

Regular Meeting #33
Monday, November 20, 2006, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road,
Bloomington, Minnesota 55431-3027

**Call to Order and
Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:01 p.m. and led the Council and audience in the pledge of allegiance to the flag.

Roll Call

Present: Mayor Winstead, Councilmembers R. Axtell, S. Elkins, A. Grady, K. Nordstrom, S. Peterson, and V. Wilcox.

**PRESENTATION –
Take Your Child
to Vote
ITEM 2.2**

Debbie Belfry, Bloomington Public Schools and Eldon Spencer, Daymakers Rotary Club provided background on this project, which has taken place for seven years. It was stated the Rotary Club funds the cost for most of the supplies and provides assistance in assembling the materials used in the classroom and at the polls. Oak Grove Middle School students Katie Carr and Katy Kelly read some of the Messages of Citizenship written by students and deposited at the polls.

**Award Presentation –
Friend of Commuter
Alternatives
ITEM 2.3**

Mayor Winstead presented the award the City of Bloomington received for being a Friend of Commuter Alternatives sponsored by Metro Transit for providing alternative means of transportation. He reported that he and Councilmember Elkins attended the luncheon during which this award was actually presented to the City. Two other Bloomington companies recognized at that luncheon for their efforts in promoting alternative transportation were SMF Insurance Company and IKEA.

**Adopted Resolution
Abating Debt Service
Levy
ITEM 3.1
R-2006-135**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution abating the debt service levy for the G.O. Fire Station Refunding Bonds – Series 2000B.

**Approved Transfer of
Funds for Dance Floor
Replacement
ITEM 3.2**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the transfer of \$14,609 from the Art Center Capital Fund balance to the Art Center Operating Budget (555-8455-451.70-21) for replacement of the dance floor in the Dance Studio, which is scheduled to begin at the end of December.

**Approved Minutes
ITEM 3.3**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the minutes of the August 21, 2006, Regular Council meeting as presented.

**Approved Travel
Expenses
ITEM 3.4**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve travel expenses for Mayor Winstead's trip to The United States Conference of Mayors in Washington, D.C. from January 24-26, 2007. Estimated expenses are \$1,680.00.

**Adopted Resolution
Approving a Variance
at 4933 W. 93rd Street
Case 10744A-06
ITEM 3.5
R-2006-136**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt a resolution approving a variance to reduce the required rear yard setback from 30 feet to 19.4 feet for a screen porch located at 4933 West 93rd Street, Case 10744A-06, for Landon Helm subject to the following two conditions of approval as set forth by the Hearing Examiner and the Planning Division staff:

1. The variance will apply only to the plans shown in Case 10744A-06; and
2. Exterior finish and materials will be compatible with existing building materials.

**Approved Grant
Agreements with
Metropolitan Council
ITEM 3.6**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve grant agreements #SG-2006-116 (\$58,000), #SG-2006-118 (\$82,000) and #SG-2006-135 (\$187,000) between the City of Bloomington and the Metropolitan Council for the rehabilitation and development of recreational open space lands within the boundaries of Hyland-Bush-Anderson Lakes Park Reserve.

**Approved Settlement of Temporary Easement at 6000 W. 84th Street
ITEM 3.7**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the settlement of a temporary construction easement acquisition over the common area of the Normandale Lakes Townhomes Association at 6000 West 84th Street, which is required for the upcoming 84th Street/East Bush Lake Road street project.

The settlement amount is \$5,600 (City's approved appraisal of just compensation). The City also agrees, as part of the settlement, to maintain vehicular access to the townhome property, to repair and restore the retaining wall and trees and improvements (e.g. irrigation and sidewalk ...) within the temporary easement area that are disturbed by the construction.

**Approved Revised Condition #5D Relating to the 28th Ave. LRT Station Park & Ride Application
ITEM 3.8**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the revised Condition #5D of the Planning Commission's recommended condition relating to their approval of the Revised Preliminary Development Plan and Final Development Plan to construct a parking ramp at the 28th Avenue LRT Station Park and Ride, Case 10397AB-06 as follows: 5) Access, circulation and parking plans be approved by the City Engineer and include the following: D) A minimum of 30 bicycle parking spaces with at least 4 spaces located adjacent to the retail use. Fifteen (15) of these spaces may be shown as "proof" of bicycle parking on the Final Development Plan.

**Authorized Release of RFP for Customer Information System/Utility Billing Software
ITEM 3.9**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to authorize the release of the Request for Proposals (RFP) for furnishing and implementing the Customer Information System/Utility Billing Application Software, which will be used to support the customer information/utility billing functions. Proposals are to be delivered by 4:00 p.m. on January 11, 2007.

**Approved Encroachment Agreement for 2850 Metro Drive
ITEM 3.10**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve an encroachment agreement with Summit Hotel Properties, LLC for the encroachment of landscaping and retaining walls to be placed in public easements at 2850 Metro Drive.

**Approved 2007 Equipment Replacement Schedule
ITEM 3.11**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to approve the 2007 Equipment Replacement Schedule (617-0618), Fire Capital Replacement Schedule (617-0619) and the Police Small Equipment Schedule (617-0622).

**Awarded a Contract to Cutler-Magner Co.
ITEM 3.12**

Motion was made by Wilcox, seconded by Elkins, and all voting aye, to award a contract to Cutler-Magner Company to furnish and deliver quicklime for use at the Bloomington Water Treatment Plant during 2007 at a cost of \$87.20 per ton.

Funding for this contract is budgeted annually in the Water Utility Operations Budget, Activity 8111.

OPENED PUBLIC COMMENT PERIOD

Mayor Winstead opened the Public Comment Period for those wishing to address the Council on items not included on tonight's agenda.

Speaker #1: Tim Weinke, 8636 Rich Road

He commented that he has observed nine garbage trucks traveling up and down his street on garbage day and believes they create unnecessary wear and tear on the roadway, extra noise in the neighborhood, and a dangerous situation, as many of them tend to speed. He suggested the City consider putting out for bid selection of one garbage hauler in Bloomington, as other communities have done such as Blaine, Hopkins, Circle Pines, Columbia Heights, City of Centerville, and five cities in Ramsey County.

City Manager Mark Bernhardson explained the City has looked at this issue on several occasions and has considered dividing up the city between garbage haulers in the past but the State legislature has made it more difficult for cities to have organized collection. In the past, the bidding process was more expensive than the unorganized collection itself. He stated neighborhoods can organize and choose one hauler for their area but that staff would look into it to see what's been done at the Legislature recently on this issue.

PUBLIC COMMENT PERIOD continued

Winstead stated he and Wilcox looked into this same concern years ago.

Wilcox added that in the past when he has tried to study this issue, many constituents called to comment that they didn't want the City deciding who was going to haul their garbage and that it was a decision the resident should be allowed to make.

Winstead stated the Council could have staff look at the issue if that is what the Council wanted to do. He agreed with Wilcox stating that most of the people who showed up for public hearing years ago opposed the idea of having one garbage hauler in the city.

Weinke stated the City of Oakdale sent out surveys in their water bills for public feedback and suggested Bloomington could do the same. He added Bloomington could use more nice restaurants and inquired about the chances of Bloomington getting a coop food market, a farmer's market, and wi-fi internet.

Bernhardson explained that the City has looked into wi-fi and will continue to monitor what is happening in Minneapolis and St. Louis Park as well as around the country, as some cities like Chaska are experiencing some problems. He stated Bloomington remains interested in the concept while it continues to learn more about it.

Approved New Off-Sale Intoxicating Liquor License for Sinful Wines & Spirits 7949 Southtown Ctr. ITEM 5.1A

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve a new Off-Sale Intoxicating Liquor license, expiring June 30, 2007, for CMF Business Inc. dba Sinful Wines & Spirits located at 7949 Southtown Center.

Speaker #1: George Holter, Bloomington Business Owner

He stated he does not support any more liquor licenses being issued in Bloomington, as he believes liquor is a terrible curse in this country. Liquor is a serious problem and requested the Council take that into consideration before making a decision to approve another license.

Bernhardson stated the issue before the Council is whether they should issue a license to this particular company, as Bloomington does not have a limit on the number of liquor licenses it can issue.

City Attorney Dave Ornstein explained that the issue isn't whether or not to allow the sale of liquor in Bloomington, it is whether or not this particular applicant meets both City and State Code, which Council needs to determine in deciding if a liquor license should be granted to them.

Winstead added limiting the number of liquor licenses would be a policy decision for the Council should they ever decide to discuss that.

**Mall of America
Phase II – Revised
Preliminary
Development Plan
ITEM 5.2A**

Revised Preliminary Development Plan for Mall of America – Phase II

Bob Sharlin, Senior Planner began by stating that today is the 120th day of the agreed upon Agency Action deadline for this application. He referenced the resolution of approval provided to Council by City Attorney Dave Ornstein and the memo provided by Community Development Director Larry Lee that includes an update on the proposed development conditions dated November 20, 2006, which replaces the memo dated November 17 that was sent out with the Council packet. He reviewed the Council's discussion on November 6 regarding the conditions recommended by the Planning Commission and the Traffic & Transportation Advisory Commission (TTAC). He stated that since the November 6 meeting, staff and the applicant have come to an agreement on the language regarding the four outstanding conditions of approval: #11 (on-site parking – number and methodology), #14 (off-site parking – number and methodology), #33 (sanitary sewer assessment – deleted as it will be dealt with in a separate agreement), and #48 (EIFS). He read the revised Condition #48, as proposed by staff: "Exterior building materials will be subject to review by the Planning Commission and approval by the City Council during Final Development Plan review. In principle, Exterior Insulated Finish System (EIFS) will be limited to exterior trim and other applications where EIFS is aesthetically equivalent to other authorized building materials for accomplishing the Phase II urban design objectives for durable material and an upscale center, in accordance with the City Code and the *Urban Design Guidelines* approved for this site, as they may be amended." He restated that the recommendations of the Planning Division Staff, Planning Commission and TTAC as well as the recommended language in the conditions has been agreed upon by the applicant. He stated the recommendations are subject to 56 conditions and 9 City Code requirements. He added that at the end of Conditions #11 and #14, "effective supply factor" should be capitalized as follows, "Effective Supply Factor." He referenced the correspondence that the City Council was copied on from the applicant to IKEA responding to IKEA's concerns. He mentioned IKEA had representatives in attendance who might want to speak.

Winstead inquired about the number of off-site parking spaces referred to in Larry Lee's memo, as the number referenced in the Planning Commission's recommended conditions was 3,119 and Lee's memo indicates 3,199 spaces.

Schane Rudlang, Street Engineer clarified that 3,119 spaces of off-site parking spaces is the correct number.

With regard to Condition #48, Winstead inquired about staff's concern relating to EIFS.

Sharlin stated that in the study and recommendations, staff encouraged that rather than have one large building mass, it be broken up architecturally.

Planning Manager Bob Hawbaker explained that staff's concern related to both quality and architecture and how the EIFS is applied, how it's formulated, and how it's put on the building. On the existing Mall, he stated the EIFS applications are located some distance from the street but in Phase II they'll be located much closer to the street.

Bernhardson stated that if Phase II is built as proposed, much of the EIFS will be covered up by the buildings coming from the north but that the EIFS face on the south side of the building might see a significant and improved architectural change. Due to the positioning of the buildings in Phase II being much closer to the street, a much more interesting architectural treatment is called for. Phase I was very inward looking while Phase II will be more outward looking. He stated although this application is regarding land use, the Council has interest in the use of building materials and will have other opportunities to discuss this if the Council and Port Authority look to extend any financing. He stated another opportunity for Council to discuss building materials relates to the negotiations regarding the rights across Lindau Lane. He commented on the work it took by the staff and the applicant to move a development plan of 5.6 million SF forward achieving agreement on 56 related conditions.

ITEM 5.2A continued

Grady stated as this is a development supported by the City in this location that might have some funding issues, she doesn't want to require the developer to go beyond what is required in the City Code for exterior building materials and would prefer the developer spend the money on the interior of Phase II where it's going to count.

Axtell stated although he would not like to see huge exterior wall panels that look like a drive-in movie screen as was mentioned by Winstead, he would be interested in knowing what the cost difference is between the proposed exterior material and an enhanced version when it comes to making a decision on its amount and use.

Wilcox stated that basically EIFS is a Styrofoam product with a plaster or stucco sprayed over it. One of the advantages of EIFS is that it can easily be enhanced architecturally. He believes the architecture is a separate discussion and that the debate should be is this an acceptable wall surface.

Speaker #1: Bill Griffith, 1500 Wells Fargo Plaza, Representing the Applicant

He stated even though the condition has been approved, as the Council has questions, he suggested the architect provide a short presentation on why he believes in the use of EIFS. He stated the applicant wouldn't spec out a building material for this project if they didn't believe in its quality, flexibility, and application ability.

Speaker #2: Greg Hollenkamp, President, KKe Architects

He began by describing EIFS -- the layers of the material and how it is applied. He described the unique attributes and qualities of EIFS stating it's been around a long time. He stated it's used in approximately 30% of the market. He explained the enhancements that have been made to the EIFS product since MOA Phase I and described the building materials used on Phase I. He stated they are proposing a very vibrant building in Phase II. He showed images of current buildings that were constructed with EIFS exteriors. He stated brick and stone will be used in conjunction with the EIFS in Phase II. A harder surface material is used on the bottom of buildings where they come in contact with snowplows, etc. He stated Kohl's and Target stores use EIFS nationwide. He stated KKe has used EIFS on over 500 projects and they've never experienced a failure of the product. He read from the *Urban Design Guidelines* for exterior building materials that they will be using on this project. He added that the various building tenants in Phase II will be involved in the selection of exterior building materials. He stated some form of EIFS will be used on the backdrop of the buildings in Phase II but they will be vibrantly enhanced.

Griffith thanked the staff for its cooperation in working with the applicant on the review of this plan. He stated the applicant has very high design standards and has provided the City with whatever studies were required so that they would be comfortable in recommending approval of this project. He thanked the Council for their time as Council members and Port Authority members in reviewing this project. He requested the letter that they sent to the Council over the weekend be included in the materials submitted for the official Record of Decision.

Mayor Winstead invited representatives from IKEA to speak.

Speaker #3: Pat Merwin, Real Estate Manager for IKEA

She expressed gratitude for everything that was provided from the applicant to IKEA so they would have a comfort level regarding the conditions relating to Phase II. Being the first development in Phase II, they are very interested in the rest of the development. She stated their concern is what will happen during the three years it will take to complete Phase II especially regarding temporary access and circulation, etc. and they're confident their concerns will continue to be addressed as the applicant works on the final development plan.

At this time, Mayor invited public testimony.

ITEM 5.2A continued

Speaker #4: George Holter, Owner of Richfield Bus Company
He stated he has no problem with the construction material but is concerned about the financing and said it's time for government to stop financing private business. He lives in Richfield and stated Richfield wants to encourage new owners of business by giving them some financial help. He doesn't believe it's right for the government to help businesses. He stated people complain to him all the time about how the Mega Mall doesn't pay enough taxes to support itself and now the City wants to provide more funding through its Port Authority. He stated there are lots of problems with businesses today – Northwest Airlines has gone bankrupt and it cost him a lot of money this year. He stated government needs to stop funding the Mega Mall.

Axtell explained that in the case of the Mall, they're not getting a direct subsidy, as it's going into infrastructure, which is a good investment for the entire community, even the Richfield Bus Company, as their buses drive on City streets.

Closed the Public Hearing on the Revised Preliminary Development Plan for Mall of America – Phase II

Motion was made by Peterson, seconded by Grady, and all voting aye, to close the public hearing on the Revised Preliminary Development Plan for Mall of America – Phase II for Mall of America Company (MOAC).

Ornstein summarized the Findings of Fact in the proposed resolution, as they revolve around some of the conditions staff is proposing and to which the applicant has agreed to. He stated the following findings need to be made in the Planned Development portion of the City Code including:

- The Proposed Preliminary Revised Development Plan is consistent and not in conflict with the Comprehensive Plan and that it won't have an adverse impact on the surrounding properties and that there are adequate public facilities (streets, roads, sewers, etc.) to accommodate this particular development.
- Many of the conditions in this development deal with adequate public infrastructure and there will need to be certain roadway and stormwater improvements completed in order to accommodate this proposal or something in the Final Development Plan that approximates the scope of this development.
- A number of the goals and policy objectives in the Comprehensive Plan deal with adequate infrastructure and overtaxing the public facilities and if these conditions are complied with, this development would then be consistent with the Comprehensive Plan.
- With regard to the parking issue, staff and the applicant's representatives will continue to analyze it to determine an agreed upon number of off-site and on-site parking spaces but the resolution indicates the need for adequate on-site and off-site parking, as it is integral to not only the success of the Phase I and Phase II of the Mall of America project but also to ensure there is no negative impact on the adjacent properties.

Ornstein requested that if Council approves the plan that they adopt the resolution that contains the Findings and incorporates the Conditions of Approval.

Elkins stated that he has seen many attractive projects in which EIFS was used and is comfortable that staff will be able to work things out with the developer to find an appropriate level and use of the material as part of this process.

Adopted Resolution Approving Revised Preliminary Development Plan for Phase II of the Mall of America Project Case 10730A-06 ITEM 5.2A R-2006-143

Motion was made by Grady, seconded by Wilcox, and all voting aye, to adopt a resolution approving an application by the Mall of America Company (MOAC) for a Revised Preliminary Development Plan for Mall of America Phase II at 7900, 8000 & 8100 24th Avenue, Case 10730A-06, subject to the following 56 specified conditions of approval and 9 Code requirements as set forth by the Planning Division staff, Planning Commission, and Traffic & Transportation Advisory Commission including the revised conditions as stated in Larry Lee's memorandum dated today and the parking number indicated in Condition #14 being 3,119 as discussed, being satisfied prior to the issuance of grading, footing and foundation permits:

ITEM 5.2A continued

1. A Site Development Agreement be executed by the applicant and the City that includes all conditions of approval;
2. The applicant shall execute a Public Improvement Agreement with the City that identifies cost participation and timing of those improvements to public infrastructure identified in Appendix A;
3. The applicant shall execute an Operation and Maintenance Agreement with the City for all private facilities in the public right-of-way and for any public infrastructure that may be attached, incorporated, or be part of the Phase I or Phase II structure located in public right-of-way. This Agreement shall include, but not be limited to:
 - a. Lighting, traffic control devices, and ITS devices attached to private structures;
 - b. Air quality improvements including venting of areas under private structures;
 - c. Public safety improvements;
 - d. Anti-icing system or program;
 - e. Liability considerations;
 - f. Public right-of-way encroachment considerations; and
 - g. General maintenance program;
4. At no cost to the City, the applicant shall dedicate easements to the City for the public street connection between TH 77 and Lindau Lane and for the connection to/from Thunderbird Road to the TH 77-494 CD roadway;
5. Approvals and any required permits for infrastructure improvements listed in Appendix A shall be obtained from Federal, State, and local agencies, including but not limited to: Hennepin County, the Metropolitan Council, the Metropolitan Airports Commission, the Minnesota Department of Transportation (MnDOT), the Minnesota Department of Natural Resources (MnDNR), the Watershed District(s), the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service (USFWS), the Federal Highway Administration (FHWA) and the Federal Aviation Administration (FAA). If the permits or approvals cannot be obtained through no fault of the Mall of America Company (MOAC), the feasibility of alternate infrastructure improvements must be evaluated by the MOAC and submitted to the City for its review and approval prior to the City Council decision on whether to approve the final development plan.
6. The applicant shall provide proof of the Right to Construct facilities on IKEA property;
7. A record copy of the approved preliminary development plans shall be submitted to the Planning Manager within 60 days of City Council approval of the Preliminary Development Plan;
8. A final Traffic Impact Study shall be submitted with the Final Development Plan application to include, but not be limited to, the following:
 - a. Modifications to create consistency with the approved site plan, land use mix, approved roadway network, bicycle access and parking, parking infrastructure, and performing arts operations;
 - b. Participation and approval of the respective governmental agencies, provide a detailed on- and off-site ITS and way finding system; and
 - c. Verification that all intersections shall operate at Level of Service (LOS) D or better in the first year the facility is opened and two years after it opens; and
 - d. Expansion of the study area to include American Boulevard intersections located west of TH 77 to Portland Avenue and the I-494/Portland intersection;
9. A Construction Management Plan shall be submitted for review and approval by the City prior to Final Development Plan approval. Plan elements shall include, but not be limited to:
 - a. A temporary parking plan;
 - b. A temporary security/inspection area;
 - c. Construction staging areas;
 - d. Traffic control and pedestrian and bicycle circulation plans for encroachments in public streets and sidewalks; and
 - e. A detour plan specifying alternative traffic routes during road closures or construction;

ITEM 5.2A continued

10. All portions of roads, driveways, and pedestrian accesses that extend under structures must meet height clearance and lighting requirements. Minimum height clearances shall be as follows:
 - a. Lindau Lane - 14'-6"
 - b. American Boulevard - 16'-4"
 - c. Public street connection between TH 77 and Lindau Lane (Nordstrom access) – 16'-4";
11. For purposes of reviewing the preliminary development plan, the on-site parking supply requirement for Phase I and II, inclusive of an Effective Supply Factor, but excluding IKEA, has been calculated at 20,872 to date and will be amended in the future at such time if the applicant and City concur on a revised number using the methodology contained in the Urban Land Institute Shared Parking Study Second Edition; plus an effective supply factor.
12. The applicant shall provide bicycle facilities and access plan to address, at a minimum: convenient bicycle parking locations, bicycle storage facilities, and connections to City bicycle routes and regional trails;
13. A revised final Parking Study shall be submitted with the Final Development Plan application that includes, but is not limited to: modifications to achieve consistency with the revised traffic impact study, site plan, land use mix, and infrastructure improvement;
14. For purposes of reviewing the preliminary development plan, the off-site parking supply requirement for Phase I and II, inclusive of an Effective Supply Factor, but excluding IKEA, has been calculated at 3,119 to date and will be amended in the future at such time if the applicant and City concur on a revised number using the methodology contained in the Urban Land Institute Shared Parking Study Second Edition; plus an effective supply factor.
15. An Off-Site Parking Plan must be submitted that details off-site parking locations, location of shuttle facilities for non-adjacent lots, shuttle routes, and pedestrian routes between the off-site parking locations and the Mall of America. The Off-Site Parking Plan shall include a process for modifying the off-site parking requirements;
16. Overflow parking must be made available on land owned by the applicant or its affiliates or through shared parking agreements with other property owners. Proof of ownership, parking easements, and/or authorization to use property not owned by the applicant must be submitted with a Final Development Plan application;
17. Submit a parking management plan with the Final Development Plan application that includes, but is not be limited to the following:
 - a. A detailed shared parking program that would allow for delineation of parking areas in relation to mall land uses;
 - b. Provisions for parking prioritization areas based on duration of events;
 - c. Contingency-based planning that would regulate where parking will go and parking duration during overflow parking periods;
 - d. A Travel Demand Management (“TDM”) program with goals, objectives and enforcement mechanisms that would manage employee parking and include incentives for transit and bicycle use; and
 - e. The applicant and any successors shall prohibit the performing arts facility from operating whenever the available on-site parking will be less than 1000 spaces. This condition shall be incorporated into any operations, maintenance, and/or lease agreements;
18. All intersections included in the on-site circulation system must operate at a LOS D or better;
19. Phase I and Phase II interior circulation roadways must be properly aligned across the intersections with Lindau Lane and American Boulevard;
20. The bus and shuttle drop-off area in the northwest corner of the Phase II structure must provide sufficient height clearance, lighting, turning paths, and functional intersections;
21. Sidewalks on public streets shall be 8-feet wide with a 6-foot boulevard. However, in the Lindau Lane tunnel the sidewalk shall be 6-feet wide with a 5-foot boulevard;
22. The roundabout adjacent to Nordstrom (Phase I) must be designed according to City and MnDOT approved criteria;
23. Hotel and office drop-off areas must accommodate emergency vehicle access and height clearance;

ITEM 5.2A continued

24. All tunnels created by the extension of the Phase II structure over roadways shall include lighting, sprinkler, and ventilation systems to ensure the tunnels meet all applicable regulations regarding air quality and safety;
25. A revised final site plan/on-site circulation plan (including the recommendations in conditions 19-24 above) must be submitted with the Final Development Plan application and shall additionally include the following:
 - a. Roadway alignment, locations, and dimensions shall match conceptual layouts of proposed roadway network, address previous comments, parking layout, parking study, and traffic impact study; and
 - b. Non-motorized surface connections as approved by the City from public sidewalks/bikeways and parking areas to building access point;
26. Provide revised site access plan (including an analysis of sight triangles), grading drainage, erosion control, and utility plan for the Thunderbird Hotel property, to reflect changes to that property that are caused by the new parking structure with the Final Development Plan application;
27. A detailed verification study for Lindau Lane and the new storm sewer alignment shall be submitted with the Final Development Plan application that addresses:
28. Stormwater modeling that includes flows from the surrounding networks (Phase I, IKEA, City);
 - a. An assessment of hydraulic losses, hydraulic grade, and freeboard;
 - b. The final engineering, right-of-way, and construction; and
 - c. Permit requirements related to crossing the LRT line and 24th Avenue and the outfall discharge location;
29. An on-site stormwater management plan for Phase I and Phase II shall be submitted with the Final Development Plan application that includes:
 - a. An analysis of surface water flows and calculations from all parking levels if it is determined that the ramps are classified as “open” ramps and drain to stormwater system;
 - b. Phase I stormwater flows;
 - c. Receipt of a MnDNR dewatering permit for lower parking levels; and
 - d. Rate control and water quality management practices compliant with the City’s comprehensive Surface Water Management Plan;
30. The design of the south ravine outfall must address:
 - a. Construction impacts on the ravine;
 - b. The potential trout stream determination by the MnDNR;
 - c. Any permits or approvals necessary from the Lower Minnesota River Watershed District and the US Fish and Wildlife Service; and
 - d. Potential mitigation for increased stormwater discharges to the wildlife refuge;
31. An analysis of sanitary sewer flows and calculations from all parking levels if it is determined that the ramps (or portions of ramps) are classified as “closed” ramps and drain to the sanitary sewer system;
32. Sanitary flows from the parking ramps shall be metered;
33. Sanitary sewer and water utility service plans shall be submitted with the Final Development Plan application and must accommodate future development expansion north of American Boulevard;
34. Sanitary sewer installed on the Phase II site shall be of sufficient depth and capacity to serve all adjoining properties. Standard maintenance agreements and easements for the sanitary sewer shall be established and recorded prior to issuance of permits;
35. An environmental sustainability report shall be submitted as an element of the Final Development Plan application outlining the sustainable design, construction, and utility practices that allows for an environmentally sensitive development;.
36. The applicant will submit a preliminary project energy assessment identifying potential energy loads and a listing of possible energy conservation methods shall be included with the Final Development Plan application;
37. A cogeneration facility study shall be included with the Final Development Plan application containing information on capacity, system components, dimensional data, environmental factors, operations, and permits and approvals from regional, State, and Federal agencies or departments, as applicable;

ITEM 5.2A continued

38. The architectural expression of the development shall appear integrated and visually cohesive;
39. Variations in architectural form and materials shall be encouraged to create exterior expressions of individual tenants and shall be subject to review and approval by the Director of Community Development;
40. Pedestrian bridges connecting the Mall with parking ramp(s) and/or the existing Mall of America shall be covered and enclosed. Exterior materials shall be visually integrated with the exterior materials used on abutting structures;
41. At a minimum, the development shall be consistent with the principles outlined in the *Urban Design Guidelines* approved by the City in 2003;
42. On-site and perimeter streetscape and landscape design must enhance the pedestrian and bicycle environment;
43. The development shall incorporate sustainable design principles to structure and site design;
44. A separate final development plan shall be submitted for proposed development on the South Pad of Phase I;
45. No structures or buildings shall be located in existing public drainage, utility, or sidewalk easements;
46. Exterior materials and finish of all buildings (including South Pad development) shall be in conformance with the applicable requirements of Section 19.63.08 of the City Code subject to any condition contained herein.
47. Details and samples of the exterior finish materials shall be provided with the Final Development Plan application;
48. Exterior building materials will be subject to review by the Planning Commission and approval by the City Council during Final Development Plan review. In principle, Exterior Insulated Finish System (EIFS) will be limited to exterior trim and other applications where EIFS is aesthetically equivalent to other authorized building materials for accomplishing the Phase II urban design objectives for durable material and an upscale center, in accordance with the City Code and the *Urban Design Guidelines* approved for this site, as they may be amended;
49. Parking structure design shall take into account the *Urban Design Guidelines*;
50. Separate truck/delivery traffic from visitor traffic within the new East parking structure;
51. Coordinate Mall and parking structure design to:
 - a. Increase access to and from adjacent roads; and
 - b. Better enable patron access by increasing the number of pedestrian entrances from parking ramps to the Mall;
52. A Uniform Sign Design (per Sec. 19.109) shall be submitted with the Final Development Plan for approval by the Planning Commission and City Council;
53. Exterior signage shall be limited to the Mall and anchor tenants. The Final Development Plan shall provide a definition or identification of anchor tenants that are allowed to have signage;
54. A Security Plan including, but not limited to, design, structural, operational, internal security, traffic plans and communications elements must be submitted for review with the Final Development Plan application and approved by the Bloomington Police Chief and Fire Chief prior to the issuance of any grading, foundation, or building permits;
55. Any vehicle restrictions imposed by the Bloomington Police and Fire Departments resulting in vehicle rerouting must be reviewed by MnDOT and be addressed in the Revised Traffic Study; and
56. Fire and building code analyses be provided with the Final Development Plan application for review and approval by the City Fire Marshal and the Manager of the Building and Inspection Division prior to the issuance of any grading, foundation and building permits.

and subject to the following City Code requirements:

1. Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
2. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec. 19.52);
3. Erosion control measures be in place and bond be filed;
4. All rooftop equipment be fully screened (Sec. 19.52.01);
5. All trash and recyclable materials be stored and screened inside the principal building. (Sec. 19.51);

- ITEM 5.2A continued**
6. Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
 7. 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, Minnesota State Fire Code Sec. 508);
 8. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360); and
 9. Parking ramp, lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code.

CLOSED PUBLIC COMMENT PERIOD The Mayor asked if anyone wished to address the Council during the public comment period, or it would be closed. No one came forward to speak so the public comment period was closed.

Continued to Jan. 8 Feasibility Report for the 2007-201 Killebrew Drive Improvement Project ITEM 5.3A Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to continue to the January 8, 2007, Regular Council meeting, acceptance of the Feasibility Report and adoption of a resolution ordering the construction of the proposed improvements along Killebrew Drive between Highway 77 and approximately 400 feet west of the intersection of 24th Avenue and Killebrew Drive (2007-201 Killebrew Drive Improvement Project).

Adopted Ordinance Removing Institutional Zoning District Case 10000E-06 ITEM 5.4A1 O-2006-49 Motion was made by Wilcox, seconded by Elkins, and all voting aye, to adopt an ordinance to remove the Institutional Zoning District from the City Code and thereby amending Section 10.29.02, Article III, Section 19.22, Section 19.24, Section 19.35, Section 19.42, Section 19.63.08, Section 19.64 and Section 19.112 of the City Code.

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

Adopted Resolution Directing Summary Publication of O-2006-49 ITEM 5.4A2 R-2006-145 Motion was made by Wilcox, seconded by Grady, and all voting aye, to adopt a resolution directing summary publication of Ordinance O-2006-49 amending Chapters 10 and 19 of the Bloomington City Code to remove the IN Zoning District regulations in the official newspaper rather than the 5-page ordinance itself.

Adopted Ordinance Establishing Billboard Standards Case 10000F-06 ITEM 5.4B1 O-2006-48 Motion was made by Grady, seconded by Nordstrom, and all voting aye, to adopt an ordinance establishing additional billboard standards thereby amending Chapter 19 of the City Code.

The staff report was provided by City Planner Michaela Ahern. She explained that this ordinance applies the standards of the electric and video displays to billboards. She stated all six billboards in the city front public highways and reviewed the main changes to the ordinance, which involve Chapters 19, 20 and 21. She stated staff recommends there be no motion, scrolling, animation, flashing, or anything of that sort allowed on a billboard. The size standards would remain the same. If a billboard operator chose to use electronic display techniques, they would be limited to the message changing only once every 20 minutes. Staff believes that is appropriate for the highways that they front and will minimize the level of distraction from this technology. Video would not be allowed on billboards.

Grady inquired if an industry focus group reviewed these changes and staff replied there wasn't for these changes specifically but that representatives from Clear Channel were included in the electric sign focus panel group and that their desire is and has been that the City have available a clear and established set of standards for them to follow.

No public testimony was received.

Adopted Resolution Directing Summary Publication of O-2006-48 ITEM 5.4B2 R-2006-144 Motion was made by Grady, seconded by Nordstrom, and all voting aye, to adopt a resolution directing summary publication of Ordinance O-2006-48 amending Chapter 19 of the City Code in the official newspaper rather than the 4-page ordinance itself.

**Adopted Ordinance
Vacating Easement at
7985 Lea Circle
ITEM 5.4C
O-2006-50**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to adopt an ordinance vacating a scenic easement over and across Lot 2, Block 1, Lea Woods at 7985 Lea Circle to allow for a retaining wall at the rear of the house. A report from an engineering consultant to the homeowner stating that the wall was necessary for the structural stability of the house due to an error in the design of the foundation was submitted to City staff.

There are no public or private utilities are affected by this vacation.

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

**Continued to Dec. 4
Vacation of Easements
at 8500 Irwin Ave. S. &
4216 Poplar Bridge Rd
ITEM 5.4D**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to continue to the December 4, 2006, Regular Council meeting, the vacation of drainage and utility easements at 8500 Irwin Avenue South and 4216 Poplar Bridge Road.

**Adopted Resolution -
2007 Health & Police
Special Revenue
Fund Budgets
ITEM 5.5A
R-2006-137**

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution adopting the 2007 Health and Police Special Revenue Fund Budgets as follows and approved the 2008 Conceptual Budgets as presented:

Sage Health Clinic Special Revenue Fund:

| | |
|---------------------|------------|
| Total Revenues: | \$ 312,602 |
| Total Expenditures: | \$ 294,833 |

Other Public Health Grants Special Revenue Fund:

| | |
|---------------------|------------|
| Total Revenues: | \$ 425,114 |
| Total Expenditures: | \$ 466,348 |

DWI Forfeiture Fund:

| | |
|---------------------|------------|
| Total Revenues: | \$ 109,000 |
| Total Expenditures: | \$ 111,717 |

Cindy Rollins, Finance provided the staff report on the 2007 Health and Police Special Revenue Fund Budgets explaining that they have a designated revenue source. She reviewed the revenues, expenditures, and working capital balances of each of the budgets.

No public testimony was received.

**Adopted Resolution –
Basic System Rate for
Storm Water Drainage
ITEM 5.5B
R-2006-138**

Motion was made by Axtell, seconded by Peterson, and all voting aye, to adopt a resolution establishing a Basic System Rate for the purpose of calculating storm water drainage charges pursuant to Section 11.45 of the City Code as follows:

| | |
|----------------------------------|--|
| Cemetery/Golf Course/Park: | To increase from \$5.41 per acre/mo. to \$5.78. |
| Single-Family Residential: | To increase from \$12.72* per acre/mo. to \$13.59* |
| School/Institution: | To increase from \$21.26 per acre/mo. to \$22.73 |
| Church/Multi-family Residential: | To increase from \$30.09 per acre/mo. to \$32.17 |
| Commercial/Industrial: | To increase from \$52.74 per acre/mo. to \$56.38 |

* Single-Family Residential is considered to be one-third of an acre or \$4.53 per month.

Bernhardson stated that this is the annual consideration of stormwater charges and that the budget will be adopted if Council approves this rate system.

Grady inquired about the difference in storm water rates for churches versus school/institutions.

ITEM 5.5B continued

City Engineer Shelly Pederson explained that churches and multi-family residences have larger impervious lots requiring more storm water drainage facilities where schools have more green space or pervious area to allow storm water to drain naturally.

Axtell inquired about the 7% increase wondering how that compared to previous year increases and the cost of living.

Rollins replied that Finance runs a ten-year model and that the increase is mainly for capital needed for the ponding improvements needed now.

Bernhardson added that the City has had to increase the rates relating to storm water drainage more aggressively, as the rate system was initially set up to deal with quantity issues but now water quality has become a very necessary component and the additional funding will help the City deal with future mandates in this area. The increase will amount to approximately 30¢ per month on the average home.

No public testimony was received.

**Adopted Resolution
Increasing Solid
Waste Charges
ITEM 5.5C
R-2006-139**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to adopt a resolution increasing the monthly solid waste charge per dwelling unit from \$2.06 to \$2.20 pursuant to Sections 11.52 and 11.55 of the City Code.

Rollins provided the staff report indicating that again a ten-year model was used to map out the future and that these charges also fund the citywide curbside pick-up program. The increase is approximately .14¢ per month on the average home.

No public testimony was received.

**Adopted Ordinance
Increasing Water &
Wastewater Rates
ITEM 5.5D
O-2006-47**

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt an ordinance to increase water and wastewater rates, thereby amending Sections 11.63 and 11.64 of the City Code as presented in the agenda materials.

Rollins provided the staff report indicating that ten-year modeling was done to match capital improvements in the future.

Winstead commented that the new utility billing system may be able to calculate wastewater use to be commensurate with actual water usage instead of charging a flat rate.

In response to Peterson’s comment that a constituent was unclear about the language relating to an individual irrigation system, it was stated staff would look to clarify that going forward, as it applies to fire sprinkler systems and not individual irrigation systems.

No public testimony was received.

**Adopted Resolution –
2007 Water, Waste-
water, Stormwater &
Solid Waste Enterprise
Fund Budgets
ITEM 5.5E
R-2006-140**

Motion was made by Grady, seconded by Wilcox, and all voting aye, to adopt a resolution adopting the 2007 Water, Wastewater (Sewer), Stormwater and Solid Waste Enterprise Fund Budgets as follows and approved the 2008 Conceptual Budgets as presented:

Water Enterprise Fund:

| | |
|---------------------|---------------|
| Total Revenues: | \$ 9,979,004 |
| Total Expenditures: | \$ 11,357,963 |

Wastewater (Sewer) Enterprise Fund:

| | |
|---------------------|--------------|
| Total Revenues: | \$ 8,537,628 |
| Total Expenditures: | \$ 9,539,713 |

Stormwater Enterprise Fund:

| | |
|---------------------|--------------|
| Total Revenues: | \$ 4,040,915 |
| Total Expenditures: | \$ 3,861,382 |

ITEM 5.5E continued

Rollins provided the staff report reviewing the budgets for 2007 and the conceptual budgets for 2008 for Water, Wastewater, Storm Water, and Solid Waste.

No public testimony was received.

**Adopted Resolution –
2007 Insured Benefits
Internal Service
Fund Budget**

Motion was made by Axtell, seconded by Grady, and all voting aye, to adopt a resolution adopting the 2007 Insured Benefits Internal Service Fund Budget as follows and approved the 2008 Conceptual Budget as presented:

**ITEM 5.5F
R-2006-141**

Insured Benefits Fund:

| | | |
|---------------------|----|-----------|
| Total Revenues: | \$ | 7,491,063 |
| Total Expenditures: | \$ | 7,071,953 |

Rollins provided the staff report reviewing the 2007 Internal Service Fund Budget - Insured Benefits Fund.

No public testimony was received.

**Adopted Resolution
Initiating Rezoning of
Southwest Corner of
France Avenue & Old
Shakopee Road**
**ITEM 5.5G
R-2006-142**

Motion was made by Wilcox, seconded by Nordstrom, and all voting aye, to adopt a resolution initiating rezoning of five parcels at the southwest corner of France Avenue and Old Shakopee Road from the B-2 (General Commercial) Zoning District to the B-4 (Neighborhood Commercial Center) Zoning District and directed staff to report back on the feasibility of rezoning the northeast corner to the B-4 (Neighborhood Commercial Center) Zoning District also. The newly created B-4 District standards support a development pattern more consistent with the southeast corner, which emphasizes the following elements:

1. Placing buildings relatively close to the street.
2. Placing parking to the side or rear of the buildings (not between the buildings and the street); and
3. Using the corner for either building area or a gathering/eating area rather than for parking.

Planning Manager Bob Hawbaker provided the staff report explaining that Council is requested to consider initiating a rezoning of five parcels in the southwest corner of France Avenue & Old Shakopee Road (the Bloomdale piece). He stated staff has been working with a developer applying the B-2 and the B-4 zoning. The B-4 District has a build-to-the-line standard rather than a build-from-the-line standard and B-4 allows a 25% increase in floor area. He stated if the Council recommends B-4 zoning in this area, staff will then advertise for a public hearing on this issue.

Elkins inquired if it wouldn't make sense to rezone the Richfield/Bloomington Credit Union parcel along with the Bloomdale piece. As he is concerned about the window covering standards, he suggested that The Point development on the northeast corner meets almost all of the B-4 zoning so the B-4 zoning could be applied to that corner as well. That way they would be subject to the standards relating to window coverings also.

Hawbaker replied B-4 zoning with a Planned Development could be initiated.

Ornstein suggested staff analyze the changes under the B-4 zoning and discuss it with the property owner on the northeast corner stating that it would be a separate matter.

No public testimony was provided.

**City Council Policy &
Issue Update**
ITEM 6.1

The monthly update was provided to Council at the November 6 meeting.

Bernhardson requested Council's input regarding legislation being discussed by the Noise Oversight Committee (NOC) group that would give the NOC member cities a full voting member on the Metropolitan Airports Commission (MAC).

Ornstein mentioned there could a potential conflict if a Council member was appointed to such a position.

ITEM 6.1 continued

Bernhardson stated it would be a mayoral appointment.

Wilcox clarified that initiation of such legislation has not been pushed by the NOC group but by a few of the NOC city representatives and that to date, there has not been any formal review of any legislation by the NOC cities nor has it been reviewed and approved by the airport users group. He stated that in the past in Bloomington, such an appointment has been approved by the full Council.

Peterson stated that Council should decide if it would support such legislative action and that if it does this could be added to the City's Legislative Policies.

Bernhardson added that the Draft 2007 Legislative Policies would be given to Council at their next study session, which could include language in support of such legislation for Council consideration.

Directed Staff to Add Language to the Draft 2007 Legislative Policies Regarding the Metropolitan Airports Commission (MAC)

A motion was made by Peterson, seconded by Wilcox, and all voting aye, to include adding language supporting the proposed legislation by the NOC group to Bloomington's 2007 Draft Legislative Policies and that a draft proposal would be forwarded to the NOC group.

Elkins mentioned the possibility of including support in the City's 2007 Legislative Policies relating to making the speed limit on residential streets statewide 25 miles per hour when no speed limit is posted, as we're the only border state with a 30 mph speed limit on residential streets. He added that he would be forwarding some information relating to affordable housing to the City Manager.

Peterson commented that Representative Ann Lenczewski was appointed as Chair of the House Tax Committee.

Winstead mentioned that the Hennepin County Attorney's office will be recognizing Bloomington Police Chief John Laux with an award in the near future.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 9:04 p.m.

Barbara Clawson
Council Secretary