



City Council AGENDA

**CITY COUNCIL BUSINESS MEETING
MONDAY, JUNE 6, 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 **2466 835 8732 #** and password **060622 #**. 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.

PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF AGENDA

2. INTRODUCTORY

- 2.1 Swearing In of New Officers
- 2.2 Introduction of New Employees
- 2.3 Pride Month Proclamation

3. CONSENT BUSINESS

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

- 3.1 Resolution to Accept Donations
- 3.2 200 West 98th Street Redevelopment - Conditional Use Permit and Final Site and Building Plans for Automated Car Wash
- 3.3 Award Contract - Professional Architectural and Engineering Services
- 3.4 Resolution of Support of Maintenance Agreement with MNDOT and Burnsville for Maintenance Responsibilities of the Trail on the I-35W
- 3.5 Approve Plans and Specifications for the 2022-401/402 Girard Lake Park Parking Lot & Dred Scott Trails Improvement Project
- 3.6 Approve Purchase of Scheduled Replacement Ladder Truck
- 3.7 Park Project Planning Service Agreement
- 3.8 Resolution Accepting HIDTA Program Grant Funds and Making Related Budget Adjustment
- 3.9 Approve Landbridge Ecological Agreement
- 3.10 SAC Small Business Citywide Credit Policy
- 3.11 Minor Amendment to the SAC Small Business Deferral Program
- 3.12 Accept Plans and Specifications for the Storm Sewer Maintenance Project (2022-901)
- 3.13 Approval of the Assignment and Assumption of City of Bloomington Lease
- 3.14 Resolution of Support of an Active Transportation Planning Assistance Grant Application
- 3.15 Amendment #5 to 2022 Full-Time Non-Union & Part-Time, Temporary, and Seasonal Compensation Plans

3.16 Approve Out-of-State Travel Expenses - City Council

3.17 Establish Juneteenth as a City of Bloomington Holiday

3.18 Approval of City Council Meeting Minutes

3.19 Second Amendment to Purchase Agreement for 1750 West 96th Street

4. HEARINGS, RESOLUTIONS, AND ORDINANCES

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

4.1 Public Hearing: Code Amendment - Multifamily Parking Standards

5. ORGANIZATIONAL BUSINESS

5.1 Earned Sick and Safe Leave Ordinance

5.2 2022 Cultural Arts Support Grants Funding Recommendations

5.3 City Council Policy & Issue Update

6. ADJOURNMENT

MEETING ATTACHMENTS

Meeting Attachments

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

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



Request for Council Action

Originator Police Department	Item 2.1 Swearing In of New Officers
Agenda Section INTRODUCTORY	Date June 6, 2022

Requested Action:

No formal action is required by the City Council.

Item created by: Emily Herman, Police Department

Item presented by: Booker T. Hodges, Chief of Police

Description:

The Bloomington Police Department Honor Guard will be present for the Presentation of Colors prior to the swearing in of the following six officers:

- Officer Charles Good
- Officer Michael Earhart
- Officer Tristen Mulvihill
- Officer Ryan Stevens
- Officer Jeffrey Gutierrez
- Officer Benjamin Schleiss



Request for Council Action

Originator City Manager's Office	Item 2.2 Introduction of New Employees
Agenda Section INTRODUCTORY	Date June 6, 2022

Requested Action:

Welcome the following new employees to the City of Bloomington: Laura Bohen (Manager, COED); William Lewis (Assistant Manager, BIG); Ray Haar IV (Maintenance Worker, BIG); and Steven Wood (Maintenance Worker, BIG)

Item created by: Matt Brillhart, City Manager'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 Community Outreach and Engagement	Item 2.3 Pride Month Proclamation
Agenda Section INTRODUCTORY	Date June 6, 2022

Requested Action:

Mayor reads the proclamation and it is accepted by Bloomington resident Logan Sauer.

Item created by: Kayla Dvorak Feld, Community Outreach and Engagement

Item presented by: Mayor Tim Busse and Logan Sauer

Description:

LGBTQIA Pride Month is celebrated every year during the month of June. The month recognizes the positive contributions of individuals who identify as lesbian, gay, bisexual and transgender, queer, intersex, and asexual (LGBTQIA). It also encourages inclusiveness and raises awareness of issues facing the LGBTQIA community.

The Human Rights Commission has submitted this proclamation to recognize LGBTQIA Pride Month. Logan Sauer, a member of the Bloomington Pride Celebration core planning team, will be on hand to accept the proclamation.

In recognition of LGBTQIA Pride Month, Progressive Pride flags are being flown at Civic Plaza and Public Works from June 3 – 10. The City is also sponsoring the “Come As You Are!” exhibit in the Inez Greenberg Gallery at the Center for the Arts. The exhibit, which runs through July 8, celebrates the LGBTQIA community and 50 years of the Twin Cities Pride Festival. Later this summer, the second annual Bloomington Pride Celebration will take place on the east lawn of Civic Plaza on Saturday, August 13.

Attachments:

[Signed Approved Pride_HRC 2022.pdf](#)

Proclamation

Pride Month June 1 – 30, 2022

WHEREAS, the month of June 2022 is designated Pride Month and recognizes the discrimination and violence individuals who identify as lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA) are commonly subjected to and raises up and promotes self-affirmation, dignity, equal rights, and increases the visibility of the LGBTQIA community; and

WHEREAS, our City is committed to being inclusive and welcoming of all individuals along the natural spectrum of human identity and sexual orientation and recognizes that we are a diverse community, enriched by this diversity, including the contributions the LGBTQIA community has made, and continues to make; and

WHEREAS, the LGBTQIA rights movement continues to this day, and while there has been remarkable progress towards acceptance and equality in recent years, members of the LGBTQIA community in the United States and around the world still face an unacceptable level of discrimination and violence, so that we must remain vigilant and push back against those who seek to roll back our progress.

THEREFORE, be it resolved that I, Tim Busse, Mayor of Bloomington, Minnesota do hereby proclaim June 2022 as LGBTQIA Pride Month and call upon the people of Bloomington to turn back discrimination and prejudice everywhere it exists.



Tim Busse, Mayor
City of Bloomington, Minnesota
Dated this 6th day of June 2022



Request for Council Action

Originator Finance	Item 3.1 Resolution to Accept Donations
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

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

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

Description:

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

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

Attachments:

[Resolution with Exhibits](#)

RESOLUTION NO. 2022-

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

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

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

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

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

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

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

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

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

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

Passed and adopted this 6th day of June, 2022.

Mayor

ATTEST:

Secretary to the Council

Exhibit A

REQUEST FOR COUNCIL APPROVAL TO ACCEPT DONATIONS

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

Date of Request	Donation Received From	Donation to	Donation Amount or Description	Budget Adjustments, if Required	
				Revenue Code	Expenditure Code
4/22/2022	Jefferson Softball Booster Club	City of Bloomington-P&R	\$3,750 Dred Scoreboard Project	165802 -46401	165802-53140
05/20/2022	Bloomington Athletic Assoc.	Parks & Recreation	\$1,700 for Hall of Fame Award Cabinet at Bloomington Ice Garden	161509-46401	161509-56990

Exhibit B

REQUEST FOR COUNCIL APPROVAL TO ACCEPT DONATIONS

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

Date of Request	Donation Received From	Donation to	Donation Amount or Description	Budget Adjustments, if Required	
				Revenue Code	Expenditure Code
4/24/22	Quilting Page	Creekside Quilters	\$25 Quilt batting		
4/25/22	Paul Norland 8536 5 th Ave S Bloomington MN 55420	Creekside Crafts	\$50 Ribbon		
5/3/22	Curtis Braatz 8328 Little Rd Bloomington MN 55437	Creekside Crafts	\$100 Scrapbooking supplies		

Exhibit C

REQUEST FOR COUNCIL APPROVAL TO ACCEPT DONATIONS

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

Submitted by:	Date of Request	Donation Received From	Donation to	Donation Amount or Description	Budget Adjustments, if Required	
					Revenue Code	Expenditure Code
AC	5/16/22	Mall of America 2131 Lindau Lane--Suite 500 Bloomington, Minnesota 55425 Attention: Dan Jasper	COED for August Bloomington Pride Celebration	\$2,500	160312-46401-PRIDE	160312-56990-PRIDE
AC	5/31/22	US Fish and Wildlife Service 3815 American Blvd E. Bloomington, MN 55425 Attention: Logan Sauer	COED for August Bloomington Pride Celebration	<ul style="list-style-type: none"> 3 stilt walkers = \$1,500 Face painter = \$250 Arts and Craft supplies = \$20.00 Pride in the Wild posters = \$200.00 5 Volunteers for 5 hours = \$713.50 Total In-Kind Donation: \$2,683.50	160312-46401-PRIDE	160312-56990-PRIDE
AC	5/31/22	Transfiguration Lutheran Church 11000 France Ave. South Bloomington, MN 55431	COED for August Bloomington Pride Celebration	<ul style="list-style-type: none"> individually wrapped rainbow candy - \$55 	160312-46401-PRIDE	160312-56990-PRIDE

		Attention: Sandy Mullen, RIC Team		<ul style="list-style-type: none"> rainbow rubber bracelets with TLC on them - \$100 Glitter, rainbow heart stickers, church name sign - \$45 4 volunteers working 3 hours each = \$342.48 <p>Total In-kind Donation: \$597.48</p> <p>Total Cash Donation: \$475</p>		
AC	5/31/22	St. Stephen Lutheran Church 8400 Bloomington, MN 55431 Attention: Julie Magnus & Kate Ford	COED for August Bloomington Pride Celebration	<ul style="list-style-type: none"> Carnival Outdoor games = \$22.57 Rainbow backdrop banner, rainbow think silicone band, rainbow stripes mylar balloon, temporary tattoos, crayons, gold glitter picture frame cutouts, boho rainbow paper tablerunner = \$107.03 Volunteer hours = 56 hrs., \$1,598.24 <p>Total In-kind donation: \$1727.84</p> <p>Total Cash Donation: \$300 check</p>	160312-46401-PRIDE	160312-56990-PRIDE

Exhibit D

REQUEST FOR COUNCIL APPROVAL TO ACCEPT DONATIONS

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

Date of Request	Donation Received From	Donation to	Donation Amount or Description	Budget Adjustments, if Required		
				Revenue Code	Expenditure Code	Project Code
6/6/22	Zylo Family	BPD	\$50 Gift Card to Chick-fil-A	N/A	N/A	N/A
6/6/22	Patricia Rasmussen	BPD Canine Unit	\$2000	245460-46401-59400	245460-56990-59400	59400
6/6/22	Todd Johnson	BPD	\$25 Gift Card to Growth Music	N/A	N/A	N/A
6/6/22	Chick-fil-A	BPD Open House Participants	225 Regular Chicken Sandwiches	N/A	N/A	N/A
6/6/22	Mall of America Management Offices	BPD	60 lunches and five salads	N/A	N/A	N/A
6/6/22	James White	BPD	50 Jimmy John Sandwiches	N/A	N/A	N/A



Booker T. Hodges, Chief of Police

Exhibit E

REQUEST FOR COUNCIL APPROVAL TO ACCEPT DONATIONS

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

Date of Request	Donation Received From	Donation to	Donation Amount or Description	Budget Adjustments, if Required	
				Revenue Code	Expenditure Code
May 2022	Bundles of Love	CS – Public Health	7 newborn “bundles”	n/a	n/a
May 2022	United Way (various donors)	CS – Public Health	\$502.88	n/a	n/a
May 2022	Nick Kelley	CS – Public Health	13 baby wipe packets	n/a	n/a



Request for Council Action

Originator Planning	Item 3.2 200 West 98th Street Redevelopment - Conditional Use Permit and Final Site and Building Plans for Automated Car Wash
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Staff recommends approval using the following motions:

Motion by _____, seconded by _____, in Case #PL2022-54, to approve Resolution no. 2022-_____, a resolution of approval for a Conditional Use Permit for an approximately 5,400 square-foot automated car wash located at 200 West 98th Street, subject to the conditions and Code requirements listed in the resolution.

Motion by _____, seconded by _____, in Case #PL2022-54, to approve Final Site and Building Plans for an approximately 5,400 square foot automated car wash located at 200 West 98th Street subject to the conditions and Code requirements as revised.

Item created by: Elizabeth O'Day, Planning

Item presented by: Liz O'Day, Planner

Description:

On May 23, 2022, the City Council held a public hearing on the subject Conditional Use Permit and Final Site and Building Plans applications for an automated car wash located at 200 West 98th Street. Following discussion, the City Council directed staff to prepare a resolution of approval for the subject application. The resolution of approval for the applications is attached for Council consideration. As requested by the City Council, the following conditions were added to the conditions of approval:

22. Prior to C/O - A six foot tall privacy fence must be installed near the eastern property line for the length of the car wash queuing area.
23. Prior to C/O - A sidewalk agreement for a public sidewalk along West 97th Street approved by the City Attorney and triggered upon construction of a sidewalk on an adjacent site must be recorded and filed with Hennepin County.
33. Ongoing - Hours of operation for the car wash are limited to 7:00 a.m. to 10:00 p.m.
34. Ongoing - Snow that impacts access or parking areas must be removed from the site within 36 hours of snowfall.
35. Ongoing - Exterior lighting, except required security lighting, must be extinguished between the hours of 10:00 p.m. and 7:00 a.m.

Regarding exterior lighting, the Building Code requires lighting for the access doors and address must be visible at all times.

Attachments:

Resolution of Approval

RESOLUTION NO. 2022-_____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 5,400 SQUARE-FOOT AUTOMATED CAR WASH AT 200 WEST 98TH STREET, BLOOMINGTON, MINNESOTA.

WHEREAS, the Bloomington City Council is empowered under State Law and the Bloomington City Code to act upon certain types of conditional use permits;

WHEREAS, an application for a Conditional Use Permit for an approximately 5,400 square foot automated car wash on behalf of Christianson Companies (hereinafter the “Applicant”) and 200 West 98th Street LLC, owner of the premises located at 200 West 98th Street in the City of Bloomington (hereinafter the “Property”) and legally described as:

Lot 2, Block 1, MATTSON ADDITION

WHEREAS, the City Council is empowered to approve a conditional use permit when (1) the proposed use is not in conflict with the Comprehensive Plan; (2) the proposed use is not in conflict with any adopted District Plan for the area; (3) the proposed use is not in conflict with City Code provisions; (4) the proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and (5) the proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare;

WHEREAS, the Bloomington Planning Commission reviewed said application at a duly called public hearing at its April 14, 2022 regular meeting, and took a final vote on at its April 28, 2022 regular meeting, which resulted in a tie;

WHEREAS, the Bloomington City Code provides that a tie vote of the Planning Commission for a conditional use permit automatically sends the application to the City Council for final action;

WHEREAS, the City Council reviewed said application at a duly called public hearing at its June 6, 2022 regular meeting and has considered the report of the City staff, all information

provided in the agenda materials, any comments of persons speaking regarding the proposed Conditional Use Permit, and the requirements in Bloomington City Code.

WHEREAS, City Code Section 21.501.04(e) – Conditional Use Permits may only be approved when:

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made - The subject property is guided General Business, which is intended for general business activities. The proposed development, a car wash, is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made - The subject property is located within the 98th Street Station Area Plan but is located on the edge of the station area. The 98th Street Station Area Plan recommended rezoning for other parcels in the plan area but did not recommend rezoning of the subject property. The proposed use is not in conflict with the 98th Street Station Area Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – The proposed use is subject to several conditions regarding noise, glare, and other issues that will ensure compliance with City Code. Subject to compliance with the recommended conditions, the use is not in conflict with City Code provisions.
(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	Finding Made - The subject property is served by an arterial roadway with adequate capacity. Sanitary sewer and water infrastructure serving the subject property also have adequate capacity. The proposed use is not anticipated create an excessive burden on parks, schools, streets and other public facilities and utilities which serve the planned development.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made - The proposed redevelopment will allow for a new freestanding structure and will maintain cross access and parking easements with the neighboring property. Conditions are in place to address potential concerns regarding noise, glare, snow removal, screening, and parking/stacking of vehicles. If in compliance with conditions of approval, the proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. The City Council affirmatively adopts the findings made in this resolution;
- B. That the conditional use permit shall expire if not used or applied in accordance with the provisions of City Code Section 21.501.04(g);
- C. That the conditional use permit may be suspended or revoked in accordance with the provisions of City Code Section 21.501.04(h);
- D. That the requested conditional use permit is approved, subject to the following conditions of approval:
 - 1. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
 - 2. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
 - 3. Prior to Permit An erosion control surety must be provided (16.08(b)).
 - 4. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
 - 5. Prior to Permit A private driveway/access agreement for joint access and parking and sidewalk easement for the public sidewalk must be filed with Hennepin County and proof of filing provided to the Engineering Division.
 - 6. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
 - 7. Prior to Permit Bicycle parking spaces must be provided and located as approved by the City Engineer.
 - 8. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
 - 9. Prior to Permit Landscape plan must be modified to be Code compliant, be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15).
 - 10. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of City Code Section 21.301.07.
 - 11. Prior to Permit Exterior building materials must be Code compliant and be approved by the Planning Manager (Sec. 19.63.08).
 - 12. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
 - 13. Prior to Permit A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained or notification from the MPCA that this permit is not required must be submitted to the City (State of MN).
 - 14. Prior to Permit A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the City (State of MN).
 - 15. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed (State of MN and Federal regulation).
 - 16. Prior to Permit The dryer system blowers, when fully operational at 100% of the capacity, must not exceed the maximum noise levels.
 - 17. Prior to Permit All vacuums must include mufflers and be maintained to comply with required noise level limits.
 - 18. Prior to Permit Fire lanes must be approved and posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).

19. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
20. Prior to C/O Prior to Certificate of Occupancy, noise testing with all noise generators fully operational at peak capacity must be conducted to verify compliance with noise requirements (Section 10.29.02). A report, signed by a licensed engineer, must be submitted to document the noise test results and to demonstrate compliance with applicable noise standards.
21. Prior to C/O Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
22. Prior to C/O A six foot tall privacy fence must be installed near the eastern property line for the length of the car wash queuing area.
23. Prior to C/O A sidewalk agreement for a public sidewalk along West 97th Street approved by the City Attorney and triggered upon construction of a sidewalk on an adjacent site must be recorded and filed with Hennepin County.
24. Ongoing The car wash must be as shown on the approved plans in Case File # PL2022-54.
25. Ongoing Noise levels must meet State and City noise standards (Minnesota Rules 7030.0040 and City Code Section 10.29.02)
26. Ongoing All loading and unloading must occur on site and off public streets.
27. Ongoing Alterations to utilities must be at the developer's expense.
28. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
29. Ongoing All rooftop equipment must be fully screened (Sec. 21.301.18).
30. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.
31. Ongoing A Hennepin County permit for work within the right-of-way must be obtained and a copy submitted to the Engineering Division prior to work beginning in the right-of-way.
32. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
33. Ongoing Hours of operation for the car wash are limited to 7:00 a.m. to 10:00 p.m.
34. Ongoing Snow that impacts access or parking areas must be removed from the site within 36 hours of snowfall.
35. Ongoing Exterior lighting, except required security lighting, must be extinguished between the hours of 10:00 p.m. and 7:00 a.m.

E. That additional conditional use permit documents relating to the subject premises from Case PL202200054 will be available for inspection pursuant to Minnesota Statutes Section 462.36, Subd. 1, through the Bloomington City Planning Office.

F. This conditional use permit shall be recorded by Applicant with the office of the recorder or registrar of titles of Hennepin County, as appropriate, as required by Minnesota Statutes Section 462.3595, Subd. 4.

Passed and adopted this 6th day of June, 2022.

Mayor

ATTEST:

Secretary to the Council



Request for Council Action

Originator Maintenance	Item 3.3 Award Contract - Professional Architectural and Engineering Services
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve award of two-year contract to Allliance to provide professional architectural and engineering services for the City of Bloomington with a not-to-exceed amount of \$30,000 per project and \$150,000 annually and authorize the Mayor and City Manager to enter into the related agreements.

Item created by: Kalea Fischer, Maintenance

Item presented by: Karl Keel, Public Works Director

Description:

Proposals were received from 6 companies and reviewed by Facilities Maintenance & Utilities staff. As outlined in the City's Request for Proposals, the weighted criteria used to evaluate the proposals were 40% cost, 30% project personnel, 15% value/fit and 15% project understanding.

The evaluation scores based on the weighted criteria are as follows (100 possible points):

Alliance: 91.4

CNH Architects: 87.0

LHB, Inc: 80.9

Meyer, Scherer & Rockcastle, LTD: 79.6

Bolton & Menk, Inc: 78.6

Wold Architects: 75.4

Based on the proposal evaluations, staff recommends Council award a contract to Alliance with a not-to-exceed amount of \$30,000 per project and \$150,000 annually. The term of the contract is through May 31, 2024 with an option to extend an additional two (2) year period. Funding for this contract is in the Facilities Maintenance Account 765702-52020.



Request for Council Action

Originator Engineering	Item 3.4 Resolution of Support of Maintenance Agreement with MNDOT and Burnsville for Maintenance Responsibilities of the Trail on the I-35W
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by ____, seconded by ____ to adopt Resolution no. 2022-__ to authorize the City of Bloomington to enter into a Maintenance Agreement with MNDOT and Burnsville to assign maintenance responsibilities for the trail on the east side of the I-35W Minnesota River Bridge.

Item created by: Amy Marohn, Engineering

Item presented by: Karl Keel, PW Director (if needed)

Description:

This resolution will authorize the City of Bloomington to enter into a maintenance agreement (MnDOT Agreement No. 1049790) with the State of Minnesota Department of Transportation (MnDOT) and the City of Burnsville, clearly identifying the maintenance responsibilities for the at-grade trail on the east side of the new I-35W Minnesota River Bridge.

Per this agreement the local agencies, Bloomington and Burnsville, will complete sweeping and snow and debris removal on the trail portion of the bridge. If the snow accumulates to one-half to three-quarters of the barrier height, MnDOT will be responsible to load and haul the accumulated snow. Other maintenance items are the responsibility of MnDOT.

Attachments:

[Resolution of Maintenance Agreement with MnDOT and Burnsville for Trail on 35W Minnesota River Bridge_FINAL.pdf](#)

RESOLUTION NO. 2022-____

RESOLUTION OF SUPPORT OF MAINTENANCE AGREEMENT WITH STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION (MnDOT) AND CITY OF BURNSVILLE
FOR MAINTENANCE RESPONSIBILITIES,
OF THE TRAIL ON BRIDGE NO. 27W38
ON I-35W OVER THE MINNESOTA RIVER
BLOOMINGTON, MINNESOTA

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

WHEREAS, the City of Bloomington is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, MnDOT completed replacement of the I-35W bridge over the Minnesota River including providing an at grade trail on the east side of the bridge (“Trail”); and

WHEREAS, the City of Bloomington supports this Trail addition as it greatly expands the multi-modal capabilities of MnDOT and the Cities of Burnsville and Bloomington; and

WHEREAS, the State of Minnesota, the City of Bloomington, and the City of Burnsville desire to enter into an agreement related to the maintenance of the Trail and are authorized to do so under Minnesota Statutes 161.20 and 471.59 (the “Agreement”); and

WHEREAS, the City of Bloomington desires to assist with the routine maintenance of this trail as described in the proposed Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington that:

- 1) That the City of Bloomington enter into MnDOT Agreement No. 1049790 with the State of Minnesota, Department of Transportation for the following purposes:

To provide clarity on the maintenance responsibilities for the at grade trail on the I-35W Minnesota River Bridge trail.

- 2) That the Mayor and the City Manager are authorized to execute the Agreement and any amendments to the Agreement.

Passed and adopted this 6th day of June 2022.

Mayor

ATTEST:

Secretary to the Council



Request for Council Action

Originator Engineering	Item 3.5 Approve Plans and Specifications for the 2022-401/402 Girard Lake Park Parking Lot & Dred Scott Trails Improvement Project
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the plans and specifications for the 2022-401/402 Girard Lake Park Parking Lot & Dred Scott Trails Improvement Project.

Item created by: Christian Anago, Engineering

Item presented by: Karl Keel, Public Works Director

Description:

The City Council is requested to approve plans and specifications for the 2022-401/402 Girard Lake Park Parking Lot and Dred Scott Trails Improvement Project. This project includes the reconstruction of the Dred Scott Trails as part of the Pavement Management Program (PMP) Park Trails and the reconstruction of the Girard Lake Park Parking Lot in coordination with Park Maintenance. These improvements are done without a direct assessment to the adjacent property owners. Project costs will be paid from the 4125 Park Trail Reconstruction Fund for the Dred Scott Trails along with American Rescue Plan (ARP) Funds. The Girard Lake Park Parking Lot will be paid from Park Maintenance Funds. The estimated total cost of the project is \$750,000. The anticipated schedule is given below:

Council Approve Plans and Specs	June 6, 2022
First Advertisement	June 2022
Open Bids	July 2022
Council Consider Bids	July 2022

A map is attached showing the sites.

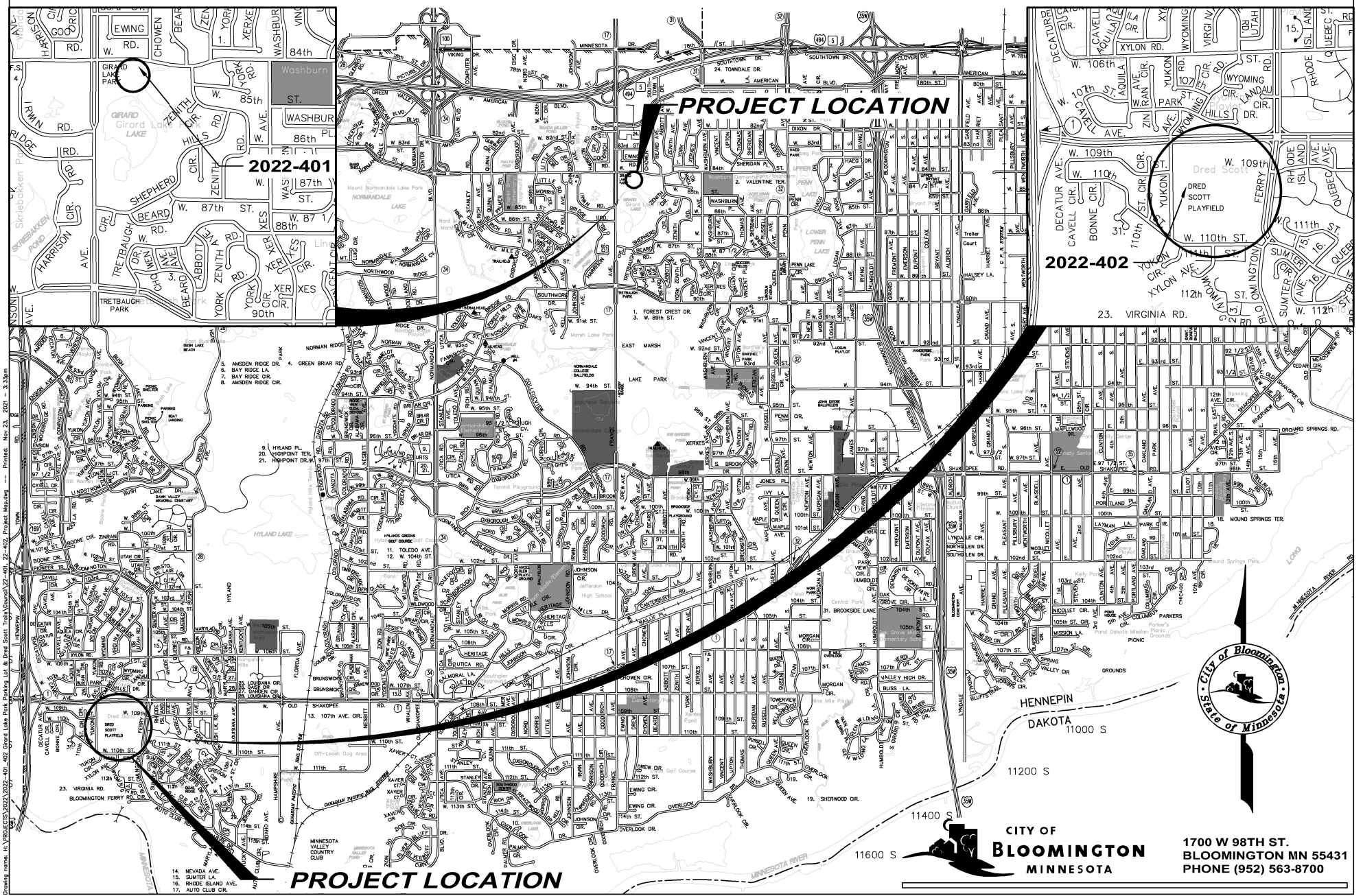
Attachments:

[2022-401& 2022-402 Council Map.pdf](#)

2022-401 - Girard Park Parking Lot

2022-402 - Dred Scott Trails

CITY OF BLOOMINGTON, ENGINEERING DIVISION



Drawing Name: 15-000000-2022-401-402 Girard Park Parking Lot & Dred Scott Trails. Project Map. Date: Nov 23, 2021. Scale: 1" = 3.33m.



Request for Council Action

Originator Fire Department	Item 3.6 Approve Purchase of Scheduled Replacement Ladder Truck
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve finance to enter into purchase agreement with Rosenbauer for the acquisition of a new replacement aerial ladder truck.

Item created by: Ulie Seal, Fire Department

Item presented by: Ulie Seal, Fire Chief

Description:

The ladder/platform aerial truck at fire station 3 is scheduled for replacement as the existing truck is 20 years old. This contract executed at this time will save more than \$65,000 due to scheduled price increases although actual expenditures for the truck will not occur until 2023. Due to supply chain issues and anticipated price increases, the time for this truck build may be more than 18 months.

Attachments:

[BLOOMINGTON KING COBRA FORMAL PROPOSAL PO.pdf](#)

[BLOOMINGTON KING COBRA FORMAL PROPOSAL CONTRACT.pdf](#)



PURCHASE ORDER

Purchaser		SUPPLIER	
Purchaser:	City of Bloomington	Contract #	FS12-19 For Years 2019-2023
Address 1:	1800 West Old Shakopee Road	Supplier:	Rosenbauer Minnesota, LLC
Address 2:		Address 1:	5180 260th Street
City, State, Zip:	Bloomington, MN 55431	Address 2:	PO Box 549
		City, State, Zip:	Wyoming, MN 55092

Purchase Order Number:		Delivery in Calendar Days:	600
Date:	5/24/2022	HGAC Product Code	FS19YA15

The amount in this proposal shall remain firm for a period of 30 days from the date of same.

Quantity	Description	Price	Price (Extended)
1	One (1) Rosenbauer Aerial, complete with Rosenbauer Commander chassis and Rosenbauer King Cobra Platform per attached specifications.	\$1,572,560.00	\$1,572,560.00
	Note: HGAC administration fee included in price		
*Note: If chassis amount of \$413,417.00 is paid upon arrival at our plant in Minnesota, deduct \$15,872.00 each			
*Note: If aerial amount of \$557,029.00 is paid upon arrival at our plant in Minnesota, deduct \$10,802.00 each			
TOTAL			\$1,572,560.00

NOTES:	
---------------	--

Rosenbauer Dealer :	General Safety Fire Apparatus
Salesperson:	Steve Harris
Signature:	

Purchaser:	City of Bloomington
Print Name:	
Title:	
Date	
Signature:	



APPENDIX C CHANGE ORDER POLICY

This change order policy is intended to reflect the increased cost of changes which result in delayed deliveries, confused paperwork, poor production flow and increased potential of trucks being built to incorrect specifications. With your cooperation, changes can be kept to a minimum which means we will be able to reduce lead times, increase production and maintain costs which will benefit all of us.

Our objective is accurate, high quality and on-time deliveries exceeding our customer expectations.

Changes any time after the order is received may delay the quoted delivery date. Significant design or component changes will have the largest impact on the schedule and quoted delivery date. Changes that occur later in the process will also have the largest impact on the schedule and quoted delivery date.

All time fences are reference to contract execution date if not otherwise stated.

Change Window #1

All changes will be priced at standard pricing and specials will be priced through our normal process. Significant changes made to the vehicle during this time period may result in a delivery extension.

RBM Chassis	0-60 days
RBA Aerial	0-60 days
Rosenbauer Body	0-60 days

Change Window #2

All changes are subject to a 25% mark-up, as well as a \$250.00 change order processing fee. All changes are subject to factory review and may be denied due to engineering or lead time issues.

RBM Chassis	61-75 days
RBA Aerial	61-75 days
Rosenbauer Body	61-120 days

Change Window #3

All changes are subject to a 50% mark-up, and 50% restocking fee on deleted items, as well as a \$250.00 change order processing fee. All changes are subject to factory review and may be denied due to engineering or lead time issues. No major components can be changed at this time; major components are considered engine, transmission, axles, suspension, cab, frame (wheelbase), seats, water pump and water tank.

RBM Chassis	76-120 days
RBA Aerial	76-120 days
Rosenbauer Body	121-180 days

Change Window #4

Changes are not recommended at this time. Any changes requested will be priced on a time and material basis, as well as a \$500.00 change order processing fee. Any changes requested, and that are quoted to the customer, must be approved by the customer within three days or they will not be valid.

RBM Chassis	After 120 days
RBA Aerial	After 120 days
Rosenbauer Body	After 180 days

**Note: Any late change orders that are factory driven will be done at cost and no additional mark up or penalties will apply.*

BUYER INITIALS: _____

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



Date: May 24, 2022

We hereby propose and agree to furnish, after your acceptance of this proposal and the proper execution by the City of Bloomington, hereinafter called the Buyer and an officer of Rosenbauer Minnesota, LLC, hereinafter called the Company, the following apparatus and equipment.

One (1) Rosenbauer Aerial, complete with Rosenbauer Commander chassis and Rosenbauer King Cobra Platform per attached specifications.	\$1,572,560.00 each
---	---------------------

Gross due upon completion and delivery total

TOTAL	\$1,572,560.00
--------------	-----------------------

***Note: If chassis amount of \$413,417.00 is paid upon arrival at our plant in Minnesota, deduct \$15,872.00 each**

***Note: If aerial amount of \$557,029.00 is paid upon arrival at our plant in Minnesota, deduct \$10,802.00 each**

All of which are to be built in accordance with the specifications, clarifications and exceptions attached, and which are made a part of this agreement and contract.

DELIVERY:

The estimated delivery time for the completed apparatus, is to be made 600 days after receipt of and approval of this contract duly executed, (chassis and (or) major components must arrive within 200 days or delivery may be extended), subject to all causes beyond the Company's control. The quoted delivery time is based upon our receipt of the specified materials required to produce the apparatus in a timely manner. "Delivery" means the date company is prepared to make physical possession of vehicle available to customer.

CONTRACT CHANGES:

After execution and acceptance of this Contract, the Buyer may request that the Company incorporate a change to the Products or the Specifications for the Products by delivering a Change Order to the Company; provided, however, that any such Change Order must be in writing and include a description of the proposed change sufficient to permit the Company to evaluate the feasibility of such Change Order. Within seven (7) working days of receipt of a Change Order, the Company will inform the Buyer in writing of the feasibility of the Change Order, the earliest possible implementation date for the Change Order, of any increase or decrease in the Purchase Price resulting from such Change Order, and of any effect on production scheduling or delivery resulting from such Change Order. The Company shall not be liable to the Buyer for any delay in performance or delivery arising from any such Change Order. Purchase Price may be modified only by mutual written agreement of the Parties because of changes to the Apparatus required or requested by the Buyer during the construction process pursuant to Appendix C, Change Order Policy. Any changes in the Purchase Price resulting from changes to the Apparatus required or requested by the Buyer during the construction process shall be stated in the Change Order signed by both parties. Additional Changes: If various state or federal regulatory agencies (e.g. NFPA, DOT, EPA) require changes to the specification and/or the product that result in a cost increase to comply therewith this cost will be added to the Purchase Price to be paid by the customer.

FORCE MAJEURE:

The Company shall not be responsible nor deemed to be in default on account of delays in performance due to causes which are beyond the Company's control which make the Company's performance impracticable, including but not limited to civil wars, insurrections, strikes, riots, fires, storms, floods, other acts of nature, explosions, earthquakes, accidents, any act of government, delays in transportation, inability to obtain necessary labor supplies or manufacturing facilities, allocation regulations or orders affecting materials, equipment, facilities or completed products, failure to obtain any required license or certificates, acts of God or the public enemy or terrorism, failure of transportation, epidemics, quarantine restrictions, failure of vendors (due to causes similar to those within the scope of this clause) to perform their contracts or labor troubles causing cessation, slowdown, or interruption of work.

www.rosenbaueramerica.com

info@rosenbaueramerica.com

ROSENBAUER SOUTH DAKOTA, LLC.
100 THIRD STREET
P.O. BOX 57
LYONS, SOUTH DAKOTA 57041
P: 605.543.5591

ROSENBAUER MINNESOTA, LLC.
5181 260TH STREET
P.O. BOX 549
WYOMING, MINNESOTA 55092
P: 651.462.1000

ROSENBAUER MOTORS, LLC.
5190 260TH STREET
P.O. BOX 549
WYOMING, MINNESOTA 55092
P: 651.462.1000

ROSENBAUER AERIALS, LLC.
870 SOUTH BROAD STREET
FREMONT, NEBRASKA 68025
P: 402.721.7622

**PAYMENT TERMS:**

Final payment for the apparatus shall be made at time of delivery or pick up of the completed vehicle. It is the responsibility of the Buyer to have full payment ready when the apparatus is complete and ready to deliver. If payment is delayed or delivery is delayed pending payment, a daily finance and storage fee may apply. Upon delivery of the apparatus or upon pickup of the apparatus by the Buyer, the Buyer agrees to provide all liability and physical damage insurance. It is further agreed that if on delivery and testing, any defects should develop, the Company shall be given reasonable time to correct changes. Guarantee of the chassis is subject to the guarantee of the chassis manufacturer. *NOTE: upon final inspection at the factory for pick-up or delivery, the Buyer will need to supply a Certificate of Insurance and full payment prior to release of the vehicle, unless prior arrangements for vehicle's release have been made.

TITLE:

The Apparatus shall always be the property of the Company until it is delivered to the Buyer pursuant to the terms of this agreement. The Company shall bear the sole responsibility and risk for destruction, loss or damage to the apparatus, or any portion of the Apparatus, through the date and time it is delivered to the Buyer. The Company shall deliver good and merchantable title to the Apparatus at the time it is delivered to the Buyer. The Buyer shall bear the sole responsibility and risk for destruction, loss or damage to the Apparatus upon the date and time it takes delivery of the Apparatus.

PIGGY BACK ORDERS:

The Company, at its sole discretion, will allow the terms of the contract to be extended to both the Buyer, as well as to other Municipal, State, or Federal agencies for similar unit(s). The Company will allow tag on / additional orders for up to three (3) years from the date of contract execution. To facilitate pricing, the Company will quote the original price plus manufacturer's price increases or Producer's Price Index (PPI) whichever is greater as it applies to either Fire Apparatus and/ or commercial heavy truck industries.

MISCELLANEOUS PROVISIONS:

This agreement shall be construed in accordance with the laws of the State of Minnesota. The parties agree that any litigation arising from or in connection with any dispute between the parties under this agreement shall be venue in Minnesota. The parties agree that this agreement bears a rational relationship to the State of Minnesota, and they consent to the personal jurisdiction of such state and further consent and stipulate to venue in the above described court.

The amount in this proposal shall remain firm for a period of 30 days from the date of same.

Respectfully submitted,

Dealer: General Safety Fire Apparatus

Sales Rep: Steve Harris

Buyer:

We accept the above proposal and enter into contract with signature below.

Title: _____

Title: _____

Date

After company receipt of this document signed by the Buyer, the document will be reviewed and upon approval, countersigned by the Company thereby putting the document in force.

Rosenbauer Minnesota, LLC

Title: _____

Date

www.rosenbaueramerica.com

info@rosenbaueramerica.com

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APPENDIX C

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RBA Aerial	After 120 days
Rosenbauer Body	After 180 days

**Note: Any late change orders that are factory driven will be done at cost and no additional mark up or penalties will apply.*

BUYER INITIALS: _____

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Request for Council Action

Originator Parks and Recreation	Item 3.7 Park Project Planning Service Agreement
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____, to approve the proposal from Confluence to provide park planning services for Sunrise, Southwood, Brookside, Poplar Bridge, Smith, Running, Gene Kelly, Bryant and Tretbaugh Parks with a not-to-exceed amount of \$304,090 and to authorize Mayor and City Manager to enter into the related agreement.

Item created by: Linda Batterson, Parks and Recreation

Item presented by: Renae Clark, Assistant Director of Parks and Park Projects

Description:

Staff issued a Request for Preproposals to create conceptual design plans with cost estimates for each of nine neighborhood parks: Sunrise, Southwood, Brookside, Poplar Bridge, Smith, Running, Gene Kelly, Bryant and Tretbaugh. The project will also advance designs for Tretbaugh and Bryant Park to 30% in preparation for 2023-24 construction. Seven proposals were received. A seven-member staff team from Parks and Recreation, Public Works, and Planning reviewed and scored the proposals based on project approach, related experience, and cost. Based on this evaluation criteria, the proposal from Confluence received the highest total score. City Council is requested to authorize a Service Agreement for the not-to-exceed amount of \$304,090. Funding for this project is in the Park Capital Fund 4400-53140.

Attachments:

[060622 Park Project Planning RFP.docx](#)
[1 Level of Service-Facilities-Fig 3-29.pdf](#)
[2 Capital Planning Process Fig 4-8.pdf](#)
[3 Park Planning Process and Schedule Draft.pdf](#)

STAFF REPORT



DATE: June 6, 2022

TO: City Council

FROM: Renae Clark, Assistant Director of Parks and Park Projects

SUBJECT: Park Project Planning Service Agreement

SUMMARY

Staff issued a Request for Preproposals to create conceptual design plans with cost estimates for each of nine neighborhood parks: Sunrise, Southwood, Brookside, Poplar Bridge, Smith, Running, Gene Kelly, Bryant and Tretbaugh. The project will also advance designs for Tretbaugh and Bryant Park to 30% in preparation for 2023-24 construction. Seven proposals were received. A seven-member staff team from Parks and Recreation, Public Works, and Planning reviewed and scored the proposals based on project approach, related experience, and cost. Based on this evaluation criteria, the proposal from Confluence received the highest total score. City Council is requested to authorize a Service Agreement for the not-to-exceed amount of \$304,090. Funding for this project is in the Park Capital Fund 4400-53140.

Proposals and Scores

Vendor	Total Ave. Project Approach and Experience Score	Cost Score	Score	Cost
Confluence	61.9	23.4	85.2	\$ 276,490
Stantec Consulting Service	45.7	30	75.7	\$ 215,504
LHB	50.1	22.9	73	\$ 282,500
Damon Farber	46.7	24.1	70.8	\$ 268,741
SRF Consulting	45.3	23.5	68.8	\$ 274,669
Hoisington Koegler	43.6	0*	43.6	N/A
Asakura Robinson	40.4	0*	40.4	N/A

*Complete cost proposal not provided

The recommended project team includes Confluence, Emmons and Olivier Resources, Inc. (EOR) an environmental engineering and consulting firm, and Pathfinder, specializing in trail building.

BACKGROUND

In August 2021, City Council adopted a Park System Master Plan (PSMP/Plan). Residents, City leadership and staff identified that significant investment is needed to update and improve the quality of parks. The PSMP provides a roadmap and specific Action Plan to guide park investments and programing to ensure our investments are community-driven, equitable, and advancing the priorities identified by the community. The PSMP establishes a commitment to deliver accessible, equitable, innovative and high-quality recreational amenities and experiences. The proposed Park Project Planning process and foundation is included in the Action Plan. The PSMP Priority Park Elements of natural resources, trail and mobility, level of service, and equity in addition to the Guiding Principles will be foundational to this project.

The purpose of this project is to develop individual park plans for nine parks utilizing and building from the level of planning done as part of the PSMP. This approach to planning, considering parks across all service areas, defined in the PSMP, is intended to achieve an appropriate balance of recreation facilities, programs, and experiences in each service (planning) area to support access to parks, trails, sports facilities, and recreation amenities that resident's desire. These plans will build on the input we gathered as part of the PSMP and the information in Figure 3-29: New Facility Proposed Locations (attached). Individual concept plans will specifically site major park amenities including shelter buildings, playgrounds and stormwater water and natural resources improvements. Tretbaugh Park planning will include a bike skills park.

The PSMP provides a capital improvement planning approach (attached). It is grounded in community participation. The purpose of community engagement for this project is to INVOLVE them in the decision to create a new vision for the named parks that includes experiences, amenities, natural resource and other improvements as informed by the engagement and the PSMP. Our promise to the community is create plans that reflect ideas generated through the engagement process.

Also being coordinated with this project, under a separate contract, is a standard park shelter building design that can be replicated in each of the park projects (not including Tretbaugh). The concept park planning will determine the building location and infrastructure needs. The general scope of park buildings is anticipated to be approximately 2,000 – 3,000 SF, include gender-neutral restrooms accessible from the inside and outside, keyless entry system, internet access, year-around programing, support private rentals, warming house for winter ice skating, meetings, and camps.

Completion of the park plans will support future park renovation, financial planning, and investments in site amenities including placement and design of new park shelter buildings and fully inclusive playgrounds at Bryant and Brookside Park.

The project will be conducted in partnership with the community, staff from several City departments, Parks, Arts, Recreation Commission, Sustainability Commission, and City Council.

PRIORITY 02 | PARK NEEDS (LEVEL OF SERVICE)

Bloomington parks no longer fully reflect the modern needs and wants of residents that use them. They need to be updated to reflect current park trends, national standards, and community engagement. Staff and the consultant identified key needs in the system and geographically distributed the facilities to promote equity throughout the city. The following maps represent preliminary locations for proposed facilities based on geographic distribution and park suitability. When park plans are developed for individual parks these recommendations should be used to evaluate the facility needs in that park with a more detailed look. Figure 3-27 shows all of the proposed facilities to be included except for a community center facility. Site selection and details for community center facilities is ongoing and should continue.

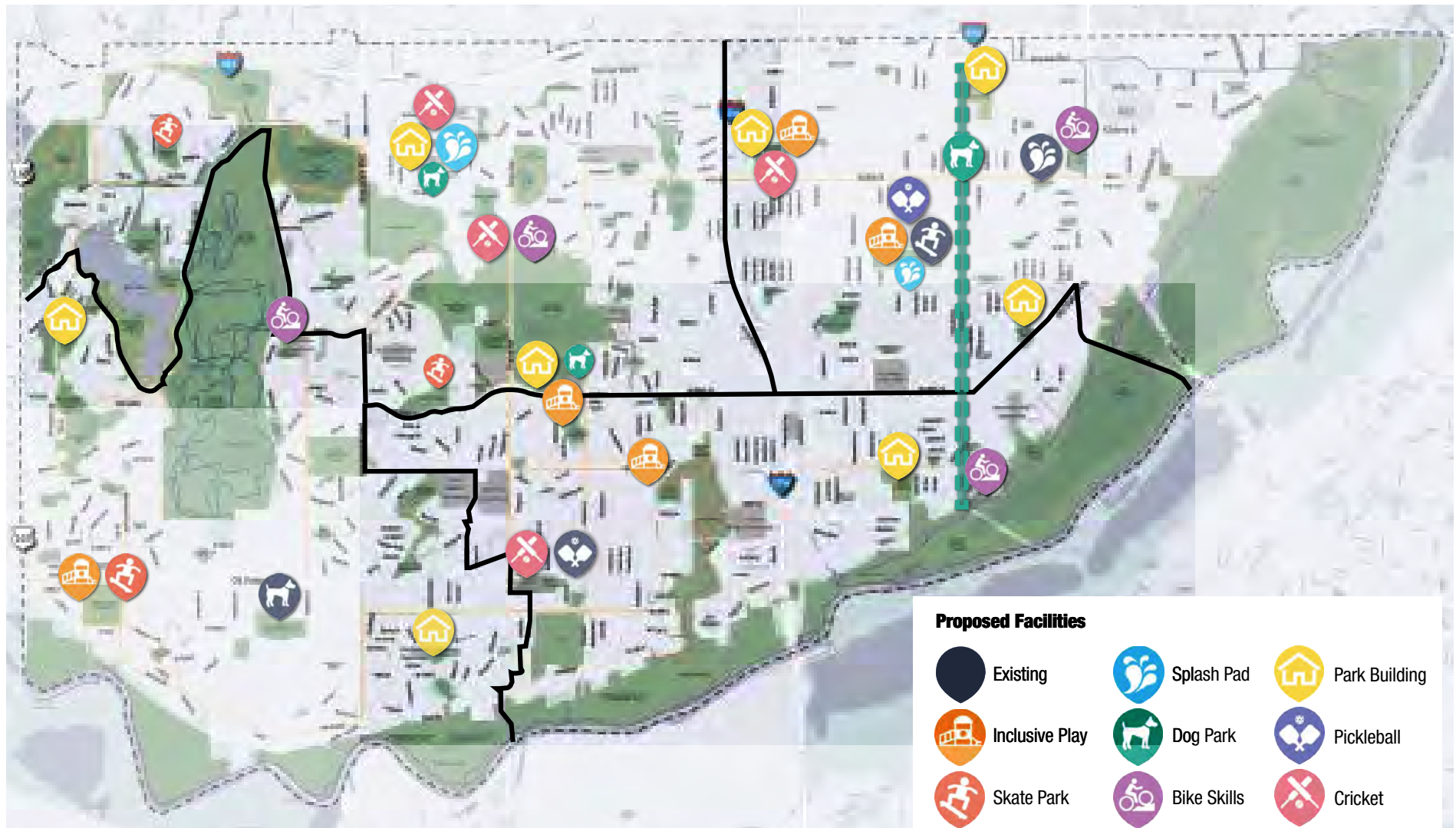


Figure 3-29: New Facility Proposed Locations

the community and how well utilized this investment would be. A referendum could potentially address park needs and facility needs at the same time.

Long-term, the BPRD should focus on creating an annual park facility replacement program that mirrors the City's pavement management program. Funding would be set aside and earmarked for a planned set of annual improvement/ replacement projects. This system would reduce the funding gaps in future years for park improvement projects.

Both approaches build on the strong foundation of the park system and allow updates to be realized. Improvements and reinvestment have been deferred for years and now is the time to address issues before they become more severe. Bloomington's park system has the potential to be one of the premier systems in the metropolitan region with the appropriate investment.

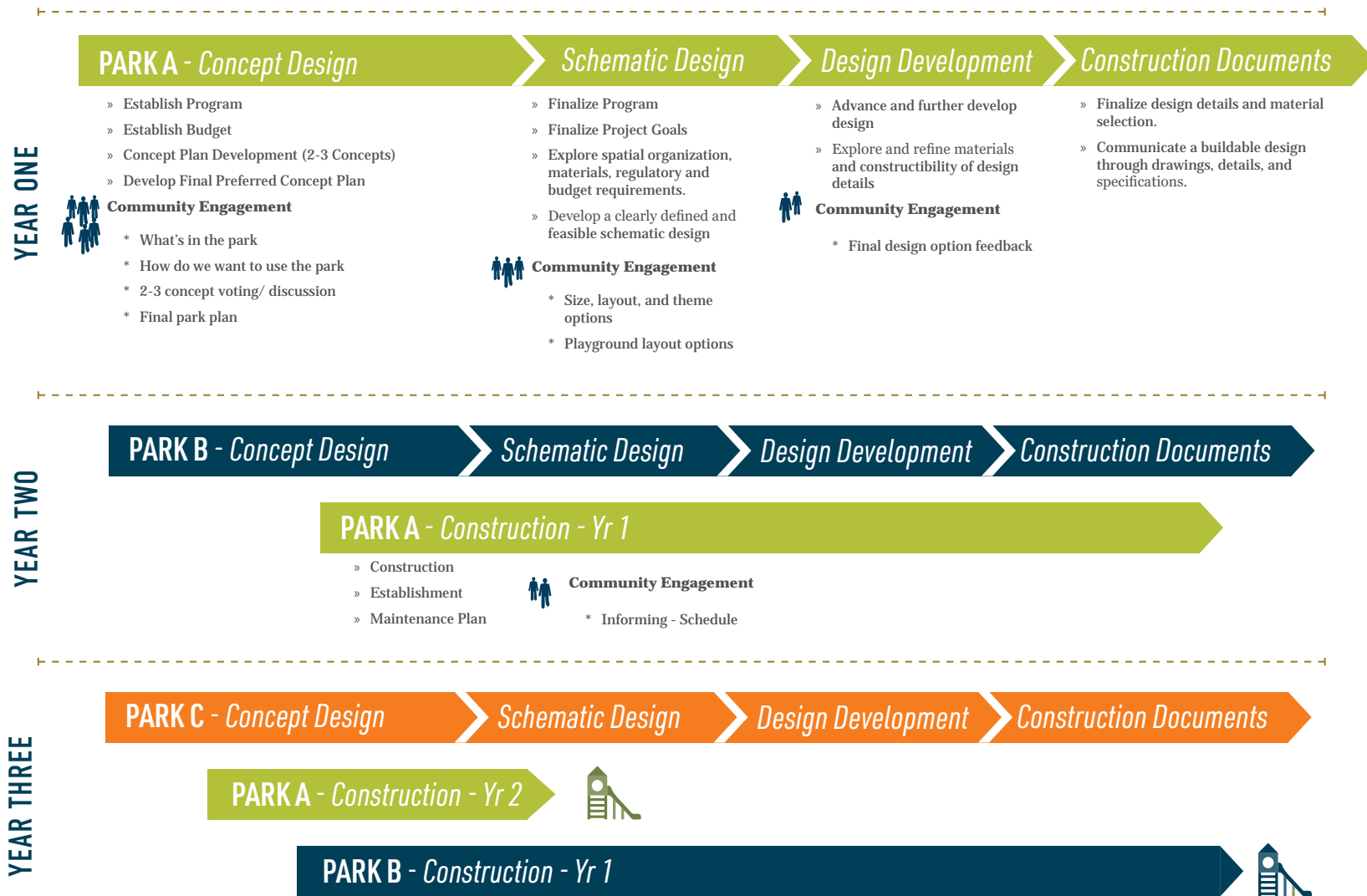


Figure 4-8: Community Based Park Plan Design and Construction Process

Bloomington Service Area Park Planning
Preliminary DRAFT Project Process and Schedule 5/10/22

*This will be refined by the consultant team with staff

					2022								2023							
					May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Project Phase	Description	Outreach Approach	Target Audience	Description/Location																
Initiate	Introduce project, idea generation - interactions, experiences, issues and opportunities	Online	All residents	Let's Talk Bloomington, Social Pinpoint (Bloom!)																
		Events in parks	Residents around parks, all	Gathering and information sharing / engagement activities																
		Community conversations	BIPOC, seniors, people with disabilities	virtual, Creekside, other locations																
		Events	Families and youth, all	Farmers markets, BFAC, Beach, Summer Park programs																
Develop and Test Ideas	Create two concept drawings and representative ideas, get input on options	Online	All residents	Let's Talk Bloomington, Social Pinpoint (Bloom!)																
		Events in parks	Residents around parks, all	Gathering and information sharing / engagement activities																
		Community conversations	BIPOC, seniors, people with disabilities	virtual, Creekside, other																
		Townhall / Open House	All residents	one/Council District (4)																
		Events	Families and youth, all	Farmers markets, arts in the parks, other																
		Commissions																		
		Council																		
Finalize Concept	Create one new concept plan for each park reflecting comments	Online																		
		Commissions																		
		Council																		
30% Design	Develop 30% design drawings for Tretbaugh and Bryant Park	Online																		
		Events in Parks (Bryant and Tretbaugh)																		
		Other TBD																		
		Commissions																		
		Council																		



Request for Council Action

Originator Police Department	Item 3.8 Resolution Accepting HIDTA Program Grant Funds and Making Related Budget Adjustment
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution no. 2022-___ accepting High Intensity Drug Trafficking Areas (HIDTA) Program grant funds and making related budget adjustment.

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

Description:

The Office of National Drug Control Policy has granted \$35,000 of its grant funding to the city, through its police department, to support initiatives that are designed to implement the strategy proposed by the Executive Board of the North Central HIDTA. Specifically, the funds will be used for overtime and supply needs.

Adoption of the attached resolution will include the signing of the attached Disclosure of Lobbying Activities form and the following related budget adjustment:

245446-43101-HID22	Federal Grant	\$35,000
245446-50040-HID22	Overtime	\$30,000
245446-56990-HID22	Supplies	\$5,000

A copy of the grant is available in the Bloomington Police Department Administration Office.

Attachments:

[HIDTA Grant G22ML0026A Resolution \(Approved by Legal\).pdf](#)
[Form LLL \(HIDTA Grant G22ML0026A - \\$35,000\).pdf](#)

RESOLUTION NO. 2022 - _____

RESOLUTION ACCEPTING NATIONAL HIGH INTENSITY DRUG TRAFFICKING
AREAS (HIDTA) GRANT FUNDS FROM EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF NATIONAL DRUG CONTROL POLICY AND MAKING RELATED BUDGET
ADJUSTMENTS

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

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

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

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

WHEREAS, the Office of National Drug Control Policy has granted \$35,000 of its federal grant funding to the City of Bloomington Police Department that will be used to implement the strategy proposed by the Executive Board of the North Central HIDTA and approved by the Office of National Drug (overtime and supplies); and

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

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

Passed and adopted this 6th day of June 2022.

Mayor Tim Busse

Attest:

Secretary to the Council

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known:			5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ _____		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
Federal Use Only:				Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)	



Request for Council Action

Originator Creative Placemaking	Item 3.9 Approve Landbridge Ecological Agreement
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the Landbridge Ecological, Inc. Agreement and authorizing the Mayor and City Manager to authorize amendments up to 10% over the contract amount.

Item created by: Alejandra Pelinka, Creative Placemaking

Item presented by: Alejandra Pelinka, Director of Creative Placemaking

Description:

The City desires to enhance the South Loop District through commissioning creative placemaking projects and public art, to beautify the area, and contribute to the neighborhood's identity and social cohesion by securing a contract for artful landscaping and pocket park features in the South Loop District of the City. Through an RFP process, Landbridge Ecological was selected.

Per this agreement, Landbridge Ecological will provide design and construction services for artful landscaping and pocket park design in a vacant lot adjacent to and just south of Fire Station #3, located at 2275 E Old Shakopee Rd, Bloomington, Minnesota 55425. This "Artful Landscaping" project will directly relate to and be utilized by the Fire Station's neighbors, gardeners, and residents of the immediate neighborhood as a special place to walk to, enjoy, and use as a community garden and pocket park. Landbridge Ecological's project approach considers creating a destination, weaving programming spaces, equitable design, use of interpretive design, approach to play, effective creative placemaking, and low maintenance landscapes. Anticipated features include native plants and pollinators, garden plot design, artful seating, shade structures, clear and accessible entrances, and signage.

Pre-design and inventory will commence upon signing of the contract; concept development and outreach efforts will take place in July/August; finalization of the concept in August; and installation occurring in September/October. The agreement end date is October 31, 2022. Funding for this project will come from the South Loop Development – Creative Placemaking Budget. The amount budgeted for this agreement is \$200,000.00. We also request 10% above authority (\$20,000.00) for contingency. Ongoing maintenance will be supported by the Creative Placemaking budget. A copy of the original agreement is available for review at the Creative Placemaking division (Agreement ID # 2022-337).



Request for Council Action

Originator Community Development	Item 3.10 SAC Small Business Citywide Credit Policy
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Staff recommends adoption of the Sewer Availability Charge (SAC) Small Business Citywide Credit Policy, which aligns with the City Council's Strategic Priorities of Equity & Inclusion and High-Quality Services. Should the City Council affirm the staff recommendation, staff recommends the following motion:

Motion by _____, seconded by _____ to adopt the proposed policy regarding the City's Sewer Availability Charge (SAC) Small Business Citywide Credit Policy as attached.

Item created by: Carolyn Lane, Community Development

Item presented by: Bernadette Gillespie and Karla Henderson, Community Development

Description:

At the January 24, 2022, meeting, the City Council formally adopted the Sewer Availability Charge (SAC) Small Business Deferral Program, allowing eligible businesses to pay the SAC fee over time with interest charges. Staff recommends adoption of the additional SAC Small Business Citywide Credit Policy, which aligns with the City Council's Strategic Priorities of Equity & Inclusion and High-Quality Services, which allows for banked credits that the City has reserved in a specific fund to be credited to small business owners as per the attached policy.

Background:

The Metropolitan Council's Environmental Services division (MCES) provides sanitary sewer treatment for wastewater generated from properties in the City of Bloomington and the Twin Cities metropolitan area. A SAC is collected from each property based on the amount of wastewater that it is anticipated to generate. This fee contributes to the construction and maintenance of the regional sewer system and sanitary sewage treatment facilities.

The one-time SAC charge is collected by the City of Bloomington when a building permit is issued for either a new building or a remodeling permit or when a permit is issued for an existing building connecting to the sanitary sewer system for the first time. One SAC unit equals 274 gallons of maximum potential daily wastewater flow capacity. Commercial buildings pay a SAC fee based on the estimated potential capacity of wastewater.

These fees can create a significant hurdle for growing businesses. While the charge is typically collected up front,

the business will use the local and regional sewer systems over time. If the business is not successful, the fees are not returned to the business but SAC credits remain with the property for future use.

To reduce this barrier to entry for new start-up and expanding businesses, staff recommends adoption of the additional SAC Small Business Citywide Credit Policy.

Attachments:

[SAC Small Business Citywide Credit Policy_05.31.22.docx](#)



City of Bloomington SAC Small Business Citywide Credit Policy

The Sewer Availability Charge (SAC) Small Business Citywide Credit Policy aims to:

- Move forward the City Council's strategic priority on racial equity by providing financial assistance to those businesses whose owners are those within the BIPOC (Black, Indigenous, or People of Color) community.
- Spur investment within the City by creating jobs, bringing product diversity and community identity, which helps to shape the identity of the community around the business.

BACKGROUND

- The Metropolitan Council's Environmental Services division (MCES) provides sanitary sewer treatment for wastewater generated from properties in the City of Bloomington and the Twin Cities metropolitan area. A SAC is collected from each property based on the amount of wastewater that it is anticipated to generate. This fee contributes to the construction and maintenance of the regional sewer system and sanitary sewage treatment facilities.
- The one-time SAC charge is collected by the City of Bloomington when a building permit is issued for either a new building or a remodeling permit or when a connection permit is issued for an existing building connecting to the sanitary sewer system for the first time. One SAC unit equals 274 gallons of maximum potential daily wastewater flow capacity. Commercial buildings pay a SAC fee based on the estimated potential capacity of wastewater.
- These fees can create a significant hurdle for new or expanding businesses. While the charge is typically collected up front, the business will use the local and regional sewer systems over time. If the business is not successful, the fees are not returned to the business, but SAC credits remain with the property for future use. To reduce this barrier to entry for new start-up and expanding businesses, the City of Bloomington participates in MCES's Deferral Program which allows eligible businesses to pay the SAC fee over time with interest charges. See City of Bloomington Sewer Availability Charge Small Business Deferral Program, adopted January 2022.

PURPOSE

Provide financial assistance to underrepresented businesses by making it more affordable to obtain a permit for their small business by helping offset the costs of SAC determination for their business during the permitting process. The City will do this by granting a maximum up to five (5) SAC units per eligible business.

DEFINITIONS

- Sewer Availability Charge (SAC): a one-time fee when a residence or business connects to the regional wastewater (sewer) system for the first time. The Metropolitan Council may also charge SAC when a business grows or changes the use of its space, which may create more potential demand on the system.
- Determination: calculation of the amount of maximum potential wastewater capacity needed for the site created by the activities at the location (food preparation, dishwashing, floor cleaning, manufacturing, restroom use, etc.)

- SAC Unit: one SAC unit equals 274 gallons of maximum potential daily wastewater flow capacity; a freestanding, single-family residence is charged one SAC unit, a base unit. Other types of buildings pay a SAC fee based on the maximum potential demand on the wastewater system. The rate for one SAC unit in 2022 is \$2,485.

ELIGIBILITY

To be considered for the application process, the applicant must meet the below criteria:

1. The business must be located within the City of Bloomington. Preference given to businesses within targeted commercial nodes (American & Portland, 98th & Nicollet, Old Cedar & Old Shakopee, Countryside Center, 90th & Penn, etc.).
2. The business owner may only apply for one business within the same fiscal year.

INELIGIBILITY

- Requests specific to construction of single-family homes are not eligible under this policy.
- Any portion of the property is used for residential purposes.
- The fee owner's property taxes are delinquent.
- The business is not in good standing with the State of Minnesota or is in violation of Bloomington City Code.
- The property is not located within the City of Bloomington.

APPLICATION PROCESS

Staff will identify potential applicants and refer them to the internal application process based off their need.

1. The application will be reviewed and approved by the Community Development Director and processed by the Building and Inspections division for payment and reporting purposes.
2. The business owner/property owner may only apply once per year for a maximum of five (5) credits.
3. Maximum allocation per year would be the total amount within our internal Special Revenue fund.
4. Applications must be submitted by the building tenant in conjunction with the owner(s). The application shall become the property of the City and is subject to Minnesota Statutes, Chapter 13 (the Government Data Practices Statute).
5. Funds for this program are limited and shall be awarded to qualifying applicants on a first-come, first-serve basis.
6. City staff shall review the application materials and make a preliminary recommendation regarding the completeness of the application and whether the application meets the criteria outlined in this policy.
7. City staff may either deny or grant final approval of an application.

The following list provides examples of potential projects/instances where City assistance might be granted:

- Reuse or expansion of an existing business.
- Development or redevelopment of underutilized commercial properties.
- Matching grant funds for government programs.
- If the request provides the community with:

- Increased employment or job retention.
- Additional spin-off development.
- Potential for increased property tax capacity.

GENERAL TERMS & CONDITIONS

1. Funds for this policy are limited and shall be awarded to qualifying applicants on a first-come, first-serve basis.
2. Business owner/property owner may only apply once per year for a maximum of five (5) credits.
3. The City may consider granting the funds necessary for sewer availability charges (maximum 5 SAC units). This will be determined on a case-by-case basis. At any time, the City may discontinue the option to provide any assistance for these fees and approval is contingent upon funding.
4. Approvals are granted by the Community Development Director and processed by the Building and Inspections division for MCES payment and reporting purposes.
5. The City reserves the right to determine and limit the amount of SAC credits that are granted to any one applicant, allowing for the maximum utilization and benefit of the credits. Nothing herein shall imply or suggest that the City is under any obligation to provide incentives to any business owner/property owner.
6. The City can deviate from this policy for projects that supersede the objectives identified herein.

THIS POLICY APPLIES TO:

All eligible beneficiaries, as outlined in this policy, of City of Bloomington Sewer Availability Charge Citywide Credit(s).

Policy Goals:

The Community Development aims to help offset costs for three (3) small businesses within the first year of the policy.

James D. Verbrugge, City Manager

Effective Date



Request for Council Action

Originator Community Development	Item 3.11 Minor Amendment to the SAC Small Business Deferral Program
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the proposed amendment regarding the City's Sewer Availability Charge (SAC) Small Business Deferral Program as attached.

Item created by: Carolyn Lane, Community Development

Item presented by: Bernadette Gillespie and Karla Henderson, Community Development

Description:

At the January 24, 2022, meeting, the City Council formally adopted the Sewer Availability Charge (SAC) Small Business Deferral Program, allowing eligible businesses to pay the SAC fee over time with interest charges. After further conversations with the Metropolitan Council, other communities regretted the lack of a minimum unit determination requirement, due to the staff time required to process the application and ongoing billing for five years. Staff recommends a minor amendment to the Sewer Availability Charge (SAC) Small Business Deferral Program to require a determination of a minimum of two (2) SAC units, to utilize the program.

Attachments:

[Deferral Amendment Staff Report_06.06.22 Council.docx](#)



Request for Council Action

Originator Item Community Development

Minor Amendment to the SAC Small Business Deferral Program

Agenda Section

Date

Consent

June 6, 2022

Requested Action:

Staff recommends a minor amendment to the Sewer Availability Charge (SAC) Small Business Deferral Program to require a determination of a minimum of two (2) SAC units, to utilize the Program.

Motion by _____, second by _____ to approve the proposed amendment regarding the City's Sewer Availability Charge (SAC) Small Business Deferral Program as attached.

Item created by: Carolyn Lane, Community Development

Item presented by: Bernadette Gillespie and Karla Henderson, Community Development

Description:

At the January 24, 2022, meeting, the City Council formally adopted the Sewer Availability Charge (SAC) Small Business Deferral Program, allowing eligible businesses to pay the SAC fee over time with interest charges. After further conversations with the Metropolitan Council, other communities regretted the lack of a minimum unit determination requirement, due to the staff time required to process the application and ongoing billing for five years. Staff recommends requiring a determination of a minimum of two SAC units to utilize the Program, as highlighted in the attached.

Attachments:

SAC Small Business Deferral Program



Request for Council Action

Originator Public Works	Item 3.12 Accept Plans and Specifications for the Storm Sewer Maintenance Project (2022-901)
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution no. 2022-____ to approve plans and specifications for the 2022-901 Storm Sewer Maintenance Project and authorizing the City Engineer to advertise for bids.

Item created by: Steve Gurney, Public Works

Item presented by: Karl Keel, Public Works Director

Description:

The City Council is asked to consider accepting plans and specifications for the 2022-901 Storm Sewer Maintenance Project and authorizing the City Engineer to advertise for bids.

The project includes maintenance to the storm sewer at 12 sites around town, as depicted in Exhibit A and described in Exhibit B.

This project is expected to cost approximately \$450,000. Funding is included in the Storm Water Drainage Utility Budget under Fund 665545. No assessments will be involved in the project.

Attachments:

[Resolution Accepting Plans and Specs for Project-2022-901.docx](#)

[Exhibit B - 2022-901 Project Descriptions.pdf](#)

[Exhibit A_05092022.pdf](#)

RESOLUTION NO. 2022-

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS FOR
2022 STORM SEWER MAINTENANCE PROJECT
(CITY PROJECT 2022-901)

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

WHEREAS, pursuant to Resolution No. 2022-82, passed by the City Council, on the 9th day of May 2022, the City Engineer has prepared plans and specifications for storm sewer maintenance in various locations, and has presented such plans and specifications to the Council for approval; and

WHEREAS, the project is anticipated to be funded solely by Fund 6200 – Storm Water Fund; and

WHEREAS, the estimated cost of the project is \$4250,000; and

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

1. The plans and specifications for the construction of the aforementioned project have been presented to the City Council, copies of which are on file in the Engineering Division, and are hereby accepted upon the recommendation of the City Engineer.
2. The City Engineer shall prepare and cause to be inserted in the official paper of the City of Bloomington and in the Finance and Commerce an advertisement for bids for the making of such improvement under such approved plans and specifications. The advertisement shall be published as required by law, shall specify the work to be done, shall call the bids on the basis of cash payment for such work, shall state the date and time that the bids will be received by the City Clerk and City Engineer at which time they will be publicly opened in the Bloomington Public Works Department and subsequently be considered by the Council; and that no bids will be considered unless sealed and filed with the City Clerk and accompanied by a cash deposit, certified check or bid bond payable to the City of Bloomington for five (5) percent of the amount of such bid.

Passed and adopted this 6th day of June, 2022.

Mayor

Attest:

Secretary to the Council

2022-901 Storm Sewer Maintenance Project Proposed Project Sites

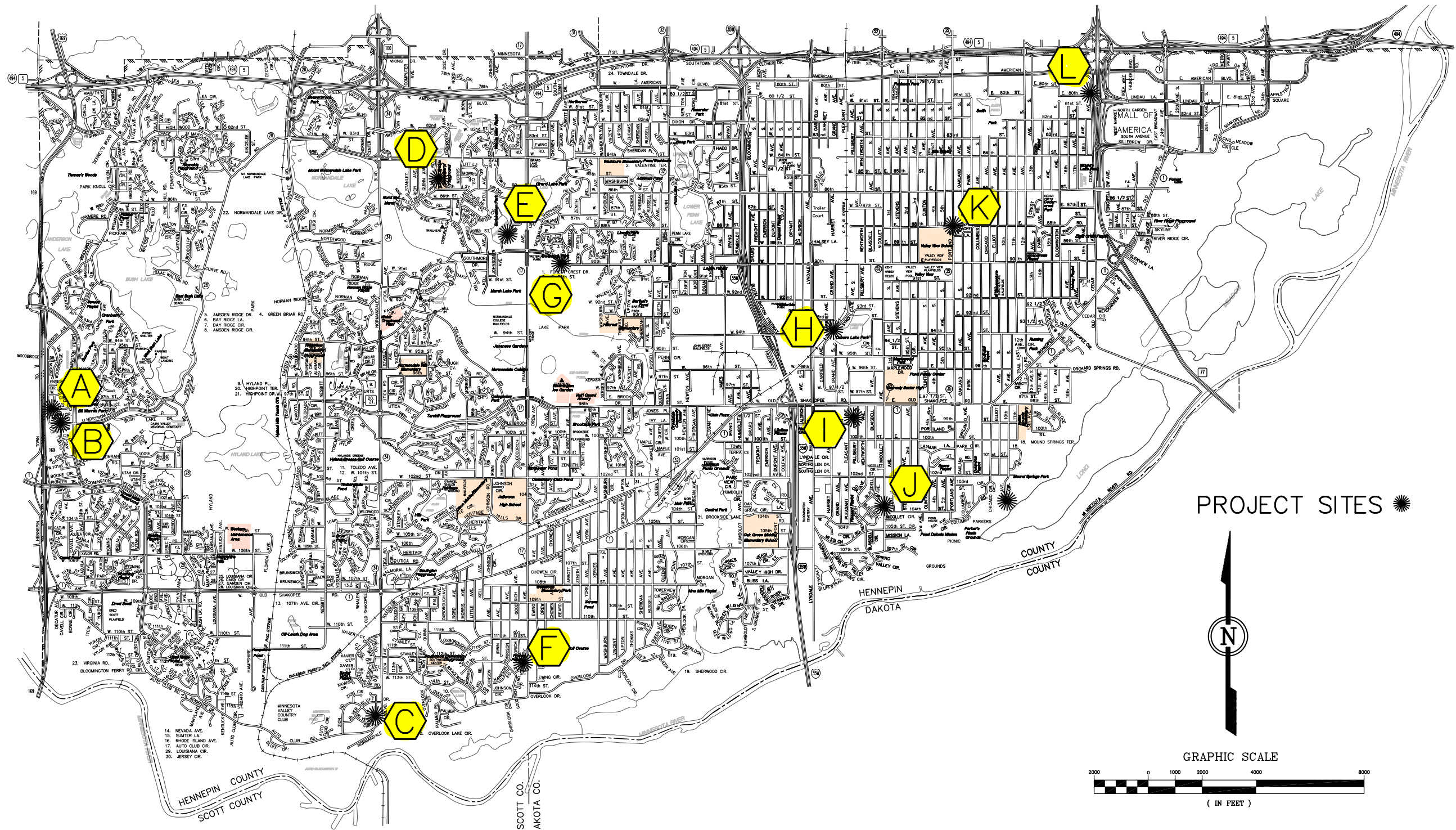
This project includes maintenance and construction of the storm sewer system at the following sites:

- W 97 1/2 St & Ensign – install cured-in-place concrete liners in two sections of storm sewers.
- W 98th & Cavell – install cured-in-place concrete liner.
- 53XX River Bluff Curve – install cured-in-place concrete liner.
- Poplar Bridge Elementary School – revise rain garden to improve drainage.
- Harrison Rd north of W 90th St – replace rusted-out metal storm pipe.
- France Ave Sump – replace rusted-out metal storm pipe and restore shoreline.
- W 90th St west of Beard Ave S – replace rusted-out metal storm pipe.
- Oxboro Outlet Structure – replace weir in outlet structure.
- 98XX Pillsbury / Pleasant Ave – abandon backyard metal storm pipe in place.
- 10423 Nicollet Cir– install cured-in-place concrete liner.
- E 88th St & Portland Ave S – install cured-in-place concrete liner.
- 79XX Old Cedar Ave – replace deteriorated catch basin.

CITY OF BLOOMINGTON, ENGINEERING DIVISION

CONSTRUCTION PLANS FOR: 2022-901

STORM SEWER MAINTENANCE PROJECT





Request for Council Action

Originator Public Works	Item 3.13 Approval of the Assignment and Assumption of City of Bloomington Lease
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the assignment and assumption of City of Bloomington Lease (Inn #4029 - Bloomington, MN).

Item created by: Ellen Biales, Public Works

Item presented by: Karl Keel, Public Works Director

Description:

The City of Bloomington has had a lease agreement with CPLG Properties L.L.C. operating as La Quinta Inn by Wyndham (7815 Nicollet Avenue) for common parking and circulation improvements. The current lease agreement became effective on January 1, 2012 and runs through December 31, 2026.

Current owners of the lease, CPLG Properties L.L.C., are in the process of selling the hotel to 494 Hotels L.L.C. and have requested the assignment of its current lease agreement to the purchasers. The terms of the lease agreement will remain the same.

Attachments:

[Agreement](#)

ASSIGNMENT AND ASSUMPTION OF CITY OF BLOOMINGTON LEASE
(Inn #4029 – Bloomington, MN)

THIS ASSIGNMENT AND ASSUMPTION OF CITY OF BLOOMINGTON LEASE (this “**Assignment of City of Bloomington Lease**”) is made as of the ____ day of June, 2022 (the “**Effective Date**”), by and among **CITY OF BLOOMINGTON**, a Minnesota municipal corporation (“**Lessor**”), **CPLG PROPERTIES L.L.C.**, a Delaware limited liability company (“**Assignor**”), and **494 HOTELS LLC**, a Minnesota limited liability company (“**Assignee**”).

WITNESSETH:

For good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. **Assignment.** Assignor hereby sells, transfers, assigns and conveys to Assignee all right, title and interest of Assignor in and to (i) that certain Extended Lease Agreement, dated January 23, 2012, by and between Lessor and Assignor, as successor by name change to BRE/LQ Properties L.L.C., a Delaware limited liability company, which lease is more particularly described on **Exhibit A** attached hereto and made a part hereof (as amended and assigned, the “**City of Bloomington Lease**”), relating to the land and improvements located in the County of Hennepin, State of Minnesota (the “**Real Property**”), which Real Property is more particularly described in **Exhibit B** attached hereto and made a part hereof together with all of the rights, interests, benefits and privileges of the “Lessee” thereunder, and (ii) all of the improvements situated on such Real Property.

2. **Purchase Agreement.** This Assignment of City of Bloomington Lease is being entered into pursuant to that certain Agreement of Purchase and Sale dated as of January 5, 2022 by and between Assignor and RAKESHKUMAR RAJUBHAI PATEL, an individual (“**Original Buyer**”), as subsequently assigned by Original Buyer to ROOJUTA PATEL, an individual, and from ROOJUTA PATEL, an individual, to Assignee (as amended, modified, supplemented, and assigned from time to time, the “**Purchase Agreement**”).

3. **Assumption.** Assignee hereby accepts the assignment of the City of Bloomington Lease and assumes the performance of all of the terms, covenants and conditions of the City of Bloomington Lease on the Assignor’s part to be performed thereunder from and after the date hereof and will perform all such terms, covenants and conditions of the City of Bloomington Lease arising or accruing from and after the date hereof, all with the same force and effect as though Assignee had signed or been a party to the City of Bloomington Lease. Assignee hereby agrees to indemnify and hold harmless Assignor from any claims, losses, fines, penalties, demands, fees, actions, counterclaims, costs, liabilities, damages or expenses (including attorneys’ fees) of any nature whatsoever arising out of or relating to Assignee’s failure to perform any of the foregoing obligations.

4. Consent to Assignment. Lessor hereby consents to the assignment of the City of Bloomington Lease from Assignor to Assignee in accordance with the terms of this Assignment of City of Bloomington Lease.

5. Release of Liability. Upon the Effective Date, Lessor hereby releases Assignor, together with any affiliate(s) thereof that are directly or indirectly obligated under or with respect to the City of Bloomington Lease, from all obligations and liabilities under or with respect to the City of Bloomington Lease that arise after the Effective Date.

6. No Default. To Lessor's knowledge, (i) Assignor is not currently in default under the City of Bloomington Lease, and (ii) there does not exist an event which with the passage of time or giving of notice, or both, would constitute a default of Assignor under the City of Bloomington Lease.

7. Disclaimer. This Assignment of City of Bloomington Lease is made without warranty or representation, express or implied, by, or recourse against, Assignor of any kind or nature whatsoever except as expressly provided in the Purchase Agreement.

8. Counterparts. This Assignment of City of Bloomington Lease may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of City of
Bloomington Lease as of the date first above written.

LESSOR:

CITY OF BLOOMINGTON,
a Minnesota municipal corporation

By: _____
Name: Tim Busse
Title: Mayor

By: _____
Name: James D. Verbrugge
Title: City Manager

Reviewed and Approved by the City Attorney

Melissa J. Manderschied

ASSIGNOR:

CPLG PROPERTIES L.L.C.,
a Delaware limited liability company

By: _____
Name: Paul R. Womble
Title: Authorized Signatory

[SIGNATURES CONTINUE]

ASSIGNEE :

494 HOTELS LLC,
a Minnesota limited liability company

By: _____

Name: _____

Title: _____

[END OF SIGNATURES]

Exhibit A

Description of the City of Bloomington Lease

Extended Lease Agreement, dated January 23, 2012, by and between Lessor and Assignor, as successor by name change to BRE/LQ Properties L.L.C., a Delaware limited liability company.

Exhibit B

Legal Description of the Real Property

That portion of the following parcel below that is improved for vehicular parking and circulation lying west of the southerly extension of the east line of Lot 3, Block 1, RRH ADDITION and lying north of American Boulevard East:

The South 165 feet of the North 870 feet of all of Government Lot 5, and that part of Government Lot 1, Section 3, Township 27 North, Range 24 West, lying West of a line parallel to and 1125.23 feet West of East line of said Lot 1, according to the United States Government Survey thereof.

Torrens Property
Certificate of Title No. 1041343



Request for Council Action

Originator Public Works	Item 3.14 Resolution of Support of an Active Transportation Planning Assistance Grant Application
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Resolution no. 2022-____ in support of the request for planning assistance to update the Alternative Transportation Plan through the 2022 Minnesota Department of Transportation (MnDOT) Active Transportation Planning Assistance Program.

Item created by: Amy Marohn, Public Works

Item presented by: Karl Keel, PW Director (if needed)

Description:

The City of Bloomington is interested in completing an update to the Alternative Transportation Plan. The existing plan, developed in 2008 and updated in 2016, has served the City well in guiding the implementation of a bike-able system on identified routes through the City. However, the existing plan is very bike focused and doesn't adequately represent the City's updated active transportation goals. The plan is also missing an equity component in both creating a shared vision for active transportation in the community and in the prioritization of the implementation plan for building out this active transportation plan for the community.

Approval of the resolution of support would allow the City to submit an application for the 2022 MnDOT Active Transportation Planning Assistance Grant. If the application is selected for award by MnDOT, the award would provide a planning consultant (under contract directly by MnDOT) to support the City with planning services to develop an updated Active (Alternative) Transportation Plan for the City of Bloomington.

If our application is selected for award, the scope of the update will be determined based on the consultant resources awarded. Items that the City would like to prioritize for update include, but are not limited to:

- Community engagement with a focus on creating a shared vision for active transportation in the community;
- Targeted engagement identifying unique challenges, especially for those who face increased barriers to getting around;
- Creation of an Active Transportation Team with city staff, advocacy groups, SRTS representatives, Public Health, elected officials, community members, priority populations and more;
- The plan will include an updated implementation and prioritization plan, guided by the Active Transportation Team;

- Increase walking, bicycle and other non-motorized vehicle trips by residents and visitors to help achieve City wide sustainability goals;
- A focus on addressing the health inequities that exist in built and social environments which impacts safe access to routine physical activity within communities;
- Build a network that is accessible and safe for people of all ages and abilities to encourage a healthy and active lifestyle;
- Develop a healthy and equitable transportation network that connects all residents to local destinations and regional facilities, including access to critical resources such as grocery stores and other venues for healthy foods;
- Develop a list of strategies for intersection or crossing improvements that facilitate active forms of travel;
- Improve non-motorized access to Metro Transit facilities like the Orange or D Line for commuters and residents;
- Completion of gaps in the sidewalk network; and
- Build on the success of Safe Routes to School by implementing additional school area improvements and including “Safe Routes to Parks”

Attachments:

[Resolution of Support for MnDOT 2022 Active Transportation Planning Assistance Grant Application_legal approved.pdf](#)

RESOLUTION NO. 2022-_____

RESOLUTION OF SUPPORT OF
AN ACTIVE TRANSPORTATION PLANNING ASSISTANCE GRANT APPLICATION
BLOOMINGTON, MINNESOTA

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

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

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

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

WHEREAS, the Minnesota Department of Transportation (MnDOT) seeks to support Active Transportation plans for communities, cities, and counties across Minnesota through awards up to \$400,000 of state Active Transportation Program funds in the form of statewide planning consultant services. Planning consultant services will include an analysis of existing conditions, public outreach and identification of potential infrastructure and non-infrastructure solutions to work towards the State's goal of helping more people walk and bicycle safely to destinations where they live, work, and play; and

WHEREAS, in lieu of providing funding directly to applicants, MnDOT will contract with a statewide planning consultant who will provide planning services to successful applicants; and

WHEREAS, applicants are not required to provide a local match, instead, applicants should be prepared to support plan development by providing information, convening a local advisory group, supporting community engagement, helping to arrange and publicize public workshops, and participating in identifying local issues and solutions that will help more people walk and bicycle to destinations; and

WHEREAS, the City is committed to providing an Active Transportation System as identified in City adopted plans and policies, including, but not limited to, the Comprehensive Plan, Complete Streets Policy, Alternative Transportation Plan, and Safe Routes to School Plan; and

WHEREAS, the City has identified the need to update and expand the existing 2016 Alternative Transportation Plan to address the needs of active modes of transportation beyond a bicycle network; and

WHEREAS, the City has identified that a plan update will be focused on equity and access throughout the community and will include public engagement to create a shared vision for active transportation and prioritization plan that carefully addresses and responds to the needs identified in areas of the community that are most reliant on the active transportation; and

WHEREAS, the City has agreed that if awarded the grant they will undertake the plan development effort in 2022-2023 and will dedicate the appropriate staff to support the planning effort through the Active Transportation Team; and

WHEREAS, the City Council has determined that it is in the City's best interests to apply for an Active Transportation Planning Assistance grant and to make any necessary budget adjustments to the approved budget should they be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, that this Resolution in support of an application for state funded planning assistance under the 2022 MnDOT Active Transportation Planning Assistance Grant is hereby approved.

BE IT FURTHER RESOLVED, based on the foregoing 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 and services for and on behalf of the City and to make any and all necessary related budget adjustments to the approved budget of the City.

BE IT FINALLY RESOLVED, that a copy of this Resolution may be provided to the Minnesota Department of Transportation with the Active Transportation Planning Assistance Grant application submittal.

Passed and adopted this 6th day of June, 2022.

Mayor

ATTEST:

Secretary to the Council



Request for Council Action

Originator City Manager's Office	Item 3.15 Amendment #5 to 2022 Full-Time Non-Union & Part-Time, Temporary, and Seasonal Compensation Plans
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

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

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

Item presented by: Michael Sable, Assistant City Manager

Description:

The City is proposing the following Amendments to the 2022 Full-Time, Non-Union & Part-Time, Temporary Seasonal Compensation Plan:

Addition of the following job classes to the Full-Time, Non-Union Compensation Plan:

Chief Equity and Inclusion Officer, Grade 15

Reclassify the positions of GIS Technician and GIS Specialist to GIS Specialist I, GIS Specialist II, and GIS Coordinator.

Addition of the following job classes to the Part-Time, Non-Union Compensation Plan

Police Background Investigator, Part-Time, Grade 8

Chief Equity and Inclusion Officer

The City's commitment to racial equity and inclusion is longstanding and has evolved over the years. The City has been making efforts to focus on equity going back to 2015 when the City participated in the Government Alliance on Racial Equity (GARE) convening. The GARE convening was sponsored by the League of Minnesota Cities, and it included a number of other cities from around the state that were interested in advancing the work of equity in their organizations and community. December of 2017, the City Council adopted a Racial Equity Vision Statement that reads: "The City of Bloomington will act courageously to advance racial equity. We will be a vibrant, safe, and healthy place where people of all races thrive." Later that year the City adopted equity and inclusion as strategic priorities.

The city adopted the Racial Equity Business Plan (REBP) in 2020. The racial equity business plan charts the path for an expansion of the City's racial equity work in the years to come. The racial equity business plan identifies goals and outcomes in four distinct areas:

- Hiring (workforce mirrors the community we serve)
- Training (assortment of training that develops racial equity as a competency)
- Services (equitable outcomes in the design and delivery of services)
- Community engagement (authentically engage community in the design and implementation of city projects)

In 2020, the City Council declared racism a public health crisis and formed a Racial Equity Strategic Planning Committee (RESPEC) to identify the most impactful policies and practices the City and RESPEC would work on to begin reducing racial disparities in key areas including, economic stability, education, health and health care, neighborhood and built environment, and social and community.

The City of Bloomington is establishing the Office of Racial Equity, Inclusion, and Belonging (OREIB). OREIB staff will help identify and remove structural bias and inequities in city policies, programs, and services.

GIS Reorganization

The GIS services in IT are being reclassified to better reflect the current operation and salaries are consistent with the market.

Police Background Investigator (PT)

An increased amount of hiring processes for Police, Dispatch, Cadet, and other civilian positions within the Police Department has increased. During a hiring process there will be multiple background investigations to be completed within a specified timeline. The increased need and complexity of background investigations no longer allows for current police staff to complete investigations in addition to their regular assignments. Part time non-sworn employees conducting background investigations also eliminates/reduces current staff from having access to an applicant's confidential information.

Attachments:

[Resolution_Amedning_Compensation_Plan_June_6_2022.docx](#)

[Amended 2022 Hourly Wages for PT Temp and Seasonal - C 6.6.2022.pdf](#)

[Amended 2022 Comp Plan for Unrepresented Full-Time Employees -CC 6.6.2022.pdf](#)

RESOLUTION NO. 2022 - _____

**A RESOLUTION AMENDING THE 2022 COMPENSATION PLAN
FOR FULL-TIME, NON-UNION AND PART-TIME, TEMPORARY,
AND SEASONAL EMPLOYEES FOR THE CITY OF BLOOMINGTON**

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

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

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA that the attached 2022 Compensation Plan for Full-Time, Non-Union Employees of the City of Bloomington is hereby amended to approve the additions and classifications of Chief Equity and Inclusion Officer and Police Background Investigator and the reclassification of GIS Technician and GIS specialist to GIS specialist I, GIS specialist II, and GIS coordinator.

Passed and adopted in regular session this 6th day of June, 2022.

Mayor

ATTEST:

Secretary to the Council

CITY OF BLOOMINGTON, MN

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

PART 1

PARKS & RECREATION		Step 1	Step 2	Step 3	Step 4	Step 5
Z20	P&R Attendant	\$11.50	\$11.75	\$12.00	\$12.25	\$12.50
Z28	P&R Building Attendant	\$12.50	\$12.75	\$13.00	\$13.25	\$13.50
Z11	P&R Instructor	\$13.00	\$13.50	\$14.00	\$14.50	\$15.00
Z30	Lifeguard	\$13.50	\$14.00	\$14.50	\$15.00	\$15.50
Z02	P&R Intern	\$13.25	\$13.50	\$13.75	\$14.00	\$14.25
Z23	P&R Lead Staff	\$14.25	\$14.75	\$15.25	\$15.75	\$16.25
Z58	P&R Program Specialist	\$15.00	\$15.50	\$16.00	\$16.50	\$17.00
Z08	P&R Assistant Coordinator	\$16.00	\$17.00	\$18.00	\$19.00	\$20.00
Z22	P&R Audio/Visual Technician	\$16.00	\$17.00	\$18.00	\$19.00	\$20.00
Z60	P&R Facility Lead	\$16.00	\$16.50	\$17.00	\$17.50	\$18.00
Z56	P&R Program Coordinator	\$17.00	\$18.00	\$19.00	\$20.00	\$21.00
Z54	P&R Sports Official	\$20.00	\$20.75	\$21.50	\$22.25	\$23.00
Z09	Park Project Coordinator	\$21.25	\$22.30	\$23.40	\$24.55	\$25.70
Z52	P&R Accredited Sports Official	\$26.00	\$26.25	\$26.50	\$26.75	\$27.00
Z62	Theatre Technician	\$16.00	\$16.50	\$17.00	\$18.00	\$19.00
ICE GARDEN						
X09	Ice Garden Specialist	\$15.00	\$15.75	\$16.50	\$17.25	\$18.00
X02	Ice Garden Supervisor	\$19.65	\$20.65	\$21.65	\$22.65	\$23.65
X64	Skate School Coordinator	\$24.00	\$25.00	\$26.00	\$27.00	\$28.00
GOLF COURSES						
X12	Ranger / Starter	\$11.50	\$12.00	\$12.50	\$13.00	\$13.50
X18	Clubhouse Cashier	\$12.75	\$13.25	\$13.75	\$14.25	\$14.75
X26	Food & Beverage Associate	\$14.00	\$14.50	\$15.00	\$15.50	\$16.00
X27	Head Cook	\$16.00	\$16.50	\$17.00	\$17.50	\$18.00
X13	Lead Ranger / Starter	\$16.00	\$16.50	\$17.00	\$17.50	\$18.00

X17	Lead Cashier	\$16.00	\$16.50	\$17.00	\$17.50	\$18.00
X25	Seasonal Groundskeeper	\$15.55	\$16.05	\$16.85	\$17.15	\$17.65
X22	Food & Beverage Coordinator	\$21.50	\$22.50	\$23.50	\$24.50	\$25.50
COMMUNICATIONS						
X04	Production Aide	\$13.10	\$13.65	\$14.35	--	--
X24	Production Assistant	\$16.15	\$16.85	\$17.65	--	--
X11	Production Specialist	\$26.40	\$27.75	\$29.15	--	--
PUBLIC HEALTH						
X58	Translator/Comm Resource Spec	\$30.70	\$31.62	\$32.57	\$33.54	\$34.55
X60	Translator/WIC Clerk	\$27.15	\$27.97	\$28.81	\$29.67	\$30.56
X49	WIC Peer Breastfeeding Counselor	\$19.10	\$19.67	\$20.26	\$20.87	\$21.49
X62	Registered Nurse	\$35.00	--	--	--	--
PUBLIC WORKS						
X20	Laborer	\$16.00	\$16.85	\$17.65	--	--
X30	Engineering Intern	\$20.00	\$21.00	\$22.00	--	--
X21	Laborer - CDL	\$19.10	\$20.10	\$21.10	--	--
COMMUNITY DEVELOPMENT						
X08	Intern (Any Division)	\$20.00	\$21.00	\$22.00	--	--
CITY CLERK						
	Election Judge	\$11.25			--	--
	Assistant Head Election Judge	\$12.50			--	--
	Head Election Judge	\$13.00			--	--
	Early Voting/Absentee Assistant	\$24.03	\$24.75	\$25.49		
	Elections Assistant	\$25.83	\$26.61	\$27.41	\$28.23	\$29.07
POLICE						
	Background Investigator	\$35.70	\$36.77	\$37.87	\$39.01	\$40.18

APPROVED:

by City Council - 5/9/2022



**2022 COMPENSATION PLAN FOR FULL-TIME, NON-UNION
EMPLOYEES OF THE CITY OF BLOOMINGTON, MN**
*Effective **June 6**, 2022*

INTRODUCTION

Full-time, non-union employees of the City of Bloomington shall be paid in accordance with the following schedules, effective **June 6**, 2022. In each of the established Pay Grades, the starting pay is 75% of the maximum pay. For positions in Grade 1-13, six pay steps have been defined, each reflecting a 3% increase over the previous step.

ADMINISTRATION

For positions in Grades 1-13, the general practice of the City shall be to place newly hired or promoted employees at Step 1 of the pay grade to which their position is assigned, unless market conditions or the qualifications of the candidate warrant a higher starting pay. A starting pay higher than Step 6 of the pay grade shall be awarded only in limited circumstances and with the approval of the City Manager.

Employees shall generally advance to the next step of the Pay Grade annually, on the anniversary of their hire or promotion to the position, so long as the employee is found to be exhibiting acceptable job performance. A scheduled step increase may be withheld when the Department Head and Human Resources Manager are in concurrence that an employee has not exhibited acceptable job performance over the course of the past year. In limited circumstances, the City Manager may authorize advancement to the next step of the Pay Grade sooner than one year, when he or she finds it to be in the best interests of the City to do so.

At the beginning of each fiscal year, employees who have reached Step 6 of the Pay Grade to which their position has been assigned, and who have

been compensated at that rate for at least six months, may be considered

for a performance-based pay increase. Performance-based increases shall be awarded based on the recommendation of the employee's supervisor, concurrence of the Department Head and final approval of the City Manager. No employee shall be entitled to a performance-based increase. No employee shall be awarded a performance-based increase that would place them above the maximum wage or salary established for the grade.

For positions in Grades 14-17, the general practice of the City shall be to hire or promote employees at a starting salary that is between the minimum and midpoint of the assigned salary range. However, in limited circumstances and with the approval of the City Manager, an employee may be hired at or promoted to a starting salary that is above the midpoint of the range.

Employees in positions assigned to Grades 14-17 may be considered for a salary adjustment annually, on the anniversary date of their hire or promotion to the position, until reaching the midpoint of the range. Upon reaching or exceeding the midpoint of the range, employees may be considered for a performance-based pay increase annually, corresponding with the City's fiscal year. Performance-based increases shall be awarded based on the recommendation of the employee's supervisor, concurrence of the Department Head and final approval of the City Manager. No employee shall be entitled to a performance-based increase. No employee shall be paid a base salary that exceeds the maximum of the established salary range for his or her position.

CITY OF BLOOMINGTON, MN
2022 COMPENSATION PLAN
 FOR FULL-TIME, NON-UNION EMPLOYEES

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
GRADE A	\$22.32	\$22.99	\$23.68	\$24.39	\$25.12	\$25.87	\$29.75
Information Assistant	\$46,426	\$47,819	\$49,254	\$50,731	\$52,250	\$53,810	\$61,881
GRADE 1	\$24.03	\$24.75	\$25.49	\$26.26	\$27.05	\$27.86	\$32.04
Office Assistant	\$49,982	\$51,480	\$53,019	\$54,621	\$56,264	\$57,949	\$66,643
GRADE 2	\$25.83	\$26.61	\$27.41	\$28.23	\$29.07	\$29.95	\$34.44
Community Health Worker	\$53,726	\$55,349	\$57,013	\$58,718	\$60,466	\$62,296	\$71,635
Engineering Aide							
Maintenance Worker							
GRADE 3	\$27.65	\$28.48	\$29.33	\$30.21	\$31.12	\$32.05	\$36.86
Accounting Assistant	\$57,512	\$59,238	\$61,006	\$62,837	\$64,730	\$66,664	\$76,669
Assessment Assistant							
Engineering Aide							
Licensing Specialist							
Office Support Specialist							
Payroll Specialist							
Police Records Specialist							
Print Shop Coordinator							
Property Control Specialist							
Purchasing Specialist							
Records Specialist							
GRADE 5	\$31.13	\$32.06	\$33.02	\$34.01	\$35.03	\$36.08	\$41.50
Administrative Assistant	\$64,750	\$66,685	\$68,682	\$70,741	\$72,862	\$75,046	\$86,320
Elections Specialist							
Engineering Technician							
GIS Technician							
Lead Police Records Specialist							
Legal Administrative Assistant							
Utility Operator							
GRADE 6	\$32.07	\$33.04	\$34.03	\$35.05	\$36.10	\$37.18	\$42.76
Community Development Project Coordinator	\$66,706	\$68,723	\$70,782	\$72,904	\$75,088	\$77,334	\$88,941
Crime Prevention Coordinator							
Crime Victim Liaison							
Deputy City Clerk - Administration							

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
GRADE 6 <i>(continued)</i>	\$32.07	\$33.04	\$34.03	\$35.05	\$36.10	\$37.18	\$42.76
Desktop Support Specialist	\$66,706	\$68,723	\$70,782	\$72,904	\$75,088	\$77,334	\$88,941
Executive Assistant							
GIS Specialist I							
Laboratory Technician							
Office Coordinator							
Paralegal							
Police Data Coordinator							
Radio Communications Technician							
Senior Utility Operator							
Utility Service Specialist							
GRADE 7	\$33.68	\$34.69	\$35.73	\$36.80	\$37.91	\$39.05	\$44.90
*Assistant Golf Maintenance Superintendent	\$70,054	\$72,155	\$74,318	\$76,544	\$78,853	\$81,224	\$93,392
Communications Specialist							
*Computer Specialist							
Firefighter / Fire Inspector 1							
*GIS Specialist							
Graphics Production Specialist							
Laboratory Analyst							
*Public Works Project Coordinator							
Senior Production Specialist							
Senior Utility Service Specialist							
*Sustainability Coordinator							
Video Production Specialist							
GRADE 8	\$35.70	\$36.77	\$37.87	\$39.01	\$40.18	\$41.39	\$47.59
*Auditor	\$74,256	\$76,482	\$78,770	\$81,141	\$83,574	\$86,091	\$98,987
Community Outreach & Engagement Coordinator							
Contracts Coordinator							
*Crime Analyst							
*Customer Billing Supervisor							
Desktop Administrator							
*Deputy City Clerk - Licensing							
*Deputy City Clerk - Records							
*Digital Communications Coordinator							
Dispatch Supervisor							
Equity and Inclusion Program Specialist							
Firefighter / Fire Inspector II							
*GIS Specialist II							
*Ice Garden Maintenance Superintendent							
*Office Supervisor							
Police Records Supervisor							
*Production Supervisor							
Recreation Coordinator							
Senior Engineering Technician							

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
GRADE 8 <i>(continued)</i>	\$35.70	\$36.77	\$37.87	\$39.01	\$40.18	\$41.39	\$47.59
Water Resources Specialist	\$74,256	\$76,482	\$78,770	\$81,141	\$83,574	\$86,091	\$98,987
*Web Coordinator							
GRADE 9	\$36.93	\$38.03	\$39.17	\$40.35	\$41.56	\$42.81	\$49.23
*Accountant	\$76,814	\$79,102	\$81,474	\$83,928	\$86,445	\$89,045	\$102,398
Applications Administrator I (IT)							
*Assistant Golf Manager							
*Assistant Ice Garden Manager							
*Benefits Coordinator							
*Golf Course Maintenance Superintendent							
IT Systems Administrator I							
*Public Health Nurse							
*Public Health Specialist							
*Purchasing Agent							
*Recreation Supervisor							
Utility Controls & Instrumentation Technician							

** Positions in Grades 1-9 that are preceded by an asterisk (*), as well as all positions in Grades 10-17, are exempt from the overtime provisions of the federal Fair Labor Standards Act (FLSA).*

GRADE 10	\$82,697	\$85,178	\$87,733	\$90,365	\$93,076	\$95,868	\$110,248
Applications Administrator II (IT)							
Arts Center Manager							
Communications Supervisor							
Community Health Supervisor							
Creekside Community Center Manager							
Customer Service Supervisor							
Database Administrator (IT)							
Disease Prevention & Control Supervisor							
Facilities Maintenance Supervisor							
Fleet Maintenance Supervisor							
GIS Coordinator							
Human Resources Representative							
Infrastructure Systems Analyst							
IT Systems Administrator II							
Park Maintenance Supervisor							
Public Health Nurse Supervisor							
Street Maintenance Supervisor							
Traffic Maintenance Supervisor							
Utilities Supervisor							
Water Quality Supervisor							
WIC Supervisor							

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
GRADE 11	\$88,443	\$91,096	\$93,829	\$96,644	\$99,543	\$102,530	\$117,909
Assistant Finance Manager Civil Engineer Director of Creative Placemaking Ice Garden Manager IT Systems Engineer Network Engineer Professional Land Surveyor Racial Equity Coordinator Recreation Manager							
GRADE 12	\$91,632	\$94,381	\$97,212	\$100,129	\$103,132	\$106,226	\$122,160
Battalion Chief Building & Inspections Supervisor Commercial Appraisal Supervisor Environmental Health Supervisor Golf Course Manager HRA Program Manager Public Health Program Manager Residential Appraisal Supervisor Senior Planner Special Projects & Initiatives Manager							
GRADE 13	\$97,129	\$100,043	\$103,044	\$106,135	\$109,320	\$112,599	\$129,489
Assistant Director of Parks & Park Projects Assistant Maintenance Superintendent Assistant Port Authority Administrator Assistant Public Health Administrator Assistant Utilities Superintendent Budget Manager Deputy Fire Chief Fleet Manager Risk & Litigation Manager							

The steps in Pay Grades 14-17 are "shadow steps" to be used as benchmark steps for those whose current pay is below Step 6 on their anniversary date.

PAY RANGE: \$102,957 - \$137,258							
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
	\$102,957	\$106,046	\$109,227	\$112,504	\$115,879	\$119,355	\$137,258
GRADE 14	Midpoint - \$120,108						
City Clerk							
Civilian Services Manager							
Communications Administrator							
Community Outreach & Engagement Manager							
Information Technology Supervisor							
Senior Civil Engineer							
Traffic & Transportation Engineer							
Water Resources Manager							
PAY RANGE: \$113,232 - \$150,957							
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
	\$113,232	\$116,629	\$120,128	\$123,732	\$127,444	\$131,267	\$150,957
GRADE 15	Midpoint - \$132,095						
Assistant Fire Chief							
Building & Inspection Manager							
City Assessor							
Deputy Director of Parks & Recreation							
Deputy Director of Public Works							
Environmental Health Manager							
Finance Manager							
HRA Administrator							
Human Resources Manager							
Maintenance Superintendent							
Planning Manager							
Port Authority Administrator							
Public Health Administrator							
Utilities Superintendent							
Chief Equity and Inclusion Officer							
PAY RANGE: \$124,676 - \$166,214							
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
	\$124,676	\$128,417	\$132,269	\$136,237	\$140,324	\$144,534	\$166,214
GRADE 16	Midpoint - \$145,445						
City Engineer							
Deputy City Attorney							
Deputy Police Chief							

PAY RANGE: \$148,787 - \$198,357							
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	MAX
	\$148,787	\$153,250	\$157,848	\$162,583	\$167,461	\$172,484	\$198,357
GRADE 17	Midpoint - \$173,572						
Assistant City Manager							
Chief Financial Officer							
Chief Information Officer							
Chief of Police							
City Attorney							
Director of Community Development							
Director of Community Services							
Director of Parks & Recreation							
Director of Public Works							
Fire Chief							

**Section 2: 2022 COMPENSATION PLAN FOR FULL-TIME, NON-UNION EMPLOYEES
OF THE CITY OF BLOOMINGTON, MN PUBLIC WORKS MAINTENANCE DIVISION**

	<i>Starting Wage</i>	<i>6 months</i>	<i>18 months</i>	<i>5 years</i>	<i>10 years</i>
Range	Step 1	Step 2	Step 3	Step 4	Step 5
GRADE S400	\$28.35	\$29.76	\$31.25	\$32.19	\$33.15
Equipment Operator I	\$58,968	\$61,901	\$65,000	\$66,955	\$68,952
Parkkeeper I					
Service Technician I					
Traffic Technician I					

	<i>Starting Wage</i>	<i>1 Year</i>	<i>3 Years</i>	<i>5 Years</i>	<i>Performance-Based</i>		
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
GRADE S800	\$27.23	\$29.14	\$31.18	\$33.36	\$34.36	\$35.39	\$36.45
Equipment Operator	\$56,638	\$60,611	\$64,854	\$69,389	\$71,469	\$73,611	\$75,816
Parkkeeper							
Service Technician							
Traffic Technician							
GRADE S850	\$31.33	\$33.53	\$35.87	\$38.38	\$39.54	\$40.72	\$41.94
Fleet Technician	\$65,166	\$69,742	\$74,610	\$79,830	\$82,243	\$84,698	\$87,235
GRADE S900	\$36.11	\$38.64	\$41.34	\$44.24	\$45.57	\$46.93	\$48.34
Signal / Instrumentation Technician	\$75,109	\$80,371	\$85,987	\$92,019	\$94,786	\$97,614	\$100,547

“Step 6”

Current employees of the Public Works Maintenance Division who were assigned to “Step 6” of the 2017 compensation plan as of December 1, 2017, shall continue to be paid an hourly wage equal to their 2021 wage. Such “out of range” pay shall be provided only to those employees assigned to “Step 6” as of December 1, 2017 and shall be provided for the duration of the employee’s service in the listed classification.

Section 3 EXTRA DUTY PAY

The City Manager is authorized to award up to \$3,000 per month in additional compensation for any employee who is performing assigned duties and responsibilities which are in addition to the regular duties of the employee's position. The additional compensation shall continue for such length of time as the City Manager shall determine.

Section 4 LUMP SUM PAYMENTS

The City may also reward non-union employees who demonstrate excellent work performance by granting lump sum payments. A lump sum payment is a one- time payment of not more than 5% of the employee's annual base wage or salary. A lump sum incentive payment is not a base salary adjustment to be considered for future increases. Lump sum awards shall be dependent on the availability of funds, the recommendation of the Department Head, and the discretion and approval of the City Manager.

Section 5 EXCEPTIONAL SERVICE PAY

Section 5.1 Policy

The City of Bloomington encourages its employees to excel in the performance of their job duties and to enhance the City's quality of service. Individual or group efforts that improve customer service, promote efficiency, and minimize costs are to be commended.

The City may grant additional pay for demonstrated exceptional service. Regular employees who are not represented by a bargaining unit and have completed their initial probationary period may be eligible to receive exceptional service pay. Certain performance criteria are a requisite as well as recommendations of the employee's supervisors and the Department Head and approval of the City Manager.

Section 5.2 Performance Criteria

- A. Effort--The effort of work exceed expectations. The work produced a positive, significant effect for the City. The product or service provided clearly demonstrates an extra effort put forth by the employee.
- B. Consistency--The effort required is of sufficient duration and the exceptional service is consistently applied to customers, residents and/or employees.
- C. Quality--The product or service produced is of the highest quality.
- D. Quantity--The amount of work produced clearly exceeds expectations.
- E. Originality--The product or service is creative or innovative.
- F. Cost saving/revenue generating--The product or service will create a substantial cost saving or revenue generating effect for the City.
- G. Efficiency--Efficiency of City operations is measurably enhanced by the employee's work.

To qualify for Exceptional Service Pay the employee(s) must meet each of the criteria A, B and C plus one of the additional criteria: D, E, F or G.

Section 5.3 Approval Procedure

Requests for exceptional service pay may be made by the employee, another City employee, or supervisor. The written request should detail the achievement of the performance criteria, and then be sent to the employee's supervisor. The employee's supervisor will comment in writing on the merits of the request and forward it to the respective Department Head. The Department Head will comment on the request and notify the employee(s).

The Department Head may forward the report to a committee of all City Department Heads. If sent to the committee, the request will be reviewed and reported to the City Manager with or without recommendations. The City Manager has the sole authority to grant exceptional service pay. The Manager may accept the recommendation, and approve the request, deny the request, or take action on the request, modifying it to serve the best interests of the City. The Manager's decision shall be in writing. The employee's Department Head will notify the employee of the Manager's decision.

Section 5.4 Payment

Exceptional service pay is a one-time payment in an amount not to exceed \$2,000. No employee shall receive more than \$4,000 in exceptional service pay per calendar year.

Section 5.5 Report

The City Manager shall file with the City Council each year before the time set for the adoption of the annual budget a report of his or her action in exercising authority for Exceptional Service Pay.



Request for Council Action

Originator Mayor's Office	Item 3.16 Approve Out-of-State Travel Expenses - City Council
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the out-of-state travel expenses listed for Mayor Busse to attend the Bureau of International Expositions General Assembly in Paris, France for duties related to Expo 2027.

Item created by: Matt Brillhart, Mayor's Office

Item presented by: Jamie Verbrugge, City Manager

Description:

The City Council is requested to review and approve the following estimated out-of-state travel expenses for Mayor Busse to attend the Bureau of International Expositions General Assembly in Paris, France on June 17-22, in support of hosting Expo 2027 in Bloomington.

Airfare		\$2,306.40
Hotel (estimated)		\$2,100.00
Meals/Per Diem		\$762.00
Transportation (Uber/Lyft/taxi/train)		\$300.00
Misc. expenses		\$200.00
	Total	\$5,668.40

These funds will be drawn from the South Loop Development Fund, Fund #4300.

The City's Travel Policy states that the Mayor and Council members attending meetings, workshops, conferences, or training at the expense of the City, which require out-of-state travel, must obtain approval of the travel by the City Council at an open meeting and must include an estimate of the cost of the travel.

In evaluating the out-of-state travel request, the Council will consider the following:

- Whether the elected official will be receiving training on issues relevant to the city or to his or her role as the Mayor or as a council member.
- Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
- Whether the elected official will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the City and the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
- Whether the elected official has been specifically assigned by the Council to visit another city for the purpose of establishing a goodwill relationship such as a "sister-city" relationship.

- Whether the elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
- Whether the City has sufficient funding available in the budget to pay the cost of the trip. In some cases, the City may require the elected official to pay for a part of the travel costs as condition of approval.



Request for Council Action

Originator City Manager's Office	Item 3.17 Establish Juneteenth as a City of Bloomington Holiday
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____, that the City of Bloomington establishes Juneteenth (June 19) as a City Holiday for employees to commemorate the end of slavery in the United States; and that the City Manager be directed to implement the actions, including any necessary revisions to Human Resources Rules, Policies, Procedures, and/or Collective Bargaining Agreements needed.

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

Item presented by: Jamie Verbrugge, City Manager

Description:

This action establishes Juneteenth as a City of Bloomington Holiday (paid holiday) to commemorate the end of slavery and the triumphs, culture and achievements of African Americans locally and across the United States.

In June 2021, President Biden signed into law, the "Juneteenth National Independence Day Act," which designates Juneteenth National Independence Day as a legal public holiday. Also, in 2021, Hennepin County, the Cities of Minneapolis and St. Paul also declared Juneteenth as an official paid holiday.

In 2021, Governor Walz proclaimed June 19, 2021 as Juneteenth Freedom Day in the State of Minnesota and called on the Minnesota Legislature to establish a permanent holiday statewide. Unfortunately, the 2022 Legislative Session ended without completion of significant items, most notably a Tax Bill, Bonding Bill, and other Bills, including the provision establishing a statewide Juneteenth Holiday.

Attachments:

[RESOLUTION_for_Council_Approval_of_Employment_Rule_Amendment__June_6_2022.docx](#)

RESOLUTION NO. 2022 -

A RESOLUTION AMENDING THE CITY'S EMPLOYMENT RULES TO ADD JUNE 19 TO THE
APPROVED LIST OF PAID HOLIDAYS IN THE CITY OF BLOOMINGTON

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

WHEREAS, Chapter 6, Section 6.03 of the Bloomington City Charter establishes a merit system of employment and calls for the establishment of rules and regulations by the Merit Board, with final approval by the City Council; and

WHEREAS, from time to time there is a need to revise and update these rules to meet the changing needs of the City and its employees; and

WHEREAS, on February 3, 2022, the Merit Board adopted new Employment Rules governing the administration of personnel matters for the City; and

WHEREAS, after careful review and consideration, the Merit Board is recommending amendments to the Employment Rules, and incorporated by reference, to accomplish the following:

1. Amend Chapter 6, Section 10 to add Juneteenth to the approved list of Paid Holidays in the City of Bloomington

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

Section 1. The foregoing recitals, ordinances, and employment rules, are incorporated herein by reference.

Section 2. The City Council hereby amends and adopts the City's Employment Rules as amended in and made effective June 6, 2022.

Section 3. The City Council hereby authorizes and directs the City Manager, Assistant City Manager, and Human Resources Manager, or their designees, to undertake all necessary and expedient steps to carry out the intent of this Resolution and to post a copy at City Hall as required by City Charter Section 6.03.

Passed and adopted this 6th day of June, 2022.

Mayor

ATTEST:

Secretary to the Council



Request for Council Action

Originator City Manager's Office	Item 3.18 Approval of City Council Meeting Minutes
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the minutes of the May 9 regular meeting and May 23 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:

May 9, 2022 regular meeting

May 23, 2022 listening session meeting

Attachments:

[05-09-22 draft.docx](#)

[05-23-22 Listening Session draft.docx](#)

City Council Regular Business Meeting
Monday, May 9, 2022 - 6:30 p.m.
Bloomington Civic Plaza
Council Chambers
1800 W. Old Shakopee Road
Bloomington, MN 55431

CALL TO ORDER

Mayor Busse called the meeting to order at 6:30 p.m. and noted attendance.
All votes taken by voice vote, except Item 4.3 which was taken by roll call vote.

Present: Mayor Busse and Councilmembers Jenna Carter, Lona Dallessandro,
Nathan Coulter, Dwayne Lowman, Patrick Martin, and Shawn Nelson.

City Manager Jamie Verbrugge was present remotely via Webex.
Assistant City Manager Mike Sable, City Attorney Melissa Manderscheid, Deputy
Attorney Peter Zuniga, Police Chief Booker T. Hodges, City Clerk Christina Scipioni,
Council Secretary Matt Brillhart, and City Assessor Matt Gersemehl were present.

PLEDGE OF ALLEGIANCE

1. Approval of Agenda Motion by Mayor Busse, seconded by Lowman to approve the agenda as listed.
Motion carried 7-0.
2. INTRODUCTORY
- 2.1 Introduction of New Employees
Community Development Director Karla Henderson introduced the following employees to the City of Bloomington: Tom Ramler-Olson, Planner; Taka Roane, Environmental Health Specialist; and Anna Salvador, Program Specialist.
- 2.2 Proclamation - Asian American and Pacific Islander Heritage Month
Mayor Busse read the proclamation signifying Asian American and Pacific Islander Heritage Month.
- 2.3 Proclamation - Respect for Law Week / Officer of the Year
Mayor Busse read the proclamation signifying May 15-21, 2022 as Respect for Law Week. Chief Hodges introduced Officer of the Year recipient Matt Ryan.
- 2.4 Proclamation - National Police Week / Peace Officers Memorial Day
Mayor Busse read the proclamation recognizing National Police Week and Peace Officers Memorial Day.
3. CONSENT BUSINESS
Councilmember Coulter noted a hold on item 3.12 and moved consent agenda items 3.1-3.11, and 3.13-3.16, seconded by Lowman.
- 3.1 Resolution Supporting the Application and Authorizing the Execution of a Grant Agreement for the Hennepin County Community Investment Initiative Grant Program
Motion by Coulter, seconded by Lowman to adopt Resolution No. 2022-77, a resolution supporting the application and authorizing the execution of a grant agreement for the Hennepin County Community Investment Initiative Grant Program. Motion carried 7-0.
- 3.2 Local Board of Appeal and Equalization 2022 Report
Motion by Coulter, seconded by Lowman to receive and file the 2022 Board Report. Motion carried 7-0.
- 3.3 Resolution granting approval of MnDOT Master Partnership Contract
Motion by Coulter, seconded by Lowman to adopt a Resolution No. 2022-78 granting approval of a Master Partnership Contract between the City of Bloomington and the Minnesota Department of Transportation (MnDOT). Motion carried 7-0.

- 3.4 Resolution Approving City of Bloomington and Hennepin County Construction Cooperative Agreement for the 98th St and Normandale Blvd Intersection Project Motion by Coulter, seconded by Lowman to adopt Resolution No. 2022-79 approving the Construction Cooperative Agreement for the 98th Street and Normandale Boulevard (CSAH 34) Intersection Improvement Project (2022-202). Motion carried 7-0.
- 3.5 City Project No 2022-604 Louisiana Avenue Traffic Calming Project Motion by Coulter, seconded by Lowman to adopt Resolution No. 2022-80 declaring adequacy of petition and waiver for installation of public improvements and assessment of the costs thereof and ordering the project (2022-604 Louisiana Avenue Traffic Calming Project). Motion carried 7-0.
- 3.6 Award of 2022-102 PMP Street Maintenance Project (2022-102) Motion by Coulter, seconded by Lowman to accept the bid and award the contract for the 2022-102 PMP Street Maintenance Project, to Bituminous Roadways, Inc., in the amount of \$5,267,293.36 and approve various contract changes up to 5% of the original contract amount (\$263,364.67) for a total project construction authorization of \$5,530,658.03. Motion carried 7-0.
- 3.7 Resolution to Award American Boulevard Sanitary Sewer Capacity Improvement Project (2020-502) Motion by Coulter, seconded by Lowman to adopt Resolution no. 2022-81 to accept the bid to award the contract for the 2020-502 American Boulevard Sanitary Sewer Capacity Improvement to Minger Construction Co. Inc., in the amount of \$4,486,037.23 and approve various contract changes up to 12% of the original contract amount (\$538,324.47) for a total project construction authorization of \$5,024,361.70. Motion carried 7-0.
- 3.8 Encroachment Agreement Approval - 8132 Lea Road (PL202200027) Motion by Coulter, seconded by Lowman to recommended acknowledging the attached Agreement as to Conditional Approval for Encroachment into Public Easements located at 8132 Lea Road. Motion carried 7-0.
- 3.9 Metropolitan Council Fiber Infrastructure Master Agreement Motion by Coulter, seconded by Lowman to approve the Metropolitan Council & City of Bloomington Fiber Infrastructure Master Agreement and authorize the Mayor and City Manager to enter into subsequent Statement of Work (SOW) agreements as set forth in the Master Agreement. Motion carried 7-0.
- 3.10 Order Storm Sewer Maintenance Project (2022-901) Motion by Coulter, seconded by Lowman to adopt Resolution No. 2022-82 to order the 2022-901 Storm Sewer Maintenance Project. Motion carried 7-0.
- 3.11 Approve Appointment of Bond Counsel Motion by Coulter, seconded by Lowman to reaffirm Kennedy and Graven, Chartered for the City's Bond Counsel. Motion carried 7-0.
- 3.13 Normandale Lake Restrooms and Park Maintenance Garage Building Service Agreement with Romtec Motion by Coulter, seconded by Lowman to approve a Service Agreement for a not-to-exceed amount of \$1,253,000 with Romtec, Inc. for providing a restroom and park maintenance garage building with associated site improvements. Motion carried 7-0.
- 3.14 2022 Local Government Pay Equity Act Report - Notice of Compliance Motion by Coulter, seconded by Lowman to accept the 2022 Local Government Pay Equity Act Notice of Compliance. Motion carried 7-0.
- 3.15 Amendment to the 2022 Hourly Wages for Part-Time, Temporary and Seasonal Employees Motion by Coulter, seconded by Lowman to adopt Resolution No. 2022-83 to approve the attached 2022 Hourly Wages for Part-Time, Temporary and Seasonal Employees of the City of Bloomington, as amended. Motion carried 7-0.

- 3.16 Approval of City Council Meeting Minutes Motion by Coulter, seconded by Lowman to approve the minutes of the March 21 and March 28, 2022 regular meetings and April 25, 2022 listening session meeting as presented. Motion carried 7-0.
- 3.12 Bush Lake Hybrid Cattail Management Responding to a question by Councilmember Carter, Engineer Julie Long responded that it should not impact recreational use of the lake.
Motion by Dallessandro, seconded by Carter to approve the agreement with Resource Environmental Services (RES) for cattail management work on Bush Lake.
Motion carried 7-0.
4. HEARINGS, RESOLUTIONS, AND ORDINANCES
- 4.1 Public Hearing: Annual Miscellaneous Issues Ordinances Planner Mike Palermo presented the staff report, explaining in detail each proposed ordinance change included in the presentation.
- Mayor Busse opened the public hearing. No one spoke.
Motion by Martin, seconded by Lowman to close the public hearing. Motion carried 7-0.
- Items A – F:
Motion by Martin, seconded by Lowman to adopt Ordinances Nos. 2022-16, 17, 18, 19, 20, 21, ordinances updating references, clarifying pet services does not include general sales, updating language pertaining to residential care facilities, defining clear view triangle area, clarifying that daycare facilities are permitted as accessory or conditional use, and amending the maximum size of private stables, thereby amending Chapters 19 and 21 of the City Code. Motion carried 7-0.
- Items G-M:
Motion by Martin, seconded by Lowman to adopt Ordinance Nos. 2022-22, 23, 24, 25, 26, 27, 28, ordinances exempting properties from platting for new buildings and building additions that do not exceed 1,000 square feet, clarifying drive through requirements in the B-4, C-3, C-5, and LX zoning districts, clarifying that window film coverings are restricted, clarifying circular driveway requirements, allowing dog runs to encroach into required landscape yards, exempting temporary leasing signs from permit requirements, requiring private sidewalk connections for new uses without new development or significant redevelopment, thereby amending Chapters 17, 19, 21 and 22 of the City Code. Motion carried 7-0.
- Motion by Martin, seconded by Lowman to adopt Resolution No. 2022-84, a Resolution authorizing summary publication of ordinances amending chapters 17, 19, 21, and 22 of the City Code as adopted by the City Council on May 9, 2022. Motion carried 7-0.
- 4.2 Public Hearing: Tax Increment Financing for development at 8200 Humboldt Ave S HRA Administrator Aarica Coleman presented a detailed description and timeline of the project and noted the findings to be made to implement a TIF district for the proposed redevelopment at 8200 Humboldt Avenue S. Mikaela Huot from Baker Tilly was present via Webex to answer questions as well.
- Nelson inquired how it was determined the existing building being blighted and if we know the office vacancy rate? He noted the total TIF contribution is about \$15 million, about 1/3 total development cost – how does that compare to other similar projects? Ms. Huot noted the value of TIF that the developer is receiving is \$6.9 million out of a total \$43 million project budget. The remainder of the increment is for other improvements, administration, and interest payable on the developer's obligation. Ms. Coleman added that this was in line with other similar projects.

Lowman: how many years of affordability do we get for those units? Coleman response: 26 years, the full term of the TIF. Lowman- do those units then revert back to market rate pricing?

Mayor Busse opened the public hearing. No one spoke.

Motion by Coulter, seconded by Dallessandro to close the public hearing.

Motion carried 7-0.

Nelson remarked on housing affordability generally and the desire for more owner-occupied multi-family units; Bloomington can't do it alone; the legislature needs to do more. Mayor Busse remarked on high labor and materials costs and agreed the answers need to be regional. Coulter also commented on the lack of investment in affordable housing at the state and federal level.

Dallessandro commented on the lack of a mixed-use retail or service amenity for the neighborhood. It's going to be an improvement for the neighborhood, but we need to make space for that, to build a neighborhood around those types of amenities.

Responding to Carter, Ms. Coleman noted that 50% AMI was around over \$60,000 for a family of four. Mayor Busse noted that this is housing that people who live in our community can afford such as first year teachers, people in our hospitality industry, etc.

Motion by Coulter, seconded by Carter to adopt Resolution No 2022-85, a Resolution Approving the 8200 Humboldt Redevelopment Project Area; Approving the Redevelopment Plan Therefor; Establishing the 8200 Humboldt Tax Increment Financing Redevelopment District; and Approving a Tax Increment Financing Plan Therefor.
Motion carried 7-0.

4.3 Hearing: Alcohol License Violation at Fraternal Order of Eagles

Deputy City Attorney Peter Zuniga detailed the violations and recommended penalties of a 21-day suspension of license and a \$3,000 fine.
Eagles Club President Linda Richter and Jim Kempainen spoke on behalf of the club.

Lowman inquired if the penalty was consistent with other entities having a first-time violation? Mr. Zuniga noted in this case there are three violations, staff is recommending a 21-day suspension of license. Nelson inquired on the number of violations, was it one incident where multiple people were served or three separate incidents? Zuniga noted it was based on officers walking up to the bar at three separate times and being served. Mayor Busse clarified that the violations in question were related to the three officers being served alcohol without verifying their membership, and had nothing directly to do with the Daytrippers Dinner Theater.

Dallessandro inquired with the Eagles Club representative if there was any reason to substantially alter the proposed penalty. Ms. Richter responded: we know that we have a violation, we never had one before. We were expecting a fine but are concerned about our employees with a 21-day suspension of our liquor license.

Nelson asked for clarification on how officers get in to do stings every year if it's a members-only club? Discussion continued surrounding a door being propped open.

Lowman: is there an example of when the Council has reduced the penalty?

Zuniga was not aware of any, but it is certainly within Council's discretion.

Dallessandro inquired if there was precedent or other reason that those three suspensions could not be served concurrently, for a total of seven days?

Mayor Busse clarified that the penalty is a recommendation, but it is up to the City Council's discretion.

Motion by Lowman, seconded by Martin to close the hearing. Motion carried 7-0.

Busse noted that they have admitted to the violation and have applied for a full liquor license. It is up to us to decide how it all fits together. If a door has been propped open once, it has probably been before; if bartenders didn't check membership cards, it has happened before. Martin stated the facts have been stipulated to and is comfortable moving forward with staff's recommendation.

Dallessandro: I don't know that it serves anyone to penalize them. If the goal is to find fault and ensure they don't do it again, they've admitted to the facts and have applied for a much more expensive liquor license. If it's a \$6,000 fine and no suspension, we can apply a penalty that doesn't have this other impact to our community.

Motion by Lowman, seconded by Martin to approve Resolution No. 2022-86, adopting the Findings of Facts, Conclusions of Law, and Decision of the City Council of the City of Bloomington regarding the alcoholic beverage license violations at the Richfield-Bloomington Aerie No. 3208, Fraternal Order of Eagles and suspending the on-sale club intoxicating liquor license and imposing a civil penalty as laid out in the staff report. Motion was noted voted on at this time.

Nelson noted that we don't shut down businesses who serve minors on a first offense, only giving them a fine, so a 21-day shutdown seems too punitive for a first offense, particularly to the people who just happen to work there.

Mayor Busse inquired to members of the Council if a reduced license suspension would be more amenable. All but Councilmember Martin were amenable.

Responding to Dallessandro, Attorney Zuniga clarified stated that the average penalty was 1-7 days, though City Code allows up to 60 days maximum. Dallessandro and Carter discussed increasing the fine amount from the recommended \$3,000 to \$6,000 and reducing the days of suspension to 7 days.

Motion by Carter, seconded by Lowman to amend the motion on the table to change the penalty to \$6,000 total (\$2,000 per violation) and implement a 7-day suspension of the license. Motion carried 5-2 (Lowman and Martin opposed).

Motion by Lowman, seconded Dallessandro to call the question. Motion carried 6-1 (Martin opposed). The motion as amended carried 6-1 (Martin opposed).

5. ORGANIZATIONAL BUSINESS

5.1 I-494: Airport to Hwy 169 Update

Civil Engineer Amy Marohn introduced MnDOT staff Amber Blanchard and Lisa Austin, who presented an update on the visual quality elements of the I-494 project. They discussed items such as textures and color palettes for bridges and walls, potential noise wall locations, monument signs at community entrances, landscaping, public art opportunities, and cost participation by the city.

5.2 2023 Budget Update and Discussion

Motion by Mayor Busse, seconded by Lowman to postpone the 2023 budget discussion item until the May 16, 2022 meeting. Motion carried 7-0.

- 5.3 City Council Policy/Issue Updates Mayor Busse summarized the City Council Listening Session held at 5:45 p.m. Secretary's note: see May 9, 2022 Listening Session minutes for detailed summary.
- Carter thanked Barb Wolff for arranging Councilmember visits during Small Business Week and noted her conversation with the owners of Droolin' Moose, who suggested a small business advisory committee to improve communication.
- Dallessandro noted the garbage and recycling guides were in the mail. She raised the issue of wayward shopping carts along American Boulevard and Verbrugge responded, noting staff had been monitoring the issue and would also send letters to retailers in the corridor asking for their cooperation.
6. ADJOURNMENT Motion by Lowman, seconded by Martin to adjourn the meeting.
Motion carried 7-0. Mayor Busse adjourned the meeting at 10:00 p.m.

Matt Brillhart
Council Secretary

City Council Listening Session Meeting
Monday, May 23, 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 Jenna Carter, Lona Dallessandro, Nathan Coulter, Patrick Martin, Shawn Nelson, and Dwayne Lowman (Lowman arrived 5:49 p.m.)
Staff present: City Manager Jamie Verbrugge, City Attorney Melissa Manderscheid, and Council Secretary Matt Brillhart.

LISTENING SESSION

Sally Ness referred to the city manager's email dated May 7. She referenced a comment by former Mayor Winstead that it was too bad the City Council then did not make hours a condition of the Conditional Use Permit (for AFYFC/Dar al Farooq). The concern is regarding events going all through the night and the compatibility with surrounding uses.

Manderscheid provided a response explaining CUPs generally. The decision is based on the record: the application, written testimony, public testimony, staff report, the totality of information. That forms the basis on which the Planning Commission or City Council makes a decision. Conditions are meant to address externalities. With regards to compliance, the Environmental Health Division does enforcement for the City.

Ms. Ness noted the totality (of information) includes what they (applicant) say during the meeting and noted the former City Attorney's comment that the person who spoke (Aziz) "probably did not represent the building."

Dallessandro inquired to Ms. Ness: what were the answers to your questions at that time? Ness responded that we didn't care that it was remaining a school. Concerns began with a parking lot at the entrance of Smith Park, expansions of the use, and late-night activity.

Mayor Busse and Councilmember Coulter inquired: beyond accurate information regarding what happened in the past, what are you looking for the City Council or city staff to do.

Ness: When DAF asked to increase the number of students on their lease, at that time the council could have said we could look at the numbers of assembly, hours of use, traffic. Expansion should not have been approved when conditions of the CUP were not being met.

ADJOURNMENT

Motion by Lowman, seconded by Martin to adjourn. Motion carried 7-0.
The listening session adjourned at 6:06 p.m.



Request for Council Action

Originator Legal	Item 3.19 Second Amendment to Purchase Agreement for 1750 West 96th Street
Agenda Section CONSENT BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to authorize the Mayor and City Manager to sign a Second Amendment and to execute the required documents at Closing to purchase the property located at 1750 West 96th Street.

Item created by: Melissa Manderschied, Legal

Item presented by: Melissa Manderschied, City Attorney
Karl Keel, Public Works Director

Description:

Seller and City entered into that certain Real Estate Purchase and Sale Agreement with an effective date of October 29, 2021 (City Agreement 2021-719) regarding the property located at 1750 West 96th Street, Bloomington, Minnesota. That Agreement listed a Closing Date on or before May 31, 2022. The Seller and City have agreed to move the Closing Date to on or before June 6, 2022 and now to on or before June 30, 2022 and need to execute this Second Amendment to accomplish that. This Second Amendment also clarifies some optional elements prior to Closing and provides that the Seller pay the Buyer \$1500 in legal fees.



Request for Council Action

Originator Planning	Item 4.1 Public Hearing: Code Amendment - Multifamily Parking Standards
Agenda Section HEARINGS, RESOLUTIONS, AND ORDINANCES	Date June 6, 2022

Requested Action:

Planning Commission and Staff recommend approval using the following motions:

Motion by _____, seconded by _____ to adopt Ordinance No. 2022-_____, AN ORDINANCE TO UPDATE PARKING REQUIREMENTS FOR MULTIFAMILY BUILDINGS AND ASSOCIATED FLEXIBILITY IN THE OPPORTUNITY HOUSING ORDINANCE, THEREBY AMENDING CHAPTERS 9 AND 21 OF THE CITY CODE.

Motion by _____, seconded by _____ to approve Resolution No. 2022-_____, a resolution authorizing summary publication of Ordinance No. 2022-_____, AN ORDINANCE TO UPDATE PARKING REQUIREMENTS FOR MULTIFAMILY BUILDINGS AND ASSOCIATED FLEXIBILITY IN THE OPPORTUNITY HOUSING ORDINANCE, THEREBY AMENDING CHAPTERS 9 AND 21 OF THE CITY CODE.

Item created by: Michael Palermo, Planning

Item presented by: Michael Palermo, Planner

Description:

City Code amendments to multifamily parking standards regarding parking ratios and associated flexibility measures, thereby amending Chapters 9 and 21 of the City Code.

Attachments:

[Staff Report](#)
[Ordinance.pdf](#)
[Resolution of Summary Publication](#)
[Bloomington REIA Form - Multifamily Parking Update](#)
[City Comparison Multifamily Parking Requirements](#)
[Planning Commission Minutes - January 6, 2022](#)
[City Council Minutes - February 14, 2022](#)
[Planning Commission Minutes - May 12, 2022](#)
[Affidavit of Publication.pdf](#)

GENERAL INFORMATION

Applicant: City of Bloomington
Location: Citywide
Request: Multifamily Parking Standards Update

CHRONOLOGY

Planning Commission 05/12/2022 – Public Hearing Held - Recommended City Council approval
City Council 06/02/2022 – Public Hearing Scheduled

DEADLINE FOR AGENCY ACTION

Applicable Deadline:	Agency Action Deadline Waived
Newspaper Notification:	Confirmed – (05/26/2022 Sun Current – 10-day notice)
Direct Mail Notification:	Not required

STAFF CONTACT

Michael Palermo, Planner
Phone: 952-53-8924
E-mail: MPalermo@BloomingtonMN.gov

PROPOSAL

The proposed City Code amendments reduce and simplify the minimum parking requirements for multifamily buildings. They also will modify parking flexibility in the Opportunity Housing Ordinance (OHO) to align with the proposed amendment and encourage affordability at the 30% and 50% AMI bands. This amendment does not change senior housing parking requirements, which have lower parking standards from which developers rarely seek deviations.

BACKGROUND

In recent years, virtually all multi-family residential projects have utilized incentives and/or flexibility measures in the City Code to reduce the amount of parking on site below the minimum code requirement. The City Code offers reductions as an incentive to provide affordable housing and in some cases in recognition of high-quality transit nearby or the ability to share parking between multiple uses that peak at different times of the day.

A majority of the parking reduction requests have been approved, which suggests Bloomington's base parking standards are out of sync with parking demand. Because most developers received incentives and/or flexibility to reduce parking requirements, the existing higher base standards did not negatively impact housing costs. However, there is increased risk and uncertainty for project proposers, who must request incentives or code deviations, which ultimately may or may not be approved.

EXISTING CODE REQUIREMENTS

City Code §21.301.06 lists the parking requirement for all uses. Multifamily projects must provide minimum parking ratios by unit type (for example, age restricted vs. non-age restricted) and by bedroom count. Standards based on bedrooms are not common among cities in our region. Additionally, the City Code requires additional parking spaces for a party room. This is intended to ensure parking is available for guests utilizing the party room.

Table 1 – Existing City Code Base Parking Standards

§21.301.06 (d) *Number of off-street parking spaces required.*

<i>Minimum Off-Street Parking Requirements</i>		
RESIDENTIAL		
Multiple-family residence	One bedroom	1.8 spaces per dwelling unit
	Two bedroom	2.2 spaces per dwelling unit
	Three bedroom	2.6 spaces per dwelling unit
	Four bedroom	3.0 spaces per dwelling unit
		Of which 1 space per unit must be within a fully enclosed garage, and where party room space is provided, an additional 1 space per 100 square feet of party room is required; guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the issuing authority, 1 space per 50 units must be equipped with a Charging Level 2 electric vehicle charger or higher.
Senior citizen housing, accessibility housing		1.5 spaces per dwelling unit, where 0.5 spaces per unit must be available for general parking.
		Where party room space is provided, an additional 1 space per 100 square feet of party room is required; guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the issuing authority

Most multifamily projects in Bloomington have received affordable housing incentives or other parking deviations to provide parking at a lower rate than the minimum requirements. Existing incentives or flexibility measures to reduce parking requirements include:

- Incentives from the Opportunity Housing Ordinance (§[9.19](#) and §[9.20](#))
 - 10% reduction [20% reduction when in the Designation Transit Area (DTA)] when 9% or more of units are affordable to those making 60% area median income (AMI)
 - 15% reduction [30% reduction when in the DTA] when 9% or more of units are affordable to those making 50% AMI
 - 20% reduction [40% reduction when in the DTA] 9% or more of units are affordable to those making 30% AMI
 - 25% reduction [50% reduction when in the DTA] when 20% or more of units are affordable to those making 30% AMI
- Proof of Parking (§[21.301.06](#)(e)(1)) – May reduce parking if proof is provided that required parking can be built onsite at a later date if demand warrants
- Shared Parking (§[21.301.06](#)(e)(2)) – May reduce if sufficient nearby parking is available and the peak parking demand hours are complimentary
- Travel Demand Management (TDM) plans §[21.301.06](#)(e)(3)) – May reduce up to 10% with TDM Plan
- Enhanced Linkages to mass transit §[21.301.06](#)(e)(4)) – May reduce based on proximity to transit and if supported by results of parking and transportation study
- Planned Development (§[21.301.06](#)(e)(5)) – May reduce based on parking and supportive transportation study results

The incentives and flexibility measures may require a parking study which is prepared by an independent traffic engineering professional to verify the reductions would not create negative impacts. The Code flexibility is subject to City Council approval.

PROPOSED AMENDMENTS

Parking Ratio

Issue

The Code requires the same parking ratio for efficiency and one bedroom units because they traditionally have similar occupancies. Two and three bedroom units may generate more parking demand as tenants typically consist of couples or roommates with multiple vehicles. However, studies and research find the parking needs for a two and three bedroom unit are similar. Three bedroom and four bedroom units tend to be occupied by families with children under the driving age and do not necessarily generate more parking demand than two bedroom units.

Considering a mix of bedroom sizes, parking for multifamily projects approved in the last 10 years on average had a base requirement of 2.0 spaces per unit. Most projects received flexibility from this requirement. There have only been three projects out of 17 that were approved at the base rate. The reductions resulted in a required parking ratio of approximately 1.8 spaces per unit. A ratio of 1.8 spaces per unit is near the middle of requirements in 12 peer cities, ranging from 1.0 space per unit in St. Louis Park to 2.5 spaces per unit in Brooklyn Park.

The City of Bloomington is unique in requiring additional community or party room parking. The parking demand for a party room is based on the room size. While larger rooms may generate more parking demand, the demand is intermittent with insignificant impacts.

Proposed Amendments

Table 2 outlines the proposed amendments, which reduce the parking ratio requirement from 1.8 to 1.6 spaces for efficiency and one bedroom units to better reflect observed parking demand. To simplify and reduce the required parking ratios for two, three, and four bedroom units, the ratio is proposed to be adjusted from 2.2, 2.6, and 3.0 respectively and combined into a single rate of 2.0 spaces per unit. The ratios closely align with demand indicated in the studies prepared, by property owners, developers, and staff on-site parking counts.

The proposed amendment removes the party room parking requirement. Staff found the parking requirement was minimal in most situations, adds another variable to the design and was unnecessary. On rare occasions the party room might be inordinately large indicating that the multifamily building is intended to make the party room available to outside parties. In those situations, staff will recommend a condition requiring the space only to be available to building residents or additional parking would be provided.

Table 2 – Proposed Changes to Base Parking Standards

<i>Minimum Off-Street Parking Requirements</i>		
RESIDENTIAL ***		
Multiple-family residence	One bedroom <u>and efficiency units</u>	1.6 [8] spaces per dwelling unit
	Two <u>or more</u> bedrooms	2.0 [2] spaces per dwelling unit
	[Three bedroom]	[2.6 spaces per dwelling unit]
	[Four bedroom]	[3.0 spaces per dwelling unit]
	<u>Additional requirements for units of all sizes</u>	Of <u>the above requirements</u> , at least [which] 1 space per unit must be within a fully enclosed garage <u>or covered within a structured parking ramp</u> [-, and where party room space is provided, an additional 1 space per 100 square feet of party room is required] ; guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the issuing authority, 1 space per 50 units must be equipped with a Charging Level 2 electric vehicle charger or higher.

Parking Reduction Flexibility

Issue

Reducing the base parking ratio will affect how parking reductions are applied. Flexibility from the zoning code is provided at the discretion of the City Council. In most cases, a parking study is required to affirm the proposed parking reductions are appropriate. However, the OHO

provides solid recommendations for parking reductions based on the number and affordability level of units. The OHO reductions must also be modified to accommodate the proposed base reduction. This was an opportunity to modify the OHO to encourage the creation of more deeply affordable units and promote transit-oriented development.

Proposed Amendments

To encourage transit-oriented development (TOD), additional OHO parking reductions have been allowed within a half mile of high frequency transit. This area, the “Designated Transit Area,” aligns with the Metropolitan Council’s definition of high frequency transit which includes transit service seven days a week and no longer than an hour between buses on weekdays from 8 AM to 5 PM. To further incentivize TOD, a second tier of transit reduction is proposed for units located within a half mile of Metro Transit’s METRO system

(<https://www.metrotransit.org/metro>). The METRO System includes the Blue Line Light Rail Transit, Orange Line Bus Rapid Transit, and soon to be operational D-Line Bus Rapid Transit. METRO designated lines offer fast, frequent (usually every 15 minutes), all-day service. This higher level of service helps reduce car dependency and likewise, reduces parking demand for nearby projects.

The proposed amendments modify the OHO parking reductions in a couple of ways. First, the ordinance format is changed from text to a tabular format making the additional transit reduction easier to find. Second, the proposed amendments remove the parking reduction incentives for 60% AMI units. The Metropolitan Council identified Bloomington’s need for 60% units by 2030 at 151 new units. At this time, Bloomington has surpassed that goal with 196 units constructed. The table below shows Bloomington’s progress toward meeting our Metropolitan Council Housing Goals.

Table 3 – Unit Tracking Satisfying Metropolitan Council’s Housing Goals

	30% AMI	50% AMI	60% AMI
Completed	17	119	196
Under Construction	6	8	68
Approved	10	37	180
Total	33	164	444
Metropolitan Council Goal	445	246	151

The proposed parking reductions in Table 4 is designed to encourage and incentivize the creation of units affordable to households at 30% or 50% AMI.

Table 4 – Proposed Changes to OHO Parking Incentives Percent Reduction of Base Requirement

<u>Affordability provided:</u>	<u>Projects located in the Designated Transit Area Tier I:</u>	<u>Projects located in the Designated Transit Area Tier II:</u>	<u>Projects located outside a Designated Transit Area:</u>
<u>9% of units qualifying as very low or extremely low income</u>	<u>15%</u>	<u>10%</u>	<u>5%</u>
<u>20% of units qualifying as very low income</u>	<u>25%</u>	<u>20%</u>	<u>10%</u>
<u>50% of units qualifying as very low income</u> <u>or</u> <u>20% of units qualifying as extremely low income</u>	<u>35%</u>	<u>30%</u>	<u>15%</u>
<u>100% of units qualifying as very low income</u> <u>or</u> <u>50% of units qualifying as extremely low income</u>	<u>45%</u>	<u>40%</u>	<u>20%</u>

INCOME. Household income adjusted for household size includes:

- (A) **EXTREMELY LOW INCOME.** Household income at or below 30% of AMI.
- (B) **VERY LOW INCOME.** Household income above 30% to at or below 50% of AMI.
- (C) **LOW INCOME.** Household income above 50% to at or below 80% of AMI.

RACIAL EQUITY IMPACT ASSESSMENT (REIA)

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

In adopting the Racial Equity Business Plan, the City acknowledged using racial equity tools can help develop strategies and actions that reduce racial inequities and improve success for all

groups. As a result, staff is required to complete a REIA when bringing requests for council action to the City Council for the following legislative actions: new ordinances and updates to ordinances, modifications to City code, or program requests that have significant funding implications not included in the existing fiscal year budget.

The proposed ordinance affects multifamily development projects which are overwhelmingly rental. Bloomington's rental population is disproportionately comprised of Black Indigenous People of Color. Just over 60% of BIPOC households are renter households compared to about 25% of White Non-Hispanic households. The proposed ordinance amendments are modest, and it is not anticipated to create parking issues. Nevertheless, each site and project is unique and parking constraints may occur. Research in Minneapolis highlighted racial disparities in towing of vehicles. Outreach was conducted to determine if towing or other parking issues currently exist in Bloomington. While some issues with towing occurs, it was highlighted during outreach that the issue is less about parking supply and more about management and location of parking. Continued outreach and monitoring will be important to identify any issues the ordinance update may cause.

OUTREACH

Staff worked with several community members and stakeholders to develop the proposed amendment.

Bloomington Housing Action Team (BHAT) - The recommendations were presented and discussed at the Bloomington Housing Action Team (BHAT). This group, organized by the City, consists of property owners and managers, tenants, housing advocates, and residents. The group highlighted the need for better transit and identified the need to further differentiate between transit levels, which led to the proposed two-tier approach to DTA reductions.

Developers, Property Owners, and Managers – Staff worked with developers, property owners, and property managers to identify parking needs. The consensus was that the base parking requirement could be reduced without much negative impact. It was also acknowledged that enclosed parking is highly utilized and not always a barrier to development. Thus, no changes are proposed in this ordinance update to enclosed parking requirements. Staff worked with property owners to conduct onsite parking counts to determine the appropriate parking reduction.

Project Webpage – The City's website includes a webpage dedicated to Zoning Ordinance updates. The proposed updates are identified in the "Multifamily Parking Standards Update" project along with information about upcoming meetings and a link to the case file, which contains the draft ordinance and supplemental information.

Housing Advocates and Tenants – To provide a more robust analysis of the racial equity impact assessment staff connected with advocates and tenants. These discussions helped inform the existing issues related to towing. While towing was identified as an issue it was found to be more related to management than parking supply.

E-Subscribe Notice - Notice of the public hearings were sent via email to the 1,863 registered users of the “Planning Commission” and the 1,408 registered users of the “Zoning Ordinance Updates” e-subscribe groups.

Newspaper Notice – Notice of a public hearing on the ordinance ran on May 26 in the City’s official newspaper, the Bloomington Sun Current.

Planning Commission

The Planning Commission at its regular meeting on May 12th held a public hearing regarding the Multifamily Parking Standards Update. There were no public comments at the hearing. Planning Commission did not have any significant comments about the ordinance and unanimously voted to recommend approval. They did recommend staff continue to monitor and review parking on newly constructed buildings to identify any issues that may need to be addressed in the near future.

RECOMMENDATION

Planning Commission and Staff recommend approval using the following motion:

Motion by_____, second by _____, in case #PL2022-69, to adopt the Ordinance attached to the staff report amending Chapters 9 and 21 of the City Code to amend parking requirements for multifamily buildings and associated flexibility in the Opportunity Housing Ordinance.

ORDINANCE NO. 2022-

AN ORDINANCE TO UPDATE PARKING REQUIREMENTS FOR MULTIFAMILY BUILDINGS AND ASSOCIATED FLEXIBILITY IN THE OPPORTUNITY HOUSING ORDINANCE, THEREBY AMENDING CHAPTERS 9 AND 21 OF THE CITY CODE

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

Section 1. That Chapter 9 of the City Code is hereby amended by deleting those words that are contained in brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

CHAPTER 9

ARTICLE I: GENERAL PROVISIONS

§ 9.04 DEFINITIONS.

~~**[DESIGNATED TRANSIT AREA.]** The area within a one-half mile walk of a transit stop or station that offers at least hourly service weekdays between 7:00 a.m. and 6:00 p.m., measured from the closest general purpose door of the development to the nearest qualifying transit stop or station.]~~

DESIGNATED TRANSIT AREA, TIER I. The area within a one-half mile walk of a transit stop or station for transit lines designated METRO by Metro Transit, measured from the closest general purpose door of the development to the nearest qualifying transit stop or station.

DESIGNATED TRANSIT AREA, TIER II. The area within a one-half mile walk of a transit stop or station that offers at least hourly service weekdays between 7:00 a.m. and 6:00 p.m., measured from the closest general purpose door of the development to the nearest qualifying transit stop or station.

INCOME. Household income adjusted for household size includes:

- (A) **EXTREMELY LOW INCOME.** Household income at or below 30% of AMI.
- (B) **VERY LOW INCOME.** Household income above 30% to at or below 50% of AMI.
- (C) **LOW INCOME.** Household income above 50% to at or below 80% of AMI.
- (D) **MODERATE INCOME.** Household income at 80% to one hundred 120% of AMI.

ARTICLE III: AFFORDABLE HOUSING TOOLS AND INCENTIVES

§ 9.19 PARKING REDUCTION

- (a) To incentivize the creation of opportunity housing units, a residential development with at least 9% of its total dwelling units affordable to households at or below ~~6~~50% of AMI qualifies for car parking reductions provided that the affordable housing agreement required pursuant to § 9.32 affirms that the owner will not charge the opportunity housing units for access to parking. Potential parking reduction incentives are based upon the level of affordability ~~provided~~ as follows:

<u>Affordability provided:</u>	<u>Projects located in the Designated Transit Area, Tier I:</u>	<u>Projects located in the Designated Transit Area, Tier II:</u>	<u>Projects located outside a Designated Transit Area:</u>
<u>9% of units qualifying as very low or extremely low income</u>	<u>15%</u>	<u>10%</u>	<u>5%</u>

<u>20% of units qualifying as very low income</u>	<u>25%</u>	<u>20%</u>	<u>10%</u>
<u>50% of units qualifying as very low income</u> or <u>20% of units qualifying as extremely low income</u>	<u>35%</u>	<u>30%</u>	<u>15%</u>
<u>100% of units qualifying as very low income</u> or <u>50% of units qualifying as extremely low income</u>	<u>45%</u>	<u>40%</u>	<u>20%</u>

~~[(1) A development with 9% of its units qualifying as extremely low income affordable housing qualifies for a 20% parking reduction when outside a designated transit area and a 40% parking reduction when within a designated transit area provided that the affordable housing agreement required pursuant to § 9.32 provides that the owner will not charge the opportunity housing units for access to parking;~~

~~(2) A development with 20% of its units qualifying as extremely low income affordable housing qualifies for a 25% parking reduction when outside a designated transit area and a 50% parking reduction when within a designated transit area provided that the affordable housing agreement required pursuant to § 9.32 provides that the owner will not charge the opportunity housing units for access to parking;~~

~~(3) A development with 9% of its units qualifying as very low income affordable housing qualifies for a 15% parking reduction when outside a designated transit area and a 30% parking reduction when within a designated transit area provided that the affordable housing agreement required pursuant to § 9.32 provides that the owner will not charge the opportunity housing units for access to parking; or~~

~~(4) A development with 9% of its units qualifying as low income affordable housing qualifies for a 10% parking reduction when outside a designated transit area and a 20% parking reduction when within a designated transit area provided that the affordable housing agreement required pursuant to § 9.32 provides that the owner will not charge the opportunity housing units for access to parking.]~~

(b) The car parking reductions provided in this section are not cumulative. Each qualifying development is eligible for only one parking reduction of ~~[40]~~ 5% to ~~[50]~~ 45% depending upon the level of affordability provided.

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

CHAPTER 21

ARTICLE III: DEVELOPMENT STANDARDS

Division A: General Standards

§ 21.301.06 PARKING AND LOADING.

(d) *Number of off-street parking spaces required.*

(1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection (d), varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use.

If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures (see subsection (e) below). The requirements for off-street surface parking space dimensions are set forth in subsection (c) above.

Minimum Off-Street Parking Requirements		
RESIDENTIAL ***		
Multiple-family residence	One bedroom <u>and efficiency units</u>	1.6[8] spaces per dwelling unit
	Two <u>or more</u> bedrooms	2.0[2] spaces per dwelling unit
	[Three bedroom]	[2.6 spaces per dwelling unit]
	[Four bedroom]	[3.0 spaces per dwelling unit]
	<u>Additional requirements for units of all sizes</u>	Of <u>the above requirements</u> , at least [which] one (1) space per unit must be within a fully enclosed garage <u>or covered within a structured parking ramp</u> [-, and where party room space is provided, an additional 1 space per 100 square feet of party room is required]; guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the issuing authority, 1 space per 50 units must be equipped with a Charging Level 2 electric vehicle charger or higher.

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 TO UPDATE PARKING
REQUIREMENTS FOR MULTIFAMILY BUILDINGS AND ASSOCIATED
FLEXIBILITY IN THE OPPORTUNITY HOUSING ORDINANCE, THEREBY
AMENDING CHAPTERS 9 AND 21 OF THE CITY CODE**

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota (“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 June 6, 2022, enacted the attached ordinance amending Chapters 9 and 21 of the City Code, relating to updating parking requirements for multifamily buildings and associated flexibility in the opportunity housing 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 June 6, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-____) amending Chapters 9 and 21 of the City Code relating to updating parking requirements for multifamily buildings and associated flexibility in the opportunity housing ordinance. The specific title of the ordinance enacted was: **“AN ORDINANCE TO UPDATE PARKING REQUIREMENTS FOR MULTIFAMILY BUILDINGS AND ASSOCIATED FLEXIBILITY IN THE OPPORTUNITY HOUSING ORDINANCE, THEREBY AMENDING CHAPTERS 9 AND 21 OF THE CITY CODE”**. 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 6 day of June, 2022.

Mayor

ATTEST:

Secretary to the Council



Racial Equity Impact Assessment

Proposal Name: Multifamily Parking Standards Update

Description: The ordinance update will change parking ratios for multifamily parking and adjust associated flexibility measures related to affordable housing and transit access.

Department: Planning Division, Community Development Department

Contact: Michael Palermo, Planner

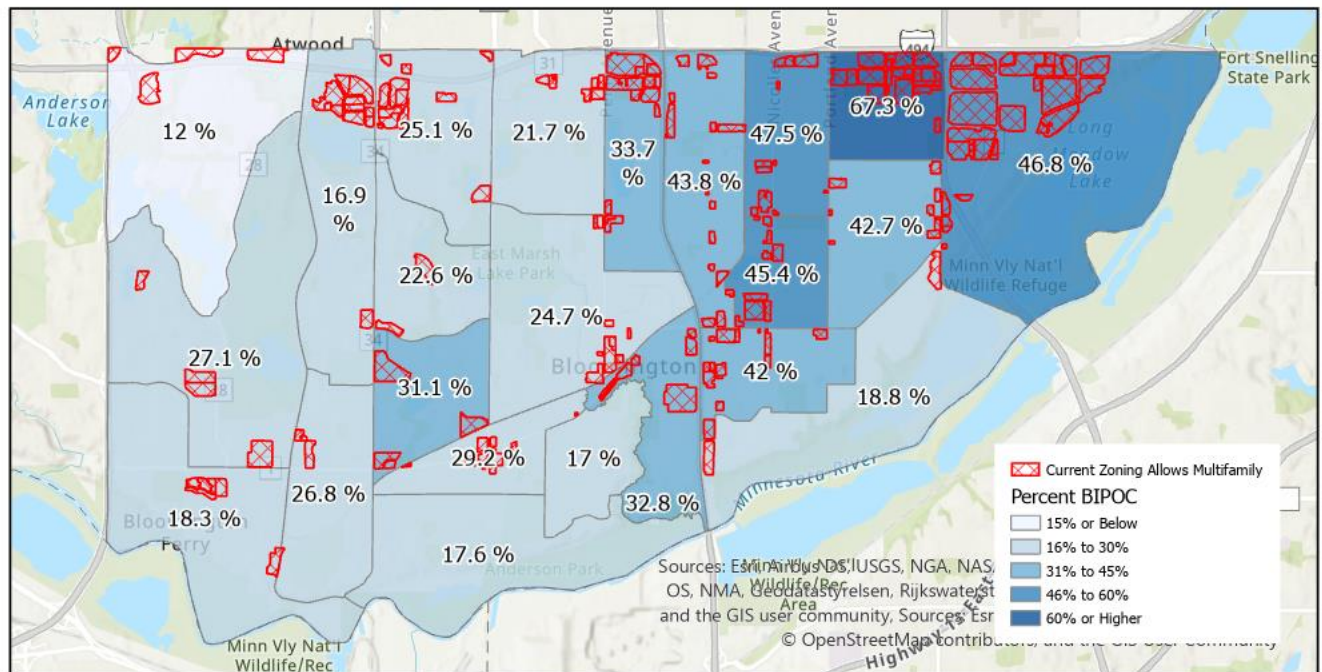
Part 1. Set outcomes.

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

Focus Areas	How does this proposal relate?
Workforce Diversity	
Training and Professional Development	
Equitable Outcomes in Services Delivered	
Strategies/actions that reduce racial inequities (health, sustainability, jobs, housing, contracting, etc.)	Encourage affordable housing, encourage transit oriented development, reduce barriers to larger unit sizes
Authentic Community Engagement	

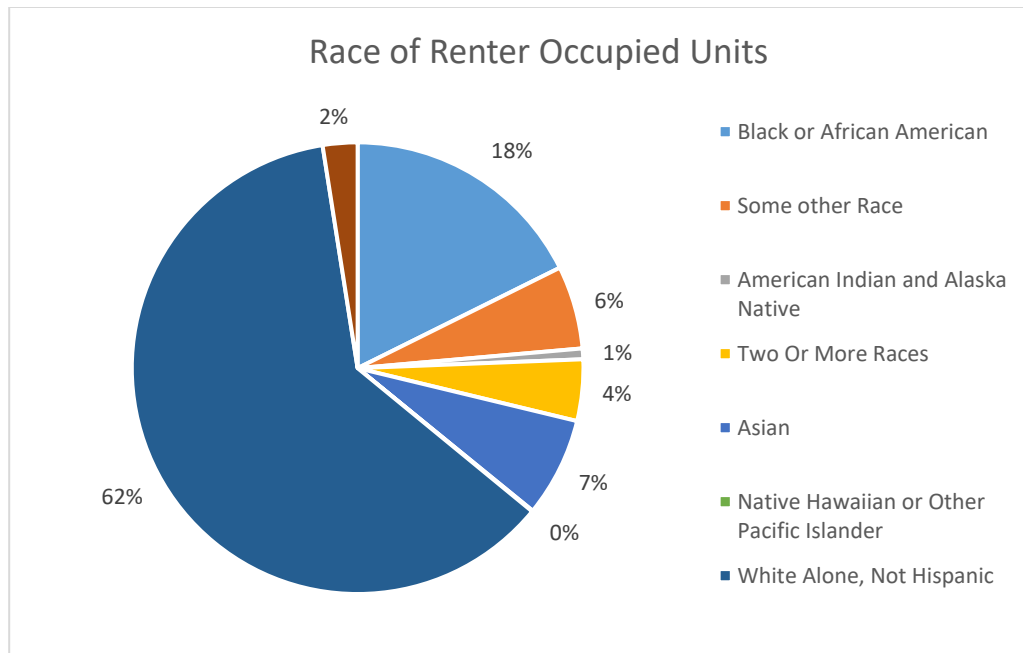
Part 2. Analyze data.

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

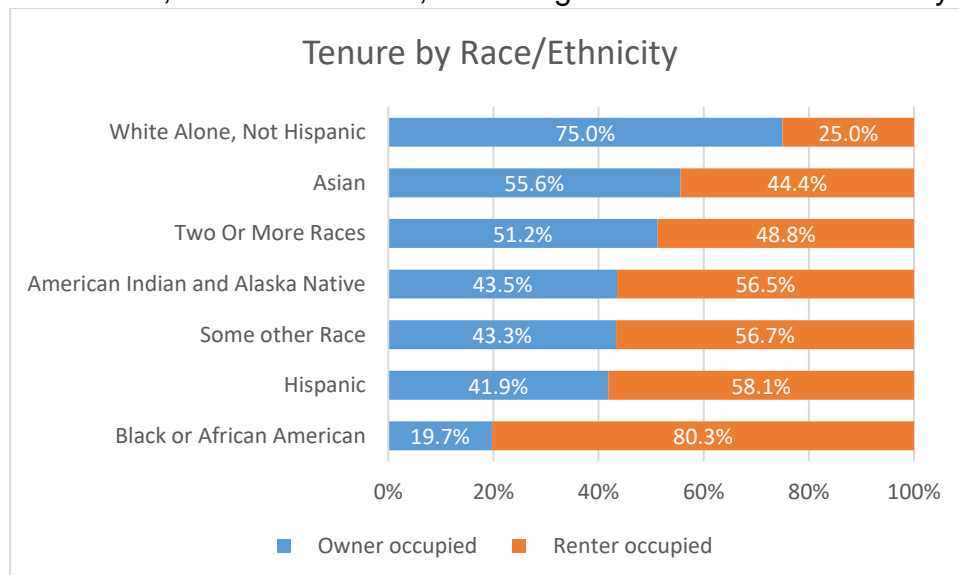


The red areas represent areas where multifamily is potentially allowed under current zoning. However, rezoning may occur with new development which is not necessarily reflected in this map. The underlying symbology shows percent BIPOC by census tract from the 2020 Decennial Census.

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



This information is regarding all renters in Bloomington which would include about 1,300 single family household of the 11,300. That in mind, this is a good estimate of multifamily population.



2c. How are they impacted?

This update will mostly impact new development. However, it would be safe to say a similar demographic would still be impacted from question 2b. There are potential negative and positive impacts for BIPOC population.

- 1) The reduction in parking may constrain parking on site. This could be negative for BIPOC households living in multifamily who may need additional parking.
- 2) Could increase affordable unit development which could help BIPOC communities by
 - a. BIPOC renters in Bloomington tend to have more need for affordable housing and this may encourage more housing options that are affordable or larger unit size for families.

- b. With more affordable units under the OHO the covered parking for affordable units cannot have a fee associated with them. This is beneficial compared to units without rent restriction where parking may be an up charge.
- c. Could focus new development near transit which overall is good for environment, access to multimodal transportation options, access to other amenities in higher density areas like health care clinics or grocery stores.

Part 3. Involve stakeholders.

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

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

As part of the update we:

- Consulted with property owners and property managers about the update and potential impacts. They believe for the most part the ratios should be reduced.
- Conducted parking counts to verify information provided by property owners and managers.
- Consult with Bloomington Housing Action Team about the update.
- Consult with
- Staff will continue conduct outreach with tenants.

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

The hope is to right size the parking need to accommodate site specific characteristics while mitigating the potential negative impacts. This will hopefully help promote the creation of larger units for families which was a common discussion point during the engagement. This update focuses on supply of parking. Issues with management of parking were highlighted and something that could potentially be discussed in later updates.

Part 4. Determine benefits and/or burdens.

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

- Currently, the sites located near transit tend to be one and two bedroom units without many affordable units. This likely benefited White Non-Hispanic single or two person households more.
- BIPOC households have a larger household size (3.7 people compared to 2.1 for White Non-Hispanic) and would benefit from more 3 bedroom units.
- BIPOC household incomes are lower in Bloomington and the proposed update looks to encourage affordable housing production. The following table shows the median household income by race/ethnicity of householder from the US Census Bureau American Community Survey 5 Year Estimates 2020.

Race/Ethnicity of Householder	Median Household Income
Black or African American	\$51,830
Some other race	\$59,313
Hispanic or Latino origin (of any race)	\$68,750
Two or more races	\$72,961
Asian	\$76,899
White alone, not Hispanic or Latino	\$83,171

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

This could create more stable housing that meets the needs of our BIPOC community by:

- increasing affordable units
- increasing access to high quality transit
- increasing the production of larger bedroom sizes

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

The parking reduction and incentives in the opportunity housing ordinance has the potential to cause a parking issue. Residents may resort to illegally parking which could have impacts such as vehicle being towed or ticketed. This would apply to all racial and ethnic groups. Studies of Minneapolis parking have shown racial disparities regarding towing and ticketing. Staff is continuing outreach with tenants to see what, if any, disparities exist in Bloomington. Initial outreach suggests that issues are related to management rather than supply.

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

We are hopefully achieving our goal without negative impacts. The proposal was adjusted with input from developers, property managers, and on-site parking counts. It is a modest decrease and will be reevaluated in the near future as more properties with lower parking come online. This update is intended to be an incremental adjustment as it will continue to be modified and right size as more data becomes available.

Part 5. Develop strategies to eliminate inequities and advance

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

Potentially ways to address in our development agreements such as removing fees for additional parking spaces. Staff will continue to have a dialoged with property owners/managers on their parking needs. Staff will work with Police and Environmental Health to identify issues early and ensure enforcement is not overly burdensome with a path forward that works for all stakeholders. Engineering is exploring opportunities to adjust on street parking restrictions.

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

We could adjust the number down to increase affordable units or modify the way we approach larger units. This could result in other impacts such as those outlined in 4C.

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

While the proposed revision has potential to constrain parking it is the intent that it reflects actual demand. The ordinance will continue to be reviewed and refined as more data is collected over the following year.

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

We will track unit creation to see if the goals are being met and work with Environmental Health and Police to identify any issues. We will also continue to do parking counts and continue the dialogue with property owners and managers about impacts.

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

6a. How will you evaluate and be accountable?

We plan to continue to do evaluation through parking counts and stakeholder outreach and address any issues with updates to the Opportunity Housing Ordinance in the future.

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

Understanding what the existing issues are regarding towing and ticketing is ongoing. Continuing to engage property managers and tenants will be critical to ensuring the parking ratio is correct.

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

The planning division works closely with a variety of departments on parking. We will continue to discuss the update and review the impacts as the parking standards are implemented.

What are other Cities requiring?

City Code Comparison

	Per Unit Required	Enclosed
Bloomington	1.8 spaces for studio and 1 bedroom units 2.2 spaces for 2 bedroom units 2.6 spaces for 3 bedroom units	1
Richfield	1.25/1.5 to 2 based on zoning	0
Edina	2/1.75*	1.25
Burnsville	1.5 (plus 0.25 for guest)	1
Eagan	1.5	1
Eden Prairie	2	1
Minnetonka	2	1
St. Louis Park	1	0
Golden Valley	1.5	0
Plymouth	2	1
Brooklyn Park	2.5 (0.5 for guest)	1.25
Shakopee	1.5 spaces for studio and 1 bedroom units 2 spaces for 2 bedroom units 2.5 spaces 3 bedroom units	0
Savage	2.5	0
Average	~1.85	~ 1

*There is a Lower Rate for Mixed Use

Reduction strategies include:

- Joint Parking reduction – some more detailed than others on how to apply this
- Proof of Parking Reduction
- Transit Access Reduction
- TDM reductions
- Richfield requires 2 spaces but can reduce if “features warrant”



PLANNING COMMISSION SYNOPSIS

Thursday, January 6, 2022

**CALL TO
ORDER**

Chairperson Solberg called the Planning Commission meeting to order in the City Council Chambers at 6:00 PM.

PLANNING COMMISSIONERS PRESENT: Jon Solberg (in person), Joanna Goltzman, Paige Rohman, Aubrey Albrecht, Suado Abdi, Phil Koktan (all via Webex)

COMMISSIONERS ABSENT: Nelly Korman

STAFF PRESENT: Glen Markegard (in person), Aarica Coleman, Nick Johnson, Mike Palermo, Liz O'Day (all via Webex)

**ITEM 3
8:59 p.m.**

APPLICANT: City of Bloomington

REQUEST: Multi-Family Parking Standards (study item)

Aubrey Albrecht absent.

DISCUSSION:

Palermo stated the Code requires parking spaces relative to the unit type and bedroom count. There are flexibility measures including through the Opportunity Housing Ordinance (OHO), proof of parking, shared parking, travel demand management, or planned development flexibility. The bedroom count requirement is precise for measuring actual parking demand but the design can be impacted. Likewise, most other municipalities have a parking requirement per unit. The party room parking requirement is unique to Bloomington. Staff is recommending moving to a per unit ratio. It is easier to design but is less precise. Projects with lower bedroom units are disadvantaged compared to those with larger bedroom units.

Solberg clarified if it's less precise and disadvantages smaller units, is the City creating more pavement. He would rather err on the side of proof of parking. Palermo mentioned there is not much of a difference. Most of the projects are one or two bedrooms. Current Code requires more parking for three bedrooms. Solberg asked if other communities see an excess of parking. Palermo was unsure but he did have Bloomington parking calculations.

Koktan asked if the party room requirement is removed, then those spaces are for residents and not for guests. Will all the parking be secure and no guest parking? Palermo stated the Code does not have a requirement to have guest parking. It becomes a management issue, and the Code does not address it. Some municipalities have a parking requirement for guests.

Goltzman said the City grants a lot of deviations for parking. If by moving to per unit, would it create more or less requests for deviations? Palermo said Bloomington requires an average 2.0 spaces per unit. The approved rate in the last 10 years is 1.6 spaces per unit. Since the OHO was adopted, it is closer to 1.4 spaces per unit. Other cities have higher and lower parking requirements per unit. His parking counts showed a ratio of 1.5 parking spaces per unit. However, staff does not recommend lowering the requirement to that level.

The recommendation is to reduce the requirement to 1.8 spaces. It is consistent with existing demand but there will continue flexibility where appropriate. This approach may encourage fee-in-lieu projects under the OHO rather than constructing affordable units as there would be less incentive. The ratio includes a buffer to account for variation in the parking counts and acknowledge that most people perceive parking to be full (90%-95% full) before the lot is actually full. Staff is also recommending to keep the covered parking ratio to 1 per unit because it is consistent with other cities, there is high utilization and can continue flexibility through the OHO.

Koktan said the Code requires too much parking. Almost 100% of the projects have asked for a deviation. Pavement is one of the worst contributing polluters. Reducing the parking requirement furthers the City's sustainable goals. However, the City must be careful where there is no on-street parking available. Perhaps they can require off-street parking in district areas only.

Solberg agreed about the covered parking. There is a ton of parking supply. The City must look at this strategically. Palermo said he needs to do counts of the projects that received a higher deviation. Most projects with higher parking deviations are currently under construction or are not a full occupancy yet. The proposed ratio could be a starting point and revisit this when there is more data available.

It is important to make a distinction between fixed transit routes (light rail and bus rapid transit) and designated transit area. The recommendation is to adjust flexibility under the OHO accordingly.

Rohman stated it's important for flexibility in the station areas but considering that Metro Transit has been an unreliable partner in designated transit areas, he was not comfortable granting flexibility in non-stable transit areas. Most agreed with this.

City Council Regular Business Meeting
Monday, February 14, 2022 - 6:00 p.m.
Bloomington Civic Plaza
Council Chambers / Webex
1800 W. Old Shakopee Road
Bloomington, MN 55431

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

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

Assistant City Manager Mike Sable and Council Secretary Matt Brillhart were present in person. City Attorney Melissa Manderscheid was present virtually.
- 2. PLEDGE OF ALLEGIANCE** Mayor Busse led the audience in the pledge of allegiance to the flag.
- 3. Approval of Agenda** Motion by Mayor Busse, seconded by Carter to approve the agenda as listed.
Motion carried 7-0.
- 4. PUBLIC COMMENT**

 - 4.1 Response to Prior Meeting's Public Comments** Mike Sable responded to comments made by Andy Thul at the February 7, 2022 meeting regarding the community-based strategic planning process. Mayor Busse, Councilmembers Martin and Lowman remarked on the strategic planning process, noting that the words accurately reflect the process.
 - 4.2 Public Comment Period** Mayor Busse opened the public comment period at 6:10 p.m.
Sally Ness spoke regarding the CUP approved for 1701 American Blvd and questioned the findings as well as email replies from individual Councilmembers.

Angella Coil spoke regarding the differences between equity and equality.

Andy Thul asked questions regarding the strategic planning process and payments to vendors involved in that effort, as well as total expenditures on the process. Mr. Thul also asked that the city end the use of "Chief" in job titles.

Ric Oliva spoke regarding the Council's rules of procedure and addressed statements made by Mayor Busse at the January 24 meeting in response to Mr. Oliva's comments at the January 10 meeting.

Mayor Busse closed the public comment period at 6:30 p.m.
- 5. INTRODUCTORY**

 - 5.1 Introduction of New Employees** Community Development Director Karla Henderson introduced David Spaeth, Sean Enright, and Shelagh Stoerzinger.
CIO Amy Cheney introduced Mai Phan and Tom Ward.

Busse inquired on the total number of structures allowed, if you have a shed and [detached] garage can you not add an ADU? James responded that the standard allowance is two detached structures, so if you have a detached garage and shed, you would not be allowed a detached ADU.

Palermo discussed standards for cluster housing development. Dallessandro noted this level of density being a good fit for transitional areas between high density and commercial development and single-family neighborhoods.

8.8 Multifamily Parking Standards Update

Planner Mike Palermo presented a PowerPoint summarizing the study and feedback received from the HRA and Planning Commission. Staff are proposing to reduce the parking minimum to 1.8 spaces per unit, while retaining current incentives to further lower the minimum parking requirement.

Carter was open to removing minimum parking requirements entirely.

Palermo noted that Planning Commission and HRA members were interested in going below 1.8 spaces per unit.

Coulter was supportive of going lower than 1.8 spaces per unit.

Palermo noted that number was chosen from observation and discussing with developers what actual demand is. However, we do allow flexibility to go lower.

Coulter noted that 8 of the 16 cities shown in the study required 1.5 or less. Stated he wasn't sure he could support that 1.8 number based on recent trends we've seen.

Lowman stated in terms of arriving at a number, I'd rather start at zero and work back up to what we're comfortable with, rather than starting at the current standard and working down. We need to be bold and on the cutting edge of this.

Coulter noted that even without a requirement, developers will still build parking as to meet market demand for parking, they want people to rent in their building. Carter concurred, if there's a demand for parking the market should respond to that. Also interested to hear from staff what their experiences with developers have been on recent projects.

Nelson inquired if there was consideration of just using the parking study for each project and going with that number, or would this change remove the requirement to do a parking study? Palermo noted that not every project requires a parking study.

Mayor Busse noted that we could look at recent projects now coming online as test cases to see if we need to lower the requirement further. Palermo noted that was similar to comments made by the Planning Commission, to start at 1.8 spaces per unit with the existing incentives and continue looking at further reductions with new data.

Palermo also discussed parking requirement reductions in transit station areas.



PLANNING COMMISSION SYNOPSIS

Thursday, May 12, 2022

CALL TO ORDER

Vice Chairperson Rohman called the Planning Commission meeting to order in the City Council Chambers at 6:00 PM.

PLANNING COMMISSIONERS PRESENT: Jon Solberg, Paige Rohman, Joanna Goltzman, Nelly Korman, Suado Abdi, Phil Koktan (all in person)

COMMISSIONERS ABSENT: Aubrey Albrecht

STAFF PRESENT: Glen Markegard (in person), Michael Palermo (in person), Liz O'Day (via Webex)

Chairperson Solberg led the attendees in the reciting of *The Pledge of Allegiance*. Markegard provided an overview of how interested parties could testify remotely for public hearing items.

ITEM 1 6:02 p.m.

CASE:	PL2022-69
APPLICANT:	City of Bloomington
REQUEST:	City Code amendments to multifamily parking standards regarding parking ratios and associated flexibility measures, thereby amending Chapters 9 and 21 of the City Code

PUBLIC HEARING DISCUSSION:

Palermo provided an overview of the current city code requirements and explained a goal of simplifying the multi-family parking requirements. The city code provides flexibility through travel demand management, planned development, and enhanced linkages to mass transit with a transportation study. The City of Bloomington's base parking requirement compared to other studied communities within the Metro area is slightly above average. However, the actual approved parking averages 1.6 spaces per unit (20% reduction) looking at developments approved for the last 10 years. Staff conducted outreach with the Bloomington Housing Action Team, which pointed out that the level of transit is just as important as proximity to transit. While a building might meet the definition of high frequency transit, the transit may not be at a level that would have much impact on car dependency. As indicated in the Racial Equity Impact Assessment, this parking update impacts the renter population which is disproportionately occupied by Black Indigenous People of Color (BIPOC) community. However, the proposed update is modest, and it is not anticipated to create negative impacts. Staff has decided to not address other flexibility measures because they were either discretionary or not as impactful. Furthermore, enclosed parking requirements were not addressed as outreach with developers and property managers indicated this was not a huge burden. Senior housing is not included in this update because it has a lower parking ratio. The proposed base parking requirements prior to incentives for one bedroom and efficiency units is 1.6 spaces per dwelling unit; and two

or more bedrooms is 2.0 spaces per dwelling unit. By reducing the parking requirements ratio, staff needed to adjust the Opportunity Housing Ordinance based on affordability and the number of affordable units. The designated transit area is proposed to be adjusted to allow greater parking reductions near the METRO (bus rapid transit and light rail) stations. Buildings located near the METRO lines are more likely to reduce car dependency. Staff is proposing to create a two-tier designated transit area and provide additional reductions based level and number of affordable units.

Solberg asked if there is information on available on-street parking near multi-family residential.

Palermo stated that Engineering is currently working on making sure that on-street parking is available near multifamily buildings.

Rohman expressed that there is a theme in recent conversations regarding overflow parking. For the purposes of transit impacting parking needs, he wondered if the 30%-50% AMI population have regular jobs or service-sector jobs at night.

Palermo stated that staff recognizes and understands that there are people who work overnight or late where there is little available transit.

Korman asked if staff has considered the impact in other cities that have the 1.5 or 1 enclosed parking requirements per unit and if the City Council is concerned about the impact for those people working outside regular hours.

Palermo stated that it is challenging to understand how cities are handling the impact as they are constantly changing. Other cities have different development patterns. There was discussion among the City Council members whether there should be a parking requirement. There are some developers trying to minimize their costs and they have negative impacts in the community.

Goltzman expressed concerns about the impact on parking demand by having transit focused on going north to downtown and less local transit.

Palermo stated that in the last few years, Met Council has been thinking how to get people from station to destination and getting cross connections. Connector routes will be very important.

Abdi expressed her opinion that the City of Bloomington has better transit than other suburbs, but the bus stop characteristics are lacking benches or shelters. She asked if staff rounds up the parking spaces to 2 if it is 1.6 spaces per dwelling unit.

Palermo stated that the proposed requirement is not saying that every unit will get exactly 1.6 parking spaces for that specific unit. The proposed requirement is saying, for example, a hundred-unit building the requirement is 160 parking spaces, of which 100 spaces should be enclosed and at least 60 spaces could be surface spaces.

Abdi asked if there is flexibility through a variance.

Palermo stated flexibility is typically granted through other means outside of a variance with a parking study to make sure that the negative impacts are minimal.

Solberg opened the public hearing. No one offered testimony

The public hearing was closed.

Koktan asked if there are annual check-ins to visit some of these metrics.

Palermo stated that it can vary, as more projects come online, staff can observe the impacts and update the ordinance if needed.

Solberg expressed appreciation for all the work that staff is putting into the ordinance and revisiting it in the future to ensure that is working. He also stated that there is a need to balance affordability, equity and minimizing impacts.

Rohman stated that the city is currently overparked, so he is supportive of the changes.

Korman stated that she is supportive and appreciates all the work that staff is putting into this. She suggested to continue monitoring the negative impacts in the community.

Koktan stated that this is a win-win. We are lowering the parking and getting a better chance of getting deeper affordable housing by modifying the incentives.

The item moves on to the June 6th, 2022, City Council meeting.

ACTIONS OF THE COMMISSION:

M/Rohman, S/Korman: To close the public hearing.
Motion carried 6-0.

M/Abdi, S/Goltzman: In Case #PL2022-69, I move to recommend adoption of the Ordinance attached to the staff report amending Chapters 9 and 21 of the City Code to amend parking requirements for multifamily buildings and associated flexibility in the Opportunity Housing Ordinance.
Motion carried 6-0.



EAST CENTRAL MINNESOTA

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CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL

The Bloomington City Council will hold a public hearing on June 6, 2022 at 6:30 PM in the Council Chambers at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, Minnesota, and by electronic means as permitted by State law, to consider Case PL2022-69, an application by the City of Bloomington for City Code amendments to multifamily parking standards regarding parking ratios and associated flexibility measures, thereby amending Chapters 9 and 21 of the City Code.

Review information and materials at www.blm.mn/notices. For more information or to submit comments, contact Michael Palermo, Planner, at (952) 563-8924 or mpalermo@BloomingtonMN.gov.

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May 26, 2022
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Date: 05/19/22

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Request for Council Action

Originator City Manager's Office	Item 5.1 Earned Sick and Safe Leave Ordinance
Agenda Section ORGANIZATIONAL BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to adopt Ordinance no. 2022-__, an ordinance adding Chapter 23 of the City Code establishing earned sick and safe leave in the City of Bloomington.

Motion by _____, seconded by _____, to adopt Resolution no. 2022-__ directing summary publication of Ordinance 2022-__ adding Chapter 23 of the City Code establishing Earned Sick and Safe Leave in the City of Bloomington.

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

Item presented by: Peter Zuniga, Deputy City Attorney
Michael Sable, Assistant City Manager

Description:

In February 2021, at the Council's direction, staff began exploring the development of an Earned Sick and Safe Leave (ESSL) ordinance for the Council's consideration. In Minnesota, the cities of Minneapolis, St. Paul and Duluth currently have local ordinances in place requiring employers to provide some amount of paid sick and safe leave to employees, but there is no similar requirement in place on a statewide basis.

In April 2021, the City Council evaluated several options and directed staff to outline a process for developing an Earned Sick and Safe Leave ordinance for Bloomington. After conversations with representatives of the business community, hospitality industry, organized labor and advocacy organizations, staff recommended the following:

Task Force Appointment of an 8 to 10-member task force composed of:

- 2 people from the Hospitality Industry (likely 1 staff person and 1 member of the Bloomington Convention & Visitors Bureau)
- 2 people from the General Business Community (likely 1 staff person and 1 member from the Chamber of Commerce)
- 1 or 2 individuals from organized labor, such as Unite Here Local 17 or others
- 1 individual from the advocacy field, such as Take Action MN
- 2 community members

On June 14, 2021, the City Council established an Earned Sick and Safe Leave Task Force with the charge to develop and recommend to the Council an ordinance that ensures the provision of Earned Sick & Safe Leave to individuals working in the city of Bloomington, and appointed the following individuals to the task force:

- Nat Anderson-Lippert, Resident
- Alex Francis, General Manager, Radisson Blu
- Robert Freeman, HealthPartners
- Robert Haider, Policy Director, Take Action MN
- Nicole Mills, Executive Director, Oasis for Youth Dan Swenson Klatt, Main Street Alliance
- Wade Luneberg, Political Director, UNITE HERE Minnesota Hospitality Union
- John-Paul Yates, Bloomington Chamber of Commerce (Mpls Reg'l Chamber)
- Brittany Milan, Eleve, Bloomington Business Owner

The Task Force was asked to recommend to the City Council an ordinance ensuring the provision of paid Earned Sick & Safe Leave to individuals working in the city of Bloomington. The recommended ordinance is intended to:

- promote and protect the wellbeing of the Bloomington workforce and Bloomington residents;
- support the Bloomington City Council's strategic priority of equity and inclusion;
- balance the unique needs and circumstances of Bloomington employers with a recognition that Bloomington is part of a regional labor and service market;
- reflect the input of a diverse pool of stakeholders;
- outline how the City will ensure compliance with the provisions of the ordinance;
- be as clear, understandable and uncomplicated as feasible for both employers and employees.

The Task Force met six times over the course of the year to develop the recommendations. All task force meetings were subject to the open meeting law and properly noticed to members of the public. Included in task force discussions was a formal review of the existing ordinances in Minneapolis, St. Paul, and Duluth, as well as the significant public health considerations of a change. In addition, the Community Outreach and Engagement Division conducted formal outreach and community survey opportunities for businesses, affected employees, and the public.

On January 3, 2022 and February 28, 2022, the City Council heard the report of the Task Force and reviewed the draft ordinance. The City Council discussion identified further questions. From those questions, staff continued to review and revise the language of the draft ordinance.

On March 31, 2022 the City of Bloomington published legal notice of the public hearing in the Sun Current.

At the Public Hearing on April 11, 2022, the City Council heard testimony from residents, key stakeholders, and business owners. An outcome of the discussion was an interest in additional outreach opportunities to affected parties.

City staff conducted the following outreach efforts since then:

- Reengaged the ESSL Task Force and encouraged more outreach of their networks
- Re-established the Let's Talk Bloomington survey tool (over 400 views)
- Frequently Asked Questions (FAQ) tool developed (attached)
- Direct mailer sent to over 2,000 businesses in Bloomington with information of in-person meetings, phone contacts, and online surveys
- Developed partnerships and contacts with local organizations for direct employee feedback (COPAL MN)
- Participated in tenant meeting with Mall of America business owners (May 5) with over 100 participants offering feedback and input

- Participated in two listening sessions for open Q&A (May 9 and May 12) with nearly a dozen in-depth conversations on the issue

Attached is the summary of the survey results from Let's Talk Bloomington.

DATA AND INFORMATION

In addition, the Council asked for more information regarding the types and relative sizes of businesses in Bloomington. Sadly, there is no single database with that information readily available. According to the Small Business Administration <https://cdn.advocacy.sba.gov/wp-content/uploads/2020/06/04143104/2020-Small-Business-Economic-Profile-MN.pdf>, it's estimated that 40% of small businesses employ fewer than 5 people, with self-employed counting for nearly 10%.

In addition, using the city's 2021 Business Climate Survey (attached) we can cross-reference the data to show that, of the survey participants, here is how they responded.

1. What is your type of business?

RETAIL.....	24%
MEDICAL/HEALTH CARE.....	6%
MANUFACTURING.....	7%
TECHNOLOGY.....	2%
HOSPITALITY/HOTEL/ACCOMODATIONS.....	3%
RESTAURANT.....	22%
PROFESSIONAL SERVICE, SUCH AS LAWYER OR ACCOUNTANT.....	9%
PERSONAL SERVICE, SUCH AS HAIR SALON OR DRYCLEANER....	15%
AUTOMOTIVE DEALER/SERVICE/MAINTENANCE.....	5%
CONSTRUCTION.....	4%
SCATTERED.....	3%

29. How many full-time employees work at this location?

NONE.....	4%
1-10.....	63%
11-20.....	19%
21-50.....	7%
51-99.....	4%
100 OR MORE.....	4%

30. How many part-time employees work at this location?

NONE.....	17%
1-10.....	52%
11-20.....	18%
21-50.....	7%
51-99.....	3%
100 OR MORE.....	3%

THEMES

In general, there was a theme that businesses who responded would prefer to have a statewide solution to Earned Sick and Safe Leave, rather than a patchwork solution. However, there were no proposed substantive changes to the language in the draft as presented, but several proposed changes to help clarify the ordinance. There were lots of questions about the implementation of the ordinance, including timing, book-keeping, and other coordination details. In addition, several stakeholders talked about employee size and the “right-sizing” of potential exemptions for very small employers.

From an employee perspective, the draft ordinance was generally supported.

MINNEAPOLIS / ST PAUL / DULUTH

With regard to employer size exemptions, the cities of St. Paul and Duluth do not exempt small employers. The City of Minneapolis has an exemption for those business with fewer than 6 employees to provide paid leave. However, the City of Minneapolis is considering eliminating the requirement to mirror the St. Paul / Duluth example.

Attachments:

[Item 5.1 Earned Sick and Safe Leave ordinance_Final.pdf](#)
[Resolution of Summary Publication.pdf](#)
[Earned_Leave_QandA.pdf](#)
[2021 Business Survey Results.pdf](#)
[ESSL Lets Talk Final Report May_31_2022.pdf](#)
[MOA Tenant Survey Results.pdf](#)

ORDINANCE NO. 2022-____

**AN ORDINANCE CREATING CHAPTER 23 OF THE CITY CODE AND
ESTABLISHING EARNED SICK AND SAFE LEAVE IN THE CITY OF
BLOOMINGTON**

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

Section 1. That Chapter 23 of the City Code is hereby created by adding those words that are underlined, to read as follows:

CHAPTER 23: EARNED SICK AND SAFE LEAVE

ARTICLE I: EARNED SICK AND SAFE LEAVE

§ 23.01 FINDINGS.

It is necessary for the City Council to exercise its legislative power to protect and promote the health, safety, and welfare of those individuals working within the City of Bloomington. The City Council finds:

- (a) Healthy individuals, families, and communities are the foundation of well-functioning societies. Many factors contribute to health, including the policies and systems that shape our lives. Among these policies, the availability of sick and safe leave is a key contributor, as it creates the opportunity for family members both to earn a living and to provide care for their loved ones;
- (b) Forty-one (41) percent of employed Minnesota residents lack access to earned sick and safe leave. The same employees that are least likely to have sick and safe leave or the financial ability to forego wages are in occupations most likely to have contact with the public, especially food services, long-term care, and health care. Minnesota workers who work in public-contact occupations, such as service occupations, are less likely to have sick and safe leave than workers in other occupations. Bloomington's largest employment industries include health care, education, retail, manufacturing, lodging, and food services. A recent Bloomington employer survey found 48% of employers did not offer sick and safe leave to their employees;
- (c) Family economic security is at risk for workers who lack adequate sick and safe leave because workers who lack sick and safe leave lose earnings if they miss work to care for themselves, their children, or other family members who are ill or injured. Employees in the city working in low-wage occupations are least likely to have access to sick and safe leave and are the least able to forgo wages to take time off to recover or care for others who may be sick. Employees without earned sick and safe leave disproportionately experience poverty, unstable housing and hunger;
- (d) Access to sick and safe leave and the ability to take sick and safe leave are not available equally across populations of different incomes or race/ethnicity. Structural racism is a factor not only in health disparities but also in the conditions that create health, such as

sick and safe leave policies. The city continues to increase in diversity of both residents and those who work in the city. People of color are more likely than white people in Bloomington to be in low-paying, frontline jobs with less security and benefits or to work multiple jobs;

- (e) When individuals have no sick and safe leave or an inadequate amount of sick and safe leave available to them, they are more likely to come to work when they or their family members are sick. Absent the proper care needed for treatment or recovery, the ill worker's or ill family member's health problems may intensify or be prolonged;
- (f) Individuals who come to work when they are sick are likely to expose other employees, customers, and members of the public to infectious diseases, such as the flu or coronaviruses like SARS-CoV and MERS-CoV. Individuals with no sick and safe leave, or an inadequate amount of time to take off to care for a sick child, are likely to send sick children to school or a childcare center, thereby potentially spreading contagious illnesses. The lack of access to sick and safe leave has public health implications and has contributed to contagious disease outbreaks in Bloomington;
- (g) Victims of domestic abuse, sexual assault, and stalking that have no sick and safe leave are less able to receive medical treatment, participate in legal proceedings, and obtain other necessary services. In addition, without sick and safe leave, domestic abuse victims are less able to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries;
- (h) Sick and safe leave will promote the safety, health, and welfare of the people of Bloomington by reducing the chances that worker's illnesses will intensify or be prolonged, by reducing the exposure of co-workers and members of the public to infectious diseases, and by reducing the exposure of children at schools and day cares to infectious diseases; resulting in a healthier and more productive workforce, better health for older family members and children, enhanced public health, and improved family economic security.
- (i) Sick and safe leave will enable victims of domestic abuse, sexual assault, and stalking, and their family members to participate in legal proceedings, receive medical treatment, or obtain other necessary services and, thus, to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries.
- (j) Over the last few decades, the demographics of the nation's workforce and the structures of the nation's families have undergone significant changes; 80% of children are raised in households that are headed by either a working single parent or two working parents. As a result of these changes, the demands placed on workers with family responsibilities are greater and more complex today than they were in an earlier era.
- (k) To safeguard the public welfare, health, safety, and prosperity of the city, all persons working in our community should have access to adequate sick and safe leave, because doing so will ensure a more stable workforce in our community, thereby benefiting workers, their families, employers, and the community as a whole.

§ 23.02 PURPOSE.

The purposes of this article are to:

- (a) To ensure that individuals employed in Bloomington can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of sick and safe leave, including time for family care;
- (b) To reduce public and private health care costs in Bloomington by enabling individuals to seek early and routine medical care for themselves and their family members;
- (c) To protect the public's health in Bloomington by reducing the risk and spread of contagion;
- (d) To assist victims of domestic abuse and their family members by providing them with job-protected sick and safe leave time away from work to allow them to receive treatment and to take the necessary steps to ensure their protection and wellbeing;
- (e) To protect individuals employed in Bloomington from losing their jobs while they use sick and safe leave to care for themselves or their families;
- (f) To safeguard the public welfare, health, safety, and prosperity of the people of and visitors to Bloomington; and
- (g) To accomplish the purposes described in subsections (a)—(f) in a manner that is feasible for employers and that does not require employers to provide any additional sick and safe leave to their employees if they already provide the same amount of sick and safe leave that can be used for the same purposes and under the same conditions as required in this article.

§ 23.03 SEVERABILITY.

If any part, term, or provision of this article is held by a court of competent jurisdiction to be invalid or unconstitutional, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this article, which remaining portions shall continue in full force and effect.

§ 23.04 PREEMPTION.

Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

§ 23.05 DEFINITIONS.

When used in this article, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise.

Calendar year. A regular and consecutive twelve (12) month period as determined by an employer and may be based on an employee's employment anniversary date.

Chain establishment. An establishment doing business under the same trade name used by two (2) or more establishments, or under the same ownership and doing the same business, whether

such other establishments are located in the city or elsewhere and regardless of the type of ownership of each individual establishment.

City. The City of Bloomington, Minnesota.

Domestic abuse. Has the meaning defined in Minnesota Statutes, section 518B.01.

Employee. Any individual who performs services for hire and compensation for an employer, including temporary employees and part-time employees and who performs work at a location or locations within the geographic boundaries of the city for at least eighty (80) hours in a year for that employer. For purposes of this article, "employee" does not include the following:

- (1) Employees classified as extended employment program workers as defined in Minnesota Rules part 3300.6000 and participating in the Minnesota Statutes, section 268A.15 extended employment program;
- (2) Independent contractors; or
- (3) Student Interns.

Employer. A person or entity that employs one (1) or more employees. The term includes an individual, corporation, partnership, association, nonprofit organization, or group of persons. For purposes of this article, "employer" does not include any of the following:

- (1) The United States government;
- (2) The State of Minnesota, including any office, department, agency, authority, institution, association, society, or other body of the state, including the legislature and the judiciary; or
- (3) Any county or local government, except the city.

Exempt employee. An employee who is exempt from overtime payment requirements under federal or state law.

Family member. An employee's child, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, guardian, ward, or members of the employee's household.

Health care provider. A person licensed in good standing in Minnesota to provide medical or emergency services and employed in that capacity, including but not limited to doctors, nurses and emergency room personnel.

Prevailing wage rate. Has the meaning given in Minnesota Statutes, section 177.42 and as calculated by the Minnesota Department of Labor and Industry.

Regular rate of pay. The employee's hourly rate, including payments for shift differentials, for an hourly employee or an equivalent rate for an exempt employee. Regular rate of pay does not include:

- (1) Tips;
- (2) Commissions;

- (3) Reimbursements for expenses incurred on the employee's behalf;
- (4) Premium payments for overtime work or work on Saturday's, Sundays, holidays, or scheduled days off, if the premium rate is at least one and one-half (1 ½) times the normal rate;
- (5) Bonuses;
- (6) Cash or other valuables in the nature of gifts on special occasions;
- (7) Payments made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan; or
- (8) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees.

Safe time. The need for time off under circumstances described in Minnesota Statutes, section 181.9413(b).

Sexual assault. An act that would constitute a violation under Minnesota Statutes, sections 609.342 to 609.3453 or 609.352.

Sick and safe leave. Leave, paid or unpaid, that may be used for the same purposes and under the same conditions as section 23.07.

Stalking. Has the meaning given in Minnesota Statutes, section 609.749.

Student intern. An unpaid student who is acquiring hands on training, work experience, or clinical training in connection to a course of study or higher education program for a limited period of time.

§ 23.06 ACCRUAL OF SICK AND SAFE LEAVE.

(a) Determination of business size

- (a) An employer's business size for the current calendar year is based upon the average number of employees per week during the previous calendar year.
- (b) For a new business, the employer's business size for the current calendar year is based upon the average number of employees per week during the first ninety (90) days after its first employee began work.
- (c) In determining the number of employees, all persons performing work for hire and compensation on a full-time, part-time, or temporary basis shall be counted, whether or not the persons work in the city.
- (d) Employees jointly employed by two (2) employers must be counted by both employers, whether or not maintained on one (1) of the employer's payroll in determining an employer's business size. In those cases in which a professional employer organization is determined to be a joint employer of a client employer's employees, the client employer would only be required to count employees of the professional employer organization, or employees of other clients of the professional employer organization, if the client employer jointly employed those employees.

(b) Accrual of sick and safe time

- (a) Employees accrue a minimum of one (1) hour of sick and safe time for every thirty (30) hours worked within the geographic boundaries of the city up to a maximum of forty-eight (48) hours in a calendar year. Employees may not accrue more than forty-eight (48) hours of accrued sick and safe time in a calendar year unless the employer agrees to a higher amount. Sick and safe time shall accrue only in hour-unit increments; there shall be no accrual of a fraction of an hour of sick and safe time.
- (b) Exempt employees are deemed to work forty (40) hours in each work week for purposes of accruing sick and safe time, except that such an employee whose normal work week is less than forty (40) hours will accrue sick and safe time based upon the employee's normal work week.
- (c) Employers shall permit an employee to carry over accrued but unused sick and safe time into the following year. The total amount of accrued but unused sick and safe time for an employee may not exceed eighty (80) hours at any time, unless an employer agrees to a higher amount.
- (d) Sick and safe time under this article begins to accrue at the commencement of employment of the employee or this article's effective date, whichever is later.
- (e) An employer may satisfy this section by providing at least forty-eight (48) hours of sick and safe time following the initial ninety (90) days of employment for use by the employee during the first calendar year and providing at least eighty (80) hours of sick and safe time beginning each subsequent calendar year.
- (f) The frequency with which an employer records sick and safe time accrual may be in a manner consistent with current payroll practices as defined by industry standards or existing employer policies, provided such practice or policy is no less frequent than a monthly basis.

§ 23.07 USE OF ACCRUED SICK AND SAFE LEAVE.

- (a) Employees are entitled to use accrued sick and safe time beginning ninety (90) calendar days following commencement of their employment. After ninety (90) calendar days of employment, employees may use sick and safe time as it is accrued.
- (b) An employee may use accrued sick and safe time for:
 - (1) The employee's mental or physical illness; injury; health condition; need for medical diagnosis; care, including prenatal care; treatment of a mental or physical illness, injury, or health condition; or need for preventive medical or health care.
 - (2) The care of a family member with a mental or physical illness, injury, or health condition who needs medical diagnosis, care including prenatal care, treatment of a mental or physical illness, injury, or health condition; who needs preventive medical or health care; or the death of a family member.
 - (3) An absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:

- i. Seek medical attention or psychological or other counseling services related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - ii. Obtain services from a victim services organization;
 - iii. Seek relocation due to domestic abuse, sexual assault, or stalking; or
 - iv. Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.
- (4) The closure of the employee's place of business by order of a public official to limit exposure to an infectious agent, biological toxin, hazardous material, or other public health emergency.
- (5) To accommodate the employee's need to care for a family member whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, hazardous material, or other public health emergency.
- (6) To accommodate the employee's need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected closure.
- (c) If the need for use is foreseeable, an employer may require advance notice of the intention to use sick and safe time, but in no case shall an employer require more than seven (7) days' advance notice. If the need is not foreseeable, an employer may require an employee to give notice of the need for sick and safe time as soon as practicable.
- (d) It is not a violation of this article for an employer to require reasonable documentation that the sick and safe time covered by paragraph (b)(1), (b)(2), and (b)(3)(i) for absences of more than three (3) consecutive days, only if the employer provides health insurance benefits to the employee.
- (e) An employer may not require, as a condition of an employee's use of sick and safe time, that the employee seek or find a replacement worker to cover the hours during which the employee uses sick and safe time.
- (f) An employer must allow an employee to use sick and safe time in increments consistent with current payroll practices as defined by industry standards or existing employer policies, provided such increment is not more than four (4) hours.
- (g) An employer with six (6) or more employees must compensate the employee at the regular rate of pay for the hours the employee was scheduled to work during the time the employee uses their accrued sick and safe time. In no case shall the employee be compensated at a rate less than the rate requirement in Minnesota Statutes, section 177.24. Compensation is only required for hours that an employee is scheduled to have worked.
- (h) An employer with less than six (6) employees must allow employees unpaid use of accrued sick and safe time. An employer with less than six (6) employees may compensate the employee at the employee's regular rate of pay for the hours the employee was scheduled to work during the time the employee uses their accrued sick and safe time.

- (i) A health care provider may only use sick and safe time when the health care provider has been scheduled to work. A health care provider has not been scheduled to work for shifts for which the health care provider chooses to call in and request a shift occurring within twenty-four (24) hours, or for shifts for which the health care provider has only been asked to remain available or on call, unless the health care provider has been asked to remain on the employer's premises.
- (j) An employer may opt to satisfy the requirements of this article for construction industry employees by:
 - (1) Paying at least the prevailing wage rate as defined by Minnesota Statutes, Section 177.42 and as calculated by the Minnesota Department of Labor and Industry; or
 - (2) Paying at least the required rate established in a registered apprenticeship agreement for apprentices registered with the Minnesota Department of Labor and Industry.

An employer electing this option shall be deemed in compliance with this article for construction industry employees who receive either at least the prevailing wage rate or the rate required in the applicable apprenticeship agreement regardless of whether the employees are working on private or public projects.

- (k) An employer is only required to allow an employee to use sick and safe time that is accrued pursuant to this article when the employee is scheduled to perform work within the geographic boundaries of the city. An employer may allow use of accrued sick and safe time when an employee is scheduled to perform work for the employer outside of the city.

§ 23.08 EXERCISE OF RIGHTS; RETALIATION PROHIBITED.

- (a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article.
- (b) An employer shall not take adverse employment action or discriminate against an employee because the employee has exercised rights under this article. Such rights include, but are not limited to, requesting accrued sick and safe time, using accrued sick and safe time, informing any person about any employer's alleged violation of this article, making a complaint or filing an action to enforce a right to accrued sick and safe time under this article.
- (c) If an employee exercises rights under this article and within ninety (90) days of the exercise of those rights, the employer materially changes the terms and conditions of the employee's employment, including terminating, constructively discharging, reducing the employee's wages or benefits, or making other changes in the employment that affect the employee's future career prospects, there is a rebuttable presumption the employer has retaliated against the employee. The employer may rebut this presumption by presenting clear and convincing evidence that the action was taken for a legitimate, non-retaliatory purpose.

§ 23.09 NOTICE AND POSTING.

- (a) The City Attorney's Office shall, by the effective date of this article, publish and make available to employers, in all languages spoken by more than five (5) percent of the workforce in the city, as calculated by the city, notices suitable for posting by employers in the workplace informing employees of their rights under this article. The City Attorney's Office shall update this notice on December 1 of any year in which there is a change in the languages spoken by more than five (5) percent of the city workforce.
- (b) Every employer shall post, in a conspicuous place at any workplace or job site where any employee works, the notices required by paragraph (a). Every employer shall post this notice in English, and any language spoken by at least five (5) percent of the employees at the workplace or job site if published by the City Attorney's Office.
- (c) An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this article.

§ 23.10 REQUIRED STATEMENT TO EMPLOYEE.

Upon request by an employee, the employer must provide, in writing or electronically, information stating the employee's then-current amount of:

- (a) Accrued sick and safe time available to the employee; and
- (b) Used sick and safe time.

Employers may choose a reasonable system for providing this notification, including, but not limited to, listing information on each pay stub or developing an online system where employees can access their own information.

§ 23.11 EMPLOYER RECORDS

- (a) An employer must maintain accurate records for each employee showing:
 - (1) For non-exempt employees, hours worked.
 - (2) Hours of leave available for sick and safe time purposes.
 - (3) Hours of leave used for sick and safe time purposes.
- (b) The records required by this section must be retained for a period of not less than three (3) years in addition to the current calendar year.
- (c) An employer must allow an employee to inspect records required by this section and relating to that employee at a reasonable time and place.
- (d) The City Attorney's Office shall have access to the records required by both this section and Minnesota Statutes, Chapter 181, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this article, including, but not limited to, inspection and copying of books and records, interviewing employees and former employees, and investigating alleged violations of this article. Social Security numbers and employees' personal addresses shall not be a matter of public record.
- (e) If an employer fails to maintain or retain adequate records or does not allow the City Attorney's Office reasonable access to the records and an issue arises as to an alleged

violation of an employee's rights under this article, it shall be presumed that the employer has violated this article, absent clear and convincing evidence otherwise.

- (f) If, in conjunction with this article, an employer possesses health or medical information regarding an employee or an employee's family member or information pertaining to domestic abuse, sexual assault, or stalking of an employee or an employee's family member, the employer must treat such information as confidential and not disclose the information except with permission of the employee, when ordered by a court or administrative agency, or when otherwise required by federal or state law.

§ 23.12 TERMINATION; TRANSFER; SEPARATION.

- (a) Nothing in this article may be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued sick and safe time that has not been used.
- (b) If an employee is transferred to a separate division, entity, or location out of the city, but remains employed by the same employer, and the employer does not allow the use of accrued paid sick and safe time outside the city, the employer must maintain the employee's accrued sick and safe time on the books for a period of three (3) years from the time of the transfer. If, within three (3) years of the time of the employee's transfer to separate division, entity, or location out of the city, the employee is transferred back to a division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all previously accrued sick and safe time accrued but not used at the prior division, entity, or location within the city and is entitled to use all accrued sick and safe time as provided in this article.
- (c) If an employee is transferred to a separate division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all accrued sick and safe time accrued but not used at the prior division, entity, or location and is entitled to use all accrued sick and safe time as provided in this article.
- (d) When there is a separation from employment and the employee is rehired within three hundred and sixty-five (365) days of separation by the same employer, previously accrued sick and safe time that had not been used or paid out upon separation from employment, must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.

§ 23.13 EMPLOYER SUCCESSION.

When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all accrued sick and safe time accrued, but not used when employed by the original employer and are entitled to use all accrued sick and safe time previously accrued but not used.

§ 23.14 EMPLOYEE EXCHANGE OF HOURS.

Nothing in this article shall be construed to prohibit an employer from establishing a policy whereby employees may voluntarily exchange hours or trade shifts.

§ 23.15 AUTHORITY.

- (a) The City Attorney's Office has broad authority to implement, administer and enforce this article. The City Attorney's Office shall have broad authority to investigate possible violations of this article whenever it has cause to believe that any violation of this article has occurred, either on the basis of a report of a suspected violation or on the basis of any other credible information, including violations found during the course of an investigation.
- (b) The City Attorney's Office shall promulgate appropriate rules to implement, administer, and enforce this article. Such rules shall:
 - (1) Be consistent with this article and may be relied on by employers, employees, and other persons to determine their rights and responsibilities under this article.
 - (2) Establish procedures for fair, efficient, and cost-effective implementation and enforcement of this article, including rules ensuring timely review of reports of violation and governing procedure for any appeals to an administrative hearing officer under section 23.20.
 - (3) Establish procedures for informing employers of their duties and employees of their rights under this article and monitoring employer compliance.

The City Attorney's Office shall publish, maintain, and make available to the public any such initial rules at least ninety (90) days prior to their effective date. Any revisions to published rules shall be published, maintained, and made available to the public at least thirty (30) days prior to their effective date.

§ 23.16 IMPLEMENTATION.

- (a) The City Attorney's Office shall work with all relevant city departments, state, and federal agencies, divisions, departments, bureaus, or institution of government to implement, promote, and enforce this article.
- (b) The City Attorney's Office shall develop and implement a multilingual and culturally specific outreach and community engagement program to educate employees and employers about their rights and obligations under this article. This outreach program shall include media, trainings and materials accessible to the diversity of employees and employers in the city.

§ 23.17 ENFORCEMENT.

- (a) Report of violations. An employee or other person may report to the City Attorney's Office any suspected violation of this article. A report of a suspected violation may be filed only if the matter complained of occurred after the effective date of this article and within three hundred sixty-five (365) days prior to filing of the report.
- (b) Investigation process:
 - (1) The City Attorney's Office has sole discretion to decide whether to investigate or to pursue a violation of this article. If the City Attorney's Office decides not to investigate or otherwise pursue a report of suspected violation, the City Attorney's Office must provide a written notification to any employee or other

person who filed the report that the City Attorney's Office is declining to further investigate the report and reason for declining. The employee or other person may within twenty-one (21) days, file a request for reconsideration with the City Attorney. The City Attorney's Office must provide a written response on the reconsideration within twenty (20) days.

- (2) The City Attorney's Office may initiate an investigation pursuant to a complaint or when the City Attorney's Office has reason to believe that a violation has occurred.
 - (3) To pursue a violation of this article, the City Attorney's Office must serve a notice of investigation setting forth the allegations and pertinent facts upon an employer by U.S. mail. The notice of investigation shall be accompanied by a request for a written position statement and may include a request for records or other information. The notice shall also inform the employer that retaliation for claiming rights under this article is a basis for additional monetary damages.
 - (4) An employer's position and response to any request for records must be provided to the City Attorney's Office as provided in the City Attorney's Office's rules. An employer's failure to provide a position statement or to timely and fully respond to a request for records or any other reasonable request issued by the department pursuant to an investigation creates a rebuttable presumption of a violation of this article for the purposes of the investigation and determination of violation. An employer that fails to respond to a request for records may not use such records in any appeal pursuant to section City Attorney's Office to challenge the correctness of any determination of violation by the City Attorney's Office of damages owed or penalties assessed.
 - (5) Investigations shall be conducted in an objective and impartial manner.
 - (6) The City Attorney's Office shall consider any statement of position or evidence with respect to the alleged violation which the employee or person who filed the report of suspected violation or employer wishes to submit.
 - (7) The City Attorney's Office may require a fact-finding conference or participation in another process with the employer, employee, or other person who filed the report of a suspected violation, and any of their agents and witnesses during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues that can be resolved and afford an opportunity to discuss or negotiate settlement.
- (c) The City Attorney's Office determination of violation. Except when there is an agreed upon settlement, the City Attorney's Office must issue a written determination of violation with findings of fact resulting from the investigation and a statement of whether a violation of this article has or has not occurred based upon a preponderance of the evidence presented to the City Attorney's Office. The determination of violation must be issued to the employer and any employee or other person who filed the suspected violation report.
- (d) For alleged first violations arising during the first three hundred and sixty-five (365) days following the effective date of this article, the City Attorney's office must issue a

warning letter and notice to correct and attempt to mediate disputes. For subsequent alleged violations arising during the first three hundred and sixty five (365) days following the effective date of this article, the City Attorney's Office may impose the relief and penalties provided in section 23.19.

§ 23.19 RELIEF AND ADMINISTRATIVE PENALTIES.

The City Attorney may order any appropriate relief for a determination including, but not limited to:

- (a) Reinstatement and back pay.
- (b) The crediting to an employee of any accrued sick and safe time accrued but not credited plus payment to the employee of the dollar value of the accrued sick and safe time accrued but not credited multiplied by two (2), or two hundred fifty dollars (\$250.00), whichever amount is greater.
- (c) The payment of any accrued sick and safe time unlawfully withheld plus payment to the employee of the dollar amount of accrued sick and safe leave withheld multiplied by two (2), or two hundred fifty dollars (\$250.00), whichever amount is greater.
- (d) For a second violation by an employer against the same employee, in addition to any of the above remedies, the City Attorney's Office shall issue an administrative fine up to one thousand dollars (\$1,000.00) payable to the City. Such funds shall be allocated to the department and used to offset the costs of implementing and enforcing this article.
- (e) For a third or subsequent violations by an employer against the same employee, in addition to any of the above remedies, the City Attorney's Office shall issue an administrative fine up to one thousand dollars (\$1,000) payable to the employee.

§ 23.20 APPEAL.

- (a) An employee, former employee, or employer may appeal from a determination by filing an appeal in writing with the City Attorney's Office within twenty-one (21) days of the date of service of the determination. Failure by the employer to file a timely, written appeal shall constitute admission to the violation, and the violation shall be deemed final upon expiration of the twenty-one (21) day period.
- (b) Upon an appeal of the City Attorney's determination, the City Attorney's Office shall refer the matter to an administrative hearing officer pursuant to Chapter 1 of the City Code.
- (c) In such appeal, the hearing officer shall consider the record submitted to it by the City Attorney's Office, the written statements of positions by the parties involved, and may, in the discretion of the hearing officer, take testimony to resolve issues of credibility or factual disputes and hear oral arguments. The hearing officer shall reverse the City Attorney's Office's determination only upon a finding that it is clearly erroneous. The hearing officer's decision of the appeal shall constitute the city's final decision without any further right of administrative appeal.
- (d) The City Attorney's Office shall notify the employer and the employee or other person who filed the suspected violation report at issue of the hearing officer's decision.

- (e) An employer or employee, to the extent provided by law, may appeal the hearing officer's decision by petition for writ of certiorari to the Minnesota Court of Appeals pursuant to Minnesota Statutes, section 606.01.
- (f) If there is no appeal of the City Attorney's Office's determination, the determination shall constitute the city's final decision. A failure to appeal the City Attorney's Office's determination by either the employee, former employee, or employer shall constitute a failure to exhaust administrative remedies, which shall serve as a complete defense to any petition or claim regarding the City Attorney's Office's determination.

§ 23.21 CIVIL ENFORCEMENT.

- (a) Where prompt compliance is not forthcoming with a final determination of violation, the City Attorney's Office may initiate a civil action in a court of competent jurisdiction against an employer, for violating any requirement of this article and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, the payment of lost wages, the payment of an additional sum as a civil penalty not to exceed twice the amount awarded for lost wages, and reinstatement in employment and/or injunctive relief and shall be awarded reasonable attorneys' fees and costs.
- (b) A person injured by a violation of this article may, in addition to other remedies provided in this article, bring a civil action in the district court wherein the alleged violation is alleged to have been committed or where the employer has a principal place of business, to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive other equitable relief as determined by the court.

§ 23.22 NO EFFECT ON MORE GENEROUS SICK AND SAFE LEAVE POLICIES.

- (a) Nothing in this article shall be construed to discourage employers from adopting or retaining other leave policies, including accrued sick and safe time policies, that provide for greater accrual or use by employees of sick and safe time or that extends other protections to employees.
- (b) Employers, who provide their employees sick and safe time under a paid time off policy, other paid leave policy, or collective bargaining agreement that is sufficient to meet the accrual requirements for sick and safe time under section 23.06 and may be used by the employee for the same purposes and under the same conditions as sick and safe time under section 23.07, are not required to provide additional sick and safe time.
- (c) Nothing in this article shall be construed to prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.
- (d) Nothing in this article shall be construed to prohibit an employer from advancing sick and safe time to an employee prior to accrual by such employee.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and on July 1, 2023.

Passed and adopted this 6th day of June, 2022.

Mayor

ATTEST:

APPROVED:

Secretary to the Council

City Attorney

RESOLUTION NO. 2022 -

**A RESOLUTION DIRECTING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022 - ____ AN ORDINANCE CREATING CHAPTER 23 OF
THE CITY CODE ESTABLISHING EARNED SICK AND SAFE LEAVE IN THE
CITY OF BLOOMINGTON**

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

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

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

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

; and

WHEREAS, the City Council at its regular meeting on April 11, 2022, enacted the attached ordinance creating Chapter 23 of the City Code, establishing Earned Sick and Safe Leave with the City of Bloomington.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA, that the following title and summary of the ordinance be published in the official newspaper. The City Council determines that the

following summary would clearly inform the public of the intent and effect of the ordinance enacted:

NOTICE OF SUMMARY
PUBLICATION OF ORDINANCES

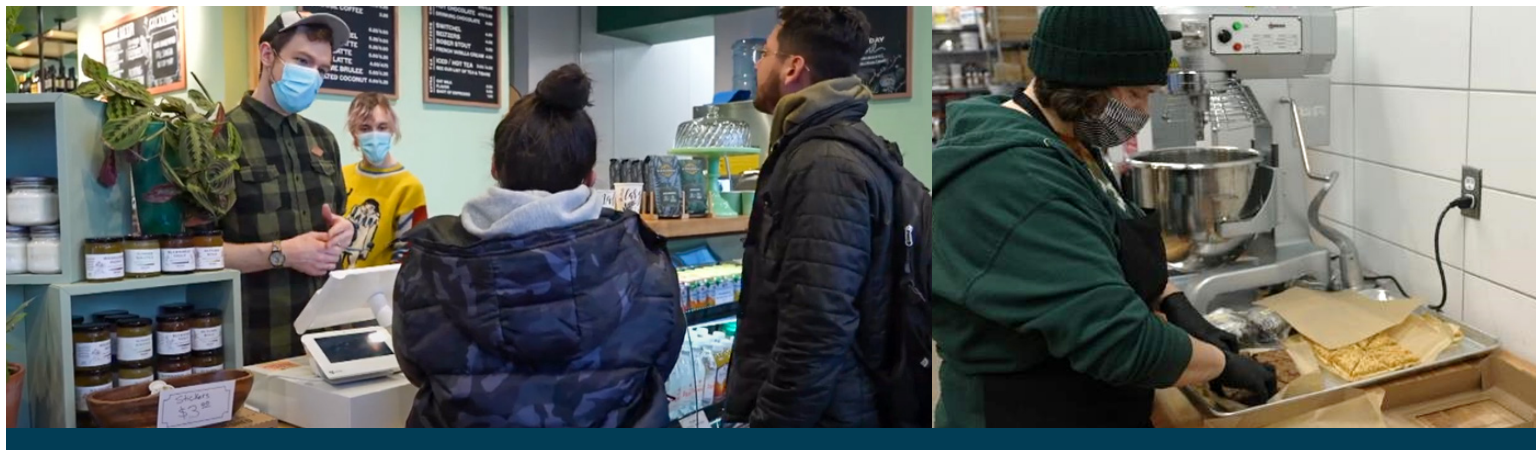
On April 11, 2022, at its regular meeting, the Bloomington City Council enacted an ordinance (No. 2022-____) creating Chapter 23 of the City Code establishing Earn Sick and Safe Leave in the City of Bloomington. The specific title of the ordinance enacted was: “**AN ORDINANCE CREATING CHAPTER 23 OF THE CITY CODE ESTABLISHING EARNED SICK AND SAFE LEAVE IN THE CITY OF BLOOMINGTON**”. The full ordinance is available to the public for inspection at the Bloomington City Clerk’s Office, 1800 West Old Shakopee Road, Bloomington, Minnesota 55431, (952) 563-8700, during the hours of 8:00 a.m. and 4:30 p.m. and online at www.blm.mn/code.

Passed and adopted this 11 day of April, 2022.

ATTEST:

Mayor

Secretary to the Council



EARNED SICK AND SAFE LEAVE ORDINANCE FREQUENTLY ASKED QUESTIONS

Q: What is the Bloomington Earned Sick and Safe Leave Ordinance?

A: The Earned Sick and Safe Leave Ordinance is a proposed law in Bloomington that guarantees time off work for all employees – including full-time, part-time, seasonal, and temporary employees or paid interns – working in Bloomington.

Q: Why was the Earned Sick and Safe Leave Ordinance created?

A: The ordinance is intended to allow employees to care for themselves and family members, making Bloomington a healthier, more secure, and more productive community.

Q: Who does the Earned Sick and Safe Leave Ordinance benefit?

A: Limiting the spread of contagious illness improves public health and benefits everyone. Employees working in lower-wage, higher-turnover and public-contact jobs concentrated in Bloomington previously lacked at proportional rates access to paid sick leave.

Employers with six or more employees must provide paid Earned Sick and Safe Leave. Employers with fewer than six employees must provide Earned Sick and Safe Leave, but they may choose to provide it unpaid.

Q: When does the Earned Sick and Safe Leave Ordinance take effect?

A: The Earned Sick and Safe Leave Ordinance takes effect July 1, 2023.

Q: Can employers give employees more sick leave than the amount required by the Earned Sick and Safe Leave Ordinance?

A: Yes. Employers may provide more generous benefits. The Earned Sick and Safe Leave Ordinance requirements create a minimum floor, not a ceiling.

Q: What does “accrual” mean?

A: Accrual describes how something increases. As time passes and an employee works more, they accrue more Earned Sick and Safe Leave hours.

Q: When does an employee begin to accrue Earned Sick and Safe Leave?

A: After the ordinance takes effect on July 1, 2023, an employee begins to accrue Earned Sick and Safe Leave hours whenever they start working. Although an employee accrues Earned Sick and Safe Leave beginning on the first day of work, an employer may record those Earned Sick and Safe Leave hours per pay period and prohibit the employee from using Earned Sick and Safe Leave during an initial 90 calendar days of employment.

Q: At what rate does an employee accrue Earned Sick and Safe Leave?

A: The minimum rate at which an employee accrues Earned Sick and Safe Leave is one hour for every 30 hours worked in the city.

Scenario:
Julian has worked 120 hours. How many Earned Sick and Safe Leave hours has he accrued? Julian has accrued four Earned Sick and Safe Leave hours. After 150 hours worked, he will accrue a fifth Earned Sick and Safe Leave hour.

Q: Is there a “cap” on how many Earned Sick and Safe Leave hours an employee can accrue?

A: Yes. Employers may set a “cap” or “limit” on each employee’s accrual. Employers must allow each employee to accrue at least 48 hours per year, carried over from year to year, until an 80-hour maximum accrual cap is reached. These two limits operate in tandem. These limits of 48 hours per benefit year and a maximum accrual cap of 80 hours per employee may be higher if an employer chooses, but not lower.

Q: Is there a period of time allowed at the beginning of employment when an employee may not use Earned Sick and Safe Leave?

A: Yes, although an employee begins to accrue Earned Sick and Safe Leave immediately, an employer may enforce a 90-day period before allowing an employee to use any banked Earned Sick and Safe Leave hours. Following the first 90 calendar days of employment, an employee must be allowed to access Earned Sick and Safe Leave as it is recorded.

Q: What may an employee use Earned Sick and Safe Leave for?

A: An employee may use their banked Earned Sick and Safe Leave hours to care for their own health or the health of a family member or member of household, or to address issues caused by domestic violence, sexual harassment, or stalking.

Q: What absences qualify as caring for an employee’s or a family member’s health?

A: Qualifying absences for health reasons include each of the following:

- Diagnosis, treatment, recuperation or preventative care for a medical or mental health condition, illness, or injury
- Medical or mental health emergencies
- Closure of an employee’s place of business for public health reasons
- Care for a family member or member of household due to unexpected closure of their school or place of care, including for inclement weather

Q: What absences qualify as “safe time”?

A: When an employee, family or household member is experiencing domestic violence, sexual assault, or stalking, the employee may use Earned Sick and Safe Leave hours for activities such as:

- Medical and psychological counseling
- Relocation, victim services and other safety planning
- Seeking a restraining order or legal counsel
- Participating in a legal proceeding

THE MORRIS LEATHERMAN COMPANY
3128 Dean Court
Minneapolis, Minnesota 55416

CITY OF BLOOMINGTON
2021 BUSINESS STUDY
FINAL MAY 2021

- A. Is this a private business, a non-profit organization or a church? PRIVATE.....CONTINUE
NON-PROFIT.....CONTINUE
CHURCH..THANK & TERMINATE
- B. Are you the owner or chief-decision maker at this location? YES.....GO TO #1
NO.....ASK C
- C. Could I speak with that individual? (IF UNAVAILABLE, ASK:)
Could I have the person's name and the best time to call back to reach (him/her)?

PERSON: _____

BEST TIME/DAY: _____

TELEPHONE NUMBER: _____

Hello, I'm _____ of the Morris Leatherman Company, a statewide survey research firm located in Minneapolis. We've been retained by the City of Bloomington to speak with a random sample of Bloomington businesses about issues facing the community. This survey is being taken because the City is interested in identifying ways the City can serve the business community's needs. I want to assure you that all individual responses will be held strictly confidential; only summaries of the entire sample will be reported. Your business name will not be referred to anywhere in the results. Do you have a few minutes now to help us with this survey?

1. What is your type of business? (DO NOT READ LIST)

RETAIL.....	24%
MEDICAL/HEALTH CARE.....	6%
MANUFACTURING.....	7%
TECHNOLOGY.....	2%
HOSPITALITY/HOTEL/ACCOMODATIONS.....	3%
RESTAURANT.....	22%
PROFESSIONAL SERVICE, SUCH AS LAWYER OR ACCOUNTANT.....	9%
PERSONAL SERVICE, SUCH AS HAIR SALON OR DRYCLEANER....	15%
AUTOMOTIVE DEALER/SERVICE/MAINTENANCE.....	5%
CONSTRUCTION.....	4%
SCATTERED.....	3%

- | | | |
|----|---|---|
| 2. | How long has your business been located in Bloomington? | LESS THAN TWO YEARS....1%
TWO TO FIVE YEARS.....7%
SIX TO TEN YEARS.....19%
11 TO 15 YEARS.....19%
SIXTEEN TO TWENTY YRS.22%
OVER TWENTY YEARS.....31%
REFUSED.....0% |
| 3. | What was the primary reason you located your business in Bloomington? | DON'T KNOW/REFUSED.....0%
LOCATION.....37%
CUSTOMER BASE.....14%
SPACE AVAILABILITY....20%
CLOSE TO HOME.....8%
BOUGHT EXISTING.....5%
CORPORATE DECISION....12%
LIVED IN BLOOMINGTON...4% |

Let's first discuss the COVID-19 pandemic....

- | | | |
|----|--|--|
| 4. | Has the COVID-19 pandemic had a major impact on your business, a minor impact or not much of an impact at all? | MAJOR IMPACT.....51%
MINOR IMPACT.....30%
NOT MUCH IMPACT.....20%
DON'T KNOW/REFUSED.....0% |
|----|--|--|

IF "MAJOR" OR "MINOR," ASK: (N=321)

For each of the following, please tell me if your business has seen an increase, a decrease or has it remained the same during the pandemic. (ROTATE)

- | | INC | DEC | SAM | DKR |
|---|-------------|------------|---------------------------|-----|
| 5. Revenue? | 3% | 90% | 6% | 1% |
| 6. Number of customers? | 6% | 83% | 11% | 0% |
| 7. Number of workers? | 0% | 75% | 25% | 0% |
| 8. Productivity of employees working from home? | 16% | 27% | 46% | 11% |
| 9. Have you had to change where and how employees work during the pandemic? | YES.....51% | NO.....48% | DON'T KNOW/REFUSED.....1% | |

IF "YES," ASK: (N=204)

Once the pandemic is over and all restrictions have been lifted, regarding where and how your employees work....

10. Do you believe you will operate your business the way it was before the pandemic? YES.....79%
NO.....12%
DON'T KNOW/REFUSED.....9%

IF "NO," ASK: (N=24)

11. What sort of operational changes will stay in place?

REMOTE WORK, 37%; CLEANING/SANITIZING, 13%; USE ZOOM MORE OFTEN, 17%; WEAR MASKS, 13%; SOCIAL DISTANCING, 8%; APPOINTMENTS ONLY, 4%; CAPACITY LIMITS, 8%.

Continuing....

12. How would you rate the business climate in Bloomington - excellent, good, only fair or poor? EXCELLENT.....34%
GOOD.....58%
ONLY FAIR.....6%
POOR.....2%
DON'T KNOW/REFUSED.....0%

IF "ONLY FAIR" OR "POOR," ASK: (N=31)

13. Why did you rate the business climate as (only fair/poor)?

TOO MUCH COMPETITION, 23%; VACANT BUSINESSES, 32%; LACK OF CUSTOMERS, 19%; TOO FOCUSED ON MOA, 26%.

14. Is there anything the City government of Bloomington can do to improve the business climate in the city? (DO NOT READ LIST) UNSURE.....22%
NOTHING.....62%
ALLOW SIGNS.....3%
LOWER TAXES.....6%
CITY SPENDING.....1%
MORE REDEVELOPMENT.....2%
TAX INCENTIVES.....2%
EMPLOYEE TRAINING.....2%

IF A RESPONSE IS GIVEN, ASK: (N=64)

15. Specifically, what would you like the City government do about _____?

UNSURE, 3%; REDUCE TAXES, 20%; ALLOW SIGNS, 16%; BUSINESS TAX INCENTIVES, 30%; DEVELOPMENT OF WORKFORCE, 13%; REDEVELOPMENT OF OLDER AREAS, 6%; IMPROVE TRAFFIC FLOW, 5%; SCATTERED, 7%.

- | | | |
|-----|--|---|
| 16. | How optimistic are you about the future of your business in Bloomington - are you very optimistic, somewhat optimistic, not too optimistic or not at all optimistic? | VERY OPTIMISTIC.....59%
SOMEWHAT OPTIMISTIC...32%
NOT TOO OPTIMISTIC....4%
NOT AT ALL OPTIMISTIC..4%
DON'T KNOW/REFUSED....2% |
|-----|--|---|

UNSURE, 15%; NOTHING, 49%; LACK OF EMPLOYEES, 7%; SIGN
RESTRICTIONS, 2%; TRAFFIC CONGESTION, 3%; TRANSPORTATION
COSTS, 2%; COMPETITION, 2%; LACK OF CUSTOMERS, 5%; POOR
ECONOMY, 3%; VIOLENT CRIME, 2%; HIGH TAXES, 3%; HIGH
RENT/LEASE, 2%; SCATTERED, 5%.

	VRS	SMS	NTS	DKR
18. Amount of city taxes?	13%	45%	42%	0%
19. Access to capital?	10%	29%	62%	0%
20. General economic conditions?	37%	55%	9%	0%
21. Cost of doing business?	23%	41%	37%	0%
22. Traffic congestion?	16%	25%	59%	0%
23. Health care costs?	10%	24%	67%	0%
24. High rent or lease?	16%	45%	39%	1%
25. Lack of customers?	10%	35%	55%	1%
26. Availability or access to high speed internet?	8%	15%	77%	0%
27. Availability of public transportation?	9%	13%	77%	2%
28. Crime rates?	11%	36%	54%	0%

- | | | | |
|-----|---|------------------|-----|
| 29. | How many full-time employees work at this location? | NONE..... | 4% |
| | | 1-10..... | 63% |
| | | 11-20..... | 19% |
| | | 21-50..... | 7% |
| | | 51-99..... | 4% |
| | | 100 OR MORE..... | 4% |
| | | DON'T KNOW..... | 0% |
| | | REFUSED..... | 0% |

30.	How many part-time employees work at this location?	NONE.....17%
		1-10.....52%
		11-20.....18%
		21-50.....7%
		51-99.....3%
		100 OR MORE.....3%
		DON'T KNOW.....0%
		REFUSED.....0%
31.	Did the number of full-time employees working at this location increase, decrease or remain about the same during the past twenty-four months?	INCREASE.....6%
		DECREASE.....36%
		REMAIN ABOUT SAME.....58%
		DON'T KNOW.....1%
		REFUSED.....0%
32.	During the next twenty-four months will the number of full-time employees working at this location increase, decrease or remain about the same?	INCREASE.....32%
		DECREASE.....8%
		REMAIN ABOUT SAME.....49%
		DON'T KNOW.....12%
		REFUSED.....0%
33.	Are your employees all on salary, all hourly, all commission or is it a combination?	ALL SALARY.....7%
		ALL HOURLY.....34%
		ALL COMMISSION.....12%
		COMBINATION.....47%
		DON'T KNOW/REFUSED.....1%
IF "HOURLY" OR "COMBINATION," ASK: (N=322)		
34.	What percent of your hourly employees are paid \$15 an hour or more?	20% OR LESS.....14%
		21% TO 49%.....20%
		50% TO 60%.....25%
		61% TO 99%.....10%
		100%.....32%
35.	Do you currently have apprenticeship or internship opportunities? (IF "NO," ASK:) How likely are you to offer these in the future - very likely, somewhat likely or not too likely?	YES.....4%
		NO/VERY LIKELY.....3%
		NO/SOMEWHAT LIKELY.....15%
		NO/NOT TOO LIKELY.....78%
		DON'T KNOW/REFUSED.....0%
36.	Do you currently offer health insurance to your employees?	YES.....62%
		NO.....38%
		DON'T KNOW/REFUSED.....0%
IF "YES," ASK: (N=249)		

For each of the following, please tell me if you offer health insurance to them?

	YES	NO	DKR
37. Full-time salaried employees?	95%	5%	1%
38. Full-time hourly employees?	88%	12%	0%
39. Part-time employees?	15%	84%	1%
40. Do you currently offer paid sick leave to your employees?	YES.....52%	NO.....48%	DON'T KNOW/REFUSED.....0%

IF "YES," ASK: (N=209)

For each of the following, please tell me if you offer paid sick leave to them?

	YES	NO	DKR
41. Full-time salaried employees?	94%	6%	0%
42. Full-time hourly employees?	90%	10%	0%
43. Part-time employees?	52%	47%	1%
44. What percent of your workforce lives in Bloomington?	20% OR LESS.....23%	21% TO 49%.....12%	50% TO 60%.....18%
	61% TO 99%.....30%	100%.....18%	
45. What is the average commute time of your employees to and from work?	UNSURE.....2%	10 MINUTES OR LESS....15%	11 TO 15 MINUTES.....35%
	16 TO 20 MINUTES.....30%	OVER 20 MINUTES.....18%	
46. What percent of your workforce uses public transit to get to and from work?	UNSURE.....40%	10% OR LESS.....22%	11% TO 20%.....9%
	21% TO 30%.....16%	OVER 30%.....13%	
47. Do you currently have electric vehicle charging stations at your business? (IF "NO," ASK:) Do you have any plans to install them in the next few years?	YES.....4%	NO/YES.....5%	NO/NO.....89%
	DON'T KNOW/REFUSED.....3%		

I would like to ask you about the overall composition of your workforce. For each of the following, please tell me approximately what percentage of your workforce is composed of that group.

48.	Non-high school graduates?	NONE.....57%
		10% OR LESS.....16%
		11% TO 24%.....9%
		25%.....9%
		OVER 25%.....9%
49.	High school graduates?	NONE.....21%
		24% OR LESS.....19%
		25% TO 30%.....20%
		31% TO 50%.....23%
		OVER 50%.....18%
50.	Technical or vocational school graduates?	NONE.....11%
		19% OR LESS.....10%
		20%.....14%
		25%.....20%
		26% TO 49%.....23%
		OVER 50%.....22%
51.	College graduates?	NONE.....22%
		10% OR LESS.....15%
		11% TO 25%.....20%
		26% TO 49%.....21%
		OVER 50%.....22%
52.	How would you rate the quality of the labor pool for your business -- excellent, good, only fair, or poor?	EXCELLENT.....24%
		GOOD.....62%
		ONLY FAIR.....12%
		POOR.....1%
		DON'T KNOW/REFUSED.....1%

IF "ONLY FAIR" OR "POOR," ASK: (N=51)

53. Why do you feel that way?

POOR WORK ETHIC, 63%; POOR ATTITUDES, 37%.

54.	How would you rate the quantity of the labor pool for your business -- excellent, good, only fair, or poor?	EXCELLENT.....28%
		GOOD.....54%
		ONLY FAIR.....14%
		POOR.....3%
		DON'T KNOW/REFUSED.....1%

IF "ONLY FAIR" OR "POOR," ASK: (N=69)

55. Why do you feel that way?

NOT ENOUGH WORKERS, 57%; HIGH TURNOVER, 12%; NOT
ENOUGH INTEREST IN MANUAL LABOR, 9%; NOT ENOUGH WITH
CERTIFICATIONS, 6%; PEOPLE WANT TO STAY ON
UNEMPLOYMENT, 17%.

IF "ONLY FAIR" OR "POOR" IN EITHER QUESTION #52 OR #54, ASK:

56. For your business, would you say this issue is already impacting your ability to do business, will it start to impact your ability to do business within a couple of years, or is it more of a long-range concern?
- | | |
|-------------------------|-----|
| ALREADY IMPACTING..... | 89% |
| COUPLE OF YEARS..... | 4% |
| LONG RANGE CONCERN..... | 1% |
| DON'T KNOW/REFUSED..... | 6% |
57. What employment skills and competencies are most important to your company?
- | | |
|-------------------------|-----|
| UNSURE..... | 0% |
| CUSTOMER SERVICE..... | 52% |
| COMMUNICATION..... | 5% |
| PROMPTNESS..... | 5% |
| TECHNOLOGY..... | 3% |
| WORK ETHIC..... | 12% |
| ATTENTION TO DETAILS... | 9% |
| SALES..... | 4% |
| TRADE SKILLS..... | 8% |
| SCATTERED..... | 2% |
58. What employment skills and competencies, if any, need to be improved for the future?
- | | |
|-------------------------|-----|
| UNSURE..... | 6% |
| NONE..... | 20% |
| PROMPTNESS..... | 18% |
| COMMUNICATION..... | 14% |
| ORGANIZATION..... | 13% |
| BEING A TEAM PLAYER.... | 8% |
| ATTENTION TO DETAILS... | 9% |
| TECHNOLOGY..... | 2% |
| CUSTOMER SERVICE..... | 10% |
59. Do you think the availability of housing in Bloomington is a problem for the retention and recruitment of employees at your business? (IF "YES," ASK:) What type of housing would you like to see made available in the city?

UNSURE, 5%; NO, 92%; AFFORDABLE, 2%; SCATTERED, 2%.

Continuing....

60. Has traffic congestion impacted your business? YES.....35%
 NO.....64%
 DON'T KNOW/REFUSED.....1%

IF "YES," ASK: (N=140)

61. Has it impacted your ability to attract and retain employees, customers and clients or both? EMPLOYEES.....15%
 CUSTOMERS/CLIENTS.....21%
 BOTH.....64%
 DON'T KNOW/REFUSED.....0%

62. Do you believe Bloomington has enough public transportation options? YES.....95%
 NO.....1%
 DON'T KNOW/REFUSED.....5%

IF "NO," ASK: (N=4)

63. Has the lack of public transportation options impacted your ability to attract and retain employees, clients and customers or both? EMPLOYEES.....25%
 CUSTOMERS/CLIENTS.....50%
 BOTH.....25%
 DON'T KNOW/REFUSED.....0%

64. How important is access to the airport and freeways to your business - is it very important, somewhat important, not too important or not at all important? VERY IMPORTANT.....22%
 SOMEWHAT IMPORTANT....40%
 NOT TOO IMPORTANT.....28%
 NOT AT ALL IMPORTANT..10%
 DON'T KNOW/REFUSED.....0%

Let's now talk about City services....

65. How would you rate the City of Bloomington's attitudes and responsiveness toward local businesses -- excellent, good, only fair or poor? EXCELLENT.....18%
 GOOD.....72%
 ONLY FAIR.....7%
 POOR.....3%
 DON'T KNOW/REFUSED.....0%

IF "ONLY FAIR" OR "POOR," ASK: (N=41)

66. Why did you rate them as (only fair/poor)?

TOO FOCUSED ON MOA, 32%; VACANT BUSINESSES, 32%; MORE POLICE PATROLLING, 34%; SCATTERED, 2%.

67. How much do you follow the work of the Mayor and City Council - a lot, some, not too much or not at all? A LOT.....4%
 SOME.....53%
 NOT TOO MUCH.....35%
 NOT AT ALL.....8%
 DON'T KNOW/REFUSED....0%

68.	From what you know, how would you rate the job performance of the Mayor and City Council -- excellent, good, only fair, or poor?	EXCELLENT.....16% GOOD.....58% ONLY FAIR.....16% POOR.....7% DON'T KNOW/REFUSED....3%
-----	--	---

69.	During the past year, have you had interaction on an official basis with anyone working for the City of Bloomington?	YES.....23% NO.....77% DON'T KNOW.....0%
-----	--	--

IF "YES," ASK: (N=91)

70.	In general, were you satisfied or dissatisfied with the way in which that contact was handled by the City?	SATISFIED.....87% DISSATISFIED.....10% DON'T KNOW.....0% REFUSED.....3%
-----	--	--

IF "DISSATISFIED," ASK: (N=9)

71. Why were you dissatisfied?

NO RESPONSE, 33%; DON'T LISTEN, 33%; NO ACTION TAKEN, 33%.

72.	All in all, do you think things in Bloomington are headed in a positive direction, or are things off on the wrong track?	POSITIVE DIRECTION....87% WRONG TRACK.....6% DON'T KNOW.....6% REFUSED.....1%
-----	--	--

IF "WRONG TRACK," ASK: (N=24)

73. Why do you feel things are off on the wrong track?

RISING CRIME, 46%; HIGH TAXES, 38%; VACANT BUSINESSES, 17%.

74.	When you consider the property taxes you pay and the quality of city services you receive, would you rate the general value of city services as excellent, good, only fair or poor?	EXCELLENT.....8% GOOD.....74% ONLY FAIR.....11% POOR.....3% DON'T KNOW/REFUSED....4%
-----	---	--

IF "ONLY FAIR" OR "POOR," ASK: (N=55)

75. Why did you rate the value as (only fair/poor)?

SIGNAGE RESTRICTIONS, 36%; HIGH TAXES, 40%; TOO MUCH GOES TO MOA, 7%; POOR CITY SERVICES, 15%; SCATTERED, 2%.

For your information, approximately 15% of business property taxes goes to the City of Bloomington to fund city services.

76. Does this information, change your perception of the value of city services? (IF "YES," ASK:) Does it make it a much better value, somewhat better value, somewhat worse value or much worse value?	MUCH BETTER.....10%
	SOMEWHAT BETTER.....42%
	SOMEWHAT WORSE.....1%
	MUCH WORSE.....0%
	NO CHANGE.....47%
	DON'T KNOW/REFUSED.....0%

Changing topics....

I am going to read you a list of items which the City of Bloomington could focus on. After I read each item, please tell me if the City should have a great focus, some focus, little focus or no focus at all on that item.

	GRT	SOM	LIT	NOF	DKR
77. Retaining and growing existing businesses?	70%	29%	1%	0%	0%
78. Recruiting new businesses?	63%	32%	5%	0%	0%
79. Low interest small business loans for business improvements?	50%	41%	8%	0%	1%
80. Investing in redevelopment?	44%	43%	11%	1%	2%
81. Building traffic infrastructure, such as roads, highways and public transportation?	32%	42%	23%	3%	0%
82. Supporting the development of workforce or affordable housing?	32%	49%	18%	0%	1%
83. Improving communication with businesses?	40%	45%	15%	0%	1%
84. Assisting in efforts to attract qualified workers and talent?	34%	52%	13%	1%	0%
85. Assisting in efforts to better train existing workers?	29%	57%	12%	1%	1%
86. Expanding co-working or collaborative workspaces?	40%	34%	23%	2%	2%
87. Sustainability, such as improving energy efficiency and water management?	40%	44%	16%	1%	0%

Some cities and counties are helping to create business incubators which guide startup businesses to independence by providing

funding, classes, and workshops and allows them to use in-house services, such as legal and accounting services.

88.	Do you think this sounds like a good idea? (WAIT FOR RESPONSE) Do you feel strongly that way?	GOOD IDEA/STRONGLY.....19%
		GOOD IDEA.....65%
		BAD IDEA.....6%
		BAD IDEA/STRONGLY.....2%
		DON'T KNOW/REFUSED.....8%

Some cities and counties are forming partnerships with their local school district or community colleges to enhance career, technical and vocational programs and offerings.

89.	Do you think these partnerships are a good idea or a bad idea? (WAIT FOR RESPONSE) Do you feel strongly that way?	GOOD IDEA/STRONGLY.....29%
		GOOD IDEA.....69%
		BAD IDEA.....1%
		BAD IDEA/STRONGLY.....0%
		DON'T KNOW/REFUSED.....1%

90.	Do you think these partnerships could help benefit your business in the future?	YES.....62%
		NO.....29%
		DON'T KNOW/REFUSED.....10%

91.	Prior to this survey, were you aware of the City's MCCD "Open to Business" program offering technical and financial assistance to all businesses in Bloomington?	YES.....64%
		NO.....36%
		DON'T KNOW/REFUSED.....0%

Turning to communications....

92.	What is your primary source of information about Bloomington City government, services and activities?	DON'T KNOW/REFUSED.....1%
		"BRIEFING" NEWSLETTER.49%
		E-MAILS FROM CITY.....15%
		CITY WEBSITE.....26%
		CITY SOCIAL MEDIA.....5%
		LANDLORD/PROPERTY OWNER.....5%

93.	How would you prefer to receive this information from the City?	DON'T KNOW/REFUSED.....0%
		"BRIEFING" NEWSLETTER.49%
		E-MAILS FROM CITY.....22%
		CITY WEBSITE.....22%
		CITY SOCIAL MEDIA.....5%
		LANDLORD/PROPERTY OWNER.....2%

94.	Overall, how informed do you feel about Bloomington City government, services and activities - very informed, somewhat informed, not too informed or not at all informed?	VERY INFORMED.....21%
		SOMEWHAT INFORMED.....53%
		NOT TOO INFORMED.....21%
		NOT AT ALL INFORMED....4%
		DON'T KNOW/REFUSED.....1%

Let's talk about your business location for a moment....

95. Which of the following areas of the City of Bloomington do you consider your business location part of? (READ LIST)

IN MALL OF AMERICA.....	11%
494 STRIP.....	19%
SOUTH LOOP.....	6%
35W CORRIDOR.....	5%
OLD SHAKOPEE ROAD.....	17%
LYNDALE AVENUE.....	21%
PENN AMERICAN.....	10%
NORMANDALE LAKES.....	1%
WEST BLOOMINGTON INDUSTRIAL AREA.....	6%
SCATTERED.....	3%
DON'T KNOW/REFUSED.....	2%

IF "494 STRIP" OR "OLD SHAKOPEE ROAD," ASK: (N=146)

96.	Are you east or west of 35W?	EAST.....40%
		WEST.....60%
		DON'T KNOW/REFUSED.....0%
97.	Does your business own the building in which you are located, or are you a tenant?	OWN.....25%
		TENANT.....75%
		DON'T KNOW.....0%
		REFUSED.....0%
98.	Is your business home-based?	YES.....4%
		NO.....96%
		DON'T KNOW.....0%
		REFUSED.....0%

Within the next five years, does your business have plans to....

	YES	NO	DKR
99. Expand in Bloomington?	10%	88%	2%
100. Downsize in Bloomington?	0%	100%	0%
101. Relocate in Bloomington?	1%	99%	0%
102. Relocate outside of Bloomington?	0%	100%	0%

IF "YES" TO #102, ASK: (N=0)

103. Is there one major reason why you are planning to relocate outside of Bloomington?

NOT APPLICABLE.

104. Where are you planning to relocate your business?

NOT APPLICABLE.

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

105. Could you tell me your position or title in this company?

MANAGER, 48%; OWNER, 33%; BUSINESS MANAGER, 3%; PRESIDENT, 4%; MANAGING PARTNER, 4%; CEO, 4%; SALES MANAGER, 4%.

106. In what city do you live?

BLOOMINGTON, 68%; MINNEAPOLIS, 6%; EAGAN, 3%; EDINA, 6%; MINNETONKA, 2%; CHANHASSEN/CHASKA, 3%; APPLE VALLEY, 2%; SHAKOPEE/SAVAGE, 2%; SCATTERED, 8%.

IF "NOT IN BLOOMINGTON," ASK: (N=126)

107. Could you tell me one or two reasons why you live in _____?

UNSURE, 2%; CLOSE TO FRIENDS/FAMILY, 15%; EASY COMMUTE, 10%; SCHOOLS, 10%; SAFE, 15%; GOOD PLACE TO RAISE FAMILY, 2%; HOUSING/NEIGHBORHOOD, 28%; ALWAYS LIVED THERE, 7%; NICE CITY, 6%; PARKS/LAKES, 4%; SCATTERED, 2%.

108. Have you heard of the Chamber of Commerce? (IF "YES," ASK:) Are you a member of the Chamber of Commerce? (IF "NO," ASK:) Have you been a member in the past?

NO.....	6%
YES/YES.....	13%
YES/NO/YES.....	13%
YES/NO/NO.....	65%
DON'T KNOW/REFUSED.....	3%

109. What is your age, please? (READ CATEGORIES, IF NEEDED)

UNDER 25.....	0%
25-39.....	38%
40-64.....	58%
65 AND OVER.....	4%
REFUSED.....	0%

110. Which of the following categories represents your race or ethnicity - American Indian or Alaskan Native, Asian, Black or African American, Latino or Latina or Latinx, Native Hawaiian or Other Pacific Islander, White or is your race or ethnicity not listed?

(IF "NOT LISTED," ASK:) What would that be?

AMERICAN INDIAN/ALASKAN NATIVE.....	2%
ASIAN.....	6%
BLACK/AFRICAN AMERICAN.....	16%
LATINO/LATINA/LATINX.....	6%
NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER.....	1%
WHITE.....	66%
NOT LISTED.....	0%
DON'T KNOW/REFUSED.....	3%

111. What is your gender identity?	MALE.....	58%
	FEMALE.....	41%
	NON-BINARY.....	1%
	REFUSED/NOT LISTED.....	0%

112. ZIPCODE (FROM LIST)	55420.....	28%
	55425.....	26%
	55431.....	23%
	55435.....	4%
	55437.....	11%
	55438.....	5%
	55439.....	4%

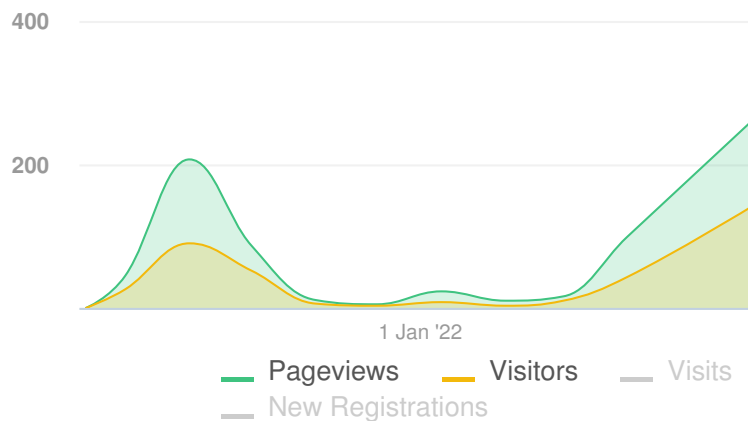
Project Report

26 August 2020 - 30 May 2022

Let's Talk Bloomington Earned Sick and Safe Leave



Visitors Summary

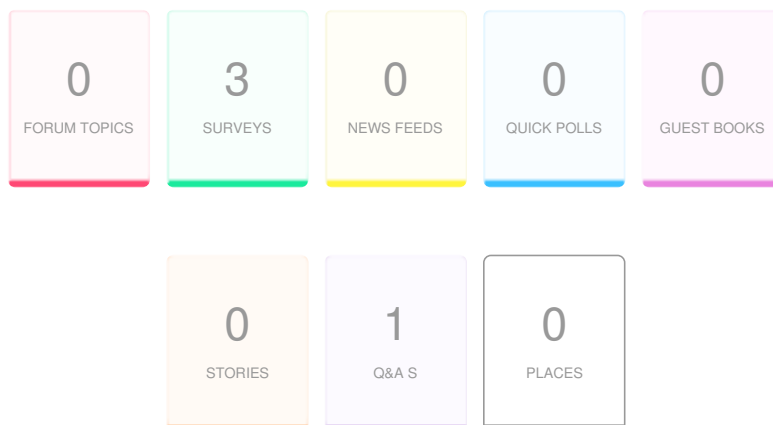


Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
417	36	
NEW REGISTRATIONS		
3		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
59	144	333

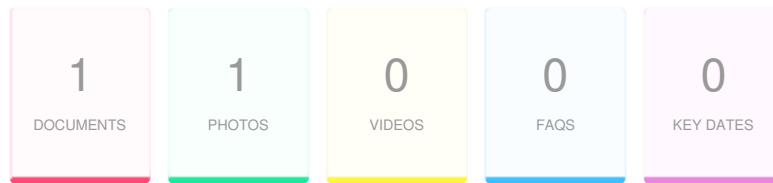
Aware Participants333		Engaged Participants59			
Aware Actions PerformedParticipants		Engaged Actions Performed			
Visited a Project or Tool Page333		Registered	Unverified	Anonymous	
Informed Participants144		Contributed on Forums	0	0	0
Informed Actions PerformedParticipants		Participated in Surveys	3	0	55
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	5	Participated in Quick Polls	0	0	0
Downloaded a document	4	Posted on Guestbooks	0	0	0
Visited the Key Dates page	5	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	1	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	78	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	59				

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Qanda	We are listening	Published	39	0	1	0
Survey Tool	EMPLOYER Survey	Published	49	1	0	28
Survey Tool	EMPLOYEE Survey	Published	64	2	0	26
Survey Tool	NEW: Proposed Ordinance Survey	Published	34	0	0	5

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Photo	Levels of Engagement Inform Consult _2.jpg	5	6
Key Dates	Key Date	5	5
Document	Earned Leave_QandA.pdf	4	5

QANDA

We are listening

Visitors 39	Contributors 1	CONTRIBUTIONS 1
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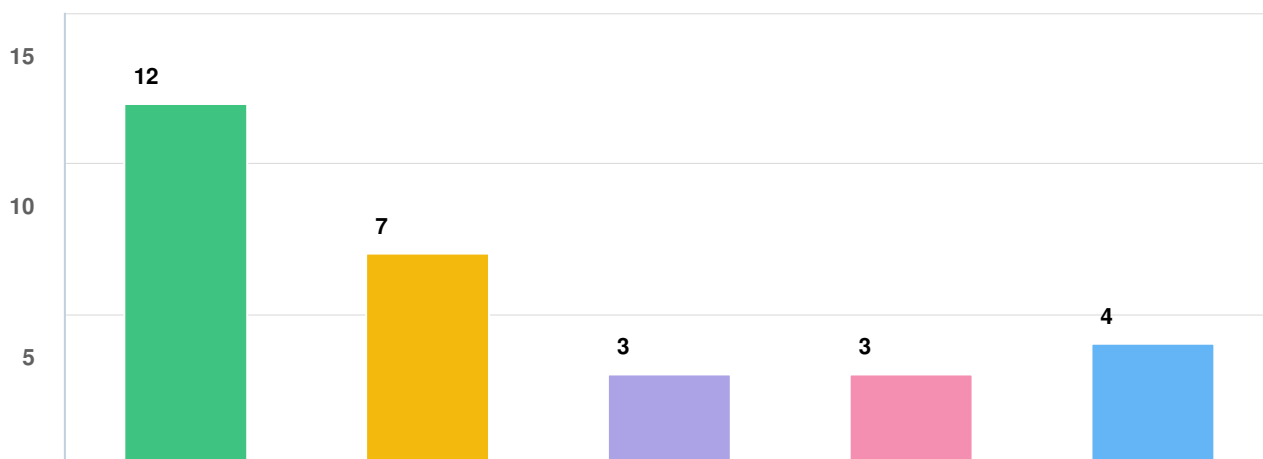
No Responses

ENGAGEMENT TOOL: SURVEY TOOL

EMPLOYER Survey

Visitors 49	Contributors 29	CONTRIBUTIONS 29
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What zip code(s) is your business(es) located in? Check all that apply if you have multiple businesses in Bloomington.



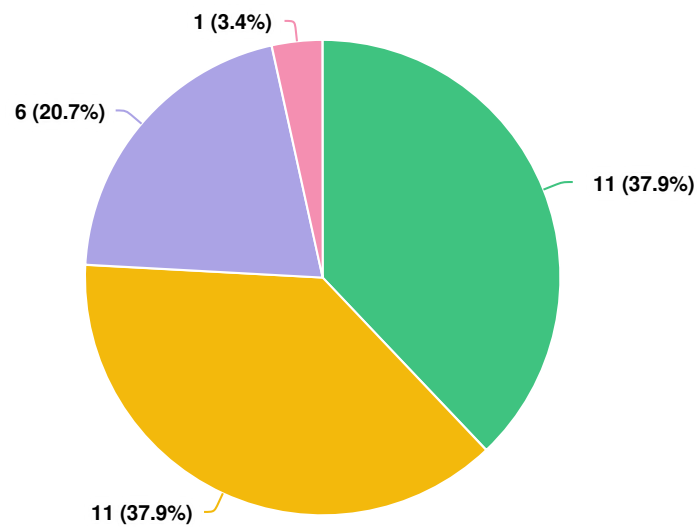
Question options

● 55420
 ● 55431
 ● 55437
 ● 55438
 ● Outside of Bloomington (please specify)

Optional question (29 response(s), 0 skipped)

Question type: Checkbox Question

How many employees does your business or organization employ?



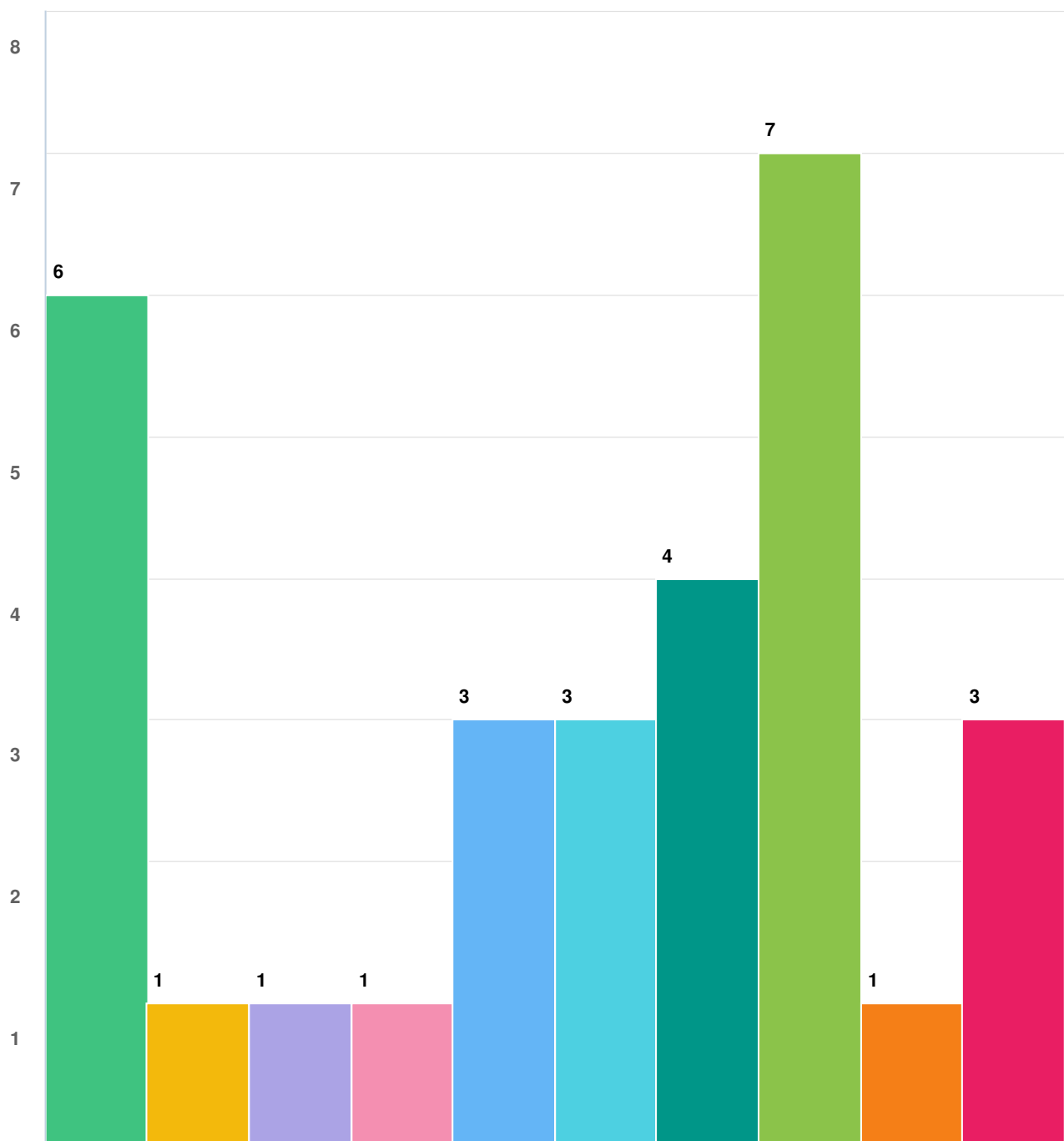
Question options

☒ Up to 5 ☒ 6 - 20 ☐ 20 - 49 ☐ 50+

Optional question (29 response(s), 0 skipped)

Question type: Radio Button Question

What industry classification best describes your business(es)?



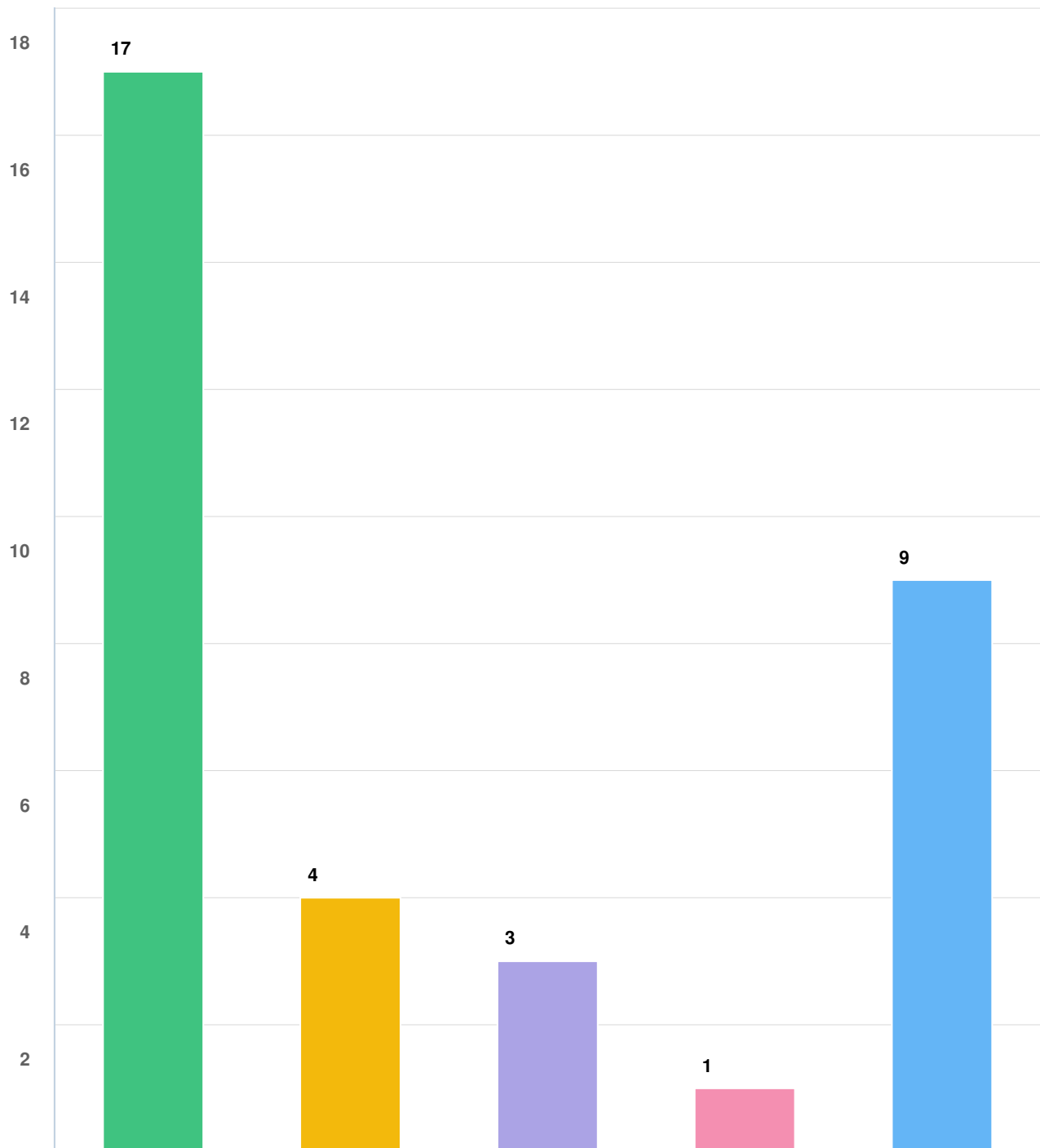
Question options

- Accommodation and Food Services
 ● Administrative and Waste Services
 ● Arts, Entertainment, and Recreation
- Finance and Insurance
 ● Health Care and Social Assistance
 ● Manufacturing
 ● Professional and Technical Services
- Retail Trade
 ● All Other Industries
 ● Other (please specify)

Optional question (29 response(s), 0 skipped)

Question type: Checkbox Question

**Do you provide paid leave time to your employees in any of the following categories:
(Check all that apply)**



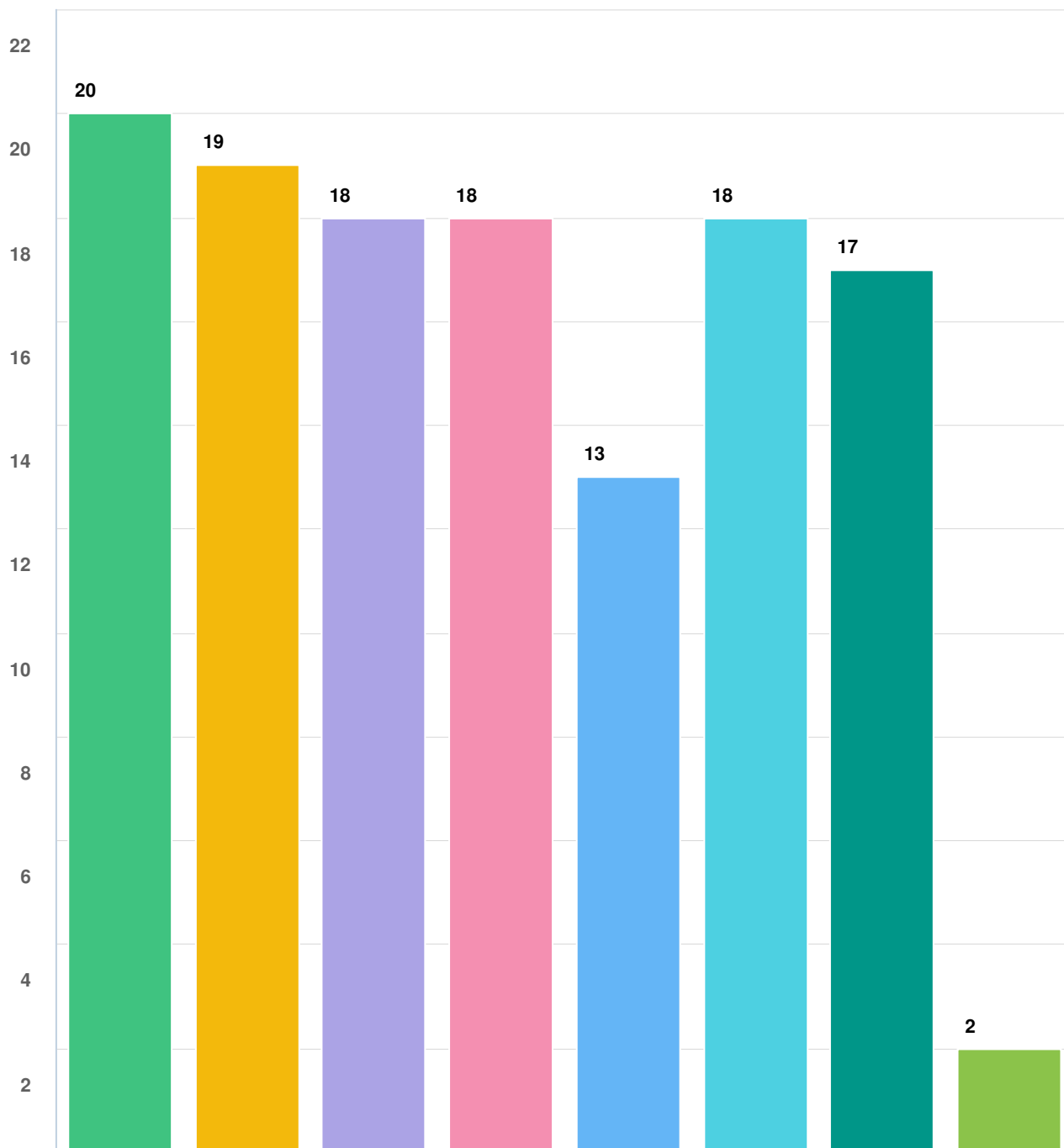
Question options

- Yes, to full-time employees
- Yes, to part-time employees working a certain number of hours per week
- Yes, to all part-time employees
- Yes, to temporary employees
- No, no paid leave time provide to any employee

Optional question (28 response(s), 1 skipped)

Question type: Checkbox Question

If you provide paid leave time, what are the eligible uses for that time? (Check all that apply)



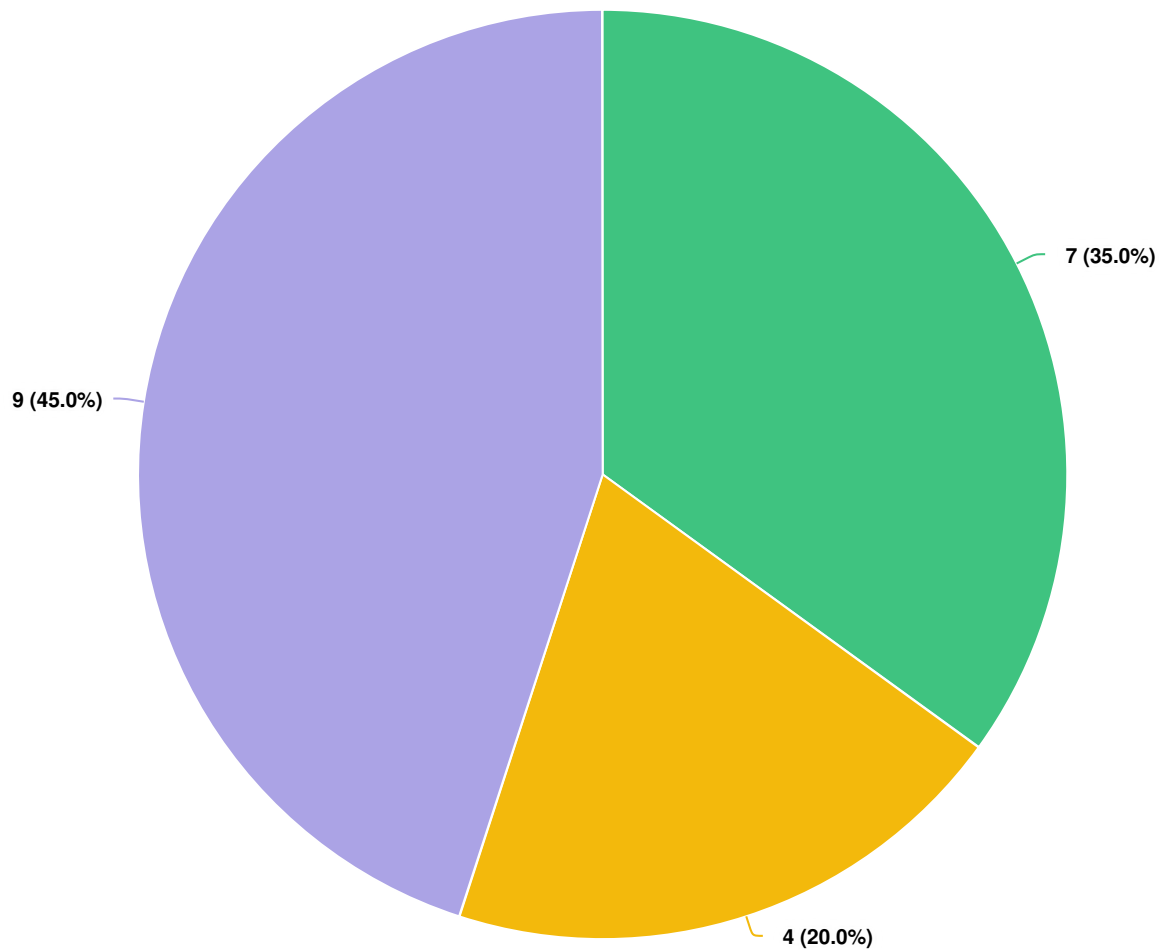
Question options

- Employee Illness
 ● Employee medical appointment
 ● Family member illness
 ● Family member medical appointment
- To address/resolve issues of domestic violence, stalking or harassment
 ● Other family emergency
- For rest and relaxation (i.e. vacation)
 ● Other (please specify)

Optional question (20 response(s), 9 skipped)

Question type: Checkbox Question

Which of the following best describes the way paid leave is earned:



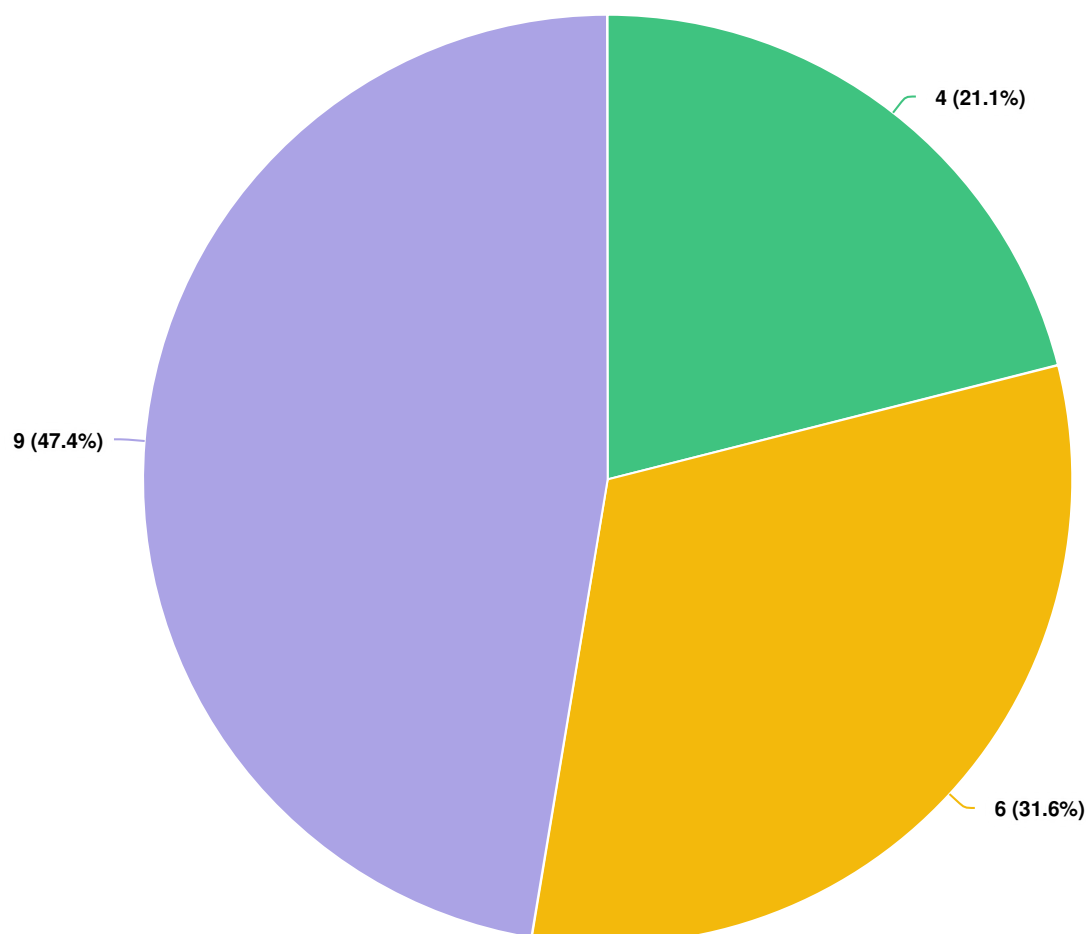
Question options

- ☒ An hour of leaver for a certain number of hours worked
- ☐ A set amount per pay period
- ☐ An annual amount awarded at the beginning of each year

Optional question (20 response(s), 9 skipped)

Question type: Radio Button Question

If you currently provide paid leave time to your employees, which category best describes the amount of leave provided, assuming the employee is full-time?



Question options

☐ 7 or fewer days per year (56 hours per year or fewer) ☐ 8-14 days per year ☐ 15+ days per year

Optional question (19 response(s), 10 skipped)

Question type: Radio Button Question

Report generated at: 2022-05-31 10:25:36 by Tracy Smith
Project: Earned Sick and Safe Leave
SurveyTool: EMPLOYER Survey [2020-08-26 to 2022-05-31]

Question: <p>Please offer any comments, suggestions or opinions you would like to share as the City considers an earned sick and safe leave ordinance. </p>

(Showing 16 of total 16)

No. Contribution

What are you thinking?

1 This is not a City issue and any legislation should come from the State or Federal Government. Focus on what a city should be doing such as safety (police), fire, roads, water, sewer, and our parks.

If the City leadership wants to become an extension of Minneapolis, they should know they have the freedom to relocate.

2 Every worker deserves paid leave. We're all humans - don't listen to the selfish owners who have lost sight of their workers' needs and lives.

this is absolutely government overreach and will 1. keep businesses from being in Bloomington and 2. hurt many small business segments, especially things like hair salons, seasonal businesses and more. Stay out of businesses locally.

4 If an ordinance is implemented, make the requirements identical to the Minneapolis and St. Paul ordinances, otherwise it's an accounting nightmare for small businesses.

5 The city should not tell a private business how they run their business. Especially a small business.

I have been successful for 30 years in business, providing a safe work environment with excellent pay and benefits. Most of my employees have been with me for 10 or more years. I don't need the city to get involved in my business and start dictating through an ordinance how to operate. If the city implements such an ordinance on our business it would force me to lower pay and the number of employees. This would place a financial burden on small businesses as they are trying to get back on their feet due to COVID-19. Please reconsider your involvement.

As a small business retailer in mall of America. We have trouble getting staff to cover available hours all ready. If someone calls in, we don't even have enough staff to get the shift covered and the store closes for that shift which. So we lose out on those sales for that time. If we paid out sick time. We would be closed, with no revenue and still paying that person. That's too much for a small business like ours

8 You cannot enact a sick leave ordinance. Big corporations are in favor of it because they know it will harm the little guy competitor.

I'm sure my company's current policies will exceed the ordinance, so I'm not worried for myself, but Bloomington is already viewed as very unfriendly to business. I have numerous colleagues and friends who have either moved their businesses out of Bloomington or avoided Bloomington from the beginning; taking their tax dollars elsewhere. This ordinance, an upcoming (potential) sales tax referendum to fund the parks, the upcoming flavored tobacco ban, very stringent zoning/code requirements, etc., are driving business out of Bloomington. Some of these things have helped to preserve us as a great place to live, but they keep piling up year after year. They are hurting commercial property values and driving jobs towards neighboring communities, that I'd rather see paying taxes here.

I would very strongly encourage you not to pursue this ordinance.

10 I am not in favor of safe and sick time being forced upon employers

- For many small businesses this is an extreme financial undertaking to have to provide for all staff. If this is something we will have to start paying for, we will have to raise all of our prices here by quite a lot. We pride ourselves that we can provide our products at a reasonable price for average income families. People that get jobs in certain industries and positions, take it with the understanding there is no paid time off or sick leave. There are many places these people could get jobs that provide said
- 11 benefits. I myself, before owning my own business, took care of my own health care and had a savings account for when these issues occurred because I knew it was my responsibility to take care of myself and family. I happily took my job knowing full well there was no health insurance or paid time off. These are things that grown people should be thinking about before they make a job decision. It is not the employers responsibility to constantly take care of every aspect of their employees life. I know many employers that go above and beyond already taking care of their staff in other ways.
- 12 Your survey question is misleading. What categories of paid leave. I will move my business if Bloomington decides to further complicate my business. We don't need another level of bureaucracy.
- 13 Being a small business struggling to survive post covid and to find employees there is no way I could afford this.
- I dont believe there should be an ordinance pertaining to this. As an employer I chose to offer this benefit to full time employees to attract and retain the best talent (and it is expensive). I don't feel it is
- 14 city governments place to mandate that all Bloomington businesses offer this. Let free market and competition dictate. There are plenty of places for employees to find jobs that chose to offer these benefits, without a mandate.
- Do NOT make this change. It's administratively burdensome. Covid has already made it incredibly
- 15 challenging to be an employer. You're going to put us out of business and then the least of our employees concerns will be paid sick leave... it will be a bigger concern to them if they're unemployed! Stay out of business!! And I'm a Democrat!
- Bad idea for very small businesses. 2021 business is still down 40% from pre-covid 2019.
- 16 Manufacturing supplies have risen 8-58% I have raised pay up 25% and started providing holiday pay. Do you want to bleed me dry? I will lay off people and/or eliminate holiday pay (unless you force me to pay that too). Get real....

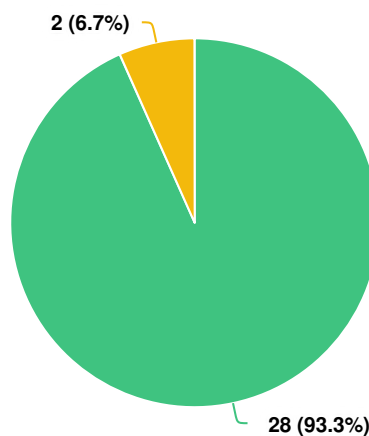
END OF REPORT

ENGAGEMENT TOOL: SURVEY TOOL

EMPLOYEE Survey

Visitors 64	Contributors 28	CONTRIBUTIONS 30
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Do you work in Bloomington?



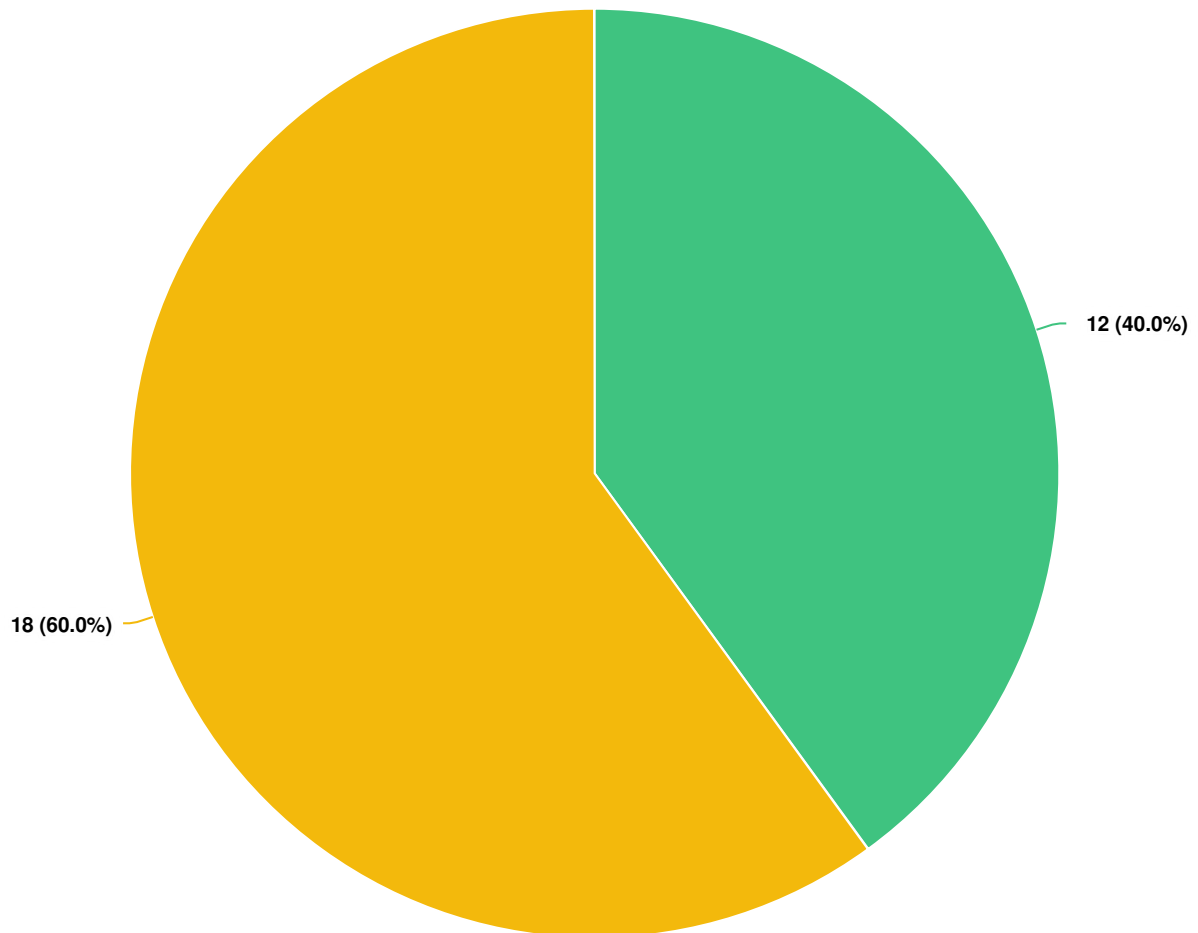
Question options

- Yes
- No

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Do you live in Bloomington?



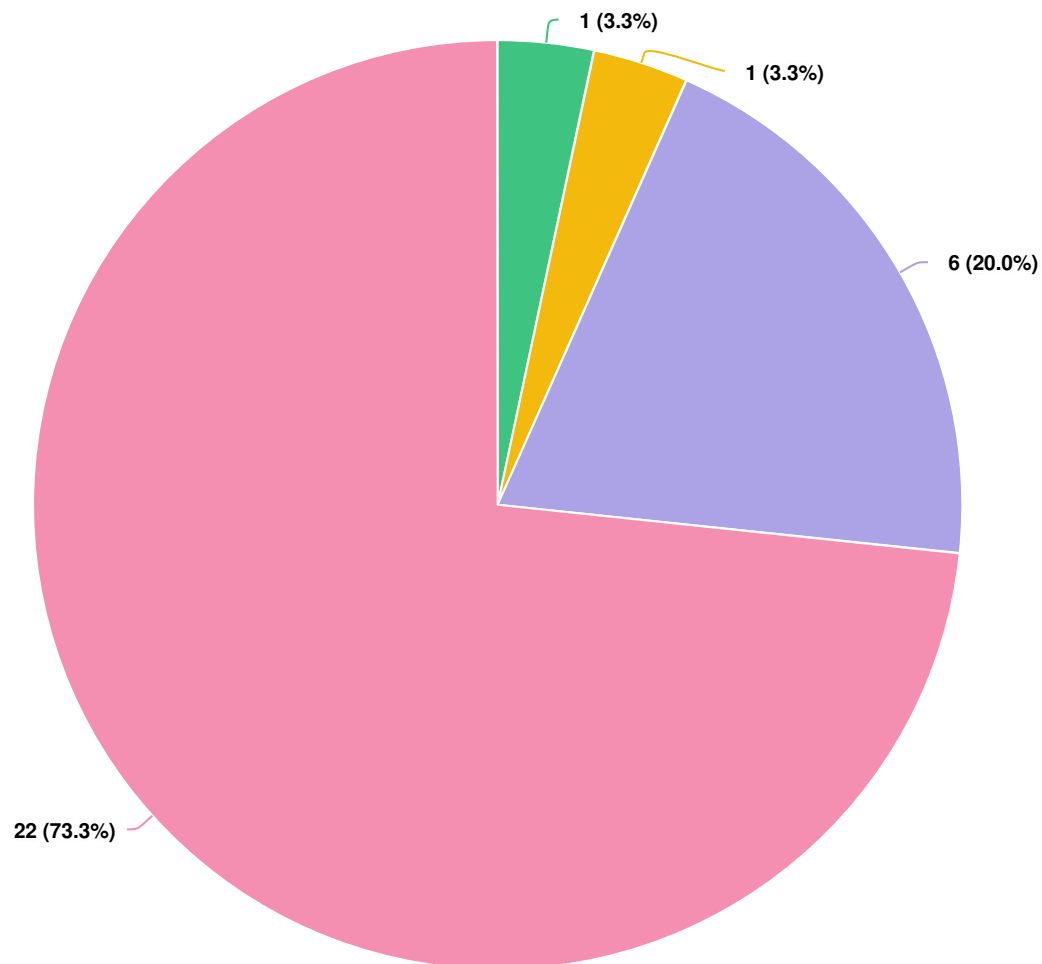
Question options

☐ Yes ☐ No

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

How many hours per week do you typically work?



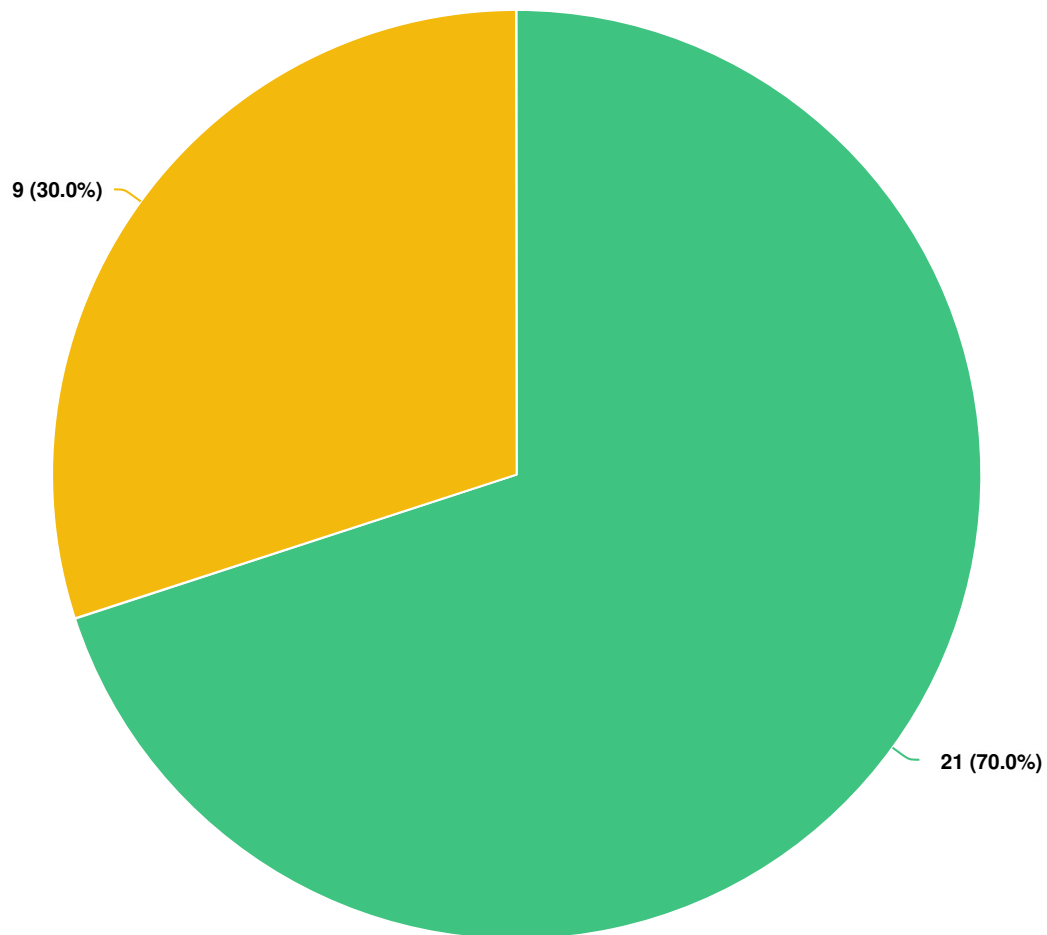
Question options

● 0-8 hours ● 9-16 hours ● 24-32 hours ● 40

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Does your job provide you with paid time off?



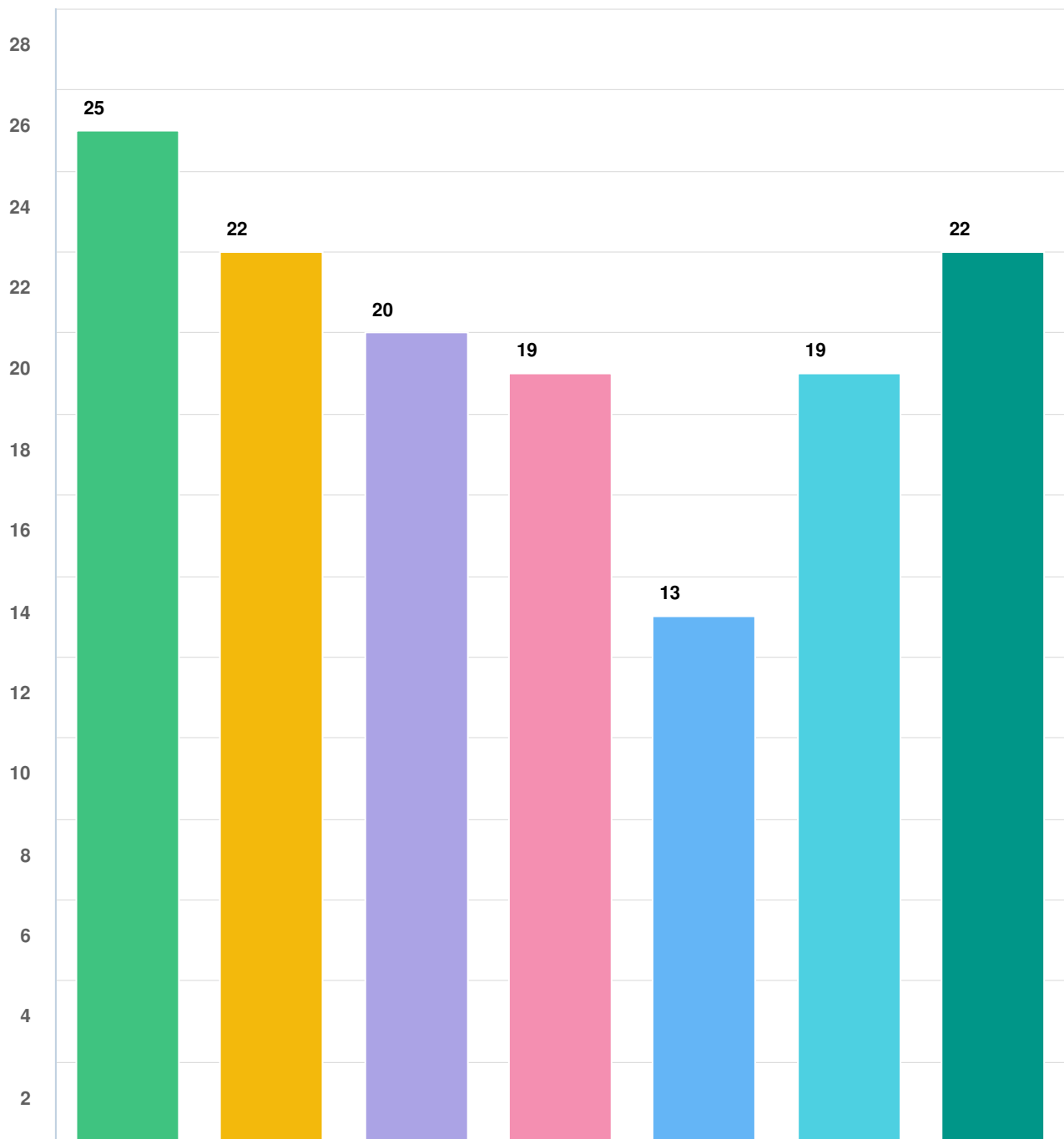
Question options

● Yes ● No

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

If you are eligible for paid time off, what can you use it for? (Check all that apply)



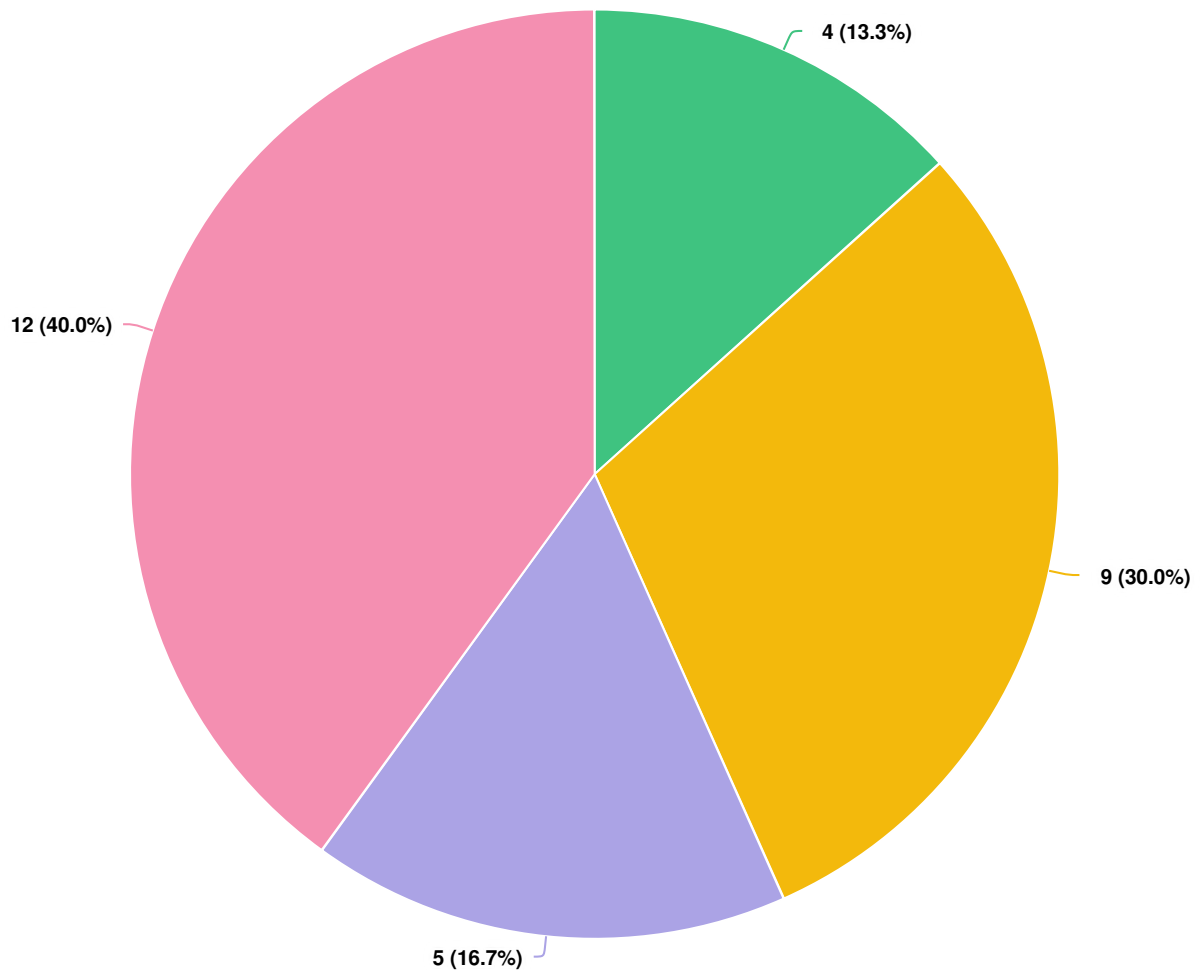
Question options

- Illness ● Medical appointment ● Family member illness ● Family member medical appointment
- To address / resolve issues of domestic violence, stalking or harassment ● Other family emergency
- For rest and relaxation (i.e. vacation)

Optional question (27 response(s), 3 skipped)

Question type: Checkbox Question

What category best describes your wage level?



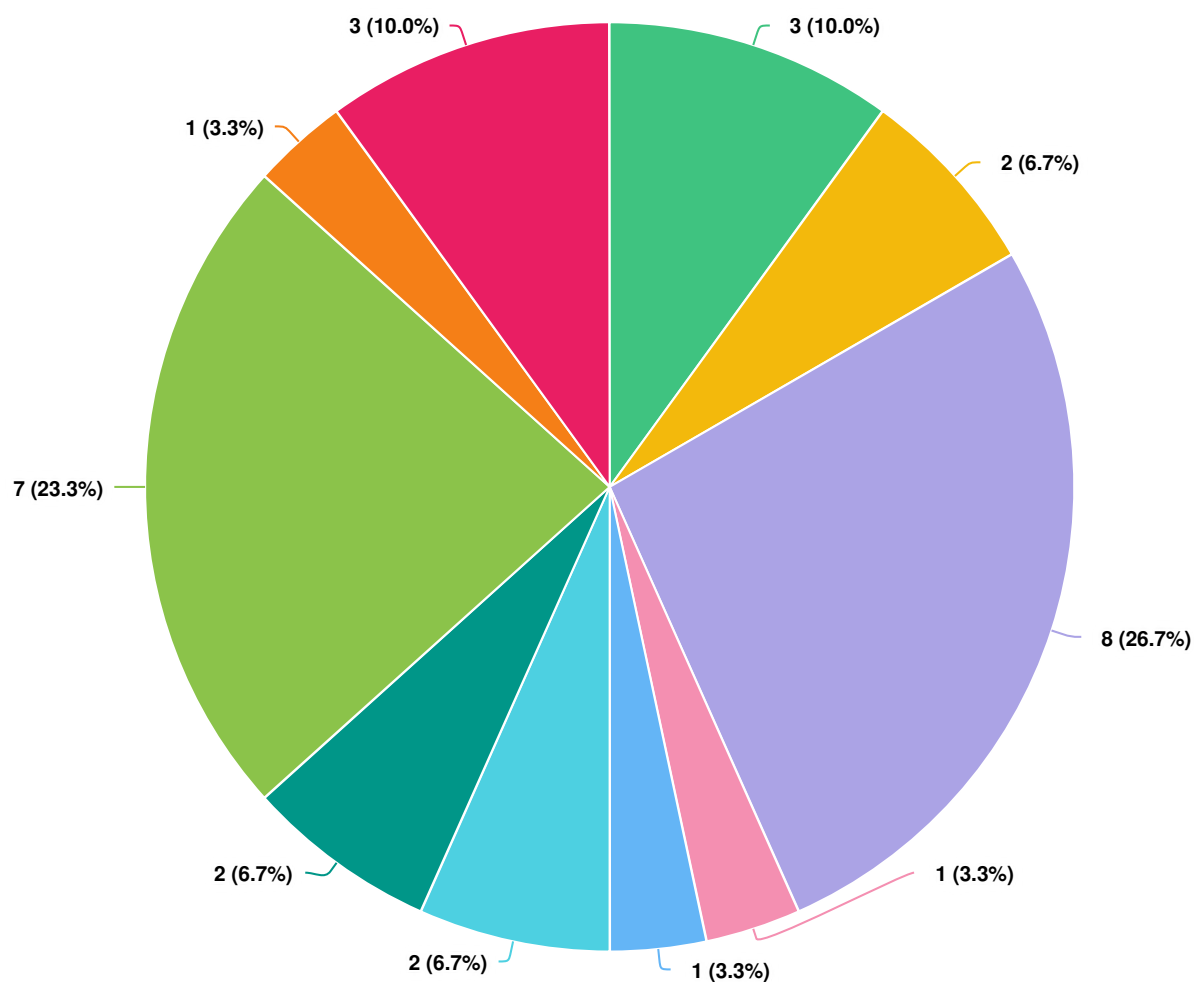
Question options

● \$10.09 - \$15.00 ● \$15.01 - \$20.00 ● \$20.01 - \$30.00 ● More than \$30.00

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

What industry classification best describes the field you work in?



Question options

- Accommodation and Food Services
 ● Arts, Entertainment, and Recreation
 ● Health Care and Social Assistance
- Information
 ● Manufacturing
 ● Professional and Technical Services
 ● Public Administration
 ● Retail Trade
- Educational Services
 ● Other (please specify)

Optional question (30 response(s), 0 skipped)

Question type: Radio Button Question

Report generated at: 2022-05-31 10:22:47 by Tracy Smith
Project: Earned Sick and Safe Leave
SurveyTool: EMPLOYEE Survey [2020-08-26 to 2022-05-31]
END OF REPORT

(Showing 13 of total 13)

- | No. | Contribution |
|-----|---|
| | ESSL should be negotiated between employer and employee. The City should stay out of it. Many employers run on small margins and increasing their cost of doing business could mean lowering wages or layoffs which ultimately hurts workers. Businesses in favor of creating new regulations such as these are |
| 1 | already financially stable and understand imposing them on those who are struggling or trying to get started simply washes away their competition. Be skeptical of any business owner that says this is a good idea as there is nothing stopping them from providing ESSL now, so what is their motivation to make someone else do it, too? |
| | Leave things alone. Employers don't need the city counsel forcing them to take care of their employees. |
| 2 | All that will be accomplished by forcing them to do things will be layoffs to meet your requirements (like the minimum wage stuff). Leave things alone. |
| | This ordinance is incredibly important and necessary for anyone that relies on consistent income to pay their bills. Many retail workers live paycheck to paycheck and cannot afford to miss out on money if they |
| 3 | happen to become sick or need to visit a doctor. A couple days of lost income could result in someone not being able to pay their rent. It is only fair to support the workers who keep the businesses of Bloomington running. |
| 4 | Bloomington should match Minneapolis for earned sick and safe leave. |
| | As an employee working in food service, sick paid time off is absolutely necessary to prevent the outbreak |
| 5 | of food-borne illnesses. At my company, employees are taught to stay home when sick and required to sign agreements to that effect, yet most do not due of the loss of income on top of not having people to cover shifts. |
| | Sick and safe leave should be given to all workers in the City of Bloomington whether that's part-time or full-time. There should not be a cap for sick and safe leave hours. There should also be an option for a |
| 6 | sick and safe leave donation if an employee would like to donate their sick and safe leave to another employee whom may not have enough sick and safe leave hours to use. |
| 7 | I think employee should be eligible for paid time off and I think the city should consider that as it helps employees a lot in so many ways |
| 8 | I think we should be entitled to PTO especially when it's taken away from you |
| 9 | As of May 6, 2022 my employer no longer offer PTO due to the cost of living and doing business. I opposed this change. |
| 10 | I wanted my job to provide PAY TIME OFF AND SICK PAY |
| 11 | I think it's a great offering for part time employees! |
| 12 | It would be great to see legislation that makes unused PTO also carry over each year or get paid out. |
| 13 | Please make this happen. |

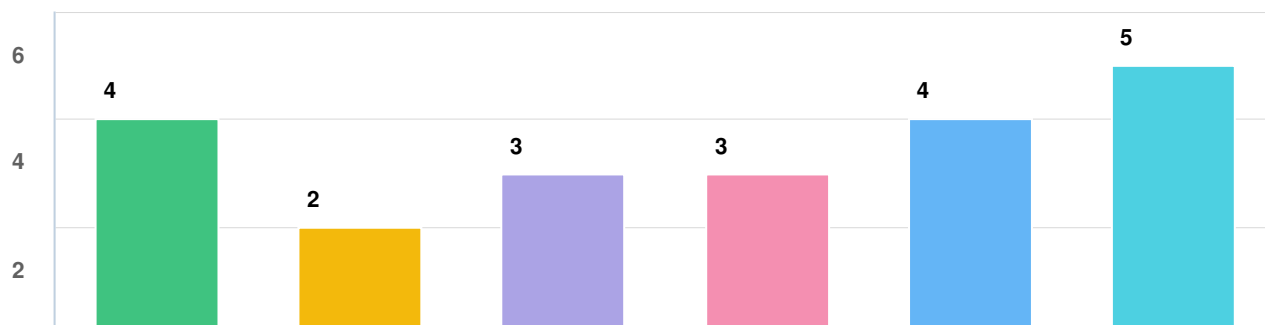
END OF REPORT

ENGAGEMENT TOOL: SURVEY TOOL

NEW: Proposed Ordinance Survey

Visitors 34	Contributors 5	CONTRIBUTIONS 5
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What parts of the proposed ordinance ARE clear to you?



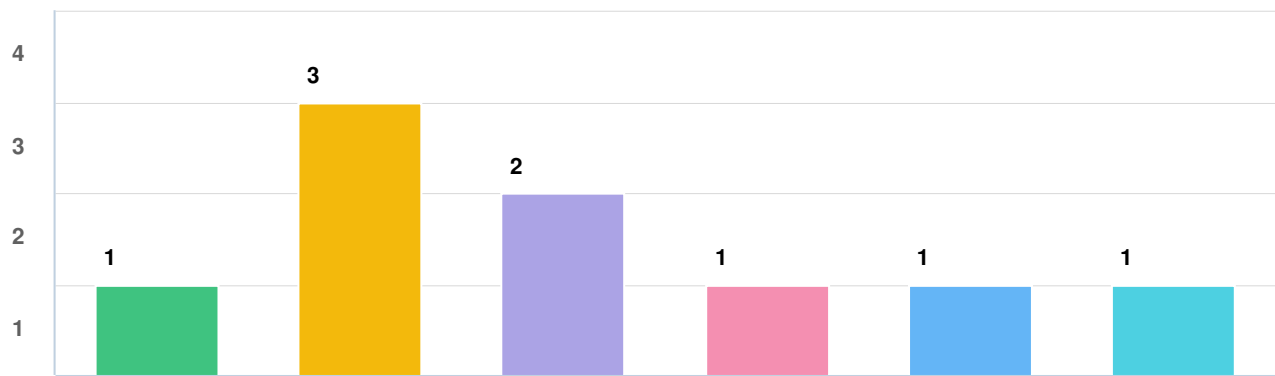
Question options

- The public health individual and public health impact
- Ease of employer compliance across municipalities
- City (and community) infrastructure to support compliance
- Needs of specific types of small employers (e.g. <5 employees)
- Rights of specific types of employees
- How the proposed ordinance works (hours of ESSL earned for hours worked, maximums, terms and definitions)

Optional question (5 response(s), 0 skipped)

Question type: Checkbox Question

What parts of the proposed ordinance are NOT clear to you?



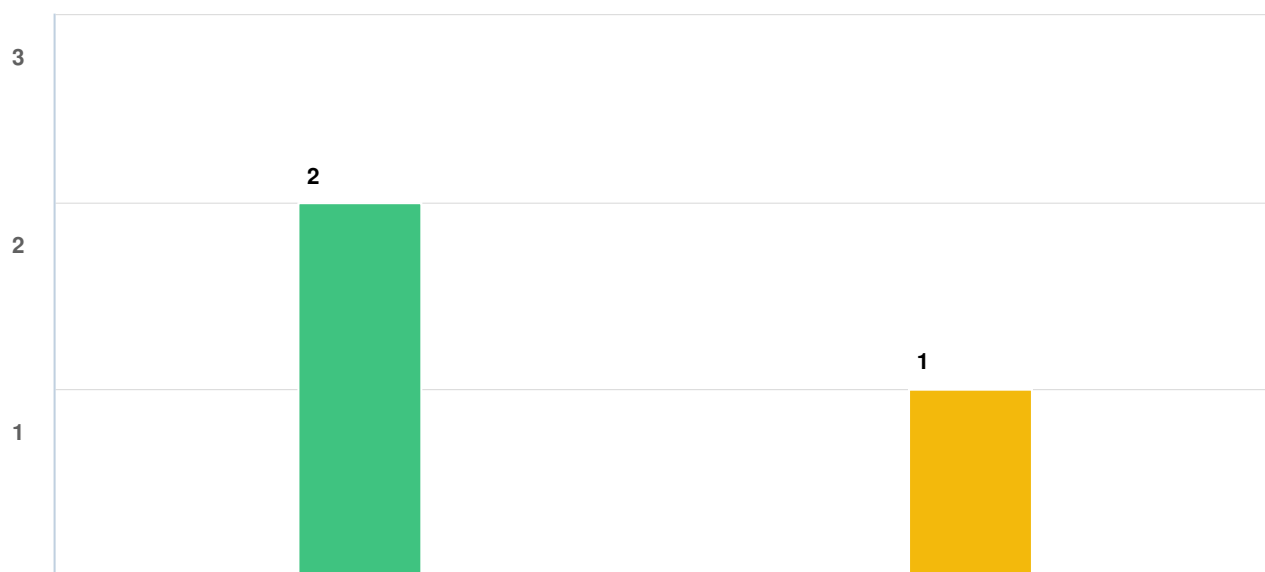
Question options

- The public health individual and public health impact
 ● Ease of employer compliance across municipalities
- City (and community) infrastructure to support compliance
 ● Needs of specific types of small employers (e.g. <5 employees)
- Rights of specific types of employees
 ● Other (please specify)

Optional question (4 response(s), 1 skipped)

Question type: Checkbox Question

What supports would help you be successful in implementing this proposed ordinance?



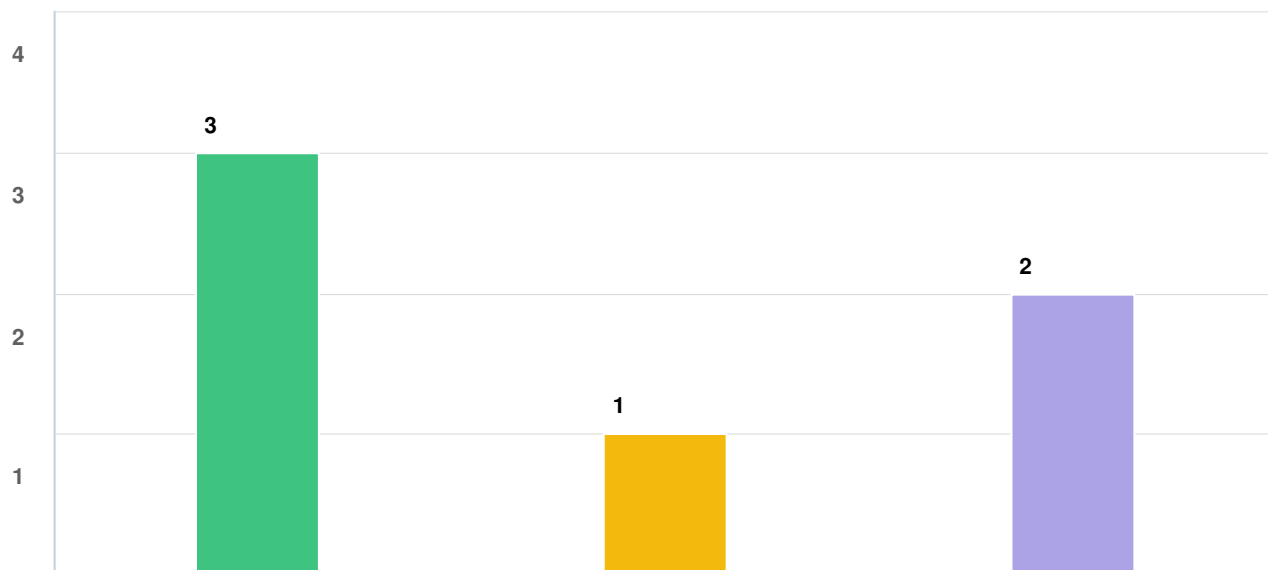
Question options

- ☒ Training sessions on ordinance language and requirements ☐ Details about enforcement process

Optional question (2 response(s), 3 skipped)

Question type: Checkbox Question

How would you like to be kept informed in the future on ESSL in Bloomington?



Question options

☒ E-mail ☐ Both methods ☐ Please list your contact information (name, business, e-mail, direct mail, phone)

Optional question (4 response(s), 1 skipped)

Question type: Checkbox Question

Report generated at: 2022-05-31 10:27:16 by Tracy Smith

Project: Earned Sick and Safe Leave

SurveyTool: NEW: Proposed Ordinance Survey [2020-08-26 to 2022-05-31]

Question: <p>What additional comments or questions do you have about the proposed ordinance?</p>

(Showing 4 of total 4)

No.

Contribution

- 1 If this passes I will be moving my business out of Bloomington
- 2 be more out front that a current PTO plan may work if it is equal or greater than the number of hours required under the ordinance.
This is a foolish proposal. It just raises the cost of business in the city. Businesses are increasing pay and benefits to
- 3 hire better people already. To pass some extra requirements will make Bloomington like Minneapolis. Minneapolis cannot even get people to visit the city. It has become a terrible place. Do not copy what they have done.
Just to be clear, it would appear that the city would be bound by this ordinance to provide these benefits to all of its employees, to would include those of us who are considered seasonal part-time and who were denied the benefits provided in the Vaccination Incentive Program (VIP). It was a pathetic excuse to deny sick leave benefits to employees
- 4 who were actively providing direct services to the public in multiple settings while the employees of City Hall were safely discharging their duties from the safety of their bedroom offices, yet were eligible for additional sick leave should they or a family member become afflicted with the virus. This ordinance will force the city to develop a program which it said it could not do during the pandemic. Interesting change of circumstances!

END OF REPORT

From: Rich Hoge <rich.hoge@moa.net>
Sent: Wednesday, June 1, 2022 9:21 AM
To: Sable, Michael <msable@BloomingtonMN.gov>
Cc: Jill Renslow <jill.renslow@moa.net>; Dan Jasper <dan.jasper@moa.net>; Kris Cegla <Kris.Cegla@moa.net>; Carrie Wright <Carrie.Wright@moa.net>
Subject: ESSL Considerations

Mike, we wanted to thank city staff and council for taking additional time to work further with businesses on the important ESSL discussion. MOA and our tenants appreciated your team's participation in our May tenant meeting and the listening sessions you hosted here at MOA.

During this period, we initiated a survey with our tenants to better inform us in providing additional feedback to your staff and council (see attached survey summary). The short survey consisted of the following questions:

- *When fully staffed, how many employees does your store have (MOA location only)?*
 - 0-5
 - 6-10
 - 11-15
 - 16-20
 - 21 or more
- *When fully staffed during peak seasons, how many employees does your store have (MOA location only)?*
 - 0-5
 - 6-10
 - 11-15
 - 16-20
 - 21 or more

- *Do you offer paid vacation or sick time to part-time employees?*
 - *Yes/No*
- *Do you offer paid vacation or sick time to full-time employees?*
 - *Yes/No*
- *Below, please provide any additional comments you would like to share on the proposed “Earned Sick and Safe Leave” ordinance.*

On behalf of our organization and as a representative of our tenants, MOA would like city staff and council to consider the following feedback as you make your decision on ESSL.

1. 90% of MOA tenants would be impacted by ESSL with over 5 employees for extended durations at some point during the year.
2. Local operators, food establishments and attractions are key to the overall success of MOA and our unique mix of retail, food and entertainment.
3. Sentiment both anecdotally and through survey results generally align and suggest that corporate operations are supportive of ESSL, and local/food/attractions are not supportive.
 - a. In addition, the corporate and larger operators are more concerned for the smaller operators and the impact it will have on them which will in turn impact the overall success model.
4. Local Retail, Food, and Attractions are the categories most likely to be affected by ESSL, based on current PTO offerings:
 - a. Corporate Retail stores are most likely to already offer PTO: 100% do for FT and 50% do for PT.
 - b. PTO is a rare benefit for Local Retail and all Food stores.
5. Local tenants are most likely to face a decision to either increase staff for peak seasons or remain at five or fewer employees to remain exempt from ESSL. Approximately, 1/3 of local tenants are exempt during non-peak season, and half of those currently increase to qualifying levels during peak season.
 - a. For Local Retail, only 1/3 offer FT PTO and less than 10% offer PT PTO.
 - b. Less than 50% of Food offer FT PTO. No Food offers PT PTO.
6. Organizations like MOA and many of our tenants generally have a PT staff mix that is the younger demographic, often living with parents and fewer financial responsibilities.
 - a. Businesses recognize that this demographic tends to freely take time away with short notice without paid time off.
 - b. If business is required to offer this group paid time off, it will increase their

- frequency to call out.
- c. When you have lower staffing levels (as we all do), open shifts and call outs result in a poor guest experience, late openings or early closings.
 - d. In addition, businesses need to increase staffing to fill the gaps that result due to paid time off.
7. Seasonal workers are a big part of the staffing mix in our environment based on the traffic fluctuations.
- a. Requiring businesses to provide PTO for seasonal employees is an unfair burden. Seasonal employees seek out employment of this nature and understand the requirements and demand during these periods.

In summary, MOA would recommend the following.

1. **Change the threshold from 5 employees to 15 employees; this will lessen the burden on a large segment of small businesses that will be unfairly burdened.**
 - a. Employers with 16 or more employees must pay their employees for this leave (regular rate of pay, minus tips + commission).
 - b. Employers with 15 or less employees must offer unpaid leave (employer may choose to compensate).
2. **Remove the requirement of employers to offer Seasonal Workers ESSL.**
 - a. Employees that take these positions will understand the employment proposition they engaged in with their employer.

Thank you for considering. We would be happy to meet with city staff and or any council member to further discuss.

Rich and Jill



Rich Hoge
Executive Vice President
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Earned Sick and Safe Leave Ordinance – Tenant Survey Results

Summary

- We received responses from 68 store managers (about 20% of permanent, reporting stores). However, Food was under-represented in the responses.
- 90% of tenants would be affected by ESSL in some way, with over 5 employees at some point in the year.
- Local tenants are most likely to face a decision to either increase staff for peak seasons or remain at 5 or fewer employees and exempt from ESSL. 1/3rd of local tenants are exempt during non-peak season, and half of those currently increase to qualifying levels during peak season.
- Local Retail, Food, and Attractions are the categories most likely to be affected by ESSL, based on current PTO offerings:
 - **Corporate retail stores are most likely to already offer PTO:** 100% do for FT and 50% do for PT.
 - **PTO is a rare benefit for Local Retail and all Food stores.**
 - For Local Retail, only 1/3rd offer FT PTO and less than 10% offer PT PTO.
 - Less than 50% of Food offer FT PTO. No Food offers PT PTO.
 - **Attractions generally offer PTO to FT, but not to PT.**
- Sentiment generally aligns with the above point: Corporate Retail (especially those that currently don't offer PT PTO) are in favor of ESSL, while Local and Food tenants are against it.

Participants

Overall there were **68 responses**, representing 65 different stores, which is about 20% of the ~320 permanent sales-reporting stores.

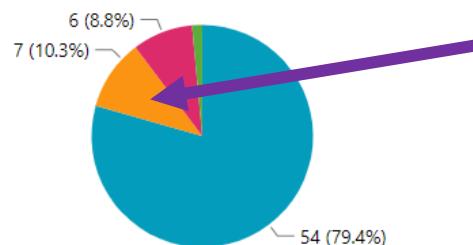
- Three stores completed the survey twice (different managers), and one response was completed anonymously (no store or manager name provided).
- While most responses appear to be reasonably accurate, there was one (Sea Life) that appears to be quite inaccurate, with many unexpected answers. (Further follow-up may be useful to gain clarity on their responses).

The response from the different types of tenants was somewhat balanced, though **Food was underrepresented**. 80% of the responses came from Retail tenants.

Responses by Store Type

Type

- Retail
- Food
- Attraction
- Unknown



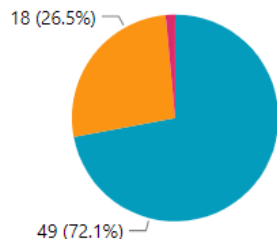
Among permanent reporting tenants, Food makes up 22% of the total, but only 7% of the total responses were from Food tenants.

Just over 70% of the responses came from corporate tenants. While we don't already have a classification of corporate vs. local (I had to assign this to each responding tenant in the survey), this doesn't feel unreasonable:

Responses by Store Type

Corporate vs Local

- Corporate
- Local/Small
- Unknown



Corporate stores are stores with either a large number of regional stores or a national presence.

Local/Small stores are those with only a few stores or a small/limited presence.

Attractions skewed heavily local (only Sea Life was classified as corporate) while Retail was about 80% corporate.

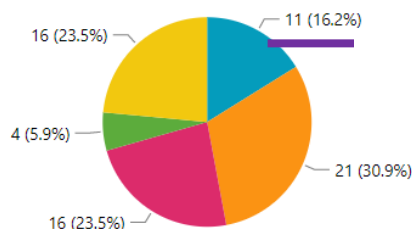
Current Employee Counts

90% of MOA tenants have over 5 employees and would be affected by the ESSL ordinance.

Only 16% of tenants have 5 or fewer employees, this decreases to 10% during peak season:

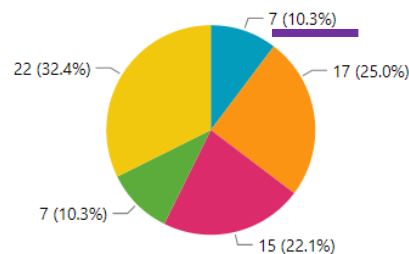
When Fully Staffed, How Many Employees?

- 0-5
- 6-10
- 11-15
- 16-20
- 21 or more



When Fully Staffed, During PEAK Season, How Many Employees?

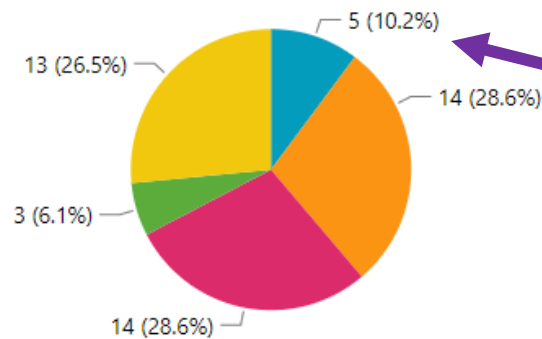
- 0-5
- 6-10
- 11-15
- 16-20
- 21 or more



However, this metric is where we start to see **differences between corporate and local tenants**.

When Fully Staffed, How Many Employees?

- 0-5
- 6-10
- 11-15
- 16-20
- 21 or more

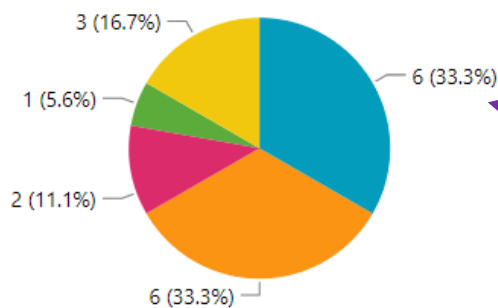


Corporate stores are less likely to have 5 or fewer employees – only 10% of them do even at non-peak. This decreases to 8% during peak times.

Now, let's see what changes when we filter to just local tenants:

When Fully Staffed, How Many Employees?

- 0-5
- 6-10
- 11-15
- 16-20
- 21 or more



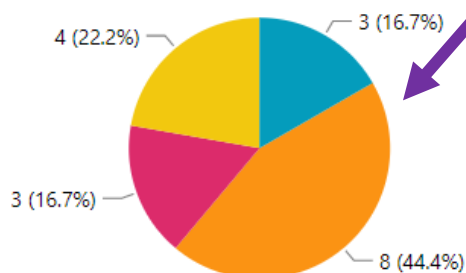
Local stores are much more likely to have 5 or fewer employees: 33% of them do.

However, about half of those stores increase staff to 6-10 employees during peak times.

This means about 1 in 6 local tenants would be crossing the ESSL eligibility boundary with their peak staffing and would have to choose between increasing peak staffing or avoiding the ESSL ordinance.

When Fully Staffed, During PEAK Season, How Many Employees?

- 0-5
- 6-10
- 11-15
- 21 or more



Surprisingly, the majority of stores do **not** adjust their staffing rosters for peak times.

- Just over 60% of corporate stores maintain the same levels of staffing during peak and non-peak seasons.
- Local stores are more likely to maintain the same level of staffing year-around: 73% of them do so. However, about half of the local stores that do increase their staffing for peak times are crossing that 5-employee threshold, making them eligible for the ESSL ordinance.

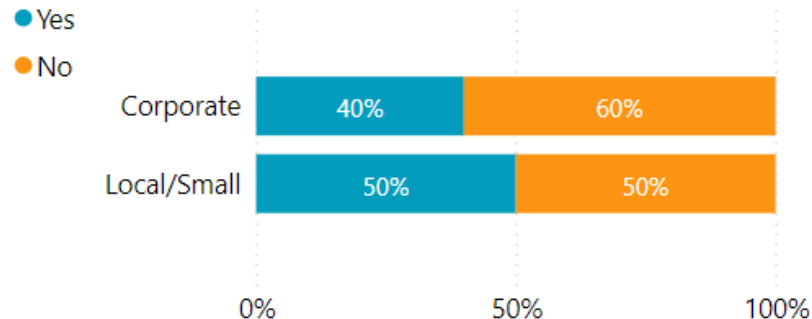
Current Benefit Offerings

While we continue to see differences between corporate and local tenants, this is where we start to see some difference between Retail, Food, and Attractions emerge.

Food Tenants

While we only have 7 responses from foods tenants, PTO is uncommon:

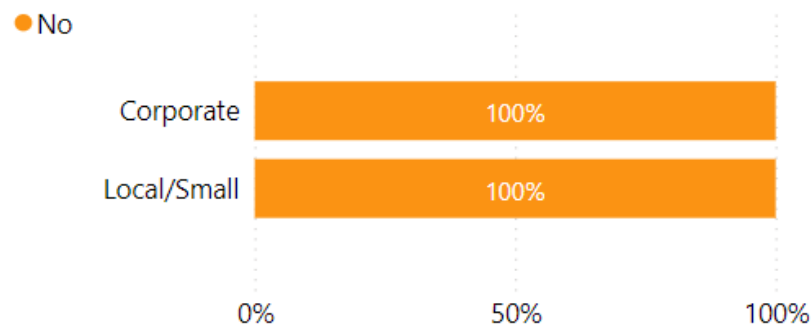
Paid Vacation or Sick Time to FT Employees?



PTO is a rare benefit from Food Tenants. Less than half offer it to FT team members, and none offer it to PT team members.

This means that the ESSL ordinance will disproportionately affect Food tenants.

Paid Vacation or Sick Time to PT Employees?



Attraction Tenants

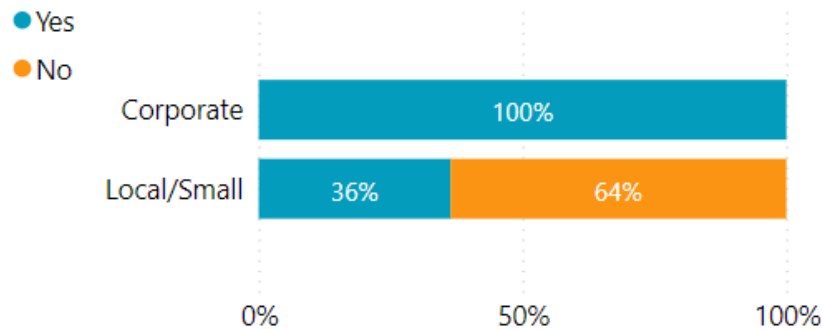
Typically offer PTO to FT employees, but not to PT employees.

- Of the six attraction tenants that responded:
 - All but one (Wisdom Gaming) do not offer any PT paid time off.
 - All do offer FT paid time off.

Retail Tenants

For Retail, it depends on if they are a corporate or local retailer:

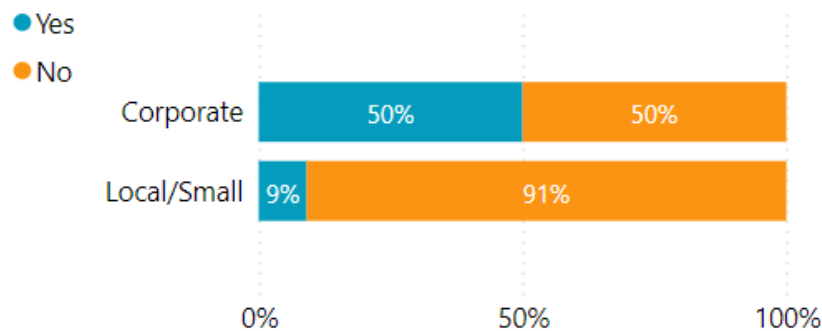
Paid Vacation or Sick Time to FT Employees?



While all Corporate Retail tenants offer FT PTO, and half offer PT PTO, a very small number of Local Retail tenants offer these benefits.

This means that the ESSL ordinance will disproportionately affect Local Retail tenants.

Paid Vacation or Sick Time to PT Employees?



Additional Comments and Sentiment

About 20% of responses provided an additional comment. About a third of the comments were comments to the situation, not necessarily in favor or against the ordinance. One questioned what tools would be available to support compliance and how it's coordinated with the corporate office. Another pointed out their corporate office will continue to discourage taking sick time, even if it's needed and available. Still another, though not concerned for their own store, was concerned about the impact this would have on smaller businesses.

Overall, sentiment was split about 50/50 between positive and negative. **All positive sentiment came from corporate retail tenants** – all but one of which do not currently have PT paid time off. The most popular comment was how it's a competitive benefit that should make hiring/retention easier.

Negative comments came from corporate food tenants and local tenants. The most common concerns here were that employees would abuse this benefit (taking every excuse possible not to show up for work), that employees are more concerned with cash/higher wages than these benefits, and that as business/franchise owners, there's no resources to support this added cost, especially given that all other costs have increased substantially in recent months.

Given that food and local tenants are the most likely to be affected by the ESSL ordinance, it's interesting that the negative comments all came from this group. It seems that in the retail space, particularly the corporate retail space, there's an inevitability and an acceptance of ESSL (with many already having something in place), this hasn't really moved into the local retail or food spaces yet. This also aligns with the concern that the smaller the business, the more difficult this will be for them.



Request for Council Action

Originator Parks and Recreation	Item 5.2 2022 Cultural Arts Support Grants Funding Recommendations
Agenda Section ORGANIZATIONAL BUSINESS	Date June 6, 2022

Requested Action:

Motion by _____, seconded by _____ to approve the 2022 Cultural Arts Support program recommendation for funding:

\$32,000 awarded to Angelica Cantanti
\$80,000 awarded to Artistry
\$4,307 awarded to Bloomington Chorale
\$11,376 awarded to Bloomington Symphony Orchestra
\$30,000 awarded to Continental Ballet Company
\$9,545 awarded to Medalist Concert Band
\$4,170 awarded to Noteables Singers
\$171,398 TOTAL

Item created by: Linda Batterson, Parks and Recreation

Item presented by: Leah Hughes, Manager, Bloomington Center for the Arts

Description:

The City of Bloomington Cultural Arts Support (CAS) grant program is intended to invest in the overall health and success of high quality, established cultural arts groups and organizations that produce, present, or exhibit works of art; to groups and organizations that provide a broad range of services to artists and art appreciators; and to organizations and groups that make enriching, engaging, educational and entertaining cultural arts opportunities available to people of all ages, abilities and interests in the Bloomington community. The Council is asked to approve the 2022 Cultural Arts Support program recommendations for funding.

Attachments:

[2022 CAS Report-City Council-FINAL.docx](#)

[2022 CAS Review Panel Bios_FINAL.docx](#)

[2022 Review Panel Scores-Ranking-ALL Applicants-No Names.xlsx](#)

STAFF REPORT



DATE: June 6, 2022

TO: Mayor Busse and Bloomington City Council

FROM: Leah Hughes, Manager Bloomington Center for the Arts

SUBJECT: 2022 Cultural Arts Support grants funding recommendations

ACTION REQUESTED

City staff request that the City Council approve the 2022 Cultural Arts Support program recommendation for funding:

\$32,000 awarded to Angelica Cantanti
\$80,000 awarded to Artistry
\$4,307 awarded to Bloomington Chorale
\$11,376 awarded to Bloomington Symphony Orchestra
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\$4,170 awarded to Noteables Singers

\$171,398 TOTAL

INFORMATION / BACKGROUND

The City of Bloomington Cultural Arts Support (CAS) grant program is intended to invest in the overall health and success of high quality, established cultural arts groups and organizations that produce, present, or exhibit works of art; to groups and organizations that provide a broad range of services to artists and art appreciators; and to organizations and groups that make enriching, engaging, educational and entertaining cultural arts opportunities available to people of all ages, abilities and interests in the Bloomington community.

In accordance with the following goals, the City of Bloomington offers cultural arts funding grants to support general operating expenses for Bloomington-centric non-profit organizations, cultural arts groups, or arts-related educational institutions that:

- Provide cultural arts opportunities for Bloomington residents.
- Bring cultural arts activities to people who may not otherwise have access to the arts.
- Make cultural arts opportunities more accessible, equitable and inclusive for all.
- Make Bloomington a more desirable place to live and work by encouraging a thriving, vital cultural arts community.
- Use City funding to leverage additional donations from individuals, businesses, and charitable organizations.
- Facilitate high-quality, cost-effective community arts programming

- Encourage development and expansion of the cultural arts in the community by using City funding to stimulate and promote additional activity.
- Promote cultural arts activities at the Bloomington Center or the Arts, in the parks and throughout the community.
- Promote collaboration among various arts and cultural groups and other community entities to the mutual benefit of the arts community and the City so that all residents will have an opportunity to be fully engaged in Bloomington's cultural arts community.
- Provide opportunities for cultural arts groups and organizations to expand to new audiences, increase programs and improve their community reach.
- Provide general operating support to: high quality, established cultural arts groups and organizations that produce, present, or exhibit works of art; to groups and organizations that provide a broad range of services to artists and art appreciators; and to organizations that make enriching, engaging, educational and entertaining cultural arts opportunities available to people of all ages, abilities and interests in the Bloomington community.

HISTORY

The City of Bloomington started allocating funds to support Bloomington-centric non-profit arts and cultural organizations or arts-related educational institutions in 2011. At that time, the amount available to grantees was around \$34,000. In 2022 the total grant amount available was \$182,000. Since the 2011 inaugural year, the City of Bloomington has issued over \$1,378,280 in grant support funds to Bloomington arts and cultural assets to benefit the community, provide modes for meaningful engagement in creative opportunities, and enrich the vibrant social fabric and civic life in Bloomington. Since 2011, these funds have impacted the lives of well over 563,312 participants (youth, adults, and seniors) through an estimated 1,559 public performances, both from the Bloomington community and drawing visitors from outside the city.

IMPACTS OF COVID-19 CONTINUE

The impacts of COVID-19 are still very real and continue to create incredible financial obstacles for Bloomington arts and culture non-profit organizations since the pandemic began. Facility shut-downs, health and safety concerns with indoor gatherings, questions and concerns regarding vaccinations, cancellations due to low enrollment/low ticket sales, cancellation caused by positive COVID cases, and decreases in corporate and individual donors are just some of the challenges these groups continue to face. When comparing income statements from CAS applicants from 2019 to 2021, income dropped from an aggregated total of \$2,959,089 in 2019 to \$1,059,913 in 2021. That's a decrease of nearly \$1,900,000 in income across seven arts groups. These factors continue to put their work and their organizations acutely at risk. It's imperative that we continue to support our Bloomington-based arts and culture partners.

HOW 2022 CAS GRANT OPPORTUNITY WAS SHARED WITH THE PUBLIC:

To promote the 2022 CAS grant opportunity more widely, several city staff with strong community relationships and broad networks were included in the marketing conversations and efforts. Community

Outreach and Engagement Department (COED), Creative Placemaking, Communications, Racial Equity, Parks and Recreation Communication Specialist provided advice on how this program could be made more known to various networks and contacts within the city of Bloomington. Listed below are the various networks and individuals contacted through social media, direct e-news announcements, and website/online postings.

1. Through posting on the City's website and Art Center web page:

The Communications Department posted the CAS opportunity on the City's general website with a link to the Art Center webpage and CAS application link. The Parks and Recreation Communications Specialist created a CAS tab on the Art Center webpage where individuals interested to learn more could, in addition to download the application instructions and forms.

2. Through COED community contacts:

COED shared this opportunity weekly via their Friday e-news network which consists of 150+ Bloomington Community and BIPOC contacts.

COED contacts consist of:

- a. General community leaders, BIPOC leaders (Latino, Asian, Black, Africans, Native Americans), Youth/students, Church leaders
- b. Residents from Bloomington, Richfield, Minneapolis, Edina
- c. OEE staff, School Councilors, Early Childhood staff & parents, Dean of students & principals from east side schools
- d. Dar Al Farooq, Al Rahman, Action for East African People, Coalition of Asian American Leaders, Hennepin County Library—Augsburg, Oxboro, Penn Lake Librarians, Hennepin County, Mujeres Latinas, HACER, Outdoor Latinas MN, Partnership Academy, La Red, Together Bloomington, League of Women Voters Bloomington, Oasis for Youth, Unidos MN, Bloomington Leadership Program Alumni, Potter's House, Bloomington South/North Apts (formerly known as Village Club), Closet of Hope, VEAP, some business owners
- e. City of Richfield staff from Parks & Rec., Richardson Nature Center, Police Community Liaison

3. Through the Creative Placemaking (CP) Network:

Creative Placemaking shared the CAS opportunity with 1,324 CP subscribers. CP networks consists of:

- a. Bloomington residents
- b. South Loop/Bloomington stakeholders
- c. Local artists
- d. People generally interested in public art/placemaking

4. Direct email announcements to Bloomington-based and Twin Cities Metro Area arts culture organizations and groups.

2022 APPLICATION AND REVIEW PROCESS

Cultural Arts Support grant application and review criteria (information on how grants will be reviewed and scored) were shared through online and public postings, social media, direct e-news blasts, and direct announcements to specific community networks and contacts starting on January 2022. Required application materials were made available for download through an online link on the Center for the Arts webpage. Application forms included; grant application RFP (request for proposals), application question narratives, list of board of directors, funders list, organization budget worksheet, most recent fiscal year financial statement, IRS or 990 form, copy of tax-exempt/IRS non-profit determination letter, certificate of liability insurance, and D.E.I statistics. Applications were due for submission on Friday, April 15.

Review panelists were issued a blank version of the application in addition to the review criteria (also shared with applicants as a part of the application paperwork) so they were familiar with the application materials, format, grantee expectations and timeline for this process. Once applications were submitted, a panel review “digital packet” was created that contained the following review documents; review instructions, review criteria, scoring explanation, and score sheets for each applicant. Over the course of two weeks panelists reviewed each applicant’s materials making specific notes/comments and assigning scores. During the review meeting (which happened via Webex on Wednesday, May 4), the panelists discussed, ranked applicants, and made funding recommendations for each applicant. The panel unanimously agreed on the funding recommendation. Members of the review panel included:

- Alejandra Pelinka, Director of Creative Placemaking, Community Development, City of Bloomington
- Mark Morrison, Recreation Supervisor (Arts, History, and Special Events), City of Bloomington
- Blaine Kelley, Case Manager, OASIS for Youth (performance artist)
- Karen Powers, Retired Music Teacher - Bloomington Public Schools
- Andy Hoffmann, Bloomington Parks, Arts, and Recreation Commission (PARC), Vice Chair
- Lance Schuer, Bloomington Parks, Arts, and Recreation Commission (PARC)
- Leah Hughes, Bloomington Center for the Arts Manager, City of Bloomington (non-voting)

FUNDING RECOMMENDATION

The CAS’s review panel considered the effectiveness of each of the applicant’s programming, its fiscal and administrative oversight, public benefit to the Bloomington community, equity and inclusion strategies and priorities, and ability to engage and serve the Bloomington community. Applications were reviewed and funds recommended, based on the degree to which the applicant addressed the goals of the Cultural Arts Support funds evidenced through the five review criteria:

Artistic

1. High quality activities that achieve a distinct artistic vision that is consistent with the Applicant's stated mission.
2. Activities that allow the art form, artists, and participants to develop; and
3. Qualifications and achievements of artists and artistic leadership.

Administration

1. Applicant's fiscal stability; and
2. Evidence of an ongoing ability to achieve organizational outcomes and CAS funding goals; and
3. Evidence that City funding is being used to leverage additional donations from individuals, businesses, and charitable organizations (to responsibly diversify funding streams).

Engagement

1. Diversity of the board, staff (as applicable) and participants; and
2. Evidence of efforts to reach underserved communities and steps taken to mitigate any barriers to participation; and
3. Evidence of the efforts to collaborate with other local arts groups to the mutual benefit of the arts community and the City of Bloomington; and
4. Exhibit efforts to market and promote arts activities, happenings, and arts events at the Bloomington Center for the Arts, in the parks, and throughout the community.

Public Benefit

1. A commitment to education and outreach to enhance quality of life in Bloomington; and
2. Activities that help make the arts a vital part of community life in Bloomington, making it a more desirable place to live and work by encouraging a thriving, vital cultural arts community; and
3. Activities that help achieve other shared public goals.

Evaluation

1. An effective evaluation plan that measures outcomes, Applicant's progress toward goals, and the strength of its programs and operations; and
2. Evidence that evaluation is used to shape Applicant's plans and activities.

Once the review criteria were thoroughly addressed per applicant, the panel discussed each applicant's strengths, weaknesses, and areas for growth in relation to the organization's programs, operations, finances, and community impact. Scores were tallied and rankings assigned based on highest to lowest scores. In addition, feedback was recorded by each review panelist so that applicants can request the comments and notes made in relation to their application.

There were eight applications submitted for 2022 support. For the second year in a row the funding requests made for 2022 support was slightly less than the total CAS budget allotted for this program. The reason for the lower request is mainly due to the impacts of the pandemic on operating budgets (decreased them significantly for some organizations) and the 30% maximum request cap. Basically, many of these organizations had significantly lower operational budgets this last year and had to lower

their funding request to fall within the 30% cap. The remaining CAS budget available is \$10,602 over the total funding request made by the eight 2022 applicants.

While discussing funding recommendations, the review panel considered the impacts of COVID on small non-profit organizations, the increased accountability and expectations for groups and organizations applying for CAS support, and the efforts many of the applicants made over 2021 to reflect and improve their organizational missions, racial equity strategies, evaluation processes and community engagement priorities. This last year was difficult for many organizations, and many continue to struggle to remain financially solvent. In addition, the clear efforts many applicants made to take 2021 as an opportunity to reflect on their organizational successes, weaknesses, and priorities was impressive. All these considerations lead the 2022 review panel to recommend that all seven applicants receive full funding for their requests with the eighth applicant denied funding support for this year.

2022 Cultural Arts Support funding recommendations are as follows:

• Angelica Cantanti Youth Choirs	\$32,000	
• Artistry	\$80,000	
• Bloomington Chorale	\$4,307	
• Bloomington Symphony Orchestra	\$11,376	
• Continental Ballet Company	\$30,000	
• Medalist Concert Band	\$9,545	
• Noteables Singers	\$4,170	
• Concerto Dance by Jolene Konkel	<u>\$0</u>	
TOTAL:		\$171,398 (\$10,602 remaining in CAS budget)

REASONS FOR NOT FUNDING CONCERTO DANCE BY JOLENE KONKEL

This is a new dance company, launched in 2019 and tried opening during the pandemic. Obviously, because of COVID impacts Concerto Dance has held very few performances, only one happening in Bloomington (Normandale Bandshell rental in summer 2021) with the majority happening in other cities. Jolene Konkel, the founder is a Bloomington resident, and performance artists with over 20 years of experience producing work. However, even with her impressive artistic and professional credentials, the CAS review panel felt that this application was a little premature and couldn't sufficiently show concrete evidence of success in some of the review criteria including artistic qualification, activities, and achievements; community engagement and efforts; public benefit to the Bloomington community; and evidence and examples of Bloomington-based impacts at this early point in its development. The review panel does see potential with a future application from Concerto Dance by Jolene Konkel and would like to see this organization get a little further along in their development and have the opportunity and time to form deeper connections within the Bloomington community before using tax dollars to support the group.

This relatively unknown organization, and Bloomington-based founder, has some good ideas on how to bring dance to more populations. Right now, there's not much to show for it benefiting Bloomington residents, but that could, and may hopefully change soon.

DISCUSSION ON HOW TO USE THE REMAINING CAS FUNDS

The review panel discussed some ideas on how we could use the remaining \$10,602 in 2022 CAS funds to support Bloomington-based arts and culture activities. Those ideas included funding for arts and cultural festival(s) and events at the Center for the Arts that are free to the public. These events and activities could possibly include free indoor or outdoor concerts (BCA outdoor amphitheater or indoor theaters), free make-and-take arts activities (at events like the Farmer's Markets). Other ideas included hiring artists to provide free arts programs to youth and use the funds to hire more BIPOC artists to perform in the Center for the Arts annual performance series.

MOTION REQUESTED

City staff request that the City Council approve the 2022 Cultural Arts Support program recommendation for funding:

Angelica Cantanti Youth Choirs	\$32,000
Artistry	\$80,000
Bloomington Chorale	\$4,307
Bloomington Symphony Orchestra	\$11,376
Continental Ballet Company	\$30,000
Medalist Concert Band	\$9,545
Noteables Singers	<u>\$4,170</u>
TOTAL:	\$171,398



CITY OF BLOOMINGTON 2022 Cultural Arts Grant Funding Review Panelist Bios

City of Bloomington Staff:

Leah Hughes

Bloomington Center for the Arts Manager, Parks and Recreation Department

Leah is the manager for the Bloomington Center for the Arts and a visual artist. She received her MFA from the University of Wisconsin-Madison and has over 20 years' experience working for arts non-profit organizations near, and in the Twin Cities including Highpoint Center for Printmaking, Minnetonka Center for the Arts, Artistry, Northern Clay Center, and the Bloomington Center for the Arts (previously as a visual arts instructor). In her leadership roles with these organizations she developed, coordinated, administered, and implemented comprehensive arts events, activities, educational and enrichment opportunities for the community. Leah will facilitate the review process with the panel.

Alejandra Pelinka

Director of Creative Placemaking, Community Development

Alejandra is the Director of Creative Placemaking and works with the City of Bloomington's nonprofit partner, Artistry, and the Creative Placemaking Commission to engage with diverse stakeholders across sectors to identify and implement art, culture, and design investments and projects that align with the South Loop Creative Placemaking Plan. Alejandra is passionate about weaving the arts into community development and working with local artists. She has experience in leadership, development, and communications roles in arts and nonprofit administration, has served on the Metropolitan Regional Arts Council Board since July 2019, and on the Prior Lake Arts & Culture Committee since 2021. She has been involved with facilitating and participating in various selection panels for grant proposals and projects.

Mark Morrison

Recreation Supervisor (Arts, History, and Special Events), Parks and Recreation Department

For the past 18 years, Mark has been Parks and Recreation's Supervisor for programs including Arts in the Parks, a wide variety of Special Events including Summer Fete, Historical Programs, and the Bloomington Farmers Market. Prior to Bloomington, he earned his MA in Museum Science from Texas Tech University and worked in numerous capacities in the museum field at institutions such as the Bernice Pauahi Bishop Museum in Honolulu, and others. He was previously the Executive Director of two 501c3 museums, and Manager of the Washington County Historic Courthouse in Stillwater. Mark has enjoyed working with many arts organizations throughout his career, including the organizations of the Bloomington Fine Arts Council. Providing opportunities for the public to enjoy a wide array of high-quality performing arts programs is why Mark loves to come to work each day. Mark has previously served on the CAS review panel.

Community Representatives:

Blaine Kelley

Case Manager, OASIS for Youth

As an individual who both works and lives in Bloomington Blaine holds steadfast to his hope and commitment to see the city as a thriving home for all. A graduate of the University of Minnesota where he designed his own degree entitled “Intersectionality; Critical Analysis for Social Justice” Blaine recognizes the significant power art must unite and establish a more equitable community. While he serves as the Senior Outreach and Mobile Case Manager at local non-profit, Oasis For Youth, he is also a songwriter, singer, and visual media artist who is honored and excited to be part of this year’s review panel!

Karen Powers

Retired Music Teacher - Bloomington Public Schools

Karen recently retired as the Orchestra Teacher at Valley View and Olson Middle Schools. Previously, she taught music and served as the Arts Coordinator for MS 54 in New York, working to connect students with teaching artists from Orpheus, NY Philharmonic, and Met Opera Orchestra. In Bloomington, she recruited U of MN students to begin an after-school lesson program and regularly invited teaching artists into her classroom. Karen received her bachelor’s degree in Music Education from the University of Rhode Island and her master’s degree in Music and Music Education from Teachers College, Columbia University, New York. Karen grew up in Bloomington and participated in all the wonderful performing arts opportunities offered in the Bloomington Public Schools.

Parks, Arts & Recreation Commission Member

Andy Hoffmann

Bloomington Parks, Arts, and Recreation Commission (PARC), Vice Chair

Andy Hoffmann serves as the Vice Chair of Bloomington’s Parks, Arts, and Recreation Commission (PARC), and President of H+U Construction. He is the proud father of three, a life-long Bloomington resident, and serves as a Board Member with the Bloomington Chamber of Commerce. In his professional life, Andy has worked with a variety of groups to create spaces for the arts, including performance venues, parks, and art installations.

Lance Schuer

Bloomington Parks, Arts, and Recreation Commission (PARC)

Landscape Architect with TEN x TEN

Lance is a local Landscape Architect with over 16 years of creative experience in all phases of design and project leadership for a variety of project types and scales. He is passionate about improving the public realm and enjoys collaborating with clients, communities, and stakeholders to facilitate a thoughtful, individualized approach to better connect people to places while improving the environment. He is also a second year Commissioner on the City of Bloomington Parks, Arts and Recreation Commission, and past member of the Minnesota Design Team.

Cultural Arts Grants
Review Panel Ranking

2022 CAS Review Panel Ranking Form

Grant Applicant: Name	Panelist #1	Panelist #2	Panelist #3	Panelist #4	Panelist #5	Panelist #6	TOTAL	TOTAL POSSIBLE SCORE	AVERAGE SCORE	Ranking	\$ Requested	\$ Recommended	% of request funded	% of Total Oper. Budget
Artistry	27	28	30	21	29	30	165	180	27.50	1	\$80,000	\$80,000	100.00%	7.12%
Angelica Cantanti Singers	23	22	24.5	23	29	28	149.5	180	24.92	2	\$32,000	\$32,000	100.00%	18.80%
Medalist Concert Band	23	24	22	21	29	28	147	180	24.50	3	\$9,545	\$9,545	100.00%	30.00%
Bloomington Symphony Orchestra	22	20	22.5	22	26	29	141.5	180	23.58	4	\$11,376	\$11,376	100.00%	30.00%
Continental Ballet Company	19	19	26	20	26	29	139	180	23.17	5	\$30,000	\$30,000	100.00%	27.96%
NOTE-able Singers	17	17	25	18	26	28	131	180	21.83	6	\$4,170	\$4,170	100.00%	30.00%
Bloomington Chorale	18	13	18	19	24	28	120	180	20.00	7	\$4,307	\$4,307	100.00%	30.00%
Concerto Dance by Jolene Konkell	13	15	17	9	18	20	92	180	15.33	8	\$4,500	\$0	0.00%	0.00%
											Total \$ Requested	\$175,898	\$171,398	
											Total \$ Available	\$182,000	\$182,000	
											Remaining	\$6,102	\$10,602	

**NOTE: the maximum total score is 30 per review, aggregated total max of 180 (30 x 6).

panel choose not to fund this year. Include a letter. more community involvement.

Grant Applicant	OP Budget	Previous Year Expenses	Max. Request (30% OP budget)	Actual Request
Angelica Cantanti Singers	\$170,195	\$170,495	\$51,059	\$32,000
Artistry (Bloomington Theatre & Art Co)	\$1,124,369	\$1,124,369	\$337,311	\$80,000
Bloomington Chorale	\$14,356	\$6,403	\$4,307	\$6,000
Bloomington Symphony Orchestra	\$37,919	\$11,376	\$11,376	\$11,376
Concerto Dance by Jolene Konkel	\$15,000	\$15,123	\$4,500	\$4,500
Continental Ballet Company	\$107,284	\$86,115	\$32,185	\$30,000
Medalist Concert Band	\$38,183	\$9,545	\$11,455	\$9,545
NOTEable Singers	\$13,901	\$13,901	\$4,170	\$4,170
TOTAL	\$1,521,207	\$1,437,326	\$456,362	\$177,591

Actual Request Percentage (not to exceed 30%)	
18.80%	
7.12%	**maximum ask based of of \$80k cap
41.79%	**maximum ask is \$4307 based off of 30% rule
30.00%	**maximum ask based off of 30% rule
30.00%	**maximum ask based off of 30% rule
27.96%	
25.00%	
30.00%	**maximum ask based off of 30% rule



Request for Council Action

Originator City Manager's Office	Item 5.3 City Council Policy & Issue Update
Agenda Section ORGANIZATIONAL BUSINESS	Date June 6, 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 June 6, 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:

[Item 3.5_Girard Lake Park emails_Redacted.pdf](#)

[Item 5.1_ESSL emails_Redacted.pdf](#)

From: [REDACTED]
To: [City-Council](#); [Busse, Tim](#); [Lowman, Dwayne](#); [Nelson, Shawn](#); [Dallessandro, Lona](#); [Martin, Patrick](#); [Carter, Jenna](#); [Coulter, Nathan](#); [Council Secretary](#)
Subject: Park Spending
Date: Monday, June 6, 2022 12:24:27 PM

Good Afternoon Council members

Over the weekend I learned you were looking at spending \$150k to install an asphalt parking lot in one little GEM of a park.

Girard park is one of the few natural inter city parks left in our area. I love visiting several times a week and walking my dog. It gives her the opportunity to sniff her heart away. We have discovered turtles, minks, ducklings, turkeys and fawns on our walk. We have also made many friends walking the path around the pond.

I don't feel a paved parking area is necessary, the parking lot is a compacted dirt lot that is easy to navigate. Can we please stop destroying our natural spaces? How about spending the money to remove some of the invasive trees and plants that choke out underplanting native plants?

I've noticed when these spaces are paved it brings in people who are truly up to no good.

Like some of the paved areas near the river bottoms. There are some pretty creepy things happening there men urinating in the bushes and people doing drugs. I even recall a young woman who was murdered there a number of years ago.

Please help keep our parks Natural and Healthy. Back up your words you are preaching for the Expo bib.

Sincerely

Jody Fischer

From: [REDACTED]
To: [Council Secretary](#)
Cc: [REDACTED]
Subject: Girard Park-Restore-Don't Pave
Date: Monday, June 6, 2022 10:50:19 AM

Hi Council Members,

Instead of paying to pave the parking lot at Girard Park why don't you allocate those funds (approx. \$150 K) to restoring the natural ecosystem of Girard Park so that it can be a home to wildlife, birds, insects and native plants and people. Be smart.... Don't be like that old Joni Mitchell's Big Yellow Taxi song..

They paved paradise
And put up a parking lot
With a pink hotel *, a boutique
And a swinging hot spot


Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot

They took all the trees
Put 'em in a tree museum *
And they charged the people
A dollar and a half just to see 'em

Don't it always seem to go
That you don't know what you've got
Till it's gone
They paved paradise
And put up a parking lot

--

John Crampton
[REDACTED]
Bloomington, MN 55431
[REDACTED] (cell)

From: 
To: [City-Council](#)
Subject: Girard Lake Park
Date: Sunday, June 5, 2022 7:08:44 PM

Use the money for restoring and maintaining the park grounds - not paving the parking lot.
Parkland more important.

From: [REDACTED]
To: [Busse, Tim](#); [Coulter, Nathan](#); [Carter, Jenna](#); [Lowman, Dwayne](#); [Nelson, Shawn](#); [Dallessandro, Lona](#); [Martin, Patrick](#)
Cc: [Council Secretary](#); [City Manager](#)
Subject: Earned Sick and Safe Leave
Date: Monday, May 9, 2022 10:59:06 AM

Please reject all further consideration of City-Required Earned Sick And Safe Leave for Bloomington employers.

This would be an anti-competitive additional cost for local businesses that already have far too little control over their current cost structures, given the highly competitive environment, difficulty in finding qualified employees, and relatively high inflation levels. It should be up to the employer and the market to determine what type of employee benefits they provide to their employees. I speak as both a recently-retired employer of 125 production/distribution/office employees, and as a Bloomington resident. Employers truly know their employees and market better than the City does, and they also know what they need to offer applicants to successfully hire and retain employees. Many large companies, and some small, already provide such leave benefits. Others have chosen not to provide them as their employees prefer other fringe benefits (vacation/PTO, healthcare, retirement, etc) more than Leaves. Business leaders know their cost structures. And they know what they need to offer in pay and benefits in order to attract and retain a stable workforce. Few, if any, businesses today have the pricing power necessary to pass along the extra costs your Sick and Safe Leave requirements would add to their customers. Accordingly, they would need to diminish other employee benefits to remain in business. Thus, City Government would now be forcing its will and choice onto our employees at the expense of benefits they currently value. This is a poor way to do business. If you follow this path, you diminish the strong reputation our city has with employers.

The argument that other cities like Minneapolis, St. Paul, and Duluth already have chosen to offer such leaves is not persuasive. Many employers have already chosen not to locate their businesses in (or are in the process of choosing to move from) those cities because of such mandates. Please do not degrade our city's healthy business environment by measuring us against poor performing/worst-in-class cities. Rather, please focus your efforts on clearing the way of excess regulation so that businesses of all sizes look at Bloomington as a great place to locate and grow its business!.

Thank you.

Daniel A. Brooks

[REDACTED]
Bloomington, MN 55437

Cell: [REDACTED]



Virus-free. www.avast.com

From: [REDACTED]
To: [City-Council](#)
Cc: [Sable, Michael](#)
Subject: Re: VOTE NO - Earned and Safe Leave Ordinance
Date: Friday, June 3, 2022 10:46:28 AM

Dear Council Members - I noticed that the Earned and Safe Leave Ordinance is on the council agenda again for a vote on Monday.

As per my previous emails, I encourage you to vote NO on this proposed ordinance. It is not an appropriate issue to be handled at the city level. It is one to that should be considered at a state or federal level. The state and the federal government have established and funded labor departments to set guidelines, to monitor, and to provide enforcement actions. With a no vote, I would encourage you to lobby our state representatives and federal representatives to consider the findings of the task force and concerns of the council and and pass appropriate legislation.

In addition, I do not want property tax or other city revenues used to administer or enforce this program or to provide court actions. There are other more appropriate priorities for these limited funds.

G. J. Holt
Bloomington, MN

From: [Rick Varco](#)
To: [City-Council](#); [Busse, Tim](#)
Subject: Please Support Earned Sick Leave
Date: Monday, June 6, 2022 12:27:07 PM
Attachments: [Sutherland Bloomington ESST Ltr.pdf](#)

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Mayor Busse and Council Members:

Before your vote tonight, I wanted to call your attention to this letter from Bloomington resident and SEIU member Cindy Sutherland in support of a strong Earned Sick Leave ordinance. She submitted earlier in the process, so I wanted to remind you that the healthcare workers in SEIU Healthcare Minnesota & Iowa strongly support the ordinance and hope that you will pass it tonight.

Rick Varco
Political Director
C. 651-231-2775

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