

**Regular Meeting #31  
Monday, November 6, 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 7:00 p.m. and Girl Scout Troop 292 presented the colors and led the audience in the pledge of allegiance to the flag. At the Mayor's request, the scouts introduced themselves indicating they were all fifth graders from Poplar Bridge Elementary.

**Roll Call**

*Present:* Mayor Winstead, Councilmembers R. Axtell, S. Elkins, A. Grady (*arrived at 7:14 pm*), K. Nordstrom, S. Peterson, and V. Wilcox.

**Proclamation –  
National Family  
Volunteer Day**

Mayor Winstead read and presented a proclamation declaring November 18 as National Family Volunteer Day in Bloomington to Fran Heitzman, founder of Bridging, Inc.

Heitzman thanked the City for making this day possible. He encouraged the public to donate items to families in need of household items at the Bridging facility in Bloomington, as 100 families go through that location each week.

**Adopted Resolution  
Approving Variance at  
10141 Drew Avenue  
Case 10743A-06  
ITEM 3.1  
R-2006-130**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to adopt a resolution approving a variance to reduce the rear yard setback from 30 feet to 22 feet for a garage and family room addition at 10141 Drew Avenue, Case 10743A-06, for Russ Willits, subject to the following 2 conditions of approval as set forth by the Planning Division staff:

1. The variance to the rear yard setback shall only apply to the proposed addition as shown in approved plans in Case 10743A-06; and
2. The exterior finish and materials shall match those of the existing residence.

**Approved Public  
Health Agreement  
ITEM 3.2**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to approve a Public Health Mutual Aid Agreement among public health departments in the Twin Cities metropolitan area; specifically, the cities of Bloomington, Edina, Richfield and Minneapolis, and Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington counties. The purpose of the agreement is to strengthen Minnesota's public health system. The participating parties would make personnel, equipment, and other resources available to political subdivisions in the event of an emergency, training, drill, or exercise. The agreement would be in force through December 31, 2011.

**Approved Temporary  
Easement Agreement  
at 9000 Lyndale Ave S  
ITEM 3.3**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to approve a Temporary Easement Agreement between LeRoy V. Voehl and Marlene Voehl and the City of Bloomington for property located at 9000 Lyndale Avenue South.

**Adopted Resolution  
Regarding a Tax  
Forfeited Parcel at  
7110 West 106<sup>th</sup> Street  
ITEM 3.4  
R-2006-134**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to adopt a resolution concerning a certain tax-forfeited parcel lying within the city at 7110 West 106<sup>th</sup> Street approving it for sale to an abutting owner. This parcel (legally described as Outlot C, Beaconsfield Third Addition) is one of the several odd-shaped and undevelopable Beaconsfield private pathway areas that the homeowners association has allowed to go tax-forfeit over the years.

**Approved Amendment  
No. 2 to Alliance Home  
Visiting Project  
Agreement  
ITEM 3.5**

Motion was made by Elkins, seconded by Wilcox, and all voting aye, to approve Amendment No. 2 to the Alliance Home Visiting Project Agreement with Hennepin County that is due to expire on December 31, 2006. The amendment allows Hennepin County to purchase Alliance Home Visiting Services from the City through calendar year 2007. Reimbursement for services provided during 2007 to be set through a separate amendment or ministerial adjustment. A ministerial adjustment set reimbursement for 2006 at \$30,000.

**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.

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

The monthly update was provided and Council was reminded of the following upcoming meetings: Joint Council/Port Authority meeting on Tuesday, November 14 @ 5:30 p.m., Port Authority meeting on Tuesday, November 20 @ 5:30 p.m., and the Council study meeting on Monday, November 27.

**Appointed Voting Delegate to NLC Congress of Cities & Exposition  
ITEM 6.2**

Motion was made by Elkins, seconded by Nordstrom, and all voting aye, to appoint Peterson as the Voting Delegate and Winstead and Elkins as Alternates for voting purposes during the 82<sup>nd</sup> Annual National League of Cities Business Meeting at the Congress of Cities and Exposition on December 9, 2006 in Reno, NV.

**Approved Currency Exchange License Renewals  
ITEM 5.1A**

Motion was made by Nordstrom, seconded by Wilcox, and all voting aye, to approve the following Currency Exchange License renewals for the period commencing January 1, 2007 and expiring December 31, 2007. The Conditional Use Permits for these locations are approved through the upcoming license year.

- Cash It Too, Inc. at 1722 East Old Shakopee Road
- SuperCash at 7854 Portland Avenue South
- Pawn America at 8650 Lyndale Avenue South
- Money Xchange at 218 East Broadway, MOA

No public testimony was received.

**Approved Temporary Conditional Use Permit for ABRA Auto Body Inc. Case 7903A-06  
ITEM 5.2A**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve a three-year Temporary Conditional Use Permit for auto body repair and repainting as part of an auto care center at 10800 Bush Lake Road (Business – 7101 West Old Shakopee Road), Case 7903A-06, for Hoffman Development, Inc. dba ABRA, Auto Body Inc. subject to the following 8 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. Compliance with all applicable existing car care center Conditions of Approval in Cases 7903B-88 and 7903A-89;
2. The lease area of the auto body repair and repainting business shall not increase during the approved permit period;
3. All parking shall be limited to designated and approved parking areas;
4. No exterior or outside storage of damaged or inoperable vehicles and parts;
5. No exterior or outside storage of vehicles in the process of repair or repainting;
6. There shall not be any discernible odor from the business at the property line;
7. Signs shall comply with the approved uniform sign design and Chapter 19, Article X of the City Code; and
8. Future renewal for this Temporary Conditional Use Permit may be heard through the Hearing Examiner process as per Section 2.14 of the City Code.

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

**Approved Temporary Conditional Use Permit for Maranatha Community Church Case 6331A-06  
ITEM 5.2B**

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve a three-year Temporary Conditional Use Permit for a church in an office warehouse building at 8910 Wentworth Avenue (Business – 8900 Wentworth Avenue), Case 6331A-06, for Lake Elmo Bank Trustee, Darwin L. Engstrand Trust B (Maranatha Community Church), subject to the following 4 conditions of approval and 1 Code requirement as set forth by the Planning Division Staff and the Hearing Examiner:

1. All pickup and drop-off occur on site and off of public streets;
2. All loading and unloading occur on site and off of public streets;
3. In order to be counted as available parking, spaces in the rear of the building must be striped as approved by the City Traffic Engineer;

**ITEM 5.2B continued**

4. Renewal of this Temporary Conditional Use Permit may be heard by the Hearing Examiner pursuant to Section 2.14 of the City Code;

and subject to the following Code requirement:

1. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code.

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

**Approved a Revised Preliminary and Final Development Plan for Metro Transit at 8001 28<sup>th</sup> Avenue Case 10397AB-06 ITEM 5.2C**

Planner Julia Farnham presented the staff report on the 1,450-space parking structure proposed at the 28<sup>th</sup> Avenue Light Rail Transit (LRT) Park & Ride Station by Metro Transit, which will replace the existing 350-space surface parking lot. Construction is expected to begin in the spring of 2007 with completion in 2008. She explained that the design of this ramp, located in the heart of Airport South, needs to coordinate with the Bloomington Central Station development and others in Airport South. This location will also provide bus connections for transit riders. Using a site plan, she described the site and the location of the primary and secondary accesses to the site. She described the design of the five-story ramp that will include 2,000 square feet of reserved for future retail. This design meets the expectations and design guidelines for Airport South. The exterior materials for the ramp and pedestrian plaza were described. Landscaping will surround the ramp and although the requirement for trees might not be met, the amount of planted material will exceed the Code requirements. Thirty (30) bicycle parking spaces will be provided and only half will need to be constructed at this time with the other half to be included as proof of parking. She talked about the potential of 82<sup>nd</sup> Street being extended through to 30<sup>th</sup> Avenue, which would necessitate the extension of the utilities over to 30<sup>th</sup> Avenue as well. The LRT station is to remain open during the construction phase and Metro Transit is being required to provide replacement parking for 362 vehicles. The ramp will be open 24 hours, 7 days per week. Staff and the Planning Commission recommended approval with the 10 conditions and 13 Code requirements as listed in the agenda.

Grady inquired about the safety issues associated with the parking ramp.

Farnham replied that Police reviewed the plan and addressed the security needs such as lighting, security system, etc.

Axtell stated it will be a great addition to Airport South and inquired who has jurisdiction if problems result.

Bernhardson replied that Metro Transit is working on locating a new substation at the Mall of America so they will be nearby and will be the owners and operators of the ramp.

Ornstein stated there will be a ground lease to deal with the management/operation of the facility that will address the safety issues.

Elkins inquired if additional levels could be added to the structure in the future.

Farnham replied it could be expanded but there are probably some height restrictions in this area.

Winstead inquired where the 360 vehicles will park in the interim while the ramp is being constructed.

Speaker #1: Joe Edwards, Principal Engineer, Metro Transit & Project Manager  
He stated they are currently in discussions with the Metropolitan Airport Commission (MAC) on two sites they own that could be designed and used for temporary parking. With regard to security, he stated the Metro Transit Police reviewed the plans and provided input. The temporary parking will be in place before the existing LRT Park & Ride is closed down and construction begins.

Motion was made by Grady, seconded by Peterson, and all voting aye, to approve the Revised Preliminary and Final Development Plan for a parking ramp at 8001 28<sup>th</sup> Avenue, Case 10397AB-06, for the Metropolitan Council – Metro Transit subject to the following 10 conditions of approval and 13 Code requirements as set forth by the Planning Division Staff and the Planning Commission being satisfied prior to Grading, Footing, and Foundation Permits:

**ITEM 5.2C1,2  
continued**

1. A development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
2. Exterior building materials be approved by the Planning Manager;
3. Grading, drainage, utility and erosion control plans including stormwater rate control, water quality treatment methods to meet Bloomington requirements and BMP maintenance plan (including schedule) signed by the property owner be approved by the City Engineer;
4. Lower Minnesota River Watershed District Permit and review comments be provided;
5. Access, circulation and parking plans be approved by the City Engineer and include the following:
  - A) The mid-block access on 28<sup>th</sup> Avenue, north of 82<sup>nd</sup> Street shall be closed with a gate;
  - B) The eastbound thru lane shall be aligned through the intersection;
  - C) A plan showing the alternate mid-block access along 82<sup>nd</sup> Street and include striping changes and first floor revisions;
  - 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;
  - E) Traffic signal plan;
6. Temporary parking lot plan consistent with City Code regulations and including the following:
  - A) Grading, drainage, and erosion control measures;
  - B) Pedestrian circulation plan noting connections between temporary parking facilities and the 28<sup>th</sup> Avenue LRT station;

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

7. Sewer Availability Charge (SAC) be determined and be satisfied;

and subject to the following additional conditions:

8. Alterations to utilities be at the developer's expense;
9. All pickup and drop-off occur on site and off of public streets;
10. All loading and unloading occur on site and off of public streets;

and subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
2. Erosion control measures be in place and bond be filed;
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 (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. 903, MN. Rules Chapter 1306; MN State Fire Code Sec. 903);
8. Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
9. 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);
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; and
13. A Uniform Sign Design be submitted for approval by the Planning Manager.

Mayor Winstead agreed that this will be a great addition in Airport South and that there has been good cooperation between the City and Metro Transit on this project.

**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 Nov. 20  
Revised Preliminary  
Development Plan for  
Mall of America –  
Phase II at 7900, 8000  
& 8100 24<sup>th</sup> Avenue  
Case 10730A-06  
ITEM 5.2D**

Planner Bob Sharlin began the Council's second hearing on the Revised Preliminary Development Plan for the Mall of America (MOA) – Phase II by explaining that the Preliminary Plan approved in 2003 was for a 2.247 million square foot mixed-use center but that the Revised Preliminary Development Plan, now under consideration, is for 5.6 million square feet with primary uses to include retail, hotel, office, entertainment, performing arts, and residential. His presentation highlighted the following:

- An Overview of the Mall of America - Phase II  
*(The Preliminary Development Plan provides a framework for the development and determines the intent, intensity, and density of a project.)*
- City Council Review Schedule  
*(Tonight's review focuses on parking and interior circulation, zoning compliance, building architecture and design and proposed conditions.)*

Schane Rudlang, Engineer continued with a review of parking. His presentation highlighted the following:

- Parking – Why so important?  
*(The City and the Developer are working towards having a mutually beneficial and adequate decision on what the parking recommendation should be for this development. Parking is important, as inadequate on-site circulation and parking makes for off-site traffic generation, which isn't fair to the rest of Airport South while over building parking would be a waste of money.)*
- What's happened so far?  
*(MOA submitted a parking study for the development in addition to a traffic study and others. MOA hired Westwood Professional Services (WPS) to conduct the parking study. He explained that WPS used a "shared parking" method to conduct the study, which utilizes the current on-site east and west ramps with the proposed development. He described how the parking was analyzed. The City hired AGA Consulting to review the WPS parking study.)*
- Where Are We At? Parking – Just the Numbers:  
*(Existing Mall at 4.2 million gross square feet has 12,287 parking stalls on site. City staff is currently recommending a total of 20,872 parking stalls or an additional 8,585 on-site parking stalls for Phase I & Phase II for the total project of 9.8 million gross square feet. The Mall is recommending 19,760 parking stalls or 7,473 additional on-site parking stalls. The difference between the City's and the Mall's numbers of required on-site parking spaces is approximately 1,100 so they will continue to work on resolving this discrepancy.)*
- Parking Demand for Peak Day and Supply: *(The City and MOAC agree on the demand for the peak parking day. The demand is the number of vehicles coming to the project on a peak day. They also agree on the raw supply, which includes IKEA. Supply is the number of parking stalls prior to adding in an efficiency factor. The City and MOAC agree on both of these numbers.)*

City and MOA continue to study the removal of IKEA's demand and supply from the parking equation and the effective supply factor of the parking efficiency. They are learning about the Urban Land Institute (ULI) and how that model relates to this development. ULI will provide the City a model or a formula to plug in the square footage of various uses to determine the number of needed parking spaces. The City and the MOA will reach a conclusion on the method.

- Off -site Parking: *(City recommends 3,119 overflow parking spaces to be provided for peak days. This is an ongoing discussion with the Mall. ITS and way finding improvements in the Airport South Area continue to be explored.)*

**ITEM 5.2D continued**

- Current Parking Status: *(A minimum of 20,872 on-site parking stalls required with the caveat that says, “pending modification through agreement between the City and MOAC on a process for determining the final on-site parking supply,” which gives the City the ability to continue working with the Mall on a revised formula that will lead to a number that will be flexible for the Final Development Plan. A similar condition provides the same flexibility for the off-site parking supply.)*

Rudlang stated the reason only 70% more parking is required by the City for Phase II is because of the shared parking and the different uses that peak at different times. There is less retail and gross leasable square feet being proposed in the Phase II development than exists in the Mall today.

Grady inquired how a hotel use affects the parking situation.

Rudlang explained that parking is affected by the type of hotel being proposed and its peak demands and that staff is viewing the hotel in this application as a leisure type of hotel.

Sharlin continued the staff report by discussing the following:

- Characteristics of the On-Site Circulation System: *(It’s a two-way loop system that involves private and public right-of-way. Lowering of Lindau Lane will result in two depressed roadway intersections. Drop-off and pick-up areas are planned. There will be tunnel areas under the buildings and modifications have been made to correct roadway lane alignments. All intersections in the interior roadway system must operate at Service Level “D” or higher.)*
- Parking Management: *(MOA does a good job with parking management but staff expressed concern for the following three reasons: There is no direct linkage between the parking facilities in Phase II to Phase I, additional development in the Airport South Area will increase the traffic in the area, and the roadway connections with the regional system must operate without impacts. As a higher level of parking management is required for Phase II, staff listed the 5 areas that should be considered in a Final Development Plan submission as follows: Coordinate Mall ramp design to improve access from the internal roadway and increase the number of entrances from parking facilities to the Mall, develop a detailed shared parking program based on land uses and functions, provide parking prioritization and manage desirable parking spaces, allow for a contingency-based planning to regulate where parking should go including parking duration, and encourage a Travel Demand Management Program with objectives and enforcement for employee parking.)*

Grady inquired about the availability of speeds ramps in Phase II, as the ones in Phase I make it easy to access the various parking levels.

Staff explained that there will be speed ramps within the Phase II parking structure but there will be limited access to utilize the speed ramps to certain levels. A plan for the first floor operations of the ramp was shown. Staff believes the ramp access could be improved upon in the Final Development Plan.

Farnham continued the staff report by reviewing zoning compliance and the building architecture and design aspects of this application. Her presentation highlighted the following:

- Zoning Compliance: (High Intensity Mixed-Use (HX-2) Planned Development) It is required that a minimum of 50% of the land uses be identified as principle uses and a maximum of 50% be identified as accessory uses. The proposal is required to meet several dimensional or physical development requirements. The required amount of on-site parking can be reduced to 80% of what is normally required when there is a transit access component. The proposal meets all but three of the zoning components: Setbacks, Site Coverage, and On-site Parking.

**ITEM 5.2D continued**

- Deviations from City Code: Staff is requiring a higher exterior finish material in Phase II due to the large setback deviations requested by the applicant.
- HX-2 District Integration Objectives: Internal integration, integration with Mall Phase I, and with other surrounding developments. Staff's concerns relating to integration include the limited amount of vehicular connections and integration between Phase I and Phase II and the limited pedestrian access within the parking ramps in Phase II to the Mall. A challenge for the Mall is achieving design consistency while creating a distinct and unique character for the Phase II development.

Sharlin concluded staff's presentation by stating that the proposed conditions were reviewed by the Planning Commission and the Traffic & Transportation Advisory Commission (TTAC) and that the Planning Commission recommended a total of 55 conditions and TTAC recommended modification to five of them. He reviewed the following nine general areas relating to the conditions: General development, traffic and transportation, parking, on-site circulation, stormwater management, sanitary sewer and water utilities, energy and sustainability, architecture and design, and public and life safety. He provided Council with a modification to Conditions #5 and #46.

Peterson inquired if the tunnel under Lindau Lane would be signed to prohibit vehicles containing flammable materials.

Sharlin replied that this particular concern is addressed under the Fire, Life, and Safety conditions and that City staff and the Minnesota Department of Transportation (MnDOT) will have some control as needed.

Mayor Winstead invited the applicant to address the Council and stated public comment would be taken following his presentation.

Speaker #1: Bill Griffith, 1500 Wells Fargo Plaza, Rep. Mall of America Company (MOAC) He stated this is the culmination of 16-18 months of very significant analysis on the feasibility of this project. He identified the other members present of the Mall's development team: Curt Hagen, Project Development Manager; Tony Ireland, Project Financial Manager; Brian Lokesmoe, Project Civil Engineer; and Greg Hollenkamp, Project Design Architect. He began by addressing the following questions raised by Council.

- Parking: This project will operate much like a downtown because of the shared uses and high density of use. There are a number of shared parking arrangements throughout the project. It's more important to understand the methodology used in determining the parking needs at this time than the actual number, which will be necessary in the Final Development Plan. Other modes of transportation and the Transit Center, which will utilize LRT, buses, taxis, vanpools, charter buses, and vehicles, etc. is key in Phase II.
- Hotel Demand for Parking: Hotel demand is reduced by 40-45% due to the mixed use nature of the project and the shared use.
- Access and Circulation Plan: This plan has changed significantly since mid summer and will continue to be refined as the Final Development Plan is prepared.
- Parking Management: People will direct traffic through the parking facility. A new system for counting vehicles has been installed in that area and will integrate with an Intelligent Transportation System (ITS). A highly efficient management system exists today, which reaches 90% efficiency during peak periods. The system continues to be refined.
- Express Ramp System: It's been very successful in Phase I, as it's easy to access the express ramp off of the freeway, but presents a challenge in Phase II. The applicant, however, hopes to achieve the same level of success in Phase II. Two express ramps will be accessible from the large ramp in the northeast. The internal express ramp that accesses the ramp from the internal road network takes cars to all levels of parking except one. The Mall owners, like the City, desire to have adequate and efficient parking within Phase II.

**ITEM 5.2D continued**

- Delivery system: It is separate from Phase I but very similar. An underground system in Phase II allows for delivery to back of house. Deliveries occur prior to 9 a.m. and must go through a security checkpoint and then the Mall doesn't open until 10 a.m., which reduces the conflicts with passenger vehicles.
- HX-2 District: The district was developed to be highly restrictive with mixed-use. The site was owned by the Metropolitan Sports Facilities Commission in the mid 1990's so the highly restrictive district was developed to prevent the type of project that might have been an easy money making development. This will be a high intensity mixed use development that will integrate well with Phase I. Although the design is a challenge, the principles adopted in 2003 for IKEA have been incorporated into the Phase II development.
- Tunnel design: It's central to the concept for Phase II. The fundamental concept for Phase II is the integration across Lindau Lane at all levels of the project. It must make a seamless connection with Phase I of the Mall.

Grady inquired why there appears to be less access from the ramps into the buildings in Phase II.

Griffith replied that Phase I is developed around four anchor stores – each with its own access. There will be one primary anchor in Phase II so there isn't the need for that many access points. There will be access from IKEA and from the recreation anchor, at ground level, and the primary access through the Mall itself on four levels. The parking in Phase II might be slightly farther than in Phase I but is still closer than the parking from any of the "dales." Applicant continues to work on the access points and the distance from the doors.

Nordstrom inquired if there were going to be condominiums in Phase II.

Griffith replied that an area on the south side of Phase II will be reserved for some future residential development and that the plan shows 300 units of residential housing. Although it's been provided in all of the analyses, it could easily be converted to a hotel or other uses.

Nordstrom asked about the viability of having a waterpark in Phase II when there is one right next door.

Griffith stated that the end user conducted a feasibility study and believes that where there is a concentration of uses and attractions, they actually do better, as more people are drawn to the area. He confirmed a statement made by Council that a fairly high percentage of employees and visitors to the Mall arrive by a non-auto use.

Elkins inquired if the cogeneration facility is still in the plans.

Griffith confirmed that it is and that it creates energy efficiency for the project and reduces the capital costs for many of the end-users. He continued by addressing some of the specific conditions recommended by staff and the commissions:

- Revised Condition #5 (Staff's November 3 memo): It states the applicant will secure approvals for public infrastructure. He stated the Mall will work cooperatively with the City in obtaining those approvals, as has been its intent since day one. He doesn't want the current arrangement to change that would suddenly put that sole responsibility on the developer and concurs with the revised condition.
- Condition #34 regarding the assessment for sanitary sewer: Since Phase I has paid and Phase II will pay millions of dollars in sewer access charges and the project has paid approximately \$3 million for the privilege of extending the sewer pipe from Killebrew all the way up to IKEA, he inquired why the applicant is being obligated to pay for some assessment in the future for which they have no information. He doesn't want to agree to pay for some unknown future assessment that isn't specified in the contract. He would prefer to have that condition tied to a public improvement so that it could be reviewed by all of the interested parties. As written, it obligates the Mall to pay an unknown assessment in the future.

**ITEM 5.2D continued**

Rudlang explained that the condition Griffith referred to which relates to the payment for future upgrades to the sanitary sewer system for flows does dovetail with Condition #2 that states, "The applicant shall execute a public improvements agreement with the City that identifies cost participation and timing of improvements to public infrastructure as identified in Appendix A." He stated Appendix A is somewhat redundant to Condition #2 and those cost shares would be worked out when the public improvements agreement is negotiated with the applicant, which would be done at the time of the Final Development Plan.

Bernhardson stated that staff would look to see if there is a mutually agreeable way to deal with it prior to the November 20<sup>th</sup> meeting.

- Griffith continued with Condition #48 regarding the Exterior Insulated Finish System (EIFS) and that it not exceed 15% of any exterior elevation: His concerns are as follows: 1) It's inconsistent with the design of Phase I, which employed EIFS significantly on elevations above 18 feet above grade. This condition amends the City Code, which allows the use of the EIFS system on both Phase I and Phase II. 2) This condition is in conflict with the Restated Contract, which provides that if the Developer brings forth plans that are consistent with the City Code and past development plans, they should be approved. 3) This condition takes away a fairly significant building material even before they propose building materials for the project. As a result, the applicant would like to continue discussions with staff regarding these conditions.

Ornstein provided the following response to Griffith's concerns: The Planned Development Overlay Zoning District is a zoning technique to provide zoning flexibility. The City's ordinance provides that the City and the applicant jointly can deviate from certain dimensional and other regulations of a particular zoning district, in this case the HX-2. It imposes less stringent conditions; however, the Council can be more stringent with a Planned Development. He stated the Council would have a legal basis to impose a more stringent exterior material given it appears at this point the applicant will be getting some potentially significant variances from other zoning and parking regulations with this application. He doesn't believe that would be a violation of the Restated Contract. He recommended Council retain the condition so staff could continue to discuss the issue with the applicant.

Wilcox commented that the EIFS product has greatly improved over the last several years since the construction of Phase I.

Griffith reassured the Council that there has been no failure of the EIFS product on Phase I but a little staining has occurred and that between now and the Final Development Plan, he'd like to demonstrate to the Council how it can be removed. He stated the EIFS building system provides the developer flexibility, as it can be made to look like many different building materials at a fairly reasonable cost. It would actually serve as a back-drop for other building materials and would not be the only building material on the exterior of Phase II.

Sharlin added that staff is concerned that discoloration can occur with EIFS and that the applications of it can vary resulting in it having different textures.

Hawbaker explained that this condition was incorporated after discussion at the Planning Commission meeting. He reported that in Phase I, it was a failure in the installation of the EIFS on the north and south sides of the Mall proper, not the anchor stores. The concern of the Planning Commission was that in Phase II, a massive structure will be visible upon entering the Mall property from T.H. 77 and they want to be sure the building portrays a positive visual impact. Unlike Phase I, he stated Phase II will be putting more emphasis on the exterior of the building rather than on the interior.

**ITEM 5.2D continued** Griffith continued his presentation as follows:

- **Parking:** In Phase I, the applicant could have no more or less than 12,750 parking spaces, which was approximately 75-80% of the total projected parking demand, which has proven to be an adequate number. The Mall has provided, without a condition, overflow parking for every year the Mall has been open with no significant problems. The current parking facility is adequate on a daily basis as well as on peak days. He mentioned the applicant will again provide adequate overflow parking and that it is working on acquiring parking space on the east side of the Mall. If the Mall has underestimated the amount of parking needed, they can put more on the Phase I site and has the ability to contract for more off-site spaces during peak periods. He stated if the City miscalculates the amount of parking needed in Phase II, it will add approximately \$25 - \$30 million of cost to the project. He stated the proposed methodology used in determining the parking needs in Phase II is the most important issue.

Honchell explained that most of the parking needs have been agreed to by the various parties. The Mall made a calculation on how many spaces they need to meet the demand, which includes IKEA, but after further discussion, the 1400 spaces at IKEA were removed from what was available. He stated the City's calculation is identical to the calculation the Mall used to make their original calculation with IKEA minus the IKEA numbers. The second variation relating to the number of needed parking spaces has to do with the efficiency factor. The City believes 5% is an appropriate number. There will be four significant parking facilities or decks but as the access to them won't be as easy as in Phase I, staff believes the same efficiency won't be achieved in Phase II as in Phase I. He agrees that it's very important to come to a conclusion and an agreement on how to measure this in the future. All sides agree there is promise in looking at the ULI's approach. He has confidence the City and the applicant will be able to come to a mutual agreement.

Griffith stated his concern that the methodology used be agreed upon so the Mall isn't required to build more parking than is needed.

Bernhardson stated that if there isn't sufficient parking, it will cause more overflow parking, which results in more cars out on the street system driving around the Mall looking for parking. This is why staff continues to work on the efficiency factor.

Griffith restated they will continue to work with staff on the parking issue but that they have agreement on most all of the issues and conditions.

Wilcox requested Griffith consider having more accesses from the proposed Phase II parking ramps into the Mall itself and stated having a backup parking plan is very key.

Grady requested clarification on what can be built on the Adjoining Lands, which is under the Runway Protection Zone.

Larry Lee, Director of Community explained that the Joint Airport Zoning Board ordinance doesn't limit the amount of square feet for development but it limits certain uses and height. There are no other development limitations in Safety Zone B. The Adjoining Lands are 100% within Safety Zone B so there would be no square footage limitation but there would be height and use limitations. The Metropolitan Airports Commission (MAC) owns the site now but the Mall could purchase and develop it.

Mayor Winstead welcomed testimony from the public to specifically address the land use issue and related conditions. No one came forward to testify.

Ornstein stated he would bring back to the November 20 Council meeting, a resolution approving the Revised Development Plan, pursuant to Council's direction tonight with the conditions as potentially modified including a number of Findings consistent with the record before the Council and discussion by the Council. He stated the applicant has extended the 60/120-day statute to November 20, at which time the Council is anticipated to take final action on this Revised Preliminary Development Plan.

**ITEM 5.2D continued**

At Elkins' request, Rudlang reviewed the subtle changes that were recommended by TTAC as follows:

1. Condition #5: Initially revised by TTAC, followed by the Planning Commission, and now by the City Attorney, which gets done what TTAC was requesting.
2. Condition #8: Relates to the final Traffic Impact Study and when the Level of Service will be provided. TTAC wants to ensure that Service Level "D" or better is provided on opening day as well as two years after the Mall opens so staff recommended that the condition be revised to reflect that and the applicant agreed with that request by nodding his head.
3. Condition #12: Is consistent with the Planning Commission comment and which TTAC recommended that the word, "secure" be stricken from the conditions so it would read as follows: "The applicant shall provide a bicycle facilities and access plan to address, at a minimum: convenient bicycle parking locations, ~~secure~~ bicycle storage facilities, and connections to City bicycle routes and regional trails." The Planning Commission and the applicant concurred with the change. Staff will be discussing this plan with the applicant prior to submittal of the Final Development Plan.
4. Condition #15: Relates to off-site parking supply. TTAC had a concern with providing it for perpetuity so the sentence was added: "The Off-Site Parking Plan shall include a process for modifying the Plan." Staff recommended this addition.
5. Condition #26: Relates to on-site circulation systems: TTAC recommended "including an analysis of site triangles" be added so the revised condition would read as follows: "Provide revised site access plan including an analysis of site triangles, grading, drainage, erosion control, utility ..." to ensure staff properly analyzes how the tunnel on Lindau Lane and site lines to the accesses to and from 22<sup>nd</sup> Avenue and 20<sup>th</sup> Avenue or IKEA Way are properly reviewed in the Final Development Plans so there are no blind spots. Staff recommended this addition to the Final Development Plan.

Elkins inquired if any changes are required to the Trunk Highway system surrounding the Mall.

Rudlang replied that the Trunk Highway system on 77 and 494 would require a couple of changes; at the access points at the Nordstrom area and at Thunderbird into the collector/distributor road system from T.H. 77 to eastbound 494. The interchange at 34<sup>th</sup> Avenue & I-494 is more related to the other development in Airport South.

Motion was made by Peterson, seconded by Grady, and all voting aye, to continue to the November 20, 2006, Regular Council meeting, the Revised Preliminary Development Plan for the Mall of America – Phase II located at 7900, 8000 and 8100 24<sup>th</sup> Avenue, Case 10730A-06.

**Continued to Nov. 20  
Vacation of Easements  
at 8500 Irwin Ave. S. &  
4216 Poplar Bridge Rd.  
ITEM 5.4A**

Motion was made by Grady, seconded by Peterson, and all voting aye, to continue to the November 20, 2006, Regular Council meeting, the vacation of drainage and utility easements located at 8500 Irwin Avenue South and 4216 Poplar Bridge Road as requested by Larry Anderson in conjunction with the NEXT STEP DEVELOPMENT plat.

**Adopted Resolution  
Authorizing &  
Directing Eminent  
Domain at 84<sup>th</sup> Street &  
East Bush Lake Road  
ITEM 5.5A1  
R-2006-131**

Motion was made by Grady, seconded by Nordstrom, and all voting aye, to adopt a resolution authorizing and directing the use of eminent domain and quick-take proceedings for the acquisition of certain street right-of-way, other permanent easements, temporary construction easements, and other rights and interests for the public purposes described within the resolution regarding Parcel 18 (Soo Line Railroad) and Parcel 23 (Normandale Lake Townhomes) in conjunction with the upcoming street improvements for the intersection at East Bush Lake Road, West 84<sup>th</sup> Street, and Chalet Road.

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

**Adopted Resolution  
Approving Use of  
Certain Portions of  
City Parklands  
ITEM 5.5A2  
R-2006-132**

Motion was made by Grady, seconded by Peterson, and all voting aye, to adopt a resolution approving the use of certain portions of City parklands, which are presently considered part of the Hyland-Bush-Anderson Lakes Park Reserve for street, retaining wall and traffic signal purposes in conjunction with the East Bush Lake Road, 84<sup>th</sup> Street, and Chalet Road project.

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

**Adopted Resolution  
Approving 2007  
Internal Service  
Fund Budgets  
ITEM 5.5B  
R-2006-133**

Cindy Rollins, Finance reviewed the following Internal Service Fund Budgets, which have an effect on most other City funds:

- Support Services Fund: 2007 expenses includes a transfer of \$500,000 into the Information Systems Fund and \$27,000 in capital expenses.
- Information Systems Fund: 2007 expenses for new systems – including \$500,000 for a new utility billing system and \$380,000 for a new property system.
- Equipment Pool Fund: 2007 expenses include \$1.86 million in regular replacement and \$589,000 for fire replacement.
- Radio Fund: 2007 expenses include \$66,000 for replacement of mobile data computers for police vehicles.
- Building Facilities Replacement Fund: 2007 expenses include a \$76,000 repayment each year for 10 years to repay a loan from the Wastewater System to build the big Public Works storage building.

Staff recommends approval of the above listed 2007 budgets and conceptual approval for their related 2008 budgets. A revised handout resolution was provided to Council.

Motion was made by Peterson, seconded by Axtell, and all voting aye, to adopt the revised resolution adopting the 2007 Support Services, Information Systems, Equipment Pool, Radio and Building Fund Facilities Replacement Internal Service Fund Budgets as follows and approved the 2008 Conceptual Budgets for the same funds:

Support Services Fund

Total Revenues	\$ 620,336
Total Expenses	\$ 1,149,231

Information Systems Fund

Total Revenues	\$ 3,018,048
Total Expenses	\$ 4,148,638

Equipment Pool

Total Revenues	\$ 5,427,078
Total Expenses	\$ 5,352,488

Radio Fund

Total Revenues	\$ 269,623
Total Expenses	\$ 342,591

Building Facilities Replacement Fund

Total Revenues	\$ 4,010,915
Total Expenses	\$ 3,543,493

No public testimony was received.

**Ordered 2006-905  
Pond Maintenance  
Project  
ITEM 5.5C1**

Steve Segar, Engineering provided the staff report stating he researched when the fence used for screening around the Southtown Apartments Pond was removed and determined it was sometime after the City acquired it in 1991. It was stated the fence was removed due to safety and security issues. He provided history relating to the pond and sidewalk construction around the pond. He explained that Engineering was directed to relieve some stormwater flooding issues that have been occurring at 80½ Street & Fremont Avenue and in the GN ReSound parking lot and maximize the storage capacity in this pond. Using a plan, he showed how the pond would be expanded and stated a large pine tree would be impacted and approximately 50-75 four to six-inch volunteer trees would be removed. He described the trees proposed to replace those lost. He stated pine trees would be planted to provide supplemental screening.

Grady inquired if the pond contours could be moved to the west to try and save the big pine tree.

Segar replied that staff tried to maximize the pond on City property. Moving it to the west would encroach onto MnDOT's property, resulting in the City's loss of control.

Wilcox inquired why the City is enlarging the pond to relieve the flooding in GN ReSound's parking lot when the City didn't do anything to cause the additional flooding in their parking lot.

Bernhardson explained that the City would be relieving a number of problems by expanding this pond.

Segar stated that this pond is designed for temporary storage and is not designed to be a deep, permanent pool, which if deeper, could create some water table issues.

Speaker #1: Rob Whittsack, 8109 Fremont Avenue South

He stated the neighborhood didn't see this plan as a packaged deal. He said they were told at the onset that there was no money in the budget for a fence. He showed a photo of the former fence, which he believes was torn down in 1993 or 1994. Using it as an example, he showed a photo of the fence that is situated between U.S. Bank and some homes along Lyndale Avenue stating that it's 7 ft. 4" fence. He wondered why the Fremont neighborhood couldn't get a couple of fences like that along the pond and at angles on the east end of the pond or perhaps some heavier pine tree landscaping to screen out 35W, the bus terminals, etc. from the residents. If they can't get a fence, he asked if they could get more pine trees for screening because they were told the trees proposed to be planted would only be 1-inch in diameter. They don't want to have to wait 30 years for the trees to grow bigger for GN ReSound's benefit.

Bernhardson replied that although the neighborhood expressed a desire to have a fence for noise purposes, fences provide little relief from noise.

Segar added that the pine trees proposed would be 6-8 feet tall and that the 1-inch trees he referred to would be willows.

Winstead stated he is not a fan of fences and inquired if staff could do some additional tree planting in a configuration similar to the one proposed by Mr. Wittsack.

Segar replied that staff is trying to supplement the trees that are already there and that the City is trying to maintain the plantings on City property. He indicated where the north and the south property lines are located. He added that a sound barrier needs to be solid in order to provide noise screening.

Bernhardson stated that staff would look to see if more trees in the 6-8 foot size could be planted now and removed later.

Elkins concurred that a tall, solid barrier or fence is not a good idea from a safety standpoint.

Shelly Pederson, City Engineer added that a large new pipe was recently installed in the area so trees can't be planted too close to the pipe, as they will cause roots to grow into the pipe and the City needs to protect its pipe investment. Staff will do its best to stagger the trees in that area.

**ITEM 5.5C1 continued** Segar stated this is a time restricted project with a January through late February construction schedule.

Bernhardson recommended Council take action on the project and that staff would bring back a revised landscape plan with some plan alternatives and specifications on how to deal with it.

Segar stated that staff would contact the apartment complex to inquire about trees on their property and would provide another landscape plan.

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to order the 2006-905 Pond Maintenance Project, which includes sediment removal, pond expansion, brush and tree removal and maintenance at nine storm water ponds throughout the city as identified in the agenda materials conditioned upon submission of a revised landscape plan.

**Approved Plans,  
Specs & Proposed  
Schedule for 2006-905  
Pond Maintenance  
Project  
ITEM 5.5C2**

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve the plans, specifications and proposed schedule for the 2006-905 Pond Maintenance Project for the site locations as described in the agenda materials conditioned upon submission of a revised landscape plan.

**Approved Theater Fly  
Loft Art Work Plan  
ITEM 6.3**

Art Center Manager Jim Urie didn't present a staff report but answered Council inquiries regarding the Work Plan for the exterior theater fly loft art.

Grady inquired why the push for a date to unveil the artwork for the fly loft, as the schedule appears too tight.

Urie replied the unveiling date is scheduled for July 7, the birthdate of a major donor of funding for this piece for which a celebration at the Art Center is planned on that date. The donor is aware, however, that the artwork may not be completed by that time.

Grady suggested an "Average Joe/Jane" who is not a staff member or an artist be a member on the small theater fly loft art selection committee to bring a "general public" opinion to the table.

Peterson stated he is comfortable with the process of having a committee to make the art selection and that the Council needs to be prepared to accept their decision. He agreed with Grady's suggestion of having an "Average Joe/Jane" represent the general public on the committee.

Axtell commented that his concern relates to the recommended budget of \$125,000 and inquired if there would be an annual maintenance cost associated with this artwork.

Urie replied the total cost will end up to be approximately \$125,000 based on the range of costs Ankeny Kell provided staff.

Bernhardson stated that once the type of mural has been narrowed down, staff will provide the Council with better numbers.

Wilcox expressed a desire for the Council to have veto power over the art selected for the fly loft, as they are the elected individuals who have to answer to the spending of the public's money. He supports having a committee to handle the process but believes the Council needs to have final say in what is selected, as they have a responsibility to ensure the artwork is tasteful and within a budget. He requested staff provide more refined cost figures.

Winstead inquired if the Council could have some preliminary approval of the five finalists with each of them presenting a 5-minute presentation to Council.

Nordstrom expressed her comfort level with the proposed committee and inquired if all eight of the Bloomington Fine Arts Council would be represented in the mural.

Urie replied that the theme of the mural has not yet been determined.

**ITEM 6.3 continued**

Motion was made by Wilcox, seconded by Grady, to approve the Work Plan for the exterior theater fly loft art with the stipulation that the City Council have final veto authority over the art selection, and requested a revised budget with better estimates be provided to Council, and an "Average Joe/Jane" be added to the small theater fly loft art selection committee. Motion passed 6-1 (KN opposing).

**Adjourn Meeting**

Mayor Winstead adjourned the meeting at 10:37 p.m.

Barbara Clawson  
*Council Secretary*