

CITY OF BLOOMINGTON
2215 WEST OLD SHAKOPEE ROAD
HENNEPIN COUNTY, MINNESOTA 55431

CITY COUNCIL MEETING

Approved Minutes
Regular Meeting
Meeting #16

7:00 p.m.
May 19, 2003
Council Chamber

Call to Order and
Pledge to Flag

Mayor Gene Winstead called the meeting to order and led the Council and audience in the pledge of allegiance to the flag and announced this would be the last meeting in this council chamber.

Roll Call

Present: Mayor Winstead, Councilmembers D. Abrams, S. Elkins, M. Fossum, H. Harden, S. Peterson, and V. Wilcox.

Postponed to June 16 the
Final Plat of Realife
Cooperative of
Bloomington on Lyndale
Case 10595C-02
Item 6.1

Motion was made by Peterson, seconded by Elkins, and all voting aye, to postpone to the June 16, 2003, Regular meeting, the final plat of Realife Cooperative of Bloomington on Lyndale, Case 10595C-02.

Renewed a Professional
Services Agreement with
Linda Prigge
Item 6.2

Motion was made by Peterson, seconded by Elkins, and all voting aye, to renew a professional services agreement with Linda Prigge, a nurse practitioner who provides physical exams for women seen at the Sage Women's Clinic at the Mall of America under the standing orders of the City's medical consultant, Dr. John Bjorklund.

No budget adjustments are necessary, as the cost is covered by the City's agreement with the State of Minnesota for clinic operations.

Approved Public Health
Preparedness and
Response to Bioterrorism
Agreements with Edina
and Richfield
Item 6.3

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve public health preparedness and response to bioterrorism agreements with the cities of Edina and Richfield to enhance each city's ability to respond to bioterrorism, infectious diseases, and other threats to public health through the use of Minnesota Department of Health funding. The cities of Edina and Richfield will use a portion of their funds to purchase emergency services from the City, through its Public Health Division, in the amounts of \$29,805 and \$22,853 respectively.

The following budget adjustments are required:

223-6226-411.60-11 (\$52,658)
223-6226-345.47-23 (\$52,658)

Accepted LCTS Grant
Award and Approved
Contract with School
District #271
Item 6.4

Motion was made by Peterson, seconded by Elkins, and all voting aye, to accept the Federal Local Collaborative Time Study (LCTS) grant award for Disability Awareness Opportunities for All programs in the amount of \$2,200 and approved the contract with Bloomington School District #271 for Disability Awareness Services. District #271 acts as the fiscal agent for the Bloomington Family Services Community Council in the distribution of LCTS dollars.

Accepted Donations Item 6.5	Motion was made by Peterson, seconded by Elkins, and all voting aye, to accept the following donations made to various City activities and approved amending the revenue and expenditure budgets to facilitate the appropriate use of the funds: \$750 donated by Wal-Mart Foundation and \$6,820 donated by Eagles Club #3208 to Police K-9, \$150 donated by Marion Council Knights of Columbus and \$1,500 donated by Eagles #3208 Gambling Fund to Fire Prevention, \$3,500 donated by Eagles #3208 Gambling Fund to Fire Department Thermal Imager, \$30 donated by Hoa Hguyen to Police Department Training, \$5,000 donated by Bloomington Eagles to Human Services, bakery goods valued at \$10,400 yearly donated by Cub Foods, bakery goods valued at \$5,200 yearly donated by Lunds, and bakery goods valued at \$5,200 yearly donated by Byerly's to Human Services/Creekside, and \$500 donated by Sam's Club Foundation for phosphate free products as prizes, 40 native plants for prizes donated by Cal's Market, and a mulching lawn mower, weed whip and blower for prizes donated by the Toro Corporation to the City's Environmental Fair.
Approved Agreement with Bloomington Batting Cage, Inc. Item 6.6	Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve an agreement with Bloomington Batting Cage, Inc. for the lease of City property at the Dred Scott Playfields for the purpose of operating a batting cage as follows: 10-year lease, monthly payments of \$1,400 on June, July, August, September and October 1, fees to increase \$100 annually.
Dissolved Adaptive Recreation Joint Powers Agreement and Approved (AR&LE) Memorandum of Understanding Item 6.7AB	Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve dissolving the Adaptive Recreation Joint Powers Agreement and approved the Adaptive Recreation and Learning Exchange (AR&LE) Memorandum of Understanding (MOU). The MOU continues the collaborative programs for people with disabilities with the communities of Bloomington, Richfield, Edina, and Eden Prairie and adds the Learning Exchange (the adults with disabilities community education programs).
Ordered the 2003-901 Storm Sewer Maintenance Project, Approved the Plans, Specs, and Set the Schedule Item 6.8AB	Motion was made by Peterson, seconded by Elkins, and all voting aye, to order the 2003-901 Storm Sewer Maintenance Project that will provide maintenance construction at 13 sites throughout the city and approved the plans, specifications, and set the schedule for the 2003-901 Storm Sewer Maintenance Project. Funding is included in the 2003 Storm Water Drainage Utility Budget and no assessments will be involved.
Awarded a Contract to Asplundh Tree Experts Item 6.9	Motion was made by Peterson, seconded by Elkins, and all voting aye, to award a contract to Asplundh Tree Experts for private and public diseased tree removal in both the East and West Districts during 2003 at the unit prices bid for an estimated total contract of \$250,454.00. Funding is available in the 2003 Park Maintenance Budget, Activity 7731.
Awarded a Contract to Alltech Engineering Corporation Item 6.10	Motion was made by Peterson, seconded by Elkins, and all voting aye, to award a contract for installation of the orchestra pit lift in the Bloomington Art Center auditorium to Alltech Engineering Corporation in the amount of \$87,300.00. Funding for this project is available in the Art Center Capital Project Fund, Activity 9542. The estimated budget for this item was \$130,000.
Awarded a Contract to SECOA Item 6.11	Motion was made by Peterson, seconded by Elkins, and all voting aye, to award a contract to furnish and install the acoustical shell for the Bloomington Art Center auditorium to SECOA in the amount of \$88,383.00. Funding for this project is available in the Art Center Capital Project Fund, Activity 9542. The estimated budget for this item was \$100,000.00.
Approved Change Orders to Bloomington Civic Plaza Project Item 6.12	Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the following Change Orders to the Bloomington Civic Plaza project as recommended by the Project Architect (AKA) and the City's Construction Manager (M.A. Mortenson) adding \$21,948.20 for a total construction cost of \$25,844,602.00:

Item 6.12 continued Innovative Building Concepts (\$3,775.00), an increase of 0.63%.
Final Touch Interiors (\$7,237.20), an increase of 7.21%.
M.A. Mortenson (City Hall) (\$5,108.00), an increase of 0.24%.
M.A. Mortenson (Arts) (\$5,828.00), an increase of 0.92%.

Funding is available in the Contingency Budget adopted for this project. The combined contingency for Police, City Hall, and Fine Arts has a balance of (\$64,279) and an enhancement contingency of \$1,268,888 after these change orders.

Approved Lease Agreement for Sage Women's Clinic Space at Mall of America
Item 6.13 Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve a lease agreement with the Mall of America for the Sage Women's Clinic space. The rental amount remains at \$1,950 per month.

The rental fees are covered under the Minnesota Department of Health's grant to the City.

Authorized Advance Payments to Freeway 66 Properties for 7856 Lyndale Avenue South
Item 6.14 Motion was made by Peterson, seconded by Elkins, and all voting aye, to authorize the advance payment to Freeway 66 Properties of the City's approved appraisal of value (\$686,000) for the property owned by that entity at 7856 Lyndale Avenue South, which is being acquired by the City for purposes of the Lyndale Avenue Street Project. The owner is purchasing a replacement site at 9209 Lyndale Avenue South.

Awarded a Contract to RES Specialty Pyrotechnics
Item 6.15 Motion was made by Peterson, seconded by Elkins, and all voting aye, to award a contract to RES Specialty Pyrotechnics in the amount of \$16,500 for the SummerFete fireworks display at Normandale Lake Park on July 3, 2003. An additional \$1,500 will be added to the finale of the display.

Funds are budgeted in the Summer Fete Activity Budget 6501. As of May 14, 2003, \$9,403.00 in donations for The I Support Summer Fete Fireworks have been received.

Authorized City Staff to Make Offers to Properties at 8332 and 8524 Humboldt Avenue
Item 6.16 Motion was made by Peterson, seconded by Wilcox, and all voting aye, to authorize City staff to make offers to the property owners at 8332 Humboldt and 8524 Humboldt, based on the Minnesota Department of Transportation (MnDOT's) certified value of real estate and the relocation claim prepared by Conworth, Inc. as part of the early acquisition of properties in the I-35W corridor.

Jim Gates, Deputy Director of Public Works, explained that approval would give staff authorization to move ahead with offers to properties approved for early acquisition as hardship cases in the I-35W corridor. Staff would be bringing back the formal agreements with Met Council to use RALF funds to purchase the properties.

Opened Public Comment Period
The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda. No one came forward to speak, so the Council returned to its regular agenda.

Adopted a Supplemental Resolution to Eminent Domain Resolutions No. 2003-7 and 2003-16
Item 4.10 R-2003-73 Motion was made by Fossum, seconded by Abrams, and all voting aye, to adopt a resolution supplemental to eminent domain resolutions No. 2003-7 and No. 2003-16 concerning the France Avenue/West Old Shakopee Road Street Improvement Project, amending and correcting the legal descriptions of certain acquisitions that are to be made and authorized staff to reduce the length of the temporary easement periods as appropriate.

Dave Ornstein, City Attorney, explained that this is a housekeeping item to correct the legal descriptions of some of the properties that have been authorized for acquisition and reduce the number of temporary construction easements that are required for the project.

No public testimony was received.

<p>Adopted a Resolution Approving Port Authority's Action Regarding Mall of America TIF District Item 4.11 R-2003-68</p>	<p>Motion was made by Abrams, seconded by Elkins, and all voting aye, to adopt a resolution approving the Port Authority's action in modifying the Tax Increment Plan for Tax Increment Financing District I-C (Mall of America TIF District).</p> <p>Larry Lee, Acting City Manager, explained that the Port Authority approved the modification to the boundaries of the Tax Increment Financing District I-C (Mall of America TIF District).</p> <p>Arlen Welte, Kennedy & Graven Law Firm, explained the reason for the changing of the boundaries in the I-C TIF District. She stated that in 1985, even though the Mall of America TIF Plan was modified to delete the 14 acres north of Lindau Lane on the Met Center site, the legal description of the I-C TIF District was not. She explained why the Kelly Farm site was swapped for the Met Center site along with the Tax Increment District. The problem is that all of I-C, including the 14 acres north of Lindau Lane, is securing the bonds on the Mall of America. Therefore, in order to delete the 14 acres north of Lindau Lane out of I-C (Mall of America), the State requires a resolution from the City Council, the Port Authority, and the bond insurer and the banks require written consent to delete the 14 acres from the bonds.</p> <p>No public testimony was received.</p>
<p>Boards/Commissions Communications Item 7.1</p>	<p>No boards/commissions communications reported.</p>
<p>Status of Action Items Item 7.2</p>	<p>No Status of Action Items.</p>
<p>Approved Submittal of Revised Comment Letter to Met Transit Regarding Sector 5 Redesign Item 7.3</p>	<p>Motion was made by Elkins, seconded by Fossum, and all voting aye, to approve submittal of the revised comment letter to Met Transit regarding the Transit Redesign Final Plan for Sector 5.</p> <p>Lee read the paragraphs suggested by Elkins be added to the draft comment letter to Met Transit that was prepared by staff as follows:</p> <p style="padding-left: 40px;">“2. Service to Normandale Lake Office Park: The Normandale Lakes Office Park is the most intense employment node in the I-494 Corridor (see also Comment #13). It is therefore logical that proposed Route 594 provide service to this area from the Southwest Station park and ride facility in Eden Prairie. Please further discuss with City Public Works staff and with property managers the most appropriate routing and bus stop locations for Routes 542, 594 and 599 to provide direct service to the office park. An interface between these three routes would allow transfers.</p> <p style="padding-left: 40px;">Metro Transit has previously stated a desire to use “excess parking capacity” within the Normandale Lakes Office node as a park and ride. The current parking utilization is a function of office vacancies rather than excess capacity. The City would support expansion of existing structured parking lots in the vicinity as an alternative to a surface park and ride west of Normandale Lake.”</p>
<p>Approval of Minutes</p>	<p>Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the minutes of the April 21, 2003, Regular Council meeting as presented.</p> <p>Motion was made by Abrams, seconded by Peterson, to approve the minutes of the April 28, 2003, Study meeting, as presented. Motion passed 6-0-1 (Wilcox abstaining).</p> <p><Council recessed from 7:25 - 7:31 p.m.></p>
<p>Approved Renewal of On-Sale and Sunday On-Sale Intoxicating Liquor Licenses Item 4.1A</p>	<p>Motion was made by Peterson, seconded by Elkins, to approve the renewal of the following On-Sale and Sunday On-Sale Intoxicating Liquor Licenses for the period of July 1, 2003 through June 30, 2004, and postponed Mr. Steak, Earl C. Hill American Legion, and Doubletree Grand Hotel to the June 16, 2003, Regular meeting, and postponed TGI Friday's (Normandale), Bloomington Park Tavern, and Wyndham Garden Hotel indefinitely. Motion passed 6-0-1 (Winstead abstaining).</p>

Item 4.1A continued

Acting Mayor Abrams introduced this item, as Mayor Winstead has business relationships with some of the applicants.

Doug Junker, Licensing, provided the staff report explaining that Mr. Steak, Earl C. Hill American Legion Post, and the Doubletree Grand Hotel should be postponed to June 16, and that the Bloomington Park Tavern and TGI Friday's (Normandale), and Wyndham Minneapolis Airport be postponed indefinitely. He stated that AMF Southtown Lanes and Gator's are recommended for approval contingent upon their submission of food/liquor sales data by November 1, 2003. The rest are recommended for approval contingent upon submission of general items requested by staff.

America Live, AMF Southtown Lanes, Applebee's Neighborhood Grill (two locations), Bennigan's Billabong Aussie Grill & Pub, California Café Bar & Grille, Chevy's Fresh-Mex, Chili's Grill & Bar, Ciao Bella, Clarion, Courtyard, David Fong's, Days Inn, Denny's, Embassy Suites, Embassy Suites Hotel, Famous Dave's, Fuddrucker's, Gators, Hilton Garden Inn, Hilton Minneapolis/St. Paul Airport, Holiday Inn Airport #2, Holiday Inn I-35 Airport, Hooters, Hotel Sofitel, Jillian's, Joe Senser's Sports Grill & Bar, Kincaids, Knuckleheads, Major's Sports Café, Minneapolis Airport Marriott, Napa Valley Grille, Olive Garden #100, Outback Steakhouse, Pippins (Holiday Inn), Planet Hollywood, Radisson Hotel South, Rainforest Care, Red Lobster Rest. #249, Ruby Tuesday, Shantytown Grill, Steak & Ale Restaurant, Stuart Anderson's Cattle, TGI Friday's (Killebrew Drive), Thunderbird Hotel/Convention Center, Timber Lodge Steakhouse, Tony Roma's, Tucci Benucch, and Twin City Grill.

No public testimony was received.

Approved Renewal of
On-Sale and Sunday On-
Sale Entertainment
Facility Intoxicating
Liquor License
Item 4.1B

Motion was made by Fossum, seconded by Wilcox, to approve the renewal of an On-Sale and Sunday On-Sale Entertainment Facility Intoxicating Liquor License for the period of July 1, 2003 through June 30, 2004, for Camp Snoopy at 5000 Center Court, Mall of America. Motion passed 6-0-1 (Winstead abstaining).

No public testimony was received.

Approved Renewal of
Wine Licenses
Item 4.1C

Motion was made by Wilcox, seconded by Peterson, to approve the renewal of the following Wine Licenses for the period of July 1, 2003 through June 30, 2004. Motion passed 6-0-1 (Winstead abstaining).

Da Afghan Restaurant, Hospitality Inn & Suites, Hyland Ski & Snowboard Area, Italian Café, Mandarin Kitchen, Perkins Café & Bakery, Sawatdee Take Out, and Tandoor Restaurant.

No public testimony was received.

Approved Renewal of
On-Sale and Sunday On-
Sale Club Intoxicating
Liquor Licenses
Item 4.1D

Motion was made by Wilcox, seconded by Peterson, to approve the renewal of the following On-Sale and Sunday On-Sale Club Intoxicating Liquor Licenses for the period of July 1, 2003 through June 30, 2004. Motion passed 6-0-1 (Winstead abstaining).

Knights of Columbus #3827, Minnesota Valley Country Club, and Richfield-Bloomington Eagles.

No public testimony was received.

Approved Renewal of
Off-Sale Intoxicating
Liquor Licenses
Item 4.1E

Motion was made by Wilcox, seconded by Fossum, to approve the renewal of the following Off-Sale Intoxicating Liquor Licenses for the period of July 1, 2003 through June 30, 2004. Motion passed 6-0-1 (Winstead abstaining).

7 Eights Liquors, Big Bottle, Bucks Bi-Lo Liquors, Budget Liquor, Cedar Liquor, Cheers Wine & Spirits, Cost Plus World Market, Fine Wine Shop, Geerlings & Wade, Haskell's The Liquor Barrel, Liquor Locker, MGM Liquor Warehouse, MGM Wine & Spirits, Old Vine Wine & Spirits, Otto's Liquors, Sam's Club #4787, Sid's Discount Liquors, United Penn Lake Liquor, Village Square Liquors, Wakefield's Liquor, and Wine Street Spirits.

No public testimony was received.

<p>Approved a New On-Sale Intoxicating Liquor License for Famous Dave's at the Mall of America Item 4.1F</p>	<p>Motion was made by Wilcox, seconded by Peterson, to approve a new On-Sale Intoxicating Liquor License for Old Met BBQ, Inc. dba Famous Dave's located at 320 South Avenue, Mall of America. Motion passed 6-0-1 (Winstead abstaining).</p> <p>No public testimony was received.</p>
<p>Closed Public Comment Period</p>	<p>The Mayor asked if anyone else wished to address the Council during the public comment period, or it would be closed. No one came forward to speak and the public comment period was closed.</p>
<p>Adopted a Resolution Granting Preliminary and Final Plat Approval for LAIB Addition, 10458 Colorado Circle Case 9010A-03 Item 4.2 R-2003-65</p>	<p>Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt a resolution granting preliminary and final plat approval for LAIB Addition, located at 10458 Colorado Circle, Case 9010A-03, for Donovan Laib subject to completion of the following conditions, receipt of the title, and necessary documents and deposits and a review of all documents by the City Attorney. The property is to be subdivided from an existing two-family home into two lots.</p> <ol style="list-style-type: none"> 1. Provide a signed joint maintenance agreement as required for the shared utility services. 2. Provide signed copy of common driveway easement agreement. 3. If there are to be any modifications to the existing building or site, furnish existing grading, drainage, utility, and erosion control plan prior to issuance of permits. 4. Property must be platted per Chapter 16.03 of the City Code. 5. Provide 10-foot sidewalk/bikeway easement along street frontage. 6. Extend drainage and utility easements to back lot line along the proposed new lot line (excluding building). <p>No staff report was provided and no public testimony was received.</p>
<p>Adopted an Ordinance Regarding Redistricting of Precinct Boundaries Item 4.3 O-2003-17</p>	<p>Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an ordinance regarding the redistricting of precinct boundaries for the City of Bloomington that were made in response to problems that arose during the November 2002 election.</p> <p>Kim Engberg, Deputy City Clerk, introduced Tom Ferber, the new City Clerk, who was observing the meeting in anticipation of his employment with the City beginning on May 27. Engberg explained that as a result of the problems that voters encountered in precincts 4, 5, 6, 12, and 17 during the November 2002 election, staff has recommended the following changes to improve the quality of service to its citizens. The recommended changes will result in 2500 registered voters or less in each precinct or polling place. The number of precincts has increased from 26 to 32 but legislative and ward boundaries were not changed. Using a map, she described how precincts 4, 5, 6, 12, 17, and 24 were divided approximately in half and the boundary lines were shifted between precincts 19 and 22; 13 and 26; 23 and 24; 25 and 26; 10 and the new precinct 30. Staff is in the process of establishing polling places for each of the new precincts and shifting some of the current places to new locations. The list of polling places will be brought back to Council for approval once they've been confirmed. Those affected by these changes will be notified by a letter before the election, as well as it being published on the City's website and in the Briefing.</p> <p>Winstead inquired as to the cost of notification and stated that depending on the cost, Council may want to consider multiple renotifications.</p> <p>No public testimony was received.</p>
<p>Adopted an Ordinance Adding Pet Service Facilities as a Conditional Use Item 4.4A O-2003-18</p>	<p>Motion was made by Fossum, seconded by Elkins, and all voting aye, to adopt an ordinance adding a definition of Pet Services Facilities, and allowing pet service facilities as conditional uses in the B-2 Retail Business District, I-1, I-2 and I-3 Industrial Districts, FD-1 and FD-2 Freeway Development Districts, and CB Central Business District, thereby amending Chapter 19 of the City Code.</p>

Item 4.4A continued

Bob Sharlin, Planner, provided the staff report stating that this designation would consolidate several existing pet care activities into one. Daily pet care services would be one category as a conditional use and pet services facilities would be evaluated on a case-by-case basis. Recommended for approval by staff and the Planning Commission.

No public testimony was received.

Adopted a Resolution
Approving a Conditional
Use Permit for The
Canine Club, Inc. at
8090 Morgan Circle
Case 8191A-03
Item 4.4B
R-2003-66

Motion was made by Fossum, seconded by Elkins, and all voting aye, to adopt a resolution approving a conditional use permit for a pet services facility for the property located at 8050 Morgan Circle (tenant space is 8090 Morgan Circle), Case 8191A-03, for The Canine Club, Inc., subject to the following 3 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. As interior space improvements be reviewed by the Environmental Services Division;
2. All signage be consistent with the uniform sign design for the center; and
3. Pet exercise and sanitation occur on the site (i.e. grounds) of the shopping center.

Sharlin explained that this facility would be a short-term daily pet care operation for dogs. He stated that staff and the Planning Commission recommend approval.

No public testimony was received.

Closed Public Hearing
on Pillar Homes -
Bloom Hill LLC
Item 4.5A

Motion was made by Peterson, seconded by Fossum, and all voting aye, to close the public hearing on the Pillar Homes - Bloom Hill LLC applications.

Winstead explained that staff would report first, then the developer, and then the public would be invited to speak. As the site was previously a church, it was explained that several applications need approval by the City Council to allow this development to occur.

Rebecca Schindler, Planner, explained the applications by Pillar Homes to redevelop an existing church site that includes a parsonage with 15 townhome units. One application is to amend the Comp Plan from Quasi-Public to Medium Density, for which this proposal is 5.7 units per acre. She described the surrounding residential as high-density condominiums and low-density single-family homes. She stated the site has good access to American Boulevard and Penn Avenue, which are both A minor arterials. The 15-unit townhome development would incorporate the parsonage but the existing church building would be removed from the site. She stated the proposed development meets the Code height requirement, as the height of the building as measured according to the Code would be approximately 20 feet. She stated that the developer redesigned the roof style and pitch to lower the overall height of the townhomes in an effort to address neighborhood concerns making the overall height approximately 35 feet. She described the setbacks from adjacent properties and stated that the proposed development is not expected to have any negative impacts on the adjacent street system compared with the former church land use. A lift station would be required for the sanitary sewer for the units along the east property line and a generator would be provided for electrical emergencies. She explained that the applicant is proposing to install a rain garden along the east property line to address water quantity and water quality issues. The garden would be constructed to hold the volume of rainwater generated during a 100-year storm event. She stated that the Planning Commission recommended approval with conditions.

Casey Shermack, Owner of Pillar Homes, provided some background on his company describing what he primarily develops and where. He stated this concept of townhomes with an association-controlled environment with landscaping properly implemented and maintained will result in a consistent and unique housing project. He stated that the townhomes were designed as rambler to blend in with the existing single-family residential surrounding the area and that one-level living is very popular. He provided a rendering to show how the front elevation will look and described how the roof massing was redesigned from a gabled roof to a hip roof (reducing the height from 65 feet to 60 feet) and that the pitch was changed from 10:12 to 6:12, with a few detailed roofs at 8:12. He also provided photos of a two-year old development to show the type of landscaping he is proposing using gardens and rain gardens. He stated that he desires to sell the townhomes for \$400,000 to \$450,000 per unit. In response to Council's inquiry as to the grading of the site and the potential for damage to an existing tree at 8118 Vincent, Shermack replied that most of the grade that works around the site blends in anywhere within 1-3 feet of the existing grade and that he does not believe the grading would damage the tree roots. From the south most lot line, Shermack stated that excavating would occur at approximately 12-15 feet from the lot line and that the location of the tree could be addressed in the detailed landscape and grading plan, which staff must approve. He agreed to having the redesigned style and pitch of the roofs be included as additional conditions.

Speaker #1: David Hall, 8118 Vincent Avenue South

He submitted a comment letter to the Council from a neighbor, Mike Dokken. He stated that he has the tree that he believes would be in danger of getting its roots cut when excavation commences, based on the large umbrella of the tree. He stated that the grade and elevation of the site makes it a difficult site to develop and added that he will probably have to plant 15-foot tall trees at an approximate cost of \$1,000 to screen his property from this development. He stated his disappointment with the public disclosure of information provided on this development or lack of it, including what was not provided at the Planning Commission meeting. He stated that the neighbors were originally supportive of the proposal until they learned that the buildings were proposed to be almost 40 feet high. He requested the developer install a fence or plant trees to block off light from car headlights shining into his back yard. He added that he would be closely watching the construction start and ending times and that if they are violated, he would be calling the police and the City Council.

He thanked the Mayor and Elkins for their efforts in attending meetings held by the neighborhood on this proposal.

Speaker #3: Kevin Mahall, 8141 Xerxes Avenue South

He brought in a display built to scale that he believed more closely represents the reality of the development as it relates to the surrounding neighborhood. His display was built with the originally proposed roof style and pitch with the ability to modify the model to the redesigned style and pitch currently being proposed by the developer.

Winstead requested Mahall change the roofs to what is presently being proposed by the developer, as that is the current proposal being considered by the Council. Although the altered display showed the change in style of roof being proposed, the change in pitch was not accomplished in the altered display.

Peterson expressed concern that the display model did not appear to be accurately depicting the height of the existing rambler-style homes compared to the height of the proposed townhomes.

Mahall showed photographs of a typical home in his neighborhood and various views looking from it to give the Council an idea of what the neighborhood looks like and the perspective views the existing homeowners will have of the proposed development. He inquired as to the depth of the proposed rain garden to the top of the rock material in the garden. He also commented on the vague information that was provided to the neighborhood through the Planning Commission phase stating that he doubted the process. He believes he was deceived by the pastor of the church regarding their plans for the site.

Abrams commented that it is not helpful to the Council, who will be making a decision on these applications, to hear testimony on the development and be cross-examined by the neighbors on what was and was not said by the Mayor and Councilmember Elkins during meetings which the rest of the Council was not present.

Mahall continued by expressing his concerns regarding the high density and increased traffic that it will bring into the neighborhood. He doesn't believe it was fair that the church didn't have to pay taxes on its land for 40 years and then sells it to the highest bidder for a development of townhomes, rather than single-family homes. He believes the City is opening itself up to lawsuits from citizens for allowing this type of development in their neighborhoods.

Regarding the depth of the rain garden, Shermack responded that from the highest point on the swale to the lowest point would be about 18 inches and that it is sized to handle a 100-year rain. He clarified for Councilmember Harden that the roof is now 4 feet shorter in overall height and the massing of the ridge has also been changed.

Speaker #4: Cathy Mahall, 8141 Xerxes Avenue South

She commented that the master plan for Bloomington should provide some protection for existing neighborhoods designated R-1 to prevent developers from spot rezoning and putting in higher density developments. She requested the Council think about what would be good public policy for Bloomington. She stated the Council has set a bad precedence with a few other church sites that have been sold and developed adding that the majority of citizens don't want this type of development. She doesn't believe the development meets the findings needed for approval of the project.

Speaker #5: Larry Brady, 3101 West 81st Street

He stated that he and his wife have attended all of the meetings held on this proposal except for one and that they support the proposal and believe it's a good proposal for the site and will enhance their neighborhood. He added that there are more than just single-family ramblers in the neighborhood now and that adding \$7 million onto the City's tax rolls won't hurt either.

Speaker #6: Barb Ottinger, 8112 Vincent Avenue South

She lives directly below the church and would like to see the property remain as it is, but realizes that it's not very realistic. At the same time, she doesn't want to see a vacant church building either. Her primary concern is regarding drainage and believes the rain garden will be an improvement to assist with some of the drainage issues, especially to her neighbors to the north. She requested that the City pay careful attention to its inspection process during the construction phase to be sure that everything is built according to Code.

The Council closed the public hearing.

Winstead requested a condition be added that would address the need for screening of headlights from the existing neighbors and a condition that would address the developer's proposed roof redesign and altered pitches.

Wilcox agreed with Winstead regarding the need for screening. He inquired about the proposed grade compared to the existing grade from east to west and where the rain garden would be located.

Elkins stated that per the neighborhood meetings he attended on the proposal, the concerns focused on traffic, drainage, and the massing of the buildings. He stated that 82nd Street would be a good candidate for utilization of the Traffic & Transportation Advisory Commission's traffic calming measures once they are adopted. Regarding the rain garden, he believes it will help with the treatment and runoff volume of the stormwater. He believes the developer has made significant concessions as to the style and pitch of the roof in order to alleviate the neighborhood's concern with the massing of the buildings. He stated there has been plenty of public input regarding this development and that the process has been typical and has allowed the developer and staff to work to address neighborhood concerns. He stated his support for the plan with the additional conditions recommended by Council.

Item 4.5A continued

Peterson stated that as there have been several other successful church conversion projects in his district, he supports this proposal and that it will serve the long-time residents of Bloomington who are looking to relocate within the city. He applauded the developer for involving the neighbors early on in the process.

Abrams stated his support of the proposal and believes there is a significant market for this type of housing and that it provides the variety of housing necessary to keep Bloomington vital. He believes it's a good project that has been modified to address neighborhood concerns and will enhance the neighborhood. He gave credit to the residents in the neighborhood who reacted positively to the development and who believe it will be good for the city in the long-term. In addition, he added that Council did receive input from a significant number of neighbors who were in support of the project.

The following motions were made to approve the development.

Adopted a Resolution
Amending Comp Plan
for 8101 and 8137
Xerxes Avenue
Case 4824A-03
Item 4.5A
R-2003-67

Motion was made by Elkins, seconded by Peterson, and all voting aye, to adopt a resolution amending the Bloomington Comprehensive Plan to reflect a change in land use designation of land at 8101 and 8137 Xerxes Avenue from Quasi-Public to Medium Density Residential for Pillar Homes - Bloom Hill LLC, Case 4824A-03.

Adopted an Ordinance
Amending Zoning Map
to Rezone 8101 and 8137
Xerxes Avenue
Case 4824B-03
Item 4.5B
O-2003-19

Motion was made by Elkins, seconded by Peterson, and all voting aye, to adopt an ordinance amending the Zoning Map to rezone certain property located at 8101 and 8137 Xerxes Avenue from Single Family Residential, R-1 to Single Family Residential (Planned Development) R-1(PD), for Pillar Homes - Bloom Hill LLC, Case 4824B-03.

Approved Preliminary
and Final Development
Plans for Pillar Homes -
Bloom Hill LLC at 8101
and 8137 Xerxes
Case 4824C-03
Item 4.5C

Motion was made by Elkins, seconded by Peterson, and all voting aye, to approve the preliminary and final development plans for a 15-unit townhome development at 8101 and 8137 Xerxes Avenue, Case 4824C-03, for Pillar Homes - Bloom Hill LLC, subject to the following 12 conditions of approval and 3 Code requirements as set forth by the Planning Division Staff and the Planning Commission in addition to the two conditions suggested by Council (#13 and #14):

1. A development agreement including all conditions of approval be executed by the applicant and the City;
2. Exterior building materials be approved by the Planning Manager;
3. Grading, drainage, utility and erosion control plans, including a maintenance agreement for the pond between the applicant and the City, be approved by the City Engineer;
4. Connection charges, as determined, be satisfied;
5. Access, circulation and parking plans be approved by the City Engineer;
6. A SAC questionnaire be completed and submitted to the Department of Public Works;
7. Erosion control measures be in place prior to issuance of grading permits;
8. All retaining walls over 4 feet in height designed by a licensed engineer;
9. Vegetation plan for the infiltration system to be approved by the City Engineer;
10. Review and approval by the Nine Mile Creek Watershed District be completed;
11. Alterations to utilities be at the developer's expense;
12. Temporary street signs and addresses be provided during construction;
13. Roofs will be on a hip style and roof pitches shall not exceed 6:12 and accent roofs shall not exceed 8:12 as approved by the Planning Manager; and
14. Landscape plan provide headlight screening for vehicles entering primary driveway.

and subject to the following Code requirements:

- Item 4.5C continued
1. Landscape plan, including proposed planting in identified easement areas, be approved by the Planning Manager (Sec. 19.52);
 2. Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73); and
 3. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C).

Approved Preliminary Plat of Bloom Hill Addition at 8101 and 8137 Xerxes Avenue Case 4824D-03
Item 4.5D

Motion was made by Elkins, seconded by Peterson, and all voting aye, to approve the preliminary plat of Bloom Hill Addition at 8101 and 8137 Xerxes Avenue, Case 4824D-03, subject to the following 7 Code requirements as set forth by the Planning Division Staff and the Planning Commission:

1. Five foot drainage and utility easement be provided along the north, south and east interior lot lines for the common parcel;
2. Ten foot drainage and utility easement be provided along Xerxes Avenue;
3. Ten foot sidewalk/bikeway easement be provided by document along Xerxes Avenue as approved by the City Traffic Engineer;
4. Park dedication be in cash;
5. Agreements for the common use, operation and maintenance of driveways, retaining walls, parking, private utilities and sanitary sewer pumping station be reviewed by the City Engineer, approved by the City Attorney and proof of filing be provided to the Manager of Building and Inspection;
6. Application for vacation on underlying easements be provided; and
7. Erosion control surety be provided to the Manager of Building and Inspection.

<Council recessed from 9:25 - 9:36 p.m.>

Adopted an Ordinance Authorizing Transfer of a Portion of 3901 West Old Shakopee Road
Item 4.6
O-2003-20

Motion was made by Peterson, seconded by Fossum, and all voting aye, to adopt an ordinance authorizing the transfer of a remnant portion of 3901 West Old Shakopee Road, a parcel being acquired by the City for the France/Old Shakopee Road Street Improvement Project for the dedicated right turn lane at the intersection and for associated sidewalk, utility, semaphore, and gas relief valve facilities. Street access to the remainder of the parcel will be lost and the existing gas station facilities will be demolished.

Ornstein provided the staff report explaining that the City's need to acquire the Amoco Station on the southwest corner of France & Old Shakopee Road for a roadway project but that the entire parcel is not needed for the project. However, what would remain would not be enough to develop. Therefore, as a way to mitigate the severance damage to the Bloomdale Center that would otherwise result from this loss of land area and parking, the City recommends committing to the transfer of the remnant portion of 3901 West Old Shakopee Road (subject to the reservation of the necessary right-of-way and easements) to the Bloomdale owners. The City will also reconstruct the northerly Bloomdale parking area so as to include the remnant parcel and provide replacement parking thereon.

Adopted a Resolution Approving a Conditional Use Permit for Academy College - Academy Education Center at 1101 East 78th Street
Case 10179A-03
Item 5.1
R-2003-69

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution approving a conditional use permit for a college at 1101 East 78th Street, Case 10179A-03, for Academy College - Academy Education Center, subject to the following conditions being satisfied prior to the issuance of any permits:

1. The conditional use permit shall be valid for and limited to the existing first floor area of the three-story building and all college related activities shall be limited to the first floor;
2. A SAC questionnaire shall be completed and any charges satisfied;

and subject to the following conditions:

3. The applicant and property owner shall work with Planning Staff to develop and implement an interior trash and recyclable material collection and storage solution consistent with the intent and purpose of Section 19.51 of the City Code;
4. The college administration shall maintain a program to assist student car pooling and ride sharing as a means of reducing use parking demand;

Item 5.1 continued

5. All pickup and drop-off occur on site and off of public streets;
6. All loading and unloading occur on site and off of public streets;

and subject to the following Code requirements:

1. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
2. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360); and
3. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code.

Bob Hawbaker, Senior Planner, pointed out that due to a change and increase in occupancy for this site, a SAC charge is due. He stated that the applicant is aware of the charge that is collected by the City and is remitted to the Metropolitan Council.

Harden commented that she knows the applicant and wanted the Council to know that although she had to relocate the school due to airport issues, she relocated within Bloomington.

No public testimony was received.

Approved a Three-Year Temporary Conditional Use Permit for True Tae Kwon Do at 10756 France Avenue Case 10616A-03 Item 5.2

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve a three-year temporary conditional use permit for a martial arts studio in an existing retail shopping center at 10756 France Avenue, Case 10616A-03, for True Tae Kwon Do, subject to the following 2 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. Floor area of the use shall not exceed 2,100 square feet during the permit period unless approved by the Planning Manager; and
2. Future requests for renewal of this temporary conditional use permit may be considered by the Hearing Examiner.

No staff report was provided and no public testimony was received.

Approved a Two-Year Temporary Conditional Use Permit for Bloomington Tire and Auto at 9331 East Bloomington Freeway Case 7940A-03 Item 5.3

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve a two-year temporary conditional use permit for Class III motor vehicle sales as part of an automotive service business at 9331 East Bloomington Freeway, Case 7940A-03, for Bloomington Tire and Auto, subject to the following 8 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. State license shall be properly maintained;
2. No more than five "for sale" vehicles shall be on the site at any one time;
3. All "for sale" vehicles shall be kept within and only displayed within the secured storage area east of the building and shall be clearly marked for identification as such;
4. All customer parking shall occur on-site and off of the adjacent public street(s);
5. All inventory or stock loading and unloading shall occur on site and off of public streets;
6. Any signage related to the sale of used motor vehicles shall be incorporated into the signage for the primary business on the property;
7. All traffic shall exit to the north;
8. Three-foot high solid screening and landscaping be maintained along East Bloomington Freeway.

No staff report was provided and no public testimony was received.

Approved an Interim Use Permit for Budget Rent A Car System, Inc. at 2700 East 80th Street Case 5285A-03 Item 5.4

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve an interim use permit for an automobile rental business, on-site storage, and limited maintenance of the vehicles for the property at 2700 East 80th Street, Case 5285A-03, for Budget Rent A Car System, Inc., subject to the following 6 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. The interim use permit shall terminate three years from the date of City Council approval or upon the acquisition of the property by the Metropolitan Airports Commission, whichever occurs first;

Item 5.4 continued

2. The site may be used by up to 300 rental automobiles and passenger vans displaced from the airport facility due to construction projects;
3. Rental vehicle parking and storage, employee parking, and visitor/customer parking shall be conducted in an orderly manner consistent with the approved parking and circulation plan and marked spaces;
4. The yard and landscaping shall be maintained in a neat and orderly manner;
5. All inventory loading and unloading shall occur on-site and off of adjacent public streets; and
6. No on-street parking shall be allowed.

No staff report was provided and no public testimony was received.

Approved Renewal of a Two-Year Temporary Conditional Use Permit for Ladies Workout Express at 5101 West 98th Street
Case 7332A-03
Item 5.5

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the renewal of a two-year temporary conditional use permit for a physical exercise facility in an existing shopping center at 5101 West 98th Street, Case 7332A-03, for Ladies Workout Express, subject to the following 7 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. The business shall not exceed 4,085 square feet of floor area during the approved permit period without the approval of the Planning Manager;
2. Any changes to hours of operation or operational programming that can result in different traffic use characteristics shall be reviewed and approved by the Planning Manager for compatibility with the center parking provisions and tenant mix;
3. Any food and/or beverage service shall be reviewed and approved by the Environmental Health Services Division, Department of Community Development;
4. All signage shall conform to the approved Uniform Sign Design for the center;
5. No child care shall be offered or allowed;
6. Business shall comply with Chapter 363, Mn. Statute (Human Rights Act); and
7. Future temporary conditional use permit requests be considered by the Hearing Examiner.

No staff report was provided and no public testimony was received.

Approved the Renewal of a Two-Year Temporary Conditional Use Permit for Viacom Outdoor at 9321 East Bloomington Freeway
Case 7851A-03
Item 5.6

Motion was made by Fossum, seconded by Abrams, and all voting aye, to approve the renewal of a two-year temporary conditional use permit for a billboard at 9321 East Bloomington Freeway, Case 7851A-03, for Viacom Outdoor, subject to the following 6 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. The approved advertising copy area for each face shall consist of only the basic 14 foot by 48 foot panel with an extension area on top not to exceed 60 square feet in area or 40 feet in height above grade and an extension area on each side not to exceed seven square feet in area or 50 feet in total sign height;
2. Only one side extension shall be in use on each face at any given time;
3. No copy or projection of the sign copy shall extend below the base of the 14-foot by 48-foot panel on either face;
4. All advertising copy shall be within the approved copy area;
5. A photograph of each billboard face, in a format approved by the Planning Manager, be submitted to the Planning Division within 15 days of the change of face; and
6. Future temporary conditional use permit requests be considered by the Hearing Examiner.

No staff report was provided and no public testimony was received.

Adopted a Resolution Approving a Variance for Freeway 66 Properties at 9209 Lyndale Avenue South
Case 4550A-03
Item 5.7A
R-2003-71

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution approving a variance to reduce the required side yard setback for an eight (8) foot high fence from 10 feet to zero feet along the north property line at 9209 Lyndale Avenue South, Case 4550A-03, for Freeway 66 Properties, subject to the following 3 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. The variance allows only for an eight-foot high chain link fence as shown on approved plans in Case 4550A-03;

Item 5.7A continued

2. No segment of fence over six feet in height shall be used to connect the two north/south segments along the north property line and have less than a 10-foot setback; and
3. The fence shall be located on the site as shown on the approved site plan in Case 4550C-03.

Hawbaker provided the staff report stating that the applicant is being displaced due to roadway work at 79th Street & Lyndale Avenue and have an agreement to purchase the Mr. Steak property at 9209 Lyndale Avenue South. The building will be demolished and a new 400-square foot, 8-bay vehicle service facility will be constructed. He stated that a variance is being requested to locate an 8-foot chain link fence closer to the property line than would be allowed for security purposes. As it would be adjacent to industrial uses, the Planning Commission and staff don't have any issues with it. In addition, he stated that the property will be replatted into a single lot. He added that an eighth condition in Case 4550D-03 regarding a sidewalk was added by the Engineering Department and has been discussed with the applicant.

No public testimony was received.

Adopted a Resolution
Approving a Conditional
Use Permit for Freeway
66 Properties at 9209
Lyndale Avenue South
Case 4550B-03
Item 5.8B
R-2003-72

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution approving a conditional use permit for a motor vehicle repair facility at 9209 Lyndale Avenue South, Case 4550B-03, for Freeway 66 Properties, subject to the following 2 conditions of approval as set forth by the Planning Division Staff and the Planning Commission:

1. Property development shall be as per approved plans in Case 4550C-03; and
2. The property shall be platted in accordance with Chapter 16 of the City Code.

No public testimony was received.

Approved Final Site and
Building Plans for
Freeway 66 Properties at
9209 Lyndale Avenue
South
Case 4550C-03
Item 5.8C

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the final site plans and building plans for an automotive repair facility at 9209 Lyndale Avenue South, Case 4550C-03, for Freeway 66 Properties, subject to the following 11 conditions of approval and 10 Code requirements, as set forth by the Planning Division and the Planning Commission:

1. An encroachment agreement covering the continued use of the existing west parking lot curb line and spaces, the existing freestanding sign, and new three-foot high solid screening along Lyndale Avenue be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
2. An encroachment agreement covering the placement of the fence and the parking lot into the requested easement along the north lot line be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
3. Exterior building materials be approved by the Planning Manager;
4. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;
5. Access, circulation and parking plans be approved by the City Engineer;
6. Applicant petition for sidewalk along Lyndale Avenue and for street improvements and sidewalk along Garfield Avenue;
7. All truck traffic shall use Garfield Avenue to enter and leave the site once Garfield has been improved for that purpose;
8. Alterations to utilities be at the developer's expense;
9. All construction related parking, loading, unloading, staging, and material storage shall occur on-site;
10. All loading and unloading occur on site and off of public streets;
11. Approved and installed erosion control barriers shall be maintained throughout the construction period and not removed until authorized by the City Engineer.

and subject to the following Code requirements:

1. Three foot high solid screening be provided along Lyndale and Garfield Avenues as approved by the Planning Manager (Sec. 19.52);

Item 5.8C continued

2. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
3. All rooftop equipment be fully screened (Sec. 19.52.01);
4. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
5. All trash and recyclable materials be stored and screened inside the principal building/in a screened area (pick appropriate requirement). (Sec. 19.51);
6. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
7. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1, Mn. Rules Chapter 1306; Uniform Fire Code Sec. 1003);
8. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
9. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
10. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;

No public testimony was received.

Adopted a Resolution
Approving the
Preliminary and Revised
Final Plat of Freeway
Addition at 9209
Lyndale Avenue
Case 4550D-03
Item 5.7DE
R-2003-75

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve of the one lot, one block, Preliminary Plat of Freeway Addition at 9209 Lyndale Avenue South, Case 4550D-03, for Freeway 66 Properties, with receipt of the title, easements, necessary documents and deposits and a review of all documents by the City Attorney, and adopted a resolution granting the revised final plat approval, subject to the following 8 conditions of approval and 3 Code requirements:

1. Right-of-way be dedicated to 50 feet from centerline along Lyndale Avenue and to 25 feet from centerline on Garfield Avenue;
2. Standard 10-foot drainage and utility easements be provided along Lyndale Avenue and Garfield Avenue and five-foot drainage and utility easements be provided along the interior property lines (subject to vacation of existing 10-foot easement along the south lot line) as approved by the City Engineer and proof of filing be provided to the Manager of Building and Inspection;
3. Erosion control surety shall be provided to the Building and Inspections Manager;
4. Connection charges be satisfied;
5. Sewer Availability Charge (SAC) be completed and satisfied;
6. Alterations to utilities shall be at the developer's expense;
7. Development Agreement to be approved by the Director of Public Works prior to issuance of grading permits; and
8. Standard 10-foot sidewalk/bikeway easement be provided along Lyndale Avenue and Garfield Avenue;

and subject to the following Code requirements:

1. Park Dedication shall be in cash;
2. Unused water services shall be properly abandoned (Sec. 11.15); and
3. The approved Final Plat shall be filed with Hennepin County, a certified copy provided to the Engineering Department.

No public testimony was received.

Postponed to June 2
Vacation of Scenic
Easement at 7401 Auto
Club Road
Item 4.7

Motion was made by Peterson, seconded by Abrams, and all voting aye, to postpone to the June 2, 2003, Regular meeting, the vacation of a scenic easement located at 7401 Auto Club Road.

Postponed to June 2
Vacation of Drainage
and Utility Easements at
9445 Lyndale Avenue
Item 4.8

Motion was made by Peterson, seconded by Abrams, and all voting aye, to postpone to the June 2, 2003, Regular meeting, the vacation of drainage and utility easements located at 9445 Lyndale Avenue South.

Postponed to June 16 an
Ordinance Authorizing
Transfer of Certain
Lands Along T.H. 169
Item 4.9

Motion was made by Peterson, seconded by Abrams, and all voting aye, to postpone to the June 16, 2003, Regular meeting, an ordinance authorizing the transfer of certain lands to the State of Minnesota Department of Transportation (MnDOT) along T.H. 169 north of Bloomington Ferry Road.

Approved Revised
Preliminary
Development Plan for
Mall of America at 7901
Old Cedar Avenue and
2000 Lindau Lane
Case 6917A-03
Item 5.8A

Motion was made by Peterson, seconded by Fossum, and all voting aye, to approve the revised preliminary development plan for the Mall of America Expansion at 7901 Old Cedar Avenue and 2000 Lindau Lane, Case 6917A-03, subject to the following 10 conditions (including revised Condition #4(G) and Condition #10) and 9 Code requirements recommended by the Planning Division Staff being satisfied by a specific date or prior to or concurrent with submission of any application for approval of subsequent final development plans:

1. A development agreement be executed by the applicant and the City containing the following:
 - A. All conditions of approval;
 - B. Prior to any subsequent phase a project implementation report that includes a personal vehicle occupancy study indicating that private vehicle occupancy serving the site is an average of 1.2 persons per vehicle or greater and a transit demand study indicating at least two percent of peak period trips serving the site are made by public transit;
 - C. Set of finalized preliminary plan drawings in accordance with the requirements of Section 19.38.01(f) as approved by the Planning Manager;
2. Project phasing report be presented to the Planning Manager and City Engineer including a description of each individual project phase (updated for each Final Development Plan request) including City review timeframe and projected construction and completion dates;
3. Urban Design Guideline Plan outlining principles for physical, function, visual and architectural integration to be submitted and approved the Director of Community Development to be utilized in the review and assessment of individual Final Development Plan requests;
4. Access and circulation plan indicating vehicle and pedestrian circulation, internal connections between buildings and parking plans be reviewed and approved by the Director of Public Works and subject to the following:
 - A. Access configurations including lane widths, locations and permitted turning movements shall be approved by the Director of Public Works prior to issuance of permits;
 - B. An on-site and off-site traffic control plan including: signals, signing, pavement markings and ITS components be approved by the Director of Public Works prior to issuance of permits;
 - C. Pedestrian (permanent and interim) circulation plan including connections from one building to the next to be approved by the Director of Public Works;
 - D. Shown right-in/right-out street openings that are not modeled and accepted on American Boulevard and on Lindau Lane at this time will need to be approved by the Director of Public Works prior to future installation;
 - E. An interim roadway connection, as feasible, from IKEA to American Boulevard at Thunderbird Road and/or Lindau Lane at 22nd Avenue, as approved by the Director of Public Works, shall be maintained until completion of Phase II of MOA;
 - F. Street modification agreements for traffic signals modifications at the intersection of 20th Avenue and Lindau Lane and American Boulevard and Thunderbird Road shall be provided;

- G. The developer shall design and construct an enclosed pedestrian connection between IKEA and the adjacent building (Mall Expansion—Phase II). The design will incorporate such physical elements which provide (1) a prominent entry portal, (2) clear spatial transition between uses and (3) visual cues such as lighting, building materials, finishes, and interior fixtures or furnishings emphasizing the portals and transitions.
 - H. Cross access agreements for motorized and non-motorized access shall be approved by City Engineer prior to issuance of permits;
 - I. An easement for street purposes, as approved by the Director of Public Works, shall be provided to the City for a right turn lane along the southerly side of Lindau Lane from 22nd Avenue running Easterly toward 20th Avenue by December 31, 2003.
5. Grading, drainage, and erosion control plan be reviewed and approved by the Director of Public Works;
 6. Water and sanitary sewer utility service analysis (including water use and sewer flow projections) and plans be reviewed and approved by the Director of Public Works;
 7. Each subsequent final development plan application which is not consistent with the approved preliminary development plan shall be accompanied by an application for a revised preliminary development plan complying with all zoning district regulations;
 8. In accordance with the requirements of Section 19.40.07.01(a)(3) of the HX-2 district an enclosed pedestrian walkway connecting to the mixed-use center south of Lindau Lane shall be provided when the total floor area (excluding the pedestrian connection associated floor area) exceeds 2 million square feet;
 9. No masonry exterior finish material shall be painted except as approved by the Planning Manager;
 10. Public safety radio communication system plan be provided in accordance with the Bloomington Police Department radio communication study as approved by the Bloomington Chief of Police and Mall of America Company;

and subject to the following Code requirements:

1. Landscape plan and bond amount be approved by the Planning Manager (Sec 19.52);
2. All rooftop equipment be fully screened (Sec. 19.52.01);
3. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
4. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
5. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
6. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
7. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;
8. Uniform Sign Design, including design standards, for all phases of the Mixed-Use center be approved by the Planning Manager; and
9. All trash and recyclable materials be stored and screened inside the principal building in a screened area (pick appropriate requirement). (Sec. 19.51).

Lee explained that the Preliminary Plan for Mall of America Phase II establishes a framework for specific plans, therefore, it will be considered before IKEA. Order of presenters: Clark Arneson, Planning Manager (background on applications), Bob Sharlin, Planning (specific case files), Shelly Pederson, City Engineer (traffic circulation), and the developer's representatives, followed by Council discussion and public input.

Arneson provided a timeline of events from June 1988 when the restated contract was approved through the present with IKEA requesting final development plan approval. He reported that the Port Authority met earlier in the evening to grant its approval from a contractual standpoint of the revised Mall plans and the IKEA plans and approved IKEA as a secondary developer.

Sharlin explained that the preliminary development plan provides a framework for a 2.247 million square foot integrated mixed-use center consisting of retail, hotel, office and entertainment as primary uses. He described the proposed uses stating that the individual structures would be linked by concourses to a central mall or village atrium. He described the proposed parking, principal site access points, perimeter site circulation, stormwater management, building layout and massing. He described the primary issues discussed by the Planning Commission during their review as follows:

1. Integrated development in the HX-2 District, specifically architectural integration (exterior building materials), visual integration (urban design plan element and 10 design principles), and physical integration (connection between building elements and the pedestrian experience).
2. Traffic (circulation and parking and when and what the threshold would be to make the permanent connection from the Mall of America Expansion to the existing Mall of America).

Sharlin stated the Planning Commission approved the Revised Preliminary Development Plan on May 8, 2003, subject to conditions but that the Planning Staff had since refined for Council approval and that the conditions need to be satisfied, not just "suggested to be satisfied" as was stated in the materials.

Shelly Pederson, City Engineer, explained that a detailed traffic study and modeling was completed by URS for the Mall of America Phase II and for IKEA. She stated modeling was run for 2003 and 2020 conditions. Based on the analysis, she explained that Lindau Lane and American Boulevard are being reconstructed with additional lanes and turn lanes. She stated that the traffic facilities are not designed to handle the "day after Thanksgiving-type" peak days on a daily basis and that traffic management strategies and signage will be used for special circumstances. She stated that based on the analysis, an appropriate infrastructure is being proposed for the area and that the improvements have been planned for ten years, since the Mall of America was built. She added that a private watermain connection will be constructed to complete the loop between Phase I and Phase II of the Mall of America and that a sanitary sewer line connection will be needed to be brought up from Killebrew Drive along the westerly side of the Mall of America Phase I over to just up to Mall of America Phase II.

Speaker #1: Bill Griffith, Representing Simon Property Group and Mall of America Company
He stated that IKEA is the largest home retailer in the world and that this will be their first store in Minnesota and it's a good choice for a significant anchor for Phase II. He stated that IKEA has been designated by the Port Authority as a secondary developer with Simon under the restated contract. Unlike the design of Mall of America Phase I with four anchors and a retail core and Knotts Camp Snoopy, Phase II will be developed in phases. He proceeded to introduce the team members involved in the Mall of America Phase II and the IKEA development. He requested Council keep in the mind that very few developers go through the master planning effort and that final development plans will be forthcoming with each stage of development.

Speaker #2: Greg Hollencamp, KKA Architects (Project Architect)

He described Phase II as a mixed-use environment where many of the users will be destination users and that all of the users will have some type of connectivity. The various components of the project will radiate from the atrium village (IKEA on the west, Hotels A, B, and C, a wellness center, retail, and an office). He described the proposed parking for Phase II. He explained the urban design guidelines that were created to set the stage for which the future design of the development could be measured against. Using graphic images, he described the ten design principles:

1. Integration fabric and materials (skyway connection).
2. Connection experience.
3. Integration of parking decks.
4. Base integration across the site.
5. Massing of the project.

6. Blending of materials.
7. Prominence of the entry points.
8. Vibrancy of materials and colors.
9. Circulation.
10. Environmental integration (landscaping, monument signage, lighting and utilities).

To respond to Abrams' inquiry as to exactly what the Council is approving in the Preliminary Development Plan for the Mall of America Expansion, Sharlin explained that it's the intent of the Preliminary Development Plan to define the intent of the project, to identify the intensity of the project, and provide a broad framework for the layout of building elements and elements of the project. He described the two major connections involved in the project: One from IKEA to the central atrium/Mall Expansion Project and the connection from the existing Mall of America to Phase II. He clarified that Condition #4(G) refers to the connection between IKEA and the central atrium area and that it will occur when there is an occupancy permit to an adjacent structure on the east. A connection from Phase I to Phase II will occur when there is 2 million square feet of development in Phase II. It was not clear, however, if the 2 million square feet of development means that it has to be occupied or just constructed. (IKEA will be 330,000 square feet of it.)

Griffith explained that the intent was that at 2 million square feet there would be a connection to the Mall of America, as is required by the HX-2 District Code. Simon wants to ensure that there is a massive development across the street from the Mall of America Phase I to make it feasible to connect. Therefore, Simon views the requirement for the connection from Phase I to Phase II when there is 2 million square feet of development on Phase II and that when the central atrium or core, which will be closest to the Mall of America, is developed, the connection would be made. He stated that Simon understands that the HX-2 District requires that Phase I and Phase II be connected and that when the heart of Phase II is constructed (atrium/center core) that would be the logical time to make that connection, whether it's 1.5 or 1.6 million square feet of development. He stated he would anticipate a denial from Council if a connection were not shown when the most approximate locations come through for approval. His client is committed to integrate the projects through pedestrian connections above the street. He suggested that Condition #8 could possibly be addressed at the end of the discussion.

Winstead commented on his memo to Council that highlighted the issues and concerns he believes Council should address regarding integration and the connection to the atrium, circulation, and overall context of the preliminary plan (setting a benchmark to ensure that the integration is completed to the satisfaction of everyone). He stated that the Port Authority also commented on the importance of the integration between the various connections and that it be included as a condition within the Preliminary Development Plans.

Elkins commented that he agreed with Winstead's comments but that the requirements in Condition #1(B) relating to traffic demand management are not even up to the levels that currently exist for Phase I.

Griffith responded to Winstead's comments by reminding Council that the developer will need to work within the Planned Development framework but that it's hard to provide a hard design at a conceptual stage. He stated that future phases will be measured against the design principles to assure a smooth integration. In addition, conditions have been added to establish a legal standard and expectation with the City Council. He stated that the connection between IKEA and Phase II will be a very prominent feature of the development of Phase II.

Lee provided Council with a proposed condition relating to the IKEA/Mall Expansion integrated development that was agreed to by staff and the developer after the Port Authority meeting.

Winstead commented he would prefer the benchmark be set higher regarding incorporating the physical elements in the design of the enclosed pedestrian connection between IKEA and the adjacent building (Mall Expansion - Phase II).

Abrams suggested that Condition #4(G) be changed to read as follows: "The developer shall design and construct an enclosed pedestrian connection between IKEA and the adjacent building (Mall Expansion - Phase II). The design will incorporate such physical elements which provide (1) a prominent entry portal, (2) clear spatial transition between uses, and (3) visual cues reinforcing points 1 and 2 such as lighting, building materials and finishes, and interior fixtures or furnishings." Griffith and Arneson agreed.

Wilcox suggested that Condition #8 be tightened up to make the trigger for the enclosed pedestrian walkway at 2 million square feet.

Fossum stated that he has a level of comfort in that the same developer in Phase I is going to develop Phase II and that it's in the developer's best interest to make the connection between Phase I and Phase II as nice as possible.

Griffith suggested deleting the last portion of Condition #8 so that it would read as follows: "In accordance with the requirements of Section 19.40.07(a)(3) of the HX-2 District, an enclosed pedestrian walkway connecting to the mixed-use center south of Lindau Lane shall be provided when the total floor area (excluding the pedestrian connection associated floor area) exceeds 2 million square feet." He also requested that the words, "as identified" be stricken from the following paragraph preceding the conditions recommended by the Planning Staff: "The following conditions are to be satisfied as identified by a specific date or prior to or concurrent with submission of any application for approval of subsequent final development plans."

Council concurred with the suggested changes.

Approved Final
Development Plan for
IKEA at 7901 Old Cedar
Avenue and 2000 Lindau
Lane
Case 6917B-03
Item 5.8B

Motion was made by Peterson, seconded by Fossum, and all voting aye, to approve the Final Development Plan for an IKEA anchor store as Phase I of the Mall of America Expansion at 7901 Old Cedar Avenue and 2000 Lindau Lane, Case 6917B-03, subject to the following 16 conditions and 15 Code requirements being satisfied prior to grading, footing, and foundation permits:

1. A development agreement, including all conditions of approval, be executed by the applicant and the City. The development agreement shall include provisions for establishing a permanent (except for the opportunity for termination as provided in subsection f hereunder) and replenishable escrow fund to assure compliance with City Code requirements, Conditions of Approval and requirements of the development agreement. The escrow fund shall be established with the following provisions:
 - A. An initial amount of thirty thousand dollars (\$30,000) shall be established with an agent selected by the applicant to hold the escrow in an interest bearing account.
 - B. The applicant may withdraw any interest accumulated in the account greater than thirty thousand dollars (\$30,000) no more than twice in each calendar year.
 - C. Violations found by the City shall be charged against the escrow account at the rate of one thousand dollars (\$1,000) per day, except for the first 30 days of operation after the initial opening of the store when this provision shall not apply.
 - D. The first three violations will be exempt from this provision and any additional violations shall result in an immediate charge of \$1,000 per day, until corrected.
 - E. The development agreement shall specify a procedure for notification and correction when violations are detected. Upon notification of a violation, the applicant shall deposit necessary funds to replenish the escrow fund to thirty thousand dollars (\$30,000).
 - F. The escrow fund shall be terminated when a period of 1,825 days (365 days X 5) has passed without a violation and upon termination all funds being held in escrow shall be paid to the applicant.
2. The developer shall meet with Planning, Public Works, and Building and Inspection staff to review conditions of approval and show that the deficiencies of the civil and architectural plans have been corrected prior to application for any type of development permit other than for demolition;
3. Grading, drainage, utility and erosion control plans be approved by the Director of Public Works following review by the appropriate watershed district;
4. Exterior building materials be approved by the Planning Manager;

5. Access, circulation and parking plans be approved by the City Engineer subject to the following:
 - A. Access configurations including lane widths, locations and permitted turning movements shall be approved by the City Engineer prior to issuance of grading permits.
 - B. An on-site traffic control plan including: signals, signing, pavement markings and ITS components be approved by the City Engineer prior to issuance of permits. IKEA shall participate in future off-site ITS and traffic planning for the complete MOA Phase II site.
 - C. Pedestrian (interim and permanent) circulation plan to be approved by the City Transportation Engineer.
 - D. An interim roadway connection from IKEA to American Boulevard at Thunderbird Road and/or Lindau Lane at 22nd Avenue, as approved by the City Engineer, shall be maintained until completion of Phase II of MOA.
 - E. Driveway and building details documenting adequate sight distance to the IKEA driveway and American Boulevard intersection traffic control devices shall be provided before grading permit is issued.
 - F. A street modification agreement for a traffic signal, if determined to be needed by the City Engineer, at the IKEA driveway and American Boulevard shall be provided.
 - G. Cross access agreements for motorized and non-motorized access shall be approved by City Engineer prior to issuance of permits.

and subject to the following conditions being satisfied prior to Structural Permits:

6. Connection charges, as determined, be satisfied;
7. A SAC questionnaire be completed and submitted to the Department of Public Works;
8. Removal of existing billboard at TH 77 and Lindau Lane

and subject to the following additional conditions:

9. Alterations to utilities be at the developer's expense or as agreed in the infrastructure agreement;
10. Sidewalk be installed in accordance with the approved pedestrian circulation plan (for permanent and interim conditions) at the developer's expense;
11. Public safety radio communication system plan be provided in accordance with the Bloomington Police Department radio communication study as approved by the Bloomington Chief of Police;
12. Public Safety Plan be submitted and approved by the Bloomington Chief of Police.
13. A shopping cart management plan be submitted by the applicant and approved by the Planning Manager;
14. No exterior storage be allowed in or on the parking decks adjacent to American Boulevard or Lindau Lane;
15. No masonry exterior finish material shall be painted except as approved by the Planning Manager;
16. Public safety radio communication system shall be maintained in accordance with the public safety radio communication system plan as approved by the Bloomington Chief of Police;

and subject to the following Code requirements:

1. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
2. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1, Mn. Rules Chapter 1306; Uniform Fire Code Sec. 1003);
3. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
4. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
5. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);

6. Erosion control measures be in place and bond be filed;
7. All rooftop equipment be fully screened (Sec. 19.52.01);
8. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
9. All trash and recyclable materials be stored and screened inside the principal building/in a screened area (pick appropriate requirement). (Sec. 19.51);
10. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
11. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
12. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;
13. A uniform sign design be submitted for approval by the Planning Manager;
14. All signage be in accordance with the approved Uniform Sign Design (Sec. 19.109); and,
15. Height and exterior screening materials and final landscape screening for the truck dock as approved by the Planning Manager.

Sharlin described IKEA's application for a final development plan for a retail anchor store of the Phase I, Mall of America Expansion Project. He stated it would connect to the village atrium via concourse linkage. Some of the issues highlighted during the Planning Commission meetings were as follows:

1. Overall site access, layout, and circulation: A modification was made to the site plan to provide for a separate fire lane on the west side with access to American Boulevard due to the height of the deck in order to get emergency vehicles and large vehicles circulated around the building.
2. Building elevations: A series of building elevation changes occurred during the Planning Commission review process. There was a specific concern with the north building elevation.
3. Operational concern regarding shopping carts in the parking field.

Sharlin concluded the staff report by stating that the Planning Commission recommended approval subject to conditions adding that the Planning Staff again provided a set of refined conditions for Council's consideration.

Lee again suggested striking the word "suggested" in the paragraph preceding the conditions as set forth by the Planning Division Staff to make them required.

Speaker #1: Greg Hollencamp, KKA Architects

He highlighted the modifications that were made to the front of the store facing American Boulevard to make it more prominent. The pre-cast retaining wall at the north entrance to IKEA along American Boulevard was accentuated with a curved line to match the design in the existing retaining wall along the sidewalk on American Boulevard as it goes underneath the freeway and approaches the Ikea site. More horizontal glass was added to the north elevation to extend over the truck docks. Vertical glass was added to balance the horizontal glass and more glass was added in the northwest corner under the IKEA sign. He stated that a balance of architectural metal screening and landscape berming along the east side of the main entry will help camouflage the view of the truck docks. He showed a sample of the 4.5-foot architectural metal that will be used for screening of the truck dock.

Winstead commented that he thought the screening would be greater than eight feet in height for the views from T.H. 77 and I-494. It was stated that Code requirement #15 was added that requires the height and exterior screening materials and final landscape screening for the truck dock be approved by the Planning Manager.

Peterson stated his satisfaction with the look of the entrance to IKEA from American Boulevard.

Fossum concurred with Peterson.

Wilcox inquired if any progress had been made to locate the transit stop nearer to a building.

Griffith replied that the development guidelines require that pedestrian walkways be provided to the transit station and that there needs to be access to the front door on American Boulevard in Phase II.

Wilcox inquired if allowing the blue and yellow IKEA building will set precedence for the rest of Phase II of the Mall of America Expansion Project.

Lee stated that staff and the developer reached an impasse regarding the City's objectives and the retailer's objective. He stated that the colors are not consistent with many other buildings that have been approved in the city but that more glass was added to modify the blue and yellow.

Ornstein explained that the Zoning Code contains some standards for exterior building materials but there is nothing that dictates what the color of the building should be and there is the potential for overstepping the City's authority as deemed by the courts. He stated that the HX-2 Zoning District does not dictate a particular color or colors.

Brad Praebow, IKEA expressed his concern with Condition #13 that relates to shopping carts.

Hollencamp stated that the condition as required by staff would not allow shopping carts beyond the perimeter of the customer pick-up area. He provided Council with photographs that illustrate the IKEA experience and described how the shopper enters the store and the route they would follow through the showroom area and down a level to Market Hall where the smaller items are located and where carts are available for loading those smaller items into a car. He stated that a customer pick-up area consists of 29 parking stalls (19 on the lower level and 10 on the upper level). A combination of flat pallet carts and normal basket-type carts will be available. He showed pictures of the standard cart corrals. He stated the cart experience is very integral and is free-flowing and that people need the flexibility to take the carts to their cars.

Council agreed to change Condition #13 to read, "cart management plan as presented by IKEA."

Lee, wanting assurance from IKEA, inquired if they understood that tonight's Council approval did not include approving the location and size of the IKEA signs, as they appear to be larger than what is allowed in the HX-2 Zoning District and that they will be resolved in more detail at a later time.

IKEA concurred.

Adopted a Resolution
Approving Preliminary
and Final Plat of Mall of
America 6th Addition at
7901 Old Cedar Avenue
and 2000 Lindau Lane
Case 6917C-03
Item 5.8CD
R-2003-74

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the preliminary plat of Mall of America 6th Addition at 7901 Old Cedar Avenue and 2000 Lindau Lane, Case 6917C-03, and adopted a resolution granting final plat approval subject to the completion of the following conditions, receipt of the title opinion, necessary documents and deposits and a review of all documents by the City Attorney:

1. Connection charges be satisfied prior to issuance of structural and utility permits;
2. Vacation of the portion of the existing drainage and utility easement located directly under the proposed building on Lot 2, Block 1;
3. An encroachment agreement be provided for private improvements located in the public drainage and utility easements;
4. The approved plat be filed with the appropriate office of Hennepin County within sixty days of the approval of the final plat;
5. Park Dedication Fee be in cash for each development on Mall of America 6th Addition, should development occur (based on the approved preliminary development plan and final development plan(s)). As development plans for each phase of the Mall of America expansion are approved, the park dedication fee will be calculated on the approved phase and paid prior to the issuance of the grading, foundation or building permits for the subject parcel. A memorandum of this condition to be filed of record with the plat;

- Item 5.8CD continued
6. A maintenance agreement, as approved by the Director of Public Works, be submitted prior to the issuance of any grading permits; and
 7. Grading, Drainage Utility and Erosion Control Plans to be approved by the Director of Public Works prior to issuance of any grading permits.

Griffith stated that the plat included with the agenda materials shows a 10-foot drainage and utility easement down the common private property line but that staff had agreed it would be eliminated. Therefore, the plat he provided was the corrected one.

Adopted a Resolution Affirming Port Authority's Approval of IKEA Property, Inc.
Item 5.8E
R-2003-70

Motion was made by Peterson, seconded by Fossum, and all voting aye, to adopt a resolution affirming the Bloomington Port Authority's approval of IKEA Property, Inc., a Delaware Corporation, as a secondary developer under the restated contract for purchase and private redevelopment of land by and among the City of Bloomington and the Port Authority of the City of Bloomington and Mall of America Company.

No public testimony was received.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 12:52 a.m.

Barbara Clawson
Council Secretary