**; **“AN ORDINANCE TO CLARIFY THAT DAYCARE FACILITIES ARE PERMITTED AS ACCESSORY OR CONDITIONAL USE, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE”**; **“AN ORDINANCE TO CLARIFY CIRCULAR DRIVEWAY REQUIREMENTS, THEREBY AMENDING CHAPTERS 17 AND 21 OF THE CITY CODE”**; **“AN ORDINANCE TO EXEMPT PROPERTIES FROM PLATTING FOR NEW BUILDINGS AND BUILDING ADDITIONS THAT DO NOT EXCEED 1,000 SQUARE FEET, THEREBY AMENDING CHAPTERS 21 AND 22 OF THE CITY CODE”**; **“AN ORDINANCE TO CLARIFY DRIVE THROUGH REQUIREMENTS IN THE B-4, C-3, C-5 AND LX ZONING DISTRICTS, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE”**; **“AN ORDINANCE TO CLARIFY THAT WINDOW FILM COVERINGS ARE RESTRICTED, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE”**; **“AN ORDINANCE AMENDING THE MAXIMUM SIZE OF PRIVATE STABLES, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE”**; **“AN ORDINANCE TO ALLOW DOG RUNS TO ENCROACH INTO REQUIRED LANDSCAPE YARDS, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE”**; **“AN ORDINANCE TO EXEMPT TEMPORARY LEASING SIGNS FROM PERMIT REQUIREMENTS, THEREBY AMENDING CHAPTER 19 OF THE CITY CODE”**; AND **“AN ORDINANCE TO REQUIRE PRIVATE SIDEWALK CONNECTIONS FOR NEW USES WITHOUT NEW DEVELOPMENT OR SIGNIFICANT REDEVELOPMENT, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE”**.

The full ordinances are available to the public for inspection at the Bloomington City Clerk’s Office, 1800 West Old Shakopee Road, Bloomington, Minnesota 55431, (952) 563-8700, during the hours of 8:00 a.m. and 4:30 p.m. and online at www.blm.mn/code.

Passed and adopted this 11th day of April, 2022.

Mayor

ATTEST:

Secretary to the Council



PLANNING COMMISSION SYNOPSIS

Thursday, March 17, 2022

CALL TO ORDER

Chairperson Solberg called the Planning Commission meeting to order in the City Council Chambers at 6:00 PM.

PLANNING COMMISSIONERS PRESENT: Jon Solberg, Joanna Goltzman, Nelly Korman, Paige Rohman, Aubrey Albrecht (in person)

COMMISSIONERS ABSENT: Suado Abdi, Phil Koktan

STAFF PRESENT: Glen Markegard (in person), Amy Marohn, Paul Jarvis, Nick Johnson, Mike Palermo, Shawn James, Liz O'Day (all via Webex)

ITEM 3 7:15 p.m.

CASE:	PL2022-20
APPLICANT:	City of Bloomington
LOCATION:	Citywide
REQUEST:	Annual Miscellaneous Issues ordinance (an ordinance to amend Chapters 17, 19, 21, and 22 of the City Code)

PUBLIC HEARING DISCUSSION:

Palermo discussed the ordinance amendments. The Planning Commission did not have questions on the ordinance.

Chair Solberg opened the public hearing. No one offered testimony.

The public hearing was closed via a roll call vote.

Goltzman appreciated this item coming to Planning Commission as a study session.

Solberg agreed. It was beneficial this item came before the Planning Commission as a study item first.

The item continues to City Council on April 11th as a Public Hearing.

ACTIONS OF THE COMMISSION:

M/Albrecht, S/Goltzman: To close the public hearing.
Motion carried 5-0 by roll call vote.

M/Rohman, S/Goltzman: In Case PL2022-20, I move to recommend adoption of the Annual Miscellaneous Issues Ordinance Items A through N as attached to the staff report to amend Chapters 17, 19, 21 and 22 of the City Code.
Motion carried 5-0 by roll call vote

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Karen Nelson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington Richfield

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

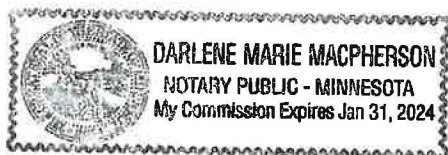
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 03/31/2022 and the last insertion being on 03/31/2022.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Karen Nelson
Designated Agent

Subscribed and sworn to or affirmed before me on 03/31/2022 by Karen Nelson.

Darlene Marie MacPherson
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$34.45 per column inch

Ad ID 1215893

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL

The Bloomington City Council will hold a public hearing on April 11, 2022, for a meeting expected to start on or after 6:30 p.m. in the Council Chambers at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, Minnesota, or by electronic means as provided by state law, to consider Case PL2022-20, an application by the City of Bloomington for multiple ordinance amendments, thereby amending Chapters 17, 19, 21, and 22 of the City Code. Proposed revisions include: update out of date code language and references to City Code and State Statute (Chapters 19 and 21); clarify "pet services" does not include general sales (§19.03); amend group home classification to align with state (Chapter 21); clarify clear view triangle definition (§19.03); clarify when daycare facilities are permitted as accessory or conditional use (§ 21.302.27); clarify that circular driveways do not always require a second curb cut (§ 17.13 and §21.301.06); exempt platting for small new buildings and additions (§22.03(a)(2), §21.501.03(d), and §21.501(c)(1)); clarify the number of drive through lanes allowed in b-4, c-3, c-5, and lx (§21.301.05); add film to the list of prohibited window coverings (§ 21.301.03); amend private stables size from 6,000 square feet to 600 square feet (§19.03); allow dog runs in landscape yards of multifamily projects (§19.08); exempt leasing signs from permit requirements (§19.105); add sports booking to the definition of "indoor recreation and entertainment" (§19.03); and sidewalk link requirements (§ 21.301.04).

Review information and materials at www.blm.mn/notices. For more information or to submit comments, contact Michael Palermo, Planner, at (952) 563-8924 or mpalermo@BloomingtonMN.gov.

Published in the
Sun Current
March 31, 2022
1215893

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Karen Nelson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington Richfield

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:
HENNEPIN

and has full knowledge of the facts stated below:

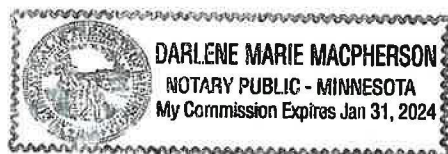
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 03/03/2022 and the last insertion being on 03/03/2022.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Karen Nelson
Designated Agent

Subscribed and sworn to or affirmed before me on 03/03/2022 by Karen Nelson.

Darlene Marie MacPherson
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:
\$34.45 per column inch

Ad ID 1208925

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING

By the Planning Commission

The Bloomington Planning Commission will hold a public hearing on March 17, 2022, in the Council Chambers at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, Minnesota, and by electronic means as provided by State law, Minnesota Statutes section 13D.021, to consider Case PL2022-20, an application by the City of Bloomington for multiple amendments, thereby amending Chapters 17, 19, 21, and 22 of the City Code. Proposed revisions include: updating out of date code language and references to City Code and State Statute; clarify "pet services" does not include general sales (§19.03); amend group home classification to align with state (§21); clarify clear view triangle definition (§19.03); clarify when daycare facilities are permitted as accessory or conditional use (§ 21.302.27); clarify that circular driveways do not always require a second curb cut (§ 17.13 and §21.301.06); exempt platting for small additions (§22.03(a)(2), §21.501.03(d), and §21.501(c)(1)); clarify the number of drive through lanes allowed in b-4, c-3, c-5, and lx (§21.301.05); add film to the list of prohibited window coverings (§ 21.301.03); amend private stables size from 6,000 sf to 600 sf (§19.03); allow dog runs in landscape yards of multifamily projects (§19.08); exempt leasing signs from permit requirements (§19.105); add sports booking to the definition of "indoor recreation and entertainment" (§19.03); and sidewalk link requirements (§ 21.301.04).

Review information and materials at www.blm.mn/notices. For more information or to submit comments, contact Michael Palermo, Planner, at (952) 563-8924 or mpalermo@BloomingtonMN.gov.

Published in the
Sun Current
March 3, 2022
1208925



PLANNING COMMISSION SYNOPSIS

Thursday, February 3, 2022

CALL TO ORDER

Chairperson Solberg called the Planning Commission meeting to order in the City Council Chambers at 6:00 PM.

PLANNING COMMISSIONERS PRESENT: Jon Solberg (in person), Joanna Goltzman, Nelly Korman, Paige Rohman, Suado Abdi, Phil Koktan (all via Webex)

COMMISSIONERS ABSENT: Aubrey Albrecht

STAFF PRESENT: Glen Markegard (in person), Mike Centinario, Nick Johnson, Liz O'Day (all via Webex)

ITEM 3
6:59 p.m.

CASE:	PL2022-20
APPLICANT:	City of Bloomington
LOCATION:	Citywide
REQUEST:	Preview and Study Discussion – Annual Miscellaneous Issues ordinance (an ordinance to amend Chapters 14, 19, 21, and 22 of the City Code)

DISCUSSION:

Palermo provided a breakdown of each Miscellaneous Issues amendment. The amendments that had discussion are outlined below.

Item N - Dogs on Patios

Rohman asked if the amendment is consistent with the State's requirements. Palermo confirmed. Rohman also asked why a special permit is needed. Markegard stated the State requires cities to issue permits. It is a \$50 permit fee that must be submitted annually. Solberg asked if there is consideration to allow dogs indoors. Palermo stated dogs are not allowed indoors if food is prepared. If no food is prepared on-site, it is a gray area whether they are allowed indoors. Staff is starting with dogs on patios first and see how demand goes. Solberg said it is important to be consistent across the board.

Item M - Sportsbooks

Koktan said he was pleased to see this added.

Item L - Leasing Signs for Multi-Family Buildings

Koktan asked why Highway 169 is not identified as a major freeway in the sign Code. Palermo said the City can consider adding Highway 169 however it's important to note there are few multi-family developments along 169. Goltzman also suggested the

northern portion of Highway 100 as well. For consistency, look at adding to the sign Code.

Item K - Dog Runs in Landscape Yards

Solberg asked if there is a definition of a dog run. Palermo said no. Solberg suggested adding a definition to avoid a fenced-in area becoming a dog run. Fencing must meet the requirements of the fence ordinance.

Item J - Private Stables

Goltzman asked if there are other requirements to have a horse in Bloomington. Palermo said there are other requirements. She also asked how many properties could have this. Markegard said there are very few properties that would be eligible, but staff did recently receive an inquiry on a large lot, which prompted looking at the Code language and identifying that a transcription error occurred at some point in the past.

Item I - Window Film

Solberg suggested providing clarification on the intent which is the individual windowpane. Koktan asked if staff is accounting for transparency in the film. There are stickers that cover the entire window. Palermo said he will investigate incorporating that into the amendment.

Item H – Number of Drive-Through Lanes

Koktan asked if existing drive through facilities are non-conforming and what is the purpose of the amendment. Palermo said for example, instead of a drive-through wrapping around the bank, the amendment would encourage pedestrian orientation to reduce car dependency. This only applies to mixed-use districts. Markegard said this isn't a change, but more of a clarification on the interpretation.

Item F – Circular Driveways

Solberg asked if it would count toward impervious surface. Palermo confirmed it would.

Rohman recalled talking about thin brick and questioned why it was not included in the list. Palermo said he will add it to the list.

Palermo mentioned this goes to Planning Commission on March 3rd as a public hearing.



Request for Council Action

Originator City Manager's Office	Item 4.4 Public Hearing: Earned Sick and Safe Leave Ordinance
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date April 11, 2022

Requested Action:

Motion by _____, second by _____, to adopt Ordinance no. 2022-__, an ordinance adding Chapter 23 of the City Code establishing earned sick and safe leave in the City of Bloomington.

Motion by _____, seconded by _____, to adopt Resolution no. 2022-__ directing summary publication of Ordinance 2022-__ adding Chapter 23 of the City Code establishing Earned Sick and Safe Leave in the City of Bloomington.

Item created by: Michael Sable, City Manager's Office

Item presented by: Peter Zuniga, Deputy City Attorney
Michael Sable, Assistant City Manager

Description:

In February 2021, at the Council's direction, staff began exploring the development of an Earned Sick and Safe Leave (ESSL) ordinance for the Council's consideration. In Minnesota, the cities of Minneapolis, St. Paul and Duluth currently have local ordinances in place requiring employers to provide some amount of paid sick and safe leave to employees, but there is no similar requirement in place on a statewide basis.

In April 2021, the City Council evaluated several options and directed staff to outline a process for developing an Earned Sick and Safe Leave ordinance for Bloomington. After conversations with representatives of the business community, hospitality industry, organized labor and advocacy organizations, staff recommended the following:

Task Force Appointment of an 8 to 10-member task force composed of:

- 2 people from the Hospitality Industry (likely 1 staff person and 1 member of the Bloomington Convention & Visitors Bureau)
- 2 people from the General Business Community (likely 1 staff person and 1 member from the Chamber of Commerce)

- 1 or 2 individuals from organized labor, such as Unite Here Local 17 or others
- 1 individual from the advocacy field, such as Take Action MN
- 2 community members

On June 14, 2021, the City Council established an Earned Sick and Safe Leave Task Force with the charge to develop and recommend to the Council an ordinance that ensures the provision of Earned Sick & Safe Leave to individuals working in the city of Bloomington, and appointed the following individuals to the task force:

- Nat Anderson-Lippert, Resident
- Alex Francis, General Manager, Radisson Blu
- Robert Freeman, HealthPartners
- Robert Haider, Policy Director, Take Action MN
- Nicole Mills, Executive Director, Oasis for Youth Dan Swenson Klatt, Main Street Alliance
- Wade Luneberg, Political Director, UNITE HERE Minnesota Hospitality Union
- John-Paul Yates, Bloomington Chamber of Commerce (Mpls Reg'l Chamber)
- Brittany Milan, Eleve, Bloomington Business Owner

The Task Force was asked to recommend to the City Council an ordinance ensuring the provision of paid Earned Sick & Safe Leave to individuals working in the city of Bloomington. The recommended ordinance is intended to:

- promote and protect the wellbeing of the Bloomington workforce and Bloomington residents;
- support the Bloomington City Council's strategic priority of equity and inclusion;
- balance the unique needs and circumstances of Bloomington employers with a recognition that Bloomington is part of a regional labor and service market;
- reflect the input of a diverse pool of stakeholders;
- outline how the City will ensure compliance with the provisions of the ordinance;
- be as clear, understandable and uncomplicated as feasible for both employers and employees.

The Task Force met six times over the course of the year to develop the recommendations. All task force meetings were subject to the open meeting law and properly noticed to members of the public. Included in task force discussions was a formal review of the existing ordinances in Minneapolis, St. Paul, and Duluth, as well as the significant public health considerations of a change. In addition, the Community Outreach and Engagement Division conducted formal outreach and community survey opportunities for businesses, affected employees, and the public.

On January 3, 2022 and February 28, 2022, the City Council heard the report of the Task Force and reviewed the draft ordinance. The City Council discussion identified further questions. From those questions, staff continued to review and revise the language of the draft ordinance.

On March 31, 2022 the City of Bloomington published legal notice of the public hearing in the Sun Current.

Attachments:

[Earned Sick and Safe Leave Ordinance.pdf](#)
[Resolution of Summary Publication.pdf](#)
[Public Hearing Notice.pdf](#)

ORDINANCE NO. 2022-____

**AN ORDINANCE CREATING CHAPTER 23 OF THE CITY CODE AND
ESTABLISHING EARNED SICK AND SAFE LEAVE IN THE CITY OF
BLOOMINGTON**

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 23 of the City Code is hereby created by adding those words that are underlined, to read as follows:

CHAPTER 23: EARNED SICK AND SAFE LEAVE

ARTICLE I: EARNED SICK AND SAFE LEAVE

§ 23.01 FINDINGS.

It is necessary for the City Council to exercise its legislative power to protect and promote the health, safety, and welfare of those individuals working within the City of Bloomington. The City Council finds:

- (a) Healthy individuals, families, and communities are the foundation of well-functioning societies. Many factors contribute to health, including the policies and systems that shape our lives. Among these policies, the availability of sick and safe leave is a key contributor, as it creates the opportunity for family members both to earn a living and to provide care for their loved ones;
- (b) Forty-one (41) percent of employed Minnesota residents lack access to earned sick and safe leave. The same employees that are least likely to have sick and safe leave or the financial ability to forego wages are in occupations most likely to have contact with the public, especially food services, long-term care, and health care. Minnesota workers who work in public-contact occupations, such as service occupations, are less likely to have sick and safe leave than workers in other occupations. Bloomington's largest employment industries include health care, education, retail, manufacturing, lodging, and food services. A recent Bloomington employer survey found 48% of employers did not offer sick and safe leave to their employees;
- (c) Family economic security is at risk for workers who lack adequate sick and safe leave because workers who lack sick and safe leave lose earnings if they miss work to care for themselves, their children, or other family members who are ill or injured. Employees in the city working in low-wage occupations are least likely to have access to sick and safe leave and are the least able to forego wages to take time off to recover or care for others who may be sick. Employees without earned sick and safe leave disproportionately experience poverty, unstable housing and hunger;
- (d) Access to sick and safe leave and the ability to take sick and safe leave are not available equally across populations of different incomes or race/ethnicity. Structural racism is a factor not only in health disparities but also in the conditions that create health, such as

sick and safe leave policies. The city continues to increase in diversity of both residents and those who work in the city. People of color are more likely than white people in Bloomington to be in low-paying, frontline jobs with less security and benefits or to work multiple jobs;

- (e) When individuals have no sick and safe leave or an inadequate amount of sick and safe leave available to them, they are more likely to come to work when they or their family members are sick. Absent the proper care needed for treatment or recovery, the ill worker's or ill family member's health problems may intensify or be prolonged;
- (f) Individuals who come to work when they are sick are likely to expose other employees, customers, and members of the public to infectious diseases, such as the flu or coronaviruses like SARS-CoV and MERS-CoV. Individuals with no sick and safe leave, or an inadequate amount of time to take off to care for a sick child, are likely to send sick children to school or a childcare center, thereby potentially spreading contagious illnesses. The lack of access to sick and safe leave has public health implications and has contributed to contagious disease outbreaks in Bloomington;
- (g) Victims of domestic abuse, sexual assault, and stalking that have no sick and safe leave are less able to receive medical treatment, participate in legal proceedings, and obtain other necessary services. In addition, without sick and safe leave, domestic abuse victims are less able to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries;
- (h) Sick and safe leave will promote the safety, health, and welfare of the people of Bloomington by reducing the chances that worker's illnesses will intensify or be prolonged, by reducing the exposure of co-workers and members of the public to infectious diseases, and by reducing the exposure of children at schools and day cares to infectious diseases; resulting in a healthier and more productive workforce, better health for older family members and children, enhanced public health, and improved family economic security.
- (i) Sick and safe leave will enable victims of domestic abuse, sexual assault, and stalking, and their family members to participate in legal proceedings, receive medical treatment, or obtain other necessary services and, thus, to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries.
- (j) Over the last few decades, the demographics of the nation's workforce and the structures of the nation's families have undergone significant changes; 80% of children are raised in households that are headed by either a working single parent or two working parents. As a result of these changes, the demands placed on workers with family responsibilities are greater and more complex today than they were in an earlier era.
- (k) To safeguard the public welfare, health, safety, and prosperity of the city, all persons working in our community should have access to adequate sick and safe leave, because doing so will ensure a more stable workforce in our community, thereby benefiting workers, their families, employers, and the community as a whole.

§ 23.02 PURPOSE.

The purposes of this article are to:

- (a) To ensure that individuals employed in Bloomington can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of sick and safe leave, including time for family care;
- (b) To reduce public and private health care costs in Bloomington by enabling individuals to seek early and routine medical care for themselves and their family members;
- (c) To protect the public's health in Bloomington by reducing the risk and spread of contagion;
- (d) To assist victims of domestic abuse and their family members by providing them with job-protected sick and safe leave time away from work to allow them to receive treatment and to take the necessary steps to ensure their protection and wellbeing;
- (e) To protect individuals employed in Bloomington from losing their jobs while they use sick and safe leave to care for themselves or their families;
- (f) To safeguard the public welfare, health, safety, and prosperity of the people of and visitors to Bloomington; and
- (g) To accomplish the purposes described in subsections (a)—(f) in a manner that is feasible for employers and that does not require employers to provide any additional sick and safe leave to their employees if they already provide the same amount of sick and safe leave that can be used for the same purposes and under the same conditions as required in this article.

§ 23.03 SEVERABILITY.

If any part, term, or provision of this article is held by a court of competent jurisdiction to be invalid or unconstitutional, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this article, which remaining portions shall continue in full force and effect.

§ 23.04 PREEMPTION.

Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

§ 23.05 DEFINITIONS.

When used in this article, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise.

Calendar year. A regular and consecutive twelve (12) month period as determined by an employer and may be based on an employee's employment anniversary date.

Chain establishment. An establishment doing business under the same trade name used by two (2) or more establishments, or under the same ownership and doing the same business, whether

such other establishments are located in the city or elsewhere and regardless of the type of ownership of each individual establishment.

City. The City of Bloomington, Minnesota.

Domestic abuse. Has the meaning defined in Minnesota Statutes, section 518B.01.

Employee. Any individual who performs services for hire and compensation for an employer, including temporary employees and part-time employees, who performs work at a location or locations within the geographic boundaries of the city for at least eighty (80) hours in a year for that employer. For purposes of this article, "employee" does not include the following:

- (1) Employees classified as extended employment program workers as defined in Minnesota Rules part 3300.6000 and participating in the Minnesota Statutes, section 268A.15 extended employment program;
- (2) Independent contractors; or
- (3) Student Interns.

Employer. A person or entity that employs one (1) or more employees. The term includes an individual, corporation, partnership, association, nonprofit organization, or group of persons. For purposes of this article, "employer" does not include any of the following:

- (1) The United States government;
- (2) The State of Minnesota, including any office, department, agency, authority, institution, association, society, or other body of the state, including the legislature and the judiciary; or
- (3) Any county or local government, except the city.

Exempt employee. An employee who is exempt from overtime payment requirements under federal or state law.

Family member. An employee's child, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, guardian, ward, or members of the employee's household.

Health care provider. A person licensed in good standing in Minnesota to provide medical or emergency services and employed in that capacity, including but not limited to doctors, nurses and emergency room personnel.

Prevailing wage rate. Has the meaning given in Minnesota Statutes, section 177.42 and as calculated by the Minnesota Department of Labor and Industry.

Regular rate of pay. The employee's hourly rate, including payments for shift differentials, for an hourly employee or an equivalent rate for an exempt employee. Regular rate of pay does not include:

- (1) Tips;
- (2) Commissions;

- (3) Reimbursements for expenses incurred on the employee's behalf;
- (4) Premium payments for overtime work or work on Saturday's, Sundays, holidays, or scheduled days off, if the premium rate is at least one and one-half (1 ½) times the normal rate;
- (5) Bonuses;
- (6) Cash or other valuables in the nature of gifts on special occasions;
- (7) Payments made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan; or
- (8) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees.

Safe time. The need for time off under circumstances described in Minnesota Statutes, section 181.9413(b).

Sexual assault. An act that would constitute a violation under Minnesota Statutes, sections 609.342 to 609.3453 or 609.352.

Sick and safe leave. Leave, paid or unpaid, that may be used for the same purposes and under the same conditions as section 23.07.

Stalking. Has the meaning given in Minnesota Statutes, section 609.749.

Student intern. An unpaid student who is acquiring hands on training, work experience, or clinical training in connection to a course of study or higher education program for a limited period of time.

§ 23.06 ACCRUAL OF SICK AND SAFE LEAVE.

(a) Determination of business size

- (a) An employer's business size for the current calendar year is based upon the average number of employees per week during the previous calendar year.
- (b) For a new business, the employer's business size for the current calendar year is based upon the average number of employees per week during the first ninety (90) days after its first employee began work.
- (c) In determining the number of employees, all persons performing work for hire and compensation on a full-time, part-time, or temporary basis shall be counted, whether or not the persons work in the city.
- (d) Employees jointly employed by two (2) employers must be counted by both employers, whether or not maintained on one (1) of the employer's payroll in determining an employer's business size. In those cases in which a professional employer organization is determined to be a joint employer of a client employer's employees, the client employer would only be required to count employees of the professional employer organization, or employees of other clients of the professional employer organization, if the client employer jointly employed those employees.

(b) Accrual of sick and safe time

- (a) Employees accrue a minimum of one (1) hour of sick and safe time for every thirty (30) hours worked within the geographic boundaries of the city up to a maximum of forty-eight (48) hours in a calendar year. Employees may not accrue more than forty-eight (48) hours of accrued sick and safe time in a calendar year unless the employer agrees to a higher amount. Sick and safe time shall accrue only in hour-unit increments; there shall be no accrual of a fraction of an hour of sick and safe time.
- (b) Exempt employees are deemed to work forty (40) hours in each work week for purposes of accruing sick and safe time, except that such an employee whose normal work week is less than forty (40) hours will accrue sick and safe time based upon the employee's normal work week.
- (c) Employers shall permit an employee to carry over accrued but unused sick and safe time into the following year. The total amount of accrued but unused sick and safe time for an employee may not exceed eighty (80) hours at any time, unless an employer agrees to a higher amount.
- (d) Sick and safe time under this article begins to accrue at the commencement of employment of the employee or this article's effective date, whichever is later.
- (e) An employer may satisfy this section by providing at least forty-eight (48) hours of sick and safe time following the initial ninety (90) days of employment for use by the employee during the first calendar year and providing at least eighty (80) hours of sick and safe time beginning each subsequent calendar year.
- (f) The frequency with which an employer records sick and safe time accrual may be in a manner consistent with current payroll practices as defined by industry standards or existing employer policies, provided such practice or policy is no less frequent than a monthly basis.

§ 23.07 USE OF ACCRUED SICK AND SAFE LEAVE.

- (a) Employees are entitled to use accrued sick and safe time beginning ninety (90) calendar days following commencement of their employment. After ninety (90) calendar days of employment, employees may use sick and safe time as it is accrued.
- (b) An employee may use accrued sick and safe time for:
 - (1) The employee's mental or physical illness; injury; health condition; need for medical diagnosis; care, including prenatal care; treatment of a mental or physical illness, injury, or health condition; or need for preventive medical or health care.
 - (2) The care of a family member with a mental or physical illness, injury, or health condition who needs medical diagnosis, care including prenatal care, treatment of a mental or physical illness, injury, or health condition; who needs preventive medical or health care; or the death of a family member.
 - (3) An absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:

- i. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - ii. Obtain services from a victim services organization;
 - iii. Obtain psychological or other counseling;
 - iv. Seek relocation due to domestic abuse, sexual assault, or stalking; or
 - v. Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.
- (4) The closure of the employee's place of business by order of a public official to limit exposure to an infectious agent, biological toxin, hazardous material, or other public health emergency.
- (5) To accommodate the employee's need to care for a family member whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, hazardous material, or other public health emergency.
- (6) To accommodate the employee's need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected closure.
- (c) If the need for use is foreseeable, an employer may require advance notice of the intention to use sick and safe time, but in no case shall an employer require more than seven (7) days' advance notice. If the need is not foreseeable, an employer may require an employee to give notice of the need for sick and safe time as soon as practicable.
- (d) It is not a violation of this article for an employer to require reasonable documentation that the sick and safe time covered by paragraph (b) for absences of more than three (3) consecutive days.
- (e) An employer may not require, as a condition of an employee's use of sick and safe time, that the employee seek or find a replacement worker to cover the hours during which the employee uses sick and safe time.
- (f) An employer must allow an employee to use sick and safe time in increments consistent with current payroll practices as defined by industry standards or existing employer policies, provided such increment is not more than four (4) hours.
- (g) An employer with six (6) or more employees must compensate the employee at the regular rate of pay for the hours the employee was scheduled to work during the time the employee uses their accrued sick and safe time. In no case shall the employee be compensated at a rate less than the rate requirement in Minnesota Statutes, section 177.24. Compensation is only required for hours that an employee is scheduled to have worked.
- (h) An employer with five (5) or less employees must allow employees unpaid use of accrued sick and safe time. An employer with five (5) or less employees may compensate the employee at the employee's regular rate of pay for the hours the employee was scheduled to work during the time the employee uses their accrued sick and safe time.

- (i) A health care provider may only use sick and safe time when the health care provider has been scheduled to work. A health care provider has not been scheduled to work for shifts for which the health care provider chooses to call in and request a shift occurring within twenty-four (24) hours, or for shifts for which the health care provider has only been asked to remain available or on call, unless the health care provider has been asked to remain on the employer's premises.
- (j) An employer may opt to satisfy the requirements of this article for construction industry employees by:
 - (1) Paying at least the prevailing wage rate as defined by Minnesota Statutes, Section 177.42 and as calculated by the Minnesota Department of Labor and Industry; or
 - (2) Paying at least the required rate established in a registered apprenticeship agreement for apprentices registered with the Minnesota Department of Labor and Industry.

An employer electing this option shall be deemed in compliance with this article for construction industry employees who receive either at least the prevailing wage rate or the rate required in the applicable apprenticeship agreement regardless of whether the employees are working on private or public projects.

- (k) An employer is only required to allow an employee to use sick and safe time that is accrued pursuant to this article when the employee is scheduled to perform work within the geographic boundaries of the city. An employer may allow use of accrued sick and safe time when an employee is scheduled to perform work for the employer outside of the city.

§ 23.08 EXERCISE OF RIGHTS; RETALIATION PROHIBITED.

- (a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article.
- (b) An employer shall not take adverse employment action or discriminate against an employee because the employee has exercised rights under this article. Such rights include, but are not limited to, requesting accrued sick and safe time, using accrued sick and safe time, informing any person about any employer's alleged violation of this article, making a complaint or filing an action to enforce a right to accrued sick and safe time under this article.
- (c) If an employee exercises rights under this article and within ninety (90) days of the exercise of those rights, the employer materially changes the terms and conditions of the employee's employment, including terminating, constructively discharging, reducing the employee's wages or benefits, or making other changes in the employment that affect the employee's future career prospects, there is a rebuttable presumption the employer has retaliated against the employee. The employer may rebut this presumption by presenting clear and convincing evidence that the action was taken for a legitimate, non-retaliatory purpose.

§ 23.09 NOTICE AND POSTING.

- (a) The City Attorney's Office shall, by the effective date of this article, publish and make available to employers, in all languages spoken by more than five (5) percent of the workforce in the city, as calculated by the city, notices suitable for posting by employers in the workplace informing employees of their rights under this article. The City Attorney's Office shall update this notice on December 1 of any year in which there is a change in the languages spoken by more than five (5) percent of the city workforce.
- (b) Every employer shall post, in a conspicuous place at any workplace or job site where any employee works, the notices required by paragraph (a). Every employer shall post this notice in English, and any language spoken by at least five (5) percent of the employees at the workplace or job site if published by the City Attorney's Office.
- (c) An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this article.

§ 23.10 REQUIRED STATEMENT TO EMPLOYEE.

Upon request by an employee, the employer must provide, in writing or electronically, information stating the employee's then-current amount of:

- (a) Accrued sick and safe time available to the employee; and
- (b) Used sick and safe time.

Employers may choose a reasonable system for providing this notification, including, but not limited to, listing information on each pay stub or developing an online system where employees can access their own information.

§ 23.11 EMPLOYER RECORDS

- (a) An employer must maintain accurate records for each employee showing:
 - (1) For non-exempt employees, hours worked.
 - (2) Hours of leave available for sick and safe time purposes.
 - (3) Hours of leave used for sick and safe time purposes.
- (b) The records required by this section must be retained for a period of not less than three (3) years in addition to the current calendar year.
- (c) An employer must allow an employee to inspect records required by this section and relating to that employee at a reasonable time and place.
- (d) The City Attorney's Office shall have access to the records required by both this section and Minnesota Statutes, Chapter 181, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this article, including, but not limited to, inspection and copying of books and records, interviewing employees and former employees, and investigating alleged violations of this article. Social Security numbers and employees' personal addresses shall not be a matter of public record.
- (e) If an employer fails to maintain or retain adequate records or does not allow the City Attorney's Office reasonable access to the records and an issue arises as to an alleged

violation of an employee's rights under this article, it shall be presumed that the employer has violated this article, absent clear and convincing evidence otherwise.

- (f) If, in conjunction with this article, an employer possesses health or medical information regarding an employee or an employee's family member or information pertaining to domestic abuse, sexual assault, or stalking of an employee or an employee's family member, the employer must treat such information as confidential and not disclose the information except with permission of the employee, when ordered by a court or administrative agency, or when otherwise required by federal or state law.

§ 23.12 TERMINATION; TRANSFER; SEPARATION.

- (a) Nothing in this article may be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued sick and safe time that has not been used.
- (b) If an employee is transferred to a separate division, entity, or location out of the city, but remains employed by the same employer, and the employer does not allow the use of accrued paid sick and safe time outside the city, the employer must maintain the employee's accrued sick and safe time on the books for a period of three (3) years from the time of the transfer. If, within three (3) years of the time of the employee's transfer to separate division, entity, or location out of the city, the employee is transferred back to a division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all previously accrued sick and safe time accrued but not used at the prior division, entity, or location within the city and is entitled to use all accrued sick and safe time as provided in this article.
- (c) If an employee is transferred to a separate division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all accrued sick and safe time accrued but not used at the prior division, entity, or location and is entitled to use all accrued sick and safe time as provided in this article.
- (d) When there is a separation from employment and the employee is rehired within three hundred and sixty-five (365) days of separation by the same employer, previously accrued sick and safe time that had not been used must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.

§ 23.13 EMPLOYER SUCCESSION.

When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all accrued sick and safe time accrued but not used when employed by the original employer, and are entitled to use all accrued sick and safe time previously accrued but not used.

§ 23.14 EMPLOYEE EXCHANGE OF HOURS.

Nothing in this article shall be construed to prohibit an employer from establishing a policy whereby employees may voluntarily exchange hours or trade shifts.

§ 23.15 AUTHORITY.

- (a) The City Attorney's Office has broad authority to implement, administer and enforce this article. The City Attorney's Office shall have broad authority to investigate possible violations of this article whenever it has cause to believe that any violation of this article has occurred, either on the basis of a report of a suspected violation or on the basis of any other credible information, including violations found during the course of an investigation.
- (b) The City Attorney's Office shall promulgate appropriate rules to implement, administer, and enforce this article. Such rules shall:
 - (1) Be consistent with this article and may be relied on by employers, employees, and other persons to determine their rights and responsibilities under this article.
 - (2) Establish procedures for fair, efficient, and cost-effective implementation and enforcement of this article, including rules ensuring timely review of reports of violation and governing procedure for any appeals to an administrative hearing officer under section 23.20.
 - (3) Establish procedures for informing employers of their duties and employees of their rights under this article and monitoring employer compliance.

The City Attorney's Office shall publish, maintain, and make available to the public any such initial rules at least ninety (90) days prior to their effective date. Any revisions to published rules shall be published, maintained, and made available to the public at least thirty (30) days prior to their effective date.

§ 23.16 IMPLEMENTATION.

- (a) The City Attorney's Office shall work with all relevant city departments, state, and federal agencies, divisions, departments, bureaus, or institution of government to implement, promote, and enforce this article.
- (b) The City Attorney's Office shall develop and implement a multilingual and culturally specific outreach and community engagement program to educate employees and employers about their rights and obligations under this article. This outreach program shall include media, trainings and materials accessible to the diversity of employees and employers in the city.

§ 23.17 ENFORCEMENT.

- (a) Report of violations. An employee or other person may report to the City Attorney's Office any suspected violation of this article. A report of a suspected violation may be filed only if the matter complained of occurred after the effective date of this article and within three hundred sixty-five (365) days prior to filing of the report.
- (b) Investigation process:
 - (1) The City Attorney's Office has sole discretion to decide whether to investigate or to pursue a violation of this article. If the City Attorney's Office decides not to investigate or otherwise pursue a report of suspected violation, the City Attorney's Office must provide a written notification to any employee or other

person who filed the report that the City Attorney's Office is declining to further investigate the report and reason for declining. The employee or other person may within twenty-one (21) days, file a request for reconsideration with the City Attorney. The City Attorney's Office must provide a written response on the reconsideration within twenty (20) days.

- (2) The City Attorney's Office may initiate an investigation pursuant to a complaint or when the City Attorney's Office has reason to believe that a violation has occurred.
 - (3) To pursue a violation of this article, the City Attorney's Office must serve a notice of investigation setting forth the allegations and pertinent facts upon an employer by U.S. mail. The notice of investigation shall be accompanied by a request for a written position statement and may include a request for records or other information. The notice shall also inform the employer that retaliation for claiming rights under this article is a basis for additional monetary damages.
 - (4) An employer's position and response to any request for records must be provided to the City Attorney's Office as provided in the City Attorney's Office's rules. An employer's failure to provide a position statement or to timely and fully respond to a request for records or any other reasonable request issued by the department pursuant to an investigation creates a rebuttable presumption of a violation of this article for the purposes of the investigation and determination of violation. An employer that fails to respond to a request for records may not use such records in any appeal pursuant to section City Attorney's Office to challenge the correctness of any determination of violation by the City Attorney's Office of damages owed or penalties assessed.
 - (5) Investigations shall be conducted in an objective and impartial manner.
 - (6) The City Attorney's Office shall consider any statement of position or evidence with respect to the alleged violation which the employee or person who filed the report of suspected violation or employer wishes to submit.
 - (7) The City Attorney's Office may require a fact-finding conference or participation in another process with the employer, employee, or other person who filed the report of a suspected violation, and any of their agents and witnesses during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues that can be resolved and afford an opportunity to discuss or negotiate settlement.
- (c) The City Attorney's Office determination of violation. Except when there is an agreed upon settlement, the City Attorney's Office must issue a written determination of violation with findings of fact resulting from the investigation and a statement of whether a violation of this article has or has not occurred based upon a preponderance of the evidence presented to the City Attorney's Office. The determination of violation must be issued to the employer and any employee or other person who filed the suspected violation report.
- (d) For alleged first violations arising during the first three hundred and sixty-five (365) days following the effective date of this article, the City Attorney's office must issue a

warning letter and notice to correct and attempt to mediate disputes. For subsequent alleged violations arising during the first three hundred and sixty five (365) days following the effective date of this article, the City Attorney's Office may impose the relief and penalties provided in section 23.19.

§ 23.19 RELIEF AND ADMINISTRATIVE PENALTIES.

The City Attorney may order any appropriate relief for a determination including, but not limited to:

- (a) Reinstatement and back pay.
- (b) The crediting to an employee of any accrued sick and safe time accrued but not credited plus payment to the employee of the dollar value of the accrued sick and safe time accrued but not credited multiplied by two (2), or two hundred fifty dollars (\$250.00), whichever amount is greater.
- (c) The payment of any accrued sick and safe time unlawfully withheld plus payment to the employee of the dollar amount of accrued sick and safe leave withheld multiplied by two (2), or two hundred fifty dollars (\$250.00), whichever amount is greater.
- (d) For a second violation by an employer against the same employee, in addition to any of the above remedies, the City Attorney's Office shall issue an administrative fine up to one thousand dollars (\$1,000.00) payable to the City. Such funds shall be allocated to the department and used to offset the costs of implementing and enforcing this article.
- (e) For a third or subsequent violations by an employer against the same employee, in addition to any of the above remedies, the City Attorney's Office shall issue an administrative fine up to one thousand dollars (\$1,000) payable to the employee.

§ 23.20 APPEAL.

- (a) An employee, former employee, or employer may appeal from a determination by filing an appeal in writing with the City Attorney's Office within twenty-one (21) days of the date of service of the determination. Failure by the employer to file a timely, written appeal shall constitute admission to the violation, and the violation shall be deemed final upon expiration of the twenty-one (21) day period.
- (b) Upon an appeal of the City Attorney's determination, the City Attorney's Office shall refer the matter to an administrative hearing officer pursuant to Chapter 1 of the City Code.
- (c) In such appeal, the hearing officer shall consider the record submitted to it by the City Attorney's Office, the written statements of positions by the parties involved, and may, in the discretion of the hearing officer, take testimony to resolve issues of credibility or factual disputes and hear oral arguments. The hearing officer shall reverse the City Attorney's Office's determination only upon a finding that it is clearly erroneous. The hearing officer's decision of the appeal shall constitute the city's final decision without any further right of administrative appeal.
- (d) The City Attorney's Office shall notify the employer and the employee or other person who filed the suspected violation report at issue of the hearing officer's decision.

- (e) An employer or employee, to the extent provided by law, may appeal the hearing officer's decision by petition for writ of certiorari to the Minnesota Court of Appeals pursuant to Minnesota Statutes, section 606.01.
- (f) If there is no appeal of the City Attorney's Office's determination, the determination shall constitute the city's final decision. A failure to appeal the City Attorney's Office's determination by either the employee, former employee, or employer shall constitute a failure to exhaust administrative remedies, which shall serve as a complete defense to any petition or claim regarding the City Attorney's Office's determination.

§ 23.21 CIVIL ENFORCEMENT.

- (a) Where prompt compliance is not forthcoming with a final determination of violation, the City Attorney's Office may initiate a civil action in a court of competent jurisdiction against an employer, for violating any requirement of this article and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, the payment of lost wages, the payment of an additional sum as a civil penalty not to exceed twice the amount awarded for lost wages, and reinstatement in employment and/or injunctive relief and shall be awarded reasonable attorneys' fees and costs.
- (b) A person injured by a violation of this article may, in addition to other remedies provided in this article, bring a civil action in the district court wherein the alleged violation is alleged to have been committed or where the employer has a principal place of business, to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive other equitable relief as determined by the court.

§ 23.22 NO EFFECT ON MORE GENEROUS SICK AND SAFE LEAVE POLICIES.

- (a) Nothing in this article shall be construed to discourage employers from adopting or retaining other leave policies, including accrued sick and safe time policies, that provide for greater accrual or use by employees of sick and safe time or that extends other protections to employees.
- (b) Employers, who provide their employees sick and safe time under a paid time off policy, other paid leave policy, or collective bargaining agreement that is sufficient to meet the accrual requirements for sick and safe time under section 23.06 and may be used by the employee for the same purposes and under the same conditions as sick and safe time under section 23.07, are not required to provide additional sick and safe time.
- (c) Nothing in this article shall be construed to prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.
- (d) Nothing in this article shall be construed to prohibit an employer from advancing sick and safe time to an employee prior to accrual by such employee.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and on April 1, 2023.

Passed and adopted this 11th day of April, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

RESOLUTION NO. 2022 -

**A RESOLUTION DIRECTING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022 - ____ AN ORDINANCE CREATING CHAPTER 23 OF
THE CITY CODE ESTABLISHING EARNED SICK AND SAFE LEAVE IN THE
CITY OF BLOOMINGTON**

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota; and

WHEREAS, Section 3.08 of the Bloomington City Charter provides as follows:

SEC. 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Every ordinance or resolution passed by the council must be signed by the mayor or by the acting mayor, attested by the secretary of the council and filed and preserved by the secretary. Every ordinance and any resolutions requested by the mayor or by two other members of the council must be published at least once in the official newspaper. The council, by a two-thirds vote of all of its members, can direct publication of only the title and a summary of an ordinance, if the council approves the text of the summary and determines that it would clearly inform the public of the intent and effect of the ordinance. The summary must comply with the requirements of Minnesota Statutes Section 331A.01, subd. 10 and give notice that a full copy of the ordinance is available for inspection during regular office hours at the city clerk's office. As provided by law, an ordinance can incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

; and

WHEREAS, the City Council at its regular meeting on April 11, 2022, enacted the attached ordinance creating Chapter 23 of the City Code, establishing Earned Sick and Safe Leave with the City of Bloomington.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, that the following title and summary of the ordinance be published in the official newspaper. The City Council determines that the

following summary would clearly inform the public of the intent and effect of the ordinance enacted:

NOTICE OF SUMMARY
PUBLICATION OF ORDINANCES

On April 11, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-____) creating Chapter 23 of the City Code establishing Earn Sick and Safe Leave in the City of Bloomington. The specific title of the ordinance enacted was: “**AN ORDINANCE CREATING CHAPTER 23 OF THE CITY CODE ESTABLISHING EARNED SICK AND SAFE LEAVE IN THE CITY OF BLOOMINGTON**”. The full ordinance is available to the public for inspection at the Bloomington City Clerk’s Office, 1800 West Old Shakopee Road, Bloomington, Minnesota 55431, (952) 563-8700, during the hours of 8:00 a.m. and 4:30 p.m. and online at www.blm.mn/code.

Passed and adopted this 11 day of April, 2022.

ATTEST:

Mayor

Secretary to the Council

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Karen Nelson being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington Richfield

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 03/31/2022 and the last insertion being on 03/31/2022.

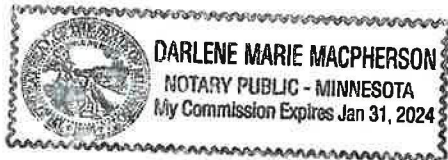
MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Karen Nelson
Designated Agent

Subscribed and sworn to or affirmed before me on 03/31/2022 by Karen Nelson.

Darlene M MacPherson
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$34.45 per column inch

Ad ID 1215887

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL

The Bloomington City Council will hold a public hearing on Monday April 11, 2022, for a meeting expected to start on or after 6:30 p.m. in the Council Chambers at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, Minnesota, 55431, or by electronic means as provided by State law, to consider an Ordinance adding Chapter 23 to City Code and establishing Earned Sick and Safe Leave in the City of Bloomington.

A full copy of the proposed ordinance is available online at <http://blm.mn/notices> or for review during regular business hours in the City Clerk's Office at the Bloomington Civic Plaza, at the address listed above. For more information or to submit comments prior to the public hearing, call Mike Sable, Assistant City Manager, 952-563-8780 and citymanager@BloomingtonMN.gov.

Published in the
Sun Current
March 31, 2022
1215887

From: [REDACTED]
To: [City-Council](#)
Cc: [Sable, Michael](#)
Subject: VOTE NO - Earned and Safe Leave Ordinance
Date: Friday, April 8, 2022 12:49:08 PM

Dear Council Members -

I noticed that the Earned and Safe Leave Ordinance is on the council agenda for a vote on Monday (4/11) so felt the need to send another comment.

I encourage you to vote NO on this proposed ordinance. It is not an appropriate issue to be handled at the city level. It is one that should be considered at a state or federal level. The state and the federal government have established and funded labor departments to set guidelines, to monitor, and to provide enforcement actions. With a no vote, I would encourage you to lobby our state representatives and federal representatives to consider the findings of the task force and concerns of the council and pass appropriate legislation.

In addition, I do not want property tax or other city revenues used to administer or enforce this program or to provide court actions. There are other more appropriate priorities for these limited funds.

Please do not suggest that because Minneapolis, St. Paul, and Duluth have adopted similar ordinances that Bloomington should follow. I do not see the cities of Minneapolis and St. Paul as modeling good municipal government. In addition, I do not think their consideration of expanding social programs such as early child care or supplemental income (People's Prosperity Guaranteed Income) or reparations are the correct use of limited municipal funds. These programs should be discussed, managed, and funded by state governments or by the federal government. In some cases management of these social programs then could be delegated to school districts or counties.

G. J. Holt
Bloomington, MN

April 8, 2022

To: Bloomington City Council councilsecretary@bloomingtonmn.gov

Re: April 11 Meeting, Agenda Item 4.4, Public Hearing, Earned Sick and Safe Leave Ordinance

My name is Cynthia Sutherlund. I have lived in Bloomington for 27 years. I work as an LPN for HealthPartners. I am a member of SEIU Healthcare Minnesota & Iowa, which represents almost 50,000 healthcare workers in hospitals, clinics, nursing homes, and self-directed home care. Over 300 members of my union live in Bloomington.

On behalf of our union, I strongly support agenda item 4.4, the Earned Sick and Safe Leave Ordinance. It is modeled on successful ordinances passed in Minneapolis, St. Paul, and Duluth. Our union supported those ordinances and often sat on the working groups that help draft them.

As a health care professional, I know the value of keeping sick people at home. If we want sick people to stay home, it is necessary for us to pay them. A disease does not care about where you live, the color of your skin, or the amount of money you earn. To protect ourselves, we need to make sure every sick person can afford to stay home. We can't force people to choose between the remote danger to strangers and the immediate needs of their family.

If I go to a local restaurant to eat or go to the Mall of America to shop, any sick employee who is on duty could infect me. I could spread it to my husband who works at multiple locations for Fairchild Equipment. The next day I could spread that illness to any of the dozens of patients and co-workers I see every day at work. I could spread it to some of the most vulnerable people in our community. Healthcare is a big employer in Bloomington and our community has a special responsibility to protect the public health. I was glad to see a representative from HealthPartners served on the Task Force that worked on this ordinance.

The COVID-19 epidemic has been a nightmare for health care workers like me. We appreciate it when elected officials call us "heroes", but we need you to protect the public health. Please use every tool you have, including a strong Earned Sick and Safe Leave ordinance, to slow the spread of the next epidemic.

Cynthia A Sutherlund

████████████████████
████████████████████

From: [Dan McConnell](#)
To: [Council Secretary](#)
Subject: Earned Safe and Sick Time
Date: Monday, April 11, 2022 12:29:50 PM

Mayor Busse and Council members,

Thank you for your desire to enact an Earned Safe and Sick Time ordinance for workers in the City of Bloomington!

I would like to go on record supporting this as proposed.

The provision to allow construction industry employers to opt to pay prevailing wages as a means of compliance recognizes the work we have done with our employers to address these issues collaboratively.

We appreciate your efforts on this ordinance.

Thanks,

Dan McConnell
Business Manager
Minneapolis Building and Construction Trades Council
(o) 612.379.4234
(c) 612.209.7915
dan@mplsbctc.org

From: [Swanson, Michelle M](#)
To: [City-Council](#)
Subject: Safe and Sick Leave ordinance
Date: Monday, April 11, 2022 4:10:16 PM

Mayor and Council Members:

We provided brief written comments to city staff and have also had conversations with staff on the Earned Safe and Sick Leave. We have only one outstanding issue (which is more of a clarification) which we would like to see the Council include in the final ordinance. Please expand the definition of “used” in 23.12(d). Specifically, “used” should include those hours paid out upon separation from employment or the section should be expanded to exclude hours paid out upon separation from employment. Please see suggested language below:

- When there is a separation from employment and the employee is rehired within three hundred and sixty-five (365) days of separation by the same employer, previously accrued sick and safe time that had not been used **or paid out upon separation from employment** must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.

I would encourage the Council to include this clarification in their final ordinance or in guidance published by the Council as reinstatement of employment within 365 days should not result in more sick and safe time than intended by the ordinance. Please let me know if you have questions.

Thank you,

Michelle

Michelle Swanson
Xcel Energy
Manager, Community Relations & Economic Development
5309 West 70th Street, Edina, MN 55439
P: 952-380-2604 F: 612-573-1724 C: 612-965-7975
E: michelle.m.swanson@xcelenergy.com

XCELENERGY.COM

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Request for Council Action

Originator City Manager's Office	Item 5.1 City Council Policy & Issue Update
Agenda Section ORGANIZATIONAL BUSINESS	Date April 11, 2022

Requested Action:

Item created by: Matt Brillhart, City Manager's Office

Item presented by: Jamie Verbrugge, City Manager

Description:

1. Updates to Council by the City Manager
2. Council Issue Identification



Request for Council Action

Originator City Manager's Office	Item Meeting Attachments
Agenda Section Meeting Attachments	Date April 11, 2022

Requested Action:

No action required.

Item created by: Matt Brillhart, City Manager's Office

Item presented by: Matt Brillhart, Council Secretary

Description:

This item will include any attachments, handouts, and sign-in sheets from the meeting that were not included when the agenda was originally published.

Attachments:

[Responses to Council Questions - Monday, April 11.pdf](#)

[Sign-in sheet_Redacted.pdf](#)

[Call-in log.pdf](#)

From: [Verbrugge, Jamie](#)
To: [City-Council](#)
Cc: [Executive Leadership Team](#); [Marohn, Amy](#); [Long, Julie](#); [Gersemehl, Matthew](#); [Zuniga, Peter](#); [Ebert, Katherine](#); [Smith, Tracy](#); [Hill, Janine](#)
Subject: Responses to Council Questions - Monday, April 11
Date: Monday, April 11, 2022 3:37:06 PM
Attachments: [image001.png](#)
[2022_Assessing_Report.pdf](#)
[2022_Valuation Article for Sun Current.docx](#)
Importance: High

Mayor and Council,

Council Member Martin has Consent. Please let me know if you have holds from Consent this evening.

Council Member Coulter expressed an interest in moving the Public Hearing for Earned Sick and Safe Leave ahead of the other public hearings, so that request may come up during the approval of the agenda.

2.5 – 2022 Assessment Report

City Manager Verbrugge: The presentation from City Assessor Matt Gersemehl is in the republished agenda packet online. I haven't attached the presentation due to its size. I am however attaching two items – the 2022 Assessment Report and a Guest Column article that has been drafted by Mr. Gersemehl and Janine Hill, which will run in the Sun Current in this week's edition.

3.10 – Normandale Multi-Modal Trail

Council Member Nelson: Why the 10' on the west side and sidewalk on the east side? My concern with the wider trail on the west side is that I believe there are more front yards on that side between OSR and 102nd. In addition to a impact on property owners would there be safety issues having to bike across several driveways. Can the language be more general to allow for the wider trail on either side, depending on the user needs, topography, public right away, and potential impacts? What engagement will be done for this project? Will this project make any pedestrian/bike changes across Normandale at 102nd?

Amy Marohn, Civil Engineer: Because the final design is not yet completed, the application is being prepared to specify a 10' bituminous trail on the west side and either a 6' concrete sidewalk or a 10' bituminous trail on the east side, to be determined later based on public engagement and a feasibility report. We did have over 100 survey responses and one of the questions asked if there was a preference for the side of the roadway for the trail, with a walkway on the other side. The survey responses showed a small preference for trail on the west side of the roadway, but most people didn't have a preference. The layout with the fewest property impacts would be to have the 10' trail on the west side and the sidewalk on the east side. There is a significant increase in the amount of right-of-way that will need to be acquired (an estimated ½ million dollars more from 15 additional parcels) if a trail is constructed on the east side instead of a sidewalk. That being said, the final decision for design will be determined at a later date. The resolution reflects that the decision will be made later.

Happy to provide more info if needed.

4.4 – Earned Sick and Safe Leave Ordinance

Council Member Lowman: Concerned about the requirement for a doctor's note. How does somebody get a doctor's note if they don't have health insurance?

City Manager Verbrugge: It's a good observation. Deputy City Attorney Peter Zuniga has language he will recommend to revise that provision to state that it applies to employers who provide health insurance to employees, if the Council is interested in making that revision.



JAMIE VERBRUGGE City Manager

Pronouns: (he/him/his)

PH: 952-563-8780 **CELL:** 952-567-9603 **EMAIL:** jverbrugge@bloomingtonmn.gov
1800 West Old Shakopee Road, Bloomington, MN 55431

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ALL SPEAKERS PLEASE SIGN IN

Date: April 11, 2022[illegible]

Company Name: STATE OF MINNESOTA
Event Title: BLOOMINGTON CITY COUNCIL MEETING
Leader's Name: MAYOR TIM BUSSE
Event Date: April 11, 2022
Event Time: 18:15 PM CT
Conference ID: 3862329

<u>FIRST AND LAST NAME</u>	<u>ENTRY</u>	<u>EXIT</u>	<u>CONFERENCE MINUTES</u>
SPK MATT BRILLHART	18:24:18	18:29:07	00:04:49
MAIN FEED	18:27:58	23:13:37	04:45:39
CHELSIE GLAUBITZ GA B	20:16:30	22:35:44	02:19:14
ELISE BALDERRAMA	20:21:33	21:28:46	01:07:13
ELISE VALDERAMA	21:30:10	21:41:07	00:10:57
GRACE WALTZ	20:22:22	21:26:09	01:03:47
JEAN ROSS	20:26:44	21:27:34	01:00:50
REBEKAH NELSON	20:24:53	21:23:54	00:59:01
WADE LUNEBURG	20:27:43	21:13:55	00:46:12