



City Council AGENDA

**CITY COUNCIL BUSINESS MEETING
MONDAY, AUGUST 29, 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 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)

To provide testimony on a public hearing item:

- Attend in person and speak at the podium; or
- Speak by phone during a public hearing by dialing **1-415-655-0001**. Enter access code **2451 364 2788 #** and password **082922 #**. Press ***3** to "raise your hand" to indicate a desire to speak; your line will remain muted until it is your turn. When it is your turn to speak, the Council Secretary will call on you by the first six digits of your phone number and will unmute your line. Listen for notification that your line has been unmuted before speaking.
- To offer testimony 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 title 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

1. APPROVAL OF AGENDA

2. INTRODUCTORY

- 2.1 Proclamation: Tony Oliva Day
- 2.2 Proclamation: National Suicide Prevention Month & Week
- 2.3 Introduction of New Employees
- 2.4 Bloomington Sales Tax: 2020 MN Dept. of Revenue Sales Tax Report
- 2.5 Bloomington Sales Tax Survey Report
- 2.6 Office of Racial Equity, Inclusion, and Belonging (OREIB) 2022 Workplan Update

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 Set Meeting Date for Public Hearing - 2023 General Fund Budget and Property Tax Levy
- 3.2 Resolution Authorizing American Rescue Plan Expenditure and Related Budget Adjustments - State of Homelessness Assessment
- 3.3 Resolution Authorizing American Rescue Plan Expenditure and Related Budget Adjustments - Homebuyer Down Payment Assistance
- 3.4 Approve Professional Services Agreement for Lending Administration Services
- 3.5 Resolution Abating Debt Service Levies
- 3.6 JustFOIA First Amendment
- 3.7 Resolution to Accept Women, Infants, and Children Grant Funds from the Minnesota Department of Health
- 3.8 Purchase of Sidewalk Plow
- 3.9 Review and Ratify I-494 Corridor Commission 2023 Dues and Budget
- 3.10 Amendments to Planning Commission Rules of Procedure
- 3.11 Appoint City Assessor
- 3.12 Bloomington Old Town Hall Lease Agreement
- 3.13 Resolution Accepting Permanent Public Storm Sewer, Ponding, and Pond Maintenance Easement Over, Under, and Across Lot 1, Block 1, OLSON SCHOOLS ADDITION

3.14 Variance and Type III Prelim/Final Plat for 3011 and 3015 Overlook Drive

3.15 Approval of City Council Meeting Minutes

4. HEARINGS, RESOLUTIONS, AND ORDINANCES

To address the Council on a public hearing 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 Schmitt Music Sign Variances

4.2 Public Hearing: Public Pool and Lodging Code Amendments

4.3 Public Hearing: Shared Vehicle Ordinance Update

4.4 Public Hearing: 2021 Consolidated Annual Performance and Evaluation Report (CAPER)

4.5 Motion to Reconsider Adoption of an Ordinance Amending Various Chapters of the City Code and Fee Schedule Appendix

5. ORGANIZATIONAL BUSINESS

5.1 MPCA Landfill Presentation and Authorize Comment Letter to MPCA

5.2 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 City Manager's Office	Item 2.1 Proclamation: Tony Oliva Day
Agenda Section INTRODUCTORY	Date August 29, 2022

Requested Action:

Mayor to read and present Tony Oliva Day proclamation.

Item created by: Denise Christenson, City Manager's Office

Item presented by: Mayor Tim Busse

Description:

Mayor Tim Busse will introduce the item. A video created by the Communications Division will be shown and Mayor Busse will read the proclamation and present it to Mr. Oliva.

Attachments:

[Tony Oliva Day Proclamation](#)

Proclamation

Tony Oliva Day August 29, 2022

WHEREAS, Bloomington resident Tony Oliva has had a legendary career in major league baseball; and

WHEREAS, Oliva played his entire career with the Minnesota Twins from 1962 - 1976; and

WHEREAS, Oliva's 1964 rookie season earned him a near-unanimous Rookie of the Year selection receiving 19-of-20 first-place votes. His .323 batting average made him the first player ever to win both the Rookie of the Year award and American League batting title; and

WHEREAS, Oliva boasted a batting average of .304 with 220 home runs and 947 Runs Batted In. He had 1,917 hits in 1,676 games, stole 86 bases, 448 walks, and only 645 strikeouts. He won the American League Rookie of the Year (1964), Gold Glove Award (1966), three-time American League batting champion (1964, 1965 and 1971), and was an 8-time All-Star; and

WHEREAS, Oliva was inducted into the Minnesota Sports Hall of Fame in 1988 and the Minnesota Twins Hall of Fame in 2000; and

WHEREAS, Oliva's uniform number 6 was officially retired by the Twins franchise on July 14, 1991; and

WHEREAS, Oliva was elected into the National Baseball Hall of Fame in 2021 and was officially inducted on July 24, 2022 along with former Twin Jim Kaat, joining just four other Minnesota Twins players: Harmon Killebrew (1984), Rod Carew (1991), Kirby Puckett (2001), and Bert Blyleven (2011); and

WHEREAS, Oliva has called Bloomington his home since 1968.

THEREFORE, I, Mayor Tim Busse, do hereby proclaim August 29, 2022 as Tony Oliva Day in Bloomington, Minnesota.



Tim Busse, Mayor
City of Bloomington, Minnesota
Dated this 29th day of August 2022.



Request for Council Action

Originator Information Technology	Item 2.2 Proclamation: National Suicide Prevention Month & Week
Agenda Section INTRODUCTORY	Date August 29, 2022

Requested Action:

Mayor Busse to read the proclamation.

Item created by: Amy Cheney, Information Technology

Item presented by: Andrea Wendt, Suicide Awareness Voices of Education (SAVE)

Description:

September is Suicide Prevention Month and September 4-10, 2022 is National Suicide Prevention Week. The City recognizes the month and week with a proclamation that points to the significance of being vigilant about educating the public and ensuring those at risk are aware of the resources available to them. The City of Bloomington continues to work on reducing stigmas related to mental health and suicide.

Staff from Public Health, Police, and Information Technology are working to promote suicide prevention through the City's website and social media as well as including messages on digital signs at City facilities and lighting Civic Plaza in purple, the color for suicide prevention.

Staff is also promoting the National Council for Suicide Prevention's "Take 5 to Save Lives Campaign," which encourages everyone to take five minutes to complete five action steps that fall under the themes of: Learn, Know, Do, Talk and Share. Community members are invited to visit the website take5tosavelives.org to get involved.

As a City organization, it is important to continue to work toward not only an understanding of this topic, but a way of working to better serve our community.

Attachments:

[2022 Suicide Prevention Proclamation_FINAL.docx](#)

Proclamation

National Suicide Prevention Week & Month

August 29, 2022

WHEREAS, suicide is a major public health issue that requires vigilant attention and preventive action with 723 Minnesotans dying by suicide in 2020; and

WHEREAS, each death by suicide directly impacts numerous family members, friends, loved ones, and by extension the entire community; and

WHEREAS, the City of Bloomington is committed to ensuring that those in need have access to services by health care providers trained in best practices to reduce suicide risk, and to reducing the stigma associated with using behavioral health treatment or losing a loved one to suicide; and

WHEREAS, the Bloomington Public Health Division is a member of the Hennepin County Community Health Improvement Partnership, which has identified mental health and well-being as a priority for their 2019-2023 strategic plan; and

WHEREAS, the City of Bloomington recognizes organizations such as Suicide Awareness Voices of Education (SAVE) for their efforts in educating the public and providing services for those at risk; and

WHEREAS, the month of September is recognized as Suicide Prevention Month and September 4th through 10th is recognized across the United States as Suicide Prevention Week.

THEREFORE, I, Mayor Tim Busse, do hereby proclaim, September as Suicide Prevention Month and September 4th through 10th, as National Suicide Prevention Week in the City of Bloomington, Minnesota and call upon the people of Bloomington to observe this month and week by working with your families, friends, neighbors, co-workers and leaders to become more informed of mental health issues that contribute to suicide.

Tim Busse, Mayor
City of Bloomington, Minnesota
Dated this 29th day of August 2022



Request for Council Action

Originator Mayor's Office	Item 2.3 Introduction of New Employees
Agenda Section INTRODUCTORY	Date August 29, 2022

Requested Action:

Welcome the following new employees to the City of Bloomington:

Police

Natasha Simonson, Thomas Bearheart, Olivia Brown, Joshua Rueckert (Dispatch); Seleena Godoy (Digital Evidence and Data Tech.)

Public Works

Peter Nelson (Utilities), Justin Malecha, Marcus Hilgert, Ryan Young (Maintenance)

Item created by: Matt Brillhart, Mayor's Office

Item presented by: Tim Busse, Mayor

Description:

As new employees are hired by the City of Bloomington, we want to introduce them to the organization and to the community, so the City Council, residents, and businesses can get to know the public servants working on their behalf.



Request for Council Action

Originator Finance	Item 2.4 Bloomington Sales Tax: 2020 MN Dept. of Revenue Sales Tax Report
Agenda Section INTRODUCTORY	Date August 29, 2022

Requested Action:

No action requested. Discussion only.

Item created by: Briana Eicheldinger, Finance

Item presented by: Jamie Verbrugge, City Manager

Description:

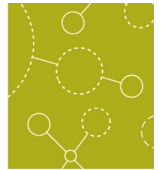
Ryan Pesch, Extension Educator from the University of Minnesota Extension Center for Community Vitality will present details from the recently released "Trend Analysis: Local Option Sales Tax for Bloomington, MN," a report that provides estimated contributions of residents and non-residents to a local option sales tax and an examination of trends from 2016-2020.

The University of Minnesota Extension is a partnership between the university and federal, state and local governments to provide scientific knowledge and expertise to the public in a variety of areas. The Extension Center for Community Vitality is a specialty area that studies the economic impacts on a region. The center provides customized retail analyses for communities to help gain insight into the local retail economy. The center has conducted a number of these studies for counties and cities, and it has a proven and reliable methodology.

Attachments:

[Bloomington LOST 8.16.22.pdf](#)

[August 29 2022 - Lodging and Admissions Tax Detail.pdf](#)



Trend Analysis: Local Option Sales Tax for Bloomington, MN

ESTIMATED CONTRIBUTIONS OF RESIDENTS AND NON-RESIDENTS TO A LOCAL OPTION SALES TAX AND AN EXAMINATION OF TRENDS FROM 2016-2020

Authored by Ryan Pesch



PROGRAM SPONSORS: CITY OF BLOOMINGTON, MINNESOTA

Trend Analysis: Local Option Sales Tax for Bloomington, MN

ESTIMATED CONTRIBUTIONS OF RESIDENTS AND NON-RESIDENTS TO A LOCAL OPTION SALES TAX AND AN
EXAMINATION OF TRENDS FROM 2016-2020

July 2022

Authored by Ryan Pesch, Extension Educator, University of Minnesota Extension Center for Community
Vitality

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EXECUTIVE SUMMARY

After an analysis of a Local Option Sales Tax potential based on 2016 and 2018 sales tax statistics, University of Minnesota Extension recently took another look at the trends of taxable sales data for the city. A look at 2020 statistics points to the significant impacts of the pandemic on retail and service sales.

Extension conducted the study to estimate overall tax proceeds and the proportion of tax proceeds generated by Bloomington residents. Comparing these results to non-residents using sales and use tax data available from the Minnesota Department of Revenue (MN Revenue), Extension estimated non-residents spending in by adjusting proportions of non-resident spending using 2020 data based on shifts in taxable sales by category

Calculated in these two ways, Extension estimated that **non-residents comprised 60.4% of 2020 taxable sales subject to a local option sales tax (LOST)**. In comparison, Extension previously estimated that 74.6% of 2016 taxable sales subject to a local option sales tax come from non-residents. This conservative estimate of non-resident spending was calculated using the same categories with 2020 data as the 2016 data from the original report.

Total taxable sales were \$3.2 billion in 2016 and dropped significantly to \$2.0 billion in 2020. Minnesota Department of Revenue analysts estimated that 68.3% of all taxable sales would have been subject a local option sales tax. Therefore, \$2.2 billion and \$1.4 billion of would have been subject to a LOST in 2016 and 2020 respectively. **If a local option sales tax were in effect, the city would have generated \$11 million in 2016 and a minimum of \$6.8 million in 2020**, the strong majority of which would have been garnered from non-residents. Tax proceeds could increase over \$12 million by 2023 if taxable sales return to pre-pandemic trends. The historic shakeup in spending due to the pandemic leave forecasts uncertain. One significant unknown in this analysis is the amount of online sales from Bloomington residents, which would be subject to the LOST. These online sales increased significantly during 2020 across the nation, yet Extension cannot estimate the amount of these sales from current sources and these sales would certainly have taken the tax proceeds above the \$6.8 million based solely on this data used in this analysis.

The intent of this report was not to make recommendations to city officials about what actions to take, but rather determine the estimated sales tax proceeds from a local option tax program and what proportion of those dollars will likely be paid by year-round city residents versus non-residents to inform decision making.

METHODOLOGY

Extension initially generated a trade area analysis comparing actual taxable sales, based on Minnesota Revenue sales tax data¹ with a calculated “potential sales” amount. This amount was determined by multiplying the Bloomington population by the Minnesota average per capita sales and then adjusting for the city’s income factor (See sidebar). Doing so provided an estimate of retail and service purchases made by year-round Bloomington residents. For each merchandise group, the estimates for two types of purchasers—city residents and others—were considered and adjusted considering the area economy. These adjustments involved informed estimates and were aimed, in part, at reducing what otherwise might have been overestimates of the sales tax share falling to non-residents.

Several key factors and features in the Bloomington economy helped frame our analysis of the different merchandise categories:

- The strength of Bloomington’s store mix attracts a significant number of regional and even international visitors and metro-area residents to shop in the community.
- Because of its job base, a large contingent of residents from other communities commute into Bloomington for work. We assume that these non-resident workers purchase goods and services in Bloomington due to convenience. The proportion of non-residents entering Bloomington for work increased by over 3,000 workers between 2016 and 2019 (most recent published data).
- We assume that Bloomington residents are pulled to other communities to shop, despite the strong retail mix in Bloomington. This is in part due to the number of residents that work outside of the community (nearly 30,000 according to Census figures) and the close proximity of competing shopping areas (Figure 1).

Potential Sales estimate the dollar amounts for purchases made by local residents *if* local residents spend as much as the average Minnesota resident.

Potential sales are calculated by the following formula:

$$(T \div PMn) \times PB \times (YHC \div YMn) = \text{Potential Sales}$$

T = Total Minnesota taxable sales for a merchandise category

PMn = 2020 Population of Minnesota (5,706,494)

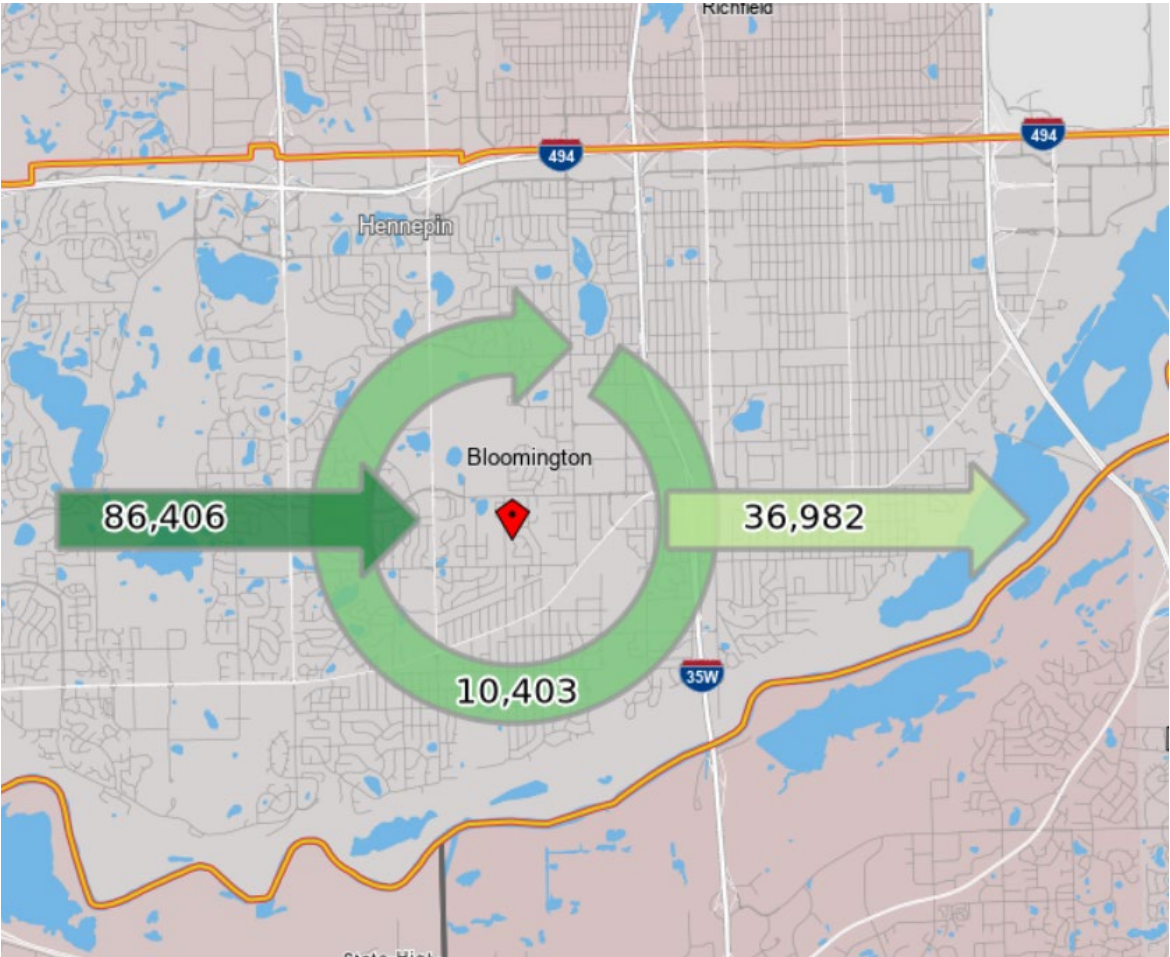
PB = 2020 Population of Bloomington (89,987)

YHC = Per capita income of Hennepin County resident (\$79,183)

YMn = Per capita income of Minnesota resident (\$62,005)

1. MN City Sales Tax Statistics. Minnesota Department of Revenue. Retrieved from <https://www.revenue.state.mn.us/sales-and-use-tax-statistics-and-annual-reports>

Figure 1: Bloomington worker in-flow and out-flow (Source: 2019 U.S. Census Bureau OnTheMap application, Longitudinal-Employer Household Dynamics Program, <http://onthemap.ces.census.gov/>)

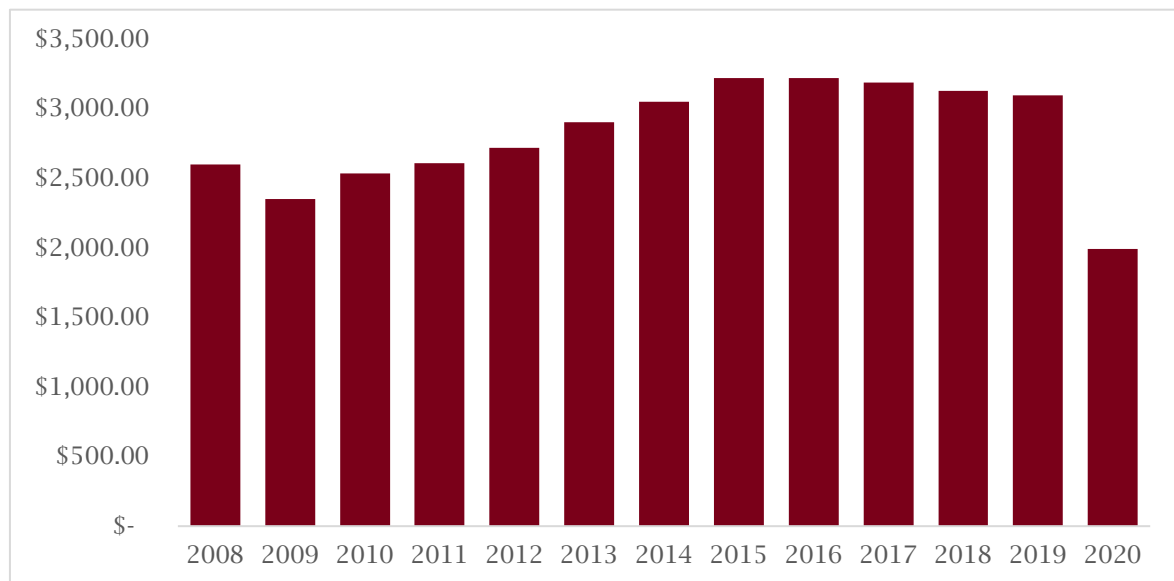


Taxable Sales Trends

Total taxable sales in Bloomington have grown over the past ten years, but with a slight decrease from 2016 to 2019 with a significant dip in 2020.

Total taxable sales in the city have increased 31.7 percent from 2009 to 2019 from \$2.3 billion to \$3.1 billion, yet dropped 35.6% or \$1.1 billion between 2019 and 2020 due to the significant disruption caused by the pandemic (Figure 2).

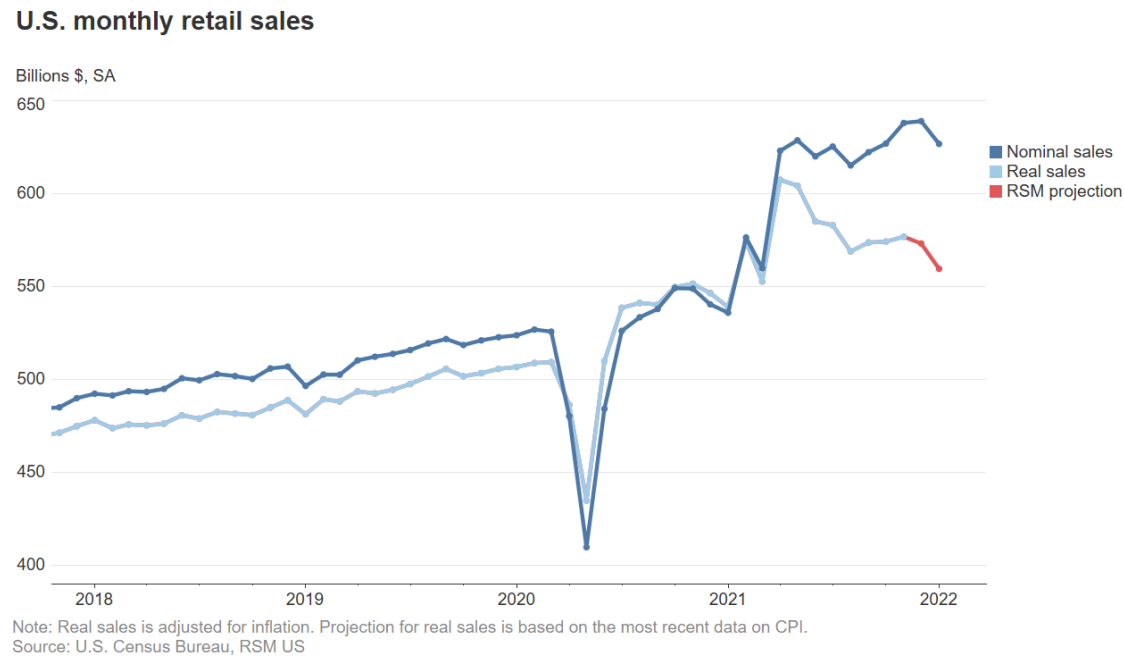
Figure 2: Total taxable sales (in millions) in Bloomington from 2008 to 2020 (source: Minnesota Department of Revenue)



Since tax proceeds are calculated as a percentage of total taxable sales subject to the sales tax, this increase during the past decade gives some sense of stability if a tax were enacted. Although the decrease between 2019 and 2020 was very significant, two national trends moderate any potential negative impacts of a LOST:

1. A large portion of consumer spending migrated from in-store sales to online sales during the pandemic. Any LOST would garner tax proceeds from online transactions whose nexus was in Bloomington. This includes any products delivered directly to Bloomington residents or customers who ordered online and picked up products at a Bloomington store.
2. Nationally the significant decreases in sale in 2020 were followed by significant increases in spending in 2021 (Figure 3). Extension does not have 2021 sales tax data to confirm that Bloomington followed this national trend.

Figure 3: Monthly Retail Sales, 2018-2022 (Source: RSM)

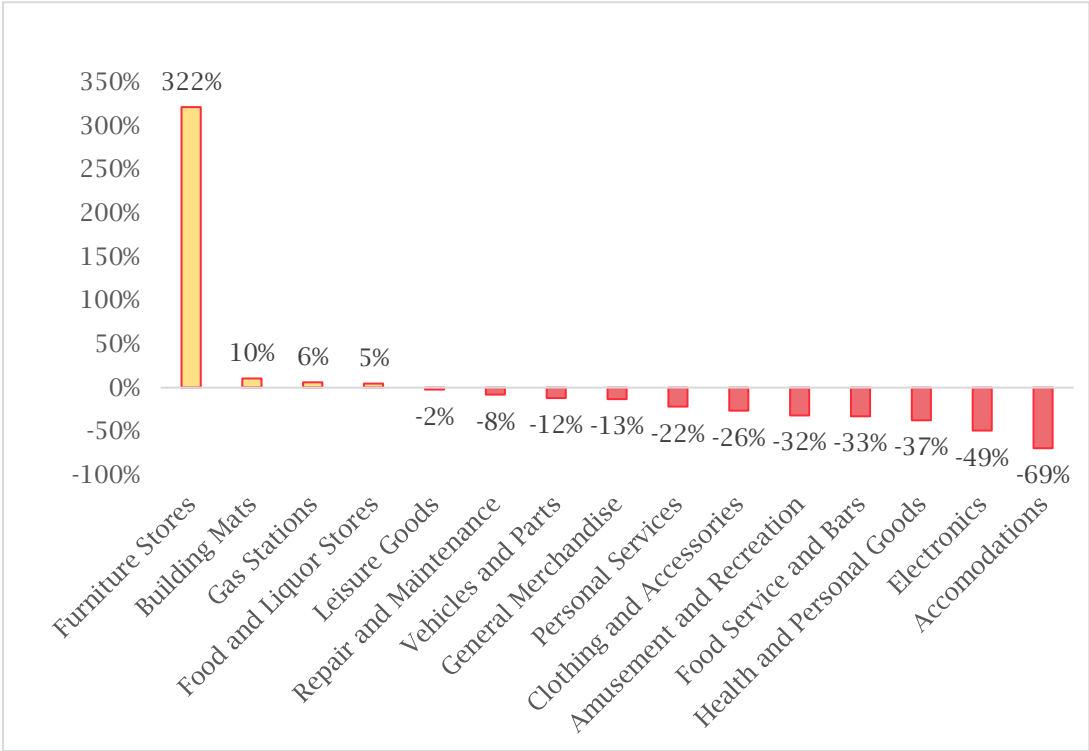


Between 2019 and 2020 taxable sales by category have shifted in some notable retail categories including very significant decreases in accommodations and food service as well as less severe decreases in electronics, general merchandise, and clothing. These losses were offset to a degree by a massive increase in the furniture category plus less dramatic but still significant increases in food, and building materials (Figures 4 and 5).

Figure 4: Taxable sales changes by category (in millions), 2019-2020

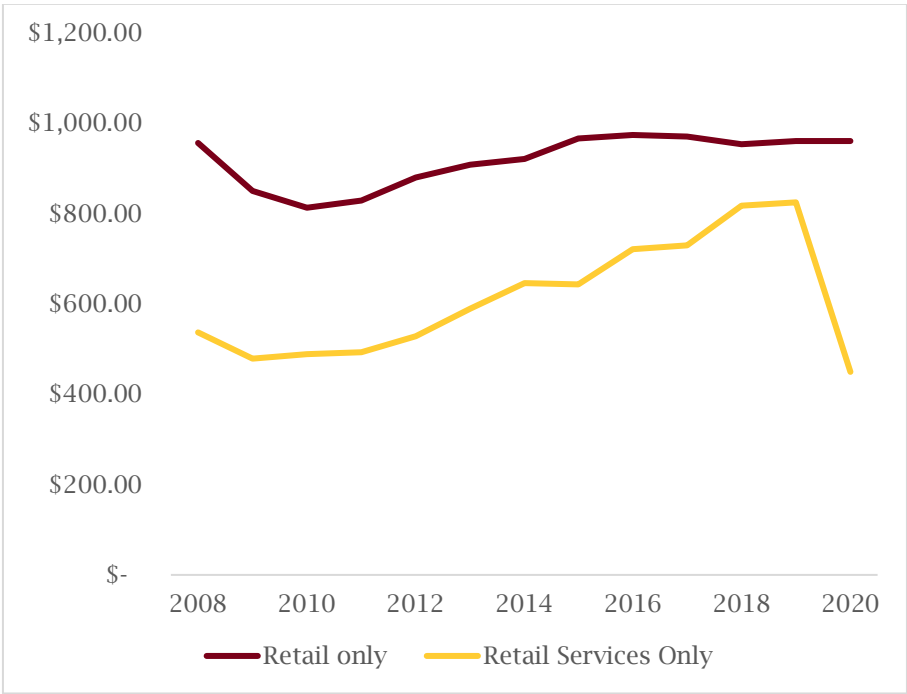
	2019 Taxable Sales	2020 Taxable Sales	Dollar Change	Percent Change
Vehicles and Parts	\$149,187,347	\$131,361,013	\$(17,826,334)	-11.9%
Furniture	\$33,832,079	\$142,613,724	\$108,781,645	321.5%
Electronics	\$66,601,504	\$33,843,362	\$(32,758,142)	-49.2%
Building Mats.	\$103,056,242	\$113,771,349	\$10,715,107	10.4%
Food and Liquor Stores	\$111,958,570	\$117,021,890	\$5,063,320	4.5%
Health and Personal Goods	\$57,012,512	\$35,664,476	\$(21,348,036)	-37.4%
Gas Stations	\$25,451,703	\$26,977,609	\$1,525,906	6.0%
Clothing and Accessories	\$76,351,468	\$56,197,552	\$(20,153,916)	-26.4%
Leisure Goods	\$101,334,508	\$99,080,350	\$(2,254,158)	-2.2%
General Merchandise	\$179,643,163	\$155,973,504	\$(23,669,659)	-13.2%
Misc. Store Retailers	\$43,447,467	\$39,109,398	\$(4,338,069)	-10.0%
Amusement and Recreation	\$27,193,590	\$18,524,577	\$(8,669,013)	-31.9%
Accommodations	\$342,765,972	\$104,722,830	\$(238,043,142)	-69.4%
Food Service and Bars	\$328,335,369	\$220,494,656	\$(107,840,713)	-32.8%
Repair and Maintenance	\$48,048,141	\$44,203,025	\$(3,845,116)	-8.0%
Personal and Laundry Services	\$78,922,520	\$61,784,700	\$(17,137,820)	-21.7%

Figure 5: Taxable sales changes by category in Bloomington (in millions), 2019-2020



Generally these categories shifts follow the national trends, where retail goods categories held or increased, whereas the retail service industries saw significant declines (Figure 6):

Figure 6: Retail Goods vs. Retail Services by Year in Bloomington

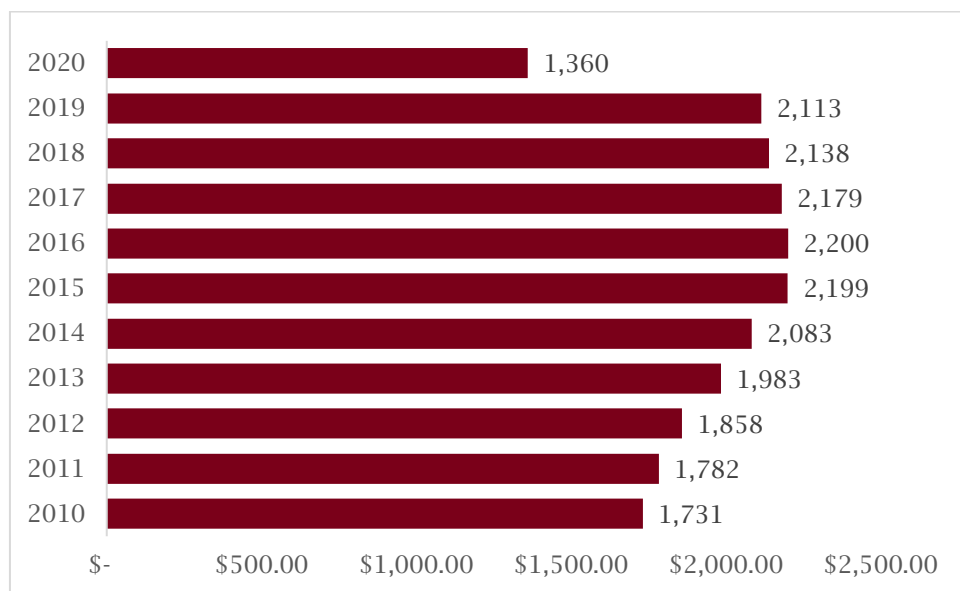


These shifts impacted Extension estimates of non-resident proportion of spending. For example, accommodations sales are driven more by non-resident spending than any other category and a serious decrease in sales in the accommodations category would tilt the mix of sales towards resident spending overall.

Local Option Sales Tax Estimates and Trends

Not all taxable sales are subject to a local option sales tax. A city such as Bloomington with many types and sizes of businesses will have business taxpayers with transactions that range across jurisdictions and complex operations. Extension consulted the MN Department of Revenue research division and their analysts estimated the percent of the total taxable sales subject to a local tax at 68.3% after looking at the firm-level sources of taxable sales in the state sales tax database. Extension used this proportion as a constant to estimate the total sales subject to a local option sales tax (Figure 7).

Figure 7: Estimated taxable sales subject to location option sales tax (not adjusted for inflation)



Extension forecasted taxable sales subject to the local tax for 2021, 2022, and 2023 using a simple exponential smoothing forecast model that employs a moving weighted average and a 95% confidence interval to provide an upper and lower bound to the estimate (Figures 8 and 9). Considering the historic disruption of the pandemic, the range of future tax proceeds is wide, a greater range than calculated in the 2021 report examining LOST trends since the trend of taxable sales for a decade previous the pandemic consisted of gradual increases and decreases.

Figure 8: Sales forecast of taxable sales subject to local option sales tax

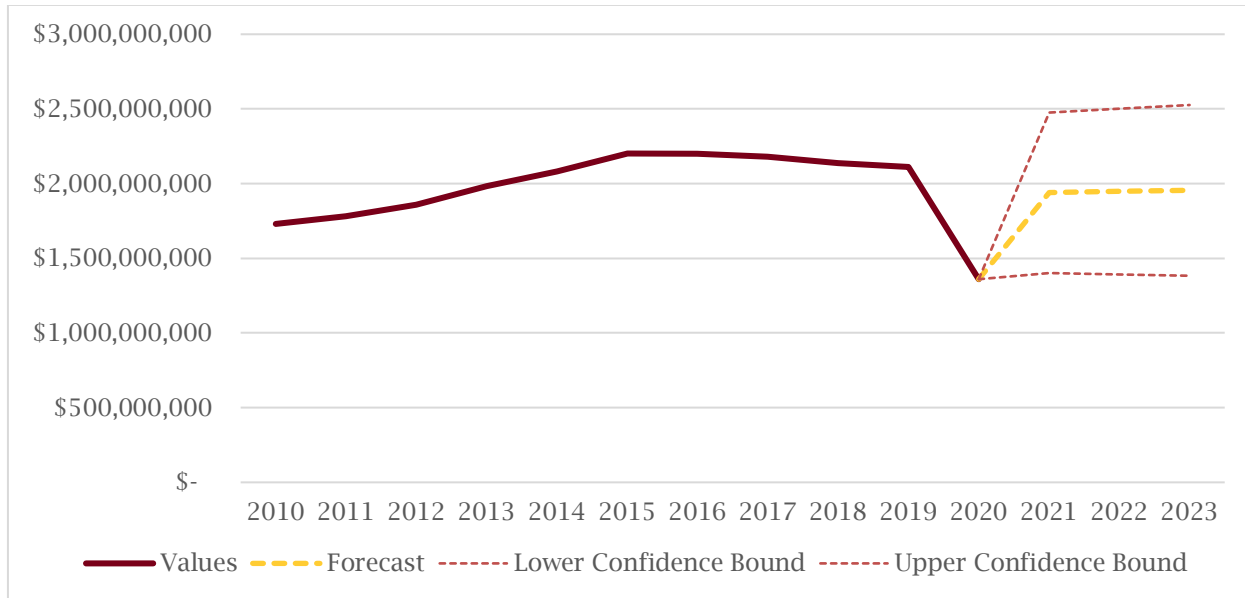


Figure 9: Forecast of taxable sales subject to tax with upper and lower bound at 95% confidence interval

	Forecast	Lower bound	Upper bound
2021	\$1,939,368,482	\$1,401,310,668	\$2,477,426,296
2022	\$1,947,305,070	\$1,392,557,026	\$2,502,053,114
2023	\$1,955,241,658	\$1,384,163,560	\$2,526,319,757

Tax proceeds estimates

Extension estimated the dollars generated by a local option sales tax historically and using its forecast of taxable sales subject to the tax. Bloomington would have realized as much as \$11,000,000 and \$6,800,000 in sales tax proceeds in 2016 and 2020 respectively if a half percent tax were in effect at that time. Because the 2020 estimate is based only on the taxable sales published for Bloomington-based business alone, this is a lower than expected tax proceed estimate in light of the shift to consumer online purchases during 2020, which are not included. Any online sales picked up at Bloomington-based stores would be included, yet online purchases by Bloomington residents are not. Looking forward, a local option sales tax may garner up to \$12,632,000 in 2023 according to forecast (Figure 10).

Figure 10: Estimated tax proceeds for 0.5% local option sales tax, 2011 - 2023

2011	\$8,911,509
2012	\$9,287,969
2013	\$9,916,634
2014	\$10,413,311
2015	\$10,997,290

2016	\$11,000,000
2017	\$10,895,288
2018	\$10,689,139
2019	\$10,566,489
2020	\$6,800,192
2021*	\$7,006,553-\$12,387,131
2022*	\$6,962,785 - \$12,510,266
2023*	\$6,920,818-\$12,631,599

*Range uses upper and lower bound of taxable sales forecast (Figure 7)

Proceeds from *use* taxes would also be added to the estimated tax proceeds from a local option sales tax. Use taxes derive from city businesses purchasing products from out-of-state sources and in other Minnesota locations, which are often less consistent and more difficult to accurately estimate than sales taxes. Based on 2020 figures, city officials can expect an estimated additional \$65,000 in use (not sales) tax proceeds with a half-percent enacted tax.

Non-resident estimates

Extension calculated the proportion of non-resident spending in Bloomington using the same method of comparing actual to potential as done in the first LOST analysis using 2016 data. In this analysis, Extension sets non-resident portion of spending in relation to the capture of Bloomington resident spending. For example, furniture stores in Bloomington report \$111 million more in taxable sales than the potential sales calculation. Clearly there's a surplus. If only \$111 million or 78% of sales in the category were attributed to non-residents, 100% of Bloomington resident spending in this category would stay in Bloomington. Since this is unrealistic in a competitive metro market, Extension adjusted the non-resident spending up to 85%, which brought the Bloomington resident capture rate to a more reasonable 68% of their spending. Again, in a competitive metro market, a 68% capture rate is still conservative as Bloomington residents can easily reach and shop at other furniture stores.

Working through the business categories in this way, this analysis provided a range of non-resident spending overall between 74.8% using 2016 data and 59.7% using 2020 data (Figure 11).

Taxable sales and businesses in the "other" category were left out due to the complexity of individual firms and their associated tax burden to make for a more conservative estimate of non-resident spending. For example, a very large portion of taxable sales in 'other' were in the telecommunications and management of companies subcategories. Moreover, the telecommunications category had a massive decrease in taxable sales between 2019 and 2020 of over \$600 million. These unexplained swings in sales and difficulty knowing the nexus of their sales or whether those sales would be subject to the local option sales tax, give reason to keep them out of the analysis. For transparency, see Appendix 1.

Figure 11: 2020 non-resident spending estimates using two methods and number of firms by category

	Non-Resident estimate sales % 2016	Non-Resident estimate sales % 2020	2020 Taxable Sales (in millions)	# firms 2016	# firms 2020

Total	74.8%	60.4%	\$1,990.48	2,869	2,656
Vehicles & Parts	75%	64%	\$131.36	44	37
Furniture Stores	65%	85%	\$142.61	30	24
Electronics	75%	35%	\$33.84	43	47
Building Materials	27%	10%	\$113.77	25	23
Food, Groceries	56%	40%	\$117.02	65	55
Health, Personal Stores	84%	75%	\$35.66	63	54
Gas/Convenience Stores	42%	10%	\$26.98	25	28
Clothing	87%	82%	\$56.20	191	184
Leisure Goods	82%	83%	\$99.08	72	66
General Merchandise Stores	63%	44%	\$155.97	24	19
Miscellaneous Retail	65%	39%	\$39.11	160	128
Amusement & Recreation	75%	15%	\$18.52	26	25
Accommodations	98%	97%	\$104.72	48	46
Eating & Drinking Places	73%	58%	\$220.49	254	237
Repair, Maintenance	55%	45%	\$44.20	99	104
Personal Services, Laundry	62%	82%	\$61.78	114	113
Construction, Manu, Wholesale	82%	67%	\$392.30	422	403
Other (services, healthcare)	NA	NA	\$196.83	1,144	1,063

Appendix 1: 'Other' category taxable sales – non-store retail and other services (North American Industrial Classification System 511-813 Sales Amounts Released by MN Revenue)

(\$Millions)

2020 Actual taxable sales	\$196.83
% of total taxable retail and service sales	12.3%

Analysis and Recommendations for Retail and Other Services

This group includes healthcare, telecommunications, waste management, rental/lease services, administrative support, and the performing arts. This mix of business types is too diverse and complex in term of their reach and sales tax burden to include in the trade area analysis and use in calculations for a local option sales tax.

Category	2016 Taxable Sales	2020 Taxable Sales
454 RETL -NONSTORE RETAILERS	\$18,931,796	\$10,136,578
484 TRANSPORTATION -TRUCK	\$383	\$0
488 TRANSPORTATION -SUPPORT	\$41,377	\$101,475
492 TRANSPORTATION -COURIERS	\$218,773	
493 TRANSPORTATION -STORAGE	\$23,031	\$41,372
511 INFO -PUBLISHING INDUSTRY	\$893,335	\$1,956,751
512 INFO -MOVIES, MUSIC IND	\$6,344,140	\$1,537,488
517 INFO -TELECOMMUNICATIONS	\$734,738,005	\$12,718,517
518 INFO -INTERNET SERVICE	\$34,280,570	\$29,209,203
519 INFO -OTHER SERVICES	\$3,474,455	\$1,492,936
522 CREDIT INTERMEDIATION	\$4,987,093	\$6,063,314
523 SECURITIES, COMMODITIES	\$266,564	\$1,694,143
524 INSURANCE CARRIERS	\$67,225	\$11,266
531 REAL ESTATE	\$41,393,468	\$12,983,537
532 RENTAL, LEASING SERVICES	\$42,289,408	\$25,502,682
533 LESSORS NONFINAN ASSETS		\$70,299
541 PROF, SCIENTIFIC, TECH SERV	\$43,009,980	\$40,258,532
551 MGMT OF COMPANIES	\$124,130,869	\$1,551,815
561 ADMIN, SUPPORT SERVICES	\$71,969,069	\$37,401,123
562 WASTE MGMT, REMEDIATION	\$6,532,296	
611 EDUCATIONAL SERVICES	\$3,317,746	\$2,106,857
621 HEALTH -AMBULATORY CARE	\$5,531,992	\$4,707,931
623 HEALTH -NURSING,HOME CARE	\$653,049	\$466,419
624 HEALTH -SOCIAL ASSISTANCE	\$176,282	\$67,468
711 PERF ART, SPECTATOR SPRTS	\$1,837,695	\$334,406

Appendix 2: Calculation of Construction, Manufacturing, Wholesale Operations, Transportation, and Sales Information Suppressed for Business Confidentiality

A diverse mix of businesses fall into these non-retail categories and a portion of sales are within a suppressed or non-disclosed subcategory. This diversity makes it difficult to understand the customer mix of these businesses, however Extension broke out each known subcategory and assigned assumptions according to their business type:

Subcategory	2020 Taxable Sales	Non-local estimate
Construction	\$19,341,700	60%
Manufacturing	\$90,852,050	90%
Transportation	\$142,847	60%
Wholesale	\$272,591,775	70%
Undesignated	\$9,371,660	50%
Total	\$392,300,032	67%

The above industries and services generate \$392 million in taxable sales, a measurable portion of total taxable sales in Bloomington (24.5%). A significant portion of this amount will be subject to any new sales taxes, including a local option sales tax.

Extension estimated that overall 67 percent of sales are to non-residents. Extension assumed that some subcategories such as manufacturing sell primarily (90%) to non-resident customers, whereas subcategories like undesignated and construction split their sales between resident and non-resident customers.

	(\$Millions)
Residents' \$ share	\$129.46
Non-residents \$ share	\$262.85
Total	\$392.31
Non-resident share	67%

APPENDIX 3: DEFINITIONS OF TERMS

Gross Sales

Gross sales include taxable sales and exempt businesses with sales and use tax permits. This is the most inclusive indicator of business activity for the reporting jurisdictions, but it can be misleading when used in comparisons. At times, non-taxable commodity items (e.g., gasoline) can have large price variations, creating huge swings in gross sales.

Taxable Sales

Taxable sales are those sales subject to sales tax. Taxable sales exclude exempt items, items sold for resale, items sold for exempt purposes, and items sold to exempt organizations. For the purpose of this study, taxable sales were the focus of the analysis. For more information on what is taxed in Minnesota, see the "Minnesota Sales and Use Tax Instruction Booklet" available at http://www.revenue.state.mn.us/Forms_and_Instructions/sales_tax_booklet.pdf

Taxable Retail and Service Sales

In this study and other retail trade analyses conducted by University of Minnesota Extension, the term "taxable retail and service sales" refers to the North American Industry Classification System (NAICS) numbers of 441 to 454 (retail) and 511 to 812 (most service industries) released by the Minnesota Department of Revenue for a geographic area.

Current and Constant Dollar Sales

Current dollar (or "nominal dollar") sales are those reported by the state. No adjustment has been made for price inflation. In general, this measure of sales is not satisfactory for comparisons over long periods of time since it does not account for changes in population, inflation, or the state's economy. Constant dollar (or "real dollar") sales reflect changes in price inflation by adjusting current dollar sales according to the Consumer Price Index (CPI). Constant dollar sales indicate the real sales level with respect to a base year. This is a more realistic method of evaluating sales over time than current dollar comparisons, but it still does not take into consideration changes in population or the state's economy.

Number of Businesses

The number of sales and use tax permit holders who filed one or more tax returns for the year.

Index of Income

This index provides a relative measure of income, calculated by dividing local per capita income by state per capita income. The base is 1.00. For example, a 1.20 index of income indicates that per capita income in the area is 20 percent above the state average.

Potential Sales

Potential sales are an estimate of the amount of money spent on retail goods and services by residents of a county. It is the product of county population, state per capita sales, and the index of income. Potential sales for counties is similar to expected sales for cities. Potential sales, however, do not utilize a measure of average pulling power (like the typical pull factor used in the expected sales equation). Since a county is a relatively large region where retail business takes place, counties are compared without adjustments for trade area size.

Actual Sales

For this study, the Minnesota Department of Revenue's 2016 - 2020 sales data for City of Bloomington provides the actual sales numbers used.

Variance between Actual and Potential Sales

The variance between actual and expected sales is the difference in sales from the “norm” (i.e., the amount above or below the standard established by the expected sales formula). When actual sales exceed expected sales, the county has a “surplus” of retail sales. When actual sales fall short of expected sales, the county has a retail sales “leakage.” Discrepancies between expected and actual sales occur for a variety of reasons. For this study, we use potential sales per merchandise group to create a first-cut estimate of residents’ purchase activities.

Cautions

Gross Sales

Gross sales are a comprehensive measure of business activity, but it should be noted the numbers in this report are self-reported. Furthermore, gross sales are not audited by the State of Minnesota. It is believed gross sales figures are generally reliable, but there is the possibility of distortions, especially in smaller cities where misreporting may have occurred.

Misclassification

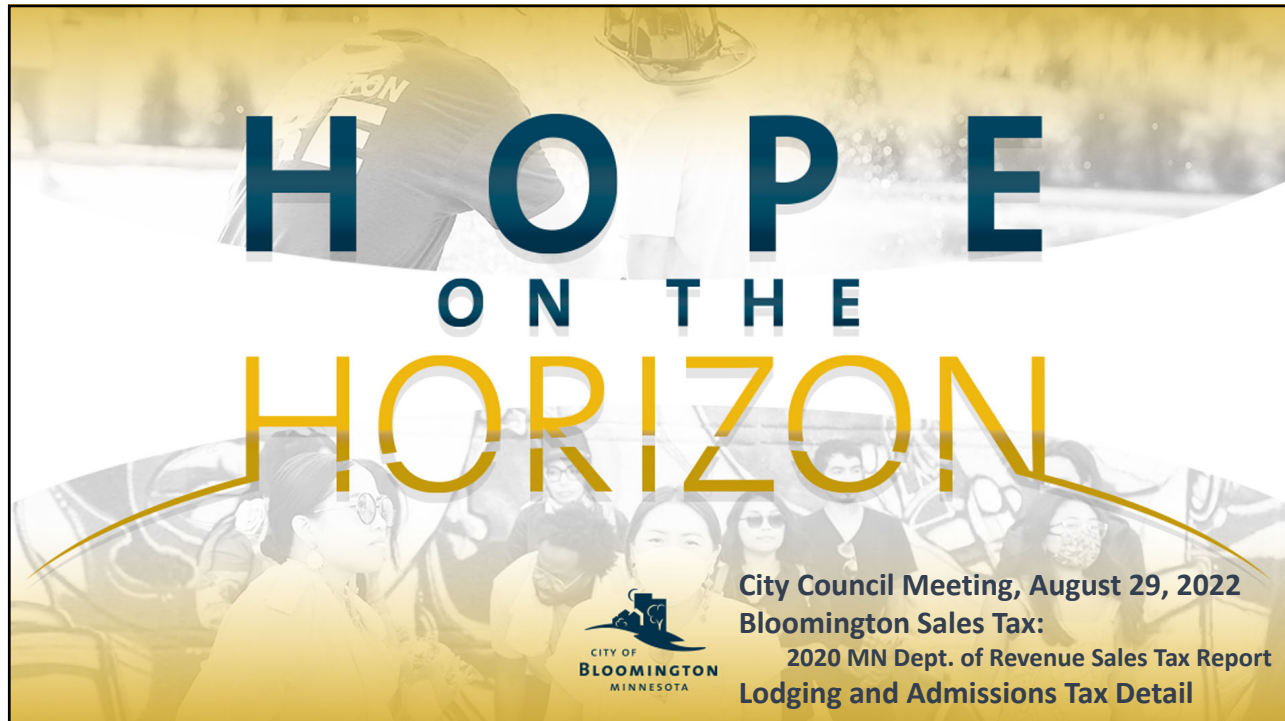
Holders of sales and use tax permits select the North American Industry Classification System (NAICS) category that best fits their business. Regardless of who makes this classification, errors are occasionally made. Also, sometimes a business will start out as one type but evolve over time to a considerably different type. Misclassifications can distort sales among business categories, especially in smaller cities. For example, a furniture store that is classified as a general merchandise store will under-report sales in the furniture store category and over-report sales in the general merchandise category.

Suppressed Data

The sales data for merchandise categories that have less than four reporting firms are not reported. This is a measure taken by most states to protect the confidentiality of sales tax permit holders. Sales for suppressed retail categories are placed into the miscellaneous retail category (NAICS 999) and included in total sales but not total sales of a typical retail trade analysis. For this report, however, all taxable sales—including NAICS 999—are part of calculating the amount of special taxes collected.

Consolidated Reporting

Vendors with more than one location in Minnesota have the option of filing a separate return for each location or filing one consolidated return for all locations. The consolidated return shows sales made, tax due, and location by city and county for each business. Data for consolidated filers are combined with data for single-location filers to produce the figures in this report. Occasionally, consolidated reports may not be properly deconstructed, and all sales for a company may be reported for one town or city. Whenever misreporting is discovered, the Minnesota Department of Revenue is contacted to clarify the situation.



1

Increase to Lodging & Admission Tax Revenue Forecast for 2023

June 2022

Row Labels	Days	Avg Occ %	Avg ADR	Rooms % of 2019	Rev % of 2019
Sunday	4	56.6	118.97	96.8%	105.6%
Monday	4	66.0	127.87	90.9%	94.9%
Tuesday	4	72.0	134.32	98.0%	104.0%
Wednesday	5	67.6	129.22	91.1%	93.7%
Thursday	5	66.9	124.91	93.0%	96.2%
Friday	4	78.4	133.56	99.7%	112.2%
Saturday	4	83.4	139.89	102.1%	119.9%
Grand Total	30	69.9	129.64	95.7%	103.2%

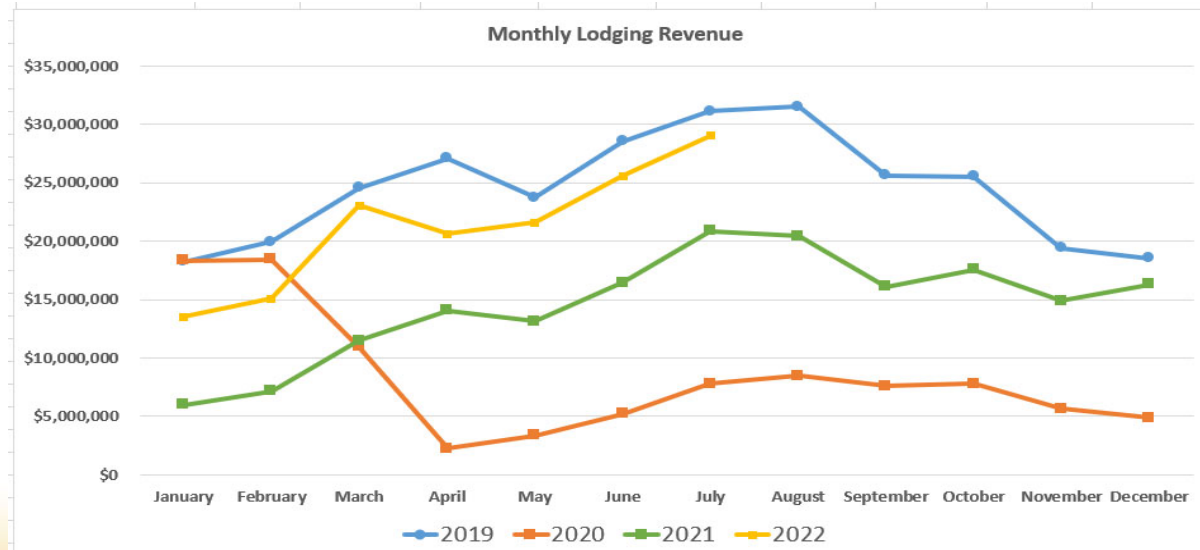
July 2022

Row Labels	Days	Avg Occ %	Avg ADR	Rooms % of 2019	Rev % of 2019
Sunday	5	65.4	127.53	94.2%	101.1%
Monday	4	66.4	131.54	77.8%	72.9%
Tuesday	4	74.9	136.72	83.0%	76.1%
Wednesday	4	78.2	138.95	86.6%	82.7%
Thursday	4	75.9	137.60	90.5%	94.4%
Friday	5	77.6	139.20	91.0%	99.3%
Saturday	5	80.0	142.97	92.2%	101.4%
Grand Total	31	74.1	136.38	88.3%	90.8%



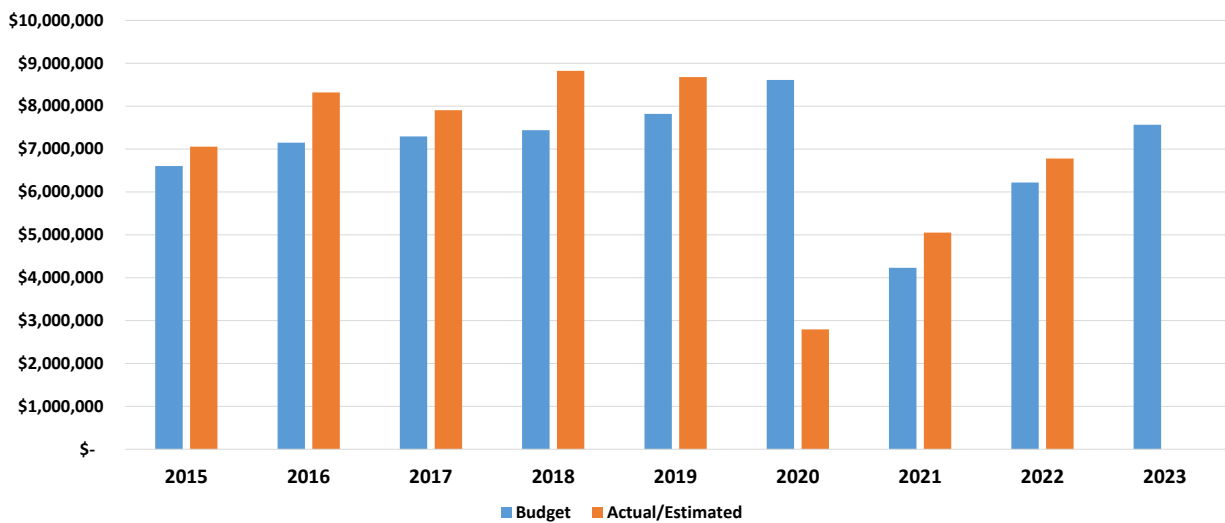
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Increase to Lodging & Admission Tax Revenue Forecast for 2023



3

Lodging & Admission Tax Revenue Budget and Actual/Estimated



4



Request for Council Action

Originator City Manager's Office	Item 2.5 Bloomington Sales Tax Survey Report
Agenda Section INTRODUCTORY	Date August 29, 2022

Requested Action:

No action requested. This item is informational.

Item created by: Jamie Verbrugge, City Manager's Office

Item presented by: Jamie Verbrugge, City Manager

Description:

The City of Bloomington pursued approval of a Local Option Sales Tax during the 2022 Legislative Session. The request for three projects - BIG renovation, Center of the Arts expansion, and replacement of Creekside and Public Health in a new Health & Wellness Center - was included in House and Senate tax bills, but the Legislature and Governor failed to agree on a tax bill before the end of session. (Note: the City originally requested four projects, but the Dwan Clubhouse replacement and golf course improvements were removed from the respective bills.)

The City Council is likely to pursue similar approval during the 2023 Legislative Session. If approved by the Legislature, Bloomington voters would have to approve a local option sales tax before it could be implemented. That ballot question would have to be within two years of Legislative approval, so either November 2023 or November 2024.

The City initiated a resident survey to gauge where resident sentiment is today. The Morris Leatherman Company, a local research firm, conducted a scientifically valid random sample phone survey of 400 residents in late July and early August. The survey results are attached. Peter Leatherman will present the findings to the City Council.

Attachments:

[BST Resident Survey_0822.docx](#)

[2022 Bloomington Sales Tax Survey_PowerPoint.pdf](#)

The Morris Leatherman Company
3128 Dean Court
Minneapolis, Minnesota 55416

City of Bloomington
Residential Study
FINAL JULY 2022

Hello, I'm _____ of the Morris Leatherman Company, a polling firm located in Minneapolis. We've been retained by the City of Bloomington to speak with a random sample of residents about issues facing the city. This survey is being taken because your city representatives and staff are interested in your opinions and suggestions. I want to assure you that all individual responses will be held strictly confidential; only summaries of the entire sample will be reported. (DO NOT PAUSE)

- | | |
|--|--|
| 1. Approximately how many years have you lived in City of Bloomington? | LESS THAN TWO YEARS....8%
TWO TO FIVE YEARS.....16%
SIX TO TEN YEARS.....27%
11 TO 20 YEARS.....20%
OVER TWENTY YEARS.....29%
DON'T KNOW/REFUSED.....0% |
| 2. Are you registered to vote at your current address? | YES.....93%
NO.....5%
DON'T KNOW/REFUSED.....3% |
| 3. Did you vote in the 2018 Gubernatorial election? | YES.....67%
NO.....32%
DON'T KNOW/REFUSED.....1% |

As you may know, there are many types of elections. In Presidential and Gubernatorial elections, Minnesota has very high voter turnout. In off-year and special elections, voter turnout is much lower.

- | | |
|---|--|
| 4. In past elections, would you say you have always voted, often voted, rarely voted or never voted? | ALWAYS VOTED.....33%
OFTEN VOTED.....44%
RARELY VOTED.....22%
NEVER VOTED.....1%
DON'T KNOW/REFUSED....0% |
| 5. How likely are you to vote in the coming November election - absolutely certain, very likely, 1/2-1/2, not too likely, or not at all likely? | ABSOLUTELY CERTAIN...37%
VERY LIKELY.....31%
1/2-1/2.....20%
NOT TOO LIKELY.....8%
NOT AT ALL LIKELY.....2%
DON'T KNOW/REF.....2% |

Moving on....

6.	How would you rate the quality of life in Bloomington -- excellent, good, only fair, or poor?	EXCELLENT.....26% GOOD.....67% ONLY FAIR.....7% POOR.....1% DON'T KNOW/REFUSED.....0%
7.	What do you like most about living in Bloomington?	CONVENIENT LOCATION....6% FRIENDLY PEOPLE.....12% HOUSING/NEIGHBORHOOD...9% PARKS/TRAILS.....7% SCHOOLS.....6% CLOSE TO JOB.....9% CLOSE TO FAMILY.....8% SHOPPING/DINING/ SERVICES.....16% WELL MAINTAINED.....3% QUIET/PEACEFUL.....9% SAFE.....8% OPEN SPACES.....2% SCATTERED.....5%
8.	In general, what do you think is the most serious issue facing Bloomington today?	UNSURE.....9% NOTHING.....14% TRAFFIC CONGESTION.....8% RISING CRIME.....15% SPEEDING/DISTRACTED DRIVING.....9% HIGH TAXES.....11% ROAD CONSTRUCTION.....3% VACANT BUSINESSES.....4% INFLATION/ECONOMY.....5% TOO MUCH GROWTH.....6% LACK OF WORKERS.....2% HIGH SALES TAX.....2% AGING INFRASTRUCTURE...2% PANDEMIC.....2% AIR POLLUTION.....2% SCATTERED.....6%

Let's talk about city services for a moment...

9.	When you consider the property taxes you pay and the services you receive, how would you rate the value -- excellent, good, only fair, or poor?	EXCELLENT.....6% GOOD.....67% ONLY FAIR.....19% POOR.....1% DON'T KNOW/REFUSED.....7%
----	---	---

10.	Compared to neighboring cities, do you consider total property taxes in Bloomington to be very high, somewhat high, about average, somewhat low, or very low?	VERY HIGH.....10%
		SOMEWHAT HIGH.....37%
		ABOUT AVERAGE.....42%
		SOMEWHAT LOW.....1%
		VERY LOW.....1%
		DON'T KNOW/REFUSED....10%

Turning to parks and recreation....

The Bloomington Park and Recreation System is composed of neighborhood parks, ballfields, trails, the Bloomington Ice Garden, the Creekside Community Center, Bloomington Center for the Arts, the Bloomington Family Aquatic Center and Dwan Golf Course.

11.	How would you rate park and recreational facilities and trails in Bloomington -- excellent, good, only fair or poor?	EXCELLENT.....24%
		GOOD.....65%
		ONLY FAIR.....10%
		POOR.....0%
		DON'T KNOW/REFUSED....1%

12.	How would you rate the affordability of recreational facilities and programs in the city -- excellent, good, only fair or poor?	EXCELLENT.....13%
		GOOD.....59%
		ONLY FAIR.....17%
		POOR.....1%
		DON'T KNOW/REFUSED....11%

13.	Do you think recreation facilities and programs are accessible to all residents? (WAIT FOR RESPONSE) Do you feel strongly that way?	STRONGLY YES.....18%
		YES.....62%
		NO.....6%
		STRONGLY NO.....2%
		DON'T KNOW/REFUSED....13%

Equity in recreation facilities and programs means residents across the city have access to similar facilities and programs.

14.	Do you believe Bloomington provides equitable recreation facilities and programs across the city? (WAIT FOR RESPONSE) Do you feel strongly that way?	STRONGLY YES.....20%
		YES.....61%
		NO.....4%
		STRONGLY NO.....4%
		DON'T KNOW/REFUSED....12%

When you consider your quality of life in the city....

15.	How important are park and recreational facilities and trails to you - very important, somewhat important, not too important or not at all important?	VERY IMPORTANT.....30%
		SOMEWHAT IMPORTANT....49%
		NOT TOO IMPORTANT.....19%
		NOT AT ALL IMPORTANT...2%
		DON'T KNOW/REFUSED....0%

31.	What is the biggest barrier for you to using park and recreation facilities or participating in park and recreation programs?	UNSURE.....1%
		NOTHING.....22%
		COST.....4%
		TOO BUSY/NO TIME.....26%
		TRANSPORTATION.....2%
		NO INTEREST.....11%
		AGE/HEALTH.....24%
		LACK OF INFORMATION....2%
		PREFER ELSEWHERE.....2%
		SCATTERED.....6%

Moving on....

In Minnesota, cities and counties are permitted to ask the Legislature for permission to hold a public vote on an increase to the local sales tax to pay for improvements that are regionally significant. The sales tax is assessed in the same way as the state sales tax, meaning that items such as clothes and groceries are exempt from the tax. During the 2022 Legislative session, the City of Bloomington sought permission to hold a sales tax referendum this coming November for construction of a new Community Health and Wellness Center and improvements to the Bloomington Ice Garden, the Bloomington Center for the Arts and Dwan Golf Course. As you may know, the State Legislature did not pass any new legislation in 2022 authorizing any Minnesota city to hold a sales tax referendum.

In 2023, the City plans to seek the same authority from the Legislature and could ask voters to consider four uses for a new local ½ cent sales tax increase for up to twenty years. For your information, ½ of a cent sales tax increase would be 50 cents on every \$100 of taxable purchases in the City of Bloomington. The local sales tax would expire once the projects are completed.

For each of the following, please tell me if you strongly support a ½ cent sales tax increase for that purpose, somewhat support, somewhat oppose or strongly oppose the sales tax increase.

	STS	SMS	SMO	STO	DKR
32. Renovation of the Bloomington Ice Garden, including roofs, mechanical systems, ADA accessibility and new training areas and locker rooms?	27%	31%	24%	11%	7%
33. Construction of a new Health and Wellness Center to provide recreation, education and fitness programming?	38%	38%	13%	9%	3%

	STS	SMS	SMO	STO	DKR
34. Expansion of the Bloomington Center For the Arts, including a new concert hall and rehearsal space?	36%	36%	20%	7%	2%
35. Improvements to the Dwan Golf Course, including a new clubhouse?	31%	31%	18%	15%	6%

IF SUPPORT OR OPPOSE **ALL** FOUR USES, ASK: (N=172)

36. Could you tell me one or two reasons why you SUPPORT/ OPPOSE the uses for the sales tax increase?	COST IS REASONABLE...15%
	VISITORS CONTRIBUTE...7%
	GOOD FOR COMMUNITY....5%
	ARTS ARE IMPORTANT....3%
	IMPORTANT AMENITIES..30%
	ATTRACTS VISITORS.....2%
	NOT PROPERTY TAX INC..2%
	EXPIRES ON COMPLETION.2%
	INCREASE PROPERTY VALUES.....4%
	IMPROVEMENTS NEEDED...9%
	SALES TOO HIGH NOW....9%
	HURT BUSINESSES.....2%
	NOT HIGH PRIORITIES...6%
	INFLATION/ECONOMY.....2%
	SCATTERED.....2%

A sales tax increase would not only capture sales tax from city residents, but also from people outside the city who make purchases in Bloomington. A University of Minnesota study projected 75% of the new sales tax revenue would come from people who live outside of Bloomington.

37. Does that make you much more likely to support the sales tax increase, somewhat more likely, somewhat less likely, much less likely or does it make no difference to you?	MUCH MORE LIKELY.....33%
	SOMEWHAT MORE LIKELY..34%
	SOMEWHAT LESS LIKELY...3%
	MUCH LESS LIKELY.....5%
	NO DIFFERENCE.....24%
	DON'T KNOW/REFUSED.....2%

It is projected with a ½ cent sales tax increase that the typical Bloomington resident would pay an additional \$6 per month in sales tax.

38.	Does this make you much more likely to support the sales tax increase, somewhat more likely, somewhat less likely, much less likely or does it make no difference to you?	MUCH MORE LIKELY.....19% SOMEWHAT MORE LIKELY..29% SOMEWHAT LESS LIKELY...9% MUCH LESS LIKELY.....11% NO DIFFERENCE.....30% DON'T KNOW/REFUSED.....3%
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The current city budget does not have the funding to make these improvements. If the sales tax increases are not approved, the City could consider a property tax increase which only Bloomington residents and businesses would pay.

39.	Does that make you much more likely to support the sales tax increase, somewhat more likely, somewhat less likely, much less likely or does it make no difference to you?	MUCH MORE LIKELY.....27% SOMEWHAT MORE LIKELY..27% SOMEWHAT LESS LIKELY...9% MUCH LESS LIKELY.....10% NO DIFFERENCE.....24% DON'T KNOW/REFUSED.....3%
-----	---	--

The City is proposing to build a new Community Health and Wellness Center at the current Creekside Center location....

40.	Does that make you much more likely to support the sales tax increase, somewhat more likely, somewhat less likely, much less likely or does it make no difference to you?	MUCH MORE LIKELY.....20% SOMEWHAT MORE LIKELY..25% SOMEWHAT LESS LIKELY...5% MUCH LESS LIKELY.....9% NO DIFFERENCE.....37% DON'T KNOW/REFUSED.....5%
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The Bloomington Ice Garden may no longer be able to operate because the ice-making equipment has been discontinued and significant upgrades are needed....

41.	Does that make you much more likely to support the sales tax increase, somewhat more likely, somewhat less likely, much less likely or does it make no difference to you?	MUCH MORE LIKELY.....17% SOMEWHAT MORE LIKELY..28% SOMEWHAT LESS LIKELY...5% MUCH LESS LIKELY.....7% NO DIFFERENCE.....39% DON'T KNOW/REFUSED.....5%
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Moving on....

42.	What is the most effective way for you to receive information from the City of Bloomington -- mailed newsletter, electronic newsletter or e-mail, the City website, social media, the local newspaper, word of mouth, watching or attending City Council meetings or something else? (IF "SOMETHING ELSE," ASK:) What would that be? (ROTATE AND READ LIST)
-----	---

43. What is the second most effective way for you to receive information? (RE-READ LIST IF NECESSARY; OMITTING FIRST CHOICE)

	MST	SEC
MAILED NEWSLETTER.....	47%	16%
E-NEWSLETTER/EMAIL.....	17%	10%
CITY WEBSITE.....	15%	23%
SOCIAL MEDIA.....	10%	14%
LOCAL NEWSPAPER.....	8%	17%
WORD OF MOUTH.....	3%	13%
WATCHING/ATTENDING CITY COUNCIL MEETINGS....	1%	6%
ELSE.....	0%	0%
DON'T KNOW/REFUSED.....	0%	1%

Now just a few more questions for demographic purposes....

Could you please tell me how many people in each of the following age groups live in your household. Let's start oldest to youngest, and be sure to include yourself....

44. First, persons 65 or over?	NONE.....	72%
	ONE.....	12%
	TWO OR MORE.....	16%
45. Adults under 65?	NONE.....	21%
	ONE.....	19%
	TWO.....	56%
	THREE OR MORE.....	5%
46. Children, 18 and under?	NONE.....	73%
	ONE.....	8%
	TWO.....	15%
	THREE OR MORE.....	5%
47. Do you own or rent your present residence? (IF "OWN," ASK:) Which of the following categories contains the approximate value of your residential property -- under \$150,000, \$150,001-\$250,000, \$250,001-\$350,000, \$350,001-\$450,000 or over \$450,000?	RENT.....	29%
	OWN/UNDER \$150,000.....	6%
	OWN/\$150,000-\$250,000.....	18%
	OWN/\$250,001-\$350,000.....	31%
	OWN/\$350,001-\$450,000.....	12%
	OWN/OVER \$450,000.....	4%
	DON'T KNOW.....	1%
	REFUSED.....	0%

48.	What is your age, please?	18-24.....7%
		25-34.....19%
		35-44.....20%
		45-54.....15%
		55-64.....16%
		65 AND OVER.....24%
49.	Which political party do you consider yourself most closely allied with -- (ROTATE) Republican, Democrat, Independence Party, or Green Party?	REPUBLICAN.....37%
		DEMOCRAT.....43%
		INDEPENDENCE PARTY....18%
		GREEN PARTY.....0%
		INDEPENDENT (VOL.)....0%
		SOMETHING ELSE (VOL.)..0%
		DON'T KNOW/REFUSED.....2%
50.	In politics, do you consider yourself to be (ROTATE) a conservative, a liberal, or a moderate? (IF "CONSERVATIVE" OR "LIBERAL," ASK:) Do you think of yourself as very (conservative/liberal)? (IF "MODERATE," ASK:) Do you lean closer to conservative or liberal?	VERY CONSERVATIVE.....3%
		CONSERVATIVE.....26%
		MODERATE/CONSERV.....10%
		MODERATE.....28%
		MODERATE/LIBERAL.....10%
		LIBERAL.....19%
		VERY LIBERAL.....3%
		SOMETHING ELSE (VOL)...0%
		DON'T KNOW/REFUSED.....2%
51.	Finally, thinking about your household finances, how would you describe your financial situation, would you say that --	STATEMENT A.....7%
	A) Your monthly expenses are exceeding your income;	STATEMENT B.....37%
	B) You are meeting your monthly expenses but are putting aside little or no savings;	STATEMENT C.....37%
	C) You are managing comfortably while putting some money aside;	STATEMENT D.....18%
	D) Managing very well?	DON'T KNOW/REFUSED.....2%
52.	Gender	MALE.....50%
		FEMALE.....50%
53.	REGION OF CITY:	WARD ONE.....25%
		WARD TWO.....27%
		WARD THREE.....27%
		WARD FOUR.....22%

City of Bloomington

2022 Sales Tax Study

The Morris Leatherman Company

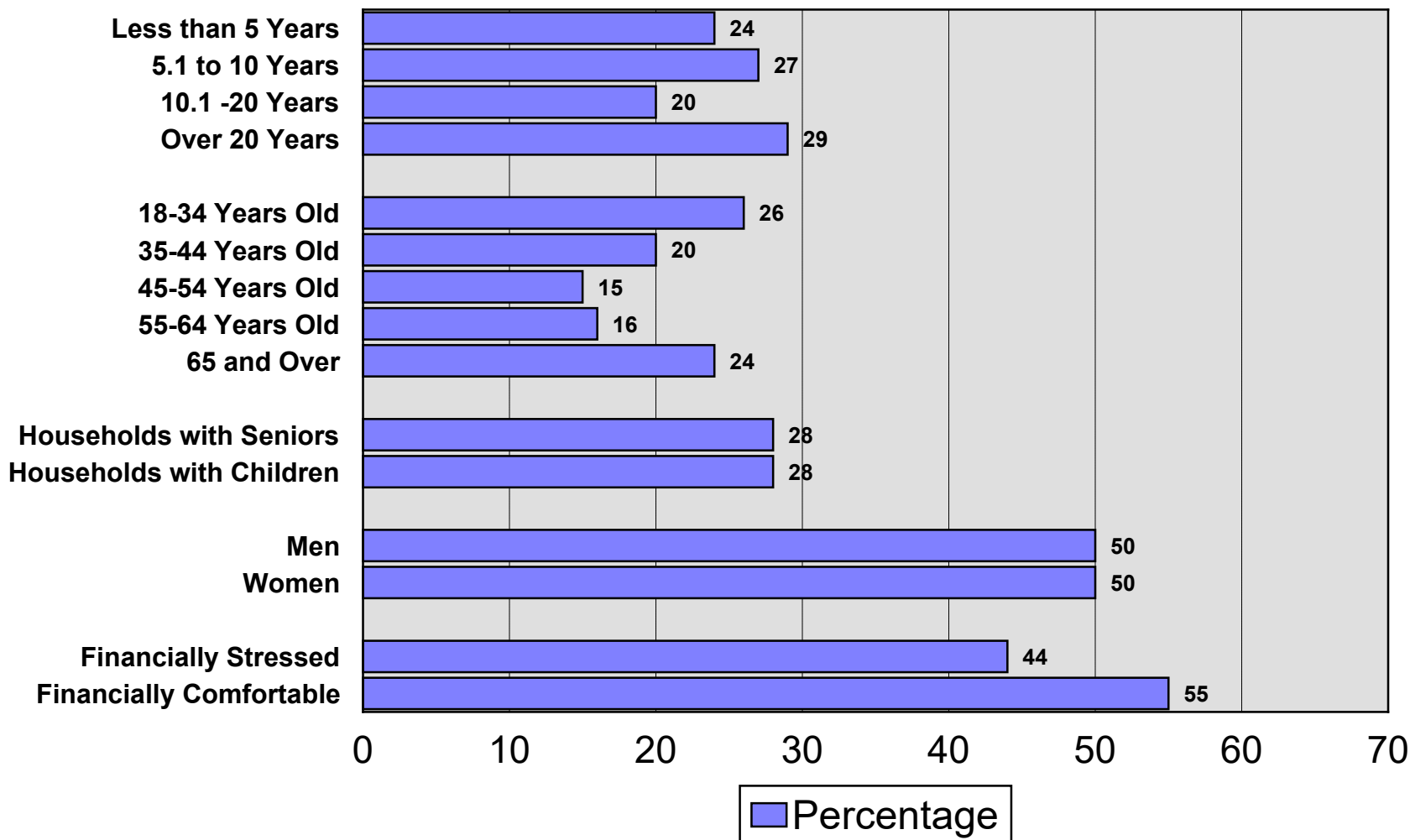
Methodology

2022 City of Bloomington

- 2 Telephone survey conducted between July 27th and August 11th, 2022
- 2 Random sample of 400 City of Bloomington residents
- 2 +/-5.0 in 95 out of 100 cases
- 2 Average completion time of ten minutes
- 2 Non-Response rate of 5.5%
- 2 Cell Phone Only Households: 52%
- 2 Landline Only Households: 11%
- 2 Both Cell Phone & Landline Households: 37%

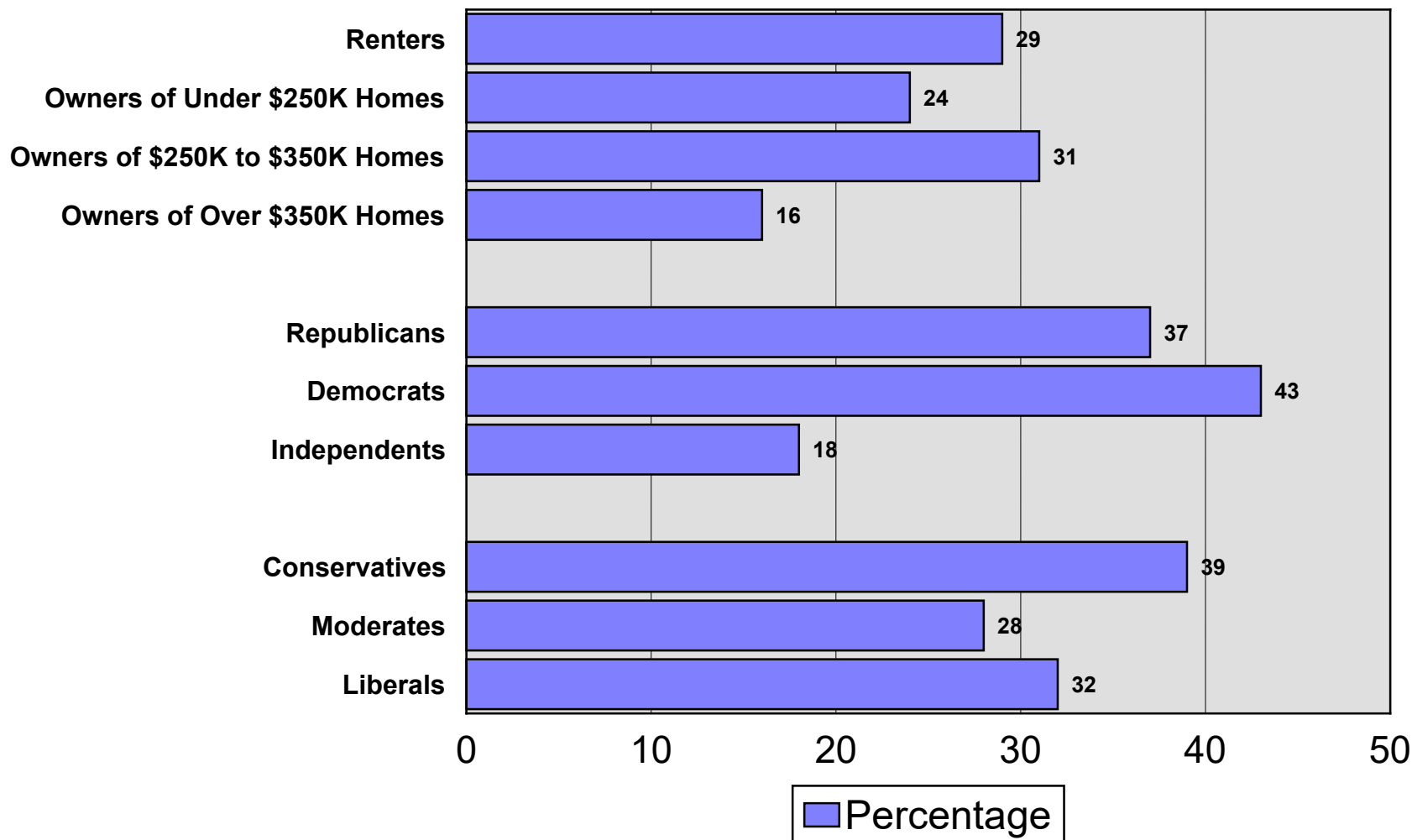
Demographics I

2022 City of Bloomington



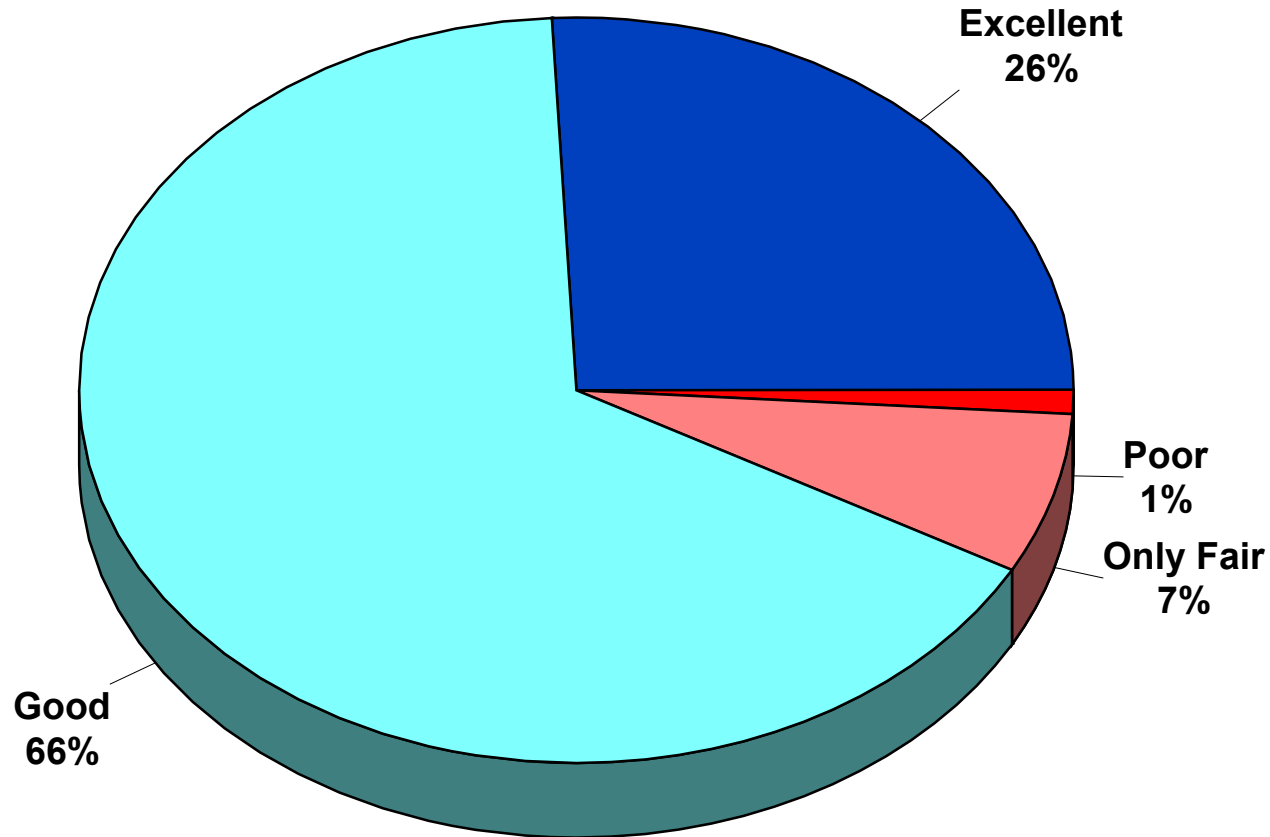
Demographics II

2022 City of Bloomington



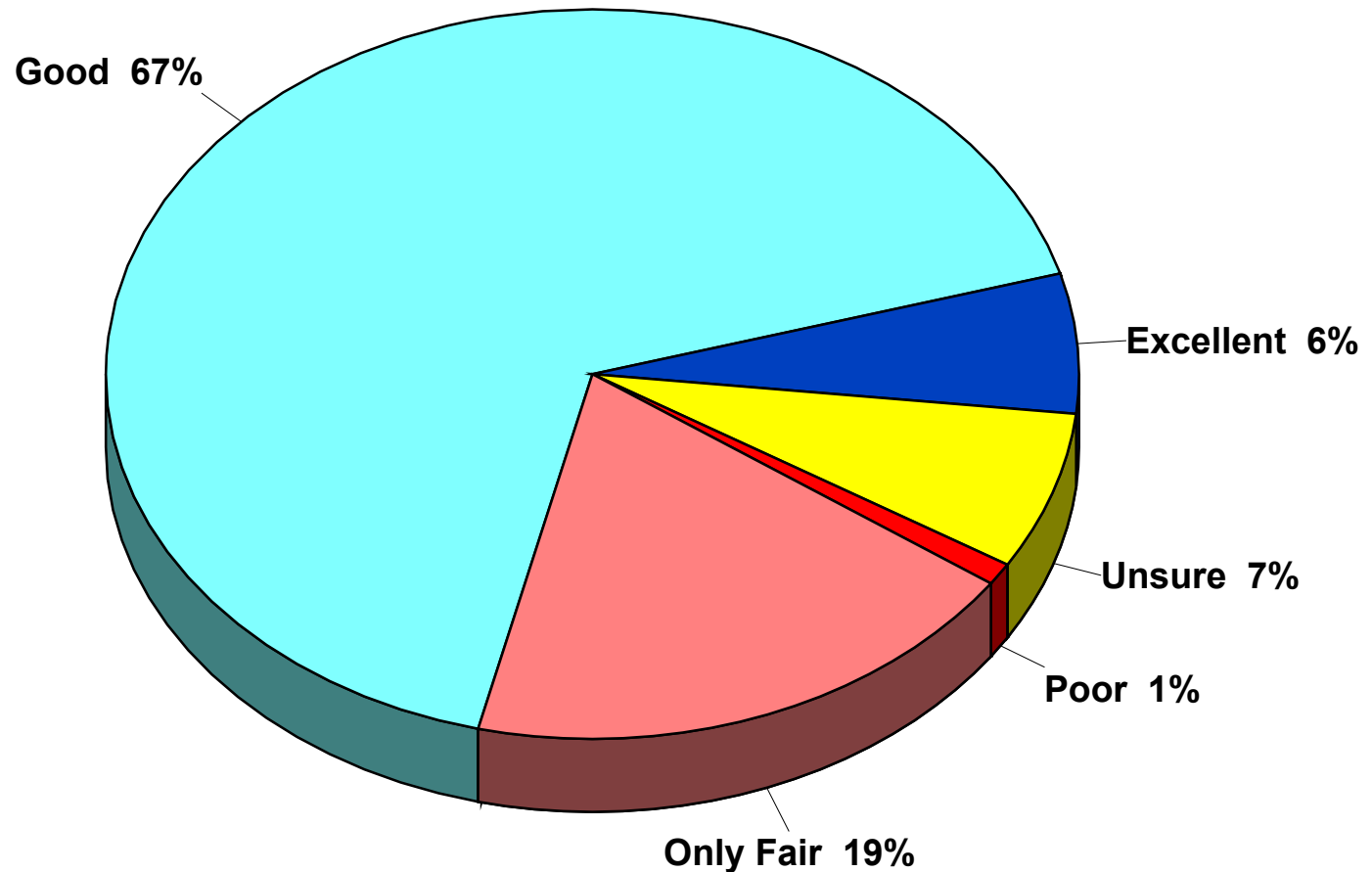
Quality of Life Rating

2022 City of Bloomington



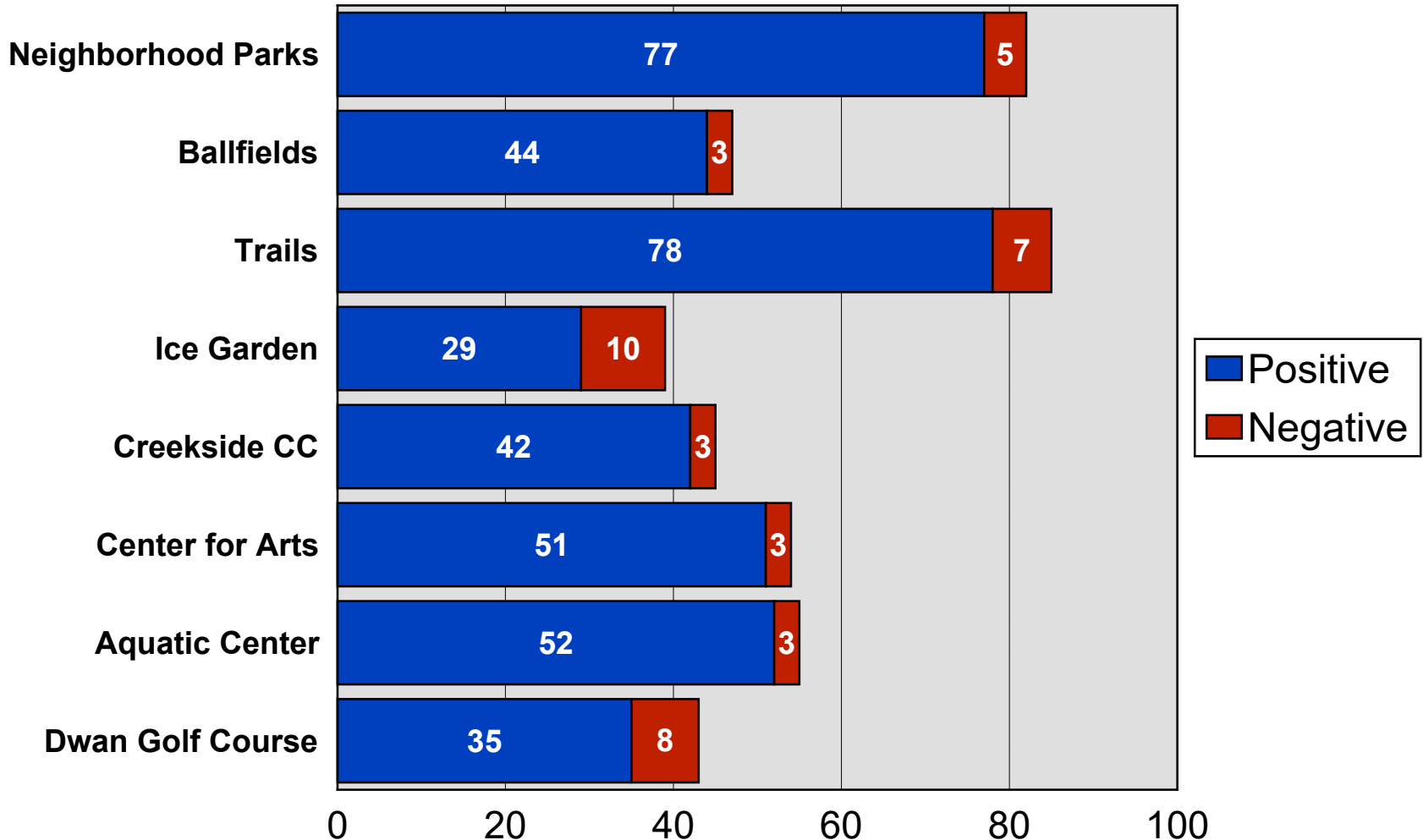
Value of City Services

2022 City of Bloomington



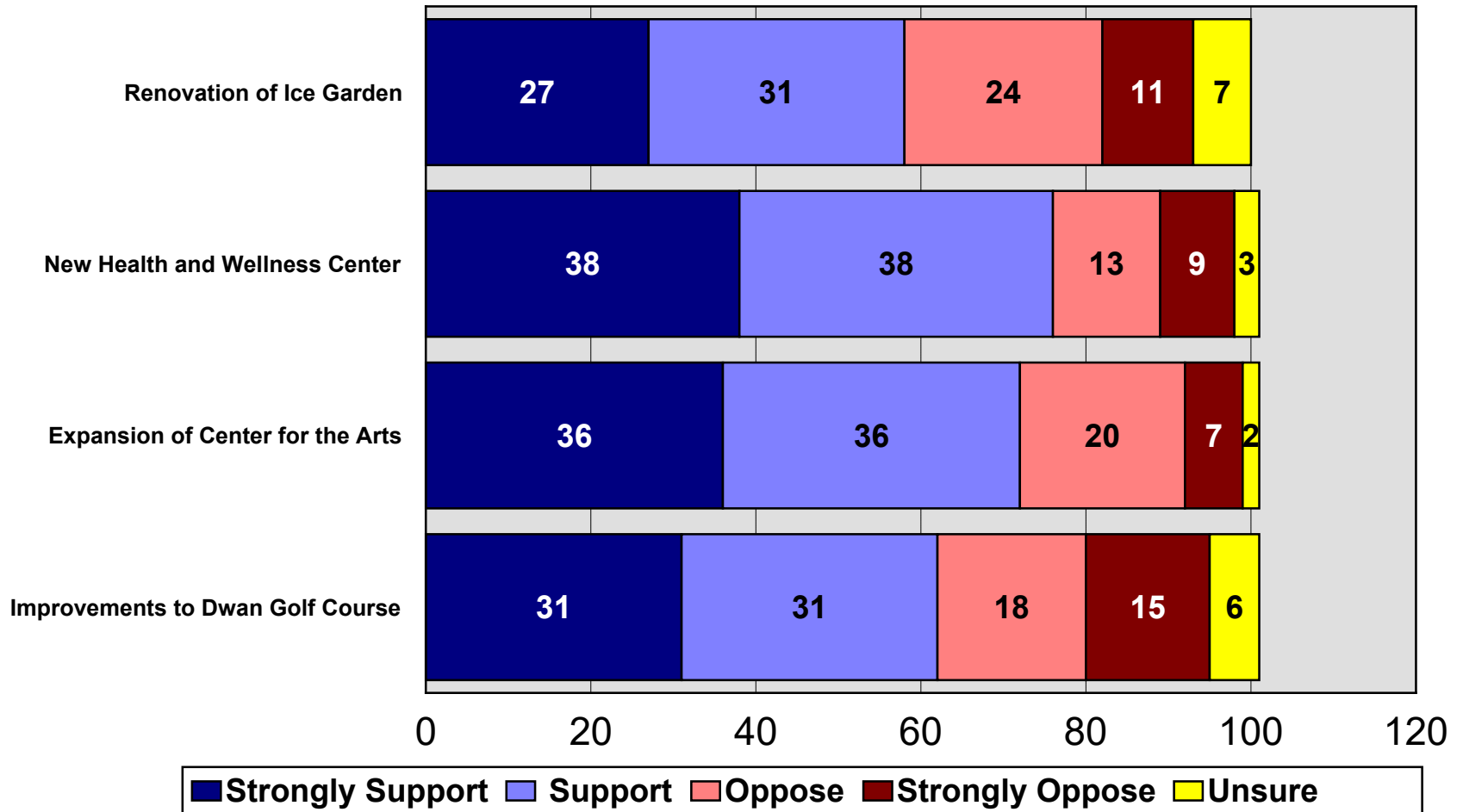
Park Usage & Ratings

2022 City of Bloomington



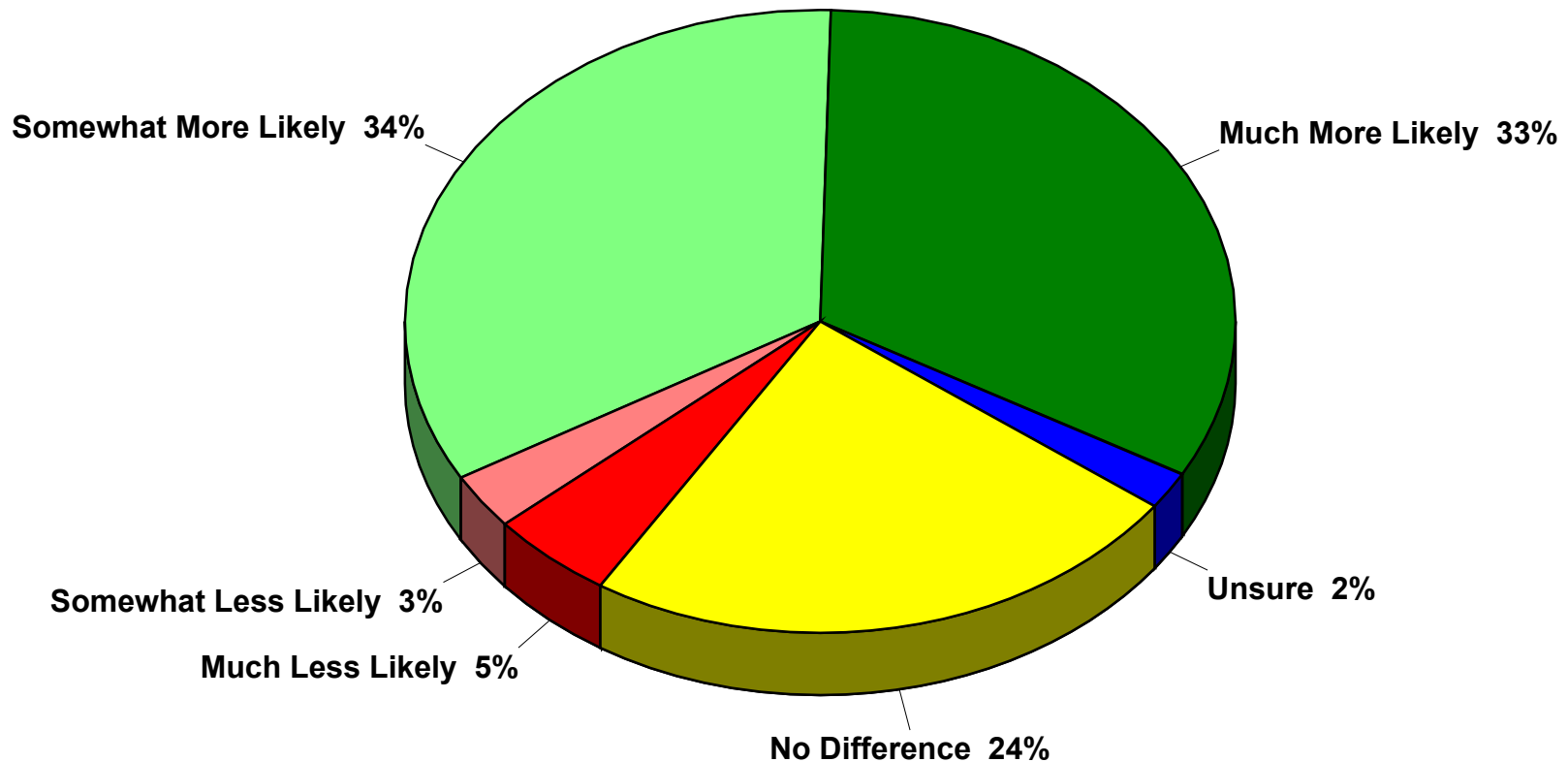
½ Cent Sales Tax Increase For....

2022 City of Bloomington



Impact on support if 75% of new sales tax revenue would come from people who live outside of Bloomington

2022 City of Bloomington





Request for Council Action

Originator City Manager's Office	Item 2.6 Office of Racial Equity, Inclusion, and Belonging (OREIB) 2022 Workplan Update
Agenda Section INTRODUCTORY	Date August 29, 2022

Requested Action:

Informational item. No action is requested.

Item created by: Faith Jackson, City Manager's Office

Item presented by: Faith Jackson, Chief Equity and Inclusion Officer
Pa Dao Yang, Equity and Inclusion Program Specialist
Mike Sable, Assistant City Manager

Description:

Equity and inclusion are strategic priorities for the City of Bloomington. We know that investing in equity and inclusion will improve individual lives and generate broad community benefits.

The City's work to advance racial equity focuses internally (workforce, culture, and equitable programs and practices) and externally (capacity building and disparity reduction).

On Monday, August 29th, OREIB staff will provide Council with a mid-year workplan update, highlighting progress and milestones and forecasting future work.

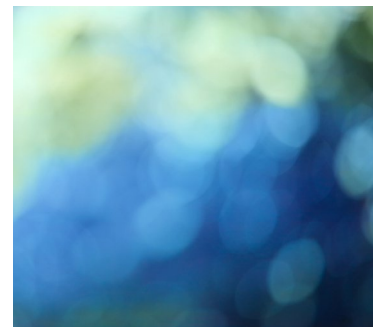
Attachments:

[OREIB Mid-year Update 2022.pptx](#)



Office of Racial Equity, Inclusion and Belonging

Mid-year Update



Office of Racial Equity, Inclusion, and Belonging

Our Work

- Sustain the equity and inclusion work and embeds it in the fabric and culture of the organization.
- Organize the work of the REBP and RESPC and creates process for embedding racial equity throughout the organization.
- Respond to the community based strategic planning core values and strategies, and the action plans to follow.

How do we do it

- Implement City's Racial Equity Business Plan
- Implement City's Racial Equity Strategic Plan
- Invest In Cross-Cultural Community Capacity Building

Racial Equity Business Plan Framework

Adopted October 2020

Workforce Diversity

Value

- By diversifying its workforce, the City of Bloomington works to eliminate disparities in employment and attract the future workforce needed for our City to remain economically competitive and ensure a shared quality of life for all residents.

Action Items

- The City will not hire staff based on their race
- The City will incorporate commitment to equity and inclusion in all workforce hiring, advancement, retention and succession planning efforts.

Indicators of Progress

- % of BIPOC applicants in the pool of candidates
- % of BIPOC FT City Employees
- % of BIPOC PT City Employees
- % of BIPOC new hires

Inclusive Culture

Value

- A welcoming and inclusive culture allows the City of Bloomington to not only recruit, but also retain, diverse talent.

Action Items

- Implement organizational-wide racial equity and cultural competence training.
- Develop/conduct /analyze an inclusive culture survey.

Indicators of Progress

- % of FT and PT employees attending racial equity- training
- % of supervisors & managers who complete inclusive workforce training
- # of complaints of racial discrimination in the workforce.
- Employee inclusive culture survey results.

Equitable Programs & Services

Value

- When racial equity is not explicitly brought into operations and decision-making, racial inequities are likely to be perpetuated. Without intentional intervention, institutions and structures will continue to perpetuate racial inequities.

Action Items

- Utilize racial equity tools to integrate consideration of racial equity in decisions, including policies, practices, program initiatives, programs, budget, and CIP issues to address the impacts on racial equity.

Indicators of Progress

- # of staff trained to use racial equity toolkit
- # of improvements made to design or implementation of services/programs based upon racial equity toolkit results
- # of Departments/Divisions tracking service data disaggregated by race

Authentic Community Engagement

Value

All residents have an opportunity to be fully engaged at various stages in the public participation process.

Action Items

- Design and implement proactive advisory board/commission recruitment strategies.
- Prioritize the early engagement of community members in policy and decision- making processes and endeavor to make the engagement meaningful and responsive to their needs and priorities.

Indicators of Progress

- # of Departments who design and implement community engagement plans utilizing the community engagement toolkit



Presentation Overview

Racial Equity Business Plan Highlights

- Workforce Diversity
- Inclusive Culture
- Equitable Programs and Services
- Authentic Community Engagement
 - Welcome to Bloomington Program Design Focused Conversation

Comprehensive, but certainly not exhaustive

Please ask questions throughout

Workforce Diversity Purpose, Action Items, Metrics of Progress

Purpose

- By diversifying its workforce, the City of Bloomington works to eliminate disparities in employment and attract the future workforce needed for our City to remain economically competitive and ensure a shared quality of life for all residents

Action Items

- The City will not hire staff based on their race
- The City will incorporate commitment to equity and inclusion in all workforce hiring, advancement, retention and succession planning efforts

Indicators of Progress

- % of BIPOC applicants in the pool of candidates
- % of BIPOC FT City Employees
- % of BIPOC PT City Employees
- % of BIPOC new hires

Inclusive Culture Purpose, Action Items, Metrics of Progress

Purpose

- As the City diversifies its workforce, we must intentionally try to create a workplace where racial and ethnically diverse employees feel welcome and valued. A welcoming and inclusive culture allows the City of Bloomington to not only recruit, but also retain diverse talent

Action Items

- Implement organizational-wide racial equity and cultural competence training
- Develop inclusion plans and incorporate racial equity training in onboarding process
- Convene racial equity action teams
- Develop/conduct /analyze an inclusive culture survey

Indicators of Progress

- % of FT and PT employees attending racial equity- training
- % of supervisors & managers who complete inclusive workforce training
- # of complaints of racial discrimination in the workforce
- Employee inclusive culture survey results

Equitable Programs and Services Purpose, Action Items, Metrics of Progress

Purpose

- When racial equity is not explicitly brought into operations and decision-making, racial inequities are likely to be perpetuated. Without intentional intervention, institutions and structures will continue to perpetuate racial inequities

Action Items

- Utilize racial equity tools to integrate consideration of racial equity in decisions, including policies, practices, program initiatives, programs, budget, and CIP issues to address the impacts on racial equity

Indicators of Progress

- # of staff trained to use racial equity toolkit
- # of improvements made to design or implementation of services/programs based upon racial equity toolkit results
- # of Departments/Divisions tracking service data disaggregated by race

Authentic Community and Engagement Purpose, Action Items, Metrics of Progress

Purpose

- All residents have an opportunity to be fully engaged at various stages in the public participation process

Action Items

- Design and implement proactive advisory board/commission recruitment strategies
- Prioritize the early engagement of community members in policy and decision-making processes and endeavor to make the engagement meaningful and responsive to their needs and priorities

Indicators of Progress

- # of Departments who design and implement community engagement plans utilizing the community engagement toolkit



Workforce Diversity 2022 Highlights



Inclusive recruitment form utilized to fill all full-time positions



Supervisor toolkit and training

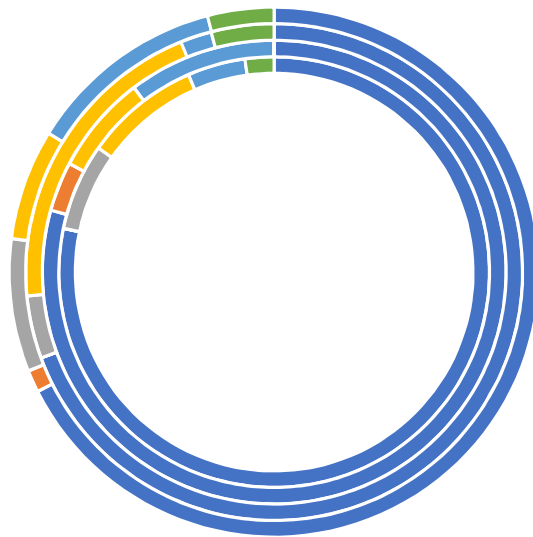


Bloom in Bloomington Summer Internship

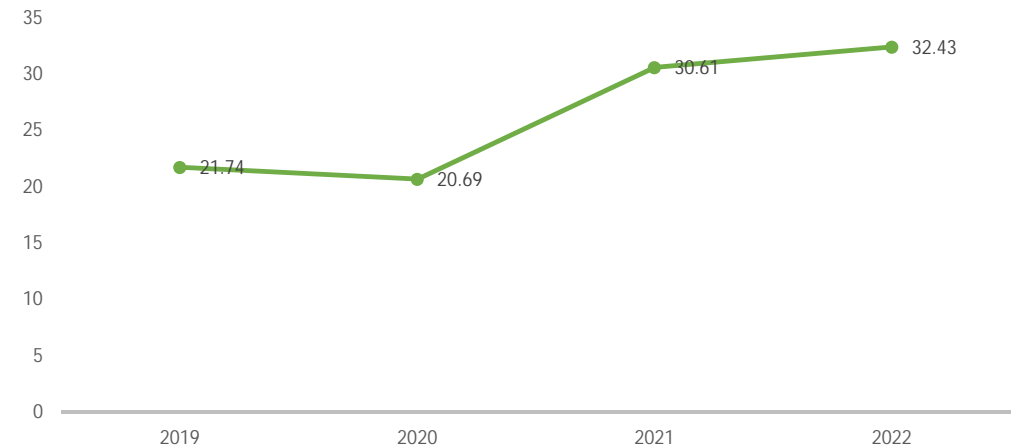
Indicators of Progress

(All New FT hires from 2019 – 2022)

- Caucasian
- Asian
- American Indian or Alaska Native
- Black or African American



BIPOC FT New Hires



Bloom in Bloomington Internship Program

- Selected Bloom in Bloomington as a 2022 OREIB workplan priority, focusing primarily on college and graduate students.
- The Community Development REAT was also interested in developing a more formal internship program that prioritizes high school students (ages 14-18).
- Community Development connected with Catrice O'Neal, the Workforce Development Program Manager at BrookLynk
- Catrice O'Neal presented at Equity at the Center
- Staff excited, decided to build on best practices
- Lots of positive Interest, scheduled to launch in 2023

Workforce Development Strategy

- Employers across all sectors are experiencing workforce challenges.
- Staff are hearing that employers need help training, recruiting and retaining talent and employees need help preparing for high-paying jobs.
- Convening the Mayor's Workforce Development Roundtable, a strategic partnership between business, non-profits and educational institutions deigned to provide solutions to current and emerging workforce needs.
- First meeting scheduled for September





Inclusive Culture 2022 Highlights

Employee
Resource Groups

Learning and
Training

Inclusive Culture
Survey

Employee Resource Groups

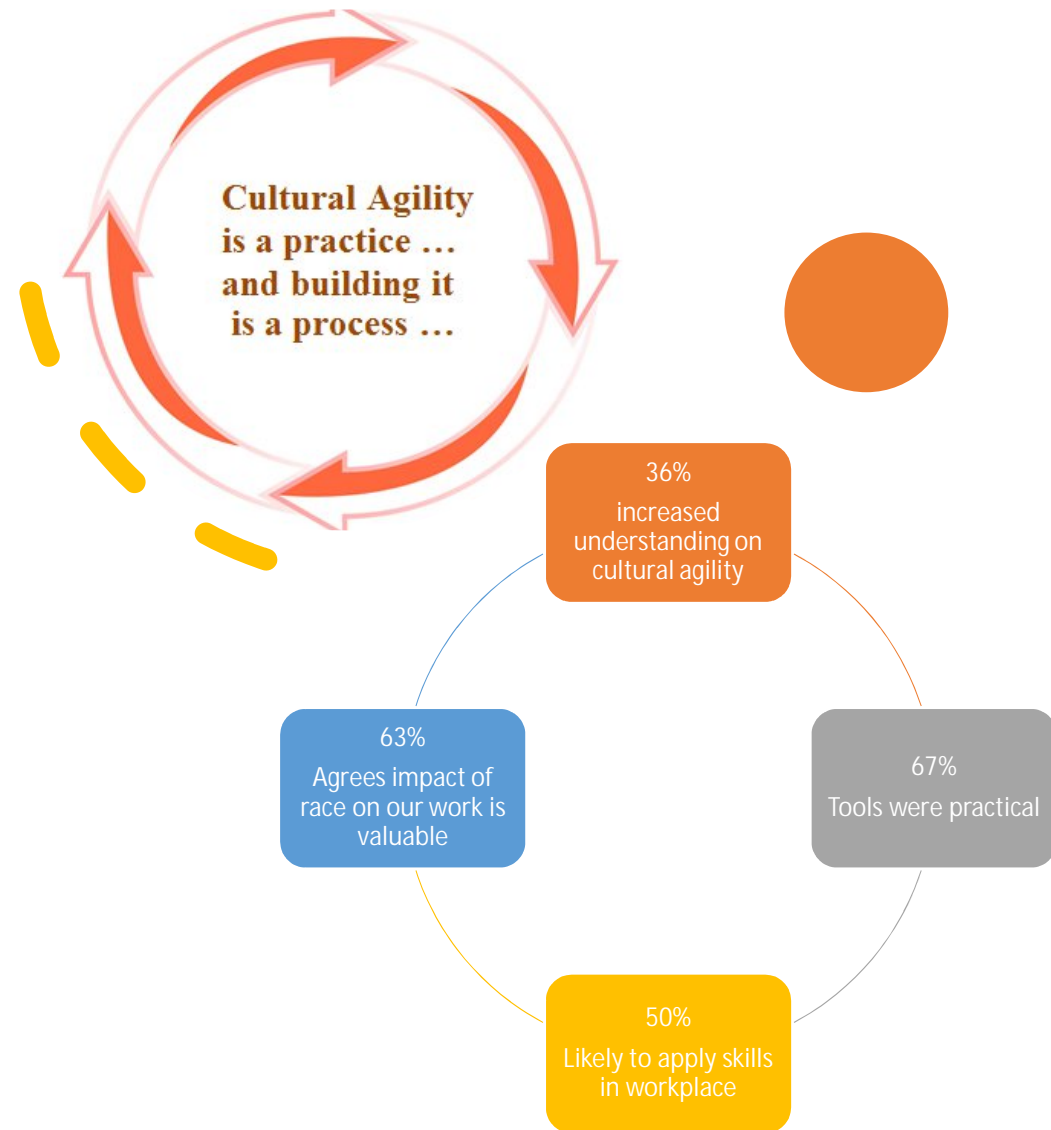
- ERGs help increase employee engagement and fosters a deep connection to the organization now and into the future.
- Multi-city info session in April
- Launched in August
- 1 application submitted and approved, 4 in the pipeline

Learning and Training

- Immigrant and Refugee Inclusion
 - Focus groups with staff and community partners informed the training

Cultural Agility Training

- Provides framework for understanding the multi-cultural workplace while offering practical resources and tools
- Helps clarify behaviors and expectations
- Staff invited to brainstorm ideal work culture





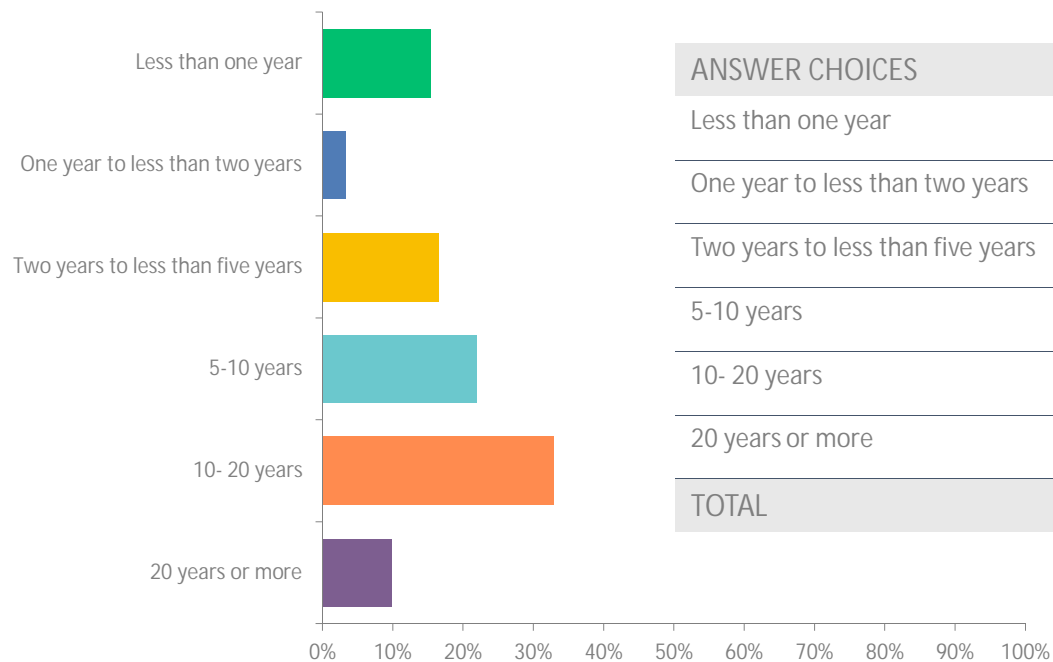
Inclusive Culture Survey Highlights

Survey Demographics (as of June 2022)

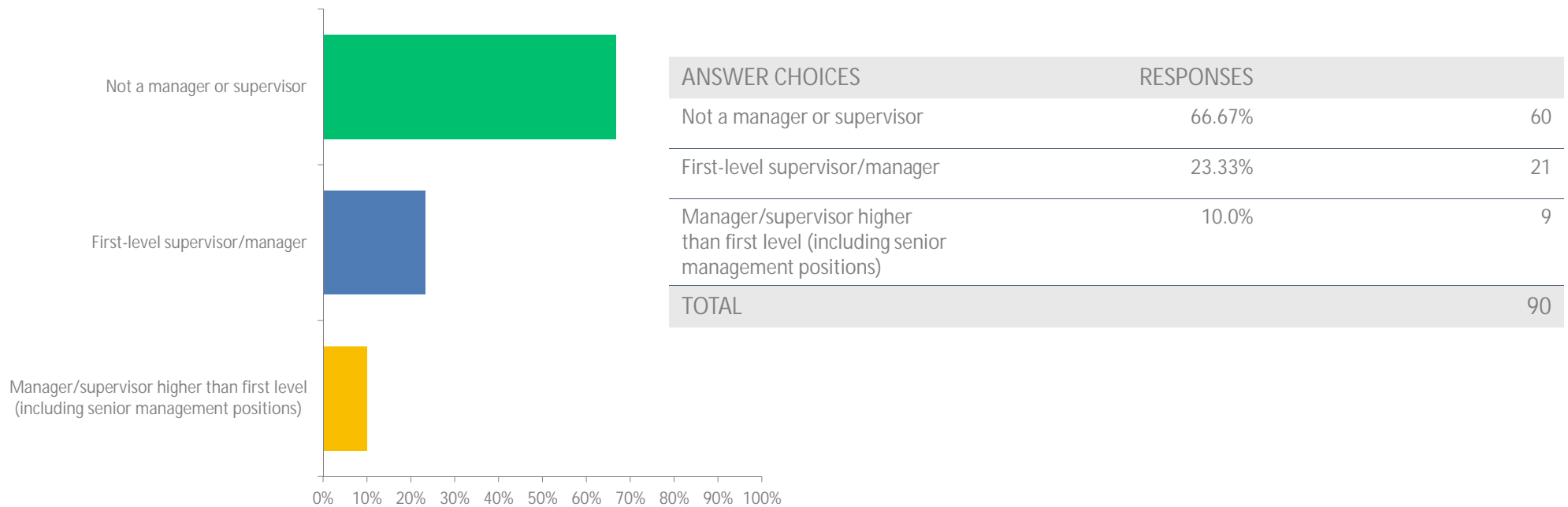
- Frontline staff, some supervisors and managers
- Emailed to all employees (Full time, Part-time, Seasonal)
- Length of Employment
 - 10-20 years (32%)
 - 5-10 years (22%)
 - 2-5 years (16%)
 - Less than 1 year (15%)
- Age
 - 35-44 years old (29%)
 - 45-54 years old (27%)
 - 21-34 years old (24%)
- Gender
 - Man (52%)
 - Woman (32%)
 - Prefer not to say (13%)
- Race
 - White (81%)
 - Prefer not to say (10%)
 - Asian (4%)
 - Black (3%)
 - Latino/a/x (2%)
 - American Indian (1%)



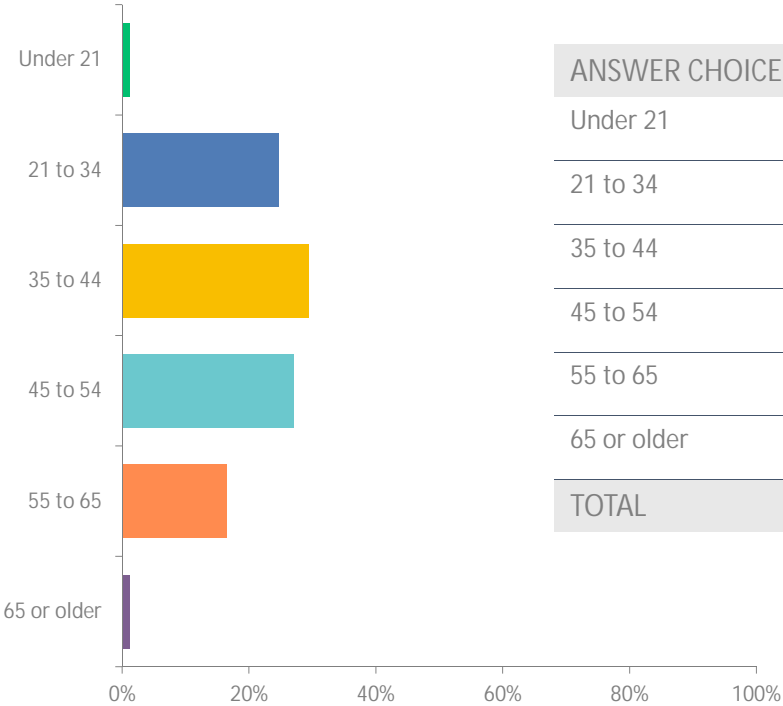
Length of employment



Role in the organization

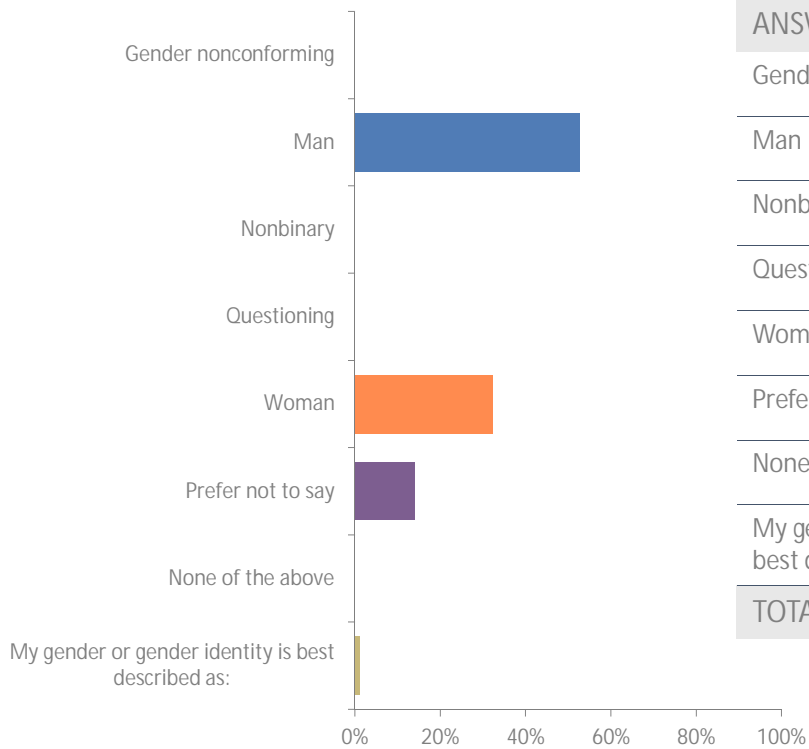


Age



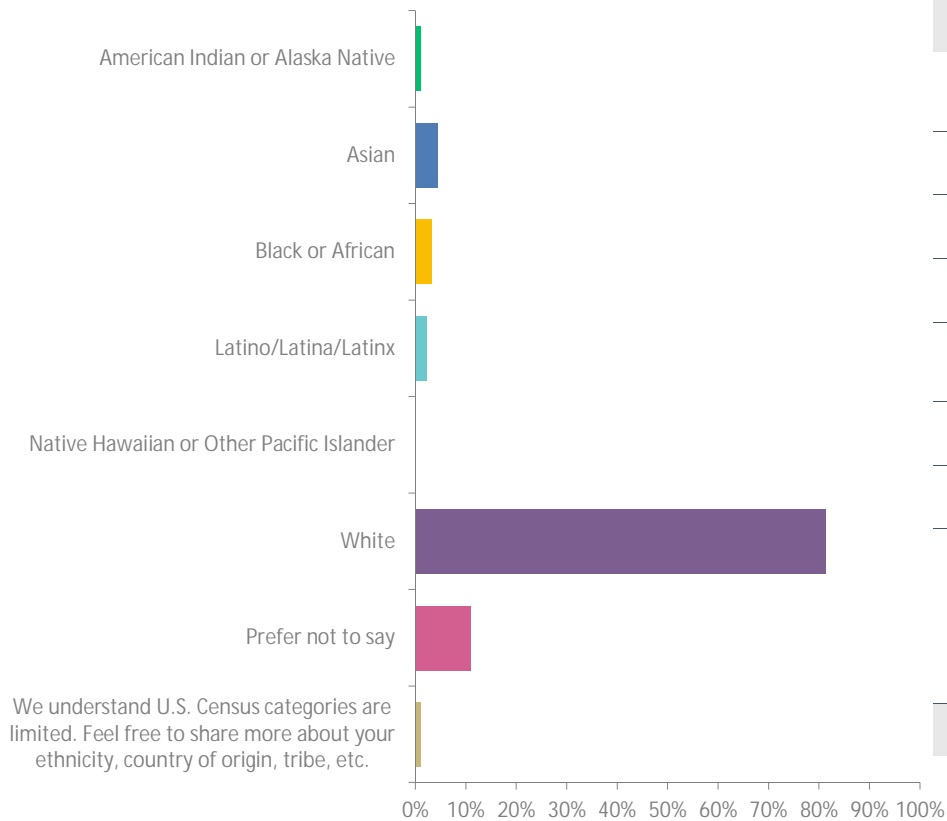
ANSWER CHOICES	RESPONSES	
Under 21	1.18%	1
21 to 34	24.71%	21
35 to 44	29.41%	25
45 to 54	27.06%	23
55 to 65	16.47%	14
65 or older	1.18%	1
TOTAL		85

Gender



ANSWER CHOICES	RESPONSES	
Gender nonconforming	0%	0
Man	52.69%	49
Nonbinary	0%	0
Questioning	0%	0
Woman	32.26%	30
Prefer not to say	13.98%	13
None of the above	0%	0
My gender or gender identity is best described as:	1.08%	1
TOTAL		93

Race/Ethnicity



ANSWER CHOICES	RESPONSES	
American Indian or Alaska Native	1.10%	1
Asian	4.40%	4
Black or African	3.30%	3
Latino/Latina/Latinx	2.20%	2
Native Hawaiian or Other Pacific Islander	0%	0
White	81.32%	74
Prefer not to say	10.99%	10
We understand U.S. Census categories are limited. Feel free to share more about your ethnicity, country of origin, tribe, etc.	1.10%	1
TOTAL		95

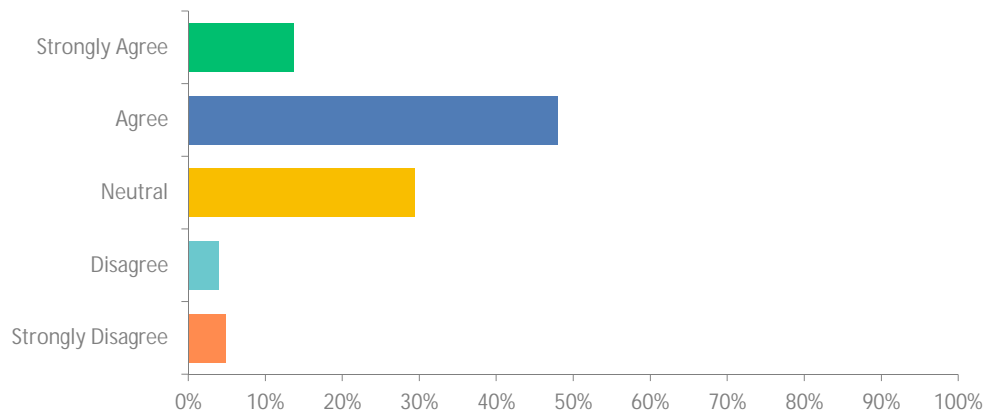
City of Bloomington employees respect individuals and value differences

ANSWER CHOICES	RESPONSES	
Strongly Agree	15.79%	21
Agree	48.87%	65
Neutral	19.55%	26
Disagree	11.28%	15
Strongly Disagree	4.51%	6
TOTAL		133

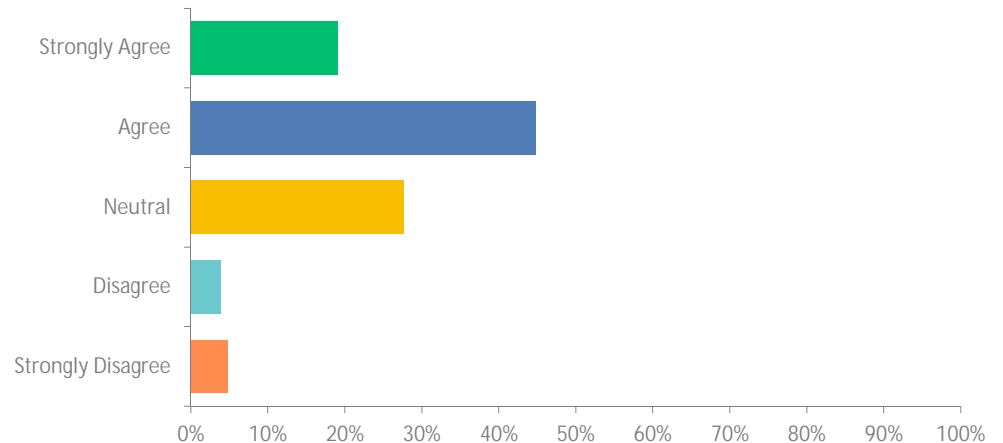
Employees of different backgrounds interact well

ANSWER CHOICES	RESPONSES	
Strongly Agree	18.80%	25
Agree	54.89%	73
Neutral	19.55%	26
Disagree	6.02%	8
Strongly Disagree	0.75%	1
TOTAL		133

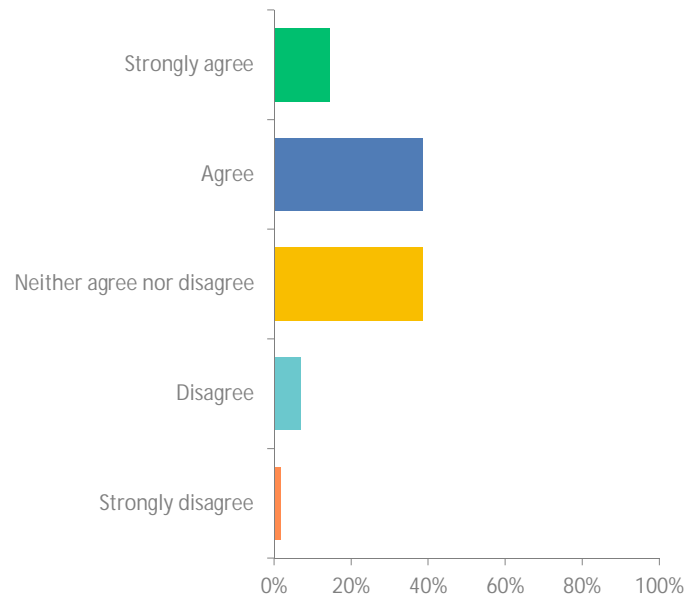
The City of Bloomington is committed to meeting the needs of historically marginalized communities (including Black, Indigenous, and People of Color, women, people with disabilities, and LGBTQIA communities.)



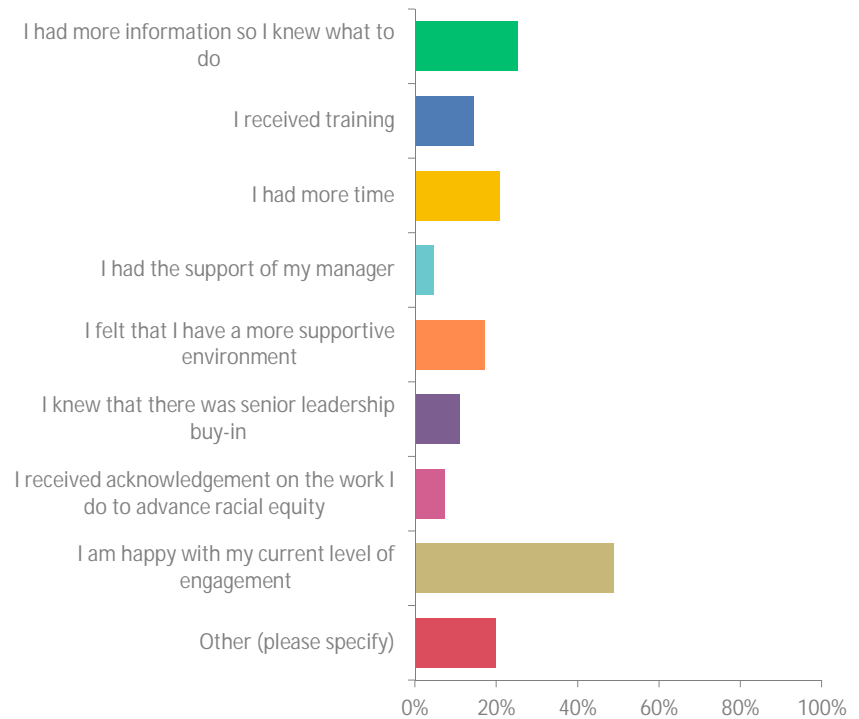
My Department is committed to meeting the needs of historically marginalized communities (including Black, Indigenous, and People of Color, women, people with disabilities, and LGBTQIA communities.)



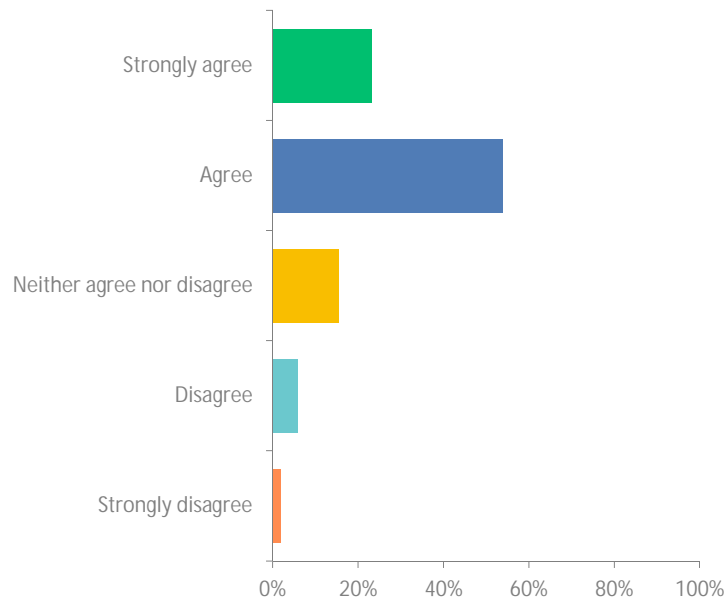
Q12: I am actively involved in advancing racial equity in my projects/teams



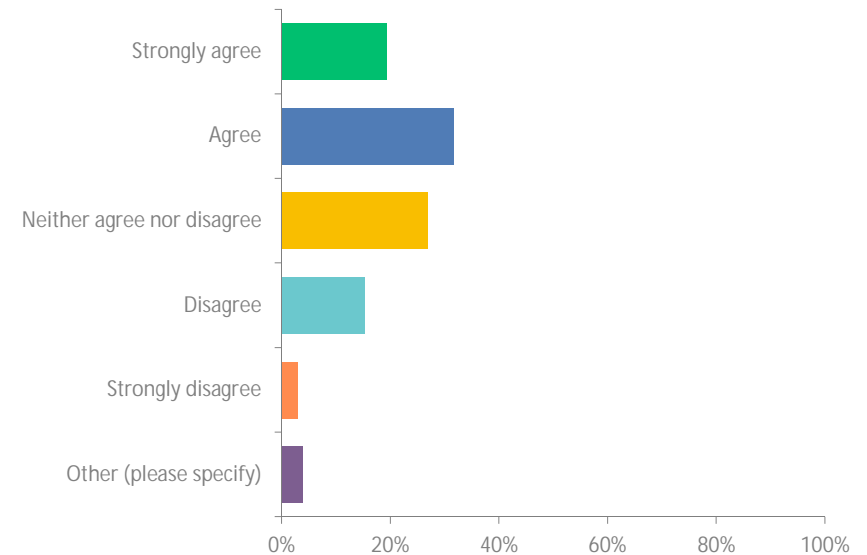
Q13: I would become more active in advancing racial equity if...



I feel like I belong here.



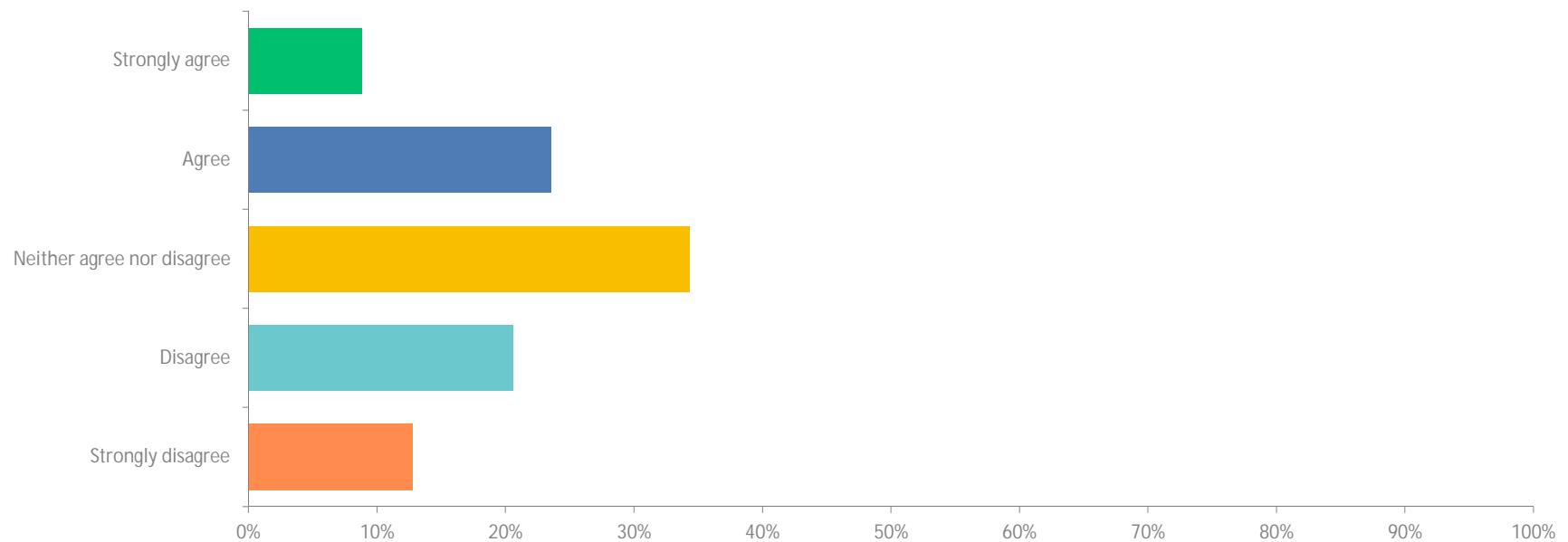
I can bring my whole self to work



Microaggressions

	Never	Rarely	Unsure	Occasionally	Frequently	N/A
Been told that I do not act like a member of a certain identity I associate with	64.65%	13.13%	1.01%	12.12%	1.01%	8.08%
Had others make assumptions about my education or socioeconomic background	43.56%	14.85%	9.90%	24.75%	5.94%	0.99%
Had others make comments about the way I speak or express myself	60.61%	15.15%	3.03%	15.15%	6.06%	0%
Been talked over or made to feel my opinion is unimportant/not desired	30.39%	22.55%	0%	38.24%	8.82%	0%
Felt unwelcomed in certain social gatherings at work or work related	49.00%	22.00%	4.00%	18.00%	5.00%	2.00%
Heard others make off color statements or jokes about a group of people	37.62%	29.70%	0.99%	25.74%	2.97%	2.97%
Had others react in discomfort because of who I am	58%	18.00%	8.00%	9.00%	5.00%	2.00%
Felt my work has higher scrutiny because of who I am	53.54%	14.14%	8.08%	16.16%	7.07%	1.01%

I have a mentor at the City of Bloomington.



1

Understand how these results challenge or affirm the way we work

2

Convene Employee Culture Workgroup

3

Cultivate opportunities for connection

4

Work with Human Resources to address specific concerns (i.e. mentors in the workplace)



Equitable Programs and Services 2022 Highlights

Language
Access Plan

REIAs

Welcoming
Certification

Equitable Programs and Services



Language Access Plan

LAP ensures that the City effectively communicates with LEP individuals so that they have meaningful access to the City's services, programs, or activities.

Identified Vital Documents

Developing Bilingual Staff Compensation Policy

More departments utilizing interpretation and translation resources



REIAs and Training

Trained Staff

Created REIA resource SharePoint site

6 assessments in Community Development

2 Public Works assessments in the pipeline

Welcoming America

Welcoming City Certification

- Formal designation for cities and counties that have created policies and programs reflecting their values and commitment to immigrant inclusion.
- Assesses city and county governments on their efforts to include and welcome immigrants in all areas of civic, social, and economic life in their communities.
- With a Certified Welcoming designation, communities distinguish their local efforts, build a competitive advantage, and gain access to opportunities to share their welcoming practices on a regional, national, and global stage.
- Application (9 -12-month process)
- School District agreed to serve as named partner in application

Welcome Week

- First year participating in national welcome week
- September 9th – 16th
- Learning and engagement opportunities for staff and community





Authentic Engagement 2022 Highlights



AWARENESS AND
EDUCATION



PARTNERSHIPS



RECOGNITION &
ACKNOWLEDGMENT



SPOTLIGHT ON OREIB

Authentic Engagement

Awareness and Education

- Classroom Visits
- Community and Faith Group Presentations
- On the One Music Festival Radio and Television Promotions
- Pride 2022
- Bloomington Schools Professional Development Day
- National Day of Racial Healing

Partnerships

- Routine Meetings with Office of Education Equity
- Equity Connect

Recognition and Acknowledgement

- Pioneers and Changemakers
- Proclamations

Spotlight on OREIB

- GARE Conference 2022
- CAAL Regional Leadership Summit
- City of Bloomington OREIB showcased in Livability 100 Best Places to Live Profile



Welcome to Bloomington Update

What we have done

- Consult with past organizers
- Invite community partners, City Staff, and Council Members to participate in Program Design Committee
- Partner with COED to co-facilitate upcoming meetings
- Meetings Oct 2022 – March 2023

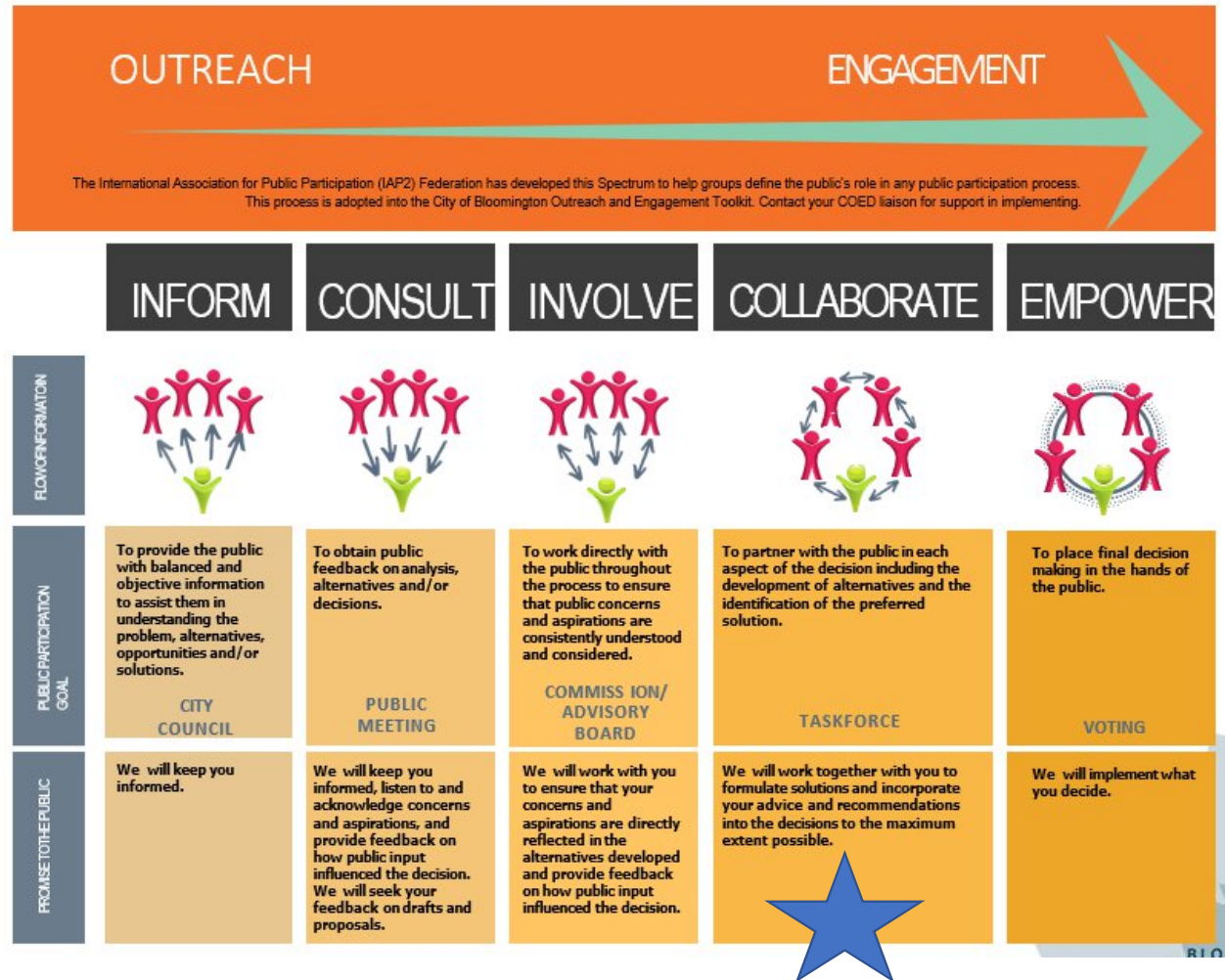
Community Partners Involved

- National Association of Hispanic Real Estate Professionals
- National Association of Real Estate Brokers Twin Cities
- Bloomington Foundation
- Bloomington Residents
- Office of Educational Equity
- VEAP



WELCOME!

Welcome to Bloomington – Proposed Level of Engagement



Welcome to Bloomington – Suggested Community Promise

Public
participation



We respect your expertise and appreciate your willingness to serve in this capacity

Promise to
the public

We trust your wisdom in generating ideas for welcoming neighbors to our community.

We will raise concerns, seek to find common ground, and incorporate your advice and recommendations into the decisions as much as possible.

on

FEED

BACK

SS

like

Future Updates



December – RESPC Update



January 2023 – OREIB Annual
Community Update
Digital and Paper Publication
Mailed to community partners



July 2023 – REAT updates



One Weekly – ongoing



Request for Council Action

Originator Finance	Item 3.1 Set Meeting Date for Public Hearing - 2023 General Fund Budget and Property Tax Levy
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to set Monday, December 5, 2022 as the date for the public hearing on the City's 2023 General Fund Budget and Property Tax Levy.

Item created by: Briana Eicheldinger, Finance

Item presented by: Lori Economy-Scholler, CFO

Description:

Under Minnesota Statute §275.065, Proposed Property Taxes, the City is required to provide the County with the time and place of regular scheduled meetings in which the City's budget and levy will be discussed. This public hearing is planned to be part of the regular Council agenda. This information will be included in the County's notice to homeowners. The public must be allowed to speak at that meeting, which must occur after November 24 and must not be held before 6:00 p.m.

Staff recommends the Council set Monday, December 5, 2022 as the date for the public hearing on the City's 2023 General Fund Budget and Property Tax Levy.



Request for Council Action

Originator Finance	Item 3.2 Resolution Authorizing American Rescue Plan Expenditure and Related Budget Adjustments - State of Homelessness Assessment
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the budget adjustment resolution, Resolution No. 2022-_____ to move \$26,866 from the 2550 Federal Relief Grants Fund to the H212 HRA Housing Rehabilitation Fund in order to fund a State of Homelessness Assessment.

Item created by: Briana Eicheldinger, Finance

Item presented by: Kari Carlson, Budget Manager

Description:

The United States Congress enacted the American Rescue Plan Act of 2021 (ARP) which included over \$350 billion in funding to state, local, territorial, and Tribal governments under the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), and the U.S. Treasury allocated \$11,396,081.00 of SLFRF funds to the City of Bloomington.

As part of this allocation, Homelessness Response and Prevention services will be used to assist people who are experiencing housing instability and homelessness and are in need of services for coordination, resources, organization, eviction help, and temporary housing. Specialized internal staff that coordinates homelessness response with Hennepin County Human Services and Office to End Homelessness, and community organizations. Prevention services are those involving community organizations, City programs (tenant protection ordinance, 4d and NOAH) and additional needs and coordination. In addition, these funds can be used to conduct a needs assessment on the development of a permanent shelter to be operated with local non-profit partners.

Budget Adjustments:

2550-59020 "Federal Relief Grants / Interfund Transfers Out" decrease expense budget by \$26,866

2550-54990 "Federal Relief Grants / Other Services" increase expense budget by \$26,866

H280041-49999 "HRA Housing Rehabilitation / Other Revenue" Project: ARP increase revenue budget by \$26,866

H280041-54990 "HRA Housing / Other Services" Project: ARP increase expense budgets by \$26,866

Transfer out:

2550-54990 "Federal Relief Grants / Other Services" \$26,866

Transfer in:

H280041-49999 "HRA Housing Rehabilitation / Other Revenue" Project ARP \$26,866

Attachments:

[Resolution](#)

RESOLUTION NO. 2022 -

RESOLUTION AUTHORIZING ARP EXPENDITURE 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 7.01 provides that the City Council “has control over the financial affairs of the city, and provides for the collection of all revenues and other assets, the auditing and settlement of accounts, the safekeeping and disbursement of public monies, and has discretion to make appropriations for the payment of all liabilities and expenses;” 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, The United States Congress enacted the American Rescue Plan Act of 2021 (ARP) which included over \$350 billion in funding to state, local, territorial, and Tribal governments under the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), and

WHEREAS, the U.S. Treasury allocated \$11,396,081.00 of SLFRF funds to the City; and

WHEREAS, the City Council, by Resolution 2021-100 on June 7, 2021 accepted those funds and renamed the Special Revenue fund from “CARES ACT” to “FEDERAL RELIEF GRANTS” (fund code 2550) for the purpose of holding CRF and ARP dollars prior to reimbursements of departments for eligible expenses; and

WHEREAS, on January 6, 2022, the U.S. Treasury released the Final Rule for the Coronavirus State and Local Fiscal Recovery Funds (Final Rule), which takes effect on April 1, 2022; and

WHEREAS, § 35.6(b)(2)(i) of the Final Rule provides a list of presumptively eligible beneficiaries of ARP funding, including:

“(2) Identified harms: presumptions of impacted and disproportionately impacted beneficiaries. A recipient may rely on the following presumptions to identify beneficiaries presumptively impacted or disproportionately impacted by the public health emergency or its negative economic impacts for the purpose of providing a response under subparagraph (b)(1) or (b)(3):

(i) Households or populations that experienced unemployment; experienced increased food or housing insecurity . . . and low- and moderate-income households and populations are presumed to be impacted by the public health emergency or its negative economic impacts;"

WHEREAS, § 35.6(b)(3)(ii)(A) of the Final Rule identifies ways that ARP funds may be used to support the eligible beneficiaries listed in (b)(2), including:

(ii) Responding to the negative economic impacts of the public health emergency for purposes including: (A) Assistance to households and individuals, including:

(1) Assistance for food; emergency housing needs; burials, home repairs, or weatherization; internet access or digital literacy; cash assistance; and assistance accessing public benefits . . .

(5) Development, repair, and operation of affordable housing and services or programs to increase long-term housing security. . .”

WHEREAS City desires to fund a State of Homelessness Assessment under § 35.6(b) of the Final Rule; and

WHEREAS, the H212 HRA HOUSING REHABILITATION FUND requires a budget adjustment of an additional \$26,866.00 from the 2550 Federal Relief Grants Fund for a State of Homelessness Assessment; and

WHEREAS, the City Council has determined that it is in the City’s best interests to make the necessary budget alterations to the approved budget and to expend ARP funds as herein described.

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 29th day of August, 2022.

Mayor

Attest:

Secretary to the Council



Request for Council Action

Originator Finance	Item 3.3 Resolution Authorizing American Rescue Plan Expenditure and Related Budget Adjustments - Homebuyer Down Payment Assistance
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the budget adjustment resolution, Resolution No. 2022-_____ to move \$250,000 from the 2550 Federal Relief Grants Fund to the H212 HRA Housing Rehabilitation Fund in order to fund a homebuyer down payment assistance program.

Item created by: Briana Eicheldinger, Finance

Item presented by: Kari Carlson, Budget Manager

Description:

The United States Congress enacted the American Rescue Plan Act of 2021 (ARP) which included over \$350 billion in funding to state, local, territorial, and Tribal governments under the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), and the U.S. Treasury allocated \$11,396,081.00 of SLFRF funds to the City of Bloomington.

As part of this allocation, the City desires to fund a homebuyer down payment assistance program, an eligible expenditure under § 35.6(b)(2) and § 35.6(b)(3)(ii)(A) of the Final Rule

Budget Adjustments:

2550-59020 "Federal Relief Grants / Interfund Transfers Out" decrease expense budget by \$250,000

2550-54990 "Federal Relief Grants / Other Services" increase expense budget by \$250,000

H280041-49999 "HRA Housing Rehabilitation / Other Revenue" Project: ARP increase revenue budget by \$250,000

H280041-54990 "HRA Housing / Other Services" Project: ARP increase expense budgets by \$250,000

Transfer out:

2550-54990 "Federal Relief Grants / Other Services" \$250,000

Transfer in:

H280041-49999 "HRA Housing Rehabilitation / Other Revenue" Project ARP \$250,000

Attachments:

[Resolution](#)

RESOLUTION NO. 2022 -

**RESOLUTION AUTHORIZING ARP EXPENDITURE 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 7.01 provides that the City Council “has control over the financial affairs of the city, and provides for the collection of all revenues and other assets, the auditing and settlement of accounts, the safekeeping and disbursement of public monies, and has discretion to make appropriations for the payment of all liabilities and expenses;” 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, The United States Congress enacted the American Rescue Plan Act of 2021 (ARP) which included over \$350 billion in funding to state, local, territorial, and Tribal governments under the Coronavirus State and Local Fiscal Recovery Fund (SLFRF), and

WHEREAS, the U.S. Treasury allocated \$11,396,081.00 of SLFRF funds to the City; and

WHEREAS, the City Council, by Resolution 2021-100 on June 7, 2021 accepted those funds and renamed the Special Revenue fund from “CARES ACT” to “FEDERAL RELIEF GRANTS” (fund code 2550) for the purpose of holding CRF and ARP dollars prior to reimbursements of departments for eligible expenses; and

WHEREAS, on January 6, 2022, the U.S. Treasury released the Final Rule for the Coronavirus State and Local Fiscal Recovery Funds (Final Rule), which takes effect on April 1, 2022; and

WHEREAS, § 35.6(b)(2)(i) of the Final Rule provides a list of presumptively eligible beneficiaries of ARP funding, including:

“(2) Identified harms: presumptions of impacted and disproportionately impacted beneficiaries. A recipient may rely on the following presumptions to identify beneficiaries presumptively impacted or disproportionately impacted by the public health emergency or its negative economic impacts for the purpose of providing a response under subparagraph (b)(1) or (b)(3):

(i) Households or populations that experienced unemployment; experienced increased food or housing insecurity . . . qualify for the National Housing Trust Fund or the Home Investment Partnerships Program. . . and low- and moderate-income households and populations are presumed to be impacted by the public health emergency or its negative economic impacts; . . .

(iii) ... (A) Households and populations residing in a qualified census tract; households and populations receiving services provided by Tribal governments; households and populations residing in the territories; households and populations receiving services provided by territorial governments; low-income households and populations; households that qualify for Temporary Assistance for Needy Families (42 U.S.C. 601 et seq.), the Supplemental Nutrition Assistance Program (7 U.S.C. 2011 et seq.), Free and Reduced Price School Lunch and/or Breakfast programs (42 U.S.C. 1751 et seq. and 42 U.S.C. 1773), Medicare Part D Low-income Subsidies (42 U.S.C. 1395w-114), Supplemental Security Income (42 U.S.C. 1381 et seq.), Head Start (42 U.S.C. 9831 et seq.), Early Head Start (42 U.S.C. 9831 et seq.), the Special Supplemental Nutrition Program for Women, Infants, and Children (42 U.S.C. 1786), Section 8 Vouchers (42 U.S.C. 1437f), the Low-Income Home Energy Assistance Program (42 U.S.C. 8621 et seq.), Pell Grants (20 U.S.C. 1070a) . . .”

WHEREAS, § 35.6(b)(3)(ii)(A) of the Final Rule identifies ways that ARP funds may be used to support the eligible beneficiaries listed in (b)(2), including:

“(3) *Enumerated eligible uses: responses presumed reasonably proportional.* A recipient may use funds to respond to the public health emergency or its negative economic impacts on a beneficiary or class of beneficiaries for one or more of the following purposes unless such use is grossly disproportionate to the harm caused or exacerbated by the public health emergency or its negative economic impacts: . . .

(ii) Responding to the negative economic impacts of the public health emergency for purposes including: (A) Assistance to households and individuals, including:

(1) Assistance for food; emergency housing needs; burials, home repairs, or weatherization; internet access or digital literacy; cash assistance; and assistance accessing public benefits; . . .

(5) Development, repair, and operation of affordable housing and services or programs to increase long-term housing security;”

; and

WHEREAS, City desires to fund a homebuyer down payment assistance program, an eligible expenditure under § 35.6(b)(2) and § 35.6(b)(3)(ii)(A) of the Final Rule; and

WHEREAS, the H212 Housing and Rehabilitation Fund requires a budget adjustment of an additional \$250,000 from the 2550 Federal Relief Grants Fund for the homebuyer down payment assistance program; and

WHEREAS, the City Council has determined that it is in the City’s best interests to make the necessary budget alterations to the approved budget and to expend ARP funds as herein described.

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 _____ day of _____, 2022.

Mayor

Attest:

Secretary to the Council



Request for Council Action

Originator Housing and Redevelopment Authority	Item 3.4 Approve Professional Services Agreement for Lending Administration Services
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to authorize the Mayor and City Manager to execute a professional services agreement for Lending Administration Services to Community Neighborhood Housing Services for the Homebuyer Mortgage Assistance Grant Program for a total amount of \$250,000.

Item created by: Aarica Coleman, Housing and Redevelopment Authority

Item presented by: Aarica Coleman, HRA Administrator

Description:

It is requested that the City Council consider the award of contract for Lending Administration Services. This service is to administer, track and report on the Homebuyer Mortgage Assistance Grant Program funded through American Rescue Plan Act (ARPA), as approved by City Council on December 20, 2021. The total amount of \$250,000 includes down payment and closing cost assistance up to \$10,500, for qualified households, and the lending administration services fee of \$1,500 per closed property purchase in Bloomington; assisting approximately twenty households. The program guidelines have been included for reference. A request for proposal (RFP) was opened with a closing of July 7, 2022. Community Neighborhood Housing Services was the only qualified respondent.

Attachments:

[Homebuyer Mortgage Assistance Grant Program Guidelines](#)

HOMEBUYER MORTGAGE ASSISTANCE



Homebuyer Mortgage Assistance Grant Program Guidelines



1. Program Summary:

- **Homebuyer Mortgage Assistance (HMA)** grant down payment assistance program provides homebuyer assistance to purchase a home in the City of Bloomington.

2. Eligible Borrower:

- Borrower must have a valid fully-executed purchase agreement at time of application.
- Borrower does not have to be a first-time homebuyer.
- Borrower must be purchasing primary, owner-occupied home.
- Borrower's household income may not exceed 80% of the area median income (AMI), adjusted for household size. The income of the following persons must be verified and included when calculating annualized gross income (AGI):
 - Anyone who will have title to the subject property and signs the Mortgage.
 - Anyone expected to reside in the subject property and who will be obligated to repay the underlying mortgage loans (i.e., signs a note or guaranty), but who is not in title to the subject property; i.e., the cosigner (not named in title to the subject property and does not sign the Mortgage).
 - The legal spouse of the borrower who will reside in the subject property.

3. Eligible Property:

- Single-family (attached or detached), townhome or condominium within city limits of Bloomington.
- No purchase price limit.
- Homebuyer must occupy home, as primary residence, within 30 days following home purchase closing.

4. Amount:

- Maximum grant amount is up to \$10,500.

5. Eligible Use of Funds:

- Payment of down payment costs.
- Payment of normal closing costs.
- Funds may not be used to reimburse borrower for purchase or transaction that has already occurred.

6. Terms:

- Zero percent interest.
- No monthly payment.
- Forgivable after continued owner occupancy through January 1, 2027.
- Grant is 100% repayable upon the occurrence of any one of the following prior to January 1, 2027:
 - When borrower ceases to occupy the subject property as primary residence; or
 - Transfer of title.
- The Mortgage may be subordinated, at the discretion of the HRA, as part of a refinance of the primary loan. These grants are considered a "Special Mortgage" under the terms of Minnesota Statutes Section 58.13.

7. Grant Security:

- The grant will be separately secured by a Promissory Note and Mortgage.
- The grant may be secured in a subordinate lien position behind other loans.
- No title insurance is required.
- No mortgagee clause is required in the owner's hazard insurance policy.

8. Required Homebuyer Education and One-to-one Financial Counseling:

- Borrower must complete homebuyer education through a Department of Housing and Urban Development (HUD) approved program:
 - Homestretch; sponsored by the Minnesota Homeownership Center (www.hocmn.org).
 - Framework; sponsored by the Minnesota Homeownership Center (www.hocmn.org).
 - Realizing the American Dream; sponsored by Urban League Twin Cities (www.ultcmn.org).
- Borrower must complete one-to-one financial homeownership capacity counseling with a completion certificate that pre-dates the home purchase closing date by at least 30 days.
 - Minnesota Housing Enhanced Homeownership Capacity Providers (www.mnhousing.gov).
 - Minnesota Homeownership Center Financial Wellness Providers (www.hocmn.org).
 - Community Mediation and Restorative Services Housing Partners (www.cmrsmn.org).

9. Eligible Primary Financing:

- This grant may be offered in connection with any fixed-rate portfolio FHA, VA, Fannie Mae, or Freddie Mac insured or uninsured loan product that is generally considered in the lending industry to be a "prime" lending product.
- This grant may not be used with sub-prime lending products.
- This grant may be combined with other assistance programs to provide greater opportunity for borrower to secure the purchase of a home.

10. Catastrophic Event:

- In the event the Mortgage holder or the servicer, in their sole and absolute discretion, after a loss mitigation analysis, find that a catastrophic event, including, but not limited to borrower's death or extended illness, or the extended illness of a close family member who depends primarily on borrower for support, has occurred which substantially and permanently impairs their ability to repay the grant and requires a sale of the property for an amount less than the existing balance on the grant, that portion of the grant that cannot be satisfied from the proceeds of such sale shall be released.

11. How to Apply:

- To determine eligibility and fund availability, interested applicants should contact a lending services administrator.



Request for Council Action

Originator Finance	Item 3.5 Resolution Abating Debt Service Levies
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution No. 2022-____ abating the 2023 debt service levy for GO Special Assessment PIR Bonds 2017, Series 51.

Item created by: Briana Eicheldinger, Finance

Item presented by: Lori Economy-Scholler, CFO

Description:

The Council is asked to consider and approve the attached resolution, which will abate the debt service levy in 2023 for GO Special Assessment PIR Bonds 2017, Series 51. There are sufficient monies in the appropriate fund to allow the abatement of this debt service payment. This obligation for 2023 has already been eliminated from the draft 2023 Preliminary Levy debt service category modeled for Council on August 22, 2022.

Bond Issue	Original 2022/2023 Levy	Reduce Levy to
General Obligation Special Assessment PIR Bonds 2017, Series 51	\$514,020.93	\$0

Attachments:

[Resolution](#)

RESOLUTION NO. 2022 –

RESOLUTION ABATING DEBT SERVICE LEVIES

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

WHEREAS, the City’s Finance Department has advised the City Council that the amount of money available in the City’s Public Improvement Revolving Fund (“Fund”), including interest earnings and other income, is sufficient principal and interest collected on the following bonds during the year 2023:

<u>Bond Issue</u>	<u>Original 2022/23 Levy</u>	<u>Reduce Levy to</u>
General Obligation PIR Bonds of 2017, Series 51	\$ 514,020.93	\$0

; and

WHEREAS, the City is authorized, pursuant to the provisions of the Bond Resolution 2017-123, and of Minnesota Statutes, Section 475.61, to direct the City Clerk of the City to certify to the County of Hennepin (“County”) that sufficient funds are available to pay principal and interest due on the Bonds during the year 2022 and to request that the County reduce the levy for payable 2023 with respect to the Bonds.

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

1. The City Council hereby directs the City Clerk to certify to Hennepin County that the balance of monies indicated above is available in the Fund, and that such amounts are sufficient to pay the principal and interest due on the indicated bonds during the year 2022 and, therefore,

to request the County Auditor to reduce the levy with respect to the bond issue for the year 2023 to amount shown above.

2. That the form of the certification to be delivered by the City Clerk to Hennepin County is attached hereto as Exhibit A and incorporated in the minutes of this meeting and approved.

Pass and adopted this 29th day of August, 2022.

Mayor

Attest:

Secretary to the Council

EXHIBIT A

STATE OF MINNESOTA)	CERTIFICATION BY CITY CLERK
COUNTY OF HENNEPIN)	OF THE CITY OF
CITY OF BLOOMINGTON)	BLOOMINGTON, HENNEPIN COUNTY,
		MINNESOTA

The undersigned duly qualified City Clerk of the City of Bloomington, Minnesota hereby certifies that:

- i) Attached hereto is a true and correct copy of the original Resolution No. 2022 - ____ .
- ii) The City of Bloomington has sufficient funds in the appropriate accounts to allow the abatement of these 2022 levies collectable in 2023 due for General Obligation PIR Bonds of 2017, Series 51 ("Bonds").
- iii) Pursuant to Minnesota Statutes, Section 475.61, the City Council of the City of Bloomington requests the County of Hennepin, Minnesota to reduce the tax levy for said Bonds for the year 2023 to the amounts shown in the Resolution 2022 - ____ .

WITNESS my hand and seal of the City of Bloomington, Minnesota, this 29th day of August 2022.

City Clerk, City of Bloomington



Request for Council Action

Originator Information Technology	Item 3.6 JustFOIA First Amendment
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to approve first amendment between the City of Bloomington and JustFOIA for the addition of the Online Payment Portal.

Item created by: Elizabeth Potts, Information Technology

Item presented by: Amy Cheney, Chief Information Officer

Description:

The City Council is requested to approve the first amendment between the City and JustFOIA for the addition of the Online Payment Portal. The City has utilized JustFOIA to process data requests since 2015. The Online Payment Portal module is needed to process online payments. The 2022 cost for the Online Payment Portal module is \$720 which is a pro-rated amount for the annual subscription plus implementation. Beginning in 2023 the annual cost for the subscription is \$1,155. Council approved the original agreement in 2015 and therefore is requested to approve the first amendment to the agreement.



Request for Council Action

Originator Community Services	Item 3.7 Resolution to Accept Women, Infants, and Children Grant Funds from the Minnesota Department of Health
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution No. 2022-_____ to accept Women, Infants, and Children grant funds from the Minnesota Department of Health.

Item created by: Sharon Williams, Community Services

Item presented by: Nick Kelley, Public Health Administrator

Description:

The City Council is requested to accept Women, Infants, and Children grant and the Peer Breastfeeding Support Program grant funds. This adds \$31,000 to the existing funding in the current grant year.

Approval will require an adjustment to the Public Health budget. The term remains January 1, 2022 through December 31, 2026, and duties will be similar to those of prior years.

Attachments:

[Resolution Accepting Grant Funds WIC.pdf](#)

RESOLUTION NO. 2022 -

**RESOLUTION ACCEPTING WOMEN, INFANTS, AND CHILDREN (WIC) and PEER
BREASTFEEDING SUPPORT PROGRAM (PBSP) GRANT FUNDS FROM MINNESOTA
DEPARTMENT OF HEALTH 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, Minnesota Department of Health has granted \$31,000 of its grant funding to the City for WIC and PBSP programs); and

WHEREAS, the City Council has determined that it is in the City’s best interests to accept these funds and to make the necessary budget adjustments 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 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 and to make any and all necessary related budget adjustments to the approved budget of the City.

Passed and adopted this 29th day of August, 2022.

Mayor

Attest:

Secretary to the Council



Request for Council Action

Originator Public Works	Item 3.8 Purchase of Sidewalk Plow
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the purchase of a sidewalk plow.

Item created by: James Colclasure, Public Works

Item presented by: Karl Keel, Public Works Director

Description:

Public Works is requesting the approval to purchase 1 Trackless MT7 sidewalk plow off the HGAC contract # GR01-20. This unit is to replace unit 0696 as part of the normal replacement cycle (12 years). The contracted price for this unit with options totals \$168,234.45.

Due to the current extended lead times and upcoming sizable price increase, we are requesting this 2023 FY purchase to be approved now for delivery in 2023 and an estimated \$20,000 savings.



Request for Council Action

Originator Planning	Item 3.9 Review and Ratify I-494 Corridor Commission 2023 Dues and Budget
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the I-494 Corridor Commission 2023 Dues and Budget

Item created by: Glen Markegard, Planning

Item presented by: Glen Markegard, Planning Manager

Description:

The City is a member of the I-494 Corridor Commission, a joint powers organization that works to more effectively and efficiently move people and goods around the I-494 Corridor. The other Commission members are the cities of Richfield, Edina, Eden Prairie and Minnetonka. The Commission's Joint Powers Agreement requires the members to "approve, modify or reject the proposed Commission budget and the Party's financial contribution" by September 2 of each calendar year.

The I-494 Corridor Commission Board of Directors have recommended the attached budget for 2023. The majority of funding comes from federal and state resources. The Commission's Board has recommended increasing dues for the five member cities from \$0.53 per resident to \$0.56 per resident. Given Bloomington's most recent certified population estimate of 90,974, Bloomington's 2023 dues would be \$50,945, which is \$3,101 higher than in 2022.

Attachments:

[2023 Draft Budget](#)

[Historical Dues Analysis](#)

[Memo from I-494 Corridor Commission Executive Director](#)

Revised Draft 2023 Budget 8.9.2022

*items in yellow include the draft telework budget

items in salmon are categories that have changed since last month

Revenues		
CMAQ Grant	\$ 303,468.00	
MnDOT Grant	\$ -	
State Grant for Telework		
Membership Dues	\$ 159,028.09	*dues at \$0.53 per resident
Fees for Service	\$ 5,000.00	
	\$ 467,496.09	

If dues were \$0.56

Revenues		
CMAQ Grant	\$303,468.00	
MnDOT Grant		
State Grant for Telework		
Membership Dues	\$168,029.68	*dues at \$0.56
Fees for Service	\$5,000.00	
	\$476,497.68	

CMAQ Eligible Expenses

Executive Director	\$ 125,758.30	
Vice President	\$ 103,387.79	
Marketing Director	\$ 80,595.80	
Outreach & Project Mgr.	\$ 78,556.48	
Marketing & Design Manager	\$ 33,148.00	100% of time on telework
Temp	\$ 6,000.00	Added Temp category
Accounting	\$ 6,556.36	
Cell Phones	\$ 2,400.00	
Chambers of Commerce	\$ 3,000.00	
Computers	\$ 12,000.00	
Conferences/Prof. Dev.	\$ 31,000.00	decreased
Incentives	\$ 15,000.00	
Marketing	\$ 14,000.00	
Office Supplies	\$ 3,000.00	decreased
Outreach Mileage/Parking	\$ 1,200.00	increased \$200
Phone/Data/Web Hosting	\$ 2,000.00	
Postage	\$ 6,000.00	
Printing/Copying	\$ 7,000.00	decreased
Property Insurance	\$ 3,575.00	
Rent	\$ 16,935.00	
Website Development	\$ 3,500.00	
Work Comp Insurance	\$ 3,135.60	
CMAQ Eligible Budget	\$ 557,748.33	
Corridor Commission Misc.	\$ 4,500.00	decreased
Late Fees/Interest	\$ -	removed
Messerli Kramer	\$ 38,000.00	
Payroll Admin Fees	\$ 2,000.00	
Total Expenses	\$ 602,248.33	*was \$615,360 as originally presented

Telework Grant Expenses

removed	
removed	
removed	
removed	
	\$33,148.00
	\$6,000.00
	\$10,000.00
	\$8,000.00
	\$3,000.00
	\$4,000.00
Telework Budget	\$64,148.00

Notes:

Projecting to start 2023 with a \$285,509 fund balance

If membership dues are \$0.56 per resident for 2023, and the revenue was \$476,497 for 2023

We would take the \$285,509 fund balance from the beginning of the year, add the revenues of \$476,497.68 which would equal \$762,006.68

And if we spend the 2023 draft budget of \$602,248.33 we would expect to end 2023 with a fund balance of \$159,758.35

We would want a minimum of a four month operating float which would be \$216,000

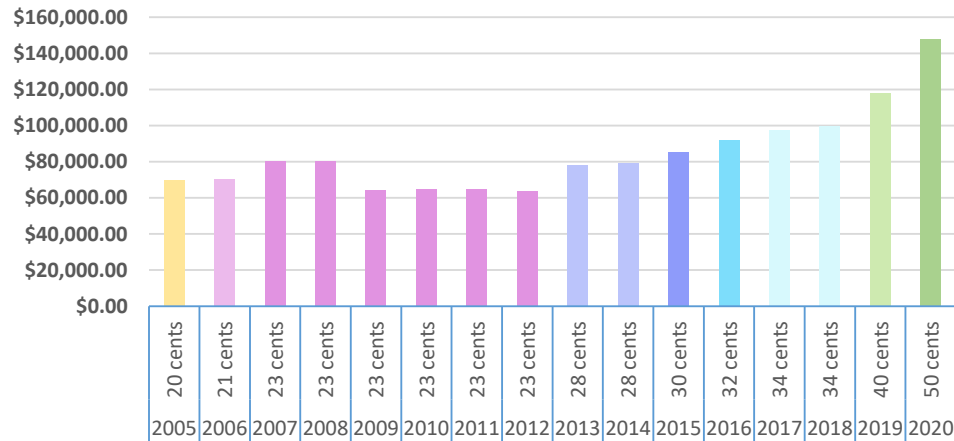
Historical Analysis of I-494 Corridor Commission Membership Dues

Year	Dues Per Resident	Annual Dues Collected
2005	20 cents	\$69,836.00
2006	21 cents	\$70,122.00
2007	23 cents	\$80,162.00
2008	23 cents	\$80,349.00
2009	23 cents	\$64,201.00
2010	23 cents	\$64,733.00
2011	23 cents	\$64,868.00
2012	23 cents	\$63,616.00
2013	28 cents	\$77,981.00
2014	28 cents	\$79,293.00
2015	30 cents	\$85,428.00
2016	32 cents	\$91,778.00
2017	34 cents	\$97,514.00
2018	34 cents	\$99,397.00
2019	40 cents	\$118,018.00
2020	50 cents	\$147,897.00

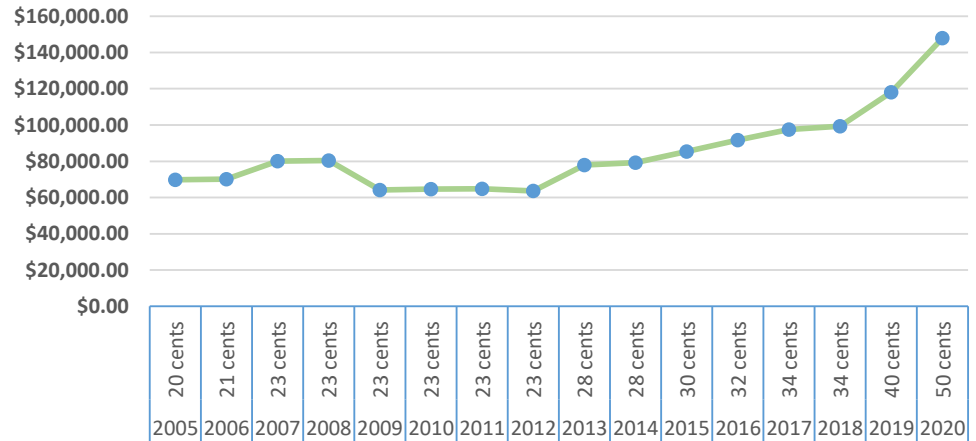
*City of Plymouth dropped their membership

*Met Council population estimates went down overall, resulting in a loss of revenue in dues.

Historical Analysis of I-494 Corridor Commission Membership Dues



Historical Analysis of I-494 Corridor Commission Membership Dues





I-494 CORRIDOR COMMISSION

Reducing Traffic Congestion

Bloomington • Eden Prairie • Edina • Minnetonka • Richfield

July 26th, 2022

City of Bloomington
1800 Old Shakopee Road West
Bloomington, MN 55431

Re: I-494 Corridor Commission Membership Dues Increase

The I-494 Corridor Commission is thankful for the City of Bloomington's longtime membership with the Commission. Together, with the member cities of Richfield, Edina, Eden Prairie and Minnetonka we have been able to achieve impressive results in the areas of road and transit project advancement and funding. We have also worked on slowing the demand for roads through our Commuter Services outreach program.

The I-494 Corridor Commission continues to leverage federal grant funding for the work of Commuter Services with employers, residents and commuters within our member cities. We are projecting to use the remainder of the one-time state allocation of \$300,000 for telework outreach in 2023.

The impact of our work benefits people from 85 out of 87 counties in MN on a daily basis (as determined by a Metropolitan Council study) and we plan to seek additional funding from the state during the 2023 legislative session. Without the state funding, we will face a dire financial position at the end of 2023, whereby we may need to cease the operation of Commuter Services.

The I-494 Corridor Commission is not able to use the state funds as match to our federal Congestion Mitigation Air Quality (CMAQ) grant as the state funds are specifically only for telework outreach.

We have a need to increase our membership dues by \$0.03 for 2023 to help cover expenses that will not be eligible for the state telework funds. This would change the membership dues from \$0.53 per resident to \$0.56 per resident.

For 2023, we are excited to continue working with employers to assist them with telework and hybrid work strategies along with managing employer sponsored commuter programs.

Now that inflation and high gas prices have been impacting people for several quarters, many commuters are indicating they are not able to afford their commute to work. We are hoping the current state of the economy will lead even more employers to offer/expand commuting benefits.

In addition to resources for employers, we have a vast array of helpful commute and transportation resources to help all residents and commuters regardless of employer participation and will continue to help everyone with our assistance.

We hope the City of Bloomington will continue membership with us and we look forward to achieving more together.

Sincerely,

Melissa Madison
Executive Director



Request for Council Action

Originator Planning	Item 3.10 Amendments to Planning Commission Rules of Procedure
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

The Planning Commission and staff recommend approval using the following motion:

Motion by _____, seconded by _____, to approve the amendments to the Planning Commission Rules of Procedure as stated in the City Council packet.

Item created by: Glen Markegard, Planning

Item presented by: Glen Markegard, Planning Manager

Description:

Section 2.76 of the City Code requires amendments to advisory commissions rules of procedure to be submitted to the City Council for approval. On August 18, 2022, the Planning Commission reviewed and recommended numerous amendments to the Planning Commission Rules of Procedure as shown in the attached redlined document. The scope of the amendments includes:

- Removing gender references throughout;
- Improving internal consistency of language;
- Better reflecting legal requirements;
- Eliminating separate study meetings;
- Updating the election of officers section;
- Allowing the chair to make motions;
- Expanding the required elements of commissioner orientation;
- Defining ex parte contacts;
- Reflecting the commissions new mentorship program;
- Establishing procedures for commissioner advocacy; and
- Establishing procedures for speaking on behalf of the commission.

Attachments:

[Amendments to Planning Commission Rules of Procedure](#)

CITY OF BLOOMINGTON, MINNESOTA
PLANNING COMMISSION
[Bloomington, Minneasota]

RULES OF PROCEDURE

Last Amended [Insert City Council Approval Date] [March 20, 2014]

The following rules of procedure are adopted by the City of Bloomington, Minnesota Planning Commission (the "Commission") to facilitate the performance of its duties and the exercising of its functions as a commission created by the City Council pursuant to ~~[under Chapter H,]~~ Section 2.02₁ of the Home Rule Charter of the City of Bloomington, Minnesota (1960) and Chapter 2, Article V, Division G of the Bloomington City Code, as they may be amended from time to time.

Section 1. MEETINGS

- 1.1 Time and Day.** All meetings of the Commission shall be held Thursdays at 6:00 p.m. unless otherwise established by majority vote of the Commission. Meetings shall be scheduled to coincide with the meeting schedule of the City Council so that development business considered by the Council is not unduly delayed solely due to the meeting schedule of the Commission.

When the meeting day falls on a legal holiday established by State law or a holiday established by City policy, or any other time that when public business is prohibited by State law, there shall be no ~~[Planning]~~ Commission meeting₁~~[unless otherwise voted]~~

- 1.2 Study Items~~[Meetings]~~.** Study items shall be considered at regular meetings or special meetings.~~[One meeting of every month shall be reserved for discussing, deliberating and planning on matters of general concern for the proper development and future well being of the community. Any other business shall be considered at the discretion of the Planning Commission.]~~
- 1.3 Special Meetings.** Special meetings may be called by the Chair or four ~~Commissioners~~~~[members of the Commission]~~. Special meetings may be called only when such meetings comply with the advance notice requirements of State law. ~~[the statutes of the State of Minnesota.]~~
- 1.4 Place.** Unless circumstances dictate otherwise, meetings shall be held in the Council Chambers. ~~S~~~~[study meetings and s]~~pecial meetings may ~~[shall]~~ be held at such places as shall be convenient to the matters under consideration at the meeting.
- 1.5 Public.** All meetings and hearings shall be open to the public unless closed pursuant to the exceptions in State law. ~~A~~~~[and a]~~ll records and minutes shall be open to the public.
- 1.6 Quorum.** Except for the approval of minutes, a quorum for the transaction of business consists of a majority of Commissioners~~[members]~~ appointed to the ~~[Planning]~~Commission at a given time. For example, when there are six or seven appointed ~~[Planning]~~Commissioners, a quorum consists of four or more Commissioners~~[members]~~. When there are four or five appointed ~~[Planning]~~ Commissioners, a quorum consists of three or more Commissioners~~[members]~~. When there are two or three appointed ~~[Planning]~~ Commissioners, a quorum consists of two or more Commissioners~~[members]~~. Minutes may be acted upon by a majority of the ~~[Planning]~~ Commissioners ~~[members]~~present at a given meeting.
- a.** Whenever a quorum is not present, the Commissioners present~~[ose present]~~ may adjourn the meeting or hold the meeting for the purpose of hearing interested parties on such matters as are on the agenda.

- b. Except for the approval of minutes, n[~~N~~]o final or official action shall be taken at a meeting where a quorum is not present. However, the facts and information gathered at such a meeting may be taken as a basis for action at a subsequent meeting at which a quorum is present.
 - c. When [~~Planning~~] Commission inaction would result in the automatic approval of an application due to the [~~State-mandated~~]deadline for agency action established by State law, and a quorum is not present, the application will be forwarded to the City Council without a recommendation from the [~~Planning~~] Commission.
- 1.7 Vote.** Except as otherwise specified in these rules, voting shall be by voice and shall be recorded in the minutes.~~[A member shall have his vote on a particular issue recorded.]~~
- 1.8 Recommendations.** When the [~~Planning~~] Commission is unable to form a majority to recommend an action to the City Council, staff will forward the application to the City Council without a [~~Planning~~] Commission recommendation. In such cases, the[~~Planning~~] Commission shall clearly identify what it considers to be important issues for City Council consideration, to be reflected in the minutes or synopsis of the meeting for the benefit of the Council.
- 1.9 Variances.** In those cases which must appear before the[~~Planning~~] Commission and in which variances are found to be required, the following procedure shall be followed in each case:
- a. For items that require variances, the[~~Planning~~] Commission or Hearing Examiner must act on the required variance before acting on the land use or development item, except in cases where the [~~Planning~~] Commission recommends denial.
 - b. Where, during the course of[~~Planning~~] Commission hearings, or as a result of complying with[~~Planning~~] Commission recommendations, variances are found to be required, the case shall be continued until the appropriate hearings are advertised as required by law and hearings are held by the Commission (provided there is time to do so under the agency action deadline established by State law~~[the State-mandated Agency Action Deadline]~~), or the Commission shall recommend denial of the application.
- 1.10 Consideration of Development Plans.** The[~~Planning~~] Commission may consider a development plan (e.g., Final Site and Building Plans,~~[Final Site Plan, Final Building Plan,]~~ Preliminary Development Plan or Final Development Plan) for a particular property at the same meeting where an antecedent approval (e.g., comprehensive plan amendment, ordinance amendment, rezoning, conditional use permit) is required prior to approval of the subsequent development plan.

The Commission must vote on the antecedent request separate from and prior to any vote for other requested actions. Should the Commission recommend approval of the antecedent request, the Commission may then consider and vote on any other requests related to development of the subject property. However, should the Commission fail to recommend approval of the required antecedent request, the[~~Planning~~] Commission shall also recommend denial of related requests.

Section 2. ORGANIZATION

- 2.1 Election of Officers.** In August of each year, the Commission shall hold an organizational meeting. At the organizational meeting, the Commission shall elect from its membership a Chair and Vice-Chair. At the meeting prior to the meeting at which the election of officers occurs, Commissioners~~[members]~~ will have the opportunity to discuss their interest, or lack thereof, in becoming an officer. Elections shall be completed. ~~[This shall be done]~~ by secret ballot. Each Commissioner~~[member]~~ shall cast a ballot for the [e]Commissioner ~~[the member]~~ they~~[he]~~ wish~~[es]~~ to be ~~[chosen]~~ Chair. If no one receives a majority, balloting shall continue until one Commissioner~~[member]~~ receives majority support. The Vice-Chair shall be elected from the remaining Commissioners~~[members]~~ by the same procedure.

- a. If the Chair retires from the Commission before the next regular organizational meeting, the Vice-Chair shall be Chair and a new Vice-Chair shall be elected within 90 days of the first meeting that the Vice-Chair became Chair. If both Chair and Vice-Chair retire, new officers shall be elected within 30 days of the first meeting that the Chair and Vice-Chair are absent.
 - b. If both the Chair and Vice-Chair are absent from a meeting or notify the Commission they will be absent from a future meeting, the most senior ~~[member of the]~~ Commissioner present shall have the option to serve as temporary Chair. If the most senior Commissioner~~[member]~~ declines to serve as temporary Chair, next most senior Commissioner~~[member of the Commission]~~ present shall have the option to serve as temporary Chair. If the next most senior Commissioner declines to serve as temporary Chair, this process continues based on Commissioner seniority until the Commission selects a temporary Chair.
 - c. The Chair will appoint a secretary subject to approval by voice vote of the Commission. The secretary does not have to be a Commissioner~~[member]~~.
- 2.2 Tenure.** The Chair and Vice-Chair shall take office immediately following their election and shall hold office until their successors are elected and assume office.
- 2.3 Duties.** The Chair, or in ~~[his]~~the Chair's absence the Vice-Chair or temporary Chair, as applicable, shall preside at meetings, appoint committees and perform such other duties as may be ordered by the Commission.
- a. The Chair shall conduct the meeting so as to keep it moving as ~~[rapidly and]~~ efficiently as possible and shall remind Commissioners~~[members]~~, witnesses and petitioners to stick to the subject at hand.
 - ~~[b. The Chair shall not move for action but may second motions.]~~
- 2.4 Secretary.** The secretary shall be responsible for recording the minutes, keeping the records of Commission actions and providing clerical service to the ~~[Planning]~~ Commission.

Section 3. PROCEDURE

- 3.1 Parliamentary procedure.** Parliamentary procedure governed by *Roberts Rules of Order* shall be followed at meetings where hearings are held. At special meetings and when obviously useful the Commission will hold group discussions not following any set parliamentary procedure except when motions are before the Commission.
- 3.2 Purpose of hearings.** The purpose of a hearing is to collect information and facts in order for the Commission to develop a ~~[rational]~~ planning recommendation for the City Council.
- 3.3 Hearing Procedure.** At hearings the following procedure shall be followed on each case:
- a. Chair shall state the case to be heard.
 - b. Chair shall call upon the staff representative to present the staff report. Required reports from each appropriate City department shall be submitted to the ~~[Planning]~~ Commission before each case is heard.
 - c. Chair shall ask the applicant to present the applicant's~~[his]~~ case.
 - d. Chair will open the public hearing.
 - e. Interested persons may address the Commission, giving information regarding the particular proposal.

- f. ~~[Petitioners]~~ Applicants and the public are to address the Chair only, not staff or other Commissioners.
 - g. ~~[Planning]~~Commissioners~~[members]~~ may ask questions of persons addressing the Commission in order to clarify a fact but any expression of opinion by a Commissioner ~~[member]~~ prior to closure of the public hearing should be avoided and may be ruled out of order.
 - h. After all ~~[new]~~ facts and information have been brought forth, the hearing ~~[may]~~ shall be closed by motion adopted by the Commission.
 - i. ~~After~~~~[H]~~ the hearing is closed, the Chair may recall anyone who testified during the hearing in order to clarify points raised subsequent to the closure of the hearing. If testimony received subsequent to the closure of the hearing brings forward new facts or information of a substantive nature, the hearing may be reopened by motion adopted by the Commission so that all interested parties may be heard again.
- Upon completion of the hearing on each case, the ~~[Planning]~~ Commission shall discuss the item at hand and render a decision of approval, denial, continuance or no recommendation.
- j. The Chair shall have the responsibility to inform all the parties of their rights of appeal on any final decision of the ~~[Planning]~~ Commission.

- 3.4 **Schedule.** At meetings where more than one hearing is scheduled, every effort shall be made to begin each case at the time set in the agenda, but in no case may an item be called for hearing prior to the advertised time listed on the agenda.
- 3.5 **Action.** No action on any item shall be taken by the Commission unless it has, to its own satisfaction, considered all reasonably available relevant information pertaining to the request.
- 3.6 **Correspondence Items.** Matters for discussion which do not appear on the agenda shall be considered and discussed by the Commission only when initiated and presented by the staff or a ~~[member of the]~~ Commissioner and shall be placed at the end of the regular agenda.

Section 4. MISCELLANEOUS

- 4.1 **Suspension of Rules.** The Commission may suspend any of these rules that do not involve State ~~l~~~~[L]~~aw or City Code requirements by a unanimous vote of th[os]e Commissioners~~[members]~~ present.
- 4.2 **Amendments.** These rules may be amended at any regular or special meeting by a majority of all appointed Commissioners~~[the members of the Commission]~~.
- 4.3 **Review.** In August of each year these rules of procedure shall be reviewed and adopted by the ~~[Planning]~~ Commission. Each annual review must include discussion by the commission regarding ex parte contacts and conflicts of interest.
- 4.4 **Orientation.** All new appointees to the ~~[Planning]~~ Commission shall have an orientation session with the ~~P~~~~[p]~~lanning staff on the objectives of planning, on rules of procedure, ex parte contacts, conflicts of interest, the quasi-judicial function, the Minnesota Open Meeting Law, the agency action deadline established by State law, and other pertinent information, such as actions of the Development Review Committee~~[;]~~ and other bodies whose approval and review is required. This orientation shall take place before the appointee is sworn in and is seated on the Commission.

A copy of Solnitz' *The Job of the Planning Commissioner* and a summary of *Robert's Rules of Order* ~~[should also be provided]~~ are available upon request.

- 4.5 Ex Parte Contacts.** Ex parte contacts are communications from applicants or interested parties or interested members of the public with Commissioners outside of the public record. In the interest of keeping all [Planning] Commission discussion on an application within the public record and to avoid the perception of undue influence, ex parte contacts on matters before the [Planning] Commission should be avoided. When ex parte contacts occur, they should be disclosed prior to the [Planning] Commission's discussion of a given item.
- 4.6 Conflicts of Interest.** Conflicts of interest arise from any actual or potential benefits that a [Planning] Commissioner, spouse, family member or person living in their household might directly or indirectly obtain from a planning decision. A [Planning] Commissioner may consult with the Planning Manager or City Attorney to determine whether an actual or potential conflict of interest exists. [Planning] Commissioners shall disclose any conflicts of interest in a matter before the [Planning] Commission, shall abstain completely from direct or indirect participation in any matter in which they have a conflict of interest and shall leave any chamber in which such a matter is under deliberation.
- 4.7 Site Visits.** Visits to development sites prior to consideration of applications are recommended so that [Planning] Commissioners have first hand knowledge of site conditions and land use relationships.
- 4.8 Mentors.** If desired, new Commissioners may request a mentor. Based on the preference of the Commissioner, staff will seek a requested mentor from among former Commissioners or City staff.
- 4.9 Advocacy on City Issues.** Commissioners, as City advisory board members affiliated with the City, shall consult with the City Attorney or designee prior to any advocacy on City issues.
- 4.10 Speaking on Behalf of the Planning Commission.** Only the Chair or designee of the Chair may speak on behalf of the Commission as a whole whether in print or verbally at City Council or other meetings.

Amendments

Section 3.6 added June 5, 1973.

Section 4.3 amended March 1, 1973.

Sections 1.6, 2.3 and 3.3 amended January 16, 1975; Sections 1.8, 1.9, 2.4 and 4.4 added January 16, 1975.

Sections 1.8 and 1.9 amended April 12, 1979.

Sections 1, 2 and 3 amended March 11, 1993.

Sections 1, 2 and 3 amended February 22, 1996.

Section 3.3g amended September 9, 1999

Section 1, 1.1 amended December 6, 2001

Sections 1.6 (c), 4.5 and 4.6 added and Sections 1.8, 1.9, 1.10, 4.1, and 4.3 amended March 26, 2009

Section 4.6 amended May 7, 2009

Section 1.6 amended October 21, 2010

Section 1.6 amended January 6, 2011

Sections 1.9 (a), 2.1, 2.1 (a), 3.3 (f), 4.3, 4.4 and 4.6 amended and Section 4.7 added on May 17, 2012

Sections 2.1 (b) and 3.3 (h) amended on April 25, 2013

Section 1.6 amended on July 25, 2013

Section 1.6 amended on December 19, 2013

Sections 2.1, 3.3 i, and 4.3 amended on March 20, 2014

Introduction, Sections 1.1, 1.2., 1.3, 1.4, 1.5, 1.6, 1.6 (a), 1.6 (b), 1.6 (c), 1.7, 1.8, 1.9 (a), 1.9 (b), 1.10, 2.1, 2.2 (b), 2.2 (c), 2.3, 2.3 (a), 2.4, 3.2, 3.3 (b), 3.3 (c), 3.3 (f), 3.3 (g), 3.3 (h), 3.3 (i), 4.1, 4.2, 4.3, 4.4., 4.5, 4.6, 4.7 amended on [insert Council approval date]

Sections 4.8, 4.9, and 4.10 added on [insert Council approval date]

Section 2.3 (b) deleted on [insert Council approval date]

[Sections 1.7, 2.1, 2.3, 3.3 c, 4.4, were amended and 4.8 4.9 and 4.10 were added in August 2019 and August 2020

Sections 1.2 and 1.4 amended on [insert date], 2021]



Request for Council Action

Originator Community Development	Item 3.11 Appoint City Assessor
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to appoint Commercial Appraisal Supervisor, Kent Smith as City Assessor.

Item created by: Carolyn Lane, Community Development

Item presented by: Karla Henderson, Community Development Director

Description:

City Assessor, Matt Gersemehl resigned in June. Per Statute 273.05, City Council needs a formal action to appoint a City Assessor within 90 days. The hiring process is underway to fill the position of City Assessor, but will not be complete by the 90 day deadline.



Request for Council Action

Originator Parks and Recreation	Item 3.12 Bloomington Old Town Hall Lease Agreement
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to approve a five-year lease agreement between the City of Bloomington and the Bloomington Historical Society for lease of the Bloomington Old Town Hall site.

Item created by: Linda Batterson, Parks and Recreation

Item presented by: Mark Morrison, Recreation Supervisor

Description:

Approval of new five-year lease agreement for the Bloomington Historical Society ("BHS") to continue occupancy of the Bloomington Old Town Hall for use as the Bloomington Old Town Hall History Museum ("Museum"). BHS utilizes the Old Town Hall as its Museum exhibit, collection storage, research, and programming space. Regular rotation of exhibits and programs will be undertaken each year of the lease, and BHS also assists researchers with utilization of its extensive historical archives.

BHS does not pay a rental fee to the City – instead, BHS agrees to provide at least four temporary exhibits at the Museum, at least five temporary exhibits in the display case at Bloomington Civic Plaza, and at least eight public programs at the Museum, during each year of the lease agreement.



Request for Council Action

Originator Engineering	Item 3.13 Resolution Accepting Permanent Public Storm Sewer, Ponding, and Pond Maintenance Easement Over, Under, and Across Lot 1, Block 1, OLSON SCHOOLS ADDITION
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ that in the interest of the public, to adopt Resolution No. 2022-__ accepting a permanent public storm sewer, ponding, and pond maintenance easement over, under, and across Lot 1, Block 1, OLSON SCHOOLS ADDITION.

Item created by: Bruce Bunker, Engineering

Item presented by: Karl Keel, Public Works Director

Description:

On August 9, 2021, the City Council approved the preliminary and final plat of OLSON SCHOOLS ADDITION located at 4501 West 102nd Street. After approval, it was determined that the City needed to secure a public storm sewer, ponding, and pond maintenance easement rather than a general drainage easement that was dedicated to the public in the final plat. The owner of the property has agreed to convey this necessary easement at no cost to the City of Bloomington.

Attachments:

[Resolution Accepting a Permanent Easement](#)

RESOLUTION No. 2022 - _____

**A RESOLUTION ACCEPTING A PERMANENT EASEMENT OVER AND ACROSS
LOT 1, BLOCK 1, OLSON SCHOOLS ADDITION**

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, a Minnesota municipal corporation, acting by and through its City Council, is authorized by law to acquire lands and easements needed for public purposes; 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, on August 9, 2021, the City Council adopted Resolution No. 2021-143, approving the preliminary and final plat of OLSON SCHOOLS ADDITION located at 4551 West 102nd Street; and

WHEREAS, the City of Bloomington has stormwater infrastructure that leads to a pond located in the northeast corner of the property ; and

WHEREAS, the City of Bloomington needs access to maintain its stormwater infrastructure and the pond within the property which will require an easement; and

WHEREAS, the current owner of the property has agreed to grant the public storm sewer, ponding, and pond maintenance easement to the City of Bloomington at no expense to the City; and

WHEREAS, the easement is legally described in Exhibit A hereto (the Easement) and depicted in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bloomington hereby approves and accepts the public sidewalk and bikeway easement.

Passed and adopted this 29th day of August, 2022

Mayor

ATTEST:

Secretary to the Council

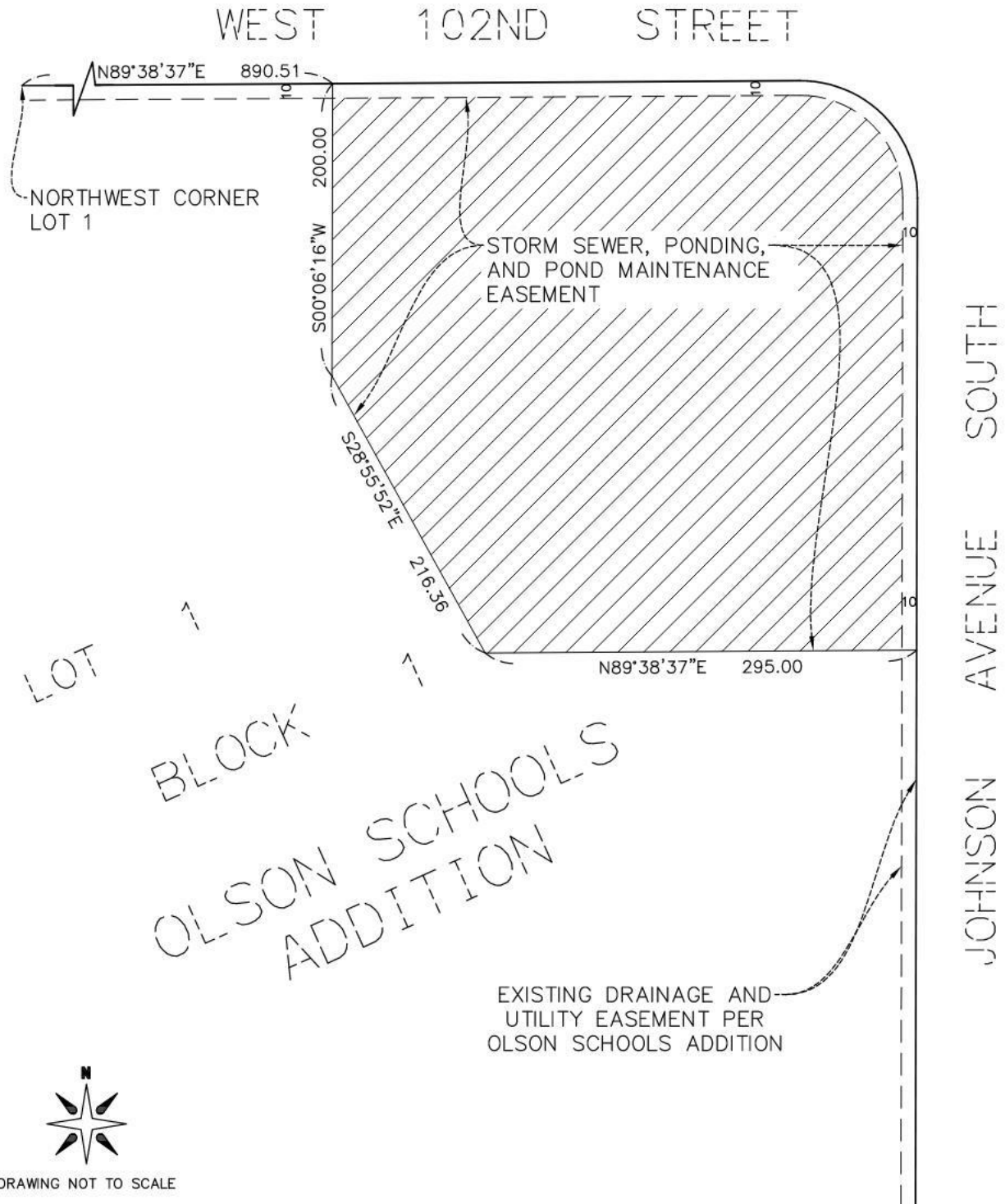
EXHIBIT A
THE EASEMENT

An easement for storm sewer, ponding, and pond maintenance purposes over, under, and across Lot 1, Block 1, OLSON SCHOOLS ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, except the northerly, northeasterly, and easterly 10.00 feet of said Lot 1. The easement is described as follows:

Commencing at the northwest corner of Lot 1, Block 1, OLSON SCHOOLS ADDITION; thence on an assumed bearing of North 89 degrees 38 minutes 37 seconds East, along the northerly line of said Lot 1, a distance of 890.51 feet to the point of beginning of the easement to be described; thence South 00 degrees 06 minutes 16 seconds West a distance of 200.00 feet; thence South 28 degrees 55 minutes 52 seconds East a distance of 216.36 feet; thence North 89 degrees 38 minutes 37 seconds East a distance of 295.00 feet to the easterly line of said Lot 1, there terminating.

Said storm sewer, ponding, and pond maintenance easement is depicted in the attached Exhibit A.

EXHIBIT B
LOT 1, BLOCK 1, OLSON SCHOOLS ADDITION





Request for Council Action

Originator Planning	Item 3.14 Variance and Type III Prelim/Final Plat for 3011 and 3015 Overlook Drive
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

The Planning Commission and staff recommend approval using the following motions:

Motion by _____, second by _____, to adopt Resolution no. 2022-_____, a resolution approving a variance to reduce the required lot width at 3015 Overlook Drive from 100 feet to 78.52 feet at 3015 Overlook Drive.

Motion by _____, second by _____, to approve a Type III Preliminary Plat and adopt Resolution no. 2022-_____, a resolution approving a Type III Final Plat for a lot line shift at 3011 and 3015 Overlook Drive, subject to the conditions and Code requirements attached to the staff report.

Item created by: Michael Centinario, Planning

Item presented by: Mike Centinario, Planner

Description:

Variance and Type III Prelim/Final Plat for 3011 and 3015 Overlook Drive

Attachments:

[Staff Report](#)

[Resolution Variance - PL2022-99](#)

[Resolution Plat - PL2022-99](#)

[Preliminary Plat](#)

[Final Plat](#)

Lot Width Study
Grading Plans 2016-2021
Comment Summary
Notification Map
Affidavit of Publication

GENERAL INFORMATION

Applicant: Andrew Pietig (owner of both parcels)

Location: 3011 and 3015 Overlook Drive

Request: 1) A variance to reduce the required lot width at 3015 Overlook Drive from 100 feet to 78.52 feet
2) Type III Preliminary and Final Plat for a lot line shift

Existing Land Use and Zoning: Single family residential; zoned R-1(BP) Single Family Residential (Bluff Protection)

Surrounding Land Use and Zoning: North - Single Family; Zoned R-1
East and West – Single Family; Zoned R-1(BP)
South – Minnesota River valley; Zoned SC(BP)

Comprehensive Plan Designation: Low Density Residential

CHRONOLOGY

Planning Commission 08/18/2022 – Recommended City Council approval of the variance to reduce lot width and the preliminary and final plat for a lot line shift.

City Council 08/29/2022 – Consent Agenda

DEADLINE FOR AGENCY ACTION

Application Date: 07/08/2022
60 Days: 09/06/2022
120 Days: 11/05/2022
Applicable Deadline: 09/06/2022
Newspaper Notification: Confirmed – (08/04/2022 Sun Current – 10-day notice)
Direct Mail Notification: Confirmed – (500 buffer – 10-day notice)

STAFF CONTACT

Mike Centinario
Phone: (952) 563-8921
E-mail: mcentinario@BloomingtonMN.gov

PROPOSAL

The applicant proposes a lot line shift, decreasing the lot size and width at 3011 Overlook Drive and increasing the lot size and width at 3015 Overlook Drive. The lot width at 3015 Overlook is legally non-conforming at 60 feet wide, and the proposed lot width is 78.52 feet. The required minimum property width is 100 feet. Therefore, a variance is required to reduce the required lot width from 100 feet to 82.35 feet before approving the plat. The lot size change is approximately 4,200 square feet. No other changes are proposed for the properties.

PROPERTY LAND USE HISTORY

On July 25, 1988, the City Council approved a three-lot subdivision of a 5-acre lot. Two lots were for single-family dwellings and one outlot. The outlot was a bluff-protected area and was transferred to the City to satisfy park dedication requirements. At the time, the City Code allowed the City Council to approve flag lots with reduced widths at the street, and greater widths farther from the street. The lot at 3015 Overlook was approved at 60 feet wide along Overlook Drive.

In 2006, based on citizen complaints of flag lot subdivisions, Ordinance 2006-33 was adopted. The change clarified the minimum lot width is measured at the front setback along a street which eliminated the allowance of flag lots. Any reduction below the City Code minimum lot width requires a variance or Planned Development approval.

The 3015 Overlook site is immediately adjacent to the Minnesota River bluff. The bluff is a sensitive area subject to regulations intended to preserve the bluff and reduce potential development impacts such as erosion. From 1988 to 2016, the bluff at 3015 Overlook Drive remained unchanged. The applicant purchased the property in November of 2015.

On April 6, 2016, the city received a complaint about work being performed at 3015 Overlook Drive. At the time a Utility Permit had been issued to tie water and sewer services to the property. An inspection was performed by the Engineering Division that identified a need for immediate installation of erosion and sediment controls around the disturbed areas, a grading permit application and site plan review, and removal and restoration of a newly created vehicle access trail to the flats of Coleman Lake constructed across city property and within the Bluff Protection zone. The owner was contacted and after several staff efforts, including a "Stop Work" order, a grading plan was approved on July 29, 2016 (attached). The owner obtained a driveway permit application to construct the driveway on August 10, 2017. Unfortunately, changes to the property continued, and the permit was never closed. As of July 29, 2022, the gravel driveway remains in violation and the permit remains open.

On June 7, 2018, the City performed a grading inspection of the site due to the expiration of the grading permit issued in July 2016. The inspector found the grading activity was inconsistent with the previously approved plan and beyond the scope of the grading plan previously approved. Therefore, on June 14, 2018, the City issued a notice of grading violations. Grading activity at this time was beyond the threshold previously reviewed and required a new plan review and permit. Additionally, the site lacked erosion control and included work within the established Bluff Overlay Protection District and

on City property. On July 6, 2018, the owner submitted a new grading plan and on July 13, 2018 sent an email to staff indicating they were looking to obtain a new grading permit. However, no new grading permit application was submitted.

After five months of no corrective action, on November 19, 2018, a final notice to correct the violations was issued. No violations noted on the June 14, 2018 violation notice were corrected, despite deadline extensions provided to the property owner. Extensions were granted to gain final compliance of the 32 months of bluff disturbance without a final resolution. The new deadline provided to the property owner was June 17, 2019.

On June 11, 2019, the property owner requested another extension. To gain a final resolution, staff granted an extension. On December 12, 2019, after 42 months of disturbance, the work was nearly complete, and Engineering continued to hold the erosion control bond. On July 20, 2020, staff contacted the owner about the open grading and driveway permits. He stated he had not started the driveway, but the grading was completed. The Engineering Division inspected and finalized the grading permit on July 23, 2020 and released the erosion control bond. The driveway violation remained open.

On August 12, 2020, weeks after closing the previous grading permit, staff was notified of the unpermitted grading activity. In addition, the property owner installed egress windows without a permit. After numerous efforts to encourage the property owner to apply for the required permits, the permit application was submitted and approved on December 9, 2020. No inspections have been requested for the egress window permit, which remains open. A revised grading permit application was submitted on February 5, 2021, almost six months after informing the applicant of the violation.

On February 24, 2021, a review of the new grading permit application for 3015 Overlook was completed, and a notice of plan review corrections was sent to the applicant. Plans were submitted on July 7, 2021, and the grading permit was issued.

On May 5, 2022, a site inspection verified that the property owner completed grading work for the fourth time without a review or permit. The grading activity was well beyond the July 7, 2021, approved grading plan. Additional fill up to three feet high was added to flatten the rear yard along the bluff. Activities include adding an approximate 2,200 square foot patio, which increases the stormwater run-off along the bluff. A notice of correction was issued with directions to comply within 30-days. On June 6, 2022, a 30-day follow-up from the notice of violation was sent, and no corrective activity occurred. Once again, the owner sought an extension. Engineering estimated an additional 700 cubic yards of material was hauled in beyond the proposed July 21, 2021 grading plan.

On July 1, 2022, the owner submitted a grading plan for review. This is the fourth plan reviewed where work was done without a permit, and the plan was provided in response to enforcement orders. Staff conditionally approved the new plan on July 13, 2022. The conditional approval requires additional deliverables be satisfied, including an \$8,000 erosion control surety, a professional certification of site stabilization and slope restoration measures and preservation of existing hydrology and drainage patterns as required by the City's Bluff Protection Overlay zoning district regulations. The permit was issued on July 7, 2021 and is amended to include the change in work. No additional inspections have been completed.

In summary, the property disturbance since 2016 has been non-stop, with plans being approved and not followed. In 2015, the yard turf area was approximately 15,000 square feet that sloped downward 15 to 20 feet from the rear of the dwelling to the heavily wooded bluff area. Most of the activity occurred without a permit, or once a permit was approved, the applicant proceeded to complete grading inconsistent with the approved plan. Each time that staff anticipated rear yard grading was completed, continued grading occurred (See Figures 1 and 2 for 2015, 2018, and 2021 changes). The applicant graded the area, removing over 100 feet of the tree canopy behind the dwelling, including trees on the adjoining property and within the Bluff Protection Zone. (See Figure 1)

Figure 1: 2015 and 2021 photos without contours

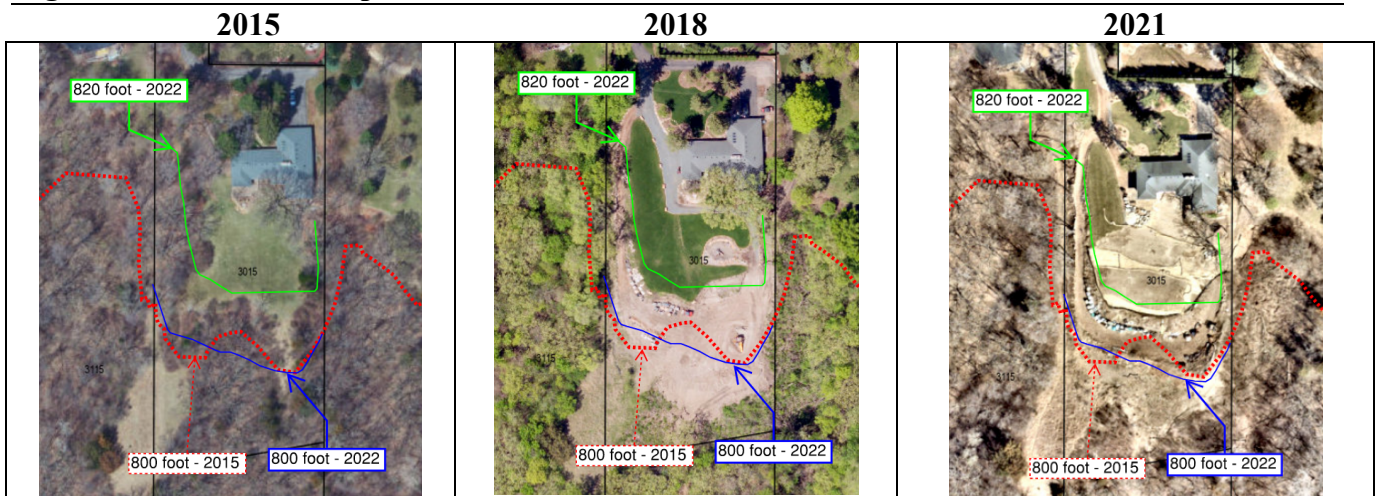
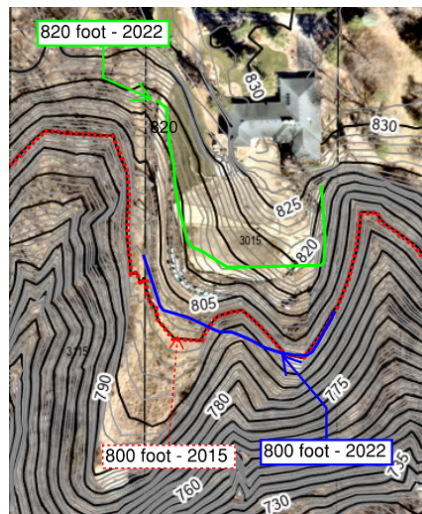


Figure 2: 2021 photo with 2015 - 800-foot contour and 800 & 820-foot contours on the 2022 survey

NOTE: Topography shown is pre-2015 one-foot contours.



On several occasions over six years, Staff completed efforts to gain complete bluff stabilization without success. The one permit that was inspected and closed resulted in the applicant proceeding to grade without a permit weeks after closing the permit.

ANALYSIS

Variance Review

The proposed subdivision may not be approved without a variance to reduce the lot width for 3015 Overlook Drive. The required minimum lot width is 100 feet, based on the required median lot width calculation. The lot at 3011 Overlook currently has 130 feet of frontage and 3015 Overlook 60 feet. Making the findings is challenging for this request. One corrective action would be to approve a variance for the existing 60-foot lot and remove the non-conforming issue created by the City Code change. In this instance, Staff recommends approval as the variance increases the legally non-conforming lot width, bringing it closer to conformance, and removes the non-conforming width issue created with the 2006 City Code change.

Code Compliance

Except for the lot width and impervious surface, the proposed subdivision complies with most City Code subdivision and Zoning Code requirements. Since the Planning Commission packet was distributed, the applicant has revised the preliminary plat based on staff's comments. As a result, staff believes most of the outstanding items have been completed. Table 1 addresses City Code compliance.

Standard	Code Required	Proposed	Compliance
Site area	11,000 square feet	3011 – 18,231 square feet 3015 – 91,833 square feet	Yes
Lot width	100 feet	3011 – 111.7 feet 3015 – 78.52 feet	Variance requested
Front yard setbacks	30 feet minimum	3011 – 49.9 feet 3015 - ~240 feet	Yes
Side yard setbacks	9 feet (3011 garage) 10 (3015 house)	3011 – 9 feet (west side) 3015 – 18.3 feet (east side)	Yes
Rear yard setbacks	30 feet	3011 – 30 feet 3015 – >270	Yes
Impervious Surface Coverage	35% or up to 12,000 square feet with an additional 1,000 additional square feet for each full acre over one acre	As submitted: 3011 – 34 percent 3015 – 11,418 square feet	Revisions have been completed by the applicant – staff to confirm compliance
Steep slopes	Slope calculations for each proposed parcel	Slopes not identified on plat	Revision required

Impervious Surface Coverage

Impervious surface area contributes to stormwater management infrastructure needs. According to City Code requirements, improvements along the bluff must not increase stormwater discharge over the bluff. Greater lot coverage leads to greater stormwater runoff, which may cause soil erosion. Steep slopes exacerbate this concern – the subject property is along the river bluff and has areas of steep slopes.

The submitted plan shows Code-complying impervious surface areas, which have not been verified during an inspection. The plan stated the stairs and deck at 3015 are not counted as impervious surfaces, this must be verified. In addition, since the Preliminary Plat was submitted, the applicant proceeded to add a front yard patio at 3011 Overlook Drive and does not show the impervious surface area required for a driveway to the second garage at 3015 Overlook. A driveway to the second garage is not required, but an adequate impervious surface area must be preserved should the driveway be required due to the use pattern.

In 2016, when Staff received property complaints, Staff noted the gravel driveway was added in violation. The applicant informed Staff the driveway was not required due to infrequent use and would remove the gravel. However, Staff noted frequent use and ordered a driveway be installed. The applicant received a driveway permit on August 10, 2017, to satisfy the violation notice. However, it remains incomplete and in violation.

Staff is concerned the proposed lot line shift to remove approximately 4,200 square feet from 3011 Overlook Drive negatively impacts the future owners of the property while having no impact on the impervious surface allowance for 3015 Overlook. In addition, the change limits the ability of a future owner to install or construct future improvements that would add to the overall lot coverage. This includes a pool, hot tub, additional off-street parking or patio, and the like.

Ongoing Grading and Slope Stabilization

Grading land alters topography. On environmentally sensitive slopes, removing trees and grading activity has greater potential to cause erosion and sedimentation of waterways. This report demonstrates that 3015 Overlook Drive's topography has been altered dramatically over the last six years and has not been stabilized. Due to the continued land alteration and lack of stabilization, the topography identified on the preliminary plat cannot be accurate over time. City Code requires identifying accurate existing conditions for a plat to be recorded.

The original submitted preliminary plat is dated May 10, 2022 and does not identify steep slopes within 3015 Overlook Drive as required by City Code. During the review, staff noted slopes of 12 percent and greater (Section 19.57.01). Areas where the average slope is 18 percent or greater, measured over a horizontal distance of 25 feet, must also be identified (Section 21.208.02). Staff is recommending a condition that subject to approval, accurate slopes meeting the above requirements must be shown on the preliminary plat prior to recording.

The City Code requires plat applications must provide specific and accurate information. Section 22.05(f)(1)(D) requires:

- (ii) Physical features of the property: buildings, retaining walls, driveways, impervious surfaces, etc.
- (iii) Two-foot (minimum) contours showing existing and proposed ground elevations.

While the submitted information on the plat may have been accurate on May 10, 2022, the applicant added a larger patio in the front yard at 3011 Overlook Drive, and staff verified continued changes at 3015 Overlook Drive. Activities include hauling in additional items and, in some cases, burning the items onsite. Large, charred logs are visible in the NearMap Aerial taken May 6, 2022 (See Figure 3) This activity would alter the topography submitted on the preliminary plat.

New grading must cease, and the soil must be stabilized. Given the lengthy history of grading without a permit or grading inconsistent with approved plans, staff recommends a condition requiring the rear yard at 3015 Overlook Drive to be fully restored. This includes but is not limited to all non-Code compliant materials storage being removed, restoration of the Bluff Protection area, complete stabilization of the disturbed areas, and an updated preliminary plat showing final changes to the properties and contours for review and approval before releasing the plat.

Figure 3: 3015 Overlook Drive, May 2022 – Fire area, trees, and construction material



Status of Enforcement Orders

There are open enforcement orders for the subject property, which are addressed in the Property Land Use History section. Corrective measures are included in the proposed conditions of approval. Since

the variance and plat applications were submitted for review, the applicant has made significant progress in correcting violations. Most of the applicant's property is sodded and the ground stabilized. City staff will continue to monitor the property to ensure all violations have been corrected before the final plat can be recorded.

FINDINGS

Required Variance Findings – Section 2.85.04(g)(1)(A-F)

Required Finding	Finding Outcome/Discussion
(A) ... The variance is in harmony with the general purposes and intent of the ordinance.	Finding made – The variance is in harmony with the general purposes and intent of the ordinance. In addition, the plat associated with the variance would bring the property closer to conformance with lot width requirements.
(B) ... The variance is consistent with the Comprehensive Plan.	Finding made – The plat, which requires a variance, does not conflict with the Comprehensive Plan. Therefore, the land use would continue to be Low Density Residential.
(C) ... The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding made – Bringing the lot into full compliance with City Code lot width would require demolishing an existing, legally permitted home. The proposed Plat, while requiring a variance, increased the lot width and removes the non-conforming width created by the City Code change in 2006.
(D) ... The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding made – No changes to land use are proposed. The property has been and will continue to be single-family residential.
(E) ... The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding made –The applicant's lot was Code compliant when originally platted. However, the City Code lot width requirement changed, making the lot legally non-conforming. Therefore, the applicant did not create the need for a variance.
(F) ... The variance if granted will not alter the essential character of the locality.	Finding made – The essential character will remain low density single-family residential.

Required Preliminary Plat Findings - Section 22.05(d)(1-8):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the Comprehensive Plan	Finding made – The plat is not in conflict with the Comprehensive Plan. The land use would continue to be Low Density Residential.

(2) The plat is not in conflict with any adopted District Plan for the area	Finding made – The proposed plat is not located in an area with an adopted district plan.
(3) The plat is not in conflict with City Code provisions	Finding made – Apart from the proposed variances, and corrections addressed in conditions of approval, the plat is not in conflict with provisions of the City Code. Information missing as part of the plat application may be corrected.
(4) The plat does not conflict with existing easements	Finding made – There are no known easements that cannot be vacated and rededicated. The plat does not conflict with existing easements.
(5) There is adequate public infrastructure to support the additional development potential created by the plat	Finding made – There is adequate public infrastructure to support the development intended for the lots created by the plat.
(6) The plat design mitigates potential negative impacts on the environment, including but not limited to topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers, and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and stormwater storage needs	Finding made – The plat will establish new drainage and utility easements. In addition, environmentally sensitive sloop areas must be stabilized before the final plat is recorded.
(7) The plat will not be detrimental to the public health, safety and welfare	Finding made – The plat will not result in new development and will not be detrimental to the public health, safety, or general welfare.
(8) The plat is not in conflict with an approved development plan or plat.	Finding made – The proposed plat would result in a lot line adjustment with no new lots or residential development. Therefore, it does not conflict with an approved development plan or plat.

Required Final Plat Findings – Section 22.06(d)(1):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the approved preliminary plat or preliminary plat findings	Finding made – The final plat is consistent with the preliminary plat and preliminary plat findings, subject to conditions of approval.

RECOMMENDATION

The Planning Commission and staff recommend approval using the following motions:

In Case PL2022-99, having been able to make the required findings, I move to adopt a resolution approving a variance to reduce the required lot width at 3015 Overlook Drive from 100 feet to 78.52 feet at 3015 Overlook Drive.

In Case PL2022-99, having been able to make the required findings, I move to approve a Type III Preliminary Plat and adopt a resolution approving a Type III Final Plat for a lot line shift at 3011 and 3015 Overlook Drive, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL202200099

Project Description: Type III preliminary and final plat to relocate the shared property line between 3011 and 3015 Overlook Drive and a variance to reduce the minimum lot width requirement for 3015 Overlook Drive.

Address: 3011 and 3015 Overlook Drive

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit Prior to the release of the Plat, all construction materials and debris must be removed from the rear yard, all areas must be fully stabilized with approved ground cover, and a revised Preliminary Plat be prepared with the final contours and property improvements.
2. Code Requirement A title opinion or title commitment that accurately reflects the state of title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
3. Code Requirement Public drainage and utility easements must be provided as approved by the City Engineer. Vacation of existing drainage and utility easement is recommended upon the dedication of new drainage and utility easements on the new plat.
4. Code Requirement A 10-foot sidewalk easement must be provided by document along Overlook Drive as approved by the City Engineer and proof of filing must be provided.
5. Code Requirement The approved final plat must be filed with Hennepin County prior to the issuance of any permits (22.03(a)(2)).
6. Code Requirement A consent to plat form from any mortgage company with property interest must be provided.

RESOLUTION NO. 2022-_____

A RESOLUTION APPROVING A VARIANCE TO REDUCE THE MINIMUM LOT WIDTH REQUIREMENT FROM 100 FEET TO 78.52 FEET AT 3015 OVERLOOK DRIVE, BLOOMINGTON, MINNESOTA.

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

WHEREAS, an application has been filed, seeking a variance to reduce the minimum lot width requirement for 3015 Overlook Drive. The application was filed on behalf of Emily and Andrew Pietig (hereinafter the "Applicant"), owner of the premises located at 3015 OVERLOOK DRIVE, BLOOMINGTON, MN 55431 (hereinafter the "Property"), and legally described as:

Lot 2, Block 1, SOUTH BLUFF

Hennepin County, Minnesota;

WHEREAS, the Planning Commission reviewed said request at a duly called public meeting on August 18, 2022, and recommends approval;

WHEREAS, Section 21.301.01(c)(1)(B) of the City Code requires a minimum lot width of 100 feet. The Applicant proposes 78.52 feet;

WHEREAS, Minnesota Statutes §462.357, subd. 6(2) and City Code §2.85.04(g) each require affirmative findings that the requested variance is in harmony with the general purposes and intent of the City's zoning ordinance, consistent with the City's comprehensive plan, and the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties;

WHEREAS, the City Council is empowered to approve variances to provisions of the City's zoning code when such variances are in harmony with the general purpose and intent of the zoning code, are consistent with the Comprehensive Plan, and when the applicant has established that there are practical difficulties in complying with the zoning code;

WHEREAS, the City Council has reviewed said request at duly called public meeting on August 29, 2022 and has considered the report of the City staff, the consideration of the Planning Commission, any comments of persons speaking regarding the proposed variance, and the requirements in Bloomington City Code;

WHEREAS, the City Council makes the following findings pursuant to Bloomington City Code regarding when variances may be permitted;

WHEREAS, City Code Section 2.85.04(g)(1) – Zoning variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) The variance is in harmony with the general purposes and intent of the ordinance.	Finding made – The variance is in harmony with the general purposes and intent of the ordinance. In addition, the plat associated with the variance would bring the property closer to conformance with lot width requirements.
(B) The variance is consistent with the Comprehensive Plan.	Finding made – The plat, which requires a variance, does not conflict with the Comprehensive Plan. Therefore, the land use would continue to be Low Density Residential.
(C) The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding made – Bringing the lot into full compliance with City Code lot width would require demolishing an existing, legally permitted home. The proposed Plat, while requiring a variance, increases the lot width and removes the non-conforming width created by the City Code change in 2006.
(D) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding made – No changes to land use are proposed. The property has been and will continue to be single-family residential.
(E) The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding made –The Applicant’s lot was Code compliant when originally platted. However, the City Code lot width requirement changed, making the lot legally non-conforming. Therefore, the Applicant did not create the need for a variance.
(F) The variance if granted will not alter the essential character of the locality.	Finding made – The essential character will remain low density single-family residential.

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

- A. That the affirmative findings of the Planning Commission are adopted by the City Council;
- B. That the variance shall expire if not used or applied in accordance with the provisions of City Code Section 19.23.01;
- C. That the requested variance is approved.

Passed and adopted this 29th day of August 2022.

Mayor

ATTEST:

Secretary to the Council

RESOLUTION NO. 2022-_____

A RESOLUTION APPROVING THE ASHTON ARI PIETIG ADDITION PLAT

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

WHEREAS, the City Council has adopted subdivision regulations for the orderly, economic, and safe development of land within the City; and

WHEREAS, the City Council has considered the application for a subdivision plat of ASHTON ARI PIETIG ADDITION;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bloomington hereby approves the subdivision plat of ASHTON ARI PIETIG ADDITION, subject to the attached Conditions of Approval (Exhibit A).

This resolution will expire two years from the date of adoption. If the aforesaid subdivision plat is not recorded with the appropriate offices of Hennepin County within two years, a new application will be required for subdivision approval by the City of Bloomington.

Passed and adopted this 29 day of August, 2022.

Mayor

ATTEST:

Secretary to the Council

EXHIBIT A

CONDITIONS OF APPROVAL – ASHTON ARI PIETIG ADDITION

- 1 Prior to the release of the Plat, all construction materials and debris must be removed from the rear yard, all areas must be fully stabilized with approved ground cover, and a revised Preliminary Plat be prepared with the final contours and property improvements.
- 2 A title opinion or title commitment that accurately reflects the state of title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
- 3 Public drainage and utility easements must be provided as approved by the City Engineer. Vacation of existing drainage and utility easement is recommended upon the dedication of new drainage and utility easements on the new plat.
- 4 A 10-foot foot sidewalk easement must be provided by document along Overlook Drive as approved by the City Engineer and proof of filing must be provided.
- 5 The approved final plat must be filed with Hennepin County prior to the issuance of any permits (22.03(a)(2)).
- 6 A consent to plat form from any mortgage company with property interest must be provided.

PRELIMINARY PLAT ASHTON ARI PIETIG ADDITION

EXISTING PROPERTY DESCRIPTIONS:

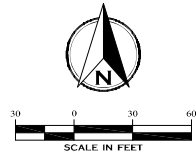
Lot 1, Block 1, South Bluff, Hennepin County, Minnesota.
Lot 2, Block 1, South Bluff, Hennepin County, Minnesota.

PROPOSED PROPERTY DESCRIPTIONS:

Lot 1, Block 1, ASHTON ARI PIETIG ADDITION, Hennepin County, Minnesota.
Lot 2, Block 1, ASHTON ARI PIETIG ADDITION, Hennepin County, Minnesota.

ZONING:

Primary: R1 | Single-Family Residential
Overlay: BP | Bluff Protection
Guide Plan: LDR | Low Density Residential

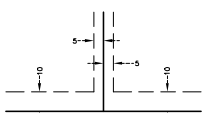


LEGEND

---	Fence
---	Underground Electric
---	Storm Sewer
---	Sanitary Sewer
---	Water Main
---	Underground Gas
---	Stone Retaining Wall
---	Gas Meter
---	Water Shutoff
---	Sanitary Manhole
---	Storm Manhole
---	Existing Contour
---	Found Iron Monument
---	Set Iron Monument
---	Inscribed PL 15330

THE NORTH AND SOUTH CENTERLINE OF SEC. 28, T. 27, R. 24 IS ASSUMED TO HAVE A BEARING OF N00°07'08"W.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THIS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND BEING 10 FEET IN WIDTH AND ADJOINING PUBLIC WAYS, UNLESS OTHERWISE INDICATED ON THIS PLAT.

500 SF STUDY

HOUSE	LOT WIDTH
#3501	236'
#3118	131'
#3131	110'
#3119	118'
#3115	132'
#3001	197'
#2935	122'
#2918	123'
#3000	120'
#2930	127'
#2920	151'
#2910	120'
MEDIAN LOT WIDTH = 125'	

LOT AREA CALCULATIONS

EXISTING LOT AREAS:

Lot 1, Block 1, South Bluff = 18,231 SF or 0.42 Acres
Lot 2, Block 1, South Bluff = 91,833 SF or 2.11 Acres

PROPOSED AREAS:

Lot 1, Block 1, ASHTON ARI PIETIG ADDITION = 14,521 SF or 0.33 Acres

EXISTING IMPERVIOUS SURFACE

House w/ Screen Porch = 3,144 SF
Power Pole = 545 SF
Driveway, Walk, Stoop = 1,290 SF
A/C Pad = 8 SF
Total = 4,987 SF
Impervious Surface = 34.3%

*116 SF deck and steps not included as Impervious Surface.

NOTE:
35% or 5,082 SF Maximum Allowable Impervious Surface

Lot 2, Block 1, ASHTON ARI PIETIG ADDITION = 95,543 SF or 2.19 Acres

EXISTING IMPERVIOUS SURFACE

House = 3,486 SF
Concrete Patio = 2,597 SF
Stone Walks = 812 SF
Asphalt Driveway = 4,325 SF
Retaining Walls = 5,003 SF
A/C Pads = 20 SF
Tree House = 66 SF
Future Driveway to Secondary Garage = 1,458 SF
Total = 12,844 SF
Impervious Surface = 13.6%

*No impervious barriers were used under landscape areas.

NOTE:
13,000 SF Maximum Allowable Impervious Surface

GENERAL NOTES:

- Existing building dimensions are measured to siding and not building foundation.
- No title commitment was provided and no research was performed for any easements not shown on this survey.
- Location of utilities shown are from observed evidence in the field and/or plans furnished by others and are considered approximate. Copper State One Call or a private utility locator should be contacted to locate utilities on site before excavation.

JOB NO.	81-22	SCALE	1" = 30'	SITE ADDRESS	301 E. 361st Overlook Dr. Bloomington, MN 55425
BOOK/PAGE	1 of 1	DRAWN	CNE	DATE	07-07-2022
SHEET	1 of 1	REFERENCE	201-21	REVISIONS	07-07-2022: Revise easements by machine, add proposed easements, all high, subdivision area.
					07-09-2022: Add additional utility easements.
					08-11-2022: Show future driveway, add lot width, new patio, tree house and A/C pads as impervious.

DATE	REVISIONS
07-07-2022	Revise easements by machine, add proposed easements, all high, subdivision area.
07-09-2022	Add additional utility easements.
08-11-2022	Show future driveway, add lot width, new patio, tree house and A/C pads as impervious.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.
W. BROWN LAND SURVEYING, INC.
WOODROW A. BROWN, R.L.S. MN REG 15230
DATE: 06-24-2022



W. BROWN LAND SURVEYING, INC.
8030 OLD CEDAR AVENUE SW., SUITE 226
BLOOMINGTON, MN 55425
PH: (952) 854-4000
WWW.WBROWNLANDSURVEYING.COM
EMAIL: INFO@WBROWNLANDSURVEYING.COM

ASHTON ARI PIETIG ADDITION

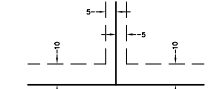
C.R. DOC. NO. _____

LEGEND

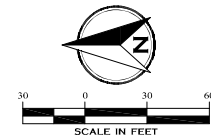
- DENOTES FOUND IRON MONUMENT, AS DENOTED
- DENOTES SET IRON PIPE MONUMENT
1/2 INCH x 14 INCH INSCRIBED RLS 15230
- ⦿ DENOTES FOUND HENNEPIN COUNTY CAST IRON MONUMENT

THE NORTH AND SOUTH CENTERLINE OF SEC. 29, T. 27, R. 24 IS ASSUMED TO HAVE A BEARING OF N00°07'08"W.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH, ADJOINING LOT LINES, AND BEING 10 FEET IN WIDTH, ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.



KNOW ALL PERSONS BY THESE PRESENTS: That Andrew G. Pietig, a married person, fee owner of the following described property situated in the City of Bloomington, County of Hennepin, State of Minnesota, to-wit:

Lot 1, Block 1, South Bluff, Hennepin County, Minnesota

Has caused the same to be surveyed and platted as ASHTON ARI PIETIG ADDITION and does hereby dedicate to the public, for public use, the drainage and utility easements as created by this plat.

In witness whereof, said Andrew G. Pietig, a married person, has hereunto set his hand this _____ day of _____, 20____.

Andrew G. Pietig

KNOW ALL PERSONS BY THESE PRESENTS: That Emily L. Pietig and Andrew G. Pietig as Trustees of the Emily L. Pietig Revocable Trust, dated October 6, 2015, owners of the following property situated in the City of Bloomington, County of Hennepin, State of Minnesota, to-wit:

Lot 2, Block 1, South Bluff, Hennepin County, Minnesota

Have caused the same to be surveyed and platted as ASHTON ARI PIETIG ADDITION and do hereby dedicate to the public, for public use, the drainage and utility easements as created by this plat.

In witness whereof, said Emily L. Pietig and Andrew G. Pietig, Trustees of the Emily L. Pietig Revocable Trust, dated October 6, 2015, have hereunto set their hands this _____ day of _____, 20____.

Emily L. Pietig, Trustee of the
Emily L. Pietig Revocable Trust,
dated October 6, 2015

Andrew G. Pietig, Trustee of the
Emily L. Pietig Revocable Trust,
dated October 6, 2015

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Emily L. Pietig and Andrew G. Pietig.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota

My Commission Expires _____

I, Woodrow A. Brown, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.03 Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Woodrow A. Brown, Licensed Land Surveyor
Minnesota License No. 15230

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Woodrow A. Brown.

Signature _____ Printed Name _____

Notary Public, _____ County, Minnesota

My Commission Expires _____

CITY COUNCIL, CITY OF BLOOMINGTON, MINNESOTA

This plat of ASHTON ARI PIETIG ADDITION was approved and accepted by the City Council of the City of Bloomington, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03 Subd. 2.

CITY COUNCIL, CITY OF BLOOMINGTON, MINNESOTA

By: _____ Mayor By: _____ City Manager

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor By: _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

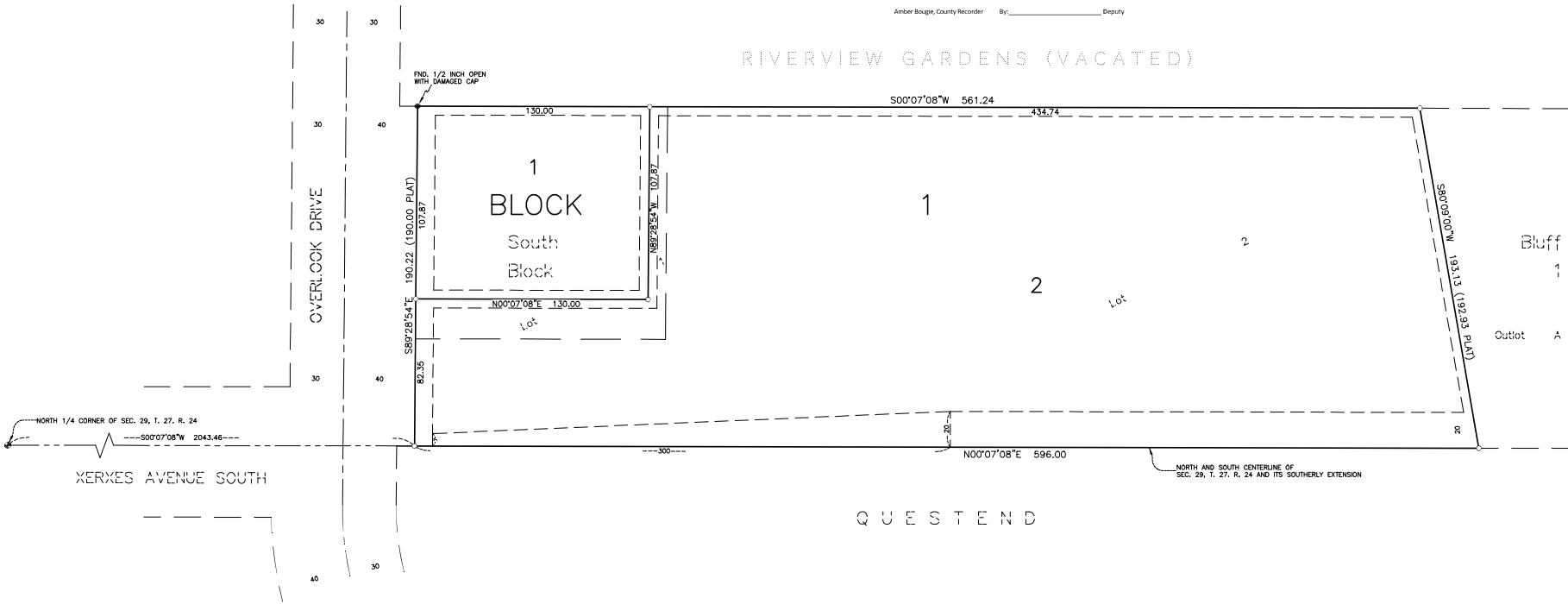
Pursuant to MIN. STAT. SEC. 3830.565(1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Martin, County Surveyor By: _____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of ASHTON ARI PIETIG ADDITION was recorded in this office this _____ day of _____, 20____, at _____ o'clock _____ M.

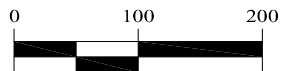
Amber Bougie, County Recorder By: _____ Deputy



W. BROWN LAND SURVEYING, INC.

LEGEND

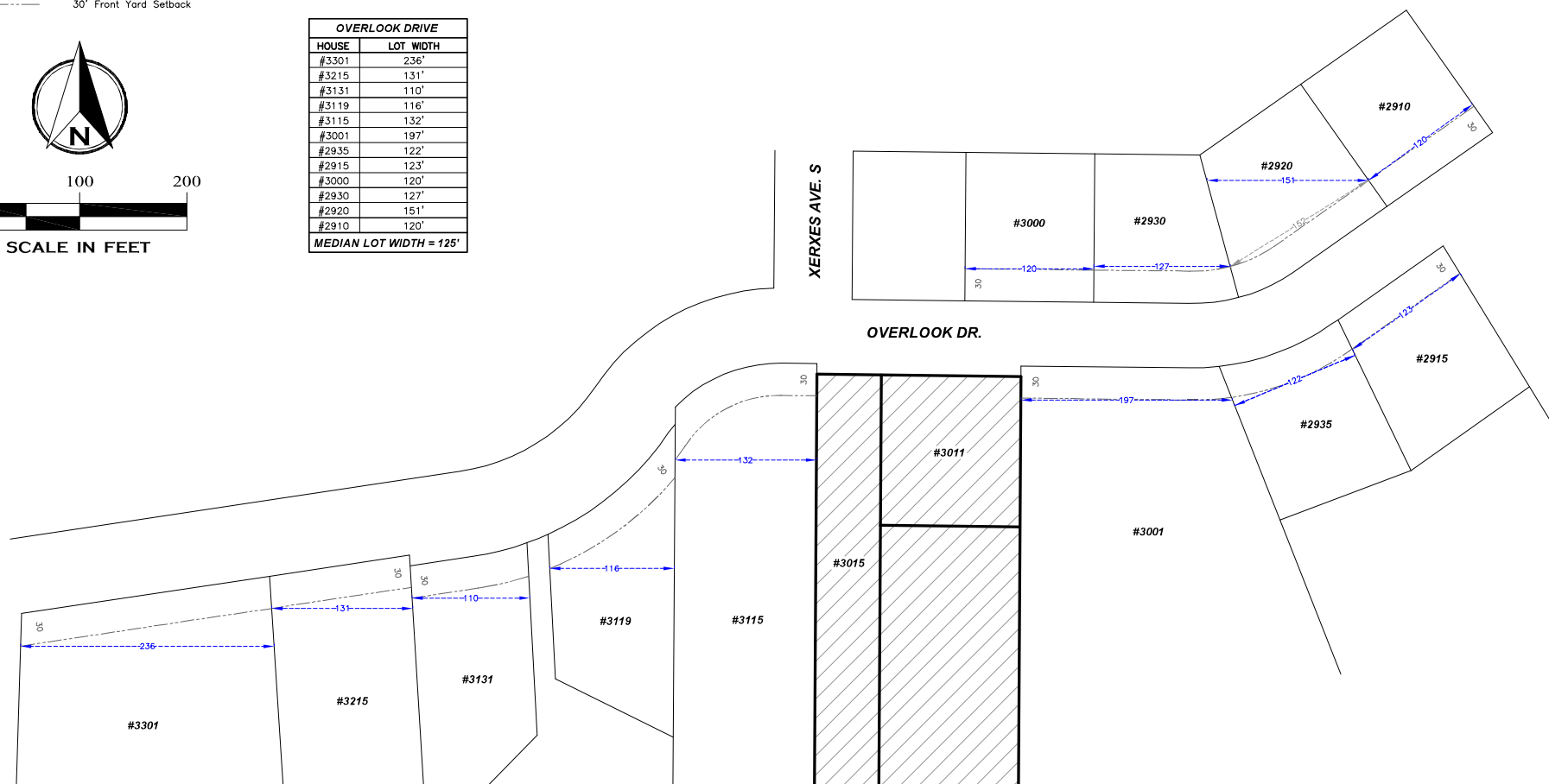
----- 30' Front Yard Setback



SCALE IN FEET

MEDIAN LOT WIDTH STUDY FOR: ASHTON ARI PIETIG ADDITION

OVERLOOK DRIVE	
HOUSE	LOT WIDTH
#3301	236'
#3215	131'
#3131	110'
#3119	116'
#3115	132'
#3001	197'
#2935	122'
#2915	123'
#3000	120'
#2930	127'
#2920	151'
#2910	120'
MEDIAN LOT WIDTH = 125'	



JOB NO.	SCALE
81-22	1" = 100'
BOOK/PAGE	DRAWN
	CME
	REFERENCE
SHEET	
1 of 1 11x17	

SUBJECT PROPERTY ADDRESS

3011 & 3015 Overlook Dr.
Bloomington, MN 55431

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

DATED: 04-18-2022

Woodrow A. Brown, R.L.S. MN REG 15230



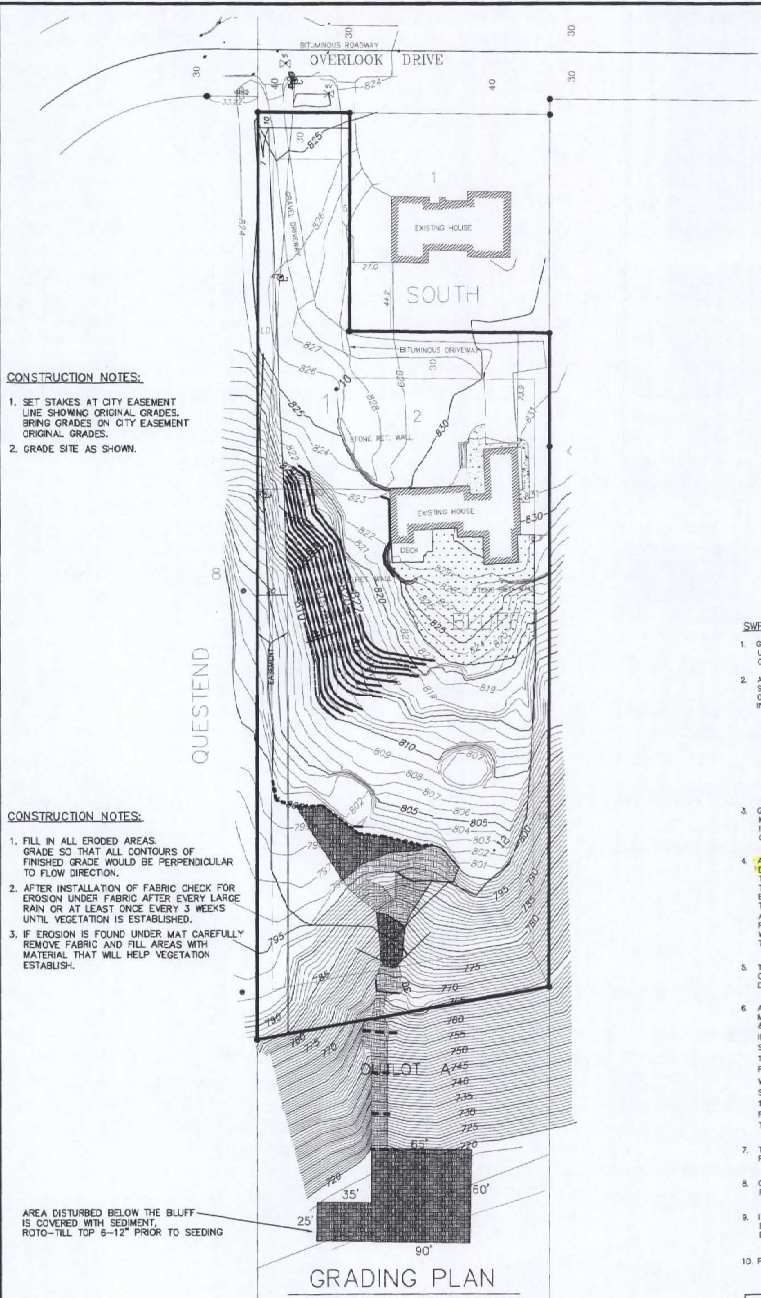
W. BROWN LAND SURVEYING, INC.

8030 OLD CEDAR AVENUE So., SUITE 228
BLOOMINGTON, MN 55425

PH: (952) 854-4055

WBROWNLANDSURVEYING.COM

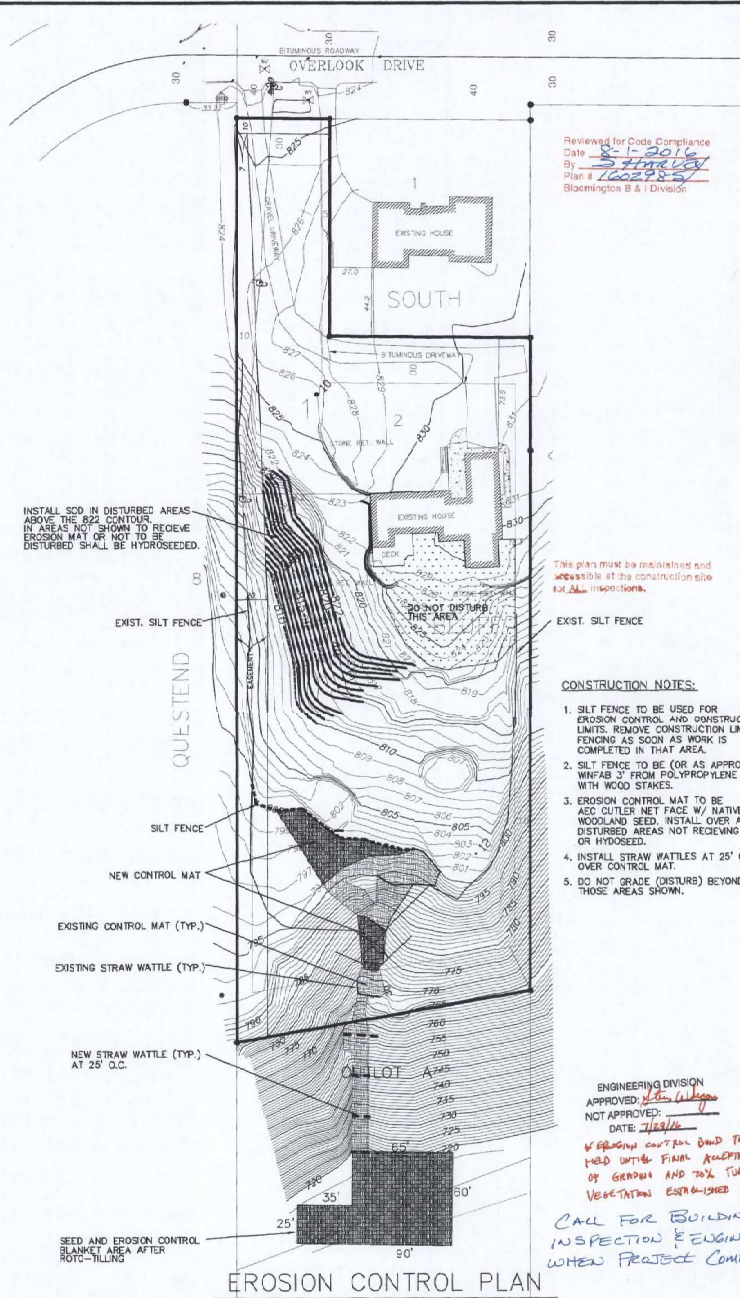
EMAIL: INFO@WBROWNLANDSURVEYING.COM



Any alteration(s) of plan must be submitted to the City Plans Examiner for review.

SWPP COMPLIANCE NOTE:
THIS PLAN IS A WORKING PLAN. CONTRACTOR/DEVELOPER SHALL MODIFY THE EROSION CONTROL AS NEEDED DURING CONSTRUCTION TO BE IN COMPLIANCE WITH SWPP REQUIREMENTS.

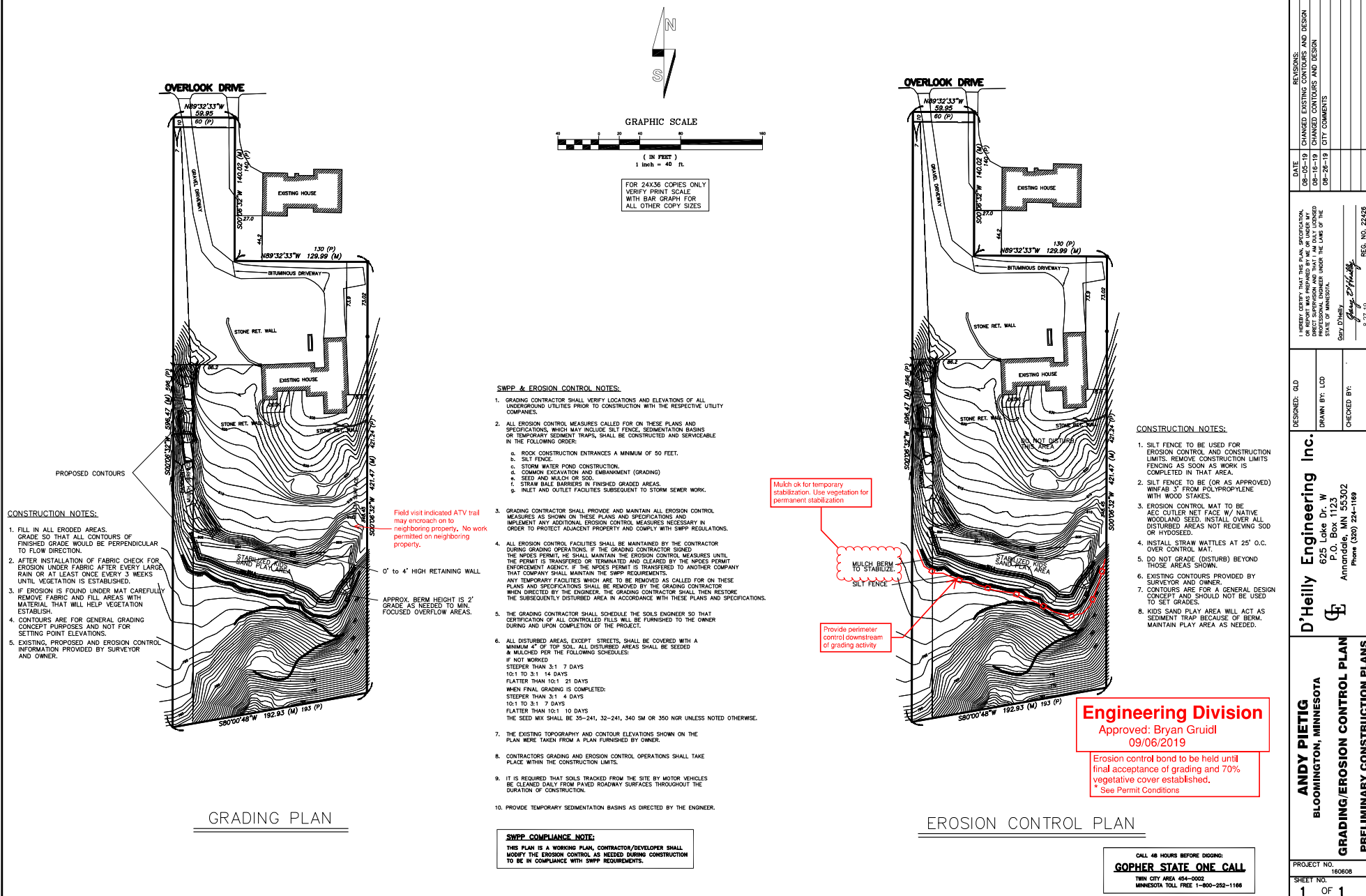
- SWPP & EROSION CONTROL NOTES:**
- GRADING CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION WITH THE RESPECTIVE UTILITY COMPANIES.
 - ALL EROSION CONTROL MEASURES CALLED FOR ON THESE PLANS AND SPECIFICATIONS WHICH MAY INCLUDE SILT FENCE, SEDIMENTATION BASINS OR TEMPORARY SEDIMENT TRAPS, SHALL BE CONSTRUCTED AND SERVICEABLE IN THE FOLLOWING ORDER:
 - ROCK CONSTRUCTION ENTRANCES A MINIMUM OF 50 FEET.
 - SILT FENCE.
 - STORM WATER POND CONSTRUCTION.
 - COMMON EXCAVATION AND EMBANKMENT (DRAINAGE)
 - SEED AND MULCH OR SOD.
 - STRAW BALE BARRIERS IN FINISHED GRADED AREAS.
 - INLET AND OUTLET FACILITIES SUBSEQUENT TO STORM SEWER WORK.
 - GRADING CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION CONTROL MEASURES AS SHOWN ON THESE PLANS AND SPECIFICATIONS AND MAINTAIN ANY ADDITIONAL EROSION CONTROL MEASURES NECESSARY IN ORDER TO PROTECT ADJACENT PROPERTY AND COMPLY WITH SWPP REGULATIONS.
 - ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED BY THE CONTRACTOR DURING GRADING OPERATIONS. IF THE GRADING CONTRACTOR SIGNED THE NPOSS PERMIT, HE SHALL MAINTAIN THE EROSION CONTROL MEASURES UNTIL THE PERMIT IS TRANSFERRED OR TERMINATED AND CLEARED BY THE NPOSS PERMIT ENFORCEMENT AGENCY. IF THE NPOSS PERMIT IS TRANSFERRED TO ANOTHER COMPANY THAT COMPANY SHALL MAINTAIN THE SWPP REQUIREMENTS. ANY TEMPORARY FACILITIES WHICH ARE TO BE REMOVED AS CALLED FOR ON THESE PLANS AND SPECIFICATIONS SHALL BE REMOVED BY THE GRADING CONTRACTOR WHEN DIRECTED BY THE ENGINEER. THE GRADING CONTRACTOR SHALL THEN RESTORE THE SUBSEQUENTLY DISTURBED AREA IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.
 - THE GRADING CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER SO THAT CERTIFICATION OF ALL CONTROLLED FILLS WILL BE FURNISHED TO THE OWNER DURING AND UPON COMPLETION OF THE PROJECT.
 - ALL DISTURBED AREAS EXCEPT STREETS, SHALL BE COVERED WITH A MINIMUM 4" OF TOP SOIL. ALL DISTURBED AREAS SHALL BE SEEDING AND MULCHED FOR THE FOLLOWING SCHEDULES:
 - IF NOT WORKED:
 - STEEPER THAN 3:1 7 DAYS
 - 10:1 TO 3:1 14 DAYS
 - FLATTER THAN 10:1 21 DAYS
 - WHEN FINAL GRADING IS COMPLETED:
 - STEEPER THAN 3:1 4 DAYS
 - 10:1 TO 3:1 7 DAYS
 - FLATTER THAN 10:1 10 DAYS
 THE SEED MIX SHALL BE 35-24, 32-24, 340 5M OR 350 NGR UNLESS NOTED OTHERWISE.
 - THE EXISTING TOPOGRAPHY AND CONTOUR ELEVATIONS SHOWN ON THE PLAN WERE TAKEN FROM A PLAN FURNISHED BY OWNER.
 - CONTRACTORS GRADING AND EROSION CONTROL OPERATIONS SHALL TAKE PLACE WITHIN THE CONSTRUCTION LIMITS.
 - IT IS REQUIRED THAT SOILS TRACKED FROM THE SITE BY MOTOR VEHICLES BE CLEANED DAILY FROM PAVED ROADWAY SURFACES THROUGHOUT THE DURATION OF CONSTRUCTION.
 - PROVIDE TEMPORARY SEDIMENTATION BASINS AS DIRECTED BY THE ENGINEER.



ENGINEERING DIVISION
APPROVED: *[Signature]*
NOT APPROVED: *[Signature]*
DATE: 1/23/16
VERIFICATION CONTROL BOUND TO BE HAD WITH FINAL ACCEPTANCE OF GRADING AND 24 HOURS/VEGETATION ESTABLISHED
CALL FOR BUILDING INSPECTION & ENGINEER WHEN PROJECT COMPLETED

CALL 48 HOURS BEFORE DIGGING:
GOPHER STATE ONE CALL
TWIN CITY AREA 454-0002
MINNESOTA TOLL FREE 1-800-252-1166

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. GARY D. HILLY REG. NO. 22426	
DESIGNED: G.D.	DRAWN: D.Y. LOO
CHECKED BY:	
D'Hilly Engineering Inc. 625 Lake Dr. W P.O. Box 1123 Annandale, MN 55402 Phone (320) 224-1169	
ANDY PIETIG BLOOMINGTON, MINNESOTA GRADING/EROSION CONTROL PLAN PRELIMINARY CONSTRUCTION PLANS	
PROJECT NO.	160608
SHEET NO.	1 OF 1



Reviewed for Code Compliance
Date: 07/07/2021
By: K. Beyer
Plan # PRGR202101193

Any alterations to this plan must be submitted to
the City Plans Examiner for review.

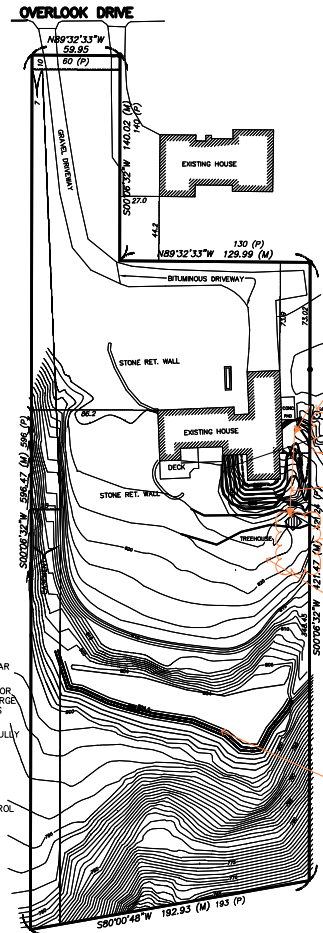
Must meet 2020 MN
State Building Code

This plan must be maintained and accessible at
the construction site for ALL inspections.

CONSTRUCTION NOTES:

1. FILL IN ALL ERODED AREAS. GRADE SO THAT ALL CONTOURS OF FINISHED GRADE WOULD BE PERPENDICULAR TO FLOW DIRECTION.
2. AFTER INSTALLATION OF FABRIC CHECK FOR EROSION UNDER FABRIC AFTER EVERY LARGE RAIN OR AT LEAST ONCE EVERY 3 WEEKS UNTIL VEGETATION IS ESTABLISHED.
3. IF EROSION IS FOUND UNDER MAT CAREFULLY REMOVE FABRIC AND FILL AREAS WITH MATERIAL THAT WILL HELP VEGETATION ESTABLISH.
4. CONTOURS ARE FOR GENERAL GRADING CONCEPT PURPOSES AND NOT FOR SETTING POINT ELEVATIONS.
5. EXISTING, PROPOSED AND EROSION CONTROL INFORMATION PROVIDED BY SURVEYOR AND OWNER.

GRADING PLAN



Retaining walls over four feet, from bottom of the footing to the top of wall require separate permit(s) and must be designed by a Minnesota Licensed Professional Engineer. For tiered retaining walls less than 4-feet in height, the distance between the tiered walls, measured from back of lower retaining wall block to face of upper retaining wall block, must equal or exceed height of lower retaining wall.

Proposed grading activity must not impact tree.

RETAINING WALL

Drainage directed at playhouse

Proposed grading activity shall not result in additional discharge or concentrated flow channels over bluff.

No grading activity permitted below the 821-ft contour line

Proposed grading shown here completed under previous permit. No grading activity permitted in this area.

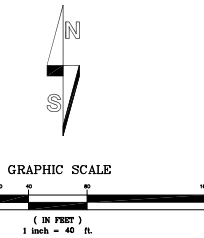
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 - b. SILT FENCE.
 - c. STORM WATER POND CONSTRUCTION.
 - d. COMMON EXCAVATION AND EMBANKMENT (GRADING)
 - e. SEED AND MULCH OR SOD.
 - f. STRAW BALE BARRIERS IN FINISHED GRADED AREAS.
 - g. INLET AND OUTLET FACILITIES SUBSEQUENT TO STORM SEWER WORK.
3. GRADING CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION CONTROL MEASURES AS SHOWN ON THESE PLANS AND SPECIFICATIONS AND IMPLEMENT ANY ADDITIONAL EROSION CONTROL MEASURES NECESSARY IN ORDER TO PROTECT ADJACENT PROPERTY AND COMPLY WITH SWPP REGULATIONS.
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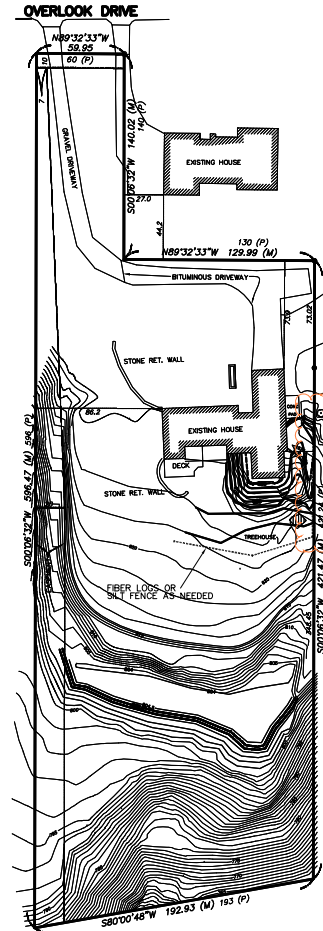
SLOPE	SEEDING	MULCHING
STEEPER THAN 3:1 - 7 DAYS	10:1 TO 3:1 - 14 DAYS	10:1 TO 3:1 - 21 DAYS
FLATTER THAN 10:1 - 21 DAYS	WHEN FINAL GRADING IS COMPLETED: STEEPER THAN 3:1 - 4 DAYS	10:1 TO 3:1 - 7 DAYS
FLATTER THAN 10:1 - 10 DAYS	THE SEED MIX SHALL BE 35-241, 32-241, 340 SM OR 350 NGR UNLESS NOTED OTHERWISE.	
7. THE EXISTING TOPOGRAPHY AND CONTOUR ELEVATIONS SHOWN ON THE PLAN WERE TAKEN FROM A PLAN FURNISHED BY OWNER.
8. CONTRACTORS GRADING AND EROSION CONTROL OPERATIONS SHALL TAKE PLACE WITHIN THE CONSTRUCTION LIMITS.
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10. PROVIDE TEMPORARY SEDIMENTATION BASINS AS DIRECTED BY THE ENGINEER.

SWPP COMPLIANCE NOTE:

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FOR 24X36 COPIES ONLY
VERIFY PRINT SCALE
WITH BAR GRAPH FOR
ALL OTHER COPY SIZES



CONSTRUCTION NOTES:

1. SILT FENCE TO BE USED FOR EROSION CONTROL AND CONSTRUCTION LIMITS. REMOVE CONSTRUCTION LIMITS FENCING AS SOON AS WORK IS COMPLETED IN THAT AREA.
2. SILT FENCE TO BE (OR AS APPROVED) WINFAB 3" FROM POLYPROPYLENE WITH WOOD STAKES.
3. EROSION CONTROL MAT TO BE AEG CUTLER NET FACE W/ NATIVE WOODLAND SEED. INSTALL OVER ALL DISTURBED AREAS NOT RECEIVING SOD OR HYDROSEED.
4. INSTALL STRAW BATTLES AT 25' O.C. OVER CONTROL MAT.
5. DO NOT GRADE (DISTURB) BEYOND THOSE AREAS SHOWN.
6. EXISTING CONTOURS PROVIDED BY SURVEYOR AND OWNER.
7. CONTOURS ARE FOR A GENERAL DESIGN CONCEPT AND SHOULD NOT BE USED TO SET GRADES.
8. KIDS SAND PLAY AREA WILL ACT AS SEDIMENT TRAP BECAUSE OF BERM. MAINTAIN PLAY AREA AS NEEDED.

CALL 48 HOURS BEFORE DOING:

GOPHER STATE ONE CALL

TWIN CITY AREA 454-0002
MINNESOTA TOLL FREE 1-800-252-1188

REVISIONS:	DATE	DESCRIPTION:
08-05-19	08-05-19	CHANGED EXISTING CONTOURS AND DESIGN
08-16-19	08-16-19	CHANGED CONTOURS AND DESIGN
08-26-19	08-26-19	CITY COMMENTS
12-21-20	12-21-20	GRADING BY HOUSE
07-08-21	07-08-21	GRADING BY TREEHOUSE

DESIGNED: GLO	DESIGNED: GLO
DRAWN BY: LOD	DRAWN BY: LOD
CHECKED BY:	CHECKED BY:

PROJECT NO. 160608	SHEET NO. 1 OF 1
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ANDY PIETIG BLOOMINGTON, MINNESOTA	D'Heilly Engineering Inc. 625 Lake Dr. W P.O. Box 1123 Annandale, MN 55302 Phone (320) 234-1469
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GRADING/EROSION CONTROL PLAN	PRELIMINARY CONSTRUCTION PLANS
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Comment Summary

Application #: PL2022-99

Address: 3011 and 3015 Overlook Drive, Bloomington, MN 55431

Request: **Type III preliminary and final plat to relocate the shared property line between 3011 and 3015 Overlook Drive and a variance to reduce the minimum lot width requirement for 3015 Overlook Drive.**

Meeting: Planning Commission - August 18, 2022
City Council (tentative) - August 29, 2022

NOTE: All comments are not listed below.
Please review all plans for additional or repeated comments.

Public Works Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Contractor shall obtain a Public Works permit for obstructions and concrete work within the right-of-way. Permit is required prior to removals or installation. Contact Paul Jarvis (952-563-4548, pjarvis@BloomingtonMN.gov) for permit information.

PW Admin Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Existing drainage and utility easements may be vacated. Contact Bruce Bunker at 952-563-4546 or bbunker@BloomingtonMN.gov for information regarding the Public Rights-of-Way Vacation Application. It is the responsibility of the developer to determine if private utilities exist in the easement prior to submitting the application. Developer/owner to provide legal description and Engineering staff will prepare vacation document.
- 2) Public drainage/utility and easements must be provided on the plat.
- 3) See checklist of items that must be included on the preliminary plat per the Bloomington City Code, Chapter 22.
- 4) Consent to plat form is needed from any mortgage companies with property interest.
- 5) Private common utility easement/agreement must be provided if utility services cross property lines.
- 6) \$15 fee for certified copy of plat. Engineering staff will obtain a certified copy of the plat from Hennepin County.
- 7) A 10-foot sidewalk/bikeway easement shall be provided along all street frontages. Developer/owner shall provide legal description and Engineering staff will prepare easement document.
- 8) Property must be platted per Chapter 22 of the City Code and the approved plat recorded at Hennepin County prior to the issuance of a foundation or building permit.
- 9) A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within 6 months of requesting City signatures, must be provided.

Water Resources Review Contact: Bryan Gruidl at bgruidl@BloomingtonMN.gov, (952) 563-4557

- 1) Contour information in this area does not match grading proposed with grading plan PRGR202101193

City of Bloomington Notification Map



Case PL2022-99

Subject Property: 3011 and 3015 Overlook Drive

-  Notification Boundary (500 feet)
-  Subject Property/Properties
-  Notified Properties



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Rhonda Herberg 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:

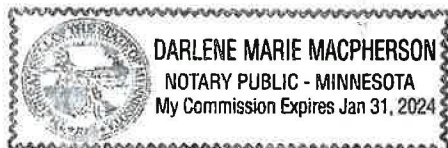
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 08/04/2022 and the last insertion being on 08/04/2022.

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: Rhonda Herberg
Designated Agent

Subscribed and sworn to or affirmed before me on 08/04/2022 by Rhonda Herberg.

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 1247022

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION

The Bloomington Planning Commission will hold a public hearing on August 18, 2022, at 6:00 PM in the Council Chambers at Bloomington Civic Plaza, 1800 W. Old Shakopee Road, Bloomington, Minnesota, and by electronic means as provided by State law, to consider Case PL2022-99, An application by Andrew Pietig and Zarah Jacobsen for a Type III preliminary and final plat to relocate the shared property line between 3011 and 3015 Overlook Drive and a variance to reduce the minimum lot width requirement for 3015 Overlook Drive.

Review information and materials at www.blm.mn/notices. For more information or to submit comments, contact Mike Centinario, Planner, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027. (952) 563-8921 or mcentinario@BloomingtonMN.gov

Published in the
Sun Current
August 4, 2022
1247022



Request for Council Action

Originator City Manager's Office	Item 3.15 Approval of City Council Meeting Minutes
Agenda Section CONSENT BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the minutes of the August 15 listening session meeting as presented.

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

Item presented by: Matt Brillhart, Council Secretary

Description:

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

August 15, 2022 listening session

Attachments:

[8-15-22 Listening Session draft.docx](#)

City Council Listening Session Meeting
Monday, August 15, 2022 - 5:45 p.m.
Bloomington Civic Plaza - Chadwick Conference Room
1800 W. Old Shakopee Road
Bloomington, MN 55431

CALL TO ORDER

Mayor Busse called the meeting to order at 5:45 p.m. and noted attendance.
Present: Mayor Tim Busse and Councilmembers Nathan Coulter, Lona Dallessandro, Patrick Martin, Dwayne Lowman, and Shawn Nelson.
Absent: Councilmember Jenna Carter
Staff present: City Manager Jamie Verbrugge, City Attorney Melissa Manderschied, and Council Secretary Matt Brillhart.

LISTENING SESSION

Don Heinzman & Jean Bellefeuille presented regarding a Bloomington Historical Society project on Bloomington Notables, which includes current and former residents with notable backgrounds and/or accomplishments, going back to 1960 when Bloomington became a city. The project was inspired by and dedicated to Tom Burnett. Mayor Busse noted that when ready, the project can be presented as an informational item at a future City Council meeting.

Marcia Lavalley spoke regarding bringing fiber-optic high-speed internet to Bloomington. She mentioned a map of where fiber optic internet is currently available from CenturyLink, and commented on the lack of competition aside from CenturyLink and Xfinity.

City Manager Verbrugge noted the availability of Hennepin County grants to build out fiber optic networks. Councilmember Nelson suggested the City could work with the Chamber of Commerce to lobby for getting fiber installed in Bloomington's commercial areas, which could then be easier to expand outward into residential areas.

Sally Ness asked: within the first year the building [8201 Park Avenue] was occupied, did the City see verifiable and tangible evidence that the building was being used after 10pm and at various hours throughout the night? She also asked about park hours at Smith Park, including the use of the parking lot after hours.

Mayor Busse: is your goal to have the City Council go back and revisit the CUP? Ness: I don't know what city actions can happen, but the use needs to be addressed.

Tara & Darwin Schaefer shared their thoughts on THC regulation by the city. Tara is a nurse and has debilitating pain from stage four breast cancer. Having THC availability at all local stores, over the counter without a prescription, has been a lifesaver for her. She urged the City Council to keep the sales open and available.

ADJOURNMENT

Motion by Lowman, seconded by Nelson to adjourn. Motion carried 6-0.
The listening session adjourned at 6:19 p.m.



Request for Council Action

Originator Planning	Item 4.1 Schmitt Music Sign Variances
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date August 29, 2022

Requested Action:

The Planning Commission and staff recommend the following motions:

Motion by _____, second by _____, to adopt Resolution no. 2022-_____, a resolution approving variances to freestanding sign setback requirements for an existing freestanding sign at 7800 Picture Drive.

Motion by _____, second by _____, having been unable to make the required findings in Section 2.85.04(g)(1)(C and E) and in Section 2.85.04(g)(2)(C), I move to continue consideration to the September 12, 2022 City Council meeting and direct staff to prepare a resolution of denial for a variance to freestanding height requirements for an existing freestanding sign at 7800 Picture Drive.

Item created by: Michael Centinario, Planning

Item presented by: Mike Centinario, Planner

Description:

Schmitt Music Sign Variances

Attachments:

[Staff Report](#)
[Resolution Variance - PL2022-149](#)
[Project Description](#)
[As-Built Survey](#)
[Proposed Sign](#)
[Notification Map](#)
[Affidavit of Publication](#)

GENERAL INFORMATION

Applicant:	Schmitt Music (owner)
Location:	7800 Picture Drive
Request:	<p>Variances to:</p> <ol style="list-style-type: none">1) Reduce the setback from 20 feet to 14 feet along I-494 and from 20 feet to 10 feet along Picture Drive for an existing monument sign to be converted to an electronic graphic display sign; and2) Increase the sign height from 20 feet to 24 feet for an existing monument sign to be converted to an electronic graphic display sign.
Existing Land Use and Zoning:	Retail, warehousing, and office building (under construction); zoned CO-1(PD)
Surrounding Land Use and Zoning:	<p>North – Hospitality and office; zoned CS-1</p> <p>South – Interstate 494</p> <p>East – Hospitality; zoned CS-1</p> <p>West – Office; zoned CO-1</p>
Comprehensive Plan Designation:	Office

HISTORY

Planning Manager Action:	03/08/2022 – Approved minor revisions to final development plans for the Schmitt Music company headquarters renovation at 7800 Picture Drive (Case PL2022-33).
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CHRONOLOGY

Planning Commission	08/18/2022	Recommended the City Council approve the setback variances and deny the height variance to convert an existing monument sign to an electronic graphic display sign.
City Council	08/29/2022	Hearings, Resolutions, and Ordinances agenda item

DEADLINE FOR AGENCY ACTION

Application Date:	07/12/2022
60 Days:	09/10/2022
120 Days:	11/09/2022
Applicable Deadline:	09/10/2022
Newspaper Notification:	Confirmed – (08/04/22 Sun Current – 10-day notice)
Direct Mail Notification:	Confirmed – (200 buffer – 10-day notice)

STAFF CONTACT

Mike Centinario
Phone: (952) 563-8921
E-mail: mcentinario@BloomingtonMN.gov

PROPOSAL

Schmitt Music acquired the former Lifetouch facility at 7800 Picture Drive. In March, the applicant received approval for an interior and exterior remodeling project to convert the vacant Lifetouch building into their company headquarters. In addition to Schmitt Music's office, there will be retail and warehousing components.

The applicant proposes three variances from City Code to allow an existing sign at 7800 Picture Drive to be converted to an electronic graphic display sign. Two variances relate to sign setback requirements along Picture Drive and Interstate 494. The third variance relates to the sign's overall height. The sign is legally non-conforming today. Due to staff's ability to make the required variance findings for sign placement, staff recommends approving the variances for sign setbacks. However, being unable to make the required findings for the sign height, staff recommends denying the height variance.

ANALYSIS

The existing sign was Code compliant when installed in conjunction with the original structure in 1968. At that time, City Code Section 10.03(E) allowed freestanding signs up to 40 feet above grade. The City Code was amended on August 19, 1996, to reduce the maximum height of signs in this Sign District to 20 feet (Ordinance 1996-40). With the Minnesota Department of Transportation (MnDOT) acquiring right-of-way for Interstate 494 in 1971, the sign became substantially closer to the property lines resulting in non-compliance with setback requirements. The applicant requests a variance to allow the sign to be modified within the size and setback originally approved.

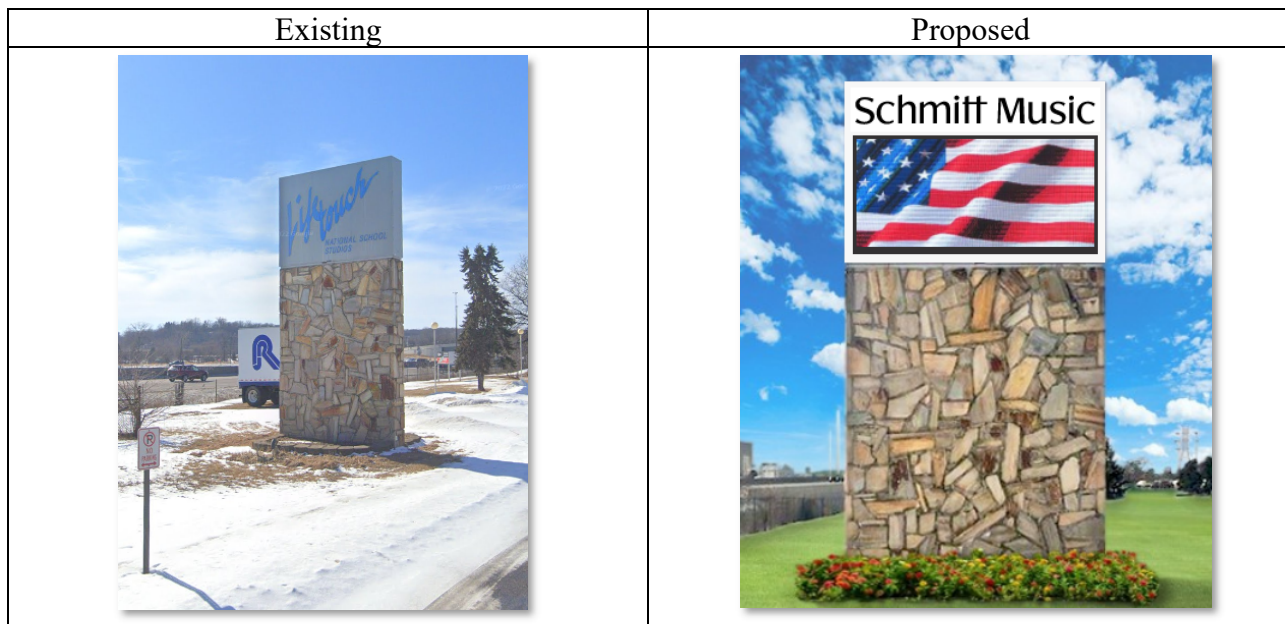
Determining City Code compliance for signs is a technical exercise. Determining compliance is more challenging when an applicant wants to convert an existing sign from a traditional monument sign to an electronic graphic sign. The conversion to an electronic sign triggers compliance with City Code – a sign “face change” with equivalent materials would only require a routine sign permit and no variances.

The existing monument sign, as seen in Image 1 below, is “legally non-conforming.” When the Minnesota Department of Transportation (MnDOT) acquired the right-of-way for Interstate 494, the sign became substantially closer to the property lines. At the time of land acquisition, a variance should have been processed to eliminate the non-conformity. That was not common practice at that time. The setback issue is not the result of the owner’s actions and staff supports the setback variance request. It has been the City’s common practice to support variances that are needed because of right-of-way acquisition and is supported by the Findings of Fact.

The sign does not meet the following sign standards:

	Code Requirement	Proposed
Minimum Sign Setback – East	20 feet	10 feet
Minimum Sign Setback – South	20 feet	14 feet
Maximum Sign Height	20 feet	24 feet

Image 1: Existing and Proposed Monument Sign



Regarding the sign change, sign *maintenance* is permitted on legally non-conforming signs. The City Code is clear that converting a sign to an electronic graphic display, however, is not sign

maintenance. Below is the City Code Section (19.108(f)) that details what is and is not considered maintenance.

(f) *Maintenance of signs.*

- (1) *Maintenance required.* All signs and sign structures shall be kept in good repair and in a proper state of maintenance.
- (2) *Activities considered to be maintenance.* Maintenance shall include activities such as replacing lamps, replacing ballast in freestanding signs, replacing transformers in building identification signs, painting the pole of freestanding signs and the cabinet of freestanding or building identification signs, replacing or repairing the sign face, including H-bars and retainers behind the face, replacing trim and replacement of sign fasteners, nuts and washers. A maintained sign structure shall have a sign face.
- (3) *Items not considered maintenance.* The following items are not considered maintenance and shall require that the sign be brought into conformance with all requirements with this [Article X](#).
 - (A) Said maintenance shall not include any changes made to the size, height, light intensity or bulk of the sign or the temporary or permanent removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face.
 - (B) Said maintenance shall not include changes in poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign for any reason, change or replacement of the interior and/or exterior cabinet frame (excluding trim) and removal of any part of the signs for maintenance except the sign face. For building signs, maintenance shall not include change in the size of channel letters or any change or replacement of returns or housing except for the sign face and trim. For single face cabinet signs, maintenance shall not include changes or replacement of the interior and/or exterior cabinets nor the cabinet support structures.

An electronic display sign is permitted at the Schmitt Music property, but it must comply with all City Code requirements. Staff is unaware if the bulk (thickness) of the proposed sign is greater than the existing sign. Electronic signs are often, but not always, thicker than traditional signs. However, the light intensity would increase – electronic graphic display signs have greater lighting intensity than traditional illuminated signs. So much so that the City Code has a higher sign brightness allowance for electronic display signs. Brightness is measured in NITS, or candelas per square meter. For the Schmitt Music site, a traditional illuminated freestanding sign is limited to 300 nits, whereas an electronic graphic sign is limited to 500 nits.

Staff agrees with the applicant that it is not an unreasonable request to replace the existing sign with an electronic sign. That said, staff does not believe the sign height variance meets the required

Findings of Fact. There are two primary areas where the proposed variance is inconsistent with the Findings of Fact:

1. Code complying alternatives. Staff does not believe the practical difficulties test has been met. There are several alternatives the applicant could implement without the need for a variance:
 - a. Sign face change – Schmitt Music could install a new sign face within the existing sign cabinet.
 - b. Upgrade to LED lighting – the applicant’s project description describes the need to install modern equipment and technology for energy efficiency purposes. Modern illumination may be implemented without the need for a variance. Lighting, both inter and exterior, is routinely upgraded to current technology. City Code does not preclude the applicant from increasing the energy efficiency of the illuminated sign by upgrading to LED technology. Presumably, an electronic graphic display sign consumes more energy than a static, illuminated sign.
 - c. Reduce sign height – should the setback variance be approved, the applicant could remove the 3’9” from the overall height of the sign to be within the 20-foot maximum.
 - d. Construct a new sign – the Schmitt music site has 545 feet of Interstate 494 frontage. This provides ample opportunities to construct a highly visible, Code-complying sign along that frontage.
2. Reasonable use of the property. Denying the ability to convert the sign to an electronic graphic display sign does not deprive the applicant of the reasonable use of a sign to identify Schmitt Music to the public. Sign visibility at the site is excellent. The site’s grade is relatively flat with a slight increase in elevation from the highway to the building. Relative to Interstate 494, the sign’s elevation is slightly higher. The sign is visible from both east and westbound traffic. A height variance is not necessary to identify the site as Schmitt Music.

Ultimately, should the City Council conclude that a 24-foot-tall sign is appropriate, staff would recommend that the City Code be amended so that there is uniform treatment of similar properties with respect to sign height. The Planning Commission concluded the proposed height variance did not meet the required findings to recommend approval. That said, the Commission generally agreed that this type of conversion for an existing legally non-conforming sign should be permitted by City Code. City staff is actively working on a Sign Code rewrite to simplify and modernize signage standards.

FINDINGS

Required Variance Findings for *Sign Placement (Setbacks)* – Section 2.85.04(g)(1)(A-F)

Zoning variances may only be approved when:

Required Finding	Finding Outcome/Discussion
------------------	----------------------------

(A) ... The variance is in harmony with the general purposes and intent of the ordinance.	Finding Made – the setback standards intent is to ensure appropriate separation between property boundaries and physical or visual encumbrances. The existing setback is in harmony with the purpose of the City Code.
(B) ... The variance is consistent with the Comprehensive Plan.	Finding Made – the variance is not in conflict with the Comprehensive Plan. Commercial uses typically have freestanding signage to improve visibility.
(C) ... The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding Made – the practical difficulty was created when the right-of-way was acquired by MnDOT for Interstate 494 thereby reducing the distance between the sign and property boundaries and making the sign legally non-conforming.
(D) ... The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding Made – the existing sign has not been relocated since it was originally constructed. What was once a compliant sign was made non-compliant with right-of-way acquisition.
(E) ... The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding Made – the non-conformity was not created by the landowner. Right-of-way acquisition after a site is developed is a unique circumstance that supports the approval of the setback variances.
(F) ... The variance if granted will not alter the essential character of the locality.	Finding Made – the sign is not proposed to be relocated. The essential character would remain the same.

Required Variance Findings for Sign Placement (Setbacks) – Section 2.85.04(g)(3)(A-D)

Sign placement variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) ... The placement of the sign will not be at a location which will have an adverse effect in appearance, height or location on neighboring properties.	Finding Made – the sign is not proposed to be relocated. The existing sign does not have an adverse effect in appearance or location.
(B) ... The placement of the sign will not be at a location which will adversely affect, deter or detract the motoring public on adjacent streets or highways.	Finding Made – the sign's location is generally consistent with commercial signs along the Interstate 494 corridor. The placement does not have an adverse impact to the motoring public.
(C) ... Strict compliance with the provision of Chapter 19 or 21 of this code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.	Finding Made – the non-conformity was not created by the landowner. Retaining an existing freestanding sign that is legally non-conforming is reasonable.

(D) ... That, because of the topographic or physical conditions relating to the land, structure, or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 or 21 of this code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.	Finding Made – built up areas, more specifically the planned expansion of Interstate 494, led to a conforming sign becoming non-conforming. Requiring existing signage to be relocated following right-of-way acquisition is unreasonable.
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Required Variance Findings for Sign Size (Height) – Section 2.85.04(g)(1)(A-F)

Zoning variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) ... The variance is in harmony with the general purposes and intent of the ordinance.	Finding Made – the City Code makes allowances for electronic signs. Converting an existing is in harmony with the ordinance.
(B) ... The variance is consistent with the Comprehensive Plan.	Finding Made – the variance is not in conflict with the Comprehensive Plan. Commercial uses typically have freestanding signage to improve visibility. Electronic signs are desirable for their increased visibility.
(C) ... The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding Not Made – The applicant has not established the existence of practical difficulties in meeting the 20-foot height limit that are not economic in nature. Although more expensive, there are Code-complying alternatives to the variance: the height of the existing sign could be reduced to bring the sign into compliance, the sign face could be replaced, or an entirely new sign could be constructed that meets City Code height requirements.
(D) ... The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding Made – the property use as office, retail, and inventory storage is reasonable and permitted by City Code.
(E) ... The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding Not Made – the owner's desire for an electronic graphic display sign creates the need for a height variance. There are Code-complying alternatives, albeit not the owner's preference.
(F) ... The variance if granted will not alter the essential character of the locality.	Finding Made – the proposed sign height and sign area would remain the same. There are electronic signs along Interstate 494 – the essential character would not be altered.

Required Variance Findings for Sign Size (Height) – Section 2.85.04(g)(2)(A-C)

Sign size variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) ... The sign will have an appearance which will not adversely affect or detract from neighboring property.	Finding Made – the proposed sign height and sign area would remain the same. There are electronic signs along Interstate 494 – the essential character would not be altered. The distance between the sign and residential uses on the other side of Interstate 494 is significant.
(B) ... The sign will be of such size that it will not deter or affect the motoring public on roads or highways adjacent to the placement of the sign.	Finding Made – the proposed sign height and sign area would remain the same. There are electronic signs along Interstate 494. Provided the sign complies with brightness and graphic dwell time requirements, there would not be a negative impact on the motoring public.
(C) ... That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 19 or 21 of this code would deprive the applicant of the reasonable use of a sign for the purpose of identifying his or her business to the public.	Finding Not Made – while not the applicant’s preference, the sign face could be changed without the need for a variance. A new sign, meeting all City Code requirements, could be proposed and permitted. Not permitting an electronic graphic sign does not deprive the owner reasonable use of the sign. The existing monument sign is well positioned relative to Interstate 494 and is highly visible.

RECOMMENDATION

The Planning Commission and staff recommend the following motions:

In Case PL2022-149, having been able to make the required findings, I move to adopt the resolution approving variances to freestanding sign setback requirements for an existing freestanding sign at 7800 Picture Drive.

In Case PL2022-149, having been unable to make the required findings in Section 2.85.04(g)(1)(C and E) and in Section 2.85.04(g)(2)(C), I move to continue consideration to the September 12, 2022 City Council meeting and direct staff to prepare a resolution of denial for a variance to freestanding height requirements for an existing freestanding sign at 7800 Picture Drive.

RESOLUTION NO. 2022-_____

A RESOLUTION APPROVING VARIANCES TO CITY CODE SIGN STANDARDS TO REDUCE THE SETBACKS FOR A FREESTANDING MONUMENT SIGN FROM 20 FEET ALONG I-494 AND PICTURE DRIVE TO 14 FEET AND 10 FEET, RESPECTIVELY, AT 7800 PICTURE DR, BLOOMINGTON, MN 55439.

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

WHEREAS, an application has been filed for variances to City Code sign standards to reduce the setbacks for an existing monument sign from 20 feet along I-494 and Picture Drive to 14 feet and 10 feet, respectively. The applications have been filed on behalf of SCHMITT HQ 125, LLC (hereinafter the "Applicant"), owner of the premises located at 7800 Picture Drive (hereinafter the "Property"), and legally described as:

Lot 1, Block 1 NATIONAL SCHOOL STUDIOS ADDITION

Hennepin County, Minnesota;

WHEREAS, the Bloomington Planning Commission reviewed said request at a duly called public meeting on August 18, 2022 and recommended approval;

WHEREAS, the City's zoning code Section 19.113(a)(3) requires a 20-foot setback from public right-of-way. The Applicant proposes 14 and 10 feet. The setbacks are existing conditions and the applicant is not proposing to remove the sign. The sign location became non-conforming with the Minnesota Department of Transportation acquired land for right-of-way purposes.

WHEREAS, Minnesota Statutes §462.357, subd. 6(2) and City Code §2.85.04(g) each require affirmative findings that the requested variance is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan and the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

WHEREAS, the City Council is empowered to approve variances to provisions of the City Zoning Ordinance when such variances are in harmony with the general purpose and intent of the Zoning Ordinance, are consistent with the City's Comprehensive Plan, and when the applicant has established that there are practical difficulties in complying with the Zoning Ordinance.

WHEREAS, the City Council has reviewed said request at duly called public meeting on August 29, 2022 and has considered the report of the City staff, the consideration of the Planning

Commission, any comments of persons speaking regarding the proposed variance, and the requirements in Bloomington City Code.

WHEREAS, the City Council made the following findings pursuant to Bloomington City Code regarding when variances may be permitted.

WHEREAS, City Code Section 2.85.04(g)(1) – Zoning variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) The variance is in harmony with the general purposes and intent of the ordinance.	Finding Made – the setback standards intent is to ensure appropriate separation between property boundaries and physical or visual encumbrances. The existing setback is in harmony with the purpose of the City Code.
(B) The variance is consistent with the Comprehensive Plan.	Finding Made – the variance is not in conflict with the Comprehensive Plan. Commercial uses typically have freestanding signage to improve visibility.
(C) The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding Made – the practical difficulty was created when the right-of-way was acquired by MnDOT for Interstate 494 thereby reducing the distance between the sign and property boundaries and making the sign legally non-conforming.
(D) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding Made – the existing sign has not been relocated since it was originally constructed. What was once a compliant sign was made non-compliant with right-of-way acquisition.
(E) The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding Made – the non-conformity was not created by the landowner. Right-of-way acquisition after a site is developed is a unique circumstance that supports the approval of the setback variances.
(F) The variance if granted will not alter the essential character of the locality.	Finding Made – the sign is not proposed to be relocated. The essential character would remain the same.

WHEREAS City Code Section 2.85.04(g)(3) - Sign placement variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) The placement of the sign will not be at a location which will have an adverse effect in appearance, height or location on neighboring properties.	Finding Made – the sign is not proposed to be relocated. The existing sign does not have an adverse effect in appearance or location.
(B) The placement of the sign will not be at a location which will adversely affect, deter or detract the motoring public on adjacent streets or highways.	Finding Made – the sign's location is generally consistent with commercial signs along the Interstate 494 corridor. The placement does not have an adverse impact to the motoring public.

(C) Strict compliance with the provision of Chapter 19 or 21 of this code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.	Finding Made – the non-conformity was not created by the landowner. Retaining an existing freestanding sign that is legally non-conforming is reasonable.
(D) That, because of the topographic or physical conditions relating to the land, structure, or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 or 21 of this code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.	Finding Made – built up areas, more specifically the planned expansion of Interstate 494, led to a conforming sign becoming non-conforming. Requiring existing signage to be relocated following right-of-way acquisition is unreasonable.

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

- A. That the affirmative findings of the Planning Commission are adopted by the City Council;
- B. That the requested variances are approved.
- C. That the variances shall expire if not used or applied in accordance with the provisions of City Code Section 19.23.01.

Passed and adopted this 29th day of August, 2022.

Mayor

ATTEST:

Secretary to the Council

July 12, 2022

To: City of Bloomington City Council
City of Bloomington Planning Commission
City of Bloomington Staff

Re: Sign Variance Request: 7800 Picture Drive, Bloomington Minnesota

On behalf of Schmitt HQ 125, LLC ("Schmitt"), I am respectfully submitting these variance requests relating to the existing sign at 7800 Picture Drive in Bloomington ("Property"). Specifically, Schmitt is seeking the following variances:

1. Increasing the height of the existing sign to 24 feet. The sign height is actually 23'9", but Schmitt is hoping to leave itself with a few inches of flexibility because of slight variations during construction.
2. Decreasing the setback from the east property line to 10'0".
3. Decreasing the setback from the south property line to 14'0".¹

Schmitt is a 125-year-old Minnesota based company that is in the process of moving its headquarters to the Property – the former Lifetouch location. The planned grand opening is this summer. The property has an existing sign along 494 depicted below:

¹ Again, Schmitt is requesting a few inches more than the existing setbacks simply due to variations in measurements. It does *not* plan to move the sign.



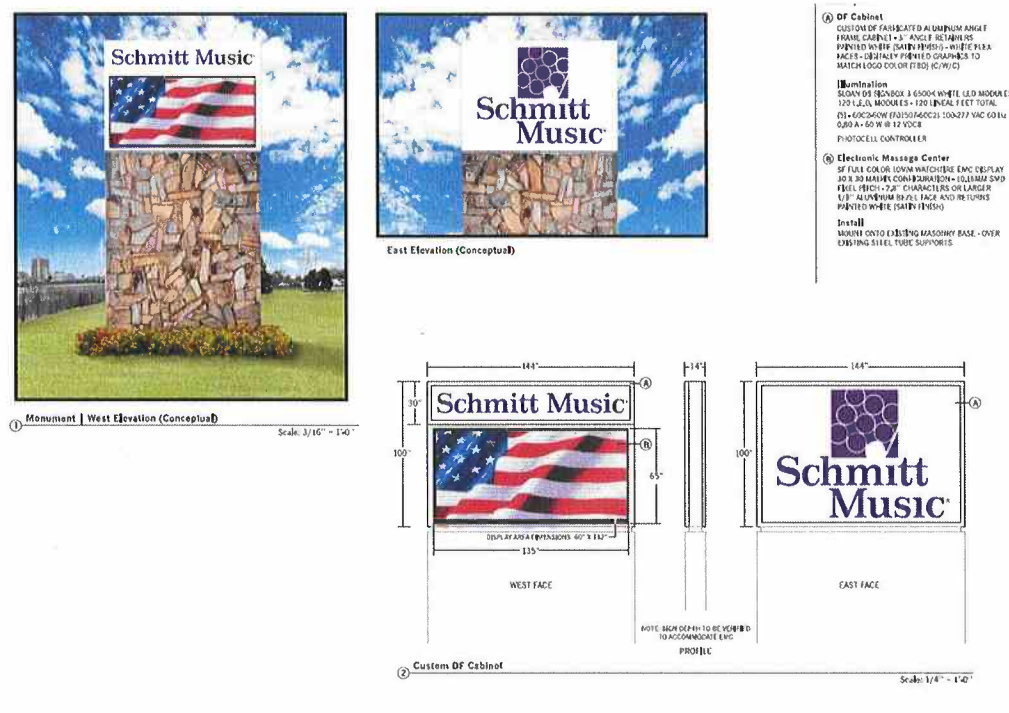
The sign currently measures 23'9" and is approximately 10'6" and 14'3" from the east and south property lines. The sign is a legal non-conforming use and under Minn. Stat. Sec. 462.357 1.e and may therefore be "replaced."

Schmitt's plan for its headquarters includes updating the sign with a new cabinet, but keeping the same location and height as the existing sign. More specifically, Schmitt is updating the cabinet so it can accommodate the updated messaging options with more modern technology. Also, the new sign will be more energy efficient. The *current* sign is lit with floods, and the *new* sign will be converted to more energy efficient backlit with LED lights.

We do not have sufficient background to explain why the sign appears to exceed the *current* height limitation of 20 feet. Schmitt presumes that the sign was conforming to the applicable codes at the time it was constructed. Historic pictures appear to show a sign in that location, but we are unable to verify height from the information that is publicly available. The same is true for the existing setbacks. However, we believe that the setback distance from 494 is the result of MnDOT's acquisition of a portion of the property for highway purposes. Again, Schmitt did not own the property at the time of the MnDOT project. To the best of our knowledge the sign is a legal non-conforming use. The City's Zoning letter (attached hereto as Exhibit B) includes

reference to a sign approval from March 18, 1968. Thus, it appears that the sign has been in its existing location for more than half of a century.

The plans for the Schmitt sign are attached hereto as Exhibit A. Generally, the new sign will look as follows:



Though Schmitt respectfully believes that the legal-nonconforming status entitles it to update the sign as shown above, Schmitt also works hard to align itself with the City of Bloomington – particularly since this will be its new headquarters.

Schmitt believes that it complies with all requirements for a variance. As an initial matter, Minnesota law permits a significant amount of flexibility for a City to grant a variance. According to Minnesota Statutes 462.357:

Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not

alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

These factors are all discussed in the context of the City's requirements. Many of these responses refer back to an August 12, 2021, Zoning letter ("Zoning Letter") for the Property that is attached hereto as Exhibit B. The factors in Section 2.85.04 of the City Code are below along with a discussion of each one.

(1) Zoning variances may only be approved when:

(A) The variance is in harmony with the general purposes and intent of the ordinance.

The Property is zoned CO-1(PD), Commercial Office (Planned Development). The following is incorporated from the Zoning Letter. A sign in this zoning district is in conformance with the district and the existing sign will not be moved or enlarged. According to the City from the Zoning Letter:

Schmitt intends to renovate and use the Property for its headquarters office space, retail and storage/warehousing related to its operations. The Property is zoned CO-1. Office uses are permitted in a CO-1 district in the City. The retail component is a permitted provisional use as an "arts" use in the CO-1 district because it is primarily devoted to the permitted principal use (office) and has a common in-door access to the permitted office use. Schmitt has advised the City that both the office use and the provisional retail use will have storage, warehousing and repairs related to the sale and servicing of musical instruments. Storage, warehousing and repairs is a permitted use to the extent to which it is customarily incidental to the office and retail operations.

Schmitt has communicated that Shutterfly and Lifetouch have continuously used the building for the storage and warehousing of equipment even after its day to day operations at the Property were discontinued and has submitted photos as evidence (Exhibit B). Storage and warehousing was a legal nonconforming use of the Property by Shutterfly/Lifetouch. City Codes and State law allow the continuation of legally nonconforming uses provided the use does not lapse for a period of one year or greater. Planning staff is not aware of information contradicting the continuous use of the building for storage and warehousing. To the extent the uses are not otherwise permitted, Schmitt is entitled to continue any pre-existing legal non-conforming use that has not ceased for a period of one year or more.

(B) The variance is consistent with the Comprehensive Plan.

The property is guided Office (see Zoning Letter). Signs are consistent with an Office use.

- (C) The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties.

According to Minnesota Statutes 462.357: "Practical difficulties," means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance. Schmitt proposes to use the property in a reasonable manner – for its corporate headquarters. Regarding the sign, the size and dimensions are the same as the existing sign **but** the technology is more energy efficient LED lighting with new modern technology.

- (D) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

Schmitt proposes to use the sign in essentially the same manner as it has been used for approximately 50 years. The size and dimensions of the “box” are not changing. The sign is along a major interstate highway and will not have any additional impact on any surrounding residential uses and is entirely consistent with other commercial uses along the freeway.

- (E) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Schmitt acquired the Property almost a year ago. Schmitt did not establish the existing location of the sign. It appears that the setback distances may be the result (at least in part) of MnDOT’s expansion of the highway. Based on the Zoning Letter, the sign was permitted in approximately 1968. Schmitt presumes that the sign was in conformance with the City Code at that time. This situation is unique because the sign is pre-existing, the zoning issues are a function in part of a highway expansion and the height was presumably permitted at the time the sign was constructed. While economic considerations *alone* cannot be a basis for a variance, it is worth pointing out that the cost to move the sign and relocate it will cost more than \$80,000.00. This is an excessive cost given the limited variances requested and the multi-million dollar investment that Schmitt is bringing to the community.

- (F) The variance if granted will not alter the essential character of the locality.

See responses above. The uses proposed by Schmitt for the Property are consistent with the City’s code.

- (2) Sign size variances may only be approved when:

- (A) The sign will have an appearance which will not adversely affect or detract from neighboring property.

According to the City's Zoning Letter (Exhibit B):

The adjoining property use, zoning and Comprehensive Plan designations are:

Direction	Use	Zoning	Comprehensive Plan
North	Office and Parking	CS-1	Office
South	Apartments and open space	RM-50(PD) and SC	High Density Residential
East	Hotel	CS-1	Community Commercial
West	Office	CO-1	Office

The property adjacent to the sign in question is an existing interstate highway. The size and location of the existing sign are not changing, and the new sign will not detract from any existing neighborhood. The property to the east (the Sheraton) is zoned Office and is used for Office (see Zoning Letter) and appears to have a sign that is taller than the existing and proposed Schmitt sign. The property to the west is an office building. The property to the south is zoned RM-50(PD) and SC and is high density residential. The sign appears to be nearly 400 feet from the front of the residential building and again, the size and dimension of the sign is not changing. The sign will not be visible to the property to the North because of the existing building. The entire side of the freeway where the sign is located is subject to high voltage transmission towers that are significantly taller than the existing sign.

- (B) The sign will be of such size that it will not deter or affect the motoring public on roads or highways adjacent to the placement of the sign.

The sign will be the same size as the existing sign but has modern technology.

- (C) That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 19 or 21 of this code would deprive the applicant of the reasonable use of a sign for the purpose of identifying his or her business to the public.

The built-up area already includes the existing building and the existing sign. The use of an already pre-existing sign for a more modern sign is a reasonable use.

- (3) Sign placement variances may only be approved when:

- (A) The placement of the sign will not be at a location which will have an adverse effect in appearance, height or location on neighboring properties.

See response to (2)(A) above.

- (B) The placement of the sign will not be at a location which will adversely affect, deter or detract the motoring public on adjacent streets or highways.

See response to (2)(B) above. The new sign itself will no be larger than the existing sign. The "box" is the same size and Schmitt believes that there will be no distraction or effect on the motoring public.

- (C) Strict compliance with the provision of Chapter 19 or 21 of this code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.

See response to (1) (D) above.

- (D) That, because of the topographic or physical conditions relating to the land, structure, or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 or 21 of this code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.

See response to (2) (C) above.

Schmitt respectfully requests that the City both recognize that Schmitt enjoys a legal non-conforming right to implement the sign modifications identified on Exhibit A and grant the variances requested above. Ultimately, Schmitt has more than demonstrated the practical difficulties associated with the existing height and location of the sign and the reasonable request for the variances.

We would be happy to answer any questions.

Sincerely,

FREDRIKSON & BYRON, P.A.



Howard A. Roston
Direct Dial: 612.492.7441
Email: hroston@fredlaw.com

Encls.

July 12, 2022
Page 8

Exhibit A
[Next page]

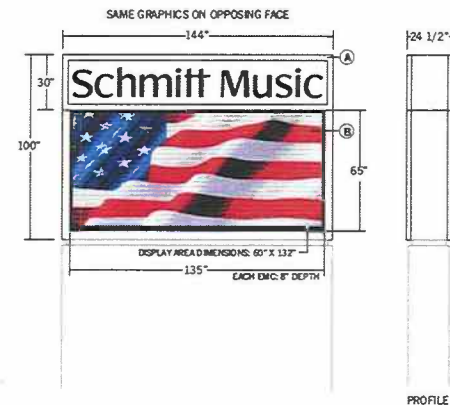


① Monument | West Elevation

Scale: 3/16" = 1'-0"



ILLUMINATED SIGN
(CONCEPTUAL)



② Custom DF Cabinet

Scale: 1/4" = 1'-0"

Description

① DF Cabinet

CUSTOM DF FABRICATED ALUMINUM ANGLE
FRAME CABINET - 2 1/2" ANGLE RETAINERS
PAINTED WHITE (SATIN FINISH) - 3/16" WHITE
POLYCARBONATE FACES - MATT BLACK VINYL
GRAPHICS (220-22) - APPLIED FIRST SURFACE

Illumination

SLOAN SS SIGNBOX 3 6500K WHITE LED MODULES
48 I.E.D. MODULES - 48 LINEAL FEET TOTAL
(4) - 24VDC 100W (701895-24C1) 100-277 VAC 60 Hz
1.40 A - 100 W @ 24 VDC

PHOTOCELL & DIMMER CONTROLLER

② Electronic Message Center

SF FULL COLOR 10MM WATCHFIRE EMC DISPLAY
65" X 135" X 8" CABINET - 150 X 330 PIXEL MATRIX
W 10MM LED RGB PIXEL PITCH - 18 LINES / 66.0
CHARACTERS AT A 3" TYPE - FRONT VENTILATION
1/8" ALUMINUM BEZEL FACE & RETURNS PAINTED
WHITE (SATIN FINISH) - EACH UNIT
INDEPENDENTLY PROGRAMMABLE - DIMMER
CONTROLLER

Install

MOUNT ONTO EXISTING MASONRY BASE - OVER
EXISTING STEEL TUBE SUPPORTS

Project:
Schmitt Music,
Bloomington, MN

Designer: DG
Job Number: 133560

Date: 02.08.22

Rev 1: 02.17.22

Rev 2: 04.07.22

Rev 3: 04.11.22

Rev 4: 05.18.22

Rev 5: 05.24.22



archetype

9612 James Ave S,
Minneapolis, Minnesota 55431
952 641 9600

archetypedesign.com

CONTACT

Steve Hiltz
952 641 9629
steve@archetypedesign.com

This plan is a preliminary representation of a design and is not intended to be used for construction. It is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The client is also responsible for ensuring that the design is in compliance with all applicable codes and standards. The client is also responsible for ensuring that the design is in compliance with all applicable laws and regulations. The client is also responsible for ensuring that the design is in compliance with all applicable industry practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable best practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable state-of-the-art practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable future practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable emerging practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable next-generation practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable cutting-edge practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable state-of-the-art practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable future practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable emerging practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable next-generation practices and standards. The client is also responsible for ensuring that the design is in compliance with all applicable cutting-edge practices and standards.

Approved:

Type:

Description:

DF Cabinet Sign

EMC

Page: 1.1

LEGAL DESCRIPTION.

Lot 1, Block 1, Millard School District Addition, according to the recorded plat thereof, Township County Minnesota
 Assessed and Taxing Property - Synthesis of Title Co. Records

1. The completion of this starting system is based on the foregoing Security conditions (see 2010-2011 Ad.)

[illegible]

DATE RECORDED: 10/10/64
 RECORDED BY: 10/10/64

T6. Investor building dimensions are depicted herein.

14. Explain the difference between the two types of chemical reactions that occur in the body.

15. The names of existing vessels according to current tax returns are depicted herein.

10. An automatic defibrillation system may be placed under the control of monitoring the person.

SURVEY ITEMS PER SCHEDULE B:

FILE 13 Studio Incorporated (an unincorporated) granted to Northern States Paper Company and its trade dress of the mark "S. Brothers 40s" as shown in this DDA, Page 9, as shown in the Certificate of the Certificate of the
said unincorporated studio the trademark property and is assigned herein.

This document was partially released by House dated July 27, 1983, requested report of 1983, as referenced by 1983-1, and Order and Source of Registration Numbered July 1, 1983, as referenced by 1983-2. This document is being released to the copyright owner by Order and Source of Registration.

FOIA b 7: Unlawful arrest, dated June 9, 1968, for unlawful arrest involving the persons named in Southern States Paper Company, a Missouri corporation, recorded June 13, 1968, as Document No. 87-239. This document reflects the survey properly did in disputed herein.

772 15. Insurance and liability coverage as shown on and included by the list of Insured Third Parties. Additions, deletions, and amendments affect the coverage properly and in capital letters.

FILE 10 Terms and conditions of Agreement dated June 14, 1955, recorded July 17, 1955, as Amended by Amendment No. 1.

[illegible]

This is to certify that this copy is good and the survey is valid. It is issued only upon the completion of the 2000 census. Further, this copy is not valid for a 2000 census. This survey is not valid for a 2000 census.

Date of this report: April 10, 2014

William A. Thomas
William A. Thomas

1229 Tyler Street NE, Suite 1
Minneapolis, Minnesota 55414
Phone: (612) 464-9300

Egon, Field & Nowak, Inc. www.EDNSURVEY.COM
1984 Surveyors since 1972

July 12, 2022
Page 11

76532146 v1

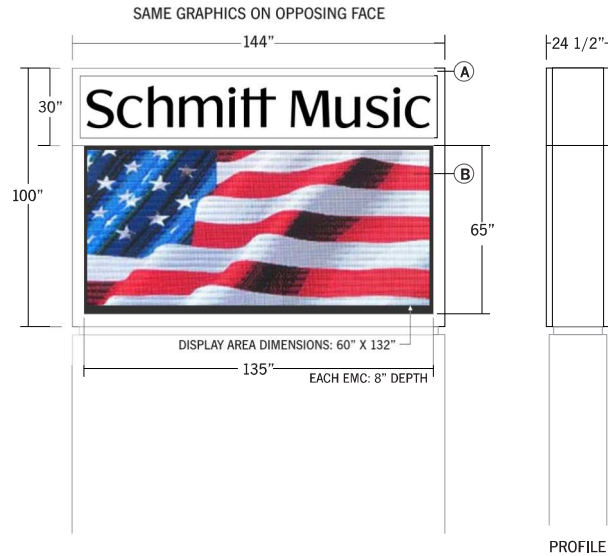


1 Monument | West Elevation

Scale: 3/16" = 1'-0"



ILLUMINATED SIGN
(CONCEPTUAL)



2 Custom DF Cabinet

Scale: 1/4" = 1'-0"

Description

A DF Cabinet

CUSTOM DF FABRICATED ALUMINUM ANGLE
FRAME CABINET - 2 1/2" ANGLE RETAINERS
PAINTED WHITE (SATIN FINISH) - 3/16" WHITE
POLYCARBONATE FACES - MATTE BLACK VINYL
GRAPHICS (220-22) - APPLIED FIRST SURFACE

illumination

SLOAN SS SIGNBOX 3 6500K WHITE LED MODULES
48 L.E.D. MODULES - 48 LINEAL FEET TOTAL
(4) - 24VDC100W (701895-24C1) 100-277 VAC 60 Hz
1.40 A - 100 W @ 24 VDC

PHOTOCELL & DIMMER CONTROLLER

B Electronic Message Center

SF FULL COLOR 10MM WATCHFIRE EMC DISPLAY
65" X 135" X 8" CABINET - 150 X 330 PIXEL MATRIX
W10MM LED RGB PIXEL PITCH - 18 LINES / 66.0
CHARACTERS AT A 3" TYPE - FRONT VENTILATION
1/8" ALUMINUM BEZEL FACE & RETURNS PAINTED
WHITE (SATIN FINISH) - EACH UNIT
INDEPENDENTLY PROGRAMABLE - DIMMER
CONTROLLER

Install

MOUNT ONTO EXISTING MASONRY BASE - OVER
EXISTING STEEL TUBE SUPPORTS

Project:
Schmitt Music.
Bloomington, MN

Designer: DG
Job Number: 133560

Date: 02.08.22

Rev. 1: 02.17.22

Rev. 2: 04.07.22

Rev. 3: 04.11.22

Rev. 4: 05.18.22

Rev. 5: 05.24.22



archetype

9611 James Ave S,
Minneapolis, Minnesota 55431

952 641 9600

archetypedesign.com

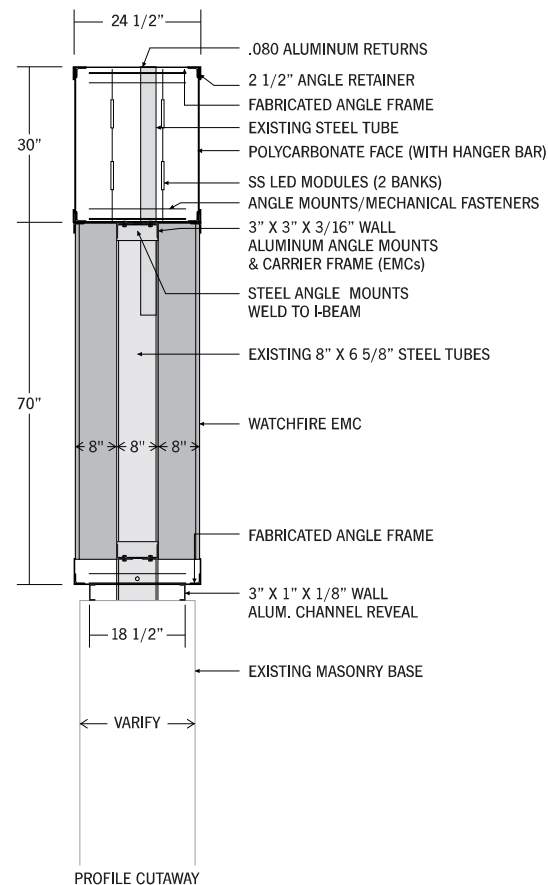
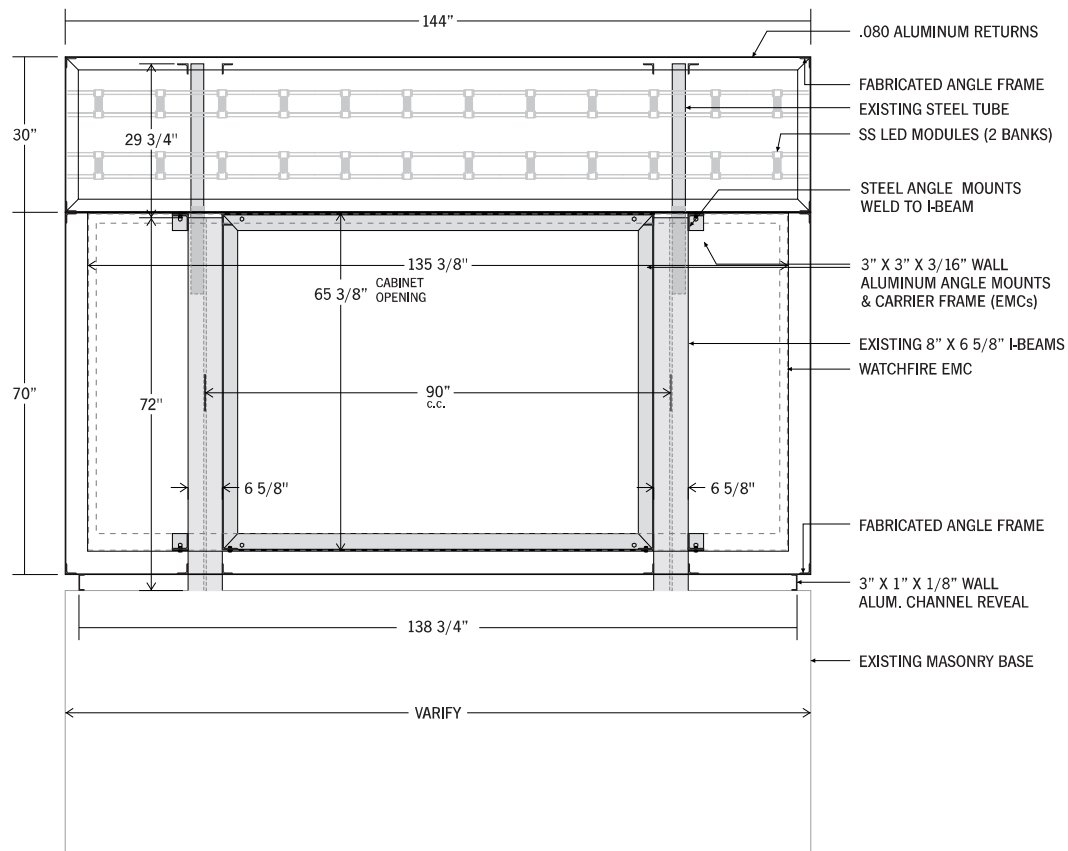
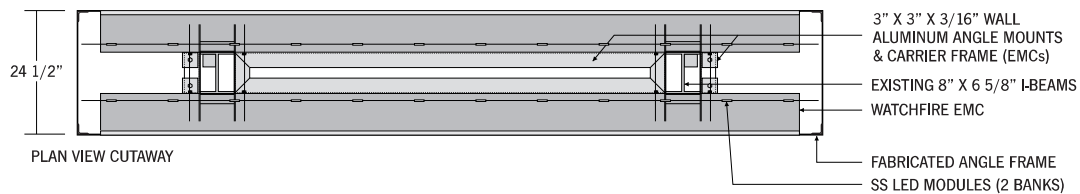
Contact:
Steve Hirtz
952 641 9629
steveh@archetypedesign.com

This print is meant as a representation of a sign shop
in consideration of being manufactured by Archetype.
Materials may reflect final result. Samples available
upon request. Graphic Design time is included in this
total purchase price. Designs contained herein are not
meant to be exhibited to others outside of included
parties and employees. Designs received from
Archetype may not be manufactured by others without
reimbursement for time spent in the creation of these
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elements considered artistic intellectual property of
Steve Hirtz, owner, Archetype.

Approved:

Type:

Description:
DF Cabinet Sign
EMC



③ Custom DF Cabinet Details

Scale: 1/2" = 1'-0"

Project:
Schmitt Music.
Bloomington, MN

Designer: DG
Job Number: 133560
Date: 02.08.22
Rev. 1: 02.17.22
Rev. 2: 04.07.22
Rev. 3: 04.11.22
Rev. 4: 05.18.22
Rev. 5: 05.24.22



9611 James Ave S,
Minneapolis, Minnesota 55431

952 641 9600

archetypesign.com

Contact:
Steve Hirtz
952 641 9629
stevh@archetypesign.com

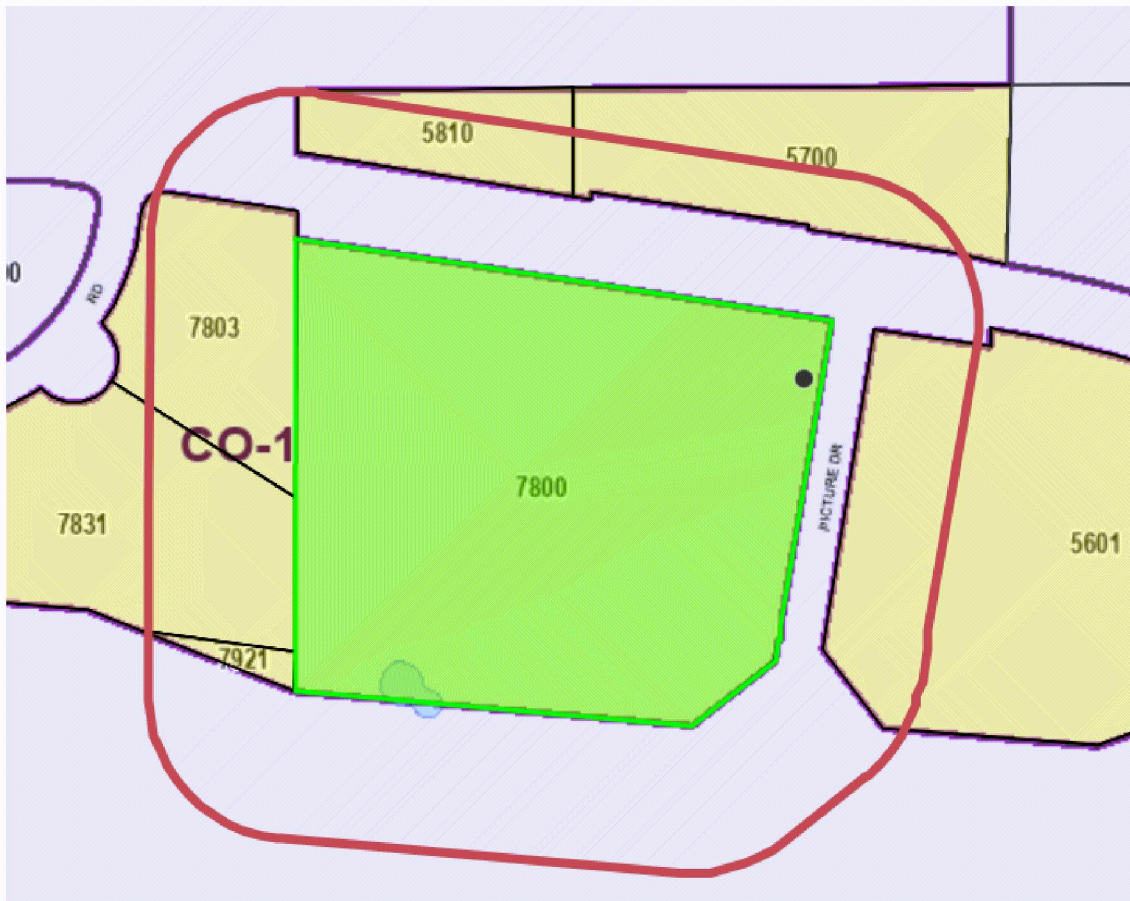
This print is meant as a representation of a sign shop in consideration of being manufactured by Archetype. Materials may influence final result. Samples available upon request. Graphic Design time is included in this total purchase price. Designs contained herein are not meant to be exhibited to others outside of included parties and employees. Designs received from Archetype may not be manufactured by others without reimbursement for time spent in the creation of these designs or any resemblance. Drawings may contain elements considered artist's intellectual property of Steve Carpenter, owner, Archetype.

Approved:

Type:




Description:
DF Cabinet Sign
EMC

City of Bloomington Notification Map



Case PL2022-149

Subject Property: 7800 PICTURE DR

-  Notification Boundary (200 feet)
-  Subject Property/Properties
-  Notified Properties



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

Rhonda Herberg 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 08/04/2022 and the last insertion being on 08/04/2022.

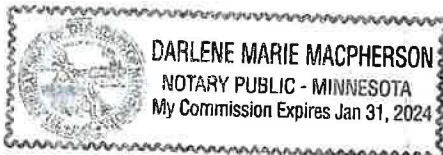
MORTGAGE FORECLOSURE NOTICES

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: Rhonda Herberg
Designated Agent

Subscribed and sworn to or affirmed before me on 08/04/2022 by Rhonda Herberg.

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 1247021

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION

The Bloomington Planning Commission will hold a public hearing on August 18, 2022, at 6:00 PM in the Council Chambers at Bloomington Civic Plaza, 1800 W. Old Shakopee Road, Bloomington, Minnesota, and by electronic means as provided by State law, to consider Case PL2022-149, an application by Schmitt HQ 125 LLC for Variances to City Code sign standards to reduce the setback from 20 feet along I-494 and Picture Drive to 14 feet and 10 feet, respectively; variance to increase the sign height limit from 20 feet to 24 feet to allow an existing monument sign to be converted to an electronic graphic display sign located at 7800 Picture Drive.

Review information and materials at www.blm.mn/notices. For more information or to submit comments, contact Mike Centinario, Planner, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027. (952) 563-8921 or mcentinario@BloomingtonMN.gov

Published in the
Sun Current
August 4, 2022
1247021



Request for Council Action

Originator Environmental Health	Item 4.2 Public Hearing: Public Pool and Lodging Code Amendments
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Ordinance No. 2022-____, an ordinance aligning public pool plan review and lodging establishment variance procedures with state requirements thereby amending Chapter 14 and Appendix A of the City Code.

Motion by _____, seconded by _____ to adopt Resolution No. 2022-____ authorizing summary publication of Ordinance No. 2022-____, an ordinance aligning public pool plan review and lodging establishment variance procedures with state requirements thereby amending Chapter 14 and Appendix A of the City Code.

Item created by: Lynn Moore, Environmental Health

Item presented by: Lynn Moore, Environmental Health Manager

Description:

The Minnesota Department of Health (MDH) recently reviewed the city code for conformance with the City's delegation of authority agreement to license and inspect food and lodging establishments, and public pools. Based on MDH's assessment, MDH staff recommended minor edits to city code to better align with state requirements for public pool plan review and lodging establishment variances.

Attachments:

[Amendments](#)
[Resolution of Summary Publication](#)
[Public Hearing Notice Proof](#)

ORDINANCE NO. 2022 -

AN ORDINANCE TO ALIGN PUBLIC POOL PLAN REVIEW AND LODGING ESTABLISHMENT VARIANCE PROCEDURES WITH STATE REQUIREMENTS, THEREBY AMENDING CHAPTER 14 AND APPENDIX A OF THE CITY CODE

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

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

* * *

ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

DIVISION A: GENERAL PROVISIONS

* * *

§ 14.443 FINDINGS AND PURPOSE.

* * *

(d) Minnesota Rules parts 4717.0150 through 4717.397~~[5]~~0, except 4717.0450, and M.S. Chapter 144.1222;

* * *

§ 14.453 VARIANCES.

(a) *Administrative variance request.*

(1) Relief from the strict compliance with the requirements of § 14.452 and those parts of Minnesota Rules Chapter~~[part]~~ 4626 for food establishments and Chapter 4625 for lodging establishments hereof may be granted in the form of a variance. Variance requests from the requirements of Minnesota Rules Chapter 4626 for food establishments will not be considered from the~~[ese]~~ requirements specifically listed in Minnesota Rules part 4626.1690, subpart A(1) through (4). Variance requests from the requirements of Minnesota Rules Chapter 4625 for lodging establishments will only be considered to the extent allowed by Minnesota Rules, part 4625.2355. The variance application must be from the party to whom the requirement applies and must be in writing and submitted to the Health Authority, including, at a minimum, the following information:

* * *

§ 14.455 PLAN REVIEW.

* * *

(c) *Plan review fees.* Fees for plan review by the Health Authority of new or remodeled food establishments~~[,]~~ and lodging establishments~~[and public pools]~~ shall be those set by the city in City Code Appendix A. If work has commenced prior to approval of construction or remodeling plans, additional fees may be assessed.

* * *

(f) *Additional criteria for public pools.*

(1) Plans for public pools must be submitted and approved as specified in Minnesota Rules part 4717.0450. All building, electrical, plumbing and HVAC plans must be submitted as required in Chapter 15.~~[Those public pool remodeling projects not requiring submission of plans to the State Department of Health must be submitted to the Health Authority for review and approval prior to commencing construction or equipment replacement.]~~

~~—(2) The plans and specifications for those public pools reviewed by the Health Authority must include:~~

~~—(A) A survey showing proper setbacks, easements, pool placement, equipment placement, fence location, deck location, impervious surface coverage of the lot, and location of overhead electrical wires;~~

~~—(B) The proposed equipment types, manufacturers, model numbers, dimensions, performance capabilities and installation specifications; and~~

~~—(C) Fencing plan including type, material, height, gate location and latching mechanism.]~~

Section 2. That Appendix A indicated in Section 14.03 of Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

APPENDIX A: FEE SCHEDULE

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

* * *

Chapter 14: Licenses and Permits			
CODE SECTION	CROSS- REF	DESCRIPTION	FEE
* * *			
	§ 14.443	Public Pools	
* * *			
		[(E) Plan review, 50% or more remodel, replacing equipment, fencing, decking or remodeling areas not specifically requiring plan review by the state	Equal to annual license
		(F) Plan Review, less than 50% remodel	Equal to 1/2 annual license
		(G) Expedited plan review	Equal to double the plan review fee]

Passed and adopted this 29th day of August 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

RESOLUTION NO. 2022 -

**A RESOLUTION DIRECTING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022 -___ AN ORDINANCE AMENDING CHAPTER 14 AND
APPENDIX A OF THE CITY CODE TO ALIGN PUBLIC POOL PLAN REVIEW
AND LODGING ESTABLISHMENT VARIANCE PROCEDURES WITH STATE
REQUIREMENTS**

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 August 19, 2022, enacted the attached ordinance amending Chapter 14 and Appendix A of the City Code, aligning public pool plan review and lodging establishment variance procedures with state requirements.

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 August 29, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-____) amending Chapter 14 and Appendix A of the City Code, aligning public pool plan review and lodging establishment variance procedures with state requirements. The specific title of the ordinance enacted was: **“AN ORDINANCE AMENDING CHAPTER 14 AND APPENDIX A OF THE CITY CODE TO ALIGN PUBLIC POOL PLAN REVIEW AND LODGING ESTABLISHMENT VARIANCE PROCEDURES WITH STATE REQUIREMENTS”**. 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 29th day of August, 2022.

Mayor

ATTEST:

Secretary to the Council



EAST CENTRAL MINNESOTA

Ad Proof

Not Actual Size

**CITY OF BLOOMINGTON
NOTICE OF
PUBLIC HEARING
BY THE CITY COUNCIL**

The Bloomington City Council will hold a public hearing on Monday, August 29, 2022, at 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 permitted by State law, to consider an Ordinance amending Chapter 14 and Appendix A of the City Code to align public pool plan review and lodging establishment variance procedures with state requirements.

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 Lynn Moore, Environmental Health Manager, (952) 563-8970 and lmoores@BloomingtonMN.gov.

Published in the
Sun Current
August 18, 2022
1249875

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at publicnotice@apgecm.com

Date: 08/10/22

Account #: 412472

Customer: CITY OF BLOOMINGTON

Address: 1800 W OLD SHAKOPEE RD
BLOOMINGTON CIVIC PLAZA
BLOOMINGTON

Telephone: (952) 563-8700
Fax:

Publications:

SC Bloomington Richfield

Ad ID: 1249875

Copy Line: August 29 PH Ordinance Amendin

PO Number:

Start: 08/18/22

Stop: 08/18/2022

Total Cost: \$53.55

of Lines: 37

Total Depth: 4.111

of Inserts: 1

Ad Class: 150

Phone # (763) 691-6000

Email: publicnotice@apgecm.com

Rep No: SE700

Contract-Gross



Request for Council Action

Originator Public Works	Item 4.3 Public Hearing: Shared Vehicle Ordinance Update
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date August 29, 2022

Requested Action:

Staff recommend approval of the ordinance amendment, resolution of summary publication and resolution approving the shared vehicle map through the following motions:

Motion by _____, seconded by _____ to adopt Ordinance No. 2022-_____, AN ORDINANCE UPDATING THE AREAS IN WHICH SHARED VEHICLES ARE PERMITTED TO OPERATE, THEREBY AMENDING CHAPTER 17 OF THE CITY CODE.

Motion by _____, seconded by _____ to approve Resolution No. 2022-_____ authorizing summary publication of Ordinance No. 2022-_____, AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE RELATING TO AREAS IN WHICH SHARED VEHICLES ARE PERMITTED TO OPERATE.

Motion by _____, seconded by _____ to approve Resolution No. 2022-_____, A RESOLUTION APPROVING THE SHARED VEHICLE OPERATION ZONES MAP.

Item created by: Brian Hansen, Public Works

Item presented by: Brian Hansen, Development Coordinator

Description:

Staff is proposing amendments to the shared vehicle ordinance to allow for their operation throughout the entire City as defined on an approved shared vehicle operation zones map. Currently, the City Code only allows for shared vehicles to operate within the South Loop, Penn-American and Normandale lake Development Districts.

At the May 23, 2022 City Council Meeting Staff provided Council with background on the current Code language, feedback from a shared vehicle provider (Bird) on the operational challenges associated with the current Code and Staff provided some potential changes to the Code seeking feedback from the Council. Council was split between expanding the operational areas or opening up the entire City to shared vehicles. Staff was instructed to engage with the community to gather their feedback and based on that feedback draft a proposed ordinance change.

Staff is proposing to amend the City Code to allow shared vehicles to operate throughout the entire City as described on an approved shared vehicle operation zones map.

Attachments:

[CH 17 - Ord Change.pdf](#)

[CH 17 - Resolution of Summary Publication.pdf](#)

[CH 17 - Shared Vehicles-RES-082922.pdf](#)

[Let's Talk Bloomington Shared Vehicles Report.pdf](#)

[Shared Vehicle Operation Zones Map.pdf](#)

[Item X.X - Shared Vehicle CC Presentation 082922.pptx](#)

[Affidavit of Publication.pdf](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE UPDATING THE AREAS IN WHICH SHARED VEHICLES ARE PERMITTED TO OPERATE, THEREBY AMENDING CHAPTER 17 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 [] with ~~striketrough~~ text and adding those words that are underlined, to read as follows:

CHAPTER 17: STREETS AND RIGHTS-OF-WAY

ARTICLE IV. RIGHT-OF-WAY MANAGEMENT AND LOCATING OF UNDERGROUND FACILITIES

§ 17.68 PERMIT REQUIRED

(h) *Shared Vehicles*. Shared vehicles that are not rented or loaned are prohibited from the right-of-way and subject to removal by the city unless located in a dock or designated area. Commercial providers must obtain an obstruction permit for docked or dockless shared vehicles subject to the requirements of this section and following conditions of approval.

- (1) Obstruction permits for shared vehicle docks or designated areas will only be issued for locations within the [~~South Loop, Penn American, and Normandale Lake Development Districts as defined by the Bloomington Comprehensive Plan.~~] shared vehicle operation zones map.
- (2) Prior to the issuance of an obstruction permit for shared vehicle docks or designated areas, applicants must execute a Memorandum of Understanding addressing removal of unattended shared vehicles and impacts related to shared vehicles.
- (3) Shared vehicle operation zones map: the location and boundaries of shared vehicle operation zones shall be described in a resolution adopted by the City Council. Such descriptions shall be reflected in an official shared vehicle operation zones map that is established and maintained as provided herein.
 - i. Shared vehicle operation zones. The location and boundaries of shared vehicle operation zones established by this chapter of the city code shall be set forth on the shared vehicles operation zones map of the city in accordance with the resolutions describing those zones. The shared vehicle operation zones map and all notations, references and other

information shown thereon is hereby made a part of this chapter by reference and shall have the same force and effect as if such map and all notations, references and other information shown thereon were fully set forth or described in this chapter. The format of the shared vehicle operation zones map shall be determined by the Director of Public Works or designee.

- ii. *Location of shared vehicle operation zones map.* The shared vehicle operation zones map shall be kept permanently on file in the office of the Department of Public Works of the city and shall be available for inspection by the public during normal business hours.
- iii. *Amendments to the shared vehicle operation zones map.* Amendments to the locations and boundaries of any zones as shown in the shared vehicle operation zones map shall be by resolution adopted by the City Council.
- iv. *Maintenance of shared vehicle operation zones map.* The Director of Public Works, or designee, shall be responsible for maintaining and updating the shared vehicle operation zones map. Any amendments to the shared vehicle operation zones map shall be recorded on the appropriate map(s) within 30 days of adoption by the City Council.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this _____ day of _____, 2022.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney

RESOLUTION NO. 2022 -

**A RESOLUTION DIRECTING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022 - ____ AN ORDINANCE AMENDING CHAPTER 17 OF
THE CITY CODE RELATING TO AREAS IN WHICH SHARED VEHICLES
ARE PERMITTED TO OPERATE**

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 August 29, 2022, enacted the attached ordinance amending Chapter 17 of the City Code, relating to areas in which shared vehicles are permitted to operate and authorizing establishment of a shared vehicle operation zones map by City Council Resolution.

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 August 29, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-____) amending Chapter 17 of the City Code, relating to areas in which shared vehicles are permitted to operate and authorizing establishment of a shared vehicle operation zones map by City Council Resolution. The specific title of the ordinance enacted was: **“AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE RELATING TO AREAS IN WHICH SHARED VEHICLES ARE PERMITTED TO OPERATE”**. 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 29th day of August, 2022.

Mayor

ATTEST:

Secretary to the Council

RESOLUTION NO. 2022-

A RESOLUTION APPROVING THE SHARED VEHICLE OPERATION ZONES MAP

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

WHEREAS, City Code Sec 17.68, adopted by the City Council on August 29, 2022, authorizes the City Council to establish a shared vehicle operation zones map (the “Ordinance”); and

WHEREAS, the Ordinance provides:

“(3) Shared vehicle operation zones map: the location and boundaries of shared vehicle operation zones shall be described in a resolution adopted by the City Council.

i. *Shared vehicle operation zones.* The location and boundaries of shared vehicle operation zones established by this chapter of the city code shall be set forth on the shared vehicles operation zones map of the city in accordance with the resolutions describing those zones. The shared vehicle operation zones map and all notations, references and other information shown thereon is hereby made a part of this chapter by reference and shall have the same force and effect as if such map and all notations, references and other information shown thereon were fully set forth or described in this chapter. The format of the shared vehicle operation zones map shall be determined by the Director of Public Works or designee.

ii. *Location of shared vehicle operation zones map.* The shared vehicle operation zones map shall be kept permanently on file in the office of the Department of Public Works of the city and shall be available for inspection by the public during normal business hours. . .”

WHEREAS, the shared vehicle operation zones shall be all areas within the municipal boundaries of the City of Bloomington apart from any areas identified as prohibited on the approved shared vehicle operation zones map; and

WHEREAS, the attached map is the shared vehicle operation zones map (Exhibit A); and

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

The City Council hereby approves the shared vehicle operation zones map as described and depicted in the attached Exhibit A, to go into effect concurrently with the effective date of the Ordinance.

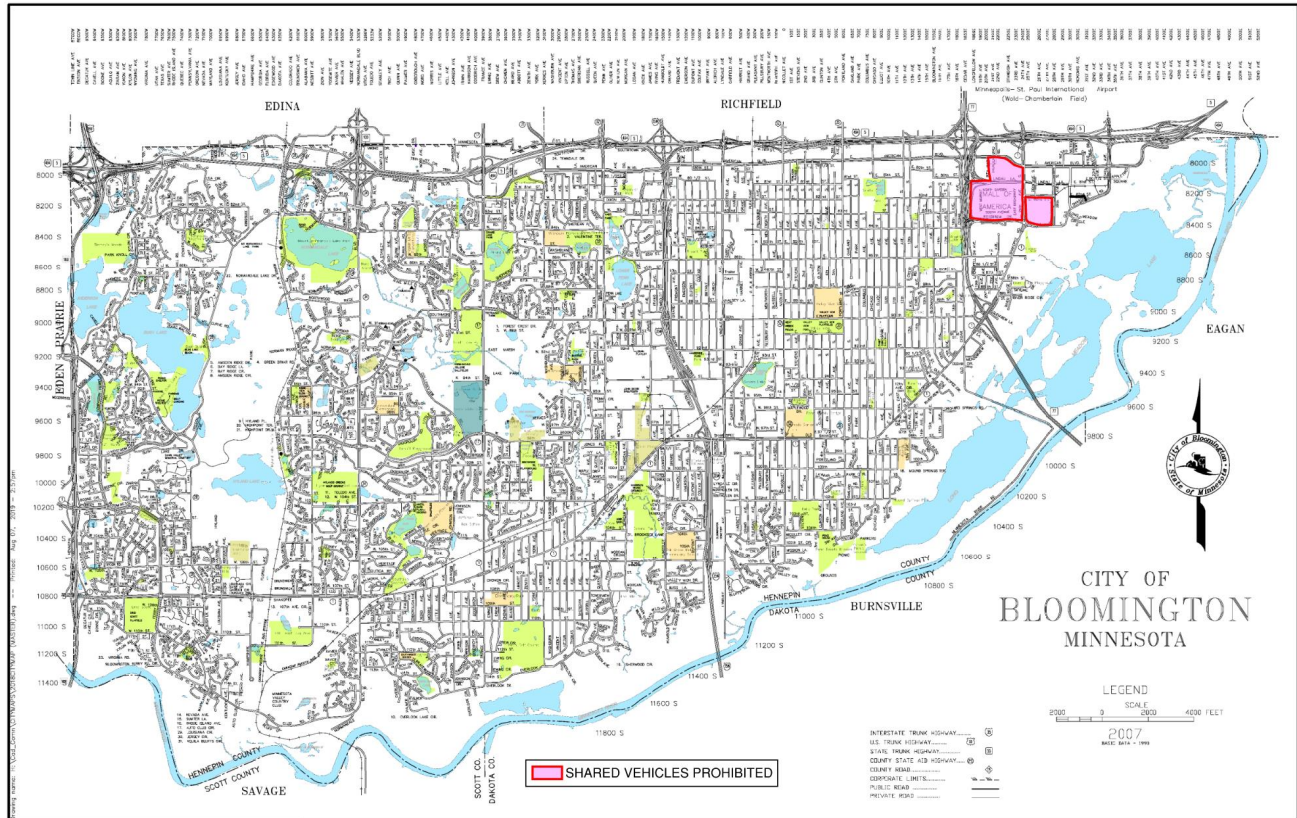
Passed and adopted this 29th day of August 2022.

Mayor

Attest:

Secretary to the Council

EXHIBIT A SHARED VEHICLE OPERATION ZONES MAP



Project Report

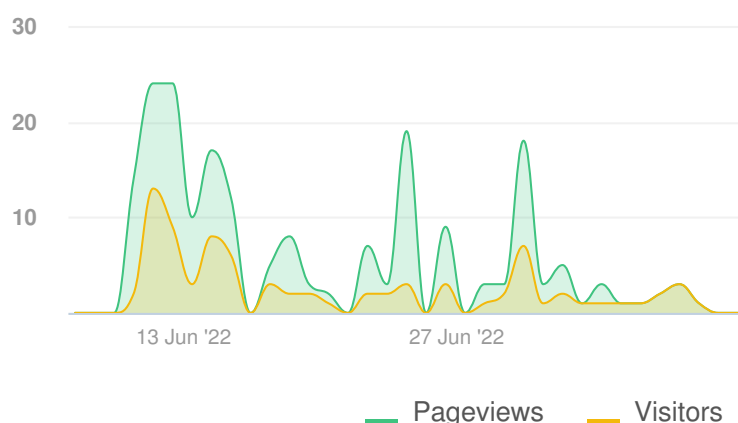
26 August 2020 - 10 July 2022

Let's Talk Bloomington

Shared Vehicles - Dockless Scooters & Bikes



Visitors Summary

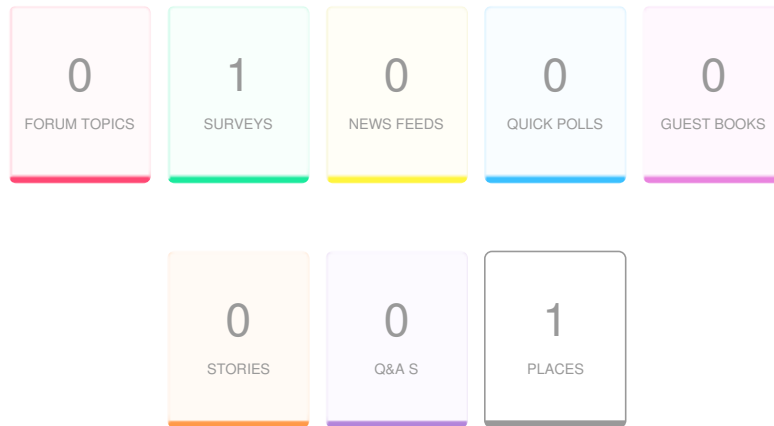


Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
88	13	
NEW REGISTRATIONS		
0		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
13	34	71

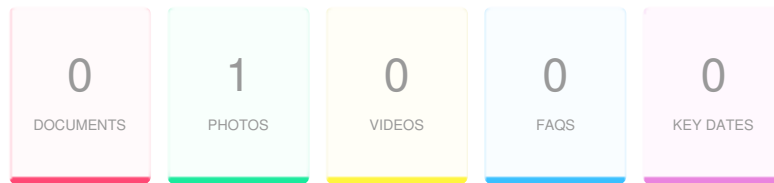
Aware Participants	71	Engaged Participants	13		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	71				
Informed Participants	34	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	4	0	8
		Contributed to Newsfeeds	0	0	0
Viewed a video	0	Participated in Quick Polls	0	0	0
Viewed a photo	1	Posted on Guestbooks	0	0	0
Downloaded a document	0	Contributed to Stories	0	0	0
Visited the Key Dates page	0	Asked Questions	0	0	0
Visited an FAQ list Page	0	Placed Pins on Places	0	1	0
Visited Instagram Page	0	Contributed to Ideas	0	0	0
Visited Multiple Project Pages	19				
Contributed to a tool (engaged)	13				

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Place	Drop a Pin on the Map	Archived	19	0	1	0
Survey Tool	Short Survey	Archived	17	4	0	8

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Photo	INFORM CONSULT IAP2.jpg	1	1

ENGAGEMENT TOOL: PLACE

Drop a Pin on the Map

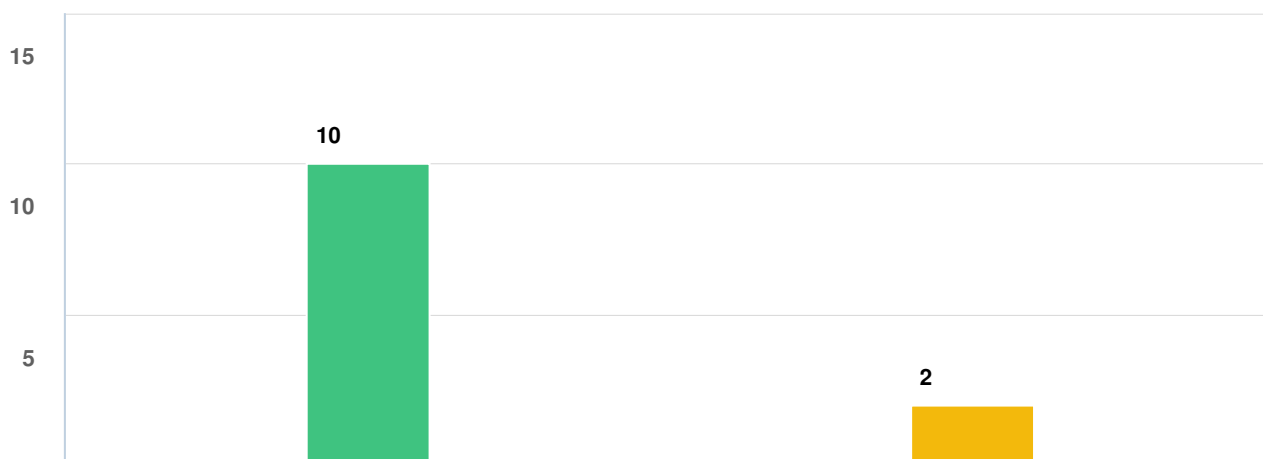
Visitors 19		Contributors 1	CONTRIBUTIONS 6
2022-06-16 16:25:12 -0700 [REDACTED]	I think this would be a great area for shared riding equipment. Address: 1900 103rd Ave NW, Bloomington, Minnesota 55431, United States http://letstalk.bloomingtonmn.gov/sharedvehicles/maps/drop-a-pin-on-the-map?reporting=true#marker-67545		
CATEGORY Places I would visit for recreation			
2022-06-16 16:27:52 -0700 [REDACTED]	Another great place for shared riding equipment! Address: 8737 East Bush Lake Road, Bloomington, Minnesota 55438, United States http://letstalk.bloomingtonmn.gov/sharedvehicles/maps/drop-a-pin-on-the-map?reporting=true#marker-67546		
CATEGORY Places I would visit for recreation			
2022-06-16 16:30:53 -0700 [REDACTED]	An also probably here too! Address: 301 East 90th Street, Bloomington, Minnesota 55420, United States http://letstalk.bloomingtonmn.gov/sharedvehicles/maps/drop-a-pin-on-the-map?reporting=true#marker-67547		
CATEGORY Places I would visit for recreation			
2022-06-16 16:33:50 -0700 [REDACTED]	Maybe here too. Address: Hyland Lake Park Reserve Visitor Center, 10145 Bush Lake Rd, Bloomington, Minnesota 55438, United States http://letstalk.bloomingtonmn.gov/sharedvehicles/maps/drop-a-pin-on-the-map?reporting=true#marker-67548		
CATEGORY Places I would visit for recreation			
2022-06-16 16:39:28 -0700 [REDACTED]	And of course why wouldn't I suggest here as well! All of these places have some sort of riding areas and or access to riding lanes to get around to the other areas! Address: 8448 Colfax Avenue South, Bloomington, Minnesota 55420, United States http://letstalk.bloomingtonmn.gov/sharedvehicles/maps/drop-a-pin-on-the-map?reporting=true#marker-67549		
CATEGORY Places I would visit for recreation			
2022-06-16 16:41:59 -0700 [REDACTED]	Of course I would also include the areas already approved as well! Address: 8100 33rd Avenue South, Bloomington, Minnesota 55425, United States http://letstalk.bloomingtonmn.gov/sharedvehicles/maps/drop-a-pin-on-the-map?reporting=true#marker-67550		
CATEGORY Places I would visit for recreation			

ENGAGEMENT TOOL: SURVEY TOOL

Short Survey

Visitors 17	Contributors 12	CONTRIBUTIONS 12
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Please describe your connection to Bloomington. Select all that apply.



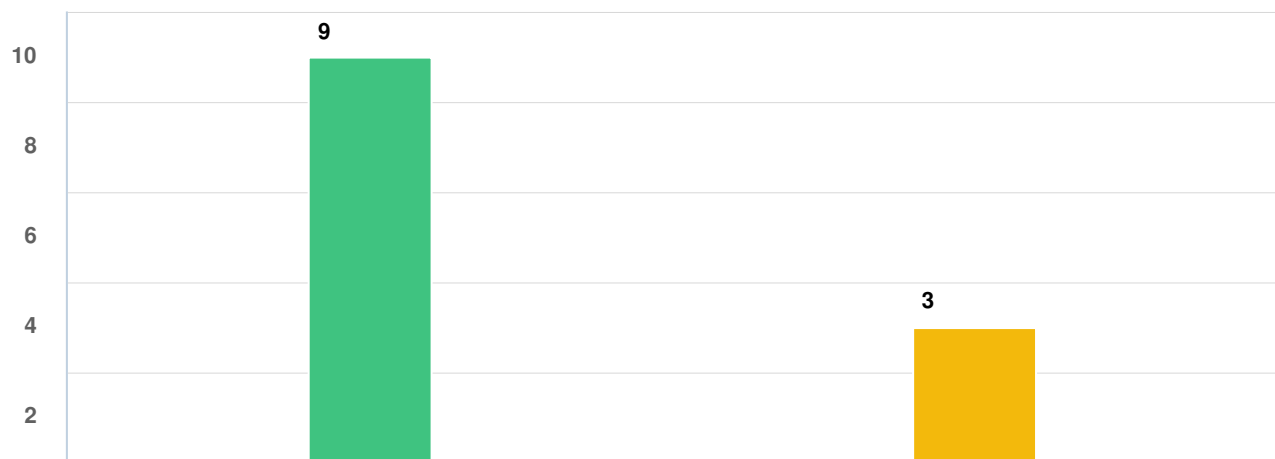
Question options

- Bloomington Resident - home owner
- Other (please specify)

Optional question (12 response(s), 0 skipped)

Question type: Checkbox Question

When thinking about dockless scooters, how would you like to see them placed throughout Bloomington?



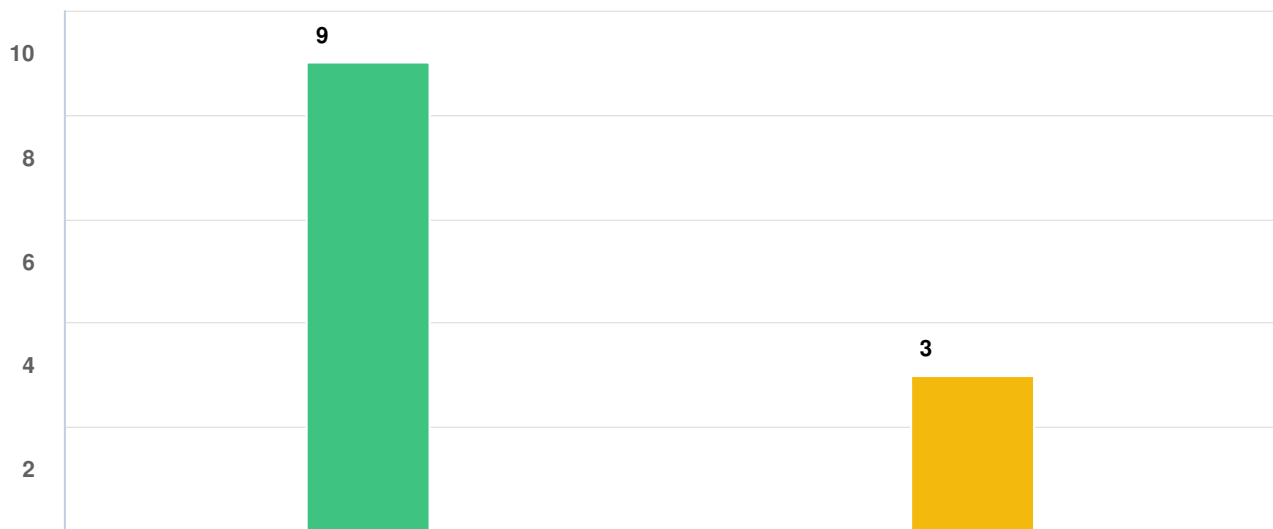
Question options

- ☒ Allowed to operate throughout the entire City. ☐ Allowed to operate only in a defined area within the City.

Optional question (12 response(s), 0 skipped)

Question type: Checkbox Question

When thinking about shared bikes, how would you like to see them placed throughout Bloomington?



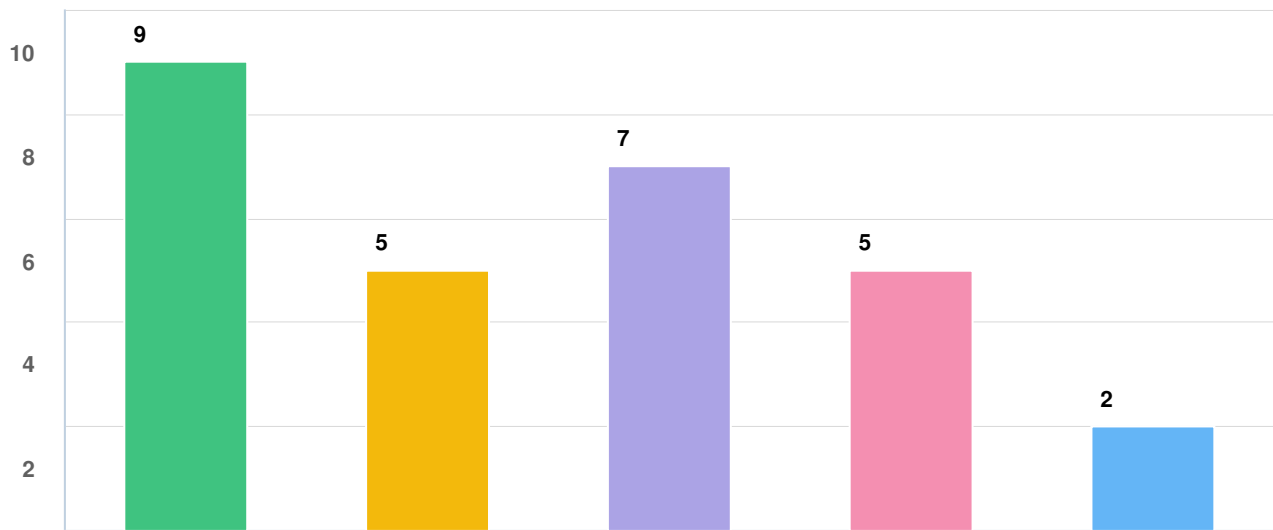
Question options

- ☒ Allowed to operate throughout the entire City.
- ☐ Allowed to operate only in a defined area within the City, such as along the American Blvd Corridor.

Optional question (12 response(s), 0 skipped)

Question type: Checkbox Question

How would you use shared scooters or bikes in Bloomington? (Check all that apply.)



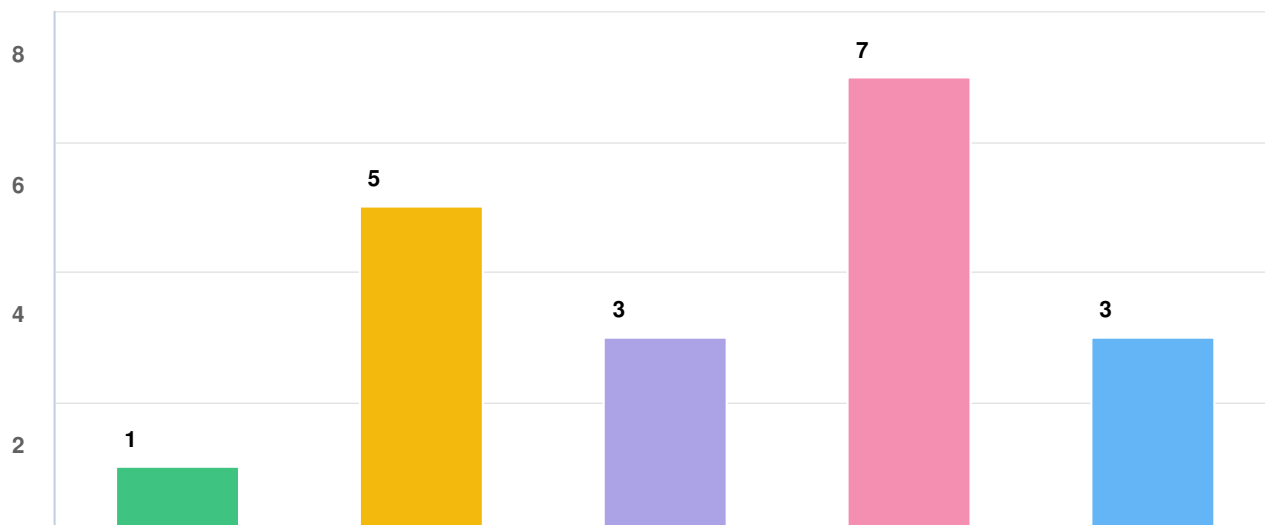
Question options

- ☒ Recreation ☒ Last mile trips (to and from transit stops) ☒ Trips within your neighborhood (such as restaurants, grocery store or pharmacy.) ☒ Commuting ☒ Other (please specify)

Optional question (12 response(s), 0 skipped)

Question type: Checkbox Question

**What challenges or obstacles might prevent you from utilizing shared vehicles?
(Check all that apply.)**

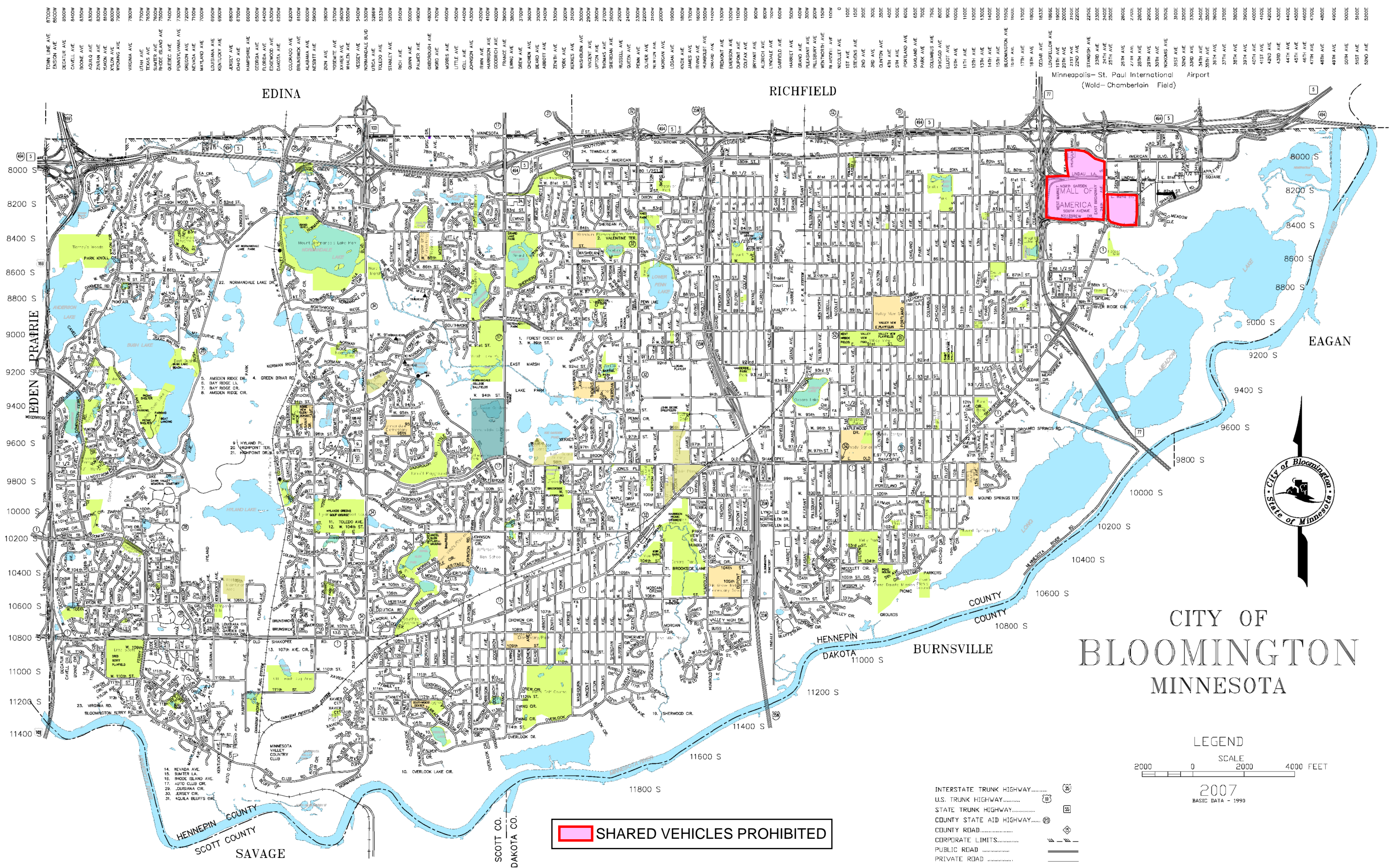


Question options

- ☐ Rental cost ☐ Distance to destination too far ☐ Lack of knowledge how to use or ride ☐ Safety concerns
☐ Other (please specify)

Optional question (12 response(s), 0 skipped)

Question type: Checkbox Question





SHARED VEHICLE ORDINANCE UPDATE

BLOOMINGTON CITY COUNCIL MEETING AUGUST 29, 2022

BACKGROUND

- July 2020 - Sec 17.68 of the City Code was amended allowing shared vehicles to operate within the South Loop, Penn-American and Normandale Lake Development District.
- Fall 2021-Spring 2022 – Bird Inc approached the City about deploying dockless scooters, a Memorandum of Understanding was executed allowing for scooters to be deployed.
- April 2022 – Bird contacted the City inquiring about expanded operational zones.

BACKGROUND (CONTINUED)

- May 2022 – Staff brought a Study Item to Council seeking input on proposed changes to the current Code.
- June 2022 – Staff sought input from the public on potential changes to the City Code regarding shared vehicles.
- August 2022 (tonight) – Staff has drafted a proposed City Code amendment for the Council's consideration.

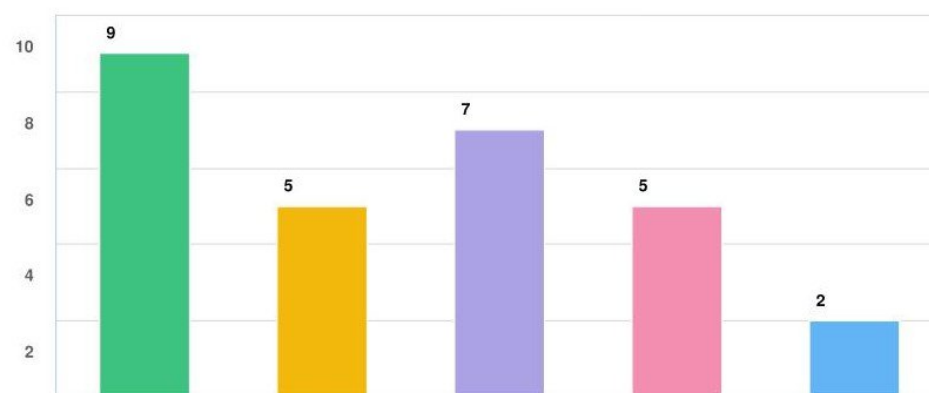
When thinking about dockless scooters, how would you like to see them placed throughout Bloomington?



Question options

- Allowed to operate throughout the entire City.
- Allowed to operate only in a defined area within the City.

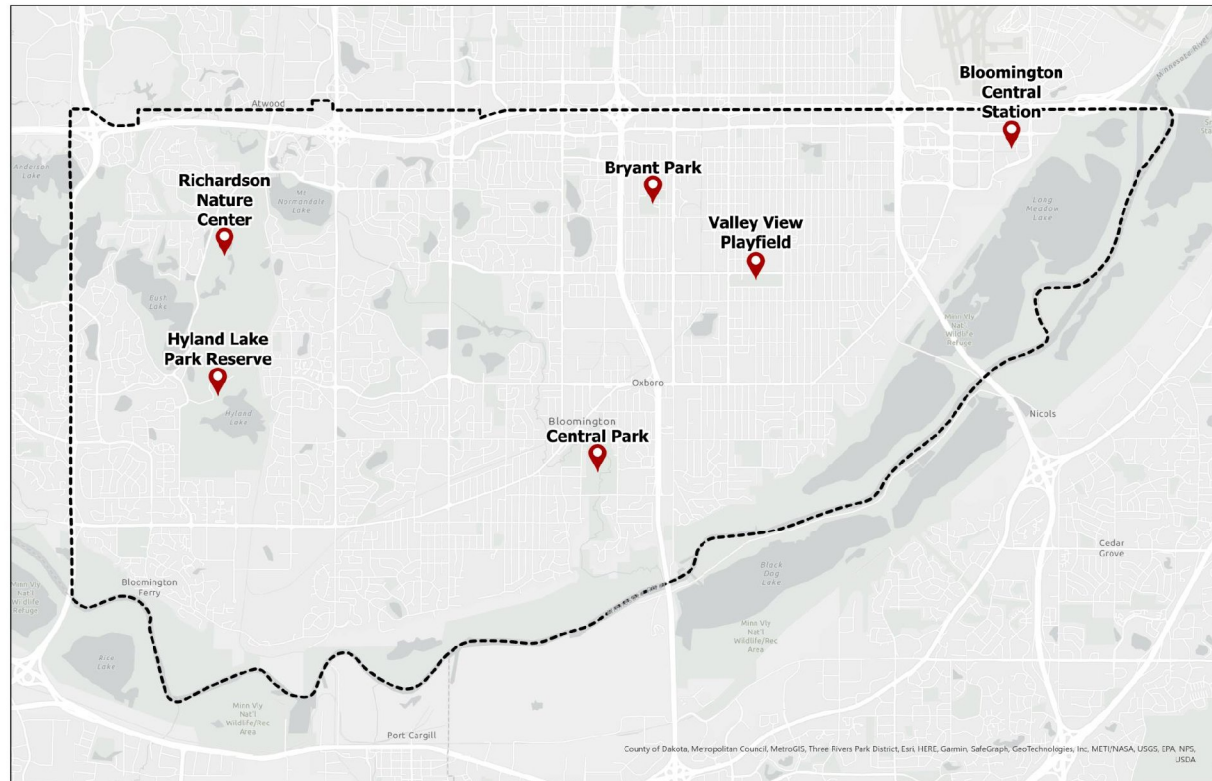
How would you use shared scooters or bikes in Bloomington? (Check all that apply.)



Question options

- Recreation
- Last mile trips (to and from transit stops)
- Trips within your neighborhood (such as restaurants, grocery store or pharmacy.)
- Commuting
- Other (please specify)

LET'S TALK BLOOMINGTON – PLACES I WOULD VISIT



PROPOSED CITY CODE UPDATES TO SHARED VEHICLES

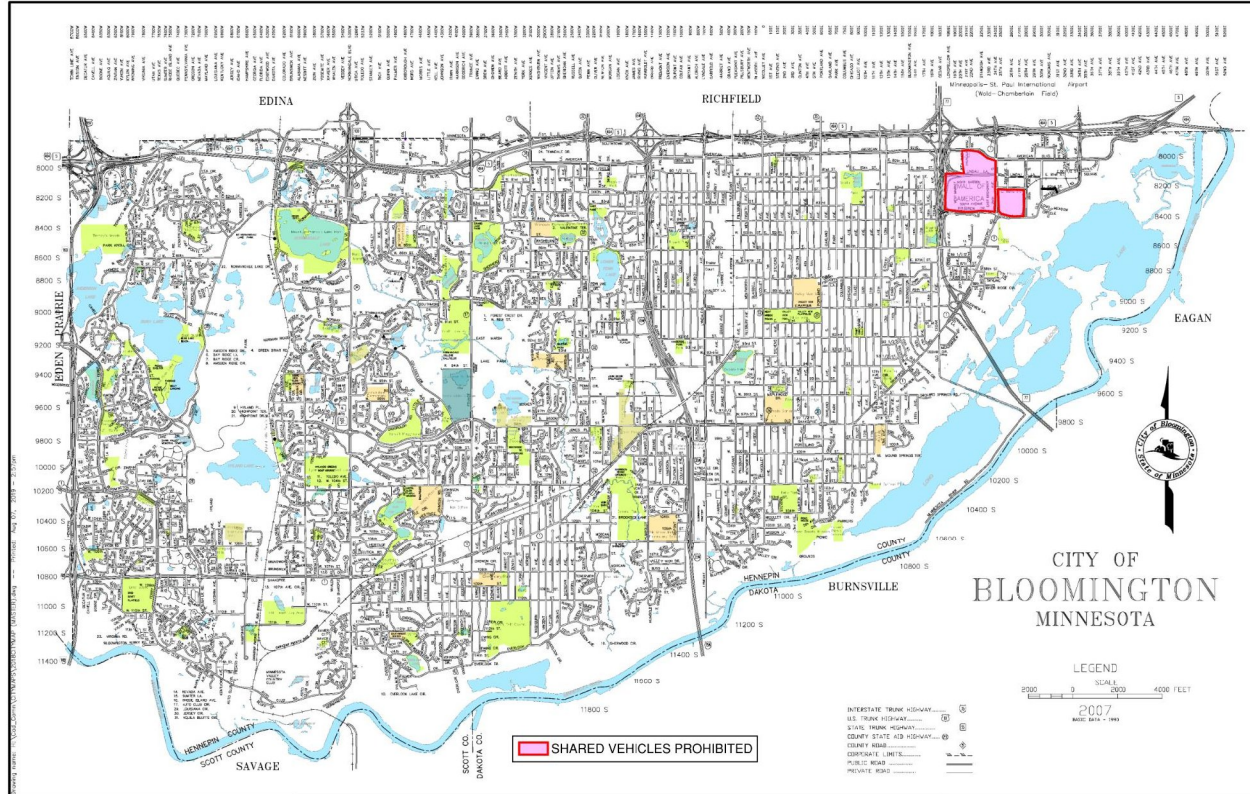
17.68 PERMIT REQUIRED.

(h) Shared vehicles. Shared vehicles that are not rented or loaned are prohibited from the right-of-way and subject to removal by the city unless located in a dock or designated area. Commercial providers must obtain an obstruction permit for docked or dockless shared vehicles subject to the requirements of this section and following conditions of approval.

(1) Obstruction permits for shared vehicle docks or designated areas will only be issued for locations within the ~~[South Loop, Penn American, and Normandale Lake Development Districts as defined by the Bloomington Comprehensive Plan.]~~ shared vehicle operation zones map.

(3) Shared vehicle operation zones map: the location and boundaries of shared vehicle operation zones shall be described in a resolution adopted by the City Council. Such descriptions shall be reflected in an official shared vehicle operation zones map that is established and maintained as provided herein.

SHARED VEHICLES OPERATION ZONES MAP



SUGGESTED MOTIONS

- I move to adopt an ordinance updating the areas in which shared vehicles are permitted to operate, thereby amending Chapter 17 of the City Code.
- I move to approve a resolution authorizing summary publication of an ordinance amending Chapter 17 of the City Code relating to areas in which shared vehicles are permitted to operate.
- I move to approve a resolution approving the shared vehicle operation zones map.

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA) ss
COUNTY OF HENNEPIN

Debra Schwalba 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 08/18/2022 and the last insertion being on 08/18/2022.

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: Debra Schwalba
Designated Agent

Subscribed and sworn to or affirmed before me on 08/18/2022 by Debra Schwalba.

Diane H. Erickson
Notary Public



Rate Information:

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

\$34.45 per column inch

Ad ID 1248801

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL

The Bloomington City Council will hold a public hearing on Monday, August 29, 2022 at 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 amending Chapter 17 of the City Code related to areas in which shared vehicles are permitted to operate.

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 Brian Hansen, Development Coordinator, (952) 563-4543 and bhansen@bloomingtonmn.gov.

Published in the
Sun Current
August 18, 2022
1248801



Request for Council Action

Originator Housing and Redevelopment Authority	Item 4.4 Public Hearing: 2021 Consolidated Annual Performance and Evaluation Report (CAPER)
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date August 29, 2022

Requested Action:

Hold a public hearing to solicit comments on the Fiscal Year 2021 Consolidated Annual Performance and Evaluation Report (CAPER). No formal action is required by the City Council.

Item created by: Aarica Coleman, Housing and Redevelopment Authority

Item presented by: Aarica Coleman, HRA Administrator

Description:

The 2021 Consolidated Annual Performance and Evaluation Report (CAPER) evaluates the City of Bloomington's accomplishments towards meeting the five-year goals defined in the Consolidated Plan, as required by the Department of Housing and Urban Development (HUD), for communities receiving Community Development Block Grant (CDBG) funding. The 2021 fiscal year began July 1, 2021 and ended June 30, 2022 and is the second grant period of the 2020-2024 Consolidated Plan.

The five-year goals of the Consolidated Plan are the quantitative unit and service goals for the Hennepin County Consortium, which includes Hennepin County, and the cities of Bloomington, Eden Prairie and Plymouth.

Support of housing programs and public services are high priorities for the City. Through CDBG funds, Bloomington supported activities for seniors and low-to-moderate income residents which included:

- Affordable homeownership
- Single-family rehabilitation
- Senior and Public Services

HUD requires at least two public hearings be held each fiscal year to provide opportunities for residents and interested representatives of local organizations to be involved in reviewing program activities, the local needs of low and moderate income persons and proposed uses for CDBG funds. In conjunction with Hennepin County, Bloomington will hold two public hearings in the current fiscal year with the first being advertised for and held this evening. Any comments received during the meeting, or in writing during the comment period, will be submitted to HUD as part of the CAPER package. The second public hearing will be advertised and held by the City Council in or around March 2023 to obtain public comment on proposed activities for the CDBG funding for the 2023 fiscal year.

Attachments:

[2021 CAPER Draft 1.pdf](#)

City of Bloomington

FY 2021 DRAFT

Consolidated Annual Performance and Evaluation Report



CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

This document is the Consolidated Annual Performance Report (CAPER) for the City of Bloomington's 2021 Community Development Block Grant (CDBG) program year, as it relates to its Action Plan, Consolidated Plan, and other HUD requirements. The City of Bloomington did not receive HOME, HOPWA or ESG funding in 2021. The 2021 Program Year (PY) began July 1, 2021 and ended on June 30, 2022.

The city did receive \$515,447 in CARES Act funding, known as CDBG-CV3. These funds were expended on emergency housing assistance and more detail is included below and throughout this report.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Create and Preserve Affordable Rental Housing	Non-Housing Community Development	CDBG: \$	Rental units constructed	Household Housing Unit	100	0	0.00%			

Create and Preserve Affordable Rental Housing	Non-Housing Community Development	CDBG: \$	Rental units rehabilitated	Household Housing Unit	100	0	0.00%			
Fair Housing Activities	Fair Housing Activities	CDBG: \$ / Section 108: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0				
Preserve and Create Single Family Home Ownership	Affordable Housing Non-Homeless Special Needs	CDBG: \$ / Section 108: \$0	Homeowner Housing Added	Household Housing Unit	6	6	100.00%	2	2	100.00%
Preserve and Create Single Family Home Ownership	Affordable Housing Non-Homeless Special Needs	CDBG: \$ / Section 108: \$0	Homeowner Housing Rehabilitated	Household Housing Unit	150	62	41.33%	30	11	36.67%
Senior and Public Services	Non-Housing Community Development	CDBG: \$ / Section 108: \$0	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	500	141	28.20%	100	33	33.00%
Senior and Public Services	Non-Housing Community Development	CDBG: \$ / Section 108: \$0	Other	Other	0	0		0	0	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Single-Family Rehabilitation Program

In PY2021, 11 single-family rehabilitation loans were issued to low/moderate income homeowners using CDBG funds. This activity expended \$293,383.80. This program is offered on a citywide basis. While this activity was suspended for several months due to program updates and the pandemic, we were able to restart and serve 11 homeowners.

Outside Maintenance for Elderly (H.O.M.E.) Program

The HOME program is operated by Senior Community Services and \$20,000 in CDBG was expended in 2021. The program provides household and outside maintenance services to elderly homeowners 62 years-old and older in Bloomington. This program allows seniors to remain in their homes. HOME services were provided to 34 Bloomington residents. This activity is offered citywide. The services are structured to serve seniors in Bloomington.

Fair Housing

This activity is to further fair housing as part of the Fair Housing Implementation Council (FHIC) initiatives. In 2021 the \$5,000 in CDBG funds were used for activities identified in the metro-wide Analysis of Impediments to Fair Housing Choice.

Lead Paint Abatement

This activity provides lead paint assessments and clearance tests on all homes being given a loan through the CDBG Single Family Rehabilitation Loan Program. This fund also can pay for lead paint assessments and clearance tests for multifamily property owners who rent to recipients of the Section 8 Voucher program. This program is offered citywide and served 11 low/mod income households, expending \$4,590 in CDBG funds in 2021.

West Hennepin Affordable Housing Land Trust (WHAHLT)

In 2021, the city assisted WHAHLT with the purchase and rehab of two single-family homes to be re-sold to a low/moderate income first-time homebuyer. The City expended \$150,000 in CDBG funds for the projects.

Administration

This activity covers the general oversight and monitoring of the programs and relays information to the public regarding planning, implementation, or assessment of the CDBG activities. The total expense for this activity for 2021 was \$96,754.

Emergency Rental Assistance

The City of Bloomington received \$515,447 in CARES Act funding in the first round for CDBG. Known as CDBG-CV3, these funds were committed by the City to providing emergency rental and housing assistance through an Amendment of the PY2019 Action Plan. The City contracted with Volunteers Assisted to Assist People (VEAP), Minnesota Homeownership Center, St. Stephen's and Community Mediation and Resolution Services to provide emergency grants to renters, homeowners who were economically impacted by the pandemic and had balances owing to their landlords or mortgage company. The activity assisted Bloomington households with the funding.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	46
Black or African American	2
Asian	1
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	49
Hispanic	2
Not Hispanic	47

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The above table details the race and ethnicity data for the PY2021 CDBG activities and does not include CDBG-CV data. The City did receive a CDBG-CV3 grant, and those funds will be expended in PY2022, since other state assistance was primarily used first.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,098,055	380,049
Section 108	public - federal	0	

Table 3 - Resources Made Available

Narrative

The CDBG resources listed in the first line in the chart above includes the PY2021 grant funding, carryover from PY2020 and program income. In addition, on the last line titled "Other" we have listed the CDBG-CV3 grant of \$515,447 that the city received.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

The City of Bloomington is the target area and offers all its CDBG funded activities city-wide to qualified people and household. This is both 100% of the planned and 100% of the actual percentage of the allocation. This includes all CDBG-CV funds.

Please note that the City of Bloomington does have publicly (City) owned land. The land is used for a variety of uses including parks, public buildings and right of way for streets. The city is continuing its undertaking a city-wide inventory of all land held by the city, to determine if any excess and could be sold/used for affordable housing.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The CDBG program does not require a leveraging match to its grant expenditures. However, the city and its HRA annually invest in the community to address the needs of the community and those identified in the five-year and annual CDBG plans.

In 2021/2022, the City of Bloomington provided over \$500,000 in its own levy funds to the HRA to complete additional single-family rehab loans, in addition to those funded by CDBG.

The City also expends its own funds on public services that are not or cannot be funded through CDBG funds. The City typically expends more than \$100,000 per year of its own funds to non-profits and other organizations serving low income, disabled and other special-needs populations. Below is a list of some of the agencies that receive this support:

Bridging, Inc.: Provides furniture and household goods to low-income families and new Americans

Cornerstone: Provider of support and services to victims of domestic violence

Home Line: Tenant rights and fair housing information service

Meals on Wheels: Meal delivery to elderly and disabled persons

Oasis for Youth: Supportive services to Bloomington youth who are homeless

Senior Community Services: Counseling, case management and outreach services to seniors, including frail elderly

Volunteers Enlisted to Assist People (VEAP): Assisting individuals and families, including homeless, with food, household and living items that they would not otherwise afford.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	0	0

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	1
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	30	11
Number of households supported through Acquisition of Existing Units	2	2
Total	32	14

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City of Bloomington helped to preserve 11 single-family homes owned by low/moderate income households in the city through funding the single-family rehabilitation loan program with CDBG funds. The City and HRA funded Neighborhood loan program will also assist a similar number of households during the 2022 program year. The City also assisted the West Hennepin Affordable Housing Land Trust (WHAHLT) with \$150,000 in CDBG funds for the purchase and rehab of two single-

family home to be re-sold to first-time homebuyer.

In addition, the City's HRA operates the Housing Choice Voucher (Section 8) Rent Assistance Program within the City. This 551-voucher program is the primary way the city provides affordable housing.

Secondly, the City and HRA are actively working with interested developers to identify sites for the future development of affordable housing. Bloomington is a completely developed city and any development of affordable housing faces high land costs and possible demolition of existing structures. Land assembly for development is further complicated by limited eminent domain powers in Minnesota.

In 2017 the HRA has released a Request for Proposals (RFP) for four HRA-owned parcels located in the France Ave/Old Shakopee Rd redevelopment area. Through the RFP process, the HRA selected a developer to build 42 units of affordable housing on the property. The developer utilized affordable housing tax credits to build the project. The HRA assisted the project with a write down of the purchase price of the property, which it originally purchased with HRA levy funds. Construction has completed and the property was fully leased in the spring of 2020.

In the fall of 2019, the City adopted an inclusionary housing ordinance and established an affordable housing trust fund, initially funded with \$15 million for the development of new and the preservation of existing Naturally Occurring Affordable Housing (NOAH). The first NOAH property to access these tools was the purchase a 306-unit building with non-profit housing developer Aeon. Aeon has also received additional assistance from the City and other sources to add 172 units of low-income tax credit affordable housing units on excess land on the property and was fully leased in fall 2021.

The city does not utilize CDBG to provide ongoing affordable housing assistance, but by utilizing resources like Section 8 and the initiatives noted above, the city is making significant progress of meeting the goal to provide additional affordable housing opportunities in the city. The City did use its CDBG-CV1 and CV3 funds for emergency rental assistance.

Discuss how these outcomes will impact future annual action plans.

The development and provision of new affordable housing units is a high priority for the City and its HRA. Staff is presently working with interested developers in identifying sites for possible future projects, including using the City's affordable housing trust fund, as well as the low-income housing tax credit program development as noted above.

The City will continue to review its options and strategies for the provision of affordable housing. The city through its strategic planning process identified the creation of more affordable housing units a key goal. This has resulted in an inclusionary housing policy that was adopted in 2019. Secondly, the City & HRA staff are actively working with housing advocates, developers, and others on strategies for the preservation of Naturally Occurring Affordable Housing (NOAH) within the city. The City adopted in

2019 a 90-Day Tenant Protection ordinance that protects existing tenants of NOAH properties after a sale. Also, the City has adopted a Fair Housing policy that affirms the City's commitment to Fair Housing and formalizes a referral process for fair housing complaints.

The impacts of the COVID-19 pandemic are still being assessed and the city will determine how to re-align funding and priorities to best serve the community.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	10	0
Moderate-income	4	0
Total	14	0

Table 7 – Number of Households Served

Narrative Information

The City of Bloomington utilizes its' CDBG funding to assist only those households at or below 80% of AMI (moderate-income) and below or seniors. As noted in the chart above, 71% were households between 31% and 50% of AMI (low-income) and 29% were households at 51% to 80% of median income (moderate-income). The city continues to reach towards its goal to target funding to the lowest income households.

In PY2021 the City received CARES Act funding to respond to the COVID-19 pandemic. The most immediate need to respond to the economic hardships caused by the pandemic was to provide emergency rental assistance to renters in the city. Our CDBG-CV3 grant is used to for this purpose.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Bloomington works closely with Hennepin County to reaching out and assessing the needs of homeless persons. The City's Public Health, HRA and Community Outreach and Engagement divisions can refer homeless persons to Hennepin County or other service providers such as non-profits. In addition, Hennepin County provides a regional Human Services center in Bloomington that includes food and cash assistance and assessment of needs and services for homeless persons.

Hennepin County has implemented Coordinated Entry for families, which assesses families in shelter after one week in shelter. The community has launched a Coordinated Entry system for singles, assessing people in shelter with the VI-SPDAT assessment forms. Additionally, the County launched a more coordinated shelter entry system for single adults and implemented the VI-SPDAT assessment for all single adults after a month in shelter. People who score into the Permanent Supportive Housing (PSH) range are triaged through a Housing Referral Coordinator to available PSH units within Hennepin County. Those who score in the Rapid Rehousing range are assigned a rapid rehousing service provider. St. Stephen's Street Outreach conducts VI-SPDAT assessments on people who are unsheltered, and their referrals also go through the Housing Referral Coordinator. The City of Bloomington also works directly with St. Stephen's Street Outreach, using CV3, for outside unsheltered homeless persons in Bloomington to provide services and referrals as this has increased with impacts of the COVID pandemic.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Bloomington has two non-profits located within the city that actively address the needs of two homeless populations: youth and victims of domestic violence. Specifically, Oasis for Youth (oasisforyouth.org) opens doors to housing, employment, education, and wellness for youth facing homelessness in the suburbs, including Bloomington. Oasis provides tools for stability and opportunities to thrive through individualized case management, onsite supportive services, and connections to housing and community resources. Cornerstone provides services to domestic violence victims and their families (cornerstonemn.org). Through its Bloomington service center, Cornerstone provides services and emergency shelter to individuals and families who have become homeless due to violence in the home.

In addition, all homeless persons and families may access the services provided by Hennepin County. Hennepin County has a board policy to shelter all families and all disabled adults. Our shelter system is robust and expands to meet demand, essentially sheltering all people who request emergency shelter.

The family shelter system is coordinated by Hennepin County staff. The single adult shelter system is coordinated by a consortium of five single adult shelter providers. Youth can either enter a youth-specific shelter system or can access single adult or family shelter. Additionally, Hennepin County has taken part in the Foster Youth to Independence (FYI) program and Bloomington, through its HRA, is a participating entity. Transitional housing is accessed through the Housing Referral Coordinator. Most of the transitional housing in Hennepin County has changed their programming to either be Permanent Supportive Housing or Rapid Rehousing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City of Bloomington works closely with Hennepin County to reaching out and assessing the needs persons at risk of homelessness. The City's Public Health, HRA and Community Outreach and Engagement divisions can refer homeless persons to Hennepin County or other service providers such as non-profits. In addition, Hennepin County provides a regional Human Services center in Bloomington that includes food and cash assistance and assessment of needs and services for homeless persons. The city, through its HRA provides rental assistance for 551 every month through its Housing Choice Voucher (Section 8) program. This program provides an essential resource to families and individuals to obtain affordable housing. The city also works closely with Hennepin County for providing services to those likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions), and receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs. In cases where City staff is unable to connect the person at risk of homelessness to the service's needs, they will be provided referrals to Hennepin County for assistance.

To the extent possible, people who are not literally homeless are first directed to "non-homeless" resources to assist in housing stability. Hennepin County offers "emergency assistance" for rent or utility bill arrears to keep people in their current housing. Treatment programs are encouraged to find housing for their clients upon discharge, rather than discharging them into homelessness. This is an area for improvement, however. Because of the extremely low vacancy rate, many people are still discharged from systems into homelessness. As our community's Coordinated Entry system expands, the county will reach out to those systems of care to assess people before discharge into appropriate homeless-specific and mainstream funding sources for housing support. The county uses state dollars from Family Homeless Prevention and Assistance Program (FHPAP) as a second tier of prevention funds for families and singles that have already used emergency assistance within the past year.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Bloomington's HRA provides permanent affordable housing through its Housing Choice Voucher (Section 8) program that assists up to 551 individuals and families every month. The HRA also operates 21 single-family rental homes that provide families a pathway to homeownership.

Hennepin County: For all our populations, our focus is on making homelessness rare, brief, and non-recurring. Families experiencing homelessness are guaranteed entry into Hennepin County's contracted shelter system. They are assessed via the VI-F-SPDAT within a week of shelter entry. The VI-F-SPDAT assesses their vulnerability and need for supports to end their homelessness. Families are then offered Permanent Supportive Housing or Rapid Rehousing services, as their vulnerability warrants. The focus in family shelter is on making the experience as brief as possible, but with sufficient supports in place upon housing to make a recurrence of homelessness rare. Our RRH program has flexible rental and social service supports, so that supports can continue up to two years, as needed by the family. For single adults, our plan is to implement the "Single Point of Entry". In this system, all single adults will be briefly assessed upon entry into shelter. Those who do not self-resolve within a few weeks will be given the VI-SPDAT and a housing plan will be developed, with Permanent Supportive Housing or Rapid Rehousing services offered, depending on vulnerability. Currently, most youth are served through our family or single adult system. Some youths are served in youth-specific shelter and housing. Youth are given a choice as to which system to enter. We are currently more intentionally wrapping youth into the adult system, so that youth who enter the homeless system and get assessed can choose to either enter youth-focused housing or more general adult housing options, again based on their vulnerability, as determined by the VI-TAE-SPDAT.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Bloomington does not operate a Public Housing program.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City of Bloomington does not operate a Public Housing program.

Actions taken to provide assistance to troubled PHAs

The City of Bloomington has one PHA (or HRA) located within its jurisdiction. The Bloomington HRA does not operate a public housing program and is rated by HUD as a High Performer for the administration of its Housing Choice Voucher program.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Bloomington is flexible to assist the development of new housing including affordable units. A current example is the development of 394 units of rental housing at Indigo in the South Loop District of the city, which was completed in 2017. The developer asked for financial assistance and policy changes to enable the development to proceed. In return, the city required the addition of affordable units to the project and the developer agreed to placing eight project-based vouchers in the project. (This number was capped due to the high costs of the Davis Bacon requirements that begin at nine or more units.)

To assist the development of this project, the city did the following:

Allowed alternative construction methods, created a TIF district, allowed higher density, floor area ratio increased, increased building height, assisted with land assembly, land cost write-down, parking variances granted and reduced street width requirements.

This example demonstrates Bloomington's willingness to remove or ameliorate policies that may restrict the creation of new affordable and/or market rate housing.

The HRA is also working with a developer to construct 42 units of affordable housing on property owned by the HRA. These units will utilize federal tax credits to assist households at or below 60% of area median income. The HRA assisted the project by writing down the purchase price of the land to the developer. This property fully leased up in 2020.

The City approved an inclusionary housing policy that now requires a percentage of affordable units be included in all multi-family development of 20 units or more. This Opportunity Housing Ordinance (OHO), adopted in the fall of 2019, also established an affordable housing trust fund, initially funded with \$15 million for the development of new and the preservation of existing Naturally Occurring Affordable Housing (NOAH). The first NOAH property to access these tools was the purchase a 306-unit building with non-profit housing developer Aeon. Aeon has also received additional assistance from the City and other sources to add 172 units of low-income tax credit affordable housing units on excess land on the property with construction beginning in 2020 and fully leased in 2021.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The primary obstacle that results in underserved needs is the limited funding the City of Bloomington receives from the CDBG program. The city received a slight increase in its 2018 CDBG grant, this still reflects a nearly \$100,000 grant reduction since FY2003. Even with these cuts, the city has developed a balanced offering of activities to best utilize this limited resource, including low/mod income single-family rehab, fair housing, home ownership/land trust, senior home maintenance and affordable housing homeownership.

The city and its HRA continue to work to identify the underserved needs in the community. The City and HRA have both provided additional funding to preserve the housing stock of the city through the various single-family rehabilitation programs that the HRA operates. In addition, the City funds many public services in the community, as was described in an earlier section of this report. The City's Public Health and Community Outreach and Engagement divisions work closely with various elderly, disabled and others in need to provide direct services or referrals and connections to other service providers.

The primary obstacle that results in underserved needs is the limited funding the City of Bloomington receives from the CDBG program. The city received a slight increase in its 2020 CDBG grant, this still reflects a nearly \$100,000 grant reduction since FY2003. Even with these cuts, the city has developed a balanced offering of activities to best utilize this limited resource, including low/mod income single-family rehab, fair housing, home ownership/land trust, senior home maintenance and affordable housing development through land acquisition/site preparation. (The last activity is added when funding allows.)

In 2019, the City approved an inclusionary housing policy that now requires a percentage of affordable units be included in all multi-family development of 20 units or more. This Opportunity Housing Ordinance (OHO), adopted in the fall of 2019, also established an affordable housing trust fund, initially funded with \$15 million for the development of new and the preservation of existing Naturally Occurring Affordable Housing (NOAH). The first NOAH property to access these tools was the purchase a 306-unit building with non-profit housing developer Aeon. Aeon has also received additional assistance from the City and other sources to add 172 units of low-income tax credit affordable housing units on excess land on the property with construction beginning in 2020 and fully leased in 2021. This development has 17 affordable units reserved for homeless individuals and families. Also, the City and HRA continue to explore funding options to reach those with the greatest need, specifically those households with incomes below 30% AMI.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City and HRA funds lead-based paint testing and clearance testing to all participants in the single-family rehabilitation loan program. In 2021, the city expended \$4,590 for lead-based paint testing in homes within the city that have applied for a rehabilitation loan.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The number of persons in poverty is also reduced through the City's public service activities mentioned earlier. In addition, the HRA will continue to seek additional sources of funding for affordable housing. The provision of safe, decent affordable housing is recognized as one of the best ways to assist a family overcome poverty. Bloomington HRA has contract authority for 551 Section 8 vouchers and assists new participants when current participants go off the program. However, due to HUD's budget cuts for our program, we have limited the issuing of new vouchers to the budget authority made available by HUD/Congress. The HRA will continue to maximize the use of the funding it does receive to assist the maximum number of families.

In the spring of 2020, the HRA provided \$200,000 to VEAP to provide emergency housing assistance to families during the COVID-19 pandemic. In addition, the City will provide \$269,000 in CDBG-CV funds to VEAP for emergency housing assistance. In addition, the City has received \$515,447 in CDBG-CV3 funds. There funds are being used in a variety of ways to address the needs of those who have been economically impacted by the COVID-19 pandemic, including emergency rental and mortgage assistance, foreclosure prevention, homeless outreach, and services.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Bloomington works to connect its services and programs with other new and existing programs and services provided by other governmental entities and non-profits. The City's HRA has worked this year to develop a close working relationship between its program staff and the non-profit Volunteers to Assist People (VEAP), a large social service agency in the South Metro and the largest food shelf in the area. This ongoing relationship will assist participants of both agencies get better connected to the services they need. HRA staff has also reached-out and developed working relationships with the staff at the Hennepin County Social Services hub located in Bloomington. The hub provides essential connections to cash assistance, food stamps, mental health, and homeless services.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

As noted above, the City of Bloomington works to connect its services and programs with other new and existing programs and services provided by other governmental entities and non-profits. For example, the City's HRA continues to develop a close working relationship between its program staff and the non-profit Volunteers to Assist People (VEAP), a large social service agency in the South Metro and the largest food shelf in the area. This ongoing relationship will assist participants of both agencies get better connected to the services they need. Also, this year, HRA staff continued developing the working relationships with the staff at the new Hennepin County Social Services hub located in Bloomington. The hub provides essential connections to cash assistance, food stamps, mental health, and homeless services.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City of Bloomington is a member of the ad-hoc Fair Housing Implementation Council (FHIC) which was established in 2002 to coordinate efforts of its participating members to comply with their obligations to affirmatively further fair housing throughout the metro housing market area. Funding members administer federal Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funding, as well as other Fair Housing programs. Funding members of the FHIC include the counties of Anoka, Dakota, Hennepin, Ramsey, Washington, Metro HRA (Metropolitan Council), the Community Development Agencies of Scott and Carver Counties, and the cities of Bloomington, Eden Prairie, Minneapolis, Plymouth, Coon Rapids, Saint Paul, and Woodbury. The FHIC has recently completed an updated AI as part of the 2020 Consolidated Plan process and is coordinating efforts and activities to begin to address the identified impediments from the AI.

The City of Bloomington continued work of its own to reduce fair housing impediments and further fair housing. Specific examples include using HRA levy funds to help support the creation of a multi-lingual tenant-landlord rights video to be publicly broadcast in the Metro and to be pushed out to members of minority populations. The video, "A Good Place to Live" will also be part of a curriculum for ESL classes throughout the Metro and state. The video can be seen here:

<http://www.housinglink.org/HousingResources/FairHousing/> which is on HousingLink's fair housing resource page. HousingLink is a local non-profit that provides education on issues such as Fair Housing and links to vacant rental units and information on how to access affordable housing programs. The Bloomington HRA provides HousingLink with levy funding of \$10,000 per year to assist in their work.

In 2018, the City of Bloomington adopted a Fair Housing Policy that affirms the City's commitment to fair housing choice in all housing. The policy formalizes a fair housing complaint process to provide referrals to the proper investigative agency for such complaints. The policy also sets out internal objectives to ensure that the City operates within the confines of the Fair Housing Act and the Minnesota Human Rights Act.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The city has several divisions that it monitors to determine the extent of homeless people and families in the city. These include the HRA, Community Outreach and Engagement and Public Health divisions. The staff of these divisions coordinate services and referrals for homeless families and individuals. While Bloomington does have homelessness, which has been exacerbated by the pandemic, we plan to undergo an assessment for housing needs in Bloomington, all while those who are experiencing homelessness are eligible to access the fully developed services provided by Hennepin County.

The city through its annual planning process for the CDBG program considers the best activities to serve the city. The CDBG program funding and its activities are considered in a broader connection to the other services provided by the City and the other agencies and non-profits that are funded by the City.

The largest activity the city undertakes with CDBG funding is the Single-Family Rehabilitation Loan Program. The homeowners who participate in this program are free to select the contractors that they choose for their project. They must acquire bids from at least two licensed contractors. The lowest qualified bid is then accepted. The city provides the homeowners with a list of contractors who have successfully worked with the rehab program in the past. This list is updated periodically and includes Section 3, minority-owned and/or women-owned businesses. Homeowners are not limited to the list and the city does not recommend specific contractors.

In 2019, the city has created and hired a Racial Equity Coordinator position. In 2022, this position was expanded to the Office of Racial Equity, Inclusion and Belonging and staffing of a Chief Equity and Inclusion Officer and Equity and Inclusion Specialist. This office works to initiate and coordinate activities that expand equity and inclusion efforts both internally and externally in the city.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City of Bloomington is a member of the Hennepin County Consortium for the CDBG and HOME programs. Hennepin County serves as lead agency for the consortium. To encourage public comment on the CAPER, the County published a 15-day public notice of a comment period for the CAPER that included Bloomington's CAPER as a section. The County provided printed copies at public libraries and electronic copies on its website for comments. In addition, Bloomington published its CAPER on the city's website for the same period for public comments and held a public hearing. To ensure access to all, regardless of native language, during the comment period, the city posted its' section of the CAPER on our webpage. The webpage can translate into any language, utilizing Google translate. In addition, the webpage is fully ADA compliant, including any documents that are posted on the site. The city sent out an email notification to all subscribers seeking updates on our CDBG program. This email informed them of the comment period and where to go to see view and/or download the CAPER.

During the comment period, a public hearing will be held before the Hennepin County Board of Commissioners for the CAPER at which the public may comment on any part of the CAPER, including the Bloomington section.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City of Bloomington expended all \$269,466 of its CDBG-CV1 funds for emergency rental assistance to assist families who have been economically impacted by the COVID-19 pandemic. The city assisted 157 qualified households with this funding. The City will also receive \$515,447 in CDBG-CV3 funding and has committed those funds in PY2021. The City will fund activities including emergency rental and mortgage assistance, foreclosure prevention, and homeless outreach/counseling.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City of Bloomington expended all \$269,466 of its CDBG-CV1 funds for emergency rental assistance to assist families who have been economically impacted by the COVID-19 pandemic. The city assisted 157 qualified households with this funding. The City will also receive \$515,447 in CDBG-CV3 funding and has committed those funds in PY2021. The City will fund activities including emergency rental and mortgage assistance, foreclosure prevention, and homeless outreach/counseling.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding childcare.					
Assisted residents to apply for or attend community college or a four-year educational institution.					
Assisted residents to apply for or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

Other.					
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Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

Attachment

PR26 - CDBG 2021

	Office of Community Planning and Development	DATE: 08-10-22
	U.S. Department of Housing and Urban Development	TIME: 16:54
	Integrated Disbursement and Information System	PAGE: 1
	PR25 - CDBG Financial Summary Report	
	Program Year 2021	

BLOOMINGTON , MN

PART I: SUMMARY OF CDBG RESOURCES		
01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR		0.00
02 ENTITLEMENT GRANT	465,132.00	
03 SURPLUS URBAN RENEWAL	0.00	
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00	
05 CURRENT YEAR PROGRAM INCOME	622,123.42	
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00	
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	10,800.00	
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00	
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00	
08 TOTAL AVAILABLE (SUM, LINES 01-07)	1,098,055.42	
PART II: SUMMARY OF CDBG EXPENDITURES		
09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	314,448.19	
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00	
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	314,448.19	
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	65,600.92	
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00	
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00	
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	380,049.11	
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	718,006.31	
PART III: LOW/MOD BENEFIT THIS REPORTING PERIOD		
17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00	
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00	
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	40,000.00	
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00	
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	40,000.00	
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	12.72%	
LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS		
23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:	
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00	
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00	
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%	
PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS		
27 DISBURSED IN IDIS FOR PUBLIC SERVICES	40,000.00	
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00	
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00	
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00	
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	40,000.00	
32 ENTITLEMENT GRANT	465,132.00	
33 PRIOR YEAR PROGRAM INCOME	686,558.39	
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00	
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	1,151,690.39	
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	3.47%	
PART V: PLANNING AND ADMINISTRATION (PA) CAP		
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	65,600.92	
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00	
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00	
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00	
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	65,600.92	
42 ENTITLEMENT GRANT	465,132.00	
43 CURRENT YEAR PROGRAM INCOME	622,123.42	
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00	
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	1,087,255.42	
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	6.03%	



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR25 - CDBG Financial Summary Report
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LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17
Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18
Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	5	184	6521147	Household & Outside Maintenance for Elderly (H.O.M.E.)	05A	LWC	\$20,000.00
2021	5	190	6650582	Household & Outside Maintenance for Elderly (H.O.M.E.)	05A	LWC	\$20,000.00
Total							\$40,000.00


LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount
2020	5	184	6521147	No	Household & Outside Maintenance for Elderly (H.O.M.E.)	B20MC270001	EN	05A	LWC	\$20,000.00
2021	5	190	6650582	No	Household & Outside Maintenance for Elderly (H.O.M.E.)	B21MC270001	EN	05A	LWC	\$20,000.00
Total								05A	Matrix Code	\$40,000.00

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	1	180	6521147	Administration	21A		\$2,612.91
2021	1	186	6588386	Administration	21A		\$41,774.79
2021	1	186	6593152	Administration	21A		\$799.06
2021	1	186	6637967	Administration	21A		\$12,030.13
2021	1	186	6650709	Administration	21A		\$3,384.03
Total							\$60,600.92
2021	4	189	6650582	Fair Housing	21D		\$5,000.00
Total							\$65,600.92

PR26 - 2021 CDBG-CV

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	PR26 - CDBG-CV Financial Summary Report BLOOMINGTON , MN		

PART I: SUMMARY OF CDBG-CV RESOURCES	
01 CDBG-CV GRANT	784,913.00
02 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
03 FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
04 TOTAL AVAILABLE (SUM, LINES 01-03)	784,913.00
PART II: SUMMARY OF CDBG-CV EXPENDITURES	
05 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	294,468.00
06 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	0.00
07 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
08 TOTAL EXPENDITURES (SUM, LINES 05 - 07)	294,468.00
09 UNEXPENDED BALANCE (LINE 04 - LINE8)	490,445.00
PART III: LOW/MOD BENEFIT FOR THE CDBG-CV GRANT	
10 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
11 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
12 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	25,002.00
13 TOTAL LOW/MOD CREDIT (SUM, LINES 10 - 12)	25,002.00
14 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 05)	294,468.00
15 PERCENT LOW/MOD CREDIT (LINE 13/LINE 14)	8.49%
PART IV: PUBLIC SERVICE (PS) CALCULATIONS	
16 DISBURSED IN IDIS FOR PUBLIC SERVICES	294,468.00
17 CDBG-CV GRANT	784,913.00
18 PERCENT OF FUNDS DISBURSED FOR PS ACTIVITIES (LINE 16/LINE 17)	37.52%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
19 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	0.00
20 CDBG-CV GRANT	784,913.00
21 PERCENT OF FUNDS DISBURSED FOR PA ACTIVITIES (LINE 19/LINE 20)	0.00%



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG-CV Financial Summary Report
BLOOMINGTON, MN

DATE: 08-10-22
TIME: 16:45
PAGE: 2

LINE 10 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 10

Report returned no data.

LINE 11 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 11

Report returned no data.

LINE 12 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 12

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2019	11	192	6588386	CV-St. Stephan's Homelessness Response Services	03T	LMC	\$12,501.00
			6650605	CV-St. Stephan's Homelessness Response Services	03T	LMC	\$12,501.00
Total							\$25,002.00

LINE 16 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 16

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2019	8	179	6493270	CV-Emergency Rent Assistance	05S	LMH	\$68,904.06
			6511452	CV-Emergency Rent Assistance	05S	LMH	\$200,561.94
	11	192	6588386	CV-St. Stephan's Homelessness Response Services	03T	LMC	\$12,501.00
			6650605	CV-St. Stephan's Homelessness Response Services	03T	LMC	\$12,501.00
Total							\$294,468.00

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Report returned no data.



Request for Council Action

Originator Finance	Item 4.5 Motion to Reconsider Adoption of an Ordinance Amending Various Chapters of the City Code and Fee Schedule Appendix
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date August 29, 2022

Requested Action:

The actions on August 15, 2022 were by unanimous 6-0 vote (Carter absent). The Mayor requested that this item be reconsidered to clarify the intent of the motion and clarify the public record. First motion:

Motion by _____, seconded by _____, to reconsider the adoption of Ordinance No. 2022-40 and Resolution No. 2022-154 amending several chapters of the City Code, to correct typographical errors contained in the approval motions for item 4.1 on the August 15, 2022 City Council agenda.

If reconsideration passes, then:

Motion by _____, seconded by _____ to adopt Ordinance No. 2022-40 amending Chapters 15, 16, 17, 18, 19, 20, 21, and 22 of the City Code and Fee Schedule Appendix.

Motion by _____, seconded by _____ to adopt Resolution No. 2022-154, Resolution Directing Summary Publication of Ordinance No. 2022-40 an Ordinance Amending Chapters 15, 16, 17, 18, 19, 20, 21, and 22 of the City Code and Fee Schedule Appendix.

Item created by: Melissa Manderschied, Finance

Item presented by: Melissa Manderschied, City Attorney

Description:

This item was on the August 15, 2022 City Council agenda as Item 4.1. After holding a public hearing, the City Council unanimously (6-0, Carter absent) approved an ordinance amending several chapters of the City Code and a resolution approving summary publication. The City Code chapter numbers were incorrectly stated in the item's title and in the motions approved by the City Council. However, the correct chapter numbers were stated in the item description and in the Ordinance and Resolution attachments, as well as the public hearing notice. Due to the error in the motion language, the City Council is asked to reconsider the item per the City Council Rules of Procedure Section 14(f). Then, revote on the main item.

All text below is identical to that which was presented on August 15, 2022

A public hearing was advertised for August 15, 2022, for the City Council to consider an Ordinance amending Chapters 15, 16, 17, 18, 19, 20, 21, and 22 of the City Code to remove the actual dollar amount from separate city code section and move them to a stand alone Fee Schedule Appendix where fees and charges for services established by ordinance will be listed. The "Appendix A – Fee Schedule" was established November 23, 2020 and lists fees and charges that are required to be adopted by ordinance and are effective upon publication. Fees located in other chapters of the City Code have already incrementally moved into Appendix A and this is final section to complete the project.

Staff recommends this Ordinance be adopted and codified with the Bloomington City Code.

Attachments:

[Ordinance](#)
[Appendix A](#)
[Resolution of Summary Publication](#)
[Notice of Hearing](#)

ORDINANCE NO. 2022-40

AN ORDINANCE AMENDING CHAPTERS 15, 16, 17, 18, 19, 20, 21 AND 22 OF THE CITY CODE UPDATING THE CODIFIED FEE SCHEDULE APPENDIX A FOR FEES AND CHARGES FOR SERVICES ESTABLISHED BY ORDINANCE

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Chapter 15 of the City Code is amended by deleting those words ~~struck through~~ and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 15: BUILDINGS AND STRUCTURES

* * *

ARTICLE I: BUILDING CODE

* * *

§ 15.06 MOVING OF BUILDINGS.

(a) *Permit required.* It shall be unlawful for any person, firm or corporation to move any building or structure into the city from any place outside of the said city or to move wholly within said city from one place to another any building or structure without first making application to the Building and Inspection Division and securing a permit as hereinafter provided. Upon making application for a permit pursuant to the terms of this chapter, there shall be paid to the City Treasurer a fee as ~~[provided in Article IX of this chapter]~~ set forth in City Code Appendix A. No such permit shall be issued unless such building or structure conforms to the specifications set forth in this code.

* * *

(d) *Permit to use highways.*

* * *

(4) *Fee.* The fee to be charged for such permit shall be ~~[the sum of \$55]~~ as set forth in City Code Appendix A for moving a building or structure upon any road, street or highway except state highways.

* * *

§ 15.08 RESTRICTIONS TO BUILDINGS ON LOWLANDS.

* * *

(d) The requirements in subsections (a), (b) and (c) above shall be a condition of any permit issued for such dwelling, and it shall be the duty of the Director of Community Development to enforce compliance with said requirements. The fee for such permit shall be as set forth in ~~[Article IX of this chapter]~~ City Code Appendix A.

* * *

§ 15.14 CONSTRUCTION AND MAINTENANCE OF ANTENNAS AND SUPPORTING TOWERS.

* * *

(c) *Fee.* The fee to be paid is that prescribed under building permit fees, based on valuation, [~~§ 15.183~~] as set forth in City Code Appendix A.

* * *

ARTICLE VIII: PLUMBING

DIVISION A: GENERAL

§ 15.130 REGISTRATION.

* * *

(b) Application.

(1) Each year any person who intends to perform any of the functions set forth in subsection (a) above regarding gas piping in the city shall make application for registration to the city on a form prepared by the issuing authority.

(2) [~~Each form shall be accompanied by the payment of a fee in accordance with § 15.182 of this code.~~] RESERVED

* * *

DIVISION B: UTILITY INSTALLER LICENSE

* * *

§ 15.144 APPLICATION.

(a) Each year any person who intends to make sanitary sewer , water and storm sewer connection in the city shall make application to the city on a form prepared by the Director of Community Development and filed with the Utilities Division.

(b) Each application shall be accompanied by the payment of a fee as set forth in City Code Appendix A.

* * *

ARTICLE IX: LICENSES AND PERMITS DIVISION

* * *

DIVISION B: LICENSES AND PERMITS; GENERAL

DIVISION A: GENERAL PROVISIONS

§ 15.179 GENERAL.

(a) The [following] fees are established as required by the Building, Electrical, Plumbing and Heating Codes and shall be collected by the Director of the Department of Community Development before the issuance by him or her of any license, permits, certificates and reports for which fees are required under the provisions of this Article IX. The Director of the Department of Community Development shall not issue any such license, permit, certificate or report until such fee shall have been paid to said Department Director.

(b) All fees collected hereunder shall be paid over to the City Treasurer by the Director of Community Development daily or as soon after collection as practicable.

§ 15.180 LICENSE REFUND.

Whenever a request is made by the owner or representative of a licensee of the city for a refund of a license fee issued under the provisions of this Article IX, the City Manager shall refund to such licensee or his or her representative a pro rata portion of such license fee to be determined by deducting from the total license fee, an amount equal to one-fourth of said license fee for each quarter year or a fraction thereof, for which such license was issued, provided that the termination of such license and the request for such refund was caused by one or more of the following factors, to-wit:

* * *

§ 15.181 PERMIT REFUND.

(a) Whenever a request is made by the owner of a permit or his or her representative, exclusive of a sign permit, for a refund of a fee for a permit [fee] issued under the terms of this Article IX, the City Manager shall refund 50% of such permit fee provided that one of the following conditions exists:

* * *

§ 15.183 BUILDING PERMIT AND PLAN-CHECKING FEES.

(a) *Building permit fees.* A fee for each building permit shall be paid to the Building Official as set forth [below:] in City Code Appendix A.

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$500	\$70
\$500.01 to \$2,000	\$70 for the first \$500 plus \$3.03 for each additional \$100, or fraction thereof, to and including \$2,000

\$2,000.01 to \$25,000	\$73.38 for the first \$2,000 plus \$13.75 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,000.01 to \$50,000	\$394.63 for the first \$25,000 plus \$9.90 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,000.01 to \$100,000	\$642.13 for the first \$50,000 plus \$6.88 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,000.01 to \$500,000	\$985.88 for the first \$100,000 plus \$5.50 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,000.01 to \$1,000,000	\$3185.88 for the first \$500,000 plus \$4.68 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,000.01 and up	\$5,523.38 for the first \$1,000,000 plus \$3.03 for each additional \$1,000, or fraction thereof

~~[Other inspections and fees as set forth in City Code Appendix A.[:]]~~

Inspections outside of normal business hours	\$48 per hour
Reinspection fees	\$48 per hour
Additional plan review required by changes, additions or revisions to plans (minimum charge—one hour)	\$48 per hour
For use of outside consultants for plan checking and inspections, or both	Actual costs*
* Actual costs include administrative and overhead costs]	

Building valuation for the purpose of establishing building permit fees shall be as set forth by the current Building Valuation Data published by the State Department of Labor and Industry Building Codes and Standards.

Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining said permit, the fees ~~[above specified]~~ as set forth in City Code Appendix A shall be doubled, but the payment of such double fee shall not relieve any person from fully complying

with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(b) *Plan-checking fees.* When the valuation of the proposed construction exceeds \$10,000,000 and a plan is required to be submitted by this Chapter 15, Article I, a plan-checking fee shall be paid to the issuing authority at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to 65% of the building permit fee as set forth in ~~[subsection (a) above]~~ City Code Appendix A. A ~~[fee of \$42]~~ per hour fee as set forth in City Code Appendix A shall be paid to the issuing authority for any amounts of additional plan review required by changes, additions or revisions to approved plans.

* * *

§ 15.184 SPECIAL FEES FOR THE ERECTION OF BUILDINGS ON LOWLANDS.

As provided in the Building Code a special fee ~~[of \$22]~~ as set forth in City Code Appendix A shall be charged in addition to the regular building permit fee for the erection of buildings in lowlands which are subject to flooding.

§ 15.185 MOVING OF BUILDINGS.

Upon making application for a permit to move a building pursuant to the terms of the Building Code (Article I, Chapter 15), a fee ~~[of \$32]~~ as set forth in City Code Appendix A shall be paid by the applicant for pre-moving inspections. The pre-moving inspection fee shall be in addition to other fees as may be required in the building, plumbing, heating, electrical or other construction regulations of the city.

§ 15.186 DEMOLITION OF BUILDINGS.

The fee for a building permit shall be ~~[\$75]~~ as set forth in City Code Appendix A, except when a building permit has been issued simultaneously with the issuance of the building demolition permit, in which case no additional fee for the building demolition permit shall be required.

* * *

§ 15.188 CERTIFICATES OF OCCUPANCY.

The fee shall be based on the valuation of the structure ~~[as follows:]~~ as set forth in City Code Appendix A.

[\$0 to \$15,000]	\$9
Building permit valuations in excess of \$15,000	10% of the building permit fee]

§ 15.189 ELECTRICAL PERMITS AND FEES.

* * *

(b) *Residential permits.* (For multiple residential occupancies, see subsection (c) below.)

(1) Electrical permits for work in residential structures may be issued to a person who owns and actually occupies the structure as a residence, or owns and will occupy the structure as a residence upon completion of construction.

(2) Residential Fees~~[:]~~ as set forth in City Code Appendix A.

[Minimum fee	\$55
Single-family dwelling, two-family dwelling, townhouse dwelling	
—New service only	\$55
—Complete wiring	
—Per dwelling unit	\$150
—Wiring of additions and rewiring	
—First room	\$55
—Each additional room	\$10 up to a maximum of \$150]

(c) *Commercial and industrial permits.*

(1) This is to also include energy management systems, multiple residential occupancies, sign wiring and 120 volt alarm systems. (Note: A fire alarm permit is required for all low voltage fire alarm installations.)

(2) The schedule of Commercial fees shall be based on the value of the electrical job cost, ~~[with]~~ including a minimum fee, ~~[of \$65]~~ as set forth in City Code Appendix A, ~~[as follows:]~~

[0—\$50,000	2.5% of job cost
\$50,000.01 and over	\$1,250 for first \$50,000 plus 3/4% of balance]

* * *

(e) Elevator and moving stair permits. Per unit~~[-, \$25]~~ fee as set forth in City Code Appendix A.

(f) Temporary service installed during construction[~~-\$40~~] fee as set forth in City Code Appendix A.

(g) Transitory projects, events, special inspections or re-inspection. [~~\$42~~] A per inspection fee as set forth in City Code Appendix A.

(h) Plan-check fees. There shall be a plan-check fee of 10% of the permit fee when the job cost exceeds \$50,000.

§ 15.190 PLUMBING PERMITS AND GAS INSTALLATION PERMITS.

* * *

(b) *Fees.* Permit fees shall be computed at 2% of the job cost.

(1) If at the time of application for a permit the value of the job as billed to the customer is unknown, the applicant may estimate that value.

(2) The estimated job cost shall be subject to review by the issuing authority. Upon completion of the job, the plumbing contractor, upon request, will furnish the city with a statement of the full cost of the job. If the actual cost exceeds the estimate by \$500 or more, the fee shall be revised and the applicant shall pay a fee computed on the basis of the actual cost.

(3) Permits and fees shall in all cases be subject to the approval of the issuing authority.

(c) *Minimum fees* as set forth in City Code Appendix A.

Nonresidential structures and/or uses	\$65
Residential structures and/or uses	\$55]

(d) *Plan-check fees.* There shall be a plan-check fee of 10% of the permit fee when the job cost exceeds \$50,000.

* * *

§ 15.195 HEATING, VENTILATING, AIR CONDITIONING, REFRIGERATION AND PROPANE STORAGE PERMITS.

* * *

(c) *Fee schedule.*

(1) Minimum fees[~~÷~~] as set forth in City Code Appendix A.

[Residential structures and/or uses	\$55
Nonresidential structures and/or uses	\$65]

* * *

§ 15.198 OTHER INSPECTIONS AND FEES.

When an inspection is requested before the job is ready for an inspection or when a reinspection is required due to a violation or correction or at any time an additional inspection is necessary due to the fault of the permittee or contractor, a fee [~~of \$42~~] as set forth in City Code Appendix A will be charged and collected. When an inspection is requested to be made outside of normal business hours a [~~fee of \$42~~] per hour fee as set forth in City Code Appendix A shall be paid to the issuing authority.

* * *

DIVISION E: PERMITS FOR AUTOMATIC FIRE EXTINGUISHING SYSTEMS AND AUTOMATIC FIRE DETECTION SYSTEMS

* * *

§ 15.214 PERMITS.

* * *

(c) *Permit fee.* A fee, as set forth in City Code Appendix A, for each permit shall be paid to the City of Bloomington [~~as follows~~].

<i>[Total Valuation of Permitted Work</i>	<i>Fee</i>
\$1 to \$500	\$70
\$500.01 to \$2,000	\$70 for the first \$500 plus \$3.03 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,000.01 to \$25,000	\$73.38 for the first \$2,000 plus \$13.75 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,000.01 to \$50,000	\$394.63 for the first \$25,000 plus \$9.90 for each additional \$1,000, or fraction thereof, to and including \$50,000

\$50,000.01 to \$100,000	\$642.13 for the first \$50,000 plus \$6.88 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,000.01 to \$500,000	\$985.88 for the first \$100,000 plus \$5.50 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,000.01 to \$1,000,000	\$3,185.88 for the first \$500,000 plus \$4.68 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,000.01 and up	\$5,523.38 for the first \$1,000,000 plus \$3.03 for each additional \$1,000, or fraction thereof]

[~~Other inspections and fees:~~

Inspections outside of normal business hours	\$58 per hour
Reinspection fees	\$58 per hour
Additional plan review required by changes, additions, or revisions to plans (minimum charge—one hour)	\$58 per hour
For use of outside consultants for plan checking and inspections, or both	Actual costs*
*Actual costs include administrative and overhead costs]	

Where work for which a permit is required by this chapter is started or processed with prior to obtaining said permit, the fees ~~[above specified]~~ as set forth in City Code Appendix A shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

* * *

Section 2. That Chapter 16 of the City Code is amended by deleting those words ~~struck through~~ and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 16: STORM WATER MANAGEMENT, STORM UTILITY,

AND WETLANDS

* * *

ARTICLE II: STORM WATER MANAGEMENT

* * *

§ 16.08 EROSION AND SEDIMENT CONTROL.

* * *

(b) *Erosion and sediment control surety.* The issuing authority will require a surety in the form of a performance bond or cashier's check to be filed pursuant to § [15.11](#) of this code. The surety amount will be as set forth in City Code Appendix A. [÷]

<i>[Disturbed Area (acres)]</i>	<i>Surety Amount</i>
0.00-0.50	\$5,000
0.51-0.75	\$8,000
0.76-1.00	\$11,000
Greater than one-acre	\$0.25 per square foot of disturbed area rounded to the nearest \$1,000 (maximum \$25,000)]

* * *

§ 16.09 GRADING PERMIT.

A grading permit, obtained from the Building and Inspections Division pursuant to § 15.12, is required prior to any land disturbing activity in the combined volume of excavation, filling, and other movement of earth material on a site is equal to or greater than 50 cubic yards, or the area disturbed is greater than 5,000 square feet. Activities requiring a grading permit may be a component of a parking lot, foundation, or other building permit, and in these cases, a separate grading permit is not required. The fee for such permit will be as set forth in City Code Appendix A

* * *

ARTICLE III: STORM WATER POND AERATION PERMIT

§ 16.11 STORM WATER POND AERATION PERMIT REQUIRED.

* * *

(b) *Application.*

(1) Application for a permit under this Article III must be made in writing to the Engineering Division and must be on a form provided by the Engineering Division. All storm water pond aeration permits will be issued by the issuing authority.

(2) The application must be accompanied with the following:

* * *

(E) Payment of fee as ~~[established]~~ set forth in City Code Appendix A~~[- City of Bloomington Schedule of Fees]~~.

* * *

(d) *Renewal*. The initial storm water pond aeration permit requires renewal after the first season of operation, after which the permit may be renewed in increments of an additional 3 years. A renewal fee as set forth in City Code Appendix A may apply. If more than 25 percent of the property owners adjacent to the storm water pond oppose aeration at any time, the permit will not be renewed and the storm water aeration equipment must be removed.

* * *

ARTICLE IV: STORM WATER UTILITY

* * *

§ 16.14 CONNECTION PERMITS.

(a) *Permit*. A permit must be obtained to connect to the storm sewer system. The fee for such permit will be as ~~[detailed]~~ set forth in [Article VI, Chapter 11] City Code Appendix A. Permits can only be issued to licensed installers.

* * *

§ 16.20 DELINQUENT ACCOUNTS.

* * *

(d) *Administrative assessment charge*. An administrative charge ~~[of \$50]~~ as set forth in City Code Appendix A will be due upon the mailing or electronic transmittal of the notice of the proposed assessment.

* * *

ARTICLE V: WETLANDS

* * *

§ 16.23 GENERAL RULE.

* * *

(b) No building permits, foundation permits, parking lot permits, grading permits, final development plans, or final site and building plans may be approved or issued until the following documentation has been provided to the city:

* * *

(3) Payment has been made of a plan review fee in the amount ~~[of \$1,000]~~ as set forth in City Code Appendix A when a WCA wetland mitigation and replacement plan is required; and

* * *

Section 3. That Chapter 17 of the City Code is amended by deleting those ~~words struck through~~ and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 17: STREETS AND RIGHTS-OF-WAY

ARTICLE I: DRIVEWAYS, APPROACHES AND ENTRANCES

* * *

§ 17.05 APPLICATION FOR PERMIT.

* * *

(b) The fees for permits for the construction of driveway approaches provided herein shall be as ~~[outlined]~~ set forth in [§ 14.03] City Code Appendix A.

* * *

ARTICLE IV: RIGHT-OF-WAY MANAGEMENT AND LOCATING OF UNDERGROUND FACILITIES

* * *

§ 17.70 STANDARDS FOR CONSTRUCTION OR INSTALLATION.

* * *

(d) *Standards for wireless telecommunication facilities.*

* * *

(5) *Charges.* In addition to the permit fees ~~[outlined]~~ set forth in [Chapter 14] City Code Appendix A, Streets and Right of Way, the city reserves the right to charge telecommunication providers for their use of the public right-of-way to the extent that such charges are allowed under state law. Telecommunication providers shall be responsible for payment of property taxes attributable to their equipment in the public right-of-way.

* * *

§ 17.78 APPEAL.

(a) *Filing of appeal.* Any person aggrieved by: (i) the denial of a permit application; (ii) the denial of a registration; (iii) the revocation of a permit; (iv) the application of the fee schedule imposed by Chapter 17~~[-44]~~ of this code and set forth in City Code Appendix A; or (v) disputes a determination of the Director regarding the method of providing accurate information about the location of service laterals installed on the property pursuant to § 17.79 of this city code, may

appeal to the City Council by filing a written notice of appeal with the City Clerk. Said notice must be filed within 20 days of the action causing the appeal.

* * *

§ 17.79 MAPPING DATA.

(a) *Information required.* Each registrant , permit holder or any other person installing any underground facility or equipment that is now or in the future to be connected to the city's underground facilities must provide to-scale engineering plans certifying the "as-built" location of all equipment installed, owned or maintained by the registrant , permit holder or other underground installer in a form required by the Director . Such maps and drawings must include the horizontal and vertical location of all facilities and equipment in a manner that is consistent with the city's electronic mapping system whenever practical or when ordered by the Director . Failure to provide the maps and drawings required by this section shall, in addition to other remedies, constitute adequate grounds for revocation of the permit holder's registration and any permit issued under this Article IV of the city code. No security required pursuant to § 17.68(e) of this city code shall be released until the information required under this section is provided. The maps and drawings must include the following information:

(1) Scaled drawings showing the exact location of all facilities and improvements installed by the applicant . The applicant will be requested to submit, in English measurement: two paper copies of 50-scale plans and one electronic plan in AutoCAD format (Hennepin County Coordinate system) with X, Y, Z dimensions to one-foot accuracy. The plans must be dimensional and show all utilities, curb and gutter, sidewalks, bikeways, signal poles, driveways, boxes and structures. If the applicant chooses to submit this data in a different format, it shall be responsible for the additional payment of the data conversion fee set forth in [~~§ 14.03 of this city code~~] City Code Appendix A;

* * *

Section 5. That Chapter 18 of the City Code is amended by deleting those ~~words struck through~~ and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 18: TREES

* * *

§ 18.04.01 STORAGE OF ELM LOGS.

Stockpiling and storage of elm logs with bark intact shall be prohibited except during the period of September 15 through April 1 of the following year, when it shall be allowed upon obtaining a permit from the City Forester. The permit fee shall be [~~\$25~~] set forth in City Code Appendix A and the permit fee shall be submitted with an application for such permit.

* * *

§ 18.05 ORDER PROCEDURES.

* * *

(f) *Administrative assessment charge.* The administrative assessment charge is [~~\$50~~] set forth in City Code Appendix A.

* * *

Section 6. That Chapter 19 of the City Code is amended by deleting those words ~~struck through~~ and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 19: ZONING

* * *

DIVISION E: SPECIAL PROVISIONS

* * *

§ 19.118 TEMPORARY SIGNS FOR SPECIAL EVENTS AT PLACES OF ASSEMBLY FOR WORSHIP, SCHOOLS, PARKS AND PUBLIC BUILDINGS.

* * *

(d) *Sign permit requirements.* A temporary sign permit is required and the permit fee as [~~detailed in § 21.502.01(d)(3) of this code~~] set forth in City Code Appendix A must accompany the permit application.

* * *

§ 19.119 TEMPORARY SIGNS FOR COMMERCIAL PROMOTIONS.

* * *

(d) *Sign permit requirements.* A temporary sign permit is required and the permit fee as [~~detailed in § 21.502.01(d)(3) of this code~~] set forth in City Code Appendix A must accompany the permit application.

* * *

CHAPTER 19: ZONING

* * *

DIVISION F: GRAPHIC ILLUSTRATIONS

* * *

§ 19.127 TEMPORARY SIGNS FOR APPROVED INTERIM USES IN THE CLASS VI SIGN DISTRICT (CX-2).

* * *

(d) *Sign permit requirements.* A temporary sign permit is required and the permit fee as [~~detailed in § 21.502.01(d)(3) of this code~~] set forth in City Code Appendix A must accompany the permit application.

* * *

Section 8. That Chapter 21 of the City Code is amended by deleting those words ~~struck through~~ and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

* * *

ARTICLE V: ADMINISTRATION AND NONCONFORMITY

* * *

DIVISION A: APPROVALS AND PERMITS

§ 21.501.06 MASTER SIGN PLAN.

* * *

(I) Violations. Violations of the master sign plan or the conditions of approval attached to the master sign plan are subject to the following:

(1) Orders to Correct. It is the duty of the City Manager or the Manager's designee to determine and declare the existence of a violation of the master sign plan and direct the issuance of an Order to Correct on the owner of the property or the owner's designated agent. This Order to Correct must include the following information:

(A) Property location by street address, and property identification number or legal property description.

(B) Information identifying the nature of the master sign plan violation.

(C) A summary of the property owner's responsibilities under the master sign plan.

(D) Specific orders for correction of the violation.

(E) A date for completion of the corrective action not less than ten business days following the receipt of the Order to Correct unless a shorter period of time is determined necessary by the City to protect the public health and safety.

(F) Notice that unless the violation is corrected in accordance with the terms of the Order to Correct, the City may, in its discretion issue of an administrative citation in the amount [of \$1,000] as set forth in City Code Appendix A, per violation with recurring fines imposed for each day the violation continues without correction and that fines that are not timely paid will be subject to assessment against the property and collected in the manner of a tax.

(G) Notice of the right of appeal as provided in § 1.17 of this city code.

* * *

DIVISION B: APPLICATION PROCESSES AND FEES

§ 21.502.01 APPLICATION PROCESSES AND FEES.

* * *

(b) *Table key.* The following labeling conventions apply to the table in this section.

* * *

(11) Any * under the Fee column indicates that [\$50] part of the fee (amount set forth in City Code Appendix A) is intended for recording approval actions with the county and will be refunded if the City Council or Planning Commission denies the application or the application is withdrawn. If the application does not require recording approval actions, the application fee is [\$50] the same amount set forth in City Code Appendix A less than the stated fee.

(c) *Application processes and fees.* See City Code Appendix A for fees.

<i>Application Process</i>	<i>Review and Decision Making Authority</i>					<i>Notice</i>		<i>Fee</i>
	<i>DRC</i>	<i>ST</i>	<i>HE</i>	<i>PC</i>	<i>CC</i>	<i>N</i>	<i>Mail</i>	
<i>Application Process</i>	<i>Review and Decision Making Authority</i>					<i>Notice</i>		<i>Fee</i>
	<i>DRC</i>	<i>ST</i>	<i>HE</i>	<i>PC</i>	<i>CC</i>	<i>N</i>	<i>Mail</i>	
Comprehensive Plan text amendment		R		PH	PH DM	N		\$1,660
Comprehensive Plan map amendment		R		PH	PH DM	N	500	\$1,660
Zoning ordinance text amendment		R		PH	PH DM	N		\$1,660
Rezoning (zoning district map amendment)		R		PH	PH DM	N	500	\$1,660
Planned Developments								
Preliminary development plan	R	R		PH	DM	N	500	\$830
Revisions to preliminary development plans	R	R		PH	DM	N	500	\$830
Final development plan	R	R		PH	DM	N	500	\$1,660
Major revisions to final development plans	R	R		PH	DM	N	500	\$830
Minor revisions to final development plans		DM						\$130
Appeal of decision by Planning Manager		R			DM			\$170
Final Site and Building Plans								
Final site and building plans, including revisions – acted upon by the City Council	R	R		PH	DM	N	500	\$660

Final site and building plans, including revisions – acted upon by the Planning Commission	R	R		PH DM		N	500	\$420
Final site and building plans, including revisions – acted upon by the Planning Manager	R	DM						\$130
Appeal of decision by the Planning Manager		R			DM			\$170
Appeal of decision by the Planning Commission (fee applies only if applicant appeals)		R			PH DM	N	500	\$210
Conditional Use Permits (CUPs)								
CUP – acted upon by City Council	R	R		PH	DM	N	500	\$880*
CUP – acted upon by Planning Commission	R	R		PH DM		N	500	\$220*
Appeal of decision by the Planning Commission (fee applies only if applicant appeals)		R			PH DM	N	500	\$210*
Suspension or revocation of CUP		R		PH	PH DM	N	500	No fee
Interim Use Permits (IUPs)								
IUP – acted upon by City Council	R	R		PH	DM	N	500	\$420
IUP – acted upon by Planning Commission	R	R		PH DM		N	500	\$220
IUP – reapplication for succeeding IUP (same use on the same site)	R	R		PH	DM	N	500	\$250
Appeal of decision by the Planning Commission (fee applies only if applicant appeals)		R			PH DM	N	500	\$210
Suspension or revocation of IUP		R		PH	PH DM	N	500	No fee
Variances								
Variance for single- and two-family dwellings	R	R		PH	DM	N	200	\$310*
Variance for other uses	R	R		PH	DM	N	200	\$610*
Administrative variance		R	PH R		DM	N	200	\$220*
Appeal to Planning Commission of administrative variance denial		R		PH	DM	N	200	\$170
Master Sign Plans								

Master sign plans		R		PH	DM	N	500	\$660
Revisions to master sign plans		R		PH	DM	N	500	\$420
Time extension on expiration		DM						\$170
Environmental Reviews								
Environmental assessment worksheet – discretionary		R			DM			No fee
Environmental assessment worksheet – mandatory		R			DM			\$2,400
Environmental impact statement					DM			\$6,620
Alternative environmental review		R			DM			Reference § 21.506.05 (j) (h)
Miscellaneous								
Floodplain permit		DM						\$130
Certification of floodplain zoning compliance		DM						\$95
Change in condition sent directly to City Council		R			PH DM	N	500	\$220*
Change in condition sent directly to Planning Commission		R		PH DM		N	500	\$220*
Change in condition sent to both Planning Commission and City Council		R		PH R	DM	N	500	\$420*
Accessory dwelling unit approval	R	DM						\$120
Appeal of RV permit denial (fee applies only if applicant makes the appeal)		R		R	DM	N	500	\$210
Certificate of appropriateness for historical preservation		R			PH DM			\$170
Moratorium/interim ordinance adoption		R			DM			No fee
Moratorium/interim ordinance extension		R			PH DM	N		No fee
Tent/canopy permit		DM						\$55
Tent/canopy – appeal of permit denial		R			DM			\$100
Tent/canopy – request for time extension		R			PH DM	N		\$100
Time extension on expiration		DM						\$170
Permit for temporary housing in response to a disaster	R	DM						\$50}

(d) *Sign applications and fees.* Signs requiring permits must be reviewed and approved by staff prior to installation. Review of permanent signs include separate sign application fees and sign permit fees for permanent signs.

(1) *Permanent sign application fees.* The ~~[following]~~ sign application fees as set forth in City Code Appendix A apply to permanent signs on a per site basis and are due at the time of application. For the purpose of calculating sign application fees, all incidental, accessory and directional signs will be counted as one permanent sign.

One sign	\$50
Two to five signs	\$100
Six or more signs	\$160

(2) *Permanent sign permit fees.* The ~~[following]~~ sign permit fees as set forth in City Code Appendix A apply to permanent signs on a per sign basis and are due prior to installation:

Wall sign	\$110
Freestanding sign	\$110
Awning or canopy sign	\$50
Incidental or accessory sign	\$20
Directional sign	\$20

(3) *Temporary sign combined application and permit fees.*

(A) Temporary signs require one combined application and permit fee ~~[of \$30]~~ as set forth in City Code Appendix A per occasion per site due at the time of application, and prior to installation. Alternatively, if an application lists the same temporary signage for succeeding occasions occurring within one year for the same site, a one time permit with fee ~~[of \$30]~~ as set forth in City Code Appendix A applies.

(B) Exemptions: temporary signs exempted from permit requirements and fees are detailed in § 19.105 of this code.

(4) *Uniform sign design fees.* The ~~[following]~~ uniform sign design fees as set forth in City Code Appendix A apply and are due at the time of submittal:

Uniform sign design—new	\$100
Uniform sign design—amendment	\$50

(e) *Notices.*

(1) *Additional notice fees.* For applications listed in this section that require public notice, the listed fee has been calculated to include 100 mailed notifications per hearing to adjacent property owners and ~~[\$25 for notices]~~ one standard public hearing notice published in the official newspaper of the city, based upon the minimum number of hearings required by the code and state law. When the actual number of hearing notices published exceeds the minimum number required under the code, and/or when the number of mailed notices exceeds 100 for any given

public hearing, the applicant must pay additional fees as set forth in City Code Appendix A to cover the cost of the additional mailed notices and publications. ~~[as follows:~~

~~—— (A) One dollar and fifty cents per mailed notice in excess of 100 notices for any public hearing;~~

~~—— (B) One dollar and fifty cents per mailed notice for all mailed notices for public hearings which are in excess of the minimum number of hearings required under the code; and~~

~~—— (C) Twenty-five dollars per published notice for public hearings in excess of the minimum number of hearings required under the code.~~

~~—— (D)]~~Where state statute or this code requires a public hearing before both the Planning Commission and the City Council, the application fee shall be deemed to cover the cost of published notices and 100 mailed notices for two public hearings.

~~[(E)]~~ The failure of an applicant to pay any outstanding fees should be considered by the Planning Commission or City Council in its decision on whether to approve, deny or continue an item.

* * *

(f) *Administrative approval of final plans.* When approval of any plan is required as a condition of approval imposed by the City Council, a fee ~~[of \$80]~~ as set forth in City Code Appendix A for each single- and two-family residential use and ~~[\$160]~~ for all other uses must be submitted together with the required plan.

(g) *Radio frequency engineer review.* To cover the reasonable cost of the city retaining a qualified, independent radio frequency engineer in accordance with § 19.63.05(r)(2) of this code, all variance applications for towers, antennas or wireless communication facilities shall include an additional ~~[\$2,000]~~ fee as set forth in City Code Appendix A. In the event that the actual costs exceed ~~[\$2,000]~~ the fee as set forth in City Code Appendix A, the applicant shall be required to pay half the additional cost. In the event that the actual costs are less than ~~[\$2,000]~~ the fee as set forth in City Code Appendix A, the unused portion of the fee shall be returned to the applicant.

* * *

Section 10. That Chapter 22 of the City Code is amended by deleting those words ~~struck through~~ and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 22: SUBDIVISION AND PLATTING

* * *

DIVISION C: PROCESS

* * *

§ 22.05 PRELIMINARY PLATS.

* * *

(f) *Application content.*

(1) Type I preliminary plat applications must include the following items:

(A) An application form signed by the property owner(s) or authorized representatives;

(B) The required application fee [~~(see city code § 22.08(e))~~] as set forth in City Code Appendix A;

* * *

(g) Process and fees. See [~~§ 22.08(e)~~] fees as set forth in City Code Appendix A.

* * *

§ 22.06 FINAL PLATS.

* * *

(f) Application content. Type I, II and III final plat applications must include the following items:

- (1) An application form signed by the property owner(s) or authorized representatives;
- (2) The required application fee [~~(see city code § 22.08(e))~~] as set forth in City Code Appendix A; and

* * *

(h) Process and fees. See [~~§ 22.08(e)~~] fees as set forth in City Code Appendix A.

* * *

§ 22.07 PLATTING VARIANCES.

* * *

(g) *Content.* Platting variance applications must include the following items:

- (1) An application form signed by the property owner(s) or authorized representative;
- (2) The required application fee [~~(see city code § 22.08(e))~~] as set forth in City Code Appendix A;

* * *

(h) Process and fees. See [~~§ 22.08(e)~~] fees as set forth in City Code Appendix A.

* * *

§ 22.08 APPLICATION PROCESSES AND FEES.

* * *

(c) *Application processes and fees.*

* * *

<i>Application Process</i>	<i>Review and Decision Making Authority</i>				<i>Notice</i>		<i>Fee</i>
	<i>DRC</i>	<i>ST</i>	<i>PC</i>	<i>CC</i>	<i>N</i>	<i>Mail</i>	

Preliminary plat – Type I	R	R		DM			[\$250]
Preliminary plat – Type II	R	R		PH DM	N	500	\$700 plus \$90 per lot
Preliminary plat – Type III	R	R	PH	DM	N	500	\$800 plus \$90 per lot
Final plat – Type I		R		DM			\$250
Final plat – Type II and III	R	R		DM			\$400 plus \$20 per lot
Platting variance	R	R	V	PH DM	N	500	\$610
Extension of plat approval	R	R		DM			\$150
Tax parcel combination or split		DM					\$130}

(d) *Notices.*

(1) *Additional notice fees.* For applications listed in this section that require public notice, the listed fee has been calculated to include 100 mailed notifications per hearing to adjacent property owners and ~~[\$25 for notices]~~ one standard public hearing notice published in the official newspaper of the city, based upon the minimum number of hearings required by the code and state law. When the actual number of hearing notices published exceeds the minimum number required under the code, and/or when the number of mailed notices exceeds 100 for any given public hearing, the applicant must pay additional fees as set forth in City Code Appendix A to cover the cost of the additional mailed notices and publications. ~~[as follows:~~

~~—— (A) One dollar and fifty cents per mailed notice in excess of 100 notices for any public hearing;~~

~~—— (B) One dollar and fifty cents per mailed notice for all mailed notices for public hearings which are in excess of the minimum number of hearings required under the code; and~~

~~—— (C) Twenty-five dollars per published notice for public hearings in excess of the minimum number of hearings required under the Code.]~~

The Planning Commission or City Council may continue or deny approval of applications where outstanding fees have not been paid.

* * *

DIVISION D: STANDARDS

* * *

§ 22.11.1 TAX PARCEL COMBINATION OR SPLIT.

* * *

(c) *Content.* Tax parcel combination or split requests must include the following items:

(1) An application form signed by the property owner(s) or authorized representative;

(2) The required application fee [~~(see city code § 22.08(e))~~] as set forth in City Code Appendix A;

* * *

Section 11. That the fees and charges deleted above shall be inserted, at the same dollar amounts, into Appendix A – Fee Schedule, as attached hereto and incorporated herein, and

Section 12. That the attached Appendix A – Fee Schedule is adopted and will be codified with the Bloomington City Code.

Section 13. This ordinance shall be effective immediately upon publication.

Passed and adopted this 29th day of August, 2022.

ATTEST:

Secretary to the Council

Mayor

Approved:

City Attorney

APPENDIX A - FEE SCHEDULE

This appendix contains the various fees adopted by Ordinance in the listed section of the City Code.

Section 1. Appendix A, Tables for Chapters 11, 14, 15, 16, 17, 18, 20, 21 and 22 of the City Code are amended by adding those words that are underlined, to read as follows:

CHAPTER 11: WATER, WASTEWATER, SOLID WASTE AND REFUSE UTILITY SERVICES			
CODE SECTION	CROSS-REF	DESCRIPTION	FEE
§11.02(a)		Curb box connection permit.	See PERMIT FEES FOR WATER CONNECTIONS table below at §11.64(f).
§11.02(c)	§11.14	Water disconnection and reconnection fee.	Not less than \$50.00 (per task), or as established by Resolution The rate for reconnection of disconnected water service outside of normal business hours shall be two and one- half times the normal rate.
§11.04(a)		Fees for curb box connection permits and water main tapping.	See PERMIT FEES FOR WATER CONNECTIONS table below at §11.64(f).
§11.06(a)		Water rates.	See WATER RATES AND WASTEWATER RATES table below at §11.63(a) and (b).
§11.06(d)		Water bills.	See WATER RATES AND WASTEWATER RATES table below at §11.63(a) and (b).
§11.07(f)	§11.30 §11.64(c) <u>§12.06</u> §12.106(l)	Administrative Assessment Charge for delinquent account.	\$50.00
* * *			

CHAPTER 15: BUILDINGS AND STRUCTURES

CODE SECTION	CROSS-REF	DESCRIPTION	FEE
<u>§15.06(d)(4)</u>		<u>Moving of Buildings – Highway Use Permit Fees</u>	<u>\$55</u>
<u>§15.08(d)</u>	<u>§15.184</u>	<u>Restrictions to Buildings on Lowlands – Permit Fees</u>	<u>See §15.184 below.</u>
<u>§15.14(c)</u>	<u>§15.183(a)</u>	<u>Construction and Maintenance of Antennas and Supporting Towers – Permit Fees</u>	<u>See “BUILDING PERMIT FEES” table below at §15.183(a).</u>
<u>§15.144(b)</u>		<u>Utility Installer License- Sanitary sewer , water, and storm sewer connection – Application Fees</u>	<u>\$50 per year</u>
<u>§15.182</u>	<u>§15.130(b)(2)</u>	<u>Electrical, Plumbing and Heating License Fees</u>	
		<u>Mechanical Issuance: HVAC, Gas, Refrigeration, Oil Burner, Hot Water/Steam</u>	<u>\$75</u>
		<u>Flammable Tank</u>	<u>\$75</u>
<u>§15.183(a)</u>	<u>§15.14(c)</u> <u>§15.183(b)</u> <u>§15.184</u>	<u>Building Permit Fees</u>	
		<u>Total Valuation</u>	<u>Fee</u>
		<u>\$1 to \$500</u>	<u>\$70</u>
		<u>\$500.01 to \$2,000</u>	<u>\$70 for the first \$500 plus \$3.03 for each additional \$100, or fraction thereof, to and including \$2,000</u>
		<u>\$2,000.01 to \$25,000</u>	<u>\$73.38 for the first \$2,000 plus \$13.75 for each additional \$1,000, or fraction thereof, to and including \$25,000</u>
		<u>\$25,000.01 to \$50,000</u>	<u>\$394.63 for the first \$25,000 plus \$9.90 for each additional \$1,000, or fraction thereof, to and including \$50,000</u>
		<u>\$50,000.01 to \$100,000</u>	<u>\$642.13 for the first \$50,000 plus \$6.88 for each additional \$1,000, or fraction thereof, to and including \$100,000</u>
		<u>\$100,000.01 to \$500,000</u>	<u>\$985.88 for the first \$100,000 plus \$5.50 for each additional \$1,000, or fraction thereof, to and including \$500,000</u>
		<u>\$500,000.01 to \$1,000,000</u>	<u>\$3185.88 for the first \$500,000 plus \$4.68 for each additional \$1,000, or fraction thereof, to and including \$1,000,000</u>
		<u>\$1,000,000.01 and up</u>	<u>\$5,523.38 for the first \$1,000,000 plus \$3.03 for each additional \$1,000, or fraction thereof</u>

		<p>* Building valuation for the purpose of establishing building permit fees shall be as set forth by the current Building Valuation Data published by the State Department of Labor and Industry Building Codes and Standards.</p>	
	<u>§15.198</u>	<u>Other Inspections and Fees</u>	
		<u>Inspections outside of normal business hours</u>	<u>\$48 per hour</u>
		<u>Reinspection fees</u>	<u>\$48 per hour</u>
		<u>Additional plan review required by changes, additions or revisions to plans (minimum charge - one hour)</u>	<u>\$48 per hour</u>
		<u>For use of outside consultants for plan-checking and inspections, or both</u>	<u>Actual costs*</u>
		* <u>Actual costs include administrative and overhead costs</u>	
<u>§15.183(b)</u>	<u>§15.183(a)</u>	<u>Plan Checking Fees – construction value over \$10,000,000</u>	<u>65% of the building permit fee found in “BUILDING PERMIT FEES” table above at §15.183(a).</u>
<u>§15.184</u>	<u>§15.08(d)</u> <u>§15.183(a)</u>	<u>Erection of Buildings on Lowlands Subject to Flooding – Special Fees</u>	<u>\$22 in addition to regular building permit fees found in “BUILDING PERMIT FEES” table above at §15.183(a).</u>
<u>§15.185</u>		<u>Moving of Buildings – Pre-Moving Inspection Fees</u>	<u>\$32</u>
<u>§15.186</u>		<u>Demolition of Buildings – Permit Fees</u>	<u>\$75</u>
<u>§15.188</u>		<u>Certificates of Occupancy</u> <u>(Based on the valuation of the structure)</u>	
		<u>\$0 to \$15,000</u>	<u>\$9</u>
		<u>Building permit valuations more than \$15,000</u>	<u>10% of the building permit fee</u>
<u>§15.189(b)(2)</u>	<u>§15.189(c)(2)</u>	<u>Residential Electrical Permits</u> <u>(For multiple residential occupancies, see subsection §15.189(c)(2) below.)</u>	

		<u>Minimum fee</u>	<u>\$55</u>
		<u>Single-family dwelling, two-family dwelling, townhouse dwelling</u>	
		<u> New service only</u>	<u>\$55</u>
		<u> Complete wiring</u>	
		<u> Per dwelling unit</u>	<u>\$150</u>
		<u> Wiring of additions and rewiring</u>	
		<u> First room</u>	<u>\$55</u>
		<u> Each additional room</u>	<u>\$10 up to a maximum of \$150</u>
<u>§15.189(c)(2)</u>	<u>§15.189(b)(2)</u>	<u>Commercial and Industrial Electrical Permits</u> <u>(Based on the value of the electrical job cost)</u>	
		<u>0—\$50,000</u>	<u>2.5% of job cost, minimum fee of \$65</u>
		<u>\$50,000.01 and over</u>	<u>\$1,250 for first \$50,000 plus 3/4% of balance</u>
<u>§15.189(e)</u>		<u>Elevator and Moving Stair Electrical Permit Fees</u>	<u>\$25 per unit</u>
<u>§15.189(f)</u>		<u>Temporary Electrical Services Fees</u> <u>(installed during construction)</u>	<u>\$40</u>
<u>§15.189(g)</u>		<u>Transitory Projects, Events Special Inspections Or Re-Inspections</u> <u>– Electrical Inspection Fees</u>	<u>\$42 per inspection</u>
<u>§15.189(h)</u>		<u>Electrical Plan-Check Fees</u>	<u>10% of the permit fee when job exceeds \$50,000</u>
<u>§15.190(b)</u>		<u>Plumbing Permits and Gas Installation Permits - Fees</u>	<u>2% of the total job cost</u>
<u>§15.190(b)(2)</u>		<u>Plumbing Permits and Gas Installation Permits – Cost Exceeds Estimate by \$500</u>	<u>Fee computed on basis of actual cost of job.</u>
<u>§15.190(c)</u>		<u>Plumbing Permits and Gas Installation Permits – Minimum Fees</u>	
		<u> Nonresidential structures and/or uses</u>	<u> \$65</u>
		<u> Residential structures and/or uses</u>	<u> \$55</u>
<u>§15.190(d)</u>		<u>Plumbing Permits and Gas Installation Permits – Plan Check Fees</u>	<u>10% of the permit fee when job cost exceeds \$50,000</u>

<u>§15.195(b)(2)</u>		<u>Heating, Ventilating, air Conditioning, Refrigeration and Propane Storage Permits – Cost Exceeds Estimate by \$500</u>	<u>Fee computed on basis of actual cost of job.</u>
<u>§15.195(c)(1)</u>		<u>Heating, Ventilating, Air Conditioning, Refrigeration and Propane Storage Permits – Minimum Fees</u>	
		<u>Residential structures and/or uses</u>	<u>\$55</u>
		<u>Nonresidential structures and/or uses</u>	<u>\$65</u>
<u>§15.195(c)(3)</u>		<u>Heating, Ventilating, Air Conditioning, Refrigeration and Propane Storage Permits – Plan Check Fees</u>	<u>10% of the permit fee when job cost exceeds \$50,000</u>
<u>§15.198</u>	<u>§15.183(a)</u>	<u>Other Inspections, Re-inspections, and Additional Inspection Fees – During Normal Business Hours</u>	<u>See – “BUILDING PERMIT FEES - OTHER INSPECTIONS AND FEES TABLE” above at §15.183(a).</u>
<u>§15.198</u>	<u>§15.183(a)</u>	<u>Other Inspections, Re-inspections, and Additional Inspection Fees – Outside of Normal Business Hours</u>	<u>See – “BUILDING PERMIT FEES - OTHER INSPECTIONS AND FEES TABLE” above at §15.183(a).</u>
<u>§15.214(c)</u>		<u>Automatic Fire Extinguishing Systems and Automatic Fire Detection Systems – Permit Fees</u>	
		<u>Total Valuation of Permitted Work</u>	<u>Fee</u>
		<u>\$1 to \$500</u>	<u>\$70</u>
		<u>\$500.01 to \$2,000</u>	<u>\$70 for the first \$500 plus \$3.03 for each additional \$100, or fraction thereof, to and including \$2,000</u>
		<u>\$2,000.01 to \$25,000</u>	<u>\$73.38 for the first \$2,000 plus \$13.75 for each additional \$1,000, or fraction thereof, to and including \$25,000</u>
		<u>\$25,000.01 to \$50,000</u>	<u>\$394.63 for the first \$25,000 plus \$9.90 for each additional \$1,000, or fraction thereof, to and including \$50,000</u>
		<u>\$50,000.01 to \$100,000</u>	<u>\$642.13 for the first \$50,000 plus \$6.88 for each additional \$1,000, or fraction thereof, to and including \$100,000</u>
		<u>\$100,000.01 to \$500,000</u>	<u>\$985.88 for the first \$100,000 plus \$5.50 for each additional \$1,000, or fraction thereof, to and including \$500,000</u>
		<u>\$500,000.01 to \$1,000,000</u>	<u>\$3,185.88 for the first \$500,000 plus \$4.68 for each additional \$1,000, or fraction thereof, to and including \$1,000,000</u>

		<u>\$1,000,000.01 and up</u>	<u>\$5,523.38 for the first \$1,000,000 plus \$3.03 for each additional \$1,000, or fraction thereof</u>	
<u>\$15.214(c)</u>		<u>Permits for Automatic Fire Extinguishing Systems and Automatic Fire Detection Systems – Other Inspections and Fees</u>		
		<u>Inspections outside of normal business hours</u>	<u>\$58 per hour</u>	
		<u>Reinspection fees</u>	<u>\$58 per hour</u>	
		<u>Additional plan review required by changes, additions, or revisions to plans (minimum charge - one hour)</u>	<u>\$58 per hour</u>	
		<u>For use of outside consultants for plan-checking and inspections, or both</u>	<u>Actual costs*</u>	
		<u>*Actual costs include administrative and overhead costs</u>		
<u>\$15.214(c)</u>		<u>Work Started Prior to Obtaining a Permit (when permit required) – Fees</u>	<u>Double the amount of required fees found in “PERMITS FOR AUTOMATIC FIRE EXTINGUISHING SYSTEMS AND AUTOMATIC FIRE DETECTION SYSTEMS” table above at \$15.214(c).</u>	
<u>CHAPTER 16: STORMWATER MANAGEMENT, STORM UTILITY, AND WETLANDS</u>				
<u>CODE SECTION</u>	<u>CROSS-REF</u>	<u>DESCRIPTION</u>	<u>FEE</u>	
<u>\$16.08(b)</u>		<u>Erosion and Sediment Control Surety</u>		
		<u>Disturbed Area (acres)</u>	<u>Surety Amount</u>	
		<u>0.00-0.50</u>	<u>\$5,000</u>	
		<u>0.51-0.75</u>	<u>\$8,000</u>	
		<u>0.76-1.00</u>	<u>\$11,000</u>	
		<u>Greater than one acre</u>	<u>\$0.25 per square foot of disturbed area rounded to the nearest \$1,000 (maximum \$25,000)</u>	
<u>\$16.09</u>		<u>Grading Permit Fees</u>		
		<u>Cubic Yards</u>	<u>Base</u>	<u>Multiplier</u>
		<u>0-50</u>	<u>23.50</u>	
		<u>50-100</u>	<u>37.00</u>	

		<u>100-1000</u>	<u>37.00</u>	<u>17.50</u>
		<u>1000-10000</u>	<u>194.50</u>	<u>14.50</u>
		<u>10000-100000</u>	<u>325.00</u>	<u>66.00</u>
		<u>100000+</u>	<u>919.00</u>	<u>36.50</u>
<u>§ 16.11 (b)(2) (E)</u>		<u>Stormwater aeration permit - initial application</u>	<u>\$150.00</u>	
<u>§ 16.11(d)</u>		<u>Stormwater aeration permit - renewal</u>	<u>\$50.00</u>	
<u>§16.14(a)</u>	<u>§11.64.01(a)</u>	<u>Storm Water Utility – Connection Permit Fees</u>	<u>See “PERMIT FEE FOR STORM SEWER CONNECTIONS” table above at §11.64.01(a)</u>	
<u>§16.20(d)</u>		<u>Storm Water Utility Delinquent Accounts – Administrative Assessment Charge</u>	<u>\$50.00</u>	
<u>§16.23(b)(3)</u>		<u>Wetlands – WCA Wetland Mitigation and Replacement – Plan Review</u>	<u>\$1,000.00</u>	

CHAPTER 17: STREETS AND RIGHTS-OF-WAY

CODE SECTION	CROSS-REF	DESCRIPTION	FEE
<u>§17.05(b)</u>		<u>Driveway Approaches /curb cut- Application Permit Fee</u>	
		<u>(1) Permit, first form inspection and final inspection</u>	<u>\$160</u>
		<u>(2) Additional form inspections</u>	<u>\$80 per inspection</u>

Right of Way Permit fees

<u>§ 17.66(a)</u>		(A) <u>Annual</u> Registration fee	\$60 per registration
<u>§ 17.68(a)(1)</u>		(B) Right of Way Permit Fee	
		(1) Hole/handhole and pedestal	\$208 per excavation
		(2) Emergency hole	\$104 per excavation
		(3) Trench The maximum length of a trench permit shall be 5,000 lineal feet.	\$89 per 100 lineal feet plus \$208 hole fee for each excavation
		(4) Potholing/soil boring	\$52 for first pothole, \$7 for each additional pothole
		(4) <u>(5)</u> Fixture installation right-of-way	\$175 each for installation of handholes , cabinets, poles, transformers, etc.

		(J) (6) Fixture installation drainage and utility easement	\$175 each for installation of handholes, cabinets, poles, transformers, etc.
§ 17.68(a)(2)		(C) (7) Obstruction/Aerial/Interduct Permit Fee The maximum length of an obstruction permit shall be 5,000 lineal feet.	\$129 plus \$0.06 per lineal foot for each obstruction
§ 17.68(a)(3)		(D) (8) Pole attachment permit fee	\$1,500 per attachment
§ 17.68(b)		(F) Permit reprocessing fee	\$36 for each permit extension
§ 17.68(c)		(G) Delay penalty	\$84 plus \$11 per day for each late day over 3 days
§ 17.64 § 17.68(d)		(H) Right-of-way permit processing fee (non-refundable)	\$36 fee withheld from permit application fee if work is not completed
§ 17.68(d)(1)	§17.79(a)(1)	(E) Permit data conversion fee	\$36 for each data entry
		[(I) Driveway approach/curb cut	
		(1) Permit, first form inspection and final inspection	\$160 plus \$1 State surcharge
		(2) Additional form inspections	\$80 per inspection]
§17.79(a)(1)	§17.68(d)(1)	<u>Mapping Data – Data Conversion Fee</u>	<u>See §17.68, above.</u>

CHAPTER 18: TREES

CODE SECTION	CROSS-REF	DESCRIPTION	FEE
§18.04.01		<u>Storage of Elm Logs – Permit Fee</u>	<u>\$25.00</u>
§18.05(f)		<u>Administrative Assessment Charge - for failure to comply with tree orders.</u>	<u>\$50.00</u>

CHAPTER 19: ZONING

CODE SECTION	CROSS-REF	DESCRIPTION	FEE
§ 19.87.04(h)		Shore Area Permit	
		(A) For vegetation removal/alteration only	\$120
		(B) For grading/filling only	\$120
		(C) For all other permits	\$155
§19.118(d)	§21.502.01(d)(3)(A)	<u>Temporary Signs for Special Events at Places of Assembly for Worship, Schools, Parks and Public Buildings – Permit Fee</u>	See “TEMPORARY SIGN COMBINED APPLICATION AND PERMIT FEES” table below at §21.502.01(d)(3)(A).
§19.119(d)	§21.502.01(d)(3)(A)	<u>Temporary Signs for Commercial Promotions – Permit Fee</u>	See “TEMPORARY SIGN COMBINED APPLICATION AND PERMIT FEES” table below at §21.502.01(d)(3)(A).
§19.127(d)	§21.502.01(d)(d)(A)	<u>Temporary Signs for Approved Interim Uses in the Class VI Sign District (XC-2)</u>	See “TEMPORARY SIGN COMBINED APPLICATION AND PERMIT FEES” table below at §21.502.01(d)(3)(A).

CHAPTER 21: ZONING AND LAND DEVELOPMENT

CODE SECTION	CROSS-REF	DESCRIPTION	FEE
§21.501.06(l)(1)(F)		<u>Master Sign Plan Violations– Administrative Citation</u>	<u>\$1,000 per violation</u>
§21.502.01(b)(11)	§21.502.01(c)	<u>Application Processes and Fees – Recording Fees</u>	<u>\$50</u> <u>Any * under the Fee column listed in the “ZONING AND DEVELOPMENT APPLICATION FEES” table below at §21.502.01(c).</u> <u>indicates that \$50 of the fee is intended for recording approval actions with the county and will be refunded if the City Council or Planning Commission denies the application or the application is withdrawn. If the application does not require recording approval actions, the application fee is \$50 less than the stated fee.</u>

		<u>Zoning and Development Application Fees</u>	
<u>\$21.502.01(c)</u>		<u>Comprehensive Plan text amendment</u>	<u>\$1,660</u>
		<u>Comprehensive Plan map amendment</u>	<u>\$1,660</u>
		<u>Zoning ordinance text amendment</u>	<u>\$1,660</u>
		<u>Rezoning (zoning district map amendment)</u>	<u>\$1,660</u>
		<u>Planned Developments</u>	
		<u>Preliminary development plan</u>	<u>\$830</u>
		<u>Revisions to preliminary development plans</u>	<u>\$830</u>
		<u>Final development plan</u>	<u>\$1,660</u>
		<u>Major revisions to final development plans</u>	<u>\$830</u>
		<u>Minor revisions to final development plans</u>	<u>\$130</u>
		<u>Appeal of decision by Planning Manager</u>	<u>\$170</u>
		<u>Final Site and Building Plans</u>	
		<u>Final site and building plans, including revisions – acted upon by the City Council</u>	<u>\$660</u>
		<u>Final site and building plans, including revisions – acted upon by the Planning Commission</u>	<u>\$420</u>
	<u>\$21.502.01(b)(11)</u>	<u>Final site and building plans, including revisions – acted upon by the Planning Manager</u>	<u>\$130</u>
		<u>Appeal of decision by the Planning Manager</u>	<u>\$170</u>
		<u>Appeal of decision by the Planning Commission (fee applies only if applicant appeals)</u>	<u>\$210</u>
		<u>Conditional Use Permits (CUPs)</u>	
		<u>CUP – acted upon by City Council</u>	<u>\$880*</u>
		<u>CUP – acted upon by Planning Commission</u>	<u>\$220*</u>
		<u>Appeal of decision by the Planning Commission (fee applies only if applicant appeals)</u>	<u>\$210*</u>
		<u>Suspension or revocation of CUP</u>	<u>No fee</u>
		<u>Interim Use Permits (IUPs)</u>	
		<u>IUP – acted upon by City Council</u>	<u>\$420</u>
		<u>IUP – acted upon by Planning Commission</u>	<u>\$220</u>
		<u>IUP – reapplication for succeeding IUP (same use on the same site)</u>	<u>\$250</u>
		<u>Appeal of decision by the Planning Commission (fee applies only if applicant appeals)</u>	<u>\$210</u>

<u>Suspension or revocation of IUP</u>	<u>No fee</u>
<u>Variances</u>	
<u>Variance for single- and two-family dwellings</u>	<u>\$310*</u>
<u>Variance for other uses</u>	<u>\$610*</u>
<u>Administrative variance</u>	<u>\$220*</u>
<u>Appeal to Planning Commission of administrative variance denial</u>	<u>\$170</u>
<u>Master Sign Plans</u>	
<u>Master sign plans</u>	<u>\$660</u>
<u>Revisions to master sign plans</u>	<u>\$420</u>
<u>Time extension on expiration</u>	<u>\$170</u>
<u>Environmental Reviews</u>	
<u>Environmental assessment worksheet – discretionary</u>	<u>No fee</u>
<u>Environmental assessment worksheet – mandatory</u>	<u>\$2,400</u>
<u>Environmental impact statement</u>	<u>\$6,620</u>
<u>Alternative environmental review</u>	<u>Reference §21.506.05(h)</u>
<u>Miscellaneous</u>	
<u>Floodplain permit</u>	<u>\$130</u>
<u>Certification of floodplain zoning compliance</u>	<u>\$95</u>
<u>Change in condition sent directly to City Council</u>	<u>\$220*</u>
<u>Change in condition sent directly to Planning Commission</u>	<u>\$220*</u>
<u>Change in condition sent to both Planning Commission and City Council</u>	<u>\$420*</u>
<u>Accessory dwelling unit approval</u>	<u>\$120</u>
<u>Appeal of RV permit denial (fee applies only if applicant makes the appeal)</u>	<u>\$210</u>

		<u>Certificate of appropriateness for historical preservation</u>	<u>\$170</u>
		<u>Moratorium/interim ordinance adoption</u>	<u>No fee</u>
		<u>Moratorium/interim ordinance extension</u>	<u>No fee</u>
		<u>Tent/canopy permit</u>	<u>\$55</u>
		<u>Tent/canopy – appeal of permit denial</u>	<u>\$100</u>
		<u>Tent/canopy – request for time extension</u>	<u>\$100</u>
		<u>Time extension on expiration</u>	<u>\$170</u>
		<u>Permit for temporary housing in response to a disaster</u>	<u>\$50</u>
<u>§21.502.01(d)</u> <u>(1)</u>		<u>Permanent Sign Application Fees (per site)</u>	
		<u>One sign</u>	<u>\$50</u>
		<u>Two to five signs</u>	<u>\$100</u>
		<u>Six or more signs</u>	<u>\$160</u>
<u>§21.502.01(d)</u> <u>(2)</u>		<u>Permanent Sign Permit Fees (per sign)</u>	
		<u>Wall sign</u>	<u>\$110</u>
		<u>Freestanding sign</u>	<u>\$110</u>
		<u>Awning or canopy sign</u>	<u>\$50</u>
		<u>Incidental or accessory sign</u>	<u>\$20</u>
		<u>Directional sign</u>	<u>\$20</u>
<u>§21.502.01(d)</u> <u>(3)(A)</u>	<u>§19.118(d)</u> <u>§19.119(d)</u> <u>§19.127(d)</u>	<u>Temporary Sign Combined Application and Permit Fees</u>	
		<u>Temporary Sign combined application and permit fee</u>	<u>\$30 per occasion per site, due at time of application and prior to installation.</u>
		<u>Temporary sign application for same temporary signage for succeeding occasions occurring within one year for the same site</u>	<u>\$30 one-time permit fee</u>
<u>§21.502.01(d)</u> <u>(4)</u>		<u>Uniform Sign Design Fees</u>	
		<u>Uniform sign design - new</u>	<u>\$100</u>
		<u>Uniform sign design - amendment</u>	<u>\$50</u>

<u>§21.502.01(e)(1)(A)(B)(C)(D)</u>	<u>§22.08(d)(1)</u>	<u>Public Notices – Additional Fees for Mailed Notices Exceeding 100</u>	
		<u>Fee for mailings exceeding 100 notices for any public hearing</u>	<u>\$1.50 per mailed notice</u>
		<u>Fee for all mailed notices for public hearings which are in excess of the minimum number of hearings required by the code</u>	<u>\$1.50 per mailed notice</u>
		<u>Fee per published notice for public hearings in excess of the minimum number of hearings required by the code.</u>	<u>\$25 per published notice</u>
<u>§21.502.01(f)</u>		<u>Administrative approval of final plans – additional fee when approval of a plan is required as a condition imposed by the City Council</u>	<u>\$80 for each single and two-family residential use</u>
			<u>\$160 for all other uses</u>
<u>§21.502.01(g)</u>		<u>Radio frequency engineer review fees</u>	<u>\$2,000 additional fee, if costs exceed \$2,000 the applicant shall pay half of the additional cost. If actual costs are less than \$2,000 the unused portion will be returned to the applicant.</u>

CHAPTER 22: SUBDIVISION AND PLATTING

CODE SECTION	CROSS-REF	DESCRIPTION	FEE
<u>§22.05(f)(1)(B)</u>	<u>§22.08(c)</u>	<u>Preliminary Plats – Application Fees</u>	<u>See “Subdivision and PLAT APPLICATION FEES” table below at §22.08(c).</u>
<u>§22.05(g)</u>	<u>§22.08(c)</u>	<u>Preliminary Plats – Process and Fees</u>	<u>See “Subdivision and PLAT APPLICATION FEES” table below at §22.08(c).</u>
<u>§22.06(f)(2)</u>	<u>§22.08(c)</u>	<u>Final Plats – Application Fees</u>	<u>See “Subdivision and PLAT APPLICATION FEES” table below at §22.08(c).</u>
<u>§22.06(h)</u>	<u>§22.08(c)</u>	<u>Final Plats – Process and Fees</u>	<u>See “Subdivision and PLAT APPLICATION FEES” table below at §22.08(c).</u>

<u>§22.07(g)(2)</u>	<u>§22.08(c)</u>	<u>Platting Variances – Application Fees</u>	See “Subdivision and PLAT APPLICATION FEES” table below at <u>§22.08(c)</u> .
<u>§22.07(h)</u>	<u>§22.08(c)</u>	<u>Platting Variances – Process and Fees</u>	See “Subdivision and PLAT APPLICATION FEES” table below at <u>§22.08(c)</u> .
<u>§22.08(c)</u>	<u>§22.05(f)(1)(B)</u> <u>§22.05(g)</u> <u>§22.06(f)(2)</u> <u>§22.06(h)</u> <u>§22.07(g)(2)</u> <u>§22.07(h)</u> <u>§22.11.1(c)(2)</u>	<u>Subdivision and Platting Application Fees</u>	
		<u>Preliminary plat – Type I</u>	<u>\$250</u>
		<u>Preliminary plat – Type II</u>	<u>\$700 plus \$90 per lot</u>
		<u>Preliminary plat – Type III</u>	<u>\$800 plus \$90 per lot</u>
		<u>Final plat – Type I</u>	<u>\$250</u>
		<u>Final plat – Type II and III</u>	<u>\$400 plus \$20 per lot</u>
		<u>Platting variance</u>	<u>\$610</u>
		<u>Extension of plat approval</u>	<u>\$150</u>
		<u>Tax parcel combination or split</u>	<u>\$130</u>
<u>§22.08(d)(1)</u>	<u>§21.502.01(e)(1)(A)(B)(C)(D)</u>	<u>Public Notices – Additional Fees for Mailed Notices Exceeding 100</u>	See “PUBLIC NOTICES - ADDITIONAL FEES FOR MAILED NOTICES EXCEEDING 100 ” table above at <u>§21.502.01(e)(1)(A)(B)(C)(D)</u> .
<u>§22.11.1(c)(2)</u> 1	<u>§22.08(c)</u>	<u>Tax Parcel Combination or Split – Application Fees</u>	See “PLAT APPLICATION PROCESSES AND FEES” table above at <u>§22.08(c)</u> .

RESOLUTION NO. 2022 - 154

**A RESOLUTION DIRECTING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-40 AN ORDINANCE AMENDING CHAPTERS 15, 16, 17,
18, 19, 20, 21 AND 22 OF THE CITY CODE AND UPDATING THE CODIFIED
FEE SCHEDULE APPENDIX A FOR FEES AND CHARGES FOR SERVICES
ESTABLISHED BY ORDINANCE**

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 August 29, 2022, enacted the attached ordinance amending Chapters 15, 16, 17, 18, 19, 20, 21 and 22 of the City Code, and updating Appendix A – Fee Schedule for fees and charges for services established by ordinance.

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 August 29, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-40) amending Chapters 15, 16, 17, 18, 19, 20, 21 and 22 of the City Code, and updating Appendix A – Fee Schedule for fees and charges for services established by ordinance. The specific title of the ordinance enacted was: “**AN ORDINANCE AMENDING CHAPTERS 15, 16, 17, 18, 19, 20, 21 AND 22 OF THE CITY CODE UPDATING THE CODIFIED FEE SCHEDULE AND APPENDIX A FOR FEES AND CHARGES FOR SERVICES ESTABLISHED BY ORDINANCE**”. 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 29th day of August, 2022.

Mayor

ATTEST:

Secretary to the Council

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

Rhonda Herberg 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 08/04/2022 and the last insertion being on 08/04/2022.

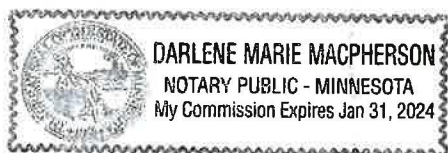
MORTGAGE FORECLOSURE NOTICES

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: Rhonda Herberg
Designated Agent

Subscribed and sworn to or affirmed before me on 08/04/2022 by Rhonda Herberg.

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 1246715

CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL

The Bloomington City Council will hold a public hearing on Monday, August 15, 2022 at 6:30 p.m. in the Council Chambers at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, Minnesota, 55431, and by electronic means as provided by State law, to consider an Ordinance amending Chapters 15, 16, 17, 18, 19, 20, 21 and 22 of the City Code, and amending Fee Schedule Appendix A for fees and charges for services established by ordinance.

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 952-563-4925.

Published in the
Sun Current
August 4, 2022
1246715



Request for Council Action

Originator Planning	Item 5.1 MPCA Landfill Presentation and Authorize Comment Letter to MPCA
Agenda Section ORGANIZATIONAL BUSINESS	Date August 29, 2022

Requested Action:

Motion by _____, seconded by _____ to authorize transmittal of the attached draft comment letter to the MPCA.

Item created by: Glen Markegard, Planning

Item presented by: MPCA Staff (names unknown at the time of packet preparation)
Glen Markegard, Planning Manager

Description:

MPCA staff will be present to discuss 1) the application before the MPCA from Burnsville Sanitary Landfill, Inc. to expand the Burnsville Sanitary Landfill and 2) the status of remediation efforts at the Freeway Landfill and Freeway Dump sites in Burnsville. Additional information is available on the MPCA's website here:

<https://www.pca.state.mn.us/waste/burnsville-sanitary-landfill-expansion-project>

Bloomington staff has prepared the attached draft comment letter to the MPCA on the application for the City Council's consideration. Comments are due to the MPCA by 4:30 p.m. on September 6th.

Attachments:

[Draft Comment Letter to MPCA](#)



August 28, 2022

Cliff Shierk
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road N.
St. Paul, MN 55155

RE: Burnsville Sanitary Landfill (BSL) Expansion – Comments on Permit Request

Dear Mr. Shierk,

Recently, the MPCA received an application for a Solid Waste Facility Permit (Permit) from Burnsville Sanitary Landfill, Inc.. The MPCA has issued a draft Permit for public comment. Bloomington has reviewed the draft Permit, analyzed the corresponding environmental review documents, and prepared three-dimensional computer models of the proposal to better understand its impacts. As an adjacent city with many residents who would be directly impacted by the BSLI Landfill Expansion and as one of many stewards of the Minnesota River Valley, the City of Bloomington has significant concerns regarding the application. **The purpose of this letter is to share those concerns and to formally request that the MPCA deny the Permit application.**

Background

The applicant is proposing to expand the Burnsville Sanitary Landfill (BSL) by 23.6 million cubic yards, a volume that the Supplemental Environmental Impact Statement (SEIS) estimates will accommodate 21.9 million tons of waste. The expansion would result in a final volume of 45 million cubic yards. The volume of the expansion alone is equivalent to 842,857 fully loaded large garbage trucks that haul up to 28 cubic yards each.

Concerns

1. **Groundwater Impacts.** Of great concern, the SEIS points out that parts of the BSL are unlined and that, during flooding events along the Minnesota River, the water table rises and interacts with the unlined portions of the landfill. The SEIS also predicts that the future discontinuance of dewatering at the adjacent Kraemer Quarry will significantly increase the elevation of the water table, resulting in regular interaction between waste in the unlined portions of the landfill and groundwater. The SEIS states the groundwater interacting with the waste “is predicted to discharge to the anticipated future quarry lake”. Once groundwater under the landfill is contaminated, it is likely to spread to surrounding areas and to the Minnesota River. That is exactly the reason the Minnesota Pollution Control Agency (MPCA) is proposing a massive and expensive cleanup of the other two landfills in Burnsville along the Minnesota River that are now Superfund sites, the Freeway Landfill and Freeway Dump. The SEIS states: “having new waste on top of the

unlined area may impede corrective action”.

2. **Visual Impacts.** If the MPCA ultimately approves the full proposed volume of the BSL through this Permit and subsequent Permits, the design capacity of the landfill will be increased to 45 million cubic yards at buildout in 2062, a staggering volume that is difficult to visualize. To put that volume in context, the largest pyramid in Egypt has a volume of 3.37 million cubic yards. The expansion is proposed to increase the height of the landfill to an elevation of 1,082 feet above mean sea level, which is 372 feet above surrounding grade and 389 feet above the nearby Minnesota River.

The top of the landfill is proposed to be higher than Mount Gilboa, Bloomington’s highest elevation in the Hyland Ski and Snowboard Area. The top of the landfill is proposed to be more than 340 feet higher than the nearest residence in Burnsville, which is approximately 1,000 linear feet from the base of the landfill and 250 feet higher than the nearest residence in Bloomington, which is approximately 3,400 linear feet from the base of the landfill. The fact that the proposed landfill is required by the Federal Aviation Administration to have a red warning light on top to reduce the risks of airplane collisions illustrates the excessive height of proposed landfill.

If the MPCA approves this expansion, the BSL will become the dominant and defining visual feature, indeed the representative symbol, of Burnsville and the surrounding area.

3. **Surface Water Impacts.** The Final SEIS notes that, in a 500-year storm, the proposed expansion will increase the peak storm water runoff discharge rate from the site by 47% due to the increase in landfill slope proposed with the expansion. Climate change is resulting in more frequent large storm events. A significant increase in peak runoff rates will cause substantial negative impact to people and property downstream during these major rainfall events, which is the time at which faster runoff rates are most damaging.
4. **Air Quality.** The SEIS estimates that, at buildout, the landfill will generate 5,863 standard cubic feet of landfill gases **every minute**. Of that volume, 75 percent is planned to be captured and 25 percent will escape into the atmosphere. Roughly half of the captured gases will be flared on site. As a direct result of the expansion, the SEIS reports that volatile organic compounds will increase by 10.2 tons/year and hazardous air pollutants will increase by 5.4 tons/year.
5. **Environmental Justice.** The SEIS states that the project is located within an area of concern for environmental justice. The State of Minnesota flags this area for concern based on U.S. Census Bureau income data for the Burnsville neighborhood hosting the landfill.
6. **Odor.** The landfill is located within 1,000 feet of residences in Burnsville and 3,400 feet of residences in Bloomington. Depending on wind direction, odor impacts from both the trash deposits and from methane and other volatile organic compounds is anticipated. The SEIS estimates that, at buildout, 1,465 standard cubic feet of landfill gases **per minute** will not be captured or flared and instead will escape into the atmosphere.

7. **Noise.** The landfill expansion will generate noise impacts for surrounding residential uses as machinery shuttles the waste from 57 fully loaded garbage trucks per day up the steep inclines to the top of the landfill. Large earth movers will create more noise as fill is added on top of the waste.
8. **Aviation Impacts.** Landfills are notorious for attracting large birds. During a visit to the perimeter of the BSL, Bloomington staff observed numerous eagles, gulls and other large birds. The birds attracted to landfills and corresponding concerns regarding mid-air collisions with birds are the primary reason the FAA has serious concerns about placing landfills near airports. The Burnsville Sanitary Landfill expansion is proposed near MSP International and Flying Cloud Airports and directly underneath a very frequently used flyway departing MSP, one of the nation's busiest airports. The increased height of the landfill and corresponding orographic lift will bring birds closer to aircraft and may present special concerns.

Attachment G of the SEIS includes a letter from the FAA to the City of Burnsville. In that letter, an FAA representative states: *“Based on our review and utilizing the criteria in AC’s 150/5200-33B, the FAA is concerned with the initial proposed project given the location, and potential to create a wildlife hazard attractant near the Minneapolis-St. Paul International Airport (MSP).”*

Request

Based on these significant concerns and the information brought to light by the MPCA’s environmental review in the SEIS, **the City of Bloomington formally requests that the MPCA deny the Permit application to expand the landfill.** In the event that the MPCA nevertheless decides to issue a Permit, Bloomington would then request the following mitigation conditions be applied to the Permit to reduce the impacts of the landfill expansion on the surrounding environment and communities:

1. **Waste Composition.** The Final SEIS notes that, as of December 2019, 69 percent of the waste being landfilled at BSL is recoverable (such as organics and recyclables). The impacts of the proposed expansion can be partially limited by reducing the volume of waste permitted. Bloomington acknowledges the MPCA response to Bloomington’s July 2021 comments on the Draft SEIS that “the MPCA will include all applicable recycling requirements in BSL’s next solid waste disposal permit”.

Given the inherent environmental risks of adding waste in a floodplain along the Minnesota River, given environmental justice concerns of placing waste in an area of concern for environmental justice and given the significant visual impacts, simply meeting the same standard for recycling that applies to other Minnesota landfills is not sufficient. The Permit should require, as mitigation, that a higher level of organics and recyclables be removed at BSL than is required at other landfills that do not have similar environmental risks, similar environmental justice concerns and similar visual impacts. Adequately addressing these issues requires an aggressive limitation on landfilling organics and recyclables at BSL coupled with a corresponding reduction in the size of the landfill potentially permitted. Required mitigation should include the installation of equipment on-site to remove recyclables and organics from waste and to shred the remaining waste for more compact disposal prior to placement of the waste in the

landfill.

2. **Groundwater Impacts.** Given the high level of concern regarding the interaction of the water table with unlined portions of the landfill and the corresponding potential discharge of contaminants to surrounding water bodies and given that the Final SEIS states: “having new waste on top of the unlined area may impede corrective action”, Bloomington requests that the following mitigation measures be required by the Permit. Minnesota needs to learn from the expensive and potentially environmentally damaging lessons experienced at the Freeway Landfill and the Freeway Dump and not allow future corrective action to be impeded by placing additional waste over the unlined portions of the BSL.

- a. Require waste in the unlined portions of the landfill to be relocated to portions of the site that are sufficiently lined. The MPCA is proposing this approach at Freeway Landfill and Freeway Dump using public funds. In this case, the remediation should be done using private funds by attaching conditions to the Permit for further expansion.
- b. Require regular groundwater monitoring by the MPCA and, in the event of detection of any groundwater contamination, require both that remediation be paid for by the landfill owner and that further expansion be prohibited.

3. **Surface Water Impacts.** The Final SEIS notes that, in a 500-year storm, the proposed expansion will increase the peak storm water runoff discharge rate from the site by 47% due to the increase in landfill slope proposed with the expansion. Climate change is resulting in more frequent large storm events. A significant increase in peak runoff rates will cause substantial negative impact to people and property downstream during these major rainfall events, which is the time at which faster runoff rates are most damaging.

Bloomington requests that conditions be attached to the Permit that require design changes that restrict water runoff discharge rates from the site during a 500-year storm to current discharge rates during a similar event.

4. **Visual Impacts.** Bloomington notes the following statement in the Final SEIS: “The visual impacts of the Project could be mitigated by...reducing the height of the proposed landfill expansion”. Bloomington strongly requests that the MPCA follows through on this mitigation technique suggested by the Final SEIS and apply permanent height limits to the Permit to reduce visual impact. Rather than the temporary volume or height limit suggested by the Draft Permit, which is likely to be increased through future applications, Bloomington requests a permanent height/volume limit.
5. **Environmental Justice.** The Final SEIS states that the project is located within an area of concern for environmental justice. It is important to note that multiple nearby competing landfills are not located in areas of concern for environmental justice.

Environmental justice impacts can be avoided by not permitting further expansion of BSL. Similarly, environmental justice impacts can be reduced by reducing the amount of waste entering BSL. Bloomington requests that the MPCA avoid the environmental justice concerns identified in the SEIS by either not permitting further expansion or

substantially limiting further expansion of BSL.

6. **Air Quality.** The Final SEIS states that “the MPCA will continue to carefully consider BSL’s potential air emissions and its potential impacts to residents during the air quality permitting process for the Project”. Much of the gas created will be a result of the anaerobic degradation of organics. As a way to reduce gas creation, air pollutants and damaging greenhouse gases, Bloomington requests a condition of approval be attached to the Permit that requires organic material to be removed from the waste stream onsite prior to the waste being landfilled. Bloomington also requests that the MPCA be particularly sensitive to the proximity of nearby residential uses in its review of associated air quality impacts and how to appropriately dispose of the captured gases.
7. **Aviation Impacts.** To reduce the threats to aviation from bird strikes, Bloomington requests that the Permit include mitigation measures to reduce the attraction of birds to the landfill. Given that birds are attracted by organic materials, these measures should include the removal of organic material from the waste stream onsite prior to the waste being landfilled.
8. **Size Reductions.** The Final SEIS states: “*If a 75% recycling and preprocessing rate is achieved by year 2030, the size of the expansion could be reduced from 23.6 million cubic yards to 11.9 million cubic yards resulting in a reduction in height of the expansion to elevation 862 feet using the same expansion footprint.*” It also states: “*Shredding of waste prior to disposal in the landfill could reduce the waste volume by up to 75% according to manufacturers of shredding equipment*”. Bloomington requests that the Permit include conditions requiring:
 - a. a 75 percent recycling and preprocessing rate by the year 2030;
 - b. removal of recyclables and organics and the shredding of remaining waste on-site prior to disposal; and
 - c. a corresponding reduction in the volume of waste allowed under the permit.

In past public documents, the MPCA stated that “volume reduction strategies will be discussed with the permittee during the permitting process, including shredding”. Bloomington requests that the MPCA go beyond discussing volume reduction strategies with the applicant and formally requires such strategies as a Permit condition.

9. **Public Input.** Given the significant environmental, visual and other impacts of the proposed expansion, significant public outreach to nearby residents in the cities of Burnsville, Savage, and Bloomington is vital to ensure public understanding and input opportunities. Outreach and input that engages residents where they live and socialize is particularly important given that the expansion is proposed in an area flagged by the state for environmental justice concerns. Bloomington appreciates the one opportunity for questions that the MPCA offered on August 10th in Burnsville, but requests that the MPCA conducts a series of well publicized outreach events in the impacted neighborhoods of Burnsville, Savage, and Bloomington prior to taking any action on the Permit application.

Thank you in advance for considering Bloomington's request for Permit denial. If the MPCA decides to instead proceed with a Permit, please adopt the conditions of approval we suggest above to mitigate the impacts of the expansion. Based on the troubling information brought to light by the SEIS, Bloomington remains adamantly opposed to placing 21.9 million tons of additional waste in an environmentally sensitive, high-profile location.

Sincerely,



Tim Busse
Mayor

copy via e-mail: Bloomington City Council Members
Bloomington Legislative Delegation
Debbie Goettel, Hennepin County Commissioner
Sarena Selbo, Manager, Minnesota Valley National Wildlife Refuge
Katrina Kessler, Commissioner, MPCA



Request for Council Action

Originator City Manager's Office	Item 5.2 City Council Policy & Issue Update
Agenda Section ORGANIZATIONAL BUSINESS	Date August 29, 2022

Requested Action:

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

Item presented by: Jamie Verbrugge, City Manager

Description:

1. Listening Session report
2. Updates to Council by the City Manager
3. Council issue identification



Request for Council Action

Originator City Manager's Office	Item Meeting Attachments
Agenda Section Meeting Attachments	Date August 29, 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:

[Response to Council Questions - Monday, August 29.pdf](#)

From: [Verbrugge, Jamie](#)
To: [City-Council](#)
Cc: [Executive Leadership Team](#); [Markegard, Glen](#); [Long, Julie](#); [Jorschumb, Steven](#); [Carlson, Kari](#); [Centinario, Michael](#)
Subject: Response to Council Questions - Monday, August 29
Date: Monday, August 29, 2022 2:01:25 PM
Attachments: [image001.png](#)
[City of Bloomington - American Rescue Plan Funds SUMMARY.pdf](#)
[2022 Bloomington PowerPoint.pptx](#)
Importance: High

Good afternoon, Mayor and Council.

Council Member Carter has the consent agenda. Please let me know if you have any holds.

I've attached the presentation that Mr. Leatherman will use for agenda item 2.5 - the report on the Bloomington Sales Tax survey.

Below are responses to questions received:

3.2 and 3.3 – Resolutions Authorizing American Rescue Plan Expenditures (State of Homelessness Assessment and Homebuyer Down Payment Assistance)

Council Member Dallessandro: Regarding 3.2 and 3.3- of the \$11.4M in ARP allocated to Bloomington, how much do we have left to allocate?

Kari Carlson, Budget Manager: The full \$11.4 has been allocated for projects that were presented to the City Council at the 7/26/2021 Council Meeting. The planned expenses align with American Rescue Plan Federal grant guidelines and fall within the following ARP categories of:

- \$6,146,000 Government services
 - \$1,250,000 Responding to the public health emergency or its negative impacts
 - \$4,000,000 Investments in water, sewer, and broadband infrastructure
- \$11,396,000**

To date, \$1,511,356 has been transferred out from the ARP funds (\$686,000 in 2021 and \$825,356 so far in 2022). A total of \$7,185,000 is planned to be spent in 2022 and \$2,871,000 in 2023. Then \$529,000 in 2024 and \$125,000 in 2025. The attached report has more of the details of spending by project.

Attached is a more detailed report of the projects within each of the categories.

3.9 – Review and Ratify I-494 Corridor Commission 2023 Dues and Budget

Council Member Dallessandro: Is there a real benefit to being a part of the I-494 commission? I have, as the standby member, been included in meeting information and so I am wondering if we can point to real tangible benefits? Any thoughts would be appreciated.

Glen Markegard, Planning Manager: Bloomington was a founding member of the I-494 Corridor Commission in the 1980s, believing that the work of travel demand management (TDM) and transportation advocacy can have the most success when cities partner. The Commission is a Joint Powers Organization with five members (the Cities of Bloomington, Richfield, Edina, Eden Prairie, and Minnetonka). As stated in the Commission's Legislative Positions document, "*The Commission, together with its Commuter Services outreach program, encourages economic growth and regional prosperity through improved transportation options and supports commuter alternatives along with roads, bridges and transit improvements as a combined solution to slow the growth of traffic congestion and improve mobility.*" The Commission

promotes mobility and works against congestion on both the supply side (active lobbying for transit, bikeway and roadway projects) and the demand side (reducing single-occupant travel through promotion of telework, transit, biking, carpooling and other means). Recently, each \$0.01 in the Commission's budget has resulted in one mile in reduced vehicle miles traveled in our region.

The Commission has been very successful. It engages with over 1,000 employers annually to reduce vehicle trips. For example, when the City of Bloomington developed a telework policy, Commission staff played a large role in consulting on best practices and helping to train staff. When Bloomington employers submit transportation demand management plans as is required by the City Code, those plans are reviewed and strengthened by Commission staff. When key transportation investments are being considered at the State level, the Commission's chair regularly testifies at Committee meetings and the Commission's lobbyist actively works with legislators. Local dues are a small percentage of the budget and serve to leverage federal and state resources. With a planned budget of over \$600,000 in 2023, Bloomington's share would be \$50,945.

3.13 – Resolution Accepting Permanent Public Storm Sewer, Ponding, and Pond Maintenance Easement Over, Under, and Across Lot 1, Block 1, OLSON SCHOOLS ADDITION

Council Member Dallessandro: What changed about the easement rules that requires this adjustment? I am trying to understand what is triggering the change in easement requirement?

Steve Jorschumb, Land Surveyor, Engineering Division: The school property was platted and as part of the platting process the old drainage and storm sewer easements over the pond area were vacated. New easements needed to be granted. A drainage easement is allowed to be dedicated on a plat, but the easement for storm sewer and maintenance of the pond had to be by separate document. The old easements from 1988, which were vacated, did not address maintenance of the pond. The new easement acknowledges that the pond is part of the public stormwater infrastructure and that the City will have the rights to access and maintain the pond.

3.14 – Variance and Type III Prelim/Final Plat for 3011 and 3015 Overlook Drive

Council Member Dallessandro: A lot going on here. I am not sure I get it and will likely hold this item.

G. Markegard: Project Planner Mike Centinario will be in attendance and prepared, if requested by the Council, to provide a brief overview presentation and answer questions.



JAMIE VERBRUGGE City Manager

Pronouns: (he/him/his)

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