

AGENDA

EDEN PRAIRIE CITY COUNCIL MEETING

TUESDAY, NOVEMBER 1, 2016

7:00 PM, CITY CENTER

Council Chambers

8080 Mitchell Road

CITY COUNCIL: Mayor Nancy Tyra-Lukens, Council Members Brad Aho, Sherry Butcher Wickstrom, Kathy Nelson, and Ron Case

CITY STAFF: City Manager Rick Getschow, Public Works Director Robert Ellis, Community Development Director Janet Jeremiah, Parks and Recreation Director Jay Lotthammer, City Attorney Ric Rosow and Council Recorder Jan Curielli

I. CALL THE MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE

III. COUNCIL FORUM INVITATION

IV. PROCLAMATIONS / PRESENTATIONS

A. SPIRIT OF EDEN PRAIRIE AWARDS

V. APPROVAL OF AGENDA AND OTHER ITEMS OF BUSINESS

VI. MINUTES

A. COUNCIL WORKSHOP HELD TUESDAY, OCTOBER 18, 2016

B. CITY COUNCIL MEETING HELD TUESDAY, OCTOBER 18, 2016

VII. REPORTS OF ADVISORY BOARDS & COMMISSIONS

VIII. CONSENT CALENDAR

A. CLERK'S LICENSE LIST

B. MARTIN BLU TRAIL by Eden Prairie Development, LLC. Amend development agreement to reflect revised trail location within the Martin Blu project (First Amendment-Mitchell Crossing Apartments 2012)

C. DECLARE OBSOLETE COMPUTER EQUIPMENT AS SURPLUS

D. DECLARE VEHICLES AND EQUIPMENT AS SURPLUS

E. APPROVE PURCHASE OF REPLACEMENT VEHICLES AND EQUIPMENT

IX. PUBLIC HEARINGS / MEETINGS

A. RESOLUTION AUTHORIZING ISSUANCE, SALE, AND DELIVERY OF 2016A AND 2016 B BONDS FOR EDEN GLEN APARTMENTS PROJECT

CITY COUNCIL AGENDA

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- B. **FIRST READING OF AN ORDINANCE AMENDING CITY CODE CHAPTER 11 RELATING TO TREE REPLACEMENT**
- C. **FIRST READING OF AN ORDINANCE AMENDING CITY CODE CHAPTER 11 RELATING TO SCREENING AND LANDSCAPING**
- D. **FIRST READING OF AN ORDINANCE AMENDING CITY CODE CHAPTER 11 RELATING TO AUTOMOTIVE SERVICE**
- E. **FIRST READING OF AN ORDINANCE AMENDING CITY CODE CHAPTER 11 RELATING TO COMMERCIAL KENNELS**

- X. **PAYMENT OF CLAIMS**
- XI. **ORDINANCES AND RESOLUTIONS**
- XII. **PETITIONS, REQUESTS AND COMMUNICATIONS**
- XIII. **APPOINTMENTS**
- XIV. **REPORTS**
 - A. **REPORTS OF COUNCIL MEMBERS**
 - B. **REPORT OF CITY MANAGER**
 - C. **REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR**
 - D. **REPORT OF PARKS AND RECREATION DIRECTOR**
 - E. **REPORT OF PUBLIC WORKS DIRECTOR**
 - F. **REPORT OF POLICE CHIEF**
 - G. **REPORT OF FIRE CHIEF**
 - H. **REPORT OF CITY ATTORNEY**

- XV. **OTHER BUSINESS**
- XVI. **ADJOURNMENT**

CITY COUNCIL AGENDA		DATE:
SECTION: Proclamation/Presentations		November 1, 2016
DEPARTMENT/DIVISION: Community Development Janet Jeremiah/Marisa Bayer	ITEM DESCRIPTION: 2016 Spirit of Eden Prairie Awards	ITEM NO.: IV.A.

Requested Action

No formal action is requested. Staff will provide background and Mayor Tyra-Lukens will present the award to the two recipients.

Synopsis

The Spirit of Eden Prairie Award was first introduced in 2015. The award recognizes significant investments and enhancements property and building owners have made that contribute to the overall vitality, accessibility and sustainability of the community. Three property categories are eligible for nomination: Single-Family Residential, Multi-Family Residential, and Industrial/Commercial/Office. Nomination criteria include improvements such as enhanced accessibility, exceptional landscaping, sustainable features, lighting, signage or exterior upgrades.

Staff will provide a background report. The Mayor will introduce the Spirit of Eden Prairie Award. The award recipients will be at the meeting to accept the awards. Recipients will be given a certificate at the meeting and either an indoor plaque or engraved landscape stone. Volunteer judges will also be at the meeting and be recognized during the presentation.

The recipients of the 2016 Spirit of Eden Prairie Award are:

Marilynn and Tom Torkelson, Single-Family Residential

Located on a shallow pond, the Torkelson’s improved their shoreline with native plantings and installed a rain garden. The nominator noted that the Torkelson’s rain garden is “often shown as an example to others wanting their own rain garden.” The property also includes many pollinator-friendly native plants and educational signage about their “bee safe yard.”

Margaret A. Cargill Philanthropies, Commercial/Industrial/Office

Margaret A. Cargill Philanthropies recently renovated and expanded their office, which included thoughtful design around sustainable materials and a healthy workplace. Their renovation of the existing building received LEED Gold Certification, and Margaret A. Cargill Philanthropies has applied for LEED Platinum Certification, which is the US Green Building Council’s highest level of certification, for the expansion. Some of the

sustainable renovation strategies included: reusing or recycling more than 95% of the materials from the original site; using regionally sourced products for construction; installing solar panels on the roof to help provide electricity to the building; using geothermal systems to heat and cool the building; using water retention tanks and an innovative greywater drip irrigation system; and protecting the adjacent wetland by using native plantings, installing permeable pavers and building an extensive rain garden.

Background

This is the second year the Spirit of Eden Prairie Award has been recognized by the City Council. Last year, three recipients were recognized at the December 1, 2015 Council Meeting (one single family nomination and two multi-family nominations).

Staff opened the 2016 nomination period from June through the end of August. Three nominations were received. Staff engaged City Commission members to serve as volunteer resident judges. At the end of September, staff met with five judges to review the submitted nominations. Two recipients were selected unanimously by the volunteer judges. One submission was considered ineligible because it was not visible to the public and no pictures were provided. Volunteer judges recommended updating the Spirit of Eden Prairie Award nomination criteria to clarify improvements must be visible to the public.

Award recipients will receive a certificate and commemorative plaque or engraved landscape stone of their choosing. There is no monetary award for the Spirit of Eden Prairie Award.

UNAPPROVED MINUTES

CITY COUNCIL WORKSHOP & OPEN PODIUM

TUESDAY, OCTOBER 18, 2016

CITY CENTER

5:00 – 6:25 PM, HERITAGE ROOMS

6:30 – 7:00 PM, COUNCIL CHAMBER

CITY COUNCIL: Mayor Nancy Tyra-Lukens, Council Members Brad Aho, Sherry Butcher Wickstrom, Kathy Nelson, and Ron Case

SCHOOL BOARD: Elaine Larabee, Chair; Dave Espe, Vice Chair; Holly Link, Treasurer; Ranae Jacobus, Clerk; John Kohner, Director; Greg Lehman, Director; Adam Seidel, Director

CITY STAFF: City Manager Rick Getschow, Police Chief James DeMann, Fire Chief George Esbensen, Public Works Director Robert Ellis, Community Development Director Janet Jeremiah, Parks and Recreation Director Jay Lotthammer, Communications Manager Joyce Lorenz, City Attorney Ric Rosow, and Recorder Lorene McWaters

SCHOOL STAFF: Superintendent Curt Tryggestad, Assistant Superintendent Josh Swanson, Executive Director of Business Services Jason Mutzenberger, Executive Director of Human Resources Thomas May, Executive Director of Student Services Patricia Clair, Director of Personalized Learning and Instruction, Director of Community Education, Director of Communications & Community Relations

Workshop - Heritage Room II

I. JOINT MEETING WITH THE EDEN PRAIRIE SCHOOL BOARD

A. School District Presentation on Demographics

Executive Director of Business Services Jason Mutzenberger gave a presentation on school district demographics. Mutzenberger said families have a number of public and non-public education options, including resident school district, open enrollment to another school district, charter schools, traditional/religious schools, and home schooling.

Mutzenberger said district enrollment has decreased by 8.9 percent (882 students) over the past 10 years. Resident enrollment decreased by 14.5 percent (1,407 students). The district expects enrollment to continue to decrease by three to four percent over the next 10 years, with most of the decrease occurring over the next five years.

Mutzenberger said part of the enrollment decline is due to demographic changes resulting in kindergarten classes that are smaller than the previous year's grade 12.

Approximately 9 percent of Eden Prairie students attend private schools and 8 percent open enroll outside district. 7.8 percent of district enrollment is students that open enroll from outside the district.

In 2014-15, 66.8% of students were white and 33.2% were minority. In 2019-20, the minority population is expected to make of 39.2% of the student body.

Mutzenberger said staff and the School Board plan to focus on marketing and customer service in in the coming year an effort to reduce the number of students choosing to open enroll outside the district.

City Presentation on Development

Community Development Director Janet Jeremiah gave an update on development activity. Jeremiah said the number building permits for single family homes appear to be on track to be lower for 2016. Current single family developments are Prairie Ridge, Eden Gardens, Meadows at Riley Creek and Reeder Ridge. Seven infill sites are likely to be developed as single-family, for a total of 154 new units. The Metropolitan Council estimates Eden Prairie's current population as approximately 63,000. That is expected to climb to 82,400 in 2040. Jeremiah said much of the population growth will result development around the Southwest LRT Green Line Extension.

The current total housing unit count is 9,614 with approximately 37.7 percent of those units classified as affordable. Jeremiah outlined steps the City is taking to preserve affordability of existing units, including extensions of TIF housing districts and incentives for property owners.

Open Podium - Council Chamber

II. OPEN PODIUM

III. ADJOURNMENT

UNAPPROVED MINUTES

EDEN PRAIRIE CITY COUNCIL MEETING

TUESDAY, OCTOBER 18, 2016

**7:00 PM, CITY CENTER
Council Chamber
8080 Mitchell Road**

CITY COUNCIL:

Mayor Nancy Tyra-Lukens, Council Members Brad Aho, Sherry Butcher Wickstrom, Ron Case, and Kathy Nelson

CITY STAFF:

City Manager Rick Getschow, Public Works Director Robert Ellis, Community Development Director Janet Jeremiah, Parks and Recreation Director Jay Lotthammer, City Attorney Ric Rosow, and Council Recorder Jan Curielli

I. CALL THE MEETING TO ORDER

Mayor Tyra-Lukens called the meeting to order at 7:00 PM. Council Members Butcher Wickstrom and Nelson were absent.

II. COLOR GUARD/PLEDGE OF ALLEGIANCE

Five members of Cub Scout Pack 919, sponsored by the Eden Prairie AM Rotary Club and led by Paul Repice, presented the colors.

III. OPEN PODIUM INVITATION

IV. PROCLAMATIONS / PRESENTATIONS

V. APPROVAL OF AGENDA AND OTHER ITEMS OF BUSINESS

MOTION: Aho moved, seconded by Case, to approve the agenda as published. **Motion carried 3-0.**

VI. MINUTES

A. COUNCIL WORKSHOP HELD TUESDAY, OCTOBER 4, 2016

MOTION: Case moved, seconded by Aho, to approve the minutes of the Council workshop held Tuesday, October 4, 2016, as published. **Motion carried 3-0.**

B. CITY COUNCIL MEETING HELD TUESDAY, OCTOBER 4, 2016

MOTION: Aho moved, seconded by Case, to approve the minutes of the City Council meeting held Tuesday, October 4, 2016, as published. **Motion carried 3-0.**

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VII. REPORTS OF ADVISORY BOARDS & COMMISSIONS

VIII. CONSENT CALENDAR

- A. **CLERK'S LICENSE LIST**
- B. **APPROVE SECOND READING OF ORDINANCE NO. 25-2016 AMENDING CITY CODE CHAPTER 11 RELATING TO LOADING FACILITIES, MECHANICAL EQUIPMENT SCREENING, SITE LIGHTING AND ARCHITECTURAL REQUIREMENTS FOR TRASH AND RECYCLING ENCLOSURES AND ADOPT RESOLUTION NO. 2016-110 APPROVING PUBLICATION OF SUMMARY ORDINANCE**
- C. **AWARD CONTRACT TO REPLACE CEDAR ROOF AT SMITH-DOUGLAS-MORE HOUSE TO LES JONES ROOFING**
- D. **APPROVE CHANGE ORDER NO. 1 TO TOWN CENTER WATER TOWER RECOATING PROJECT FOR UPGRADE OF THE CLOCKS**
- E. **DECLARE FITNESS EQUIPMENT AS SURPLUS**
- F. **APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN HENNEPIN TECHNICAL COLLEGE AND THE POLICE DEPARTMENT FOR HANDLING OF COMPLAINTS AND INVESTIGATIONS OF ON-CAMPUS SEXUAL ASSAULTS**

MOTION: Case moved, seconded by Aho, to approve Items A-F on the Consent Calendar. **Motion carried 3-0.**

IX. PUBLIC HEARINGS / MEETINGS

- A. **RESOLUTIONS NO. 2016-111 AND 2016-112 APPROVING 2016 SPECIAL ASSESSMENTS**

Getschow said annually at this time of the year staff brings forward a resolution approving the special assessments for the previous 12 months for items such as trunk utility projects, street improvement projects and contracted removal assessments. Everyone who is proposed to be assessed was given ample notice to pay the amount before it would be assessed and was given notice of the public hearing tonight that must be held before approving the various assessments.

Case asked that the special assessment list be broken into two items: one for I.C. 11-5800, Shady Oak Road Phase I Improvements, property owner, United Healthcare Services, Inc.; and the second for I.C. 14-5877, I.C. 15-5902, and the Supplemental Assessments. He said he is employed by United Health Group which owns United Health Care which in turn operates United Health Services; therefore, he would like

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to recuse himself from the discussion and the vote on that particular special assessment.

Rosow said there was just one public hearing notice made. He suggested the Council first have discussion of all the other assessments and save the comments related to I.C. 11-5800, from which Council Member Case could recuse himself. The vote for the special assessments could be broken into two resolutions.

There were no comments from the audience.

MOTION: Aho moved, seconded by Case, to close the public hearing and to adopt Resolution No. 2016-11 approving all Special Assessments presented in the fall of 2016 with the exception of I.C. 11-5800. **Motion carried 3-0.**

MOTION: Tyra-Lukens moved, seconded by Aho, to adopt Resolution No. 2016-12 approving the Special Assessment for I.C. 11-5800, United Healthcare Services, Inc. **Motion carried 2-0-1, with Case abstaining.**

X. PAYMENT OF CLAIMS

MOTION: Case moved, seconded by Aho, to approve the payment of claims as submitted. **Motion was approved on a roll call vote, with Aho, Case, and Tyra-Lukens voting “aye.”**

XI. ORDINANCES AND RESOLUTIONS

XII. PETITIONS, REQUESTS AND COMMUNICATIONS

XIII. APPOINTMENTS

XIV. REPORTS

A. REPORTS OF COUNCIL MEMBERS

B. REPORT OF CITY MANAGER

C. REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

D. REPORT OF PARKS AND RECREATION DIRECTOR

E. REPORT OF PUBLIC WORKS DIRECTOR

F. REPORT OF POLICE CHIEF

1. Update on Coyotes

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Tyra-Lukens said the issue of coyotes has been brought before the City Council several times over the years. It is also an issue that affects many other communities in the area.

Police Chief DeMann said some residents shared their concerns about a coyote in their neighborhood, and the Council asked that staff look into the concerns. He reported so far this year there have been 22 calls regarding coyotes, with 19 sightings. There were three reports of injured pets with coyotes suspected; however, there were no eyewitness accounts. He noted other animals can cause harm to domestic pets.

Chief DeMann reported on several studies that have shown why it is important not to kill coyotes. They are an important part of the ecosystem, and a trap set to catch a coyote can also snare a household pet. He recommended the use of hazing to reinforce the coyote's natural fear of humans. He listed several suggestions on how to haze the coyotes. He noted the list is on the City website, and hazing kits are also available at the Police Department. He gave tips to discourage their presence such as securing all garbage cans and not providing other sources of food by keeping the area around wildlife feeders clean. He recommended that residents supervise their cats and small dogs that are outside.

Aho asked if Chief DeMann believed what we are doing now is the best course of action and we should continue on that course. Chief DeMann replied we should stay the course. He noted one study done in 2008 showed that there have been ten confirmed coyote bites in humans in the U.S. and Canada compared to 4,500,000 domestic dog bites.

G. REPORT OF FIRE CHIEF

H. REPORT OF CITY ATTORNEY

XV. OTHER BUSINESS

XVI. ADJOURNMENT

MOTION: Aho moved, seconded by Case, to adjourn the meeting. **Motion carried 3-0.** Mayor Tyra-Lukens adjourned the meeting at 7:18 PM.

CITY COUNCIL AGENDA		DATE:
SECTION: Consent Calendar		November 1, 2016
DEPARTMENT/DIVISION: Christy Weigel, Police/ Support Unit	ITEM DESCRIPTION: Clerk's License Application List	ITEM NO.: VIII.A.

These licenses have been approved by the department heads responsible for the licensed activity.

Requested Action

Motion: Approve the licenses listed below

New On-Sale & Sunday Liquor License

Licensee name: Crave Hospitality EP, LLC

DBA: CRAVE

8251 Flying Cloud Drive #3010

CITY COUNCIL AGENDA SECTION: Consent Agenda		DATE: November 1, 2016
DEPARTMENT/DIVISION: Community Development/Planning Janet Jeremiah/JulieKlima	ITEM DESCRIPTION: Martin Blu Trail	ITEM NO.: VIII.B.

Requested Action

Move to: Approve the First Amendment to the Development Agreement for Mitchell Crossing 2012.

Synopsis

This is the final approval of the First Amendment to the Development Agreements for Mitchell Crossing 2012 (Martin Blu), to accommodate for the revised trail location. The trail required in the original Development Agreement was a three foot soft surface trail proposed on land deeded to the City from the Developer connecting Martin Drive to the bridge which crosses Purgatory Creek, east of the property. The Developer has worked with City staff to relocate the trail to the east side of Martin Drive. The Development Agreement is amended to reference the revised location and conditions of approval.

Attachment

First Amendment to the Development Agreement for Mitchell Crossing 2012

MITCHELL CROSSING APARTMENTS 2012

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT, made and entered into as of November 1, 2016, by Eden Prairie Development LLC, a limited liability company, hereinafter referred to as "Developer," its successors and assigns, and the **CITY OF EDEN PRAIRIE**, a municipal corporation, hereinafter referred to as "City";

WHEREAS, the parties desire to amend the Development Agreement between Eden Prairie Development LLC and the City of Eden Prairie for Mitchell Crossing Apartments 2012, dated December 4, 2012, filed on December 17, 2012 as Document No. A9883792 (hereinafter the "Development Agreement") for the Property as platted as Five Mitchell Crossing and legally described in Exhibit A-1, attached hereto and made a part hereof ;

NOW THEREFORE, Developer and City agree to the amendment of the Development Agreement as follows:

1. Paragraph 1 shall be amended by adding to the end of paragraph 1 the following:
"Notwithstanding anything to the contrary in the Plans, trail construction shall be in accordance with the Amended Plans dated August 22, 2016 depicted in Exhibit B-1 and associated landscape plan depicted in Exhibit C-1."

2. Paragraph 9 shall be amended by adding to the end of Paragraph 9 the following:

9. LANDSCAPE PLAN: The maintenance and replacement of any landscaping planted outside of the Property is the sole responsibility of the Developer.

The Developer shall be responsible for completing the landscaping identified in Exhibit C-1 as part of the trail construction project. The landscaping shall be completed by October 1, 2017.

3. **Paragraph 15 B is amended by adding the following to the end of the paragraph:**
B.

A four foot wide trail shall be constructed on City owned property legally described as Outlot A, Five Mitchell Crossing and that part of Lot 2, Block 1, Edenvale Industrial Park shown as parcel 93 on Minnesota Department of Transportation Right of Way Plat Numbered 27-91 as the same is on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota (hereinafter the "City Property"). The trail shall be located on the east side of Martin Drive to the existing sidewalk on the south side of Martin Drive, as identified in Exhibit B-1, and shall be

constructed by Developer. The recreation trail shall be constructed by October 1, 2017. Prior to the issuance by the City of any Land Alteration Permit for construction of the trail depicted in Exhibit B-1, Developer shall submit to the City Engineer and obtain the City Engineer's written approval of detailed plans for the trail.

In lieu of obtaining an easement across adjoining property for the construction of a trail as required by the Developer's Agreement, the Developer agrees at its sole cost to construct, maintain, repair and replace a trail and landscape improvements, including benches, (hereinafter the trail and landscape improvements are referred to as the "Improvements") on the City Property as identified on the plan attached hereto as Exhibit B-1. The maintenance, repair and replacement of a trail and landscape improvements is hereinafter referred to as the "Maintenance".

The Developer shall perform the Maintenance of the Improvements as and when necessary and pay the cost of such Maintenance to keep the Improvements in good and aesthetic condition and repair. The developer shall be responsible for the installation of trash containers along the trail, including but not limited to pet waste station(s). The developer shall also be responsible for waste removal and disposal.

The Developer shall indemnify, defend and hold the City and its employees, contractors, agents, representatives, elected and appointed officials, and attorneys harmless from any and all claims, damages, losses, costs and expenses, including attorneys' fees, arising from, based on, or related to the Developer being allowed to construct and keep the Improvements on the City Property and the Maintenance of the Improvement, including, but not limited to, any claim asserted against the City as a result of this Agreement, the construction, maintenance, repair, replacement, occupation or use of the Improvements and/or performance or failure to perform the Maintenance obligations so as to prevent against injury to persons or property.

Developer shall maintain a public liability insurance policy, naming City as an additional insured, which provides coverage for damage to the property of others or injury or death to persons. Such coverage shall be on an occurrence basis and shall include contractual liability coverage with respect to the indemnity obligation in this Paragraph 3 amending paragraph 15B. Said policy shall contain a clause which provides the insurer will not change, non-renew, or materially change the policy without first providing the City thirty (30) days prior written notice. The Developer shall provide the City with a Certificate of Insurance for such coverage that specifically insures the acts, omissions, and obligations of the Developer in this Paragraph 3 amendment paragraph 15B.

The Developer hereby releases, waives and discharges the City, its elected officials, officers, employees, and agents from all liability to the Developer and or its, successor and assigns for any loss or damage and any claim or demands therefore on account to injury to person or property or death arriving out of the use of the Improvements and the Maintenance of the Improvements, whether or not

caused by the negligence of the City, its elected officials, officers, employees or agents.

The Developer acknowledges the City has made no representations or warranties regarding the condition of the City Property or its suitability for the uses permitted by this Agreement.

- 4.** Paragraph 13 shall be amended by adding to the end of paragraph 1 the following: “Notwithstanding anything to the contrary in the Plans, trail construction shall be in accordance with the Amended Plans dated August 22, 2016 depicted in Exhibit B-1 and associated landscape plan depicted in Exhibit C-1.”
- 5.** Paragraph 13 shall be further amended as follows to delete the words “one shared/pooled automobile” in the second and fourth sentences and the words “automobile and” in the third sentence.
- 6.** Developer agrees to and reaffirms all of the terms and conditions and accepts the obligations of "Developer" under the Development Agreement, except as inconsistent with or amended by this Supplement.

IN WITNESS WHEREOF, the parties to this Agreement have caused these presents to be executed as of the day and year aforesaid.

CITY OF EDEN PRAIRIE

By _____

Nancy Tyra Lukens
Its Mayor

By _____

Rick Getschow
Its City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Nancy Tyra Lukens and Rick Getschow, respectively the Mayor and the City Manager of the City of Eden Prairie, a Minnesota municipal corporation, on behalf of said corporation.

Notary Public

EDEN PRAIRIE DEVELOPMENT, LLC

By Eden Prairie Development, LLC
Its:

By: _____

Name: _____

Title: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, the _____ of Eden Prairie Development LLC, a limited liability company.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

City of Eden Prairie
8080 Mitchell Road
Eden Prairie, MN 55344

**EXHIBIT A-1
LEGAL DESCRIPTION**

Legal Description:

Five Mitchell Crossings, Hennepin County, Minnesota

**EXHIBIT B-1
Trail Location**

**EXHIBIT C-1
Landscape Plan**

CITY COUNCIL AGENDA		DATE:
SECTION: Consent Calendar		November 1, 2016
DEPARTMENT/DIVISION: Office of City Manager, Information Technology/ Aditi Salunke	ITEM DESCRIPTION: Declare Obsolete Computer Equipment as Surplus	ITEM NO.: VIII.C.

Requested Action

Move to: Declare obsolete equipment as surplus and authorize the City Manager to dispose of property to manage end of life computers, monitors and electronics using Minnesota Computer's services and the State of Minnesota as authorized under City Code Section 2.86, Subd. 3.

Synopsis

The City has a surplus of obsolete computer equipment. The equipment is of no use and will be recycled. Avanti Global Resources based in Minnetonka will pick up equipment for recycling/disposal at no cost to the city. If there is value in the equipment, the city will be reimbursed after audit and testing is completed by Avanti.

All equipment will be disposed of as authorized by City Code Section 2.86, Subd. 3.

Attachment

List of surplus equipment

Assest Type	Manufacturer	Model	Serial Number
Amplifier	Wilson	BD800AM	3801
Blu Ray Duplicator	Kanguru	1-2 DVD DUPE SATA	BDD2112514KS01
Camera	Ganz	YC-02B	0018866
Camera	Ganz	YC-02B	0018865
Camera	Ganz	YC-02B	0018871
Camera	Ganz	YC-02B	0018874
Camera	Ganz	YC-02B	0018870
Camera	Ganz	YC-02B	0018869
Camera	Ganz	YC-02B	0018911
Camera	Ganz	YC-02B	0019091
Camera	Ganz	YC-02B	0018867
Camera	Ganz	YC-02B	0018872
Camera	Ganz	YC-02B	0018868
Camera	Ganz	YC-02B	0019087
Camera	Ganz	YC-02B	0019092
Camera	RSA	CCD324A	93110596
Computer	Dell	Optiplex 755 SFF	46GFHH1
Computer	Dell	Optiplex 755 SFF	4YGPNH1
Computer	Dell	Optiplex 755 SFF	BCFQNH1
Computer	Dell	Optiplex 755 SFF	26GFHH1
Computer	Dell	Optiplex 755 SFF	16GFHH1
Computer	Dell	DCCY	GCFQNH1
Computer	Dell	DCCY	36GFHH1
Computer	Dell	DCCY	56GFHH1
Computer	Hewlett-Packard	Elite Desk 8000	MXL0380QDR
Computer	Hewlett-Packard	Elite Desk 8000	MXL0380QDQ
Computer	Hewlett-Packard	Elite Desk 8300	MXL3411BNL
Computer	Hewlett-Packard	Elite Desk 8000	MXL0371L5W
Computer	Hewlett-Packard	Elite Desk 8300	MXL30420K5
Computer	Hewlett-Packard	Elite Desk 8000	MXL0371L5Y
Computer	Hewlett-Packard	Elite Desk 8300	MXL23313ZS
Computer	Hewlett-Packard	Elite Desk 8000	MXL0371L61
Computer	Hewlett-Packard	Elite Desk 8200	MXL152013T
Computer	Hewlett-Packard	Elite Desk 8000	MXL0460NX6
Computer	Hewlett-Packard	Elite Desk 8200	MXL1251P56
Computer	Hewlett-Packard	Elite Desk 8000	2UA01614M9
Computer	Hewlett-Packard	Elite Desk 8200	MXL1251P59
Computer	Hewlett-Packard	Elite Desk 8000	MXL10922KG
Computer	Hewlett-Packard	Elite Desk 8000	MXL0371L5X
Computer	Hewlett-Packard	Elite Desk 8000	MXL04121B8
Computer	Hewlett-Packard	Elite Desk 8300	MXL3411BNH
Computer	Hewlett-Packard	Elite Desk 8000	MXL1080NQ8
Computer	Hewlett-Packard	Elite Desk 8000	MXL1080NPZ
Computer	Hewlett-Packard	Elite Desk 8000	MXL0380QDV
Computer	Hewlett-Packard	Elite Desk 8000	MXL0371L65
Computer	Hewlett-Packard	Elite Desk 8000	MXL30420K4

Computer	Hewlett-Packard	dc7900 Ultra slim Desktop	2UA00704W4
Computer	Hewlett-Packard	Elite Desk 8000	MXL0460NX4
Computer	Hewlett-Packard	Elite Desk 8000	MXL0380QDP
Computer	HP	Elite 8000 Small Form Factor	MXL0480JG6
Computer	HP	Elite 8000 Small Form Factor	2UA01614MH
Computer	HP	Elite 8000 Small Form Factor	MXL0380QDX
Computer	HP	Elite 8300 Small Form Factor	MXL23313ZX
Computer	HP	Elite 8200 Small Form Factor	MXL1520142
Computer	HP	Elite 8000 Small Form Factor	MXL0380QDN
Computer	HP	Elite 8000 Small Form Factor	MXL0480JG7
Computer	HP	Elite 8000 Small Form Factor	MXL10922KK
Computer	HP	Elite 8000 Small Form Factor	MXL1080NQ7
Computer	HP	Elite 8000 Small Form Factor	MXL0380QF0
Computer	HP	Elite 8000 Small Form Factor	2UA01614MC
Computer	HP	Elite 8000 Small Form Factor	2UA01614M4
Computer	HP	Elite 8000 Small Form Factor	MXL1080NPW
Computer	HP	Elite 8000 Small Form Factor	MXL0480JG5
Computer	HP	Elite 8000 Small Form Factor	MXL0380QDS
Computer	HP	Elite dc7900 Small Form Factor	2UA9510TWT
Computer	HP	Elite 8000 Small Form Factor	2UA01614MB
Computer	HP	Elite 8000 Small Form Factor	MXL0371L64
Disc Publisher	Disc Publisher	Disc Publisher	2050800513
DVD Recorder	Panasonic	DMR-T3030P	KU2KA001324
Handheld Computer	Pocket PC	2003 PRO	00023-515-763-663
Hard Drive	Buffalo	HD-HS500U2	9.5501E+13
HD VCR	JVC	BR-HD50U	13030157
HDMI Pliiter	Monoprice	MHSP0104E	N/A
iPad	Apple	iPad 2	DLXGQJC8DJHF
iPad	Apple	iPad 2	DLXFM6VRDJHF
iPad	Apple	lpad Mini	F4KKF9MBBF19M
KVM	Belkin	F1DS104U	70701024790
KVM	Trip-Lite	B020-016-17	9622ACPCB596500085
Laptop	Acer	ZA3	LUS850Y00592402C7E2500
Laptop	ASUS	1005HA	980AAS132042
Laptop	Compaq	Presario CQ50	2CE8467025
Laptop	Dell	PP17L	40X0CF1
Laptop	Dell	PP01L	CN-04P449-48643-2CN-9267
Laptop	Gateway	NEW90	LXWRE02001041531BF1601
Laptop	Hewlett-Packard	Pavilion dv6	
Laptop	Panasonic	CF30KCP542M	9IKYA81832
Laptop	Panasonic	CF30KCP542M	9IKYA81900
Laptop	Panasonic	CF30CCQ91BM	7IKYA70784
Laptop	Toshiba	L505-S6955	89381972Q
Laptop Dock	Panasonic	CF-WEB301MB	2ATYA35592
Laptop Dock	Panasonic	CF-WEB301MB	0FTYA27663
Mobile Hotspot	Elipsis	MHS700L	9.9E+15
Monitor	Dell	1704FPTt	CN-0Y4299-71618-61E-AJMZ

Monitor	Dell	E153FPb	CN-0D521-46633-477-147U
Monitor	Dell	1908FPt	CN-0FP182-71618-75M-AA3M
Monitor	Dell	1704FPt	CN-0Y4299-71618-61E-AM6Y
Monitor	Samsung	B1740R	V89IH9NZ902833Y
Monitor	Samsung	S22C450D	76KDHCLFC00485M
Monitor	Samsung	UN28H400AF	01VQ3CNF503393R
Phone	AT&T	2 Line Phone	J730102007606304
Phone	AT&T	2 Line Phone	J731201005507303
Phone	AT&T	2 Line Phone	J730102007605304
Phone	General Electric	2 Line Phone	10108877
Phone	Mitel	Superset4025	AVBAW0512
Phone	Mitel	Superset4025	AFACR2667
Phone	Mitel	Superset4025	ASABX7796
Phone	Mitel	Superset4015	AAAKY4462
Phone	Mitel	Superset4025	ASAAH5845
Phone	Mitel	Superset4015	AFADH0472
Phone	Mitel	Superset4015	AFADH0487
Phone	Mitel	Superset4025	ASABX7762
Phone	Mitel	Superset4015	AAAKO8305
Phone	Mitel	Superset 4025	AVBAW0473
Phone	Mitel	5212 IP Phone	AVABIO369
Phone	Mitel	Superset4015	AFACU6524
Phone	Mitel	Superset4015	AFACR2671
Phone	Mitel	Superset4015	AFADC6541
Phone	Mitel	Superset4015	ASAAO8380
Phone	Mitel	Superset4015	ASAAH8530
Phone	Mitel	Superset4015	AFADH0552
Phone	Mitel	Superset4015	AFADH0354
Phone	Mitel	Superset4025	N/A
Phone	Mitel	Superset4025	ASAAL6951
Phone	Mitel	Superset4025	AFACR2695
Phone	Mitel	Superset4025	AFAFB1132
Phone	Mitel	Superset4025	ASABW1906
Phone	Mitel	Superset4025	ASAAP0159
Phone	Mitel	Superset4025	AFACR2663
Phone	Mitel	Superset4025	AFAEG5855
Phone	Mitel	Superset4025	ASAAH5840
Phone	Mitel	Superset4025	AFADH0505
Phone	Mitel	Superset4025	AFACU5581
Phone	Mitel	Superset4025	AFACR2658
Phone	Mitel	Superset4025	ASAAL6947
Phone	Mitel	Superset4025	AAAKY4460
Phone	Mitel	Superset410	AAAD1455
Phone	Mitel	Superset410	AAAD8503
Phone	Mitel	Superset420	AAADK3111
Phone	Mitel	Superset2	930502693
Phone	Mitel	5224IP	AVADF0381

Phone	RCA	25201RE1-A	90029781
Printer	Brother	Pockjet 3	U62280-M9T112303
Printer	Brother	HL-2280DW	U62708M2N926458
Printer	Olympus	P-400U	42004337
Printer	Xerox	Phaser6360	ETC093LPD0249
Projector	Sanyo	PLG-XP51	G5Y03885
Projector	Sony	VPL-CX63	2001140
Router	Adtram	NetVanta 3200	LBADTN0601AD233
Scanner	Canon	PC428	STU58549
Scanner	Hewlett-Packard	C9861A	CN17Q122PR
Server	Dell	EMU	45Y7Q71
Server	Hewlett-Packard	Proliant DL385G2	L67500A8UVC0H4
Server	Hewlett-Packard	Proliant DL385G2	L67500A8UVC0H2
Server	Hewlett-Packard	Proliant DL385G2	L67500A8UVC0H0
Server	Hewlett-Packard	Proliant DL380G4	USE527C1R7
Switch	Linksys	SD205	10FA06724
Switch	Linksys	SD205	56008689
Switch	Linksys	SD205	GEB1046
Tablet	Apple	iPad Mini 1- MD543LL/A	F4KKF9MBF19M
Tablet	Apple	iPad A1397	DLXGN6GYDJHH
Tablet	Apple	iPad A1397	DLXGN6BVDJHH
Tablet	Apple	iPad A1397	
TV	Vizio	M261VP	LAUKJBAL3803275
UPS	Powervar	ABCEG251-11	5202150R-1330670
UPS	Powervar	ABCEG251-11	5202150R-1330710
WiFi Extender	Netgear	WN3500RP	34L7457UA0586
Wireless Access Point	Cisco	AIR-AP1242AG-A-K9	FTX121883BE
	Horita	CSG-50	CT26179150

CITY COUNCIL AGENDA		DATE: November 1, 2016
SECTION: Consent Calendar		
DEPARTMENT/DIVISION: Paul Schlueter Fleet Services	ITEM DESCRIPTION: Surplus Vehicles/Equipment	ITEM NO.: VIII.D.

Requested Action

Move to: Declare surplus vehicles and equipment as “surplus property” and available for sale or disposal through authorized methods.

Synopsis

Fleet Services provides retirement of surplus property (equipment/vehicles). The sale of used vehicles and equipment helps fund the purchase of new vehicles and equipment. The equipment and vehicles are auctioned in accordance with City Code 2.86 Subdivision. 3. Disposal of excess property.

Background Information

The City of Eden Prairie has an agreement in place with the State of Minnesota, Department of Administration Surplus Services to participate in their regularly scheduled vehicle and equipment auctions. Occasionally depending on the vehicle or equipment, a minimum auction reserve amount is set and if not met, other avenues such as trade-ins for new equipment are used to maximize surplus property returns. These surplus property disposal methods are in compliance with the city’s Purchasing Policy and City code.

Attachment

2017 Vehicle / Equipment Auction List

TO: Robert Ellis

FROM: Paul Schlueter

DATE: November 1, 2016

SUBJECT: 2017 Auction Vehicles & Equipment

Fleet Services is requesting authority to dispose of vehicles and equipment as noted below. All vehicles and equipment listed will be sold at Public Auction held by the State of Minnesota Department of Administration. The City pays a sale fee of 10% of the purchase price for vehicles or equipment that sells for less than \$4,000. For vehicles and equipment that sell for more than \$4,000, the fee is 8% up to a maximum of \$1,000. Certain vehicles or equipment will have minimum auction reserves set and in the event the equipment does not sell at auction, other avenues such as equipment trade-ins will be utilized to obtain the maximum sale value.

Vehicles & Equipment:

<i>Unit</i>	<i>Year</i>	<i>Unit Serial Number</i>	<i>Vehicle / Equipment Make</i>	<i>Vehicle / Equipment Model</i>	<i>Estimated Auction Sale Amount</i>
109	2002	LV5420P246546	John Deere	5420	\$16,000
227	2011	2B3CL1CT7BH565376	Dodge	Charger	\$7,000
252	2013	1FM5K8AR6DGC63307	Ford	Explorer Utility	\$7,000
254	2013	1FM5K8AR8DGC63308	Ford	Explorer Utility	\$7,000
298	2008	2G1WS553981349428	Chevrolet	Impala	\$7,000
368	2002	1FTSW31S92EC50660	Ford	F-350	\$10,000
370	2000	1FMNU41S9YED23779	Ford	Expedition	\$10,000
403	2005	LV5425P143065	John Deere	5425	\$16,000
404	2000	L06410X254951	John Deere	6410	\$20,000
475	1998	1FV6HFAA2WH979922	Freightliner	FL70	\$15,000
476	2010	S310000330	Toro	328-D	\$3,500
477	2010	S310000328	Toro	328-D	\$3,500
782	2001	P3493D	Elgin	Pelican	\$15,000
				Total	\$137,000

CITY COUNCIL AGENDA		DATE: November 1, 2016
SECTION: Consent Calendar		
DEPARTMENT/DIVISION: Paul Schlueter Fleet Services	ITEM DESCRIPTION: 2017 Vehicle & Equipment Replacement Fund Schedule	ITEM NO.: VIII.E.

Requested Action

Move to: Approve contingent upon final 2017 budget approvals, the purchase of replacement vehicles and equipment as presented in the 2017 Budget and as itemized on the attached Schedules.

Synopsis

The Equipment Replacement Fund was developed by Fleet Services to provide a 15-year projection of equipment needs and a corresponding replacement schedule for each vehicle. Annual budget requests are created from this schedule to determine the spending amount that is included for approval in the operating budget. Staff has finalized the details of each replacement/purchase, including testing the vehicles against our replacement policy guidelines. The final list is attached and submitted for approval. The planned Fleet Capital Internal Service Fund purchase expenditures for 2017 are \$785,000. The planned Utilities Enterprise Fund purchase expenditures for 2017 are \$375,000.

The City of Eden Prairie participates in the State of Minnesota Cooperative Purchasing Venture (CPV). This enables the City to buy vehicles and equipment under the terms of contracts already negotiated by the State of Minnesota. Joint Powers Agreements as listed in the City of Eden Prairie purchasing policy are also utilized.

Attachments

2017 Replacement Vehicle and Equipment Purchase Lists

TO: Robert Ellis

FROM: Paul Schlueter

DATE: November 1, 2015

SUBJECT: 2017 Replacement Vehicle & Equipment Purchases—Fleet Capital Internal Service Fund

Here is the list of replacement vehicles and equipment for calendar year 2017 funded through the Fleet Capital Internal Service Fund. These costs include vehicle set-up, special equipment, lighting and taxes:

Service Area	Replacement	Total Cost
Streets		
109	John Deere 5115M with snow blower & flail mower	\$ 112,000
112	Komatsu FG25T16 forklift	\$26,000
	Subtotal	\$ 138,000
Police		
227	Dodge Charger	\$ 34,000
252	Ford Explorer Utility	\$ 34,000
254	Ford Explorer Utility	\$ 34,000
298	Dodge Charger	\$ 32,000
	Subtotal	\$ 134,000
Fire Dept.		
368	Ford F-350 Crew Cab	\$ 38,000
370	F-350 Crew Cab Chassis	\$ 57,000
	Subtotal	\$ 95,000
Park Maintenance		
403	John Deere 5115M with snow blower & flail mower	\$ 112,000
404	John Deere 5115M with rotary broom	\$ 81,000
475	Chassis Cab with 60' Bucket Body	\$ 145,000
476	John Deere 1580 Mower with cab & snow blower	\$ 40,000
477	John Deere 1580 Mower with cab & snow blower	\$ 40,000
	Subtotal	\$ 418,000
	Total all purchases	\$ 785,000
	Less salvage value	\$ 122,000
	Total Equipment Fund	\$ 663,000

TO: Robert Ellis

FROM: Paul Schlueter

DATE: November 1, 2016

SUBJECT: 2017 Replacement Vehicle & Equipment Purchases—Utilities Enterprise Fund
(Water, Sewer, Storm)

Here is the list of replacement vehicles and equipment for calendar year 2017 funded through the Utilities Enterprise Fund. These costs include vehicle set-up, special equipment, lighting and taxes:

Service Area	Replacement	Total Cost
Water/Utility		
782	Elgin Pelican Street Sweeper	\$ 215,000
747	Bobcat Compact Excavator (new addition)	\$ 105,000
748	Bobcat Rubber Track Skid Loader (new addition)	\$ 55,000
	Sub Total	\$ 375,000
	Less salvage value	\$ 15,000
	Total Equipment Fund	\$ 360,000

CITY COUNCIL AGENDA SECTION: Public Hearing		DATE: November 1, 2016
DEPARTMENT/DIVISION: Sue Kotchevar, Office of the City Manager	ITEM DESCRIPTION: Resolution Authorizing Issuance, Sale and Delivery of 2016A and 2016B Bonds for Eden Glen Apartments Project	ITEM NO.: IX.A.

Requested Action

Move to:

- Close the public hearing, and
- Adopt a Resolution Authorizing the Issuance, Sale, and Delivery of Variable Rate Demand Housing Revenue Refunding Bonds (Eden Glen Apartments Project), Series 2016A and Taxable Variable Rate Demand Multifamily Housing Revenue Bonds (Eden Glen Apartments Project), Series 2016B; Authorizing the Loan of the Proceeds; Adopting a Housing Program; and Approving the Form of the Bonds and Related Documents.

Synopsis

Pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City of Eden Prairie, Minnesota (the “City”) is authorized to develop and administer programs to finance and refinance the acquisition and construction of multifamily housing developments under the circumstances and within the limitations set forth in the Act. Section 462C.07 of the Act provides that such programs for multifamily housing developments may be financed and refinanced through the issuance of revenue obligations issued by the City.

The City received a proposal from Eden Investments LLP, a Minnesota limited liability partnership (the “Borrower”), that the City: (i) issue taxable conduit revenue bonds or other obligations (the “Taxable Bonds”), in the aggregate principal amount not to exceed \$3,000,000, and loan the proceeds derived from the sale of the Bonds to the Borrower; and (ii) adopt a housing program with respect to the Taxable Bonds. The Borrower proposes to apply the proceeds of such loan to finance the construction of general improvements to and the renovation of a seventy-unit rental housing development located at 13670 Valley View Road in the City known as Eden Glen Apartments (the “Project”). The Project is owned and operated by the Borrower as a multifamily housing development and managed by Steven Scott Management, Inc. Twenty percent (20%) of the units within the Project are specifically reserved for tenants whose incomes are not greater than eighty percent (80%) of the area median income.

The Borrower also proposes that the City issue tax-exempt variable rate demand housing revenue bonds (the “Tax-Exempt Bonds”) for the purpose of refunding prior obligations of the City which were originally issued to finance the acquisition of the real property upon which the Project was constructed and construction of the Project, and thereby refinance the Project.

The public hearing is required for the Taxable Bonds but not the Tax-Exempt Bonds. Both bond issues are included in one resolution for City Council approval.

Attachments

- Resolution
- Housing Program

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE,
MINNESOTA, AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF
ITS REVENUE BONDS; AUTHORIZING THE LOAN OF THE PROCEEDS OF
THE REVENUE BONDS TO EDEN INVESTMENTS, LLP TO FINANCE AND
REFINANCE A MULTIFAMILY HOUSING DEVELOPMENT; ADOPTING A
HOUSING PROGRAM; AND APPROVING THE FORMS OF AND
AUTHORIZING THE EXECUTION AND DELIVERY OF THE REVENUE
BONDS AND RELATED DOCUMENTS**

BE IT RESOLVED by the City Council of the City of Eden Prairie, Minnesota (the “City” or “Issuer”) as follows:

Section 1. Recitals.

1.1. The City of Eden Prairie, Minnesota (the “City” or “Issuer”) is a statutory city organized and existing under the Constitution and laws of the State of Minnesota.

1.2. Pursuant to the Constitution and laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City is authorized to carry out the public purposes described therein and contemplated thereby in the financing and refinancing of multifamily rental housing developments within its boundaries by issuing revenue bonds to defray, in whole or in part, the development costs of a rental housing development and for the purpose of refunding any outstanding bonds issued by the City pursuant to the Act, and by entering into any agreements made in connection therewith and by pledging any such agreements as security for the payment of the principal of and interest on any such revenue bonds.

1.3. In order to further the purposes of the Act and to provide financing for costs of the acquisition and construction of a seventy-unit rental housing development located at 13670 Valley View Road in the City known as Eden Glen Apartments (the “Project”), the Issuer previously issued its Housing Development Revenue Note (Eden Investments Partnership Project), Series 1984 (the “Series 1984 Note”), in the original aggregate principal amount of \$2,750,000. The Series 1984 Note was redeemed and prepaid with the proceeds of the Issuer’s Multifamily Housing Revenue Refunding Bonds (Eden Investments Partnership Project-FHA Insured Mortgage Loan), Series 1990 (the “Series 1990 Bonds”), in the original aggregate principal amount of \$2,715,000. The Series 1990 Bonds were redeemed and prepaid with the proceeds of the Issuer’s Multifamily Housing Revenue Refunding Bonds (Eden Glen Apartments Project), Series 2001, issued in the original aggregate principal amount of \$2,490,000 (the “Prior Bonds”).

1.4. Eden Investments, LLP, a Minnesota limited liability partnership (the “Borrower”), has requested that the Issuer issue its: (i) Variable Rate Demand Multifamily Housing Revenue Refunding Bonds (Eden Glen Apartments Project), Series 2016A (the “Series 2016A Bonds”), in the approximate aggregate principal amount of \$2,390,000, and apply the proceeds thereof to the redemption and prepayment the Prior Bonds, thereby refinancing the Project; and (ii) Taxable Variable Rate Demand Multifamily Housing Revenue Bonds (Eden Glen Apartments Project), Series 2016B (the “Series 2016B Bonds,” and collectively with the Series 2016A Bonds, the “Bonds”), in the aggregate principal amount not to exceed \$3,000,000, and apply the proceeds thereof to the construction of general improvements to

and the renovation of the Project and the payment of the costs of issuance with respect to the Series 2016B Bonds. The Bonds are proposed to be sold publicly and underwritten by Dougherty & Company LLC, a Delaware limited liability company (the “Underwriter”).

1.5. The proceeds derived from the sale of the Bonds will be applied to fund a loan to the Borrower pursuant to the terms of a Loan Agreement, dated as of November 1, 2016 (the “Loan Agreement”), between the City and the Borrower, and the proceeds of such loan will be applied to the purposes stated herein.

1.6. The Bonds will be issued pursuant to this resolution, the Act, and an Indenture of Trust, dated as of November 1, 2016 (the “Indenture”), between the City and U.S. Bank National Association, a national banking association, as trustee (the “Trustee”), and the Bonds and the interest on the Bonds (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement and additional sources of revenue provided by or on behalf of the Borrower; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.

1.7. The loan repayments to be made by the Borrower under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. The City will assign its rights to the basic payments and certain other rights under the Loan Agreement to the Trustee pursuant to the terms of the Indenture. The Borrower will secure its obligations by executing and delivering to the City a Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents, to be dated on or about November 14, 2015, or another document with an alternate title (the “Mortgage”), which will be assigned by the City to Bridgewater Bank, a Minnesota banking corporation (the “Bank”), pursuant to an Assignment of Combination Mortgage, Security Agreement, Fixture Filing and Assignment of Leases and Rents, to be dated on or about November 14, 2016, or another document with an alternate title (the “Assignment”). The proceeds of the Bonds will be disbursed pursuant to the Loan Agreement and a Disbursing Agreement, to be dated on or about November 14, 2016, between the Borrower, the Bank, the Trustee, and a disbursing agent named therein

1.8. In accordance with the Act, the City has prepared a housing program (the “Housing Program”) to authorize the issuance by the City of the Series 2016B Bonds to finance the construction of general improvements to and the renovation of the Project by the Borrower. The Housing Program was prepared and submitted to the Metropolitan Council for its review and comment.

1.9. On October 13, 2016, a notice of public hearing (the “Public Notice”) was published in the *Eden Prairie News*, the official newspaper and a newspaper of general circulation in the City, with respect to the required public hearing under Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and Section 462C.04, subdivision 2 of the Act.

1.10. The Public Notice was published at least fifteen (15) days before the regularly scheduled meeting of the City Council, and on the date hereof, the City Council conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing.

1.11. The City Council of the City held a public hearing on the date hereof (November 1, 2016) with respect to the Housing Program and the proposed issuance of revenue obligations to finance

the Project.

Section 2. Findings as to Public Purpose and Affordability; Occupancy and Income Limitations. The City acknowledges, finds, determines, and declares that the preservation of the quality of life in the City is dependent upon the maintenance, provision, and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income and that accomplishing this is a public purpose. Based upon representations by the Borrower, the City also hereby finds, determines, and declares that the Project has been designed to be affordable by persons and families of low and moderate incomes. The City further finds that the Borrower has agreed to meet the occupancy limitations and adjusted gross income limitations set forth in Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, and applicable Treasury Regulations (collectively, the “1954 Code”).

Section 3. Housing Program. The Housing Program, in the form substantially on file with the City, is hereby approved.

Section 4. Authorization of the Issuance, Sale, and Delivery of the Bonds; Security Therefor; and Approving the Forms of and Authorizing the Execution and Delivery of the Bonds and Related Documents.

4.1. For the purpose of financing and refinancing the Project there is hereby authorized the issuance, sale, and delivery of the Bonds. The Bonds shall bear interest at such rates, shall be in such denominations, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other details and provisions as are prescribed by the Indenture, in the form now on file with the City, with the amendments referenced herein. The City hereby authorizes the Series 2016A Bonds to be issued as “tax-exempt bonds” the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall be substantially in the forms set forth in the Indenture on file with the City, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds and the terms of redemption of the Bonds) as the Mayor and the City Manager, in their discretion, shall determine. The execution of the Bonds with the manual or facsimile signatures of the Mayor and the City Manager and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

4.2. The Bonds shall be special, limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement, including revenues of the Project, and other funds pledged pursuant to the Indenture and from payments made pursuant to an irrevocable letter of credit, to be dated on or about November 14, 2016 (the “Letter of Credit”), issued by the Bank pursuant to the terms of a Reimbursement Agreement, to be dated on or about November 14, 2016, between the Borrower and the Bank. A confirming irrevocable letter of credit, to be dated on or about November 14, 2016 (the “Confirming Letter of Credit”), will be issued by Federal Home Loan Bank of Des Moines to secure payments on the Letter of Credit.

All of the provisions of the Indenture, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, and as the Mayor

and the City Manager, in their discretion, shall determine, and the execution thereof by the Mayor and the City Manager shall be conclusive evidence of such determination. The Mayor and the City Manager are hereby authorized and directed to execute the Indenture, and to deliver the Indenture to the Trustee, and hereby authorizes and directs the execution of the Bonds in accordance with the terms of the Indenture, and hereby provides that the Indenture shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the owners of the Bonds, the City and the Trustee as set forth therein.

4.3. The Mayor and the City Manager are hereby authorized and directed to execute and deliver the Loan Agreement and a Bond Purchase Agreement, to be dated after the date hereof (the "Bond Purchase Agreement"), between the City, the Borrower, and the Underwriter. All of the provisions of the Loan Agreement and Bond Purchase Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, and as the Mayor and the City Manager, in their discretion, shall determine, and the execution thereof by the Mayor and the City Manager shall be conclusive evidence of such determinations.

4.4. The Mayor and the City Manager are hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including the Assignment, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. April 2011), with respect to the Series 2016A Bonds, an endorsement of the City to the tax certificate of the Borrower with respect to the Series 2016A Bonds, and similar documents, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby approves the execution and delivery by the Trustee of the Indenture and all other instruments, certificates, and documents prepared in conjunction with the issuance of the Bonds that require execution by the Trustee. The City hereby authorizes Bond Counsel to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

4.5. The City will not participate in the preparation of the Official Statement relating to the offer and sale of the Bonds (the "Official Statement"), and will make no independent investigation with respect to the information contained therein, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. Subject to the foregoing, the City hereby consents to the distribution and the use by the Underwriter of the Official Statement in connection with the offer and sale of the Bonds. The Official Statement is the sole material consented to by the City for use in connection with the offer and sale of the Bonds.

4.6. The Borrower has represented to the City that the Borrower will provide certain security for payment of its obligations under the Loan Agreement and for payment of the Bonds, including the Letter of Credit, the Confirming Letter of Credit, the Mortgage, one or more guaranties, or any other security agreed upon by the Borrower and the Bank, and the City hereby approves the execution and delivery of such security.

Section 5. Additional Findings and Certifications.

5.1. The Bonds are authorized to be issued in an amount not to exceed \$5,390,000. On the date hereof the Series 2016A Bonds are expected to be issued in the approximate aggregate principal amount of \$2,390,000, and the Series 2016B Bonds are expected to be issued in the approximate aggregate principal amount of \$2,820,000. However, the final principal amount of both the Series 2016A

Bonds and the Series 2016B Bonds may change so long as the aggregate principal amount of the Series 2016A Bonds and the Series 2016B Bonds combined does not exceed \$5,390,000.

5.2. To ensure continued compliance by the Borrower and the Project with the limitations imposed by the Act and Section 103(b)(4)(A) of the 1954 Code, as amended through December 31, 1985, read as if it included certain provisions of the Internal Revenue Code of 1986, as amended, as required by Section 1313(a) of the Tax Reform Act of 1986, and the regulations promulgated thereunder, and to ensure compliance with certain restrictions imposed by the City, the Mayor and City Manager are also hereby authorized and directed to execute and deliver a Regulatory Agreement, to be dated on or around November 14, 2016 (the "Regulatory Agreement"), between the City, the Borrower, Steven Scott Management, Inc., as manager, and the Trustee. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Mayor and the City Manager, in their discretion, shall determine, and the execution thereof by the Mayor and the City Manager shall be conclusive evidence of such determination.

5.3. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City Council of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general, legal or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Bonds, as provided therein.

5.4. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City, any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holder from time to time of the Bonds issued under the provisions of this resolution.

5.5. In case any one or more of the provisions of this resolution, other than the provisions contained in the first sentence of Section 4.2 hereof, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this

resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

5.06. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

5.07. The officers of the City, Bond Counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution. If for any reason the Mayor or the City Manager is unable to execute and deliver the documents referred to in this resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of the Mayor or the City Manager with the same force and effect as if such documents were executed and delivered by the Mayor or the City Manager.

5.08. The Borrower shall pay the administrative fee of the City for the issuance of conduit debt. The Borrower will also pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued, including any costs for attorneys' fees.

5.09. This resolution shall be in full force and effect from and after its approval.

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ADOPTED by the City Council of the City of Eden Prairie this 1st day of November, 2016.

Nancy Tyra-Lukens, Mayor

ATTEST:

Kathleen Porta, City Clerk

ED185-002 (SEL)
488352v.2

CITY OF EDEN PRAIRIE, MINNESOTA

**PROGRAM FOR A
MULTIFAMILY HOUSING DEVELOPMENT**

Pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City of Eden Prairie, Minnesota (the “City”) is authorized to develop and administer programs to finance the acquisition and construction of multifamily housing developments under the circumstances and within the limitations set forth in the Act. Section 462C.07 of the Act provides that such programs for multifamily housing developments may be financed through the issuance of revenue obligations issued by the City.

The City received a proposal from Eden Investments LLP, a Minnesota limited liability partnership (the “Borrower”), that the City: (i) issue taxable conduit revenue bonds or other obligations (the “Bonds”), in the aggregate principal amount not to exceed \$3,000,000, and loan the proceeds derived from the sale of the Bonds to the Borrower; and (ii) adopt a housing program with respect to the Bonds. The Borrower proposes to apply the proceeds of such loan to finance the construction of general improvements to and the renovation of a seventy-unit rental housing development located at 13670 Valley View Road in the City known as Eden Glen Apartments (the “Project”). The Project is owned and operated by the Borrower as a multifamily housing development and managed by Steven Scott Management, Inc. Twenty percent (20%) of the units within the Project are specifically reserved for tenants whose incomes are not greater than eighty percent (80%) of the area median income.

The City, in establishing this Program for a Multifamily Housing Development (the “Program”), has considered the information contained in the City’s Comprehensive Guide Plan. The Project will be improved and renovated in accordance with the requirements of Subdivisions 1 and 2 of Section 462C.05 of the Act.

Section A. Definitions. The following terms used in this Program shall have the following meanings, respectively:

“Act” shall mean Minnesota Statutes, Chapter 462C, as currently in effect and as the same may be from time to time amended.

“Bonds” shall mean one or more series of taxable conduit revenue bonds to be issued by the City, in the aggregate principal amount not to exceed \$3,000,000.

“Borrower” shall mean Eden Investments, LLP, a Minnesota limited liability partnership.

“City” shall mean the City of Eden Prairie, Minnesota.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“Land” shall mean the real property upon which the Project is situated.

“Program” shall mean this Program for a Multifamily Housing Development for the financing of the Project pursuant to the Act.

“Project” shall mean the multifamily residential rental housing development consisting of a seventy-unit rental housing development known as Eden Glen Apartments located at 13670 Valley View Road in the City, to be improved and renovated by the Borrower.

Section B. Program for Financing the Project. It is proposed that the City establish this Program to provide financing for the construction of general improvements to and the renovation of the Project at a cost and upon such other terms and conditions as are set forth herein and as may be agreed upon in writing between the City, the initial purchaser of the Bonds, and the Borrower. The City expects to issue the Bonds as soon as the terms of the Bonds have been agreed upon by the City, the Borrower, and the initial purchaser of the Bonds. The proceeds of the Bonds will be loaned by the City to the Borrower to finance the construction of general improvements to and renovation of the Project and pay the costs of issuance with respect to the Bonds.

It is anticipated that the Bonds will have a maturity of approximately fifteen years or less, will be issued in one or more series, and will bear interest at a variable rate or at fixed rates consistent with the market at the time of issuance.

The City will not hire additional staff for the administration of the Program. No administrative costs will be paid from the City's budget with respect to this Program. The Bonds will be special, limited revenue obligations of the City and the Bonds and interest thereon will be payable solely from the revenues and assets pledged to the payment thereof by the Borrower. No Holder of any Bonds will ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon, nor to enforce payment against any property of the City (except revenues of the Borrower) to be paid to the City and pledged to the payment of the Bonds.

Section C. Standards and Requirements Relating to the Financing of the Project Pursuant to the Program. The following standards and requirements shall apply with respect to the operation of the Project by the Borrower pursuant to this Program:

(1) Substantially all of the proceeds of the sale of the Bonds will be applied to the construction of general improvements to and renovation of the Project and the payment of the costs of issuing the Bonds. The proceeds will be made available to the Borrower pursuant to the terms of a loan agreement (or other revenue agreement) which will include certain covenants to be made by the Borrower to the City regarding the use of proceeds and the character and use of the Project.

(2) The Borrower, and any subsequent owner of the Project, will not reject an application from a proposed tenant because of race, color, creed, religion, national origin, sex, affectional preference, marital status, or status with regard to public assistance or disability.

(3) It is expected that at least twenty (20%) of the units within the Project will continue to be held for occupancy by families or individuals with gross income not in excess of eighty (80%) of median family income, adjusted for family size. This set aside would satisfy the low-income occupancy requirements of Section 462C.05, subdivision 2 of the Act.

Subsection D. Evidence of Compliance. The City may require from the Borrower at or before the issuance of the Bonds, evidence satisfactory to the City of the ability and intention of the Borrower to complete the construction and renovation of the Project, and evidence satisfactory to the City of compliance with the standards and requirements for the completion of the financing established by the City, as set forth herein; and in connection therewith, the City or its representatives may inspect the relevant books and records of the Borrower in order to confirm such ability, intention, and compliance. In addition, the City may periodically require certifications from either the Borrower or such other person deemed necessary concerning compliance with various aspects of this Program.

Section E. Issuance of Bonds. To finance the Program authorized by this Section, the City will by resolution authorize, issue, and sell the Bonds in one or more series in the aggregate principal amount not to exceed \$3,000,000. Pursuant to such resolution, the City will also authorize, issue, and sell tax-exempt conduit revenue bonds or other obligations, in the aggregate principal amount of \$2,390,000, for the purpose of refunding prior obligations of the City which were originally issued to finance the acquisition of the Land and construction of the Project. The Bonds shall be issued pursuant to Section 462C.07, subdivision 1 of the Act and shall be payable primarily from the revenues to be derived by the Borrower from the Project financed through this Program.

The costs of the Project, including the costs of issuance of the Bonds are presently expected to be in excess of the principal amount of the Bonds. It is expected that the Borrower will contribute to the Project the difference between the total costs of the Project and the principal amount of the Bonds available to finance the Project. The costs of the Project may change between the date of preparation of this Program and the date of issuance of the Bonds. The Bonds are expected to be issued in the fourth calendar quarter of 2016.

Subsection F. Severability. The provisions of this Program are severable and if any of its provisions, sentences, clauses or paragraphs shall be held unconstitutional, contrary to statute, exceeding the authority of the City or otherwise illegal or inoperative by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Subsection G. Amendment. The City shall not amend this Program while the Bonds authorized hereby are outstanding to the detriment of the holders of such Bonds.

Subsection H. State Ceiling. None of the state ceiling for private activity bonds, pursuant to Section 146 of the Code and Minnesota Statutes, Chapter 474A, is required to be allocated to the Bonds.

This Program relates solely to the Project described herein. This Program is separate and distinct from any and all housing and economic development policies established by the City.

CITY COUNCIL AGENDA		DATE:
SECTION: Public Hearings		November 1, 2016
DEPARTMENT/DIVISION: Parks & Recreation/Community Development/ Planning/ Jay Lotthammer & Janet Jeremiah/Matt Bourne & Julie Klima	ITEM DESCRIPTION: Code Amendment – Tree Replacement	ITEM NO.: IX.B.

Requested Action

Move to:

- Close the Public Hearing; **and**
- Approve first reading of the Ordinance Amending City Code Chapter 11 relating to tree replacement requirements.

Synopsis

Chapter 11 of the city code contains the City of Eden Prairie’s Tree Replacement requirements. Staff has had several work session conversations with the City Council and Planning Commission regarding the need to revise the current regulations to reflect current conditions.

Staff has prepared draft text language for the Council to consider based on feedback and direction from the Council, Planning Commission, and Parks & Natural Resources Commission. The redlined version of these changes is attached for the Council’s reference. The primary proposed changes include:

- The definition of Heritage Tree and replacement requirements for Heritage Trees;
- Language that would allow tree replacement requirements to be met through a payment program.
- Exempting the TOD and Town Center zoning districts from the tree replacement requirements due to the type of development expected in these districts.

Other housekeeping changes reflecting current practices and correcting grammatical or typographical errors are also proposed as a part of the update.

Planning Commission Review and Recommendation

At its October 10, 2016, meeting, the Commission voted 4-1 (Wuttke opposed) to recommend approval of the text amendment subject to the information in the staff report dated October 4, 2016, and based on Commission comments.

Attachments

1. Ordinance
2. Red-lined version of proposed amendments
3. Staff Report dated October 4, 2016
4. Planning Commission Minutes October 10, 2016

SECTION 11.55 - LAND ALTERATION, TREE PRESERVATION AND STORMWATER MANAGEMENT REGULATIONS.

Ordinance No. 7-2015
Effective Date: 6-25-2015

Prev. Ordinance No. 2-2006
Effective Date: 2-16-2006

Subd. 1. Declaration of Policy and Purpose.

- A. Land Alterations are inherently accompanied by noise and dust, may create hazardous conditions and may result in lasting disfigurement of the places where they are carried on and thus may affect existing land uses in nearby areas, discourage further permanent development of the surrounding properties, impair adequate planning or municipal development, and diminish public health, safety, and general welfare. It is, therefore, desirable to regulate Land Alterations in the City.
- B. Tree removal, damage, and destruction tends to endanger the natural character of the land from which the trees have been removed and surrounding lands, and to diminish and impair the public health, safety and general welfare. The Council desires to protect the integrity of the natural environment and finds that trees do so by providing for better air quality, scenic beauty, protection against wind and water erosion, and natural insulation for energy preservation. Further, the Council finds that trees protect privacy and provide enhancement of property values. It is, therefore, the further purpose of this Section to provide regulations relating to the cutting, removal or killing of trees, with the consequent damage and destruction of the wooded and forested areas of the City, to promote the orderly development of such areas and thereby minimize public and private losses; to insure maintenance of the natural vegetation and topography; to encourage protection and preservation of the natural environment and beauty of the City; to encourage a resourceful and prudent approach to urban development of wooded areas which provides for minimal tree loss and mitigation of tree removal resulting from development; to provide an objective method to evaluate a development's impact on trees and wooded areas and identify whether and how the impact may be reduced; to provide incentive for creative land use and good site design which preserves trees while allowing development in wooded areas with mitigation of tree removal and destruction; and to provide for enforcement and administration thereby promoting and protecting the public health, safety and welfare.
- C. The Council seeks to promote, preserve and enhance the natural resources within the City and protect them from adverse effects of stormwater runoff by providing site design standards that minimize stormwater runoff to meet the requirements of appropriate regulatory agencies.

Subd. 2. Definitions. For the purposes of this Section, the following terms, phrases, and words shall have the meanings stated below.

- A. Applicant. A Person submitting an application for a Permit.
- B. Best Management Practices. Best Management Practices or BMPs (defined under Minnesota Rules 4001.1020, subp. 5) are practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operation procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. BMPs are effective and practicable means of controlling, preventing, and minimizing degradation of surface water from Stormwater runoff.
- C. Building Permit. A Building Permit is a Permit issued pursuant to Minn. Stat. chap. 326, the State Building Code.
- D. Caliper Inches. The length, in inches, of a straight line measured through the Tree Trunk of a certified nursery raised tree at 12 inches above the ground.
- E. Canopy of a Tree. The horizontal extension of a tree's branches in all directions from the Tree Trunk.

- F. **Certified Contractor.** An individual who has received training and is licensed by the State of Minnesota to inspect and maintain erosion control practices.
- G. **Construction Activity.** A disturbance to the land that results in a change to the topography or existing soil cover (both vegetative and non-vegetative) that may result in accelerated stormwater runoff. Examples of Construction Activity may include clearing, grading, filling and excavation.
- H. **Control Measure.** The practice or combination of practices to control Erosion, Sedimentation and Pollution.
- I. **Detention Basin.** A Detention Basin is a natural or man-made structure, facility or basin for the temporary storage of Stormwater to allow settling of Pollutants while delaying Discharge of water so that water slowly empties from the area, including but not limited to, wetlands, dry ponds, Vegetated Swales, Infiltration trenches and Infiltration basins.
- J. **Development Plan –** A contiguous area that includes a common plan of development or sale where multiple separate and distinct land disturbing activities, including New Development or Redevelopment, may be taking place at different times, or different schedules, but under one proposed plan. One Development Plan is broadly defined to include design, Permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
- K. **Discharge.** The conveyance, channeling, runoff, or drainage of Stormwater or any substance which enters a Stormwater Facility.
- L. **DNR Catchment Area.** The Hydrologic Unit 08 drainage areas that drain to a river, stream or lake as delineated and digitized by the Minnesota Department of Natural Resources (DNR) Watershed Delineation Project. The mapping information for the DNR Catchment Areas is available at the DNR Data Deli web site (deli.dnr.state.mn.us).
- M. **Drip Line of a Tree.** An imaginary vertical line which extends from the outermost branches of the Canopy of a Tree to the ground.
- N. **Diameter.** Wherever this term is used in reference to the measurement of a tree it shall mean a Tree Trunk as measured 4.5 feet above the ground.
- O. **Erosion.** Any process that wears away the surface of the land by the action of water, wind, ice or gravity.
- P. **Erosion Control Systems.** Methods, measures or systems employed to prevent soil Erosion.
- Q. **Filtration.** Filtration means the process by which Pollutants are removed through filtering and settling of stormwater runoff, biological and microbiological uptake, and/or soil adsorption. Filtering practices include media filters (surface, underground, perimeter), vegetative filters (filter strips, grass channels), and combination media/vegetative filters (dry swales).
- R. **Final Stabilization.** All Land Alteration has been completed and a uniform perennial vegetative cover with a density of seventy (70) percent of the cover for unpaved areas and areas not covered by permanent structures has been established on the land or equivalent permanent cover or stabilization measures have been employed as approved by the City. Sowing grass seed or an annual cover crop is not considered Final Stabilization.
- S. **Green Infrastructure.** A wide array of practices at multiple scales that manage wet weather and maintains or restores natural hydrology by infiltrating, evapotranspiring, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall

imperviousness in a watershed. On a local scale, green infrastructure consists of site and neighborhood-specific practices, such as bioretention, trees, green roofs, permeable pavements and cisterns.

- T. Heritage Tree. Any living deciduous tree (except elm, willow, box elder and aspen) measuring 34 inches in Diameter or greater, or a living coniferous tree measuring 24 inches in Diameter or greater.
- U. Infiltration. Infiltration is the capture and temporary storage of water to allow passage or movement of the water into the soil through the use of techniques such as Infiltration basins, Infiltration trenches, rainwater gardens, underground Infiltration systems, or natural or enhanced swales.
- V. Land. Land shall mean and include an entire Lot (as defined in Section 11.02 of the City Code) on or within the boundaries of which Land Alteration has occurred, or is to occur.
- W. Land Alteration Permit. A Permit to allow Land Alteration. This would include Grading and Filling Permit referenced in Section 11.50 Subd. 11.
- X. Land Alteration. Any land disturbing activity, including: excavating, grading, digging, cutting, scraping, clearing; removal of trees, filling or other change or movement of earth which may result in diversion of a man-made or natural water course or Erosion of Sediments.
- Y. Maximum Extent Practicable. Maximum Extent Practicable or MEP means the statutory standard (33 U.S.C. 1342(p)(3)(B)(iii)) that establishes the level of Pollutant reductions that the Permittee must achieve. Determination of the appropriate BMPs required to satisfy the Land Alteration Permit requirements to the MEP will be completed by the City Engineer.
- Z. New Development. All Construction Activity that is not defined as Redevelopment.
- AA. NPDES. NPDES means the National Pollutant Discharge Elimination System as established pursuant to 33 USC § 1342 (b) to regulate Discharges of Pollutants to waters of the United States.
- BB. NPDES Permit. A NPDES stormwater discharge permit that is issued by the Minnesota Pollution Control Agency (MPCA) to regulate Discharges of Pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
- CC. Owner. Any person having a sufficient proprietary interest in the land for which a permit is or may be issued under this Section.
- DD. Permit. A Land Alteration Permit or a Building Permit.
- EE. Permittee. The holder of a Permit pursuant to this Section.
- FF. Pollutant. Pollutant means: (i) toxic or hazardous substances, wastes, or contaminants (including, without limitation, asbestos, urea formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), 42 U.S.C. §9601-9657, as amended); (ii) substances that would require a permit for their Discharge into any water source or system or the air under the Federal Water Pollution Control Act, 33 U.S. C. §1251 et Seq., or the Clean Air Act, 42 U.S.C. §7401 et Seq.; (iii) hazardous substances, Pollutants or contaminates defined in Minnesota Statutes Chapter 115B; (iv) litter, yard waste, garbage, liquid and solid wastes, fertilizers, pesticides, herbicides, paints, solvents, automotive fluids, wastes and residues that result from constructing a building or structure, and (iv) any other similar state law or ordinance. A Pollutant of Concern is a Pollutant specifically identified in a USEPA-approved Total Maximum Daily Load (TMDL) report as causing a water quality impairment.
- GG. Redevelopment. Any Construction Activity where, prior to start of construction, the areas to be disturbed have 15% or more of impervious surface(s).

- HH. Retention Basin. A retention basin is a temporary or permanent natural or man-made structure, facility or basin that provides for storage of Stormwater where water is allowed to empty through evapotranspiration, Infiltration, Filtration or evaporation, including but not limited to wet, dry or National Urban Runoff Program (NURP) ponds.
- II. Root Zone. The area under a tree which is at and within the Drip Line of a Canopy of a Tree.
- JJ. Saturated Soil. The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.
- KK. Sediment. The product of an Erosion process, including solid matter both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, gravity or ice and has come to rest on the earth's surface either above or below the normal water level.
- LL. Sedimentation. The process or action of depositing Sediment.
- MM. Significant Tree. Any living deciduous tree (except elm, willow, box elder and aspen) measuring at least 12 and less than 34 inches in Diameter, or a living coniferous tree measuring at least 8 and less than 24 inches in Diameter.
- NN. Site. The area of Land within which Land Alteration occurs or is to occur.
- OO. Stormwater. Any form of natural precipitation which causes water to runoff or flow from one place to another and includes Stormwater runoff, snow melt runoff, and surface runoff and drainage.
- PP. Stormwater Facility. A stationary and permanent Stormwater BMP designed, constructed and operated to prevent or reduce the Discharge of Pollutants in Stormwater as well as structures built to collect, convey, or store Stormwater, including but not limited to, inlets, pipes, storm drains, pumping facilities, Retention Basins, Detention Basins, drainage channels, reservoirs, and other drainage structures.
- QQ. Stormwater Management. The use of structural or non-structural practices that are designed to reduce the movement of Stormwater, including Stormwater Discharge volumes, and peak flow Discharge rates.
- RR. Stormwater Pollution Prevention Plan (SWPPP). A plan described in Subd. 8.E of this Section. A SWPPP also refers to that SWPPP required by the MPCA under the NPDES Permit program to manage and reduce the Discharge of Pollutants in Stormwater.
- SS. Tree Trunk. The stem portion of a tree from the ground to the first branch thereof.
- TT. Vegetated Swales. A vegetated earthen channel that conveys Stormwater while treating the Stormwater with biofiltration. Such swales may be designed to pretreat surface runoff by removing Pollutants through Filtration and Infiltration.
- UU. WMZ. The WMZ (Wellhead Management Zone) is the area within a fifty (50) foot radius from any municipal well.

Subd. 3. Permit Requirements and Exemptions.

- A. **Permit Required.** Except as hereafter provided, it is unlawful for any person to use Land for, or to engage directly or indirectly in, Land Alteration unless such person shall first have applied to and obtained from the City, in the manner hereinafter provided, a Permit authorizing the same.
- B. **Single Family Dwelling.** At a minimum, a person engaging in Land Alteration in connection with construction of a Single Family Dwelling must obtain a Building Permit from the City. In addition, a Land

Alteration Permit may be required if the City Engineer or his/her designee determines that site conditions require a Permit or if a Land Alteration Permit is required in other Sections of the City Code. The Permittee who conducts Land Alterations pursuant to a Building Permit shall be required to comply with Subds. 5, and 7 of this Section. Failure to comply with Subds. 5, and 7 of this Section if applicable, will subject the Permittee to the provisions of Subd. 7.J of this Section. The application for the Building Permit shall include a Certificate of Survey, including a map of the Erosion Control Measures which will be provided, and must be pre-approved in writing by the City. Single Family Dwelling construction includes construction of a single family dwelling, garage, pool, addition, driveway or deck.

C. **General Exemptions.** The following Land Alterations are exempt from the requirements for a Permit:

1. Any Land Alteration occurring pursuant to a Land Alteration or Building Permit which was approved by the City prior to April 21, 2015 and which has not expired.
2. Movement of less than 100 cubic yards of earth.
3. For all lots except residential lots, the cutting, removal or killing of less than 10% of the Significant Trees on any Land within a period of five years. For residential lots, the cutting, removal or killing of less than 10% of the Significant Trees or 1 Significant Tree, whichever is greater, on any land within a period of five years.
4. Any destruction or disruption of vegetation covering an area equal to or less than 10% of any Land.
5. Installation of a fence, sign, telephone or electric poles and other posts or poles which result in less than 1,000 square feet of exposed soil.
6. Home gardens, turf or an individual's home landscaping, installation, repairs and/or maintenance work.
7. Retaining walls less than four (4) feet in height and twenty-five (25) feet in length that are constructed in a manner which does not change the existing Stormwater Drainage. This would include a single or tiered retaining wall system.
8. Existing agricultural, horticultural or silvicultural operations.
9. Opening and closing graves.
10. Emergency work to prevent or alleviate immediate dangers to life, limb, property or natural resources. In such an event, if a Permit had been required but for the emergency, the obligations of this Section shall apply and shall be performed at the earliest reasonable time thereafter.
11. Excavations for tunnels, wells, utilities, trails, sidewalks, roads or other public work projects which are undertaken by the City, unless the disturbance meets the criteria established in Subd. 6 of this Section.

D. **Other Requirements.** Neither this Section nor any administrative decision made under it exempts a person from other requirements of this Code, from procuring permits required by other agencies (including but not limited to the Watershed District, Hennepin County, Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (DNR) or the U.S. Army Corps of Engineers (USACE) or from complying with the requirements and conditions of such permits. A copy of any permits related to Wetlands, Land Alteration or Stormwater received from another federal, state or local authority must be provided to the City Engineer prior to issuance of a Permit from the City.

Subd. 4. Tree Replacement Plan Requirements.

A. Application.

1. A Land Alteration Permit or Building Permit shall be further subject to and conditioned upon compliance by the Permittee with all provisions of this Subdivision 4, if such Permit is issued in connection with (1) a final plat application, (2) a subdivision application resulting in the creation of one or more new development parcels, (3) a PUD or (4) a site plan review.
2. In the event paragraph 1 above does not apply, a Land Alteration Permit or Building Permit shall be subject to the tree replacement requirements in (a) and (b) below if such Permit includes the removal of a Significant Tree or Heritage Tree as part of the redevelopment of a lot previously platted and developed.
 - a. A Significant Tree must be replaced with one (1) tree, subject to the conditions on location, size, timing, health and source outlined below.
 - b. A Heritage Tree shall not be removed without the written consent from the City Manager. The City Manager may condition such consent on replacement of the tree as determined by City staff subject to the requirements on location, size, timing, health and source of trees as set forth below.
3. **General Exemptions.** The following are exempt from the Tree Replacement Requirements of this Subdivision 4:
 - a. For all lots except residential lots, the cutting, removal or killing of less than 10% of the Significant Trees and Heritage Trees on any Land within a period of five years.
 - b. For residential lots the cutting, removal or killing of less than 10% of the Significant Trees and Heritage Trees or the cutting, removal or killing of one Significant Tree or Heritage Tree, whichever is greater, on any land within a period of five years.
 - c. Single Family lots which are less than 22,000 square feet in size.
 - d. Property within the TOD and TC zoning districts.
 - e. The cutting of trees planted and grown by the owner or owner's predecessor on real estate which on April 17, 1990 was classified as Class 2b property according to Minnesota Statutes 1989 Supplement, Section 273.13, Subd. 23 (b) because it was as of such date real estate, rural in character, and used exclusively for growing trees for timber, lumber, wood and wood products as described in clause (1) of said Subd. 23(b).
4. The requirements of this Subdivision 4 shall be in addition to the requirements in City Code Section 11.03 relating to landscaping. If any of the requirements of this Subdivision 4 apply, a Tree Replacement Plan shall be submitted to the City in accordance with this Subdivision. The Tree Replacement Plan may be combined with the landscaping plan required by City Code Section 11.03; provided that if the plans are combined, the combined plan shall identify which trees are replacement trees.

B. **Tree Inventory.** A Tree Inventory certified by a registered land surveyor, landscape architect or forester must be provided to the City Forester. The Tree Inventory must depict the following:

1. The size, species, condition and location on the Site of all Heritage Trees and Significant Trees. On large wooded areas, forest mensuration methods may be used to determine the total Diameter inches of trees outside the area of the proposed Land Alteration.
2. A list of Heritage Trees and Significant Trees which will be lost due to the proposed Land Alteration. Heritage Trees and Significant Trees shall be considered lost as a result of:
 - a. grade change or Land Alteration, whether temporary or permanent, of greater than one (1) foot measured vertically, affecting 40% (as measured on a horizontal plane) or more of the tree's Root Zone;
 - b. utility construction (i.e., sewer, water, storm sewer, gas, electric, telephone and cable TV) resulting in the cutting of 40% or more of the tree's roots within the Root Zone;
 - c. mechanical injury to the Tree Trunk of a Heritage Tree or Significant Tree causing loss of more than 40% of the bark at any given Diameter location along the trunk; or,
 - d. compaction to a depth of 6 inches or more of 40% or more of the surface of the soil within a Heritage or Significant Tree's Root Zone.
3. The number, type and size of trees required to be replaced pursuant to this Section.
4. The location of the replacement trees.

C. **Tree Replacement Requirements.** The Permittee shall replace Heritage Trees and Significant Trees lost or reasonably anticipated to be lost as a result of Construction Activity or Land Alteration immediately upon the occurrence of a loss, whether the loss occurs during Construction Activity, Land Alteration or thereafter, by the Permittee, his agent, or successor in interest by planting that number of trees (Replacement Trees) determined in accordance with the following criteria:

1. Replacement

Significant Tree replacement formula:

- A = Total Diameter Inches of Significant Trees Lost as a Result of the Land Alteration
B = Total Diameter Inches of Significant Trees Situated on the Land
C = Tree Replacement Constant (0.5)
D = Replacement Trees (Number of Caliper Inches)

$$[(A/B) \times C] \times A = D$$

EXAMPLE

- A = 337
B = 943
C = 0.5
D = 60

$$[(337/943) \times 0.5] \times 337 = 60$$

Heritage trees that are lost or damaged are to be replaced at a ratio of 2:1, replaced caliper inches to lost or damaged Diameter-inch. Heritage Tree replacement must include a minimum of 20% replacement trees equal to or greater than 4 caliper inches. In the case that a Heritage tree is saved, the total amount of Diameter-inches may be subtracted from the replacement requirement.

2. Payment

Alternatively, if the Permittee demonstrates to the satisfaction of the City Manager that it is not practical or reasonable to plant all or some of the required replacement trees on the Land, the Permittee may request approval to make cash payment to the City to be used for planting of trees with the City. Cash payments shall be calculated as set forth in the adopted fee schedule at the time of issuance of the Land Alteration Permit.

The trees required to be replaced pursuant to this Section shall be in addition to any other trees required to be planted pursuant to any other provision of the Code. A Financial Security is required as described in Subdivision 12 of this Section.

D. **Location of Replacement Trees.** Replacement Trees shall be planted in one or more of the following areas on the Land:

1. Restoration areas including steep slopes.
2. Outlots or common areas.
3. Buffer zones between different land uses and/or activities.
4. Project entrance areas.
5. Wetland Buffer Areas
6. Stormwater BMPs designed according to Subd. 6.
7. Any other part of the Land except areas dedicated or conveyed to the City, unless the City consents in writing.

E. **Sizes and Types of Replacement Trees.** Replacement Trees must be no less than the following sizes:

1. Deciduous trees - no less than two and one half (2.5) Caliper Inches.
2. Coniferous trees - no less than six (6) feet high.

On steep slopes (i.e., greater than 3:1) deciduous trees may be two (2) Caliper Inches and coniferous trees may be six (6) feet in height.

Replacement Trees shall be of a species similar to the trees which are lost and shall be pre-approved in writing by the City.

F. **Time to Perform.** Replacement trees shall be planted not less than 18 months after the date of issuance of the Permit.

G. **Missing, Dead or Unhealthy Trees.** Any Replacement Tree which is not alive or healthy one (1) year after the date that the last Replacement Tree has been planted shall be removed and a new healthy tree of the same size and species shall be planted in place of the removed tree. All such plantings shall occur within one year of the date the tree qualifies as dead, unhealthy or missing.

H. **Sources of Trees.** Replacement trees shall consist of "certified nursery stock" as defined by Minnesota Statutes Section 18.46.

Trees planted in place of missing, dead, or unhealthy Replacement Trees shall consist only of "certified nursery stock" as defined by Minnesota Statutes, Section 18.46.

SECTION 11.55 - LAND ALTERATION, TREE PRESERVATION AND STORMWATER MANAGEMENT REGULATIONS.

Ordinance No. 7-2015
Effective Date: 6-25-2015

Prev. Ordinance No. 2-2006
Effective Date: 2-16-2006

Subd. 1. Declaration of Policy and Purpose.

- A. Land Alterations are inherently accompanied by noise and dust, may create hazardous conditions and may result in lasting disfigurement of the places where they are carried on and thus may affect existing land uses in nearby areas, discourage further permanent development of the surrounding properties, impair adequate planning or municipal development, and diminish public health, safety, and general welfare. It is, therefore, desirable to regulate Land Alterations in the City.
- B. Tree removal, damage, and destruction tends to endanger the natural character of the land from which the trees have been removed and surrounding lands, and to diminish and impair the public health, safety and general welfare. The Council desires to protect the integrity of the natural environment and finds that trees do so by providing for better air quality, scenic beauty, protection against wind and water erosion, and natural insulation for energy preservation. Further, the Council finds that trees protect privacy and provide enhancement of property values. It is, therefore, the further purpose of this Section to provide regulations relating to the cutting, removal or killing of trees, with the consequent damage and destruction of the wooded and forested areas of the City, to promote the orderly development of such areas and thereby minimize public and private losses; to insure maintenance of the natural vegetation and topography; to encourage protection and preservation of the natural environment and beauty of the City; to encourage a resourceful and prudent approach to urban development of wooded areas which provides for minimal tree loss and mitigation of tree removal resulting from development; to provide an objective method to evaluate a development's impact on trees and wooded areas and identify whether and how the impact may be reduced; to provide incentive for creative land use and good site design which preserves trees while allowing development in wooded areas with mitigation of tree removal and destruction; and to provide for enforcement and administration thereby promoting and protecting the public health, safety and welfare.
- C. The Council seeks to promote, preserve and enhance the natural resources within the City and protect them from adverse effects of stormwater runoff by providing site design standards that minimize stormwater runoff to meet the requirements of appropriate regulatory agencies.

Subd. 2. Definitions. For the purposes of this Section, the following terms, phrases, and words shall have the meanings stated below.

- A. Applicant. A Person submitting an application for a Permit.
- B. Best Management Practices. Best Management Practices or BMPs (defined under Minnesota Rules 4001.1020, subp. 5) are practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operation procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. BMPs are effective and practicable means of controlling, preventing, and minimizing degradation of surface water from Stormwater runoff.
- C. Building Permit. A Building Permit is a Permit issued pursuant to Minn. Stat. chap. 326, the State Building Code.
- D. Caliper Inches. The length, in inches, of a straight line measured through the Tree Trunk of a certified nursery raised tree at 12 inches above the ground.
- E. Canopy of a Tree. The horizontal extension of a tree's branches in all directions from the Tree Trunk.

- F. Certified Contractor. An individual who has received training and is licensed by the State of Minnesota to inspect and maintain erosion control practices.
- G. Construction Activity. A disturbance to the land that results in a change to the topography or existing soil cover (both vegetative and non-vegetative) that may result in accelerated stormwater runoff. Examples of Construction Activity may include clearing, grading, filling and excavation.
- H. Control Measure. The practice or combination of practices to control Erosion, Sedimentation and Pollution.
- I. Detention Basin. A Detention Basin is a natural or man-made structure, facility or basin for the temporary storage of Stormwater to allow settling of Pollutants while delaying Discharge of water so that water slowly empties from the area, including but not limited to, wetlands, dry ponds, Vegetated Swales, Infiltration trenches and Infiltration basins.
- J. Development Plan – A contiguous area that includes a common plan of development or sale where multiple separate and distinct land disturbing activities, including New Development or Redevelopment, may be taking place at different times, or different schedules, but under one proposed plan. One Development Plan is broadly defined to include design, Permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
- K. Discharge. The conveyance, channeling, runoff, or drainage of Stormwater or any substance which enters a Stormwater Facility.
- L. DNR Catchment Area. The Hydrologic Unit 08 drainage areas that drain to a river, stream or lake as delineated and digitized by the Minnesota Department of Natural Resources (DNR) Watershed Delineation Project. The mapping information for the DNR Catchment Areas is available at the DNR Data Deli web site (deli.dnr.state.mn.us).
- M. Drip Line of a Tree. An imaginary vertical line which extends from the outermost branches of the Canopy of a Tree to the ground.
- N. Diameter. Wherever this term is used in reference to the measurement of a tree it shall mean a Tree Trunk as measured 4.5 feet above the ground.
- O. Erosion. Any process that wears away the surface of the land by the action of water, wind, ice or gravity.
- P. Erosion Control Systems. Methods, measures or systems employed to prevent soil Erosion.
- Q. Filtration. Filtration means the process by which Pollutants are removed through filtering and settling of stormwater runoff, biological and microbiological uptake, and/or soil adsorption. Filtering practices include media filters (surface, underground, perimeter), vegetative filters (filter strips, grass channels), and combination media/vegetative filters (dry swales).
- R. Final Stabilization. All Land Alteration has been completed and a uniform perennial vegetative cover with a density of seventy (70) percent of the cover for unpaved areas and areas not covered by permanent structures has been established on the land or equivalent permanent cover or stabilization measures have been employed as approved by the City. Sowing grass seed or an annual cover crop is not considered Final Stabilization.
- S. Green Infrastructure. A wide array of practices at multiple scales that manage wet weather and maintains or restores natural hydrology by infiltrating, evapotranspiring, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall

imperviousness in a watershed. On a local scale, green infrastructure consists of site and neighborhood-specific practices, such as bioretention, trees, green roofs, permeable pavements and cisterns.

- | ~~T.~~ Heritage Tree. Any living deciduous tree (except elm, willow, box elder and aspen) measuring 34 inches in Diameter or greater, or a living coniferous tree measuring 24 inches in Diameter or greater.
- | ~~FU.~~ Infiltration. Infiltration is the capture and temporary storage of water to allow passage or movement of the water into the soil through the use of techniques such as Infiltration basins, Infiltration trenches, rainwater gardens, underground Infiltration systems, or natural or enhanced swales.
- | ~~FV.~~ Land. Land shall mean and include an entire Lot (as defined in Section 11.02 of the City Code) on or within the boundaries of which Land Alteration has occurred, or is to occur.
- | ~~VW.~~ Land Alteration Permit. A Permit to allow Land Alteration. This would include Grading and Filling Permit referenced in Section 11.50 Subd. 11.
- | ~~WX.~~ Land Alteration. Any land disturbing activity, including: excavating, grading, digging, cutting, scraping, clearing; removal of trees, filling or other change or movement of earth which may result in diversion of a man-made or natural water course or Erosion of Sediments.
- | ~~XY.~~ Maximum Extent Practicable. Maximum Extent Practicable or MEP means the statutory standard (33 U.S.C. 1342(p)(3)(B)(iii)) that establishes the level of Pollutant reductions that the Permittee must achieve. Determination of the appropriate BMPs required to satisfy the Land Alteration Permit requirements to the MEP will be completed by the City Engineer.
- | ~~YZ.~~ New Development. All Construction Activity that is not defined as Redevelopment.
- | ~~ZAA.~~ NPDES. NPDES means the National Pollutant Discharge Elimination System as established pursuant to 33 USC § 1342 (b) to regulate Discharges of Pollutants to waters of the United States.
- | ~~AABB.~~ NPDES Permit. A NPDES stormwater discharge permit that is issued by the Minnesota Pollution Control Agency (MPCA) to regulate Discharges of Pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
- | ~~BBCC.~~ Owner. Any person having a sufficient proprietary interest in the land for which a permit is or may be issued under this Section.
- | ~~CCDD.~~ Permit. A Land Alteration Permit or a Building Permit.
- | ~~DEEE.~~ Permittee. The holder of a Permit pursuant to this Section.
- | ~~EEFF.~~ Pollutant. Pollutant means: (i) toxic or hazardous substances, wastes, or contaminants (including, without limitation, asbestos, urea formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), 42 U.S.C. §9601-9657, as amended); (ii) substances that would require a permit for their Discharge into any water source or system or the air under the Federal Water Pollution Control Act, 33 U.S. C. §1251 et Seq., or the Clean Air Act, 42 U.S.C. §7401 et Seq.; (iii) hazardous substances, Pollutants or contaminates defined in Minnesota Statutes Chapter 115B; (iv) litter, yard waste, garbage, liquid and solid wastes, fertilizers, pesticides, herbicides, paints, solvents, automotive fluids, wastes and residues that result from constructing a building or structure, and (iv) any other similar state law or ordinance. A Pollutant of Concern is a Pollutant specifically identified in a USEPA-approved Total Maximum Daily Load (TMDL) report as causing a water quality impairment.
- | ~~FFGG.~~ Redevelopment. Any Construction Activity where, prior to start of construction, the areas to be disturbed have 15% or more of impervious surface(s).

- | GGHH. Retention Basin. A retention basin is a temporary or permanent natural or man-made structure, facility or basin that provides for storage of Stormwater where water is allowed to empty through evapotranspiration, Infiltration, Filtration or evaporation, including but not limited to wet, dry or National Urban Runoff Program (NURP) ponds.
- | HHII. Root Zone. The area under a tree which is at and within the Drip Line of a Canopy of a Tree.
- | HJJ. Saturated Soil. The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.
- | HKK. Sediment. The product of an Erosion process, including solid matter both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, gravity or ice and has come to rest on the earth's surface either above or below the normal water level.
- | KKLL. Sedimentation. The process or action of depositing Sediment.
- | LLMM. Significant Tree. Any living deciduous ~~hardwood~~ tree (except elm, willow, box elder and aspen) measuring at least 12 and less than 34 inches in Diameter ~~or greater~~, or a living coniferous tree measuring at least 8 and less than 24 inches in Diameter ~~or greater~~.
- | MMNN. Site. The area of Land within which Land Alteration occurs or is to occur.
- | NNOO. Stormwater. Any form of natural precipitation which causes water to runoff or flow from one place to another and includes Stormwater runoff, snow melt runoff, and surface runoff and drainage.
- | OOPP. Stormwater Facility. A stationary and permanent Stormwater BMP designed, constructed and operated to prevent or reduce the Discharge of Pollutants in Stormwater as well as structures built to collect, convey, or store Stormwater, including but not limited to, inlets, pipes, storm drains, pumping facilities, Retention Basins, Detention Basins, drainage channels, reservoirs, and other drainage structures.
- | PPQQ. Stormwater Management. The use of structural or non-structural practices that are designed to reduce the movement of Stormwater, including Stormwater Discharge volumes, and peak flow Discharge rates.
- | QQRR. Stormwater Pollution Prevention Plan (SWPPP). A plan described in Subd. 8.E of this Section. A SWPPP also refers to that SWPPP required by the MPCA under the NPDES Permit program to manage and reduce the Discharge of Pollutants in Stormwater.
- | RRSS. Tree Trunk. The stem portion of a tree from the ground to the first branch thereof.
- | SSTT. Vegetated Swales. A vegetated earthen channel that conveys Stormwater while treating the Stormwater with biofiltration. Such swales may be designed to pretreat surface runoff by removing Pollutants through Filtration and Infiltration.
- | TFUU. WMZ. The WMZ (Wellhead Management Zone) is the area within a fifty (50) foot radius from any municipal well.

Subd. 3. Permit Requirements and Exemptions.

- A. **Permit Required.** Except as hereafter provided, it is unlawful for any person to use Land for, or to engage directly or indirectly in, Land Alteration unless such person shall first have applied to and obtained from the City, in the manner hereinafter provided, a Permit authorizing the same.
- B. **Single Family Dwelling.** At a minimum, a person engaging in Land Alteration in connection with construction of a Single Family Dwelling must obtain a Building Permit from the City. In addition, a Land

Alteration Permit may be required if the City Engineer or his/her designee determines that site conditions require a Permit or if a Land Alteration Permit is required in other Sections of the City Code. The Permittee who conducts Land Alterations pursuant to a Building Permit shall be required to comply with Subds. 5, and 7 of this Section. ~~In the event more than 10% of the Significant Trees on the Site are to be removed, the Permittee shall also comply with Subd. 4 of this Section.~~ Failure to comply with Subds. ~~4~~, 5, and 7 of this Section if applicable, will subject the Permittee to the provisions of Subd. 7.J of this Section. The application for the Building Permit shall include a Certificate of Survey, including a map of the Erosion Control Measures which will be provided, and must be pre-approved in writing by the City. Single Family Dwelling construction includes construction of a single family dwelling, garage, pool, addition, driveway or deck.

C. **General Exemptions.** The following Land Alterations are exempt from the requirements for a Permit:

1. Any Land Alteration occurring pursuant to a Land Alteration or Building Permit which was approved by the City prior to April 21, 2015 and which has not expired.
2. Movement of less than 100 cubic yards of earth.
3. For all lots except residential lots, the cutting, removal or killing of less than 10% of the Significant Trees on any Land within a period of five years. For residential lots, the cutting, removal or killing of less than 10% of the Significant Trees or 1 Significant Tree, whichever is greater, on any land within a period of five years.
4. Any destruction or disruption of vegetation covering an area equal to or less than 10% of any Land.
5. Installation of a fence, sign, telephone or electric poles and other posts or poles which result in less than 1,000 square feet of exposed soil.
6. Home gardens, turf or an individual's home landscaping, installation, repairs and/or maintenance work.
7. Retaining walls less than four (4) feet in height and twenty-five (25) feet in length that are constructed in a manner which does not change the existing Stormwater Drainage. This would include a single or tiered retaining wall system.
8. Existing agricultural, horticultural or silvicultural operations.
9. Opening and closing graves.
10. Emergency work to prevent or alleviate immediate dangers to life, limb, property or natural resources. In such an event, if a Permit had been required but for the emergency, the obligations of this Section shall apply and shall be performed at the earliest reasonable time thereafter.
11. Excavations for tunnels, wells, utilities, trails, sidewalks, roads or other public work projects which are undertaken by the City, unless the disturbance meets the criteria established in Subd. 6 of this Section.

D. **Other Requirements.** Neither this Section nor any administrative decision made under it exempts a person from other requirements of this Code, from procuring permits required by other agencies (including but not limited to the Watershed District, Hennepin County, Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (DNR) or the U.S. Army Corps of Engineers (USACE) or from complying with the requirements and conditions of such permits. A copy of any permits related to Wetlands, Land Alteration or Stormwater received from another federal, state or local authority must be provided to the City Engineer prior to issuance of a Permit from the City.

Subd. 4. Tree Replacement Plan Requirements.

A. Application.

1. A Land Alteration Permit or Building Permit shall be further subject to and conditioned upon compliance by the Permittee with all provisions of this Subdivision 4, if such Permit is issued in connection with (1) a final plat application, (2) a subdivision application resulting in the creation of one or more new development parcels, (3) a PUD or (4) a site plan review.
2. In the event paragraph 1 above does not apply, a Land Alteration Permit or Building Permit shall be subject to the tree replacement requirements in (a) and (b) below if such Permit includes the removal of a Significant Tree or Heritage Tree as part of the redevelopment of a lot previously platted and developed.
 - a. A Significant Tree must be replaced with one (1) tree, subject to the conditions on location, size, timing, health and source outlined below.
 - b. A Heritage Tree shall not be removed without the written consent from the City Manager. The City Manager may condition such consent on replacement of the tree as determined by City staff subject to the requirements on location, size, timing, health and source of trees as set forth below.
3. General Exemptions. The following are exempt from the Tree Replacement Requirements of this Subdivision 4:
 - a. For all lots except residential lots, the cutting, removal or killing of less than 10% of the Significant Trees and Heritage Trees on any Land within a period of five years.
 - b. For residential lots the cutting, removal or killing of less than 10% of the Significant Trees and Heritage Trees or the cutting, removal or killing of one Significant Tree or Heritage Tree, whichever is greater, on any land within a period of five years.
 - c. Single Family lots which are less than 22,000 square feet in size.
 - d. Property within the TOD and TC zoning districts.
 - e. The cutting of trees planted and grown by the owner or owner's predecessor on real estate which on April 17, 1990 was classified as Class 2b property according to Minnesota Statutes 1989 Supplement, Section 273.13, Subd. 23 (b) because it was as of such date real estate, rural in character, and used exclusively for growing trees for timber, lumber, wood and wood products as described in clause (1) of said Subd. 23(b).
4. The requirements of this Subdivision 4 shall be in addition to the requirements in City Code Section 11.03 relating to landscaping. If any of the requirements of this Subdivision 4 apply, a Tree Replacement Plan shall be submitted to the City in accordance with this Subdivision. The Tree Replacement Plan may be combined with the landscaping plan required by City Code Section 11.03; provided that if the plans are combined, the combined plan shall identify which trees are replacement trees.

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~~The issuance of a Land Alteration Permit or Building Permit shall be further subject to and conditioned upon compliance by the Permittee with the following:~~

A.B. Tree Inventory. A Tree Inventory certified by a registered land surveyor, landscape architect or forester must be provided to the City Forester. The Tree Inventory must depict the following:

1. The size, species, condition and location on the Site of all Heritage Trees and Significant Trees. On large wooded areas, forest mensuration methods may be used to determine the total Diameter inches of trees outside the area of the proposed Land Alteration.
2. A list of Heritage Trees and Significant Trees which will be lost due to the proposed Land Alteration. Heritage Trees and Significant Trees shall be considered lost as a result of:
 - a. grade change or Land Alteration, whether temporary or permanent, of greater than one (1) foot measured vertically, affecting ~~60~~40% (as measured on a horizontal plane) or more of the tree's Root Zone;
 - b. utility construction (i.e., sewer, water, storm sewer, gas, electric, telephone and cable TV) resulting in the cutting of ~~60~~40% or more of the tree's roots within the Root Zone;
 - c. mechanical injury to the Tree Trunk of a Heritage Tree or Significant Tree causing loss of more than 40% of the bark at any given Diameter location along the trunk; or,
 - d. compaction to a depth of 6 inches or more of ~~60~~40% or more of the surface of the soil within a Heritage or Significant Tree's Root Zone.
3. The number, type and size of trees required to be replaced pursuant to this Section.
4. The location of the replacement trees.

B.C. Tree Replacement Requirements. The Permittee shall replace Heritage Trees and Significant Trees lost or reasonably anticipated to be lost as a result of Construction Activity or Land Alteration immediately upon the occurrence of a loss, whether the loss occurs during Construction Activity, Land Alteration or thereafter, by the Permittee, his agent, or successor in interest by planting that number of trees (Replacement Trees) determined in accordance with the following ~~formula~~criteria:

1. Replacement

Significant Tree replacement formula;

- A = Total Diameter Inches of Significant Trees Lost as a Result of the Land Alteration
- B = Total Diameter Inches of Significant Trees Situated on the Land
- C = Tree Replacement Constant (~~1.330.5~~)
- D = Replacement Trees (Number of Caliper Inches)

$$[(A/B) \times C] \times A = D$$

EXAMPLE

A = 337
B = 943
C = ~~1.330.5~~
D = ~~16060~~

$$[(337/943) \times ~~1.330.5~~] \times 337 = ~~16060~~$$

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Heritage trees that are lost or damaged are to be replaced at a ratio of 2:1, replaced caliper inches to lost or damaged Diameter-inch. Heritage Tree replacement must include a minimum of 20% replacement trees equal to or greater than 4 caliper inches. In the case that a Heritage tree is saved, the total amount of Diameter-inches may be subtracted from the replacement requirement.

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2. Payment

Alternatively, if the Permittee demonstrates to the satisfaction of the City Manager that it is not practical or reasonable to plant all or some of the required replacement trees on the Land, the Permittee may request approval to make cash payment to the City to be used for planting of trees with the City. Cash payments shall be calculated as set forth in the adopted fee schedule at the time of issuance of the Land Alteration Permit.

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The trees required to be replaced pursuant to this Section shall be in addition to any other trees required to be planted pursuant to any other provision of the Code. A Financial Security is required as described in Subdivision 12 of this Section.

CD. **Location of Replacement Trees.** Replacement Trees shall be planted in one or more of the following areas on the Land:

1. Restoration areas including steep slopes.
2. Outlots or common areas.
3. Buffer zones between different land uses and/or activities.
4. Project entrance areas.
5. Wetland Buffer Areas
6. Stormwater BMPs designed according to Subd. 6.
7. Any other part of the Land except areas dedicated or conveyed to the City, unless the City consents in writing.

DE. **Sizes and Types of Replacement Trees.** Replacement Trees must be no less than the following sizes:

1. Deciduous trees - no less than ~~three two and one half (32.5)~~ Caliper Inches.
2. Coniferous trees - no less than ~~seven six (76)~~ feet high.

On steep slopes (i.e., greater than 3:1) deciduous trees may be two (2) Caliper Inches and coniferous trees may be six (6) feet in height.

Replacement Trees shall be of a species similar to the trees which are lost and shall be pre-approved in writing by the City.

EE. **Time to Perform.** Replacement trees shall be planted not less than 18 months after the date of issuance of the Permit.

FG. **Missing, Dead or Unhealthy Trees.** Any Replacement Tree which is not alive or healthy one (1) year after the date that the last Replacement Tree has been planted shall be removed and a new healthy tree of the same size and species shall be planted in place of the removed tree. All such plantings shall occur within one year of the date the tree qualifies as dead, unhealthy or missing.

GH. **Sources of Trees.** Replacement trees shall consist of "certified nursery stock" as defined by Minnesota Statutes Section 18.46.

Trees planted in place of missing, dead, or unhealthy Replacement Trees shall consist only of "certified nursery stock" as defined by Minnesota Statutes, Section 18.46.

~~**H.** **Exceptions.** The provisions of Subd. 4 shall not apply to the cutting of trees planted and grown by the owner or owner's predecessor on real estate which on April 17, 1990 was classified as Class 2b property according to Minnesota Statutes 1989 Supplement, Section 273.13, Subd. 23(b) because it was as of such~~

~~date real estate, rural in character, and used exclusively for growing trees for timber, lumber, wood and wood products as described in clause (1) of said Subd. 23(b).~~

STAFF REPORT:

TO: Planning Commission

FROM: Matt Bourne, Parks and Natural Resources Manager

DATE: October 4, 2016

SUBJECT: Code Change – Tree Replacement

BACKGROUND

Chapter 11 of the city code contains the City of Eden Prairie’s Tree Replacement requirements. Staff has had several work session conversations with the City Council and Planning Commission regarding the need to revise the current regulations to reflect current conditions.

Staff has prepared draft text language for the Commission to consider based on the work session feedback and direction. The primary proposed changes include:

- The definition of Heritage Tree and replacement requirements for Heritage Trees;
- Language that would allow tree replacement requirements to be met through a restitution program.
- Exempting the TOD and Town Center zoning districts from the tree replacement requirements due to the type of development expected in these districts.

Other housekeeping changes reflecting current practices and correcting grammatical or typographical errors are also proposed as a part of the update.

CODE CHANGE

Please see the attached redlined version of Chapter 11 for the proposed changes to Section 11.55 of the City Code.

STAFF RECOMMENDATION

Staff recommends approval of the amendments to Section 11.55 as represented in the October 4, 2016 staff report and the draft language.

APPROVED MINUTES

EDEN PRAIRIE PLANNING COMMISSION

MONDAY, OCTOBER 10, 2016

**7:00 P.M., CITY CENTER
Council Chambers
8080 Mitchell Road**

COMMISSION MEMBERS:

Jon Stoltz, John Kirk, Travis Wuttke, Ann Higgins,
Charles Weber, Andrew Pieper, Ed Farr, Mark
Freiberg, Tom Poul

CITY STAFF:

Julie Klima, City Planner
Rod Rue, City Engineer
Matt Bourne, Manager of Parks and Natural Resources
Julie Krull, Recording Secretary

I. PLEDGE OF ALLEGIANCE – ROLL CALL

Vice Chair Pieper called the meeting to order at 7:00 p.m. Kirk, Poul, Stoltz, and Weber were absent.

II. APPROVAL OF AGENDA

Wuttke wanted to change the order of the public hearings. He would like it in this order; Commercial Kennels, Automotive Services, Screening and Landscape, Tree Replacement. Klima suggested if the concern was to have the tree replacement and screening and landscaping discussion occur sequentially, then another option would be to move the tree replacement discussion as the second public hearing. Wuttke stated his revised order would be preferred.

MOTION: Wuttke moved, seconded by Farr, to approve the amended agenda. **Motion carried 5-0.**

III. MINUTES

A. PLANNING COMMISSION MEETING HELD ON SEPTEMBER 26, 2016

Wuttke had the following changes to the minutes:

Page 2, 2nd paragraph, 4th sentence; he would like it to read: Wuttke commented the City should be written as exempt from these requirements or that transparency in any issue by the City is paramount.

Page 2, 3rd paragraph, 1st sentence; he would like .05 changed to .50.

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Page 2, 3rd, 4th sentence; he would like it to read: Wuttke commented this replacement factor change would alleviate maintenance and overcrowding.

Page 2, 4th paragraph, 3rd sentence; he would like it to read: Wuttke asked what the test was for the health of Heritage trees, because the nature of large trees in certain circumstances could pose significant cost and risk long term after site improvements and alterations occur.

Page 3, 2nd paragraph, 1st sentence; he would like it to read: Wuttke asked what historically developer agreements state in regards to tree replacement.

Page 3, 2nd paragraph, 5th sentence; he would like it to read: Wuttke asked who would be responsible for the tree replacement many years later and/or owners later; would the current homeowner pay for tree replacement.

Page 3, 4th paragraph, 1st sentence; he would like it to read: Wuttke asked members and representatives what type of involvement developers have had with the drafting of these potential language changes.

Page 3, 5th paragraph, 3rd sentence; he would like it to read: Wuttke asked if the City could meet with members of the private sector prior to this public hearing and get their feedback.

Page 3, 8th paragraph, 1st sentence; he would like it to read: Wuttke asked, in regards to tree replacement, can we find a way to substitute land dedication versus paying a fee for caliper inch replacement and could these costs be offset when this occurs.

Page 4, 3rd paragraph, 1st sentence; he would like it to read: Wuttke said he would like cottonwood and basswood trees put on the list of exceptions because of the extensive shedding they do and the risks associated, respectively.

MOTION: Wuttke moved, seconded by Freiberg, to approve the amended Planning Commission Minutes. **Motion carried 5-0.**

IV. INFORMATIONAL MEETINGS

V. PUBLIC MEETINGS

VI. PUBLIC HEARINGS

A. CODE AMENDMENT – COMMERCIAL KENNELS

Request to:

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- Amend the City Code Chapter 11 Section 11.02 to add a definition of “commercial kennel” and Section 11.30 to add “commercial kennel” as a permitted use in the Industrial Zoning Districts.

Klima said in Eden Prairie commercial kennels have occurred in the Industrial Zoning Districts and in the Commercial Zoning Districts. Research regionally and nationally has shown it common and generally accepted for the commercial kennel to be located in the Industrial Zoning Districts. To remove any ambiguity from the Eden Prairie Code staff believes a code amendment to clarify location of commercial kennels in a specific zoning district is prudent. Staff recommendation is for approval.

Freiberg asked if a person in a residential area breeds for profit, is that allowed. Klima said the commercial operations should occur in an industrial district and not residential.

Wuttke asked if it could be allowed to breed once a year or something comparable in a residential area. Klima said the definition for a private kennel is where 2 cats or dogs over 6 months are allowed, to be in compliance with the ordinance.

Higgins asked if it is possible to arrange it in reverse order, that the birth and raising be done off site. Klima said that would be acceptable.

Wuttke asked what the City Council did regarding recreation fires this summer.

Did the residents not have an opportunity to go on survey monkey and give their opinion? Wuttke stated this could be done with the dog breeders.

Farr said he does agree with City Staff and feels we may be developing a problem that is not there. Klima said since her time at the City, she has not received complaints of this type of activity.

Wuttke asked if there have been any issues with the garage sale ordinance. Klima said there have been no complaints with the garage sale revision.

Higgins said she is fine with going ahead with staff recommendations.

Wuttke said he does have some reservations approving this code amendment, but will move it forward.

Vice Chair Pieper opened the meeting up for public input. There was no input.

MOTION: Higgins moved, seconded by Farr, to close the public hearing. **Motion carried 5-0.**

MOTION: Higgins moved, seconded by Freiberg, to recommend approval of the amendment to City Code Chapter 11 to add a definition of commercial kennel and

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to add commercial kennel as a permitted use in the Industrial Zoning District based on the information in the staff report dated October 4, 2016. **Motion carried 5-0.**

B. CODE AMENDMENT – AUTOMOTIVE REPAIR SERVICES

Request to:

- Amend the City Code Chapter 11 to add a definition of “Automotive Repair-Major and Automotive Repair – Minor”; to add “Automotive Repair-Minor” as a permitted use in the Commercial Zoning District and “Automotive Repair-Major as a permitted use on the effective date of the code amendment; to add “Automotive Repair-Major” as a permitted use in the Industrial Zoning District.

Klima said many communities do acknowledge the difference between major and minor automotive repairs and what zoning districts they should occur in. The purpose of the proposed code amendment would be to:

- Remove ambiguity surrounding automotive repair service uses and the appropriate zoning district to location.
- Will support policy that automotive repair services Major or Minor are not permitted in the TC or TOD zoning districts.
- Provide for existing Automotive Repair Service establishments with “minor” characteristics to remain in the Commercial Districts.
- Provide for existing Automotive Repair Services establishments with “Major” characteristics to remain in the Commercial Zoning Districts by an established date. The use does not become non-conforming.
- Provide for existing and future automotive repair services with “major” characteristics to locate in the Industrial Zoning Districts and remove ambiguity on the uses within the Industrial Zoning District.

Staff recommendation is for approval of the code amendment.

Freiberg asked where car washes would fall. Klima stated they would be classified as retail operation.

Vice Chair Pieper opened the meeting up for public input. There was no input.

MOTION: Farr moved, seconded by Higgins, to close the public hearing. **Motion carried 5-0.**

MOTION: Farr moved, seconded by Frieberg, to recommend approval to amend the City Code Chapter 11 to add a definition of “Automotive Repair-Major and Automotive Repair – Minor”; to add “Automotive Repair-Minor” as a permitted use in the Commercial Zoning District and “Automotive Repair-Major as a permitted use on the effective date of the code amendment; to add “Automotive Repair-Major” as a permitted use in the Industrial Zoning District based on the information included in the staff report dated October 4, 2016. **Motion carried 5-0.**

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C. CODE AMENDMENT – SCREENING & LANDSCAPE

Request to:

- Amend the City Code Chapter 11 relating to screening and landscape requirements.

Klima said the purpose of this code amendment is to apply consistency. Staff has contracted with Hay Dobbs & Associates to work to create Design Guidelines to communicate the City's intent and expectations for development within the City, as well as, drafting amendments to the City Code to convey the requirements associated with development objectives. The proposed changes include:

- Provide a purpose statement to the screening and landscaping section of the Code
- Defines public art
- Clarifies minimum size requirements for landscaping materials
- Requires inclusion of planting beds and/or decorative containers
- Provides a holistic and flexible approach to meeting the landscape requirements
- Requires species diversity and use of native species
- Establishes standards for parking lot islands
- Requires parking lots to be designed to enable safe pedestrian movements between the parking areas and the building(s) it serves

Staff recommendation is for approval of the amendment.

Farr said on page 2 of the staff report, under screening in (m), he would like the word "all" eliminated to provide consistency with the 75% opacity language elsewhere in City Code.

Farr said in regards to containers, he would like The language revised to require seasonal planting of containers.

Wuttke asked if the term bare soil is taken "as is" or can it be clarified. He stated he would like to see more clarification on what is meant by bare soil in the landscape application.

Farr asked, on page 4, under e, if the unit is required. Bourne said it could be changed to caliper inches.

Farr commented under h, Parking Lot Islands, he sees some conflict with the stated purposes and code requirements. He suggested staff review this language. Farr also stated he felt the 60 feet in width requirement is excessive and he would exempt single aisle parking lots. Klima said they are also working on design guidelines and stated this feedback is very helpful.

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Farr said on pages 5-6, under Mechanical Equipment Screening, under 1, there is not guidance on the level of screening and asked how that would be satisfied. He also asked, under item 2, what does differing land use mean. Klima said land uses are addressed in the comprehensive plan.

Farr stated, in regard to corridors, such as at Eden Prairie Center between Sears and Wild Fire, parking is diagonally striped and he said as an architect he would design it so get people could safely across the area. If individuals are walking perpendicular, they could walk over 3 diagonals to reasonably walk safely. In regards to walking parallel, it should be no more than 200 feet.

Wuttke asked, in regard to public art, how different is this from the public sculpture code amendment adopted in 2013. Klima said the 2013 amendment addressed private property issues and this one addresses public art. Wuttke asked if public art has to be in the right of way. Klima said it just has to be visible in public spaces. Wuttke said on page 7, under s, it says public art should be situated in a way that it can be viewed from an adjacent right-of-way. Wuttke asked if there needs to be some clarification with this, to something like, "it could be viewed from public property". Klima asked Wuttke if he would like to see maximum signage stay the same. Wuttke said we should not refrain a developer from using public art and also not have it interfere with signage. Klima clarified the intent is that public art has no correlation with the signage.

Farr asked if rooftop gardens are considered art as they cannot be visible from public way. Klima said, Projects may include public art on a rooftop as the area may be visible from public right of ways

Freiberg said, in regards to public art, it is personal interpretation of what is good taste. He believes public art is good but would hope there is a safeguard in place. Klima said the City does work closely with the art staff when public art is proposed.

Wuttke asked on page 3, under 5-b-ii, does it mean the minimum 6 feet standard applies everywhere. Klima said this is existing language that is being relocated within the City Code. No changes to current practice of this issue are proposed.

Farr commented on page 3, in regards to calculating caliper inches on trees, he stated that 20 feet is hard to stay below. He asked if the City has received any challenges to this requirement. Klima said staff has not received any challenge on this.

Wuttke asked what increase costs would developers incur because of these proposed changes. Klima said the ordinance changes are not necessarily new in practice as the City has been working already with developers to accomplish these goals over the years. She stated staff is are trying to accomplish with these

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amendment changes is to ensure the design standards are universally applied. This is not new practice but rather documentation of what the City has largely been doing.

Vice Chair Pieper opened the meeting up for public input. There was no input.

Vice Chair Pieper commented he saw many concerns raised tonight in regards to the amendments and asked if the Commission should see the changes first before approving them. Wuttke agreed. Vice Chair Pieper asked if this should be continued and brought back with changes. Klima said the changes are very straight forward. She also noted the Planning Commission minutes are provided to the City Council and there will be a cover report provided with the feedback from Planning Commission to the Council.

Wuttke asked if we should keep this public hearing open until the tree amendment is discussed. Klima said the landscaping amendment addresses new development whereas the tree amendment addresses existing development.

MOTION: Farr moved, seconded by Freiberg, to close the public hearing. **Motion carried 5-0.**

MOTION: Farr moved, seconded by Higgins, to recommend approval to amend City Code Chapter 11 based on the information included in the staff report dated October 4, 2016 as well as multiple items of discussion relayed to City Staff. **Motion carried 5-0.**

D. CODE AMENDMENT – TREE REPLACEMENT

Request to:

- Amend the City Code Chapter 11 relating to tree replacement requirements.

Klima said there are significant changes to this amendment. They are:

- The definition of Heritage Tree and replacement requirements for Heritage Trees
- Language that would allow tree replacement requirements to be met through a restitution program
- Exempting the TOD and Town Center zoning districts from the tree replacement requirements due to the type of development expected in these districts.

Other housekeeping changes reflecting current practices and correcting grammatical or typographical errors are also proposed as part of the update. Staff recommendation is for approval.

Higgins asked why the cottonwood tree is on the list of Heritage trees. Bourne said because it is native to Minnesota and it is a very hardy tree. He pointed out the

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female tree is the only one that sheds. Farr asked Bourne how many landscaping plans he has seen that contain cottonwood trees. Bourne said there have not been any. Wuttke asked what the average size of a cottonwood tree is. Bourne said it is hard to say because there are so many out there ranging from 4 inches to 50 inches. Wuttke asked why some trees, such as a cottonwood tree, could not be replaced with more pleasing trees. He also asked what changed from last meeting to this meeting. Bourne said in the tree inventory section, under subsection 4, most of the changes came about because of developers' feedback over the years. The changes that are being proposed are for a reduction in the amount of tree replacement and not adding to it. Wuttke commented the Heritage trees were added and now there is a delta on that and he is not particularly sold on that change.

Wuttke asked what the adopted fee proposal is all about. Bourne said this fee would be set by City Council and is typically \$100 to \$125 per caliper inch of tree. Vice Chair Pieper asked, in regards to restitution, could someone buy their way out of replacing trees. Bourne said yes, that would be an option but would have to go through the approval process. Klima said the language in the code amendment is intended to supply flexibility to the developer. Vice Chair Pieper asked what the restitution fund is used for. Bourne said it could be used for planting trees or other natural resources elsewhere. Farr said in regards to the fee, it would be nice if it was set high enough to deter the developer from going that route. He also asked, in regards to tree quality versus quantity, was there any discussion on that. Bourne said it was discussed And the language was proposed as it is to allow for review on a case by case basis.

Wuttke commented he is not completely sold on the concept of heritage trees. Farr said at the last meeting there was a discussion regarding removing heritage trees and it was discussed how homeowners could possibly take down significant trees before they become heritage trees. Farr said he is fine now with how the ordinance is written.

Higgins commented, in regards to global warming, some of these heritage trees may be needed or it could possibly cut their life short.

Wuttke asked under B, Tree Replacement/Restitution Requirements, what lost and damaged meant. Bourne said the definition of "lost" is under Inventory.

Vice Chair Pieper opened the meeting up for public input.

Chris Bunn, of 9815 Eden Prairie Road commented he has lived at his location for over 20 years and asked why the City is making these changes now in regards to heritage trees. He stated where he lives now there are at least two heritage trees. From his understanding, if he were to subdivide his lot, he could not because of the heritage trees. He also commented he would not be able to replace with other trees because it would add up to way too many trees on his land and because of that, he

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feels he is losing control of his property. He said it seems like the City did not care before when the development was taking place.

Bourne responded by stating the “why now” came about now because there are a large number of significant and heritage trees. One distinction Bourne did want to make was that as a private property owner, you would be gaining more flexibility with the proposed language. Bunn said he does not understand how he could be gaining rights. Bourne said as a single family dwelling, they are removing some of the requirements for removing trees.

Bunn said if he wanted to develop his property, this amendment would impact him. Bourne said in one development the requirements went down and they had heritage trees on their land. Bunn asked why restitution would have to be paid. Klima said to allow flexibility as a part of the development process. It provides options for both the City and developers. Bunn stated he still does not understand why he would pay the City. Klima said the City would like to see the heritage trees saved, but this restitution gives an option for the developer if the tree has to be removed and the site does not have the capacity to replace trees. Vice Chair Pieper asked if the City was exempt from this requirement. Bourne said yes, the City is exempt from this requirement. Bunn asked if he has to pay for taking the tree down why he would not be compensated by the City for keeping it. Bourne said tree replacement is an option and not just restitution. Bourne reiterated the fee schedule is set by City Council and Klima said that is reviewed annually.

Farr commented that the City is significantly reducing the number of significant trees on property, so that could be a benefit to the homeowner. Bunn commented this is frustrating on all levels because he has heritage trees on his property. Freiberg stated he has not been on the Commission very long but he would support heritage trees.

Freiberg commented this sounds like a hardship for the homeowners and pointed out it may be hard to say that one design fits all. He said this is a very difficult situation for this resident and asked City Staff if an appeal process or variances from code requirements could be put into place. Klima said there are opportunities to seek waivers. Farr commented the City is only trying to protect the trees and not take anything away.

Wuttke commented the City should be very transparent in what they do in regards to improvements and the City being exempt from tree replacement. Rue said the concern is with a lot of public projects and they are definitely trying to meet those requirements. He stated every project has gotten replacement features.

Vice Chair Pieper asked if the City could put money into the fund and have it put to something else if they cannot replace the trees. Bourne said the tree replacement fund is new and that suggestion is something to take into account.

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Wuttke asked about C-3, General Exemptions, what about homeowners with platted land. Bourne said this was written to protect them. Freiberg said there should be an avenue for hardship. Vice Chair Pieper said that does exist and would be the variance or waiver process. Wuttke commented he does not like how this paragraph is worded. Bourne said on December 1st, 1990, this is the date the first tree ordinance went into place, so anything prior to that would not have had anything done in regards to tree replacement. Vice Chair Pieper asked what Wuttke was opposing. Wuttke stated it was the private property rights and cost of limitations. Freiberg said he is not in favor of moving this forward without a process for hardship. Vice Chair Pieper asked if Freiberg was comfortable with the variance/waiver process. Freiberg said he was comfortable with the waiver/variance process and would move forward with this amendment.

Higgins said the waiver process could be a hurdle for the homeowner. She is uncertain about moving forward with this code amendment as is. Vice Chair Pieper clarified there is a waiver process in place. Higgins said when it is just one parcel there are issues with it because it is hard to finance that if you are a single property owner.

Klima said if there are undue hardships they can go through the PUD process or variance process. She pointed out this is and always has been available to homeowners and developers.

Vice Chair Pieper asked if someone cannot meet the tree replacement or cannot pay restitution, what would happen. Klima said it would be a variance or PUD waiver.

Farr stated he had listened to everything tonight and can see the City is valuing their natural resources and he is in favor of the code amendment.

Vice Chair Pieper said he thinks the City should be held to the same standard as anyone else.

MOTION: Farr moved, seconded by Freiberg, to close the public hearing. **Motion carried 5-0.**

MOTION: Farr moved, seconded by Freiberg, to recommend approval to amend City Code Chapter 11, Section 11.55 based on the information included in the staff report dated October 4, 2016 and note Commission has concerns about discrimination of certain property owners' rights.

Motion carried 4-1, Wuttke opposed.

VII. PLANNERS' REPORT

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VIII. MEMBERS' REPORT

IX. CONTINUING BUSINESS

X. NEW BUSINESS

XI. ADJOURNMENT

MOTION: Wuttke moved, seconded by Farr, to adjourn the Planning Commission meeting. **Motion carried 5-0.**

Vice Chair Pieper adjourned the meeting at 10:28 p.m.

CITY COUNCIL AGENDA		DATE:
SECTION: Public Hearings		November 1, 2016
DEPARTMENT/DIVISION: Community Development/Planning Janet Jeremiah/JulieKlima	ITEM DESCRIPTION: Code Amendment – Landscaping & Screening	ITEM NO.: IX.C.

Requested Action

Move to:

- Close the Public Hearing; **and**
- Approve first reading of the Ordinance amending City Code Chapter 11 relating to landscaping and screening requirements.

Synopsis

City staff has had ongoing discussions with the Planning Commission and City Council regarding the Design Standards initiative. As a part of this effort, the City is reviewing various sections of the zoning chapter, including but not limited to, the landscaping and building requirements. Staff has contracted with Hay Dobbs & Associates to work with staff to create Design Guidelines to communicate the City’s intent and expectations for development within the City, as well as, drafting amendments to the City Code to convey the requirements associated with development objectives. As part of this overall effort, staff is proposing amendments to the Landscaping and Screening sections of Chapter 11. Other code amendments related to building materials and architecture will be addressed as part of a future proposed code amendment.

The redlined version of these changes is attached for the Council’s reference. The primary proposed changes include:

- Provides a purpose statement to the screening and landscaping section of the Code;
- Defines public art;
- Clarifies minimum size requirements for landscaping materials;
- Requires inclusion of planting beds and/or decorative containers;
- Provides a holistic and flexible approach to meeting the landscape requirements;
- Requires species diversity and use of native species;
- Establishes standards for parking lot islands;
- Requires parking lots to be designed to enable safe pedestrian movements between the parking areas and the building(s) it serves.

Other housekeeping changes reflecting current practices and correcting grammatical or typographical errors are also proposed as a part of the update.

Planning Commission Review and Recommendation

At its October 10, 2016 meeting, the Commission voted 5-0 to recommend approval of the text amendment subject to the information in the staff report dated October 4, 2016 and based on Commission comments.

Attachments

1. Ordinance
2. Red-lined version of proposed amendments
3. Staff Report dated October 4, 2016
4. Planning Commission Minutes October 10, 2016

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. __-2016

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 BY AMENDING SECTIONS 11.03 G. and 11.03 H. AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA, ORDAINS:

Section 1. City Code Section 11.03, Subd 3, G is amended by renumbering existing G. 1 through G. 4 as G. 2 through G. 5 respectively and by adding a new G. 1 entitled “Purpose” as follows:

1. Purpose: The City recognizes landscaping and screening for its aesthetic value and as a multi-purpose functional element of a site. The requirements in this section define a minimum standard for landscaping and screening, and promote the following objectives: (a) Promote a high standard of development in the City; (b) Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues; (c) Promote sustainable practices that protect and conserve natural resources, and create healthy landscapes; (d) Promote landscape design that includes a diversity of plant species, pollinator-friendly species, color, and year-round interest, and enhances the structures and paved areas of the site; (e) Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses; (f) Activate and define public and private spaces; (g) Enhance the pedestrian experience; (h) Support storm water infiltration and improvements in ground water quality, in conjunction with Section 11.55 Land Alteration, Tree Preservation and Storm Water Management Regulations, and support materials and design that reduce water usage. The City’s Design Guidelines provide further landscape design intent and should be used as a reference.

Section 2. City Code Section 11.03, Subd 3, G. 2 (g) is amended by adding “perennial grasses,” after “covers.”

Section 3. City Code Section 11.03, Subd 3, G. 2 (m) is amended by deleting “all” after “blocks.”

Section 4. City Code Section 11.03, Subd 3, G. 2 is amended by adding a new “n” as follows:

(n) Public Art: Public art shall mean an original work of art that is a form of non-commercial speech that is not Commercial Speech as the same is defined in City Code Section 11.70, Subd. 2 and that is accessible to the public determined through a city review process. It may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of

unique architectural features, ornamentation or details. It may also include the artist-designed infrastructure and structures themselves. It does not include Commercial Speech advertising and/or signage. Public art may possess functional as well as aesthetic qualities and may be integrated into the site or be a discrete work.

Section 5. City Code Section 11.03, Subd 3, G. 5. (a) is amended in its entirety to read as follows:

(a) Size Requirements for Plantings: Deciduous overstory plantings shall be a minimum of two and one-half (2½) caliper inches and a maximum of five (5) caliper inches; deciduous understory trees shall be a minimum of one and one-half (1½) caliper inches and a maximum of five (5) caliper inches; coniferous trees shall be a minimum of six (6) feet in height and a maximum of ten (10) feet in height; shrubs shall be a minimum five (5) gallon container size at planting; perennial grasses and flowers shall be a minimum one (1) gallon container size at planting; ground covers shall be a minimum four (4) inch pot size at planting.

Section 6. City Code Section 11.03, Subd 3, G. 5. (b) is amended by deleting the table entitled “PLANT MATERIAL SIZES (IN CALIPER INCHES)” and inserting the following:

- i. No more than eighty percent (80%) of trees may be of the minimum size requirement.
- ii. For the purposes of satisfying the total caliper inch requirement, coniferous trees may be considered equivalent to overstory trees by dividing the height of a coniferous tree 6 ft. height minimum by 2.4 to determine equivalent caliper inches.
- iii. Understory trees may make up no more than twenty percent (20%) of the total tree caliper inches required.
- iv. Shrubs, perennials, or planting beds may be substituted for trees according to the following limit: not less than ten percent (10%) and no more than twenty-five percent (25%) of the total tree caliper inches required shall be replaced with Shrubs and Perennials, or Planting Beds. Additional shrubs, perennials or planting beds beyond the 25% substitution rate are allowed.

NOTE: When determination of height results in a fractional foot, any fraction of 0.5 or less may be disregarded; a fraction in excess of 0.5 shall be counted as one foot.

Section 7. City Code Section 11.03, Subd 3, G. 5. is amended by deleting (c) through (m) and adding to, replacing and revising those provisions as the following (c) through (s) as follows:

(c) Shrubs and Perennials: Shrubs and perennials shall be provided to complete a quality landscape treatment of the site. Replacement ratio: six (6) shrubs may replace three (3) caliper inches of tree.

(d) Planting Beds and/or Decorative Planting Containers: Each planting bed

or container shall include a variety of plants which may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials to provide year-round color and interest. Native plant species to the local hardiness zone and those which provide interest and/or color in the winter are preferred. Planting Beds must have a three (3) inch mulch application to bare soil surrounding the plant material in order to qualify for the caliper inch replacement.

(e) Planting beds and/or decorative planting containers may replace up to twenty-five percent (25%) of the required caliper inches for trees at a rate of three (3) caliper inches of trees per five hundred (500) square feet of cumulative planting beds and/or decorative planting containers. Planting beds must be planted annually in early spring and maintained throughout the growing season. Decorative planting containers must be planted and maintained seasonally throughout the year. Planting beds and/or decorative containers shall be planted with spacing of species per industry standards.

(f) Species Diversity: Species diversity is required to ensure a long-term healthy landscape. Not more than thirty percent (30%) of the required caliper inches shall be composed of one species unless approved by the City. Plant material must be sourced from regional nurseries to ensure healthy stock and non-invasive choices. The following trees are prohibited: a species of the genus *ulmus* (elm), except those bred to be immune to Dutch Elm disease; female ginkgo; box elder; willow; aspen.

(g) Naturalized Native Species: Native species, defined as those listed on the University of Minnesota and MN Department of Natural Resources lists, are well adapted to the local environment, require less maintenance, are healthier, and provide habitat for birds and insects. Landscapes that include native and pollinator-friendly plant species, and provide year-round interest with foliage color, flowers, fruits, or branching structure are required. Landscaping that is low maintenance and requires little or no irrigation, shall be considered as one of several grounds upon which the City Council may grant waivers from building design or site design through the PUD process.

(h) Parking Lot Islands: Parking lot islands shall be required in lots of twenty (20) or more spaces and shall be evenly distributed throughout the lot. Single aisle parking lots shall be exempt from this provision. A parking lot island shall be a minimum of one hundred sixty (160) square feet, shall stand-alone or be connected to other islands or sidewalks. No parking lot island shall have any dimension less than five (5) feet. Parking lot islands shall be located at the end of drive aisle rows and every 20 spaces. Five percent (5%) of the parking area, including vehicular circulation areas, shall be comprised of parking lot islands that are planted and not filled with only mulch, stone or paving. Planting requirements are the same as those for Planting Beds.

(i) Method of Installation: All deciduous and coniferous trees shall be balled

and burlapped, staked, and guyed in accordance with national Nurseryman's standards. All shrubs shall be potted.

(j) Sodding and Ground Cover: All open areas of a site not occupied by building, parking, sidewalks, patios, storage, or other similar features shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, perennial grasses, flowers, sod, ground cover – including low/no mow grasses and perennials – and other design features to ensure soil stabilization. Exceptions to this are seeding of future expansion areas as shown on approved plans; undisturbed areas containing existing natural vegetation which shall be maintained free of foreign and noxious materials; and, areas designated as open space for future expansion area properly planted and maintained with prairie grass.

(k) Slopes and Berms: Final slopes greater than the ratio of 3:1 will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing, or retaining walls. Berming used to provide required screening of parking lots and other open areas shall not have slopes in excess of 3:1.

(l) Installation and Maintenance of Materials: Responsibility for tree and plant growth and maintenance is solely the responsibility of the property owner and runs with the land and is binding on all future property owners. Owners shall be responsible for maintaining all landscaping in a healthy condition and keeping it free from refuse and debris. Dead plant materials shall be removed and replaced during the normal planting season. Materials must be replaced with like species or as approved by city staff.

(m) Erosion Control: All areas of the site must be stabilized in accordance with Chapter 11.55 unless required otherwise in a federal, state or local permit.

(n) Preservation of Wetland and Woodland Areas: It is the policy of the City to preserve the natural wetland and woodland areas throughout the City, and with respect to specific site development, to retain as far as practical, substantial tree stands and wetlands which can be incorporated into the Landscape Plan. No clear cutting of woodland areas shall be permitted. Shade trees of six (6) inch or more caliper shall be saved unless it can be demonstrated that there is no other feasible way to develop the site. The Council may require replacement of any removed trees on a caliper inch for caliper inch basis.

(o) Placement of Plant Materials: No landscaping shall be allowed within any drainage utility easements, road right of way, or immediately adjacent to any driveway or road intersection when it would interfere with motorists' views of the street or roadway.

(p) Mechanical Equipment Screening:

(1) All mechanical equipment mounted on the exterior of a building and possessing one or more of the characteristics listed below in (p) (3) shall be physically screened from all public roads and adjacent differing land uses with factory prefinished metal, wood laminated with metal, or other building material in a manner architecturally integral to the building or buildings on site.

(2) All mechanical equipment located on the ground and possessing one or more of the characteristics listed below in (p) (3) shall be physically screened from all public roads and adjacent differing land uses with either plant material or factory prefinished metal, wood laminated with metal, or other building material in a manner architecturally integral to the building or buildings on site.

(3) Irregular in size and shape; Exposed and/or protruding fans, grills, pipes, tubes, wires, vents; unfinished metal covering, exposed rivets, exposed seams.

(q) General Screening: All parking, loading, service, utility, and outdoor storage areas shall be screened from all public roads and adjacent differing land uses as measured from eye level at grade from public roads and adjacent differing land uses. Screening shall consist of any combination of the following: earth mounds, fences, shrubs, compact evergreen trees, or dense deciduous hedge. Hedge materials must be at least three (3) feet in height, at planting. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required. When natural materials, such as trees or hedges, are used to meet the screening requirements of this subsection, density and species of planting shall be such to achieve seventy five percent (75) opacity year round at maturity.

(1) Well defined breaks in the screen along public roads are required to facilitate pedestrian access from the public right of way to the building. These openings shall align with the parking lot layout requirements for pedestrian access (Section 11.03 Subd 3. H 5 e) and shall be in addition to driveways or visually distinctive if adjacent to a driveway. Connections to adjacent uses must be facilitated as determined through approval process.

(2) Appropriate elements to include in screening proposals for parking lots along public roads include transit shelters, benches, public art or similar features as part of the screen.

(3) Parking lot screening shall be a minimum of three (3) feet in height, measured from the parking lot surface, in order to screen cars and headlights, and shall allow breaks for pedestrian connections as described

in q (1).

(r) General Landscape for Residential Districts: In R1-44, R1-22, R1-13.5, R1-9.5, RM-6.5 and RM-2.5 districts all exposed ground area surrounding the principal building and accessory buildings which are not devoted to driveways, sidewalks, or patios, shall be landscaped with grass, shrubs, trees or other ornamental landscape material. No landscaped area shall be used for the parking of vehicles or storage or display of materials, supplies, or merchandise.

(s) Public Art: Integration of public art into private development, in addition to privately owned amenities such as plazas, courtyards, fountains, outdoor art, roof top gardens and green roofs and other decorative elements, which enhances the design of the landscaping may be considered as one of several grounds upon which the City Council may grant waivers from landscaping requirements through the PUD process. Public art on a site should be situated in a way that it can be viewed from an adjacent right-of-way or public spaces.

Section 8. City Code Section 11.03, Subd 3, H. 5. (d) is amended by deleting the word “side” after “required” and inserting the word “front” in the same position.

Section 9. City Code Section 11.03, Subd 3, H. 5. is amended by adding a new (e) as follows:

(e) Layout: Parking lots shall be designed to allow pedestrians to facilitate pedestrian movement from their vehicles or from the public right of way to the building. Pedestrian walkways/corridors/sidewalks shall be created at the perimeter of the parking lot and/or within the parking lot to provide connection to the primary building and, when applicable, to adjacent sites. Said sidewalks shall be a minimum of five (5) feet in width. These corridors can be delineated by landscaping and parking lot islands, striping, and/or a paving material that differs from that of vehicular areas. The corridors shall align with breaks in parking lot screening as required in Section 11.03 Subd. 3 G. 5 (q) (1).

Section 10. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 11.99 entitled “Violation a Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 11. This ordinance shall become effective from and after its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 1st day of November, 2016 and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the ____ day of _____, 2016.

Kathleen Porta, City Clerk

Nancy Tyra-Lukens, Mayor

PUBLISHED in the *Eden Prairie News* on_____.

G. Screening and Landscaping.

1. Purpose: The City recognizes landscaping and screening for its aesthetic value and as a multi-purpose functional element of a site. The requirements in this section define a minimum standard for landscaping and screening, and promote the following objectives: (a) Promote a high standard of development in the City; (b) Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues; (c) Promote sustainable practices that protect and conserve natural resources, and create healthy landscapes; (d) Promote landscape design that includes a diversity of plant species, pollinator-friendly species, color, and year-round interest, and enhances the structures and paved areas of the site; (e) Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses; (f) Activate and define public and private spaces; (g) Enhance the pedestrian experience; (h) Support storm water infiltration and improvements in ground water quality, in conjunction with Section 11.55 Land Alteration, Tree Preservation and Storm Water Management Regulations, and support materials and design that reduce water usage. The City's Design Guidelines provide further landscape design intent and should be used as a reference.

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2. Definitions. For the purposes of this Section, the following terms shall have the meanings stated:

- (a) Caliper: The length of a straight line measured through the trunk of a tree twelve (12) inches above the base.
- (b) Coniferous/Evergreen Tree: A woody plant which, at maturity, is at least thirty (30) feet or more in height, with a single trunk, fully branched to the ground, having foliage on the outermost portion of the branches year round.
- (c) Clear Cutting: Removal of all existing significant natural vegetation on a particular piece of property.
- (d) Deciduous Overstory Shade Tree: A woody plant which, at maturity, is thirty (30) feet or more in height, with a single trunk, unbranched for several feet above the ground, having a defined crown, and which loses leaves annually.
- (e) Deciduous Understory Ornamental Tree: A woody plant which, at maturity, is less than thirty (30) feet in height, with a single trunk, unbranched for several feet above the ground, having a defined crown which loses leaves annually.
- (f) Fence: Any partition, structure, wall, or gate erected as a divider marker, barrier, or enclosure, and located along the boundary or within the required yard.
- (g) Landscape: Site amenities, including trees, shrubs, ground covers, perennial grasses, flowers, fencing, berms, retaining walls, and other outdoor furnishings.
- (h) Performance Bond: A bond with good and sufficient sureties, approved by the City Manager, which is conditioned upon complete and satisfactory implementation of an approved landscape plan and which names the City as obligee.
- (i) Plant Material Average Size (Coniferous): The total height of all coniferous trees six (6) feet or over, divided by the total number of such trees.
- (j) Plant Material Average Size (Shade or Ornamental): The total diameter of all deciduous overstory trees two and one-half (2½) inches or more in diameter, divided by the total number of trees.
- (k) Mechanical Equipment: Heating, ventilation, exhaust, air conditioning, and communication units integral to and located on top of, beside or adjacent to a building

and telecommunications mechanical equipment located on top of, beside or adjacent to a building.

Source: Ordinance No. 3-2014
Effective Date: 2-27-2014

Source: Ordinance No. 15-85
Effective Date: 5-30-85

- (l) Retaining Wall: A wall or structure constructed of stone, concrete, wood or other materials, used to retain soil, as a slope transition or edge of a planting area.

Source: Ordinance No. 15-85
Effective Date: 5-30-85

- (m) Screening: A barrier which blocks ~~all~~ views from public roads and adjacent differing land uses to off-street parking areas, loading areas, service and utility areas, and mechanical equipment.

Source: Ordinance No. 58-87
Effective Date: 1-7-88

(n) Public Art: Public art shall mean an original work of art that is a form of non-commercial speech that is not Commercial Speech as the same is defined in City Code Section 11.70, Subd. 2 and that is accessible to the public determined through a city review process. It may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of unique architectural features, ornamentation or details. It may also include the artist-designed infrastructure and structures themselves. It does not include Commercial Speech advertising and/or signage. Public art may possess functional as well as aesthetic qualities and may be integrated into the site or be a discrete work.

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32. Landscape Plan Required.

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In every case where landscaping is required by provision of the City Code or by an approval granted by the City, for a building or structure to be constructed on any property, the applicant for the building permit shall submit a landscape plan prepared in accordance with the provisions of this Section. The landscape plan shall include the following information:

- (a) General: Name and address of developer/owner; Name and address of landscape architect/designer; Date of plan preparation; Date and description of all revisions; Name of project or development.
- (b) Site Map: One (1) scale drawing of the site based upon a survey of property lines with indication of scale and north point; Name and alignment of proposed and existing adjacent on-site streets; Location of all proposed utility easements and right of ways; Location of existing and proposed buildings; Topographic contours at two foot contour intervals; Existing and proposed location of parking areas; Water bodies; Proposed sidewalks; Percent of site not covered by impervious surface.
- (c) Landscape Proposal: Two (2) scale drawings of proposed landscaping for the site based upon a survey of property lines with indication of scale and north point; Existing and proposed topographic contours using mean sea level datum at two foot contour intervals; Details of proposed planting beds and foundation plantings; Delineation of both sodded and seeded areas; Location and identification of proposed landscape or man made materials used to provide screening from adjacent and neighboring properties, a separate cross section drawing of which shall be provided at legible scale illustrating the effectiveness of proposed screening; Location and identification of trees; Details of fences, tie walls, planting boxes, retaining walls, tot lots, picnic areas, berms, and other

landscape improvements, including a separate drawing of typical sections of these details in legible scale; Location of landscape islands and planter beds with identification of plant materials used, including separate drawings of typical sections of these areas in legible scale.

- (d) Planting Schedule: A table containing the common names and botanical names, average size of plant materials, root specifications, quantities, special planting instructions, and proposed planting dates of all plant materials included in the Landscape Proposal.

43. Performance Bond Required. No building permit shall be issued until the applicant for the building permit shall file with the City Manager a performance bond, with a corporation approved by the City Manager as surety thereon, or other guarantee acceptable to the City, in an amount to be determined by the City Manager, but for no less than one and one-half (1½) times and no more than two (2) times the amount estimated by the City Manager as the cost of completing said landscaping and screening. The performance bond must cover two complete growing seasons or one full calendar year subsequent to the completion and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.

54. All landscaping shall be implemented in accordance with the following:

- (a) ~~Minimum~~-Size Requirements for Plantings: Deciduous overstory plantings shall be a minimum of two and one-half (2½) caliper inches and a maximum of five (5) caliper inches; deciduous understory trees shall be a minimum of one and one-half (1½) caliper inches and a maximum of five (5) caliper inches; coniferous trees shall be a minimum of six (6) feet in height and a maximum of ten (10) feet in height; shrubs shall be a minimum five (5) gallon container size at planting; perennial grasses and flowers shall be a minimum one (1) gallon container size at planting; ground covers shall be a minimum four (4) inch pot size at planting.
- (b) Total Caliper Inches Required: In order to achieve landscaping which is appropriate in scale with the size of a building and site, the minimum number of caliper inches of trees required shall be determined by dividing the total gross square footage of all floors of a building by 320. A single story building in excess of 20 feet in height shall be considered a two story building for the purposes of determining its total gross square footage. A mixture of plant material sizes shall be required as follows:

- i. No more than eighty percent (80%) of trees may be of the minimum size requirement.
- ii. For the purposes of satisfying the total caliper inch requirement, coniferous trees may be considered equivalent to overstory trees by dividing the height of a coniferous tree 6 ft. height minimum by 2.4 to determine equivalent caliper inches.
- iii. Understory trees can make up no more than twenty percent (20%) of the total tree caliper inches required.
- iv. Shrubs, perennials, or planting beds may be substituted for trees according to the following limit: not less than ten percent (10%) and no more than twenty-five percent (25%) of the total tree caliper inches required shall be replaced with Shrubs and Perennials, or Planting Beds. Additional shrubs, perennials or planting beds beyond the 25% substitution rate are allowed.

NOTE: When determination of height results in a fractional foot, any fraction of 0.5 or less may be disregarded; a fraction in excess of 0.5 shall be counted as one foot.

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PLANT MATERIAL SIZES (IN CALIPER INCHES)						
Building Height (Stories)	2-5	3-0	3-5	4-0	4-5	5-0
1	70%	10%	10%	10%	—	—

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PLANT MATERIAL SIZES (IN CALIPER INCHES)						
2	60%	10%	10%	10%	10%	—
3	50%	10%	10%	10%	10%	10%
4	40%	20%	10%	10%	10%	10%
5	30%	20%	20%	10%	10%	10%
5+	20%	20%	20%	20%	10%	10%
Percentage of trees required to be of this caliper size:						
For the purposes of satisfying the total caliper inch requirement, coniferous trees can be considered equivalent to overstory trees by dividing the height of a coniferous tree 6 ft. height minimum by 2.4 to determine equivalent caliper inches.						
NOTE: When determination of height results in a fractional foot, any fraction of 0.5 or less may be disregarded; a fraction in excess of 0.5 shall be counted as one foot.						

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- (c) Shrubs and Perennials: Shrubs and perennials shall be provided to complete a quality landscape treatment of the site. Replacement ratio: six (6) shrubs may replace three (3) caliper inches of tree.
- (d) Planting Beds and/or Decorative Planting Containers: Each planting bed or container shall include a variety of plants which may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials to provide year-round color and interest. Native plant species to the local hardiness zone and those which provide interest and/or color in the winter are preferred. Planting Beds must have a three (3) inch mulch application to bare soil surrounding the plant material in order to qualify for the caliper inch replacement.
- (e) Planting beds and/or decorative planting containers may replace up to twenty-five percent (25%) of the required caliper inches for trees at a rate of three (3) caliper inches of trees per five hundred (500) square feet of cumulative planting beds and/or decorative planting containers. Planting beds must be planted annually in early spring and maintained throughout the growing season. Decorative planting containers must be planted and maintained seasonally throughout the year. Planting beds and/or decorative containers shall be planted with spacing of species per industry standards.
- (e) Species Diversity: Species diversity is required to ensure a long-term healthy landscape. Not more than thirty percent (30%) of the required caliper inches shall be composed of one species unless approved by the City. Plant material must be sourced from regional nurseries to ensure healthy stock and non-invasive choices. The following trees are prohibited: a species of the genus ulmus (elm), except those bred to be immune to Dutch Elm disease; female ginkgo; box elder; willow; aspen.
- (g) Naturalized Native Species: Native species, defined as those listed on the University of Minnesota and MN Department of Natural Resources lists, are well adapted to the local environment, require less maintenance, are healthier, and provide habitat for birds and insects. Landscapes that include native and pollinator-friendly plant species, and provide year-round interest with foliage color, flowers, fruits, or branching structure are required. Landscaping that is low maintenance and requires little or no irrigation, shall be considered as one of several grounds upon which the City Council may grant waivers from building design or site design through the PUD process.
- (he) Planting Parking Lot Islands: Planting Parking lot islands shall be required in lots of twenty (20) or more spaces where necessary to visually break up expanses of hard surface parking areas, for safe and efficient traffic movement, and to define rows of parking. Planting islands shall occupy at least five (5) percent of the parking area and shall be

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evenly distributed throughout the lot. Single aisle parking lots shall be exempt from this provision. A parking lot island shall be a minimum of one hundred sixty (160) square feet, shall stand-alone or be connected to other islands or sidewalks. No parking lot island shall have any dimension less than five (5) feet. Parking lot islands shall be located at the end of drive aisle rows and every 20 spaces. Five percent (5%) of the parking area, including vehicular circulation areas, shall be comprised of parking lot islands that are planted and not filled with only mulch, stone or paving. Planting requirements are the same as those for Planting Beds.

- (j*e*) Method of Installation: All deciduous and coniferous trees shall be balled and burlapped, staked, and guyed in accordance with national Nurseryman's standards. All shrubs shall be potted.
- (j*e*) Sodding and Ground Cover: All open areas of a site not occupied by building, parking, sidewalks, patios, or storage, or other similar features shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, perennial grasses, flowers, sod, ground cover – including low/no mow grasses and perennials – and other design features to ensure soil stabilization, sodded. Exceptions to this are seeding of future expansion areas as shown on approved plans; undisturbed areas containing existing natural vegetation which shall be maintained free of foreign and noxious materials; and, areas designated as open space for future expansion area properly planted and maintained with prairie grass.
- (k*f*) Slopes and Berms: Final slopes greater than the ratio of 3:1 will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing, or retaining walls. Berming used to provide required screening of parking lots and other open areas shall not have slopes in excess of 3:1.
- (l*e*) Installation and Maintenance of Materials: The property owner shall be responsible for replacement of any dead trees, shrubs, ground covers, and sodding. Responsibility for tree and plant growth and maintenance is solely the responsibility of the property owner and runs with the land and is binding on all future property owners. Owners shall be responsible for maintaining all landscaping in a healthy condition and keeping it free from refuse and debris. Dead plant materials shall be removed and replaced during the normal planting season. Materials must be replaced with like species or as approved by city staff.
- (m*h*) Erosion Control: All areas of the site must be stabilized in accordance with Chapter 11.55 unless required otherwise in a federal, state or local permit. any site shall be seeded or sodded within thirty (30) days on slopes of 3:1 or greater or in areas where storm runoff will drain into natural drainage basin or ponding areas.
- (n*i*) Preservation of Wetland and Woodland Areas: It is the policy of the City to preserve the natural wetland and woodland areas throughout the City, and with respect to specific site development, to retain as far as practical, substantial tree stands and wetlands which can be incorporated into the Landscape Plan. No clear cutting of woodland areas shall be permitted. Shade trees of six (6) inch or more caliper shall be saved unless it can be demonstrated that there is no other feasible way to develop the site. The Council may require replacement of any removed trees on a caliper inch for caliper inch basis.
- (o*j*) Placement of Plant Materials: No landscaping shall be allowed within any drainage utility easements, road right of way, or immediately adjacent to any driveway or road intersection when it would interfere with motorists' views of the street or roadway.

Source: Ordinance No. 15-85
Effective Date: 5-30-85

(pk) Mechanical Equipment Screening:

- (1) All mechanical equipment mounted on the exterior of a building and possessing one or more of the characteristics listed below in ~~k-p~~3. shall be physically screened from all public roads and adjacent differing land uses with factory prefinished metal, wood laminated with metal, or other building material in a manner architecturally integral to the building or buildings on site.
- (2) All mechanical equipment located on the ground and possessing one or more of the characteristics listed below in k.3. shall be physically screened from all public roads and adjacent differing land uses with either plant material or factory prefinished metal, wood laminated with metal, or other building material in a manner architecturally integral to the building or buildings on site.
- (3) Irregular in size and shape; Exposed and/or protruding fans, grills, pipes, tubes, wires, vents; unfinished metal covering, exposed rivets, exposed seams.

Source: Ordinance No. 58-87

Effective Date: 1-7-88

Prev. Ordinance No. 15-85

Effective Date: 5-30-85

Prev. Ordinance No. 9-87

Effective Date: 5-7-87

(ql) General Screening: All parking, loading, service, utility, and outdoor storage areas shall be screened from all public roads and adjacent differing land uses as measured from eye level at grade from public roads and adjacent differing land uses. Screening shall consist of any combination of the following: earth mounds, fences, shrubs, compact evergreen trees, or dense deciduous hedge. Hedge materials must be at least three (3) feet in height, ~~and trees must be at least twelve (12) feet in height~~ at planting. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required. When natural materials, such as trees or hedges, are used to meet the screening requirements of this subsection, density and species of planting shall be such to achieve seventy five percent (75) opacity year round at maturity.

(1) Well defined breaks in the screen along public roads are required to facilitate pedestrian access from the public right of way to the building. These openings shall align with the parking lot layout requirements for pedestrian access (Section 11.03 Subd 3. H 5 e) and shall be in addition to driveways or visually distinctive if adjacent to a driveway. Connections to adjacent uses must be facilitated as determined through approval process.

(2) Appropriate elements to include in screening proposals for parking lots along public roads include transit shelters, benches, public art or similar features as part of the screen.

(3) Parking lot screening shall be a minimum of three (3) feet in height, measured from the parking lot surface, in order to screen cars and headlights, and shall allow breaks for pedestrian connections as described in q (1).

Source: Ordinance No. 4-2015

Effective Date: 5-14-2015

Prev. Ordinance No. 15-85

Effective Date: 5-29-85

(rm) General Landscape for Residential Districts: In R1-44, R1-22, R1-13.5, R1-9.5, ~~and~~ RM-6.5 and RM-2.5 districts all exposed ground area surrounding the principal building and accessory buildings which are not devoted to driveways, sidewalks, or patios, shall

be landscaped with grass, shrubs, trees or other ornamental landscape material. No landscaped area shall be used for the parking of vehicles or storage or display of materials, supplies, or merchandise.

(s) Public Art: Integration of public art into private development, in addition to privately owned amenities such as plazas, courtyards, fountains, outdoor art, roof top gardens and green roofs and other decorative elements, which enhances the design of the landscaping may be considered as one of several grounds upon which the City Council may grant waivers from landscaping requirements through the PUD process. Public art on a site should be situated in a way that it can be viewed from an adjacent right-of-way or public spaces.

Source: Ordinance No. 9-87
Effective Date: 5-7-87

5. Development and Maintenance of Parking Areas.

- (a) Screening and Landscaping. Off-street parking areas containing more than 5 stalls shall be screened on each side adjoining a residential use or public street.
- (b) Minimum Distance or Setbacks. Parking areas for 5 vehicles or more shall be at least 10 feet from any side or rear lot line and 5 feet from any building.
- (c) Parking areas, loading areas and driveways shall be surfaced with bituminous, concrete, pavers of brick, natural stone, or concrete placed with gaps not exceeding 1/4 inch, turf block, or grasscrete, and graded to dispose of or infiltrate all area surface water without damage to private or public properties, streets, or alleys. The use of gravel, crushed rock, sand, or dirt is prohibited except when used as gap material with pavers.

Source: Ordinance No. 16-2010
Effective Date: 11-25-2010

- (d) Location. Off-street parking facilities shall be on the same parcel of land as the structure they are intended to serve. Space for the required facilities shall not occupy the required front yard or on a corner lot more than 1/2 of the required front side yard closest to the street.

(e) Layout: Parking lots shall be designed to allow pedestrians to safely facilitate pedestrian movement from their vehicles or from the public right of way to the building. Pedestrian walkways/corridors/sidewalks shall be created at the perimeter of the parking lot and/or within the parking lot to provide connection to the primary building and, when applicable, to adjacent sites. Said sidewalks shall be a minimum of five (5) feet in width. These corridors can be delineated by landscaping and parking lot islands, striping, and/or a paving material that differs from that of vehicular areas. The corridors shall align with breaks in parking lot screening as required in Section 11.03 Subd. 3 G. 4 (q) 1.

Source: Ordinance No. 72-84
Effective Date: 4-5-84

STAFF REPORT:

TO: Planning Commission
FROM: Julie Klima, City Planner
DATE: October 4, 2016
SUBJECT: Code Change – Landscaping & Screening

BACKGROUND

City staff has had ongoing discussions with the Planning Commission and City Council regarding the Design Standards initiative. As a part of this effort, the City is reviewing various sections of the zoning chapter, including but not limited to, the landscaping and building requirements. Staff has contracted with Hay Dobbs & Associates to work with staff to create Design Guidelines to communicate the City's intent and expectations for development within the City, as well as, drafting amendments to the City Code to convey the requirements associated with development objectives.

As part of this overall effort, staff is proposing amendments to the Landscaping and Screening sections of Chapter 11. Other code amendments related to building materials and architecture will be addressed at future Planning Commission meeting(s). Hay Dobbs and staff have collaborated to prepare draft text language for the Commission to consider based on the work session feedback and direction. The redlined version of these changes is attached for the Commission's reference. The primary proposed changes include:

- Provides a purpose statement to the screening and landscaping section of the Code;
- Defines public art;
- Clarifies minimum size requirements for landscaping materials;
- Requires inclusion of planting beds and/or decorative containers;
- Provides a holistic and flexible approach to meeting the landscape requirements;
- Requires species diversity and use of native species;
- Establishes standards for parking lot islands;
- Requires parking lots to be designed to enable safe pedestrian movements between the parking areas and the building(s) it serves.

Other housekeeping changes reflecting current practices and correcting grammatical or typographical errors are also proposed as a part of the update.

STAFF RECOMMENDATION

Staff recommends approval of the amendments to Chapter 11 as represented in the October 4, 2016 staff report and the draft language.

APPROVED MINUTES

EDEN PRAIRIE PLANNING COMMISSION

MONDAY, OCTOBER 10, 2016

**7:00 P.M., CITY CENTER
Council Chambers
8080 Mitchell Road**

COMMISSION MEMBERS:

Jon Stoltz, John Kirk, Travis Wuttke, Ann Higgins,
Charles Weber, Andrew Pieper, Ed Farr, Mark
Freiberg, Tom Poul

CITY STAFF:

Julie Klima, City Planner
Rod Rue, City Engineer
Matt Bourne, Manager of Parks and Natural Resources
Julie Krull, Recording Secretary

I. PLEDGE OF ALLEGIANCE – ROLL CALL

Vice Chair Pieper called the meeting to order at 7:00 p.m. Kirk, Poul, Stoltz, and Weber were absent.

II. APPROVAL OF AGENDA

Wuttke wanted to change the order of the public hearings. He would like it in this order; Commercial Kennels, Automotive Services, Screening and Landscape, Tree Replacement. Klima suggested if the concern was to have the tree replacement and screening and landscaping discussion occur sequentially, then another option would be to move the tree replacement discussion as the second public hearing. Wuttke stated his revised order would be preferred.

MOTION: Wuttke moved, seconded by Farr, to approve the amended agenda. **Motion carried 5-0.**

III. MINUTES

A. PLANNING COMMISSION MEETING HELD ON SEPTEMBER 26, 2016

Wuttke had the following changes to the minutes:

Page 2, 2nd paragraph, 4th sentence; he would like it to read: Wuttke commented the City should be written as exempt from these requirements or that transparency in any issue by the City is paramount.

Page 2, 3rd paragraph, 1st sentence; he would like .05 changed to .50.

PLANNING COMMISSION MINUTES

October 10, 2016

Page 2

Page 2, 3rd, 4th sentence; he would like it to read: Wuttke commented this replacement factor change would alleviate maintenance and overcrowding.

Page 2, 4th paragraph, 3rd sentence; he would like it to read: Wuttke asked what the test was for the health of Heritage trees, because the nature of large trees in certain circumstances could pose significant cost and risk long term after site improvements and alterations occur.

Page 3, 2nd paragraph, 1st sentence; he would like it to read: Wuttke asked what historically developer agreements state in regards to tree replacement.

Page 3, 2nd paragraph, 5th sentence; he would like it to read: Wuttke asked who would be responsible for the tree replacement many years later and/or owners later; would the current homeowner pay for tree replacement.

Page 3, 4th paragraph, 1st sentence; he would like it to read: Wuttke asked members and representatives what type of involvement developers have had with the drafting of these potential language changes.

Page 3, 5th paragraph, 3rd sentence; he would like it to read: Wuttke asked if the City could meet with members of the private sector prior to this public hearing and get their feedback.

Page 3, 8th paragraph, 1st sentence; he would like it to read: Wuttke asked, in regards to tree replacement, can we find a way to substitute land dedication versus paying a fee for caliper inch replacement and could these costs be offset when this occurs.

Page 4, 3rd paragraph, 1st sentence; he would like it to read: Wuttke said he would like cottonwood and basswood trees put on the list of exceptions because of the extensive shedding they do and the risks associated, respectively.

MOTION: Wuttke moved, seconded by Freiberg, to approve the amended Planning Commission Minutes. **Motion carried 5-0.**

IV. INFORMATIONAL MEETINGS

V. PUBLIC MEETINGS

VI. PUBLIC HEARINGS

A. CODE AMENDMENT – SCREENING & LANDSCAPE

Request to:

- Amend the City Code Chapter 11 relating to screening and landscape requirements.

PLANNING COMMISSION MINUTES

October 10, 2016

Page 3

Klima said the purpose of this code amendment is to apply consistency. Staff has contracted with Hay Dobbs & Associates to work to create Design Guidelines to communicate the City's intent and expectations for development within the City, as well as, drafting amendments to the City Code to convey the requirements associated with development objectives. The proposed changes include:

- Provide a purpose statement to the screening and landscaping section of the Code
- Defines public art
- Clarifies minimum size requirements for landscaping materials
- Requires inclusion of planting beds and/or decorative containers
- Provides a holistic and flexible approach to meeting the landscape requirements
- Requires species diversity and use of native species
- Establishes standards for parking lot islands
- Requires parking lots to be designed to enable safe pedestrian movements between the parking areas and the building(s) it serves

Staff recommendation is for approval of the amendment.

Farr said on page 2 of the staff report, under screening in (m), he would like the word "all" eliminated to provide consistency with the 75% opacity language elsewhere in City Code.

Farr said in regards to containers, he would like The language revised to require seasonal planting of containers.

Wuttke asked if the term bare soil is taken "as is" or can it be clarified. He stated he would like to see more clarification on what is meant by bare soil in the landscape application.

Farr asked, on page 4, under e, if the unit is required. Bourne said it could be changed to caliper inches.

Farr commented under h, Parking Lot Islands, he sees some conflict with the stated purposes and code requirements. He suggested staff review this language. Farr also stated he felt the 60 feet in width requirement is excessive and he would exempt single aisle parking lots. Klima said they are also working on design guidelines and stated this feedback is very helpful.

Farr said on pages 5-6, under Mechanical Equipment Screening, under 1, there is not guidance on the level of screening and asked how that would be satisfied He

PLANNING COMMISSION MINUTES

October 10, 2016

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also asked, under item 2, what does differing land use mean. Klima said land uses are addressed in the comprehensive plan.

Farr stated, in regard to corridors, such as at Eden Prairie Center between Sears and Wild Fire, parking is diagonally striped and he said as an architect he would design it so get people could safely across the area. If individuals are walking perpendicular, they could walk over 3 diagonals to reasonably walk safely. In regards to walking parallel, it should be no more than 200 feet.

Wuttke asked, in regard to public art, how different is this from the public sculpture code amendment adopted in 2013. Klima said the 2013 amendment addressed private property issues and this one addresses public art. Wuttke asked if public art has to be in the right of way. Klima said it just has to be visible in public spaces. Wuttke said on page 7, under s, it says public art should be situated in a way that it can be viewed from an adjacent right-of-way. Wuttke asked if there needs to be some clarification with this, to something like, "it could be viewed from public property". Klima asked Wuttke if he would like to see maximum signage stay the same. Wuttke said we should not refrain a developer from using public art and also not have it interfere with signage. Klima clarified the intent is that public art has no correlation with the signage.

Farr asked if rooftop gardens are considered art as they cannot be visible from public way. Klima said, Projects may include public art on a rooftop as the area may be visible from public right of ways

Freiberg said, in regards to public art, it is personal interpretation of what is good taste. He believes public art is good but would hope there is a safeguard in place. Klima said the City does work closely with the art staff when public art is proposed.

Wuttke asked on page 3, under 5-b-ii, does it mean the minimum 6 feet standard applies everywhere. Klima said this is existing language that is being relocated within the City Code. No changes to current practice of this issue are proposed.

Farr commented on page 3, in regards to calculating caliper inches on trees, he stated that 20 feet is hard to stay below. He asked if the City has received any challenges to this requirement. Klima said staff has not received any challenge on this.

Wuttke asked what increase costs would developers incur because of these proposed changes. Klima said the ordinance changes are not necessarily new in practice as the City has been working already with developers to accomplish these goals over the years. She stated staff is are trying to accomplish with these amendment changes is to ensure the design standards are universally applied. This is not new practice but rather documentation of what the City has largely been doing.

PLANNING COMMISSION MINUTES

October 10, 2016

Page 5

Vice Chair Pieper opened the meeting up for public input. There was no input.

Vice Chair Pieper commented he saw many concerns raised tonight in regards to the amendments and asked if the Commission should see the changes first before approving them. Wuttke agreed. Vice Chair Pieper asked if this should be continued and brought back with changes. Klima said the changes are very straight forward. She also noted the Planning Commission minutes are provided to the City Council and there will be a cover report provided with the feedback from Planning Commission to the Council.

Wuttke asked if we should keep this public hearing open until the tree amendment is discussed. Klima said the landscaping amendment addresses new development whereas the tree amendment addresses existing development.

MOTION: Farr moved, seconded by Freiberg, to close the public hearing. **Motion carried 5-0.**

MOTION: Farr moved, seconded by Higgins, to recommend approval to amend City Code Chapter 11 based on the information included in the staff report dated October 4, 2016 as well as multiple items of discussion relayed to City Staff. **Motion carried 5-0.**

VII. PLANNERS' REPORT

VIII. MEMBERS' REPORT

IX. CONTINUING BUSINESS

X. NEW BUSINESS

XI. ADJOURNMENT

MOTION: Wuttke moved, seconded by Farr, to adjourn the Planning Commission meeting. **Motion carried 5-0.**

Vice Chair Pieper adjourned the meeting at 10:28 p.m.

CITY COUNCIL AGENDA		DATE:
SECTION: Public Hearings		November 1, 2016
DEPARTMENT/DIVISION: Community Development/Planning Janet Jeremiah/Steve Durham	ITEM DESCRIPTION: Code Amendment – Automotive Repair Services	ITEM NO.: IX.D.

Requested Action

Move to:

- Close the Public Hearing; **and**
- Approve first reading of the ordinance amending City Code Section 11.02, 11.25 and 11.30 to define and add Automotive Repair as a permitted use in the Commercial and Industrial Zoning Districts.

Synopsis

Automotive repair service has occurred within the Commercial and Industrial Zoning Districts in Eden Prairie as far back as Ordinance #8 established in 1958. The automotive repair service has been permitted in Commercial Zoning Districts under the umbrella of retail sales and service. The automotive repair service has occurred in Industrial Zoning District under the umbrella of retail sales, compounding, assembling, warehousing. It is recognized automotive repair service includes a wide variety of services from major auto repair to minor auto repair.

Staff has conducted a regional and national search for automotive repair services definitions and found most codes identify Automotive Repair Service - Major and Automotive Repair Services - Minor. The research also reveal Major and Minor automotive repair services occur in the Industrial Zoning District. The proposed amendment to the Code defining automotive repair in major and minor categories is consistent with the research findings and will remove ambiguity from the Code as current code does not specifically define or list automotive repair as a permitted use.

The code amendment has been structured to allow automotive repair – minor as a permitted use in the Commercial zoning districts and to allow automotive repair – major as a permitted use in the Commercial districts for those businesses that are in operation on the effective date of the ordinance. This will allow existing uses to remain as conforming uses. The amendment also proposes to allow automotive repair – major as a permitted use in the Industrial districts.

Planning Commission Review and Recommendation

At its October 10, 2016, meeting, the Commission voted 5-0 to recommend approval of the text amendment subject to the information in the staff report dated October 4, 2016.

Attachments

- Ordinance
- Staff Report dated October 4, 2016
- Planning Commission Minutes October 10, 2016

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. _____-2016

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 11, SECTIONS 11.02, 11.25 AND 11.30 RELATING TO AUTOMOTIVE REPAIR IN THE COMMERCIAL AND INDUSTRIAL ZONING DISTRICT; AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH AMONG OTHER THINGS CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA ORDAINS:

Section 1. City Code Chapter 11, Section 11.02 is hereby amended by inserting a new definition for Automotive Repair as follows: (items to be renumbered)

“Automotive Repair Services - Major” – Those services, where the primary use involves; engine rebuilding or major assembling and reconditioning of worn or damaged motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting; and any activity defined as “automotive repair- minor.”

“Automotive Repair Services – Minor” – those services, where the primary use involves; incidental repairs, replacement of parts such as tires, brakes, transmissions, mufflers, exhaust systems, and batteries; tire sales; and lubrication; filter replacement; oil change and other similar services; but shall not include any other operation specified under “automotive repair-major”.

Section 2. City Code Chapter 11, Section 11.25, Subd. 2 is hereby amended by inserting the following:

- F. Automotive Repair Services – Minor, when conducted exclusively in an enclosed building.
- G. Automotive Repair Services – Major, when conducted exclusively in an enclosed building and in existence as of (DATE of First Reading)

Section 3. City Code Chapter 11, Section 11.30, Subd. 2 is hereby amended by inserting the following:

- I. Automotive Repair Services – Major, when conducted exclusively in an enclosed building. (Item to be placed in appropriate alphabetical order)

Section 4. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 11.99 entitled “Violation a Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 5. This ordinance shall become effective from and after its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 1st day of November, 2016, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the ____ day of _____, 2016.

Kathleen Porta, City Clerk

Nancy Tyra-Lukens, Mayor

Published in the Eden Prairie News on the ____ day of _____, 2016.

STAFF REPORT

TO: Planning Commission

FROM: Steve Durham, Planner II

DATE: October 4, 2016

SUBJECT: Code Change –Automotive Repair Service

BACKGROUND:

Automotive repair service has occurred within the Commercial and Industrial Zoning Districts in Eden Prairie as far back as Ordinance #8 established in 1958. The automotive repair service has been permitted in Commercial Zoning Districts under the umbrella of retail sales and service. The automotive repair service has occurred in Industrial Zoning District under the umbrella of retail sales, compounding, assembling, warehousing. It is recognized automotive repair service includes a wide variety of services from major auto repair to minor auto repair.

DISCUSSION:

Current code does not define automotive repair service. This creates ambiguity in determining the zoning district that best suits the particular service. To remove this ambiguity for staff and public staff recommends a code amendment to define automotive repair service and clarify the appropriate locations for automotive repair service in specific zoning districts.

Staff has conducted a regional and national search for automotive repair services definitions and found most codes identify Automotive Repair Service - Major and Automotive Repair Services - Minor. The research also included locations where these two services are permitted. In general Automotive Repair Service - Major locate in Industrial Zoning Districts whereas, Automotive Repair Services - Minor locate in Commercial Zoning Districts. Staff is recommending that the City Code be amended consistent with these findings.

Staff proposes two definitions to be added to City Code:

“Automotive Repair Services - Major” – Those services, where the primary use involves; engine rebuilding or major assembling and reconditioning of worn or damaged motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting; and any activity defined as “automotive repair - minor.”

“Automotive Repair Services – Minor” – those services, where the primary use involves; incidental repairs, replacement of parts such as tires, brakes, transmissions, mufflers, exhaust systems, and batteries; tire sales; and lubrication; filter replacement; oil change and other similar services; but shall not include any other operation specified under “automotive repair-

**Staff Report – Code Amendment Automotive Repair Service
October 4, 2016**

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major”.

Staff also proposes Section 11.30, Industrial Districts be amended to include automotive repair services –major as a permitted use in the Industrial zoning districts when the use is conducted exclusively in an enclosed building.

Staff proposes that within the Commercial zoning districts listed in City Code Section 11.25, automotive repair services – minor be added as a permitted use when the use is conducted exclusively in an enclosed building. Automotive repair services – major conducted entirely in an enclosed building is proposed to be added as a permitted use for those uses existing at the time of City Council first reading of the proposed ordinance.

The purpose of the proposed code amendment will be to:

- Remove ambiguity surrounding automotive repair service uses and the appropriate zoning district to location.
- Will support policy that automotive repair services Major or Minor are not permitted in the TC or TOD zoning districts.
- Provide for existing Automotive Repair Service establishments with “minor” characteristics to remain in the Commercial Districts.
- Provide for existing Automotive Repair Services establishments with “Major” characteristics to remain in the Commercial Zoning Districts by an established date. The use does not become non-conforming.
- Provide for existing and future automotive repair services with “major” characteristics to locate in the Industrial Zoning Districts and remove ambiguity on the uses within the Industrial Zoning District.

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to City Code, Chapter 11, Section 11.02 entitled Definitions and Section 11.25 entitled C-Commercial Districts, Sub 2. And Section 11.30 entitled I-Industrial, Subd. 2 as represented in the Planning Commission Staff report dated October 4, 2016.

APPROVED MINUTES

EDEN PRAIRIE PLANNING COMMISSION

MONDAY, OCTOBER 10, 2016

**7:00 P.M., CITY CENTER
Council Chambers
8080 Mitchell Road**

COMMISSION MEMBERS:

Jon Stoltz, John Kirk, Travis Wuttke, Ann Higgins,
Charles Weber, Andrew Pieper, Ed Farr, Mark
Freiberg, Tom Poul

CITY STAFF:

Julie Klima, City Planner
Rod Rue, City Engineer
Matt Bourne, Manager of Parks and Natural Resources
Julie Krull, Recording Secretary

I. PLEDGE OF ALLEGIANCE – ROLL CALL

Vice Chair Pieper called the meeting to order at 7:00 p.m. Kirk, Poul, Stoltz, and Weber were absent.

II. APPROVAL OF AGENDA

Wuttke wanted to change the order of the public hearings. He would like it in this order; Commercial Kennels, Automotive Services, Screening and Landscape, Tree Replacement. Klima suggested if the concern was to have the tree replacement and screening and landscaping discussion occur sequentially, then another option would be to move the tree replacement discussion as the second public hearing. Wuttke stated his revised order would be preferred.

MOTION: Wuttke moved, seconded by Farr, to approve the amended agenda. **Motion carried 5-0.**

III. MINUTES

A. PLANNING COMMISSION MEETING HELD ON SEPTEMBER 26, 2016

Wuttke had the following changes to the minutes:

Page 2, 2nd paragraph, 4th sentence; he would like it to read: Wuttke commented the City should be written as exempt from these requirements or that transparency in any issue by the City is paramount.

Page 2, 3rd paragraph, 1st sentence; he would like .05 changed to .50.

PLANNING COMMISSION MINUTES

October 10, 2016

Page 2

Page 2, 3rd, 4th sentence; he would like it to read: Wuttke commented this replacement factor change would alleviate maintenance and overcrowding.

Page 2, 4th paragraph, 3rd sentence; he would like it to read: Wuttke asked what the test was for the health of Heritage trees, because the nature of large trees in certain circumstances could pose significant cost and risk long term after site improvements and alterations occur.

Page 3, 2nd paragraph, 1st sentence; he would like it to read: Wuttke asked what historically developer agreements state in regards to tree replacement.

Page 3, 2nd paragraph, 5th sentence; he would like it to read: Wuttke asked who would be responsible for the tree replacement many years later and/or owners later; would the current homeowner pay for tree replacement.

Page 3, 4th paragraph, 1st sentence; he would like it to read: Wuttke asked members and representatives what type of involvement developers have had with the drafting of these potential language changes.

Page 3, 5th paragraph, 3rd sentence; he would like it to read: Wuttke asked if the City could meet with members of the private sector prior to this public hearing and get their feedback.

Page 3, 8th paragraph, 1st sentence; he would like it to read: Wuttke asked, in regards to tree replacement, can we find a way to substitute land dedication versus paying a fee for caliper inch replacement and could these costs be offset when this occurs.

Page 4, 3rd paragraph, 1st sentence; he would like it to read: Wuttke said he would like cottonwood and basswood trees put on the list of exceptions because of the extensive shedding they do and the risks associated, respectively.

MOTION: Wuttke moved, seconded by Freiberg, to approve the amended Planning Commission Minutes. **Motion carried 5-0.**

IV. INFORMATIONAL MEETINGS

V. PUBLIC MEETINGS

VI. PUBLIC HEARINGS

A. CODE AMENDMENT – AUTOMOTIVE REPAIR SERVICES

Request to:

- Amend the City Code Chapter 11 to add a definition of “Automotive Repair-Major and Automotive Repair – Minor”; to add “Automotive Repair-Minor” as

PLANNING COMMISSION MINUTES

October 10, 2016

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a permitted use in the Commercial Zoning District and “Automotive Repair-Major as a permitted use on the effective date of the code amendment; to add “Automotive Repair-Major” as a permitted use in the Industrial Zoning District.

Klima said many communities do acknowledge the difference between major and minor automotive repairs and what zoning districts they should occur in. The purpose of the proposed code amendment would be to:

- Remove ambiguity surrounding automotive repair service uses and the appropriate zoning district to location.
- Will support policy that automotive repair services Major or Minor are not permitted in the TC or TOD zoning districts.
- Provide for existing Automotive Repair Service establishments with “minor” characteristics to remain in the Commercial Districts.
- Provide for existing Automotive Repair Services establishments with “Major” characteristics to remain in the Commercial Zoning Districts by an established date. The use does not become non-conforming.
- Provide for existing and future automotive repair services with “major” characteristics to locate in the Industrial Zoning Districts and remove ambiguity on the uses within the Industrial Zoning District.

Staff recommendation is for approval of the code amendment.

Freiberg asked where car washes would fall. Klima stated they would be classified as retail operation.

Vice Chair Pieper opened the meeting up for public input. There was no input.

MOTION: Farr moved, seconded by Higgins, to close the public hearing. **Motion carried 5-0.**

MOTION: Farr moved, seconded by Frieberg, to recommend approval to amend the City Code Chapter 11 to add a definition of “Automotive Repair-Major and Automotive Repair – Minor”; to add “Automotive Repair-Minor” as a permitted use in the Commercial Zoning District and “Automotive Repair-Major as a permitted use on the effective date of the code amendment; to add “Automotive Repair-Major” as a permitted use in the Industrial Zoning District based on the information included in the staff report dated October 4, 2016. **Motion carried 5-0.**

VII. PLANNERS’ REPORT

VIII. MEMBERS’ REPORT

IX. CONTINUING BUSINESS

PLANNING COMMISSION MINUTES

October 10, 2016

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X. NEW BUSINESS

XI. ADJOURNMENT

MOTION: Wuttke moved, seconded by Farr, to adjourn the Planning Commission meeting. **Motion carried 5-0.**

Vice Chair Pieper adjourned the meeting at 10:28 p.m.

CITY COUNCIL AGENDA		DATE:
SECTION: Public Hearings		November 1, 2016
DEPARTMENT/DIVISION: Community Development/Planning Janet Jeremiah/Steve Durham	ITEM DESCRIPTION: Code Amendment – Commercial Kennels	ITEM NO.: IX.E.

Requested Action

Move to:

- Close the Public Hearing; **and**
- Approve first reading of the Ordinance amending City Code Section 5.60 relating to the definition of Commercial Kennels and amending City Code Sections 11.02 and 11.30 to define and add Commercial Kennels as a permitted use in the Industrial Zoning District.

Synopsis

Commercial kennels have characteristics of a retail and warehouse use. Generally the warehouse characteristics override the retail aspects of a commercial kennel. In Eden Prairie commercial kennels have occurred in the Industrial Zoning Districts and in the Commercial Zoning Districts. Research regionally and nationally has shown it common and generally accepted for the commercial kennel to be located in the Industrial Zoning Districts. To remove any ambiguity for the Eden Prairie Code, staff believes a code amendment to clarify location of commercial kennels is prudent.

Commercial kennels by their nature require a large indoor area to house animals including sleeping areas, play areas, feeding areas and areas for natural body functions. In addition, outdoor areas are needed. Noise may be an issue related to the use. These general characteristics may not be conducive or compatible to commercial zoned property and best suited to industrial zoned property.

The change in Section 11.02 adopts essentially the definition of a Commercial Kennel contained in Section 5.60 with additional language that clarifies that a Commercial Kennel does not include a Private Kennel. This same clarification is made to Section 5.60, Subd. 2, E.

Planning Commission Review and Recommendation

At its October 10, 2016 meeting, the Commission voted 5-0 to recommend approval of the text amendment to Section 11.02 and 11.30 subject to the information in the staff report dated October 4, 2016.

Attachments

1. Ordinance
2. Staff Report dated October 4, 2016
3. Planning Commission Minutes October 10, 2016

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. _____-2016

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 5, SECTION 5.60 RELATING TO KENNELS AND CHAPTER 11, SECTIONS 11.02 AND 11.30 RELATING TO COMMERCIAL KENNELS IN THE INDUSTRIAL ZONING DISTRICT; AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 5.99 AND 11.99 WHICH AMONG OTHER THINGS CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA ORDAINS:

Section 1. City Code Chapter 11, Section 11.02 is hereby amended by inserting a new definition for Commercial Kennel as follows: (items to be renumbered)

"Commercial Kennel"- means a place where any number of dogs and/or cats of any age are kept, confined, or congregated for the purpose of selling, boarding, breeding, training, treating or grooming. A Commercial Kennel does not include a Private kennel as defined in City Code, Chapter 5, Section 5.60, Subd. 2, D.

Section 2. City Code Chapter 11, Section 11.30, Subd. 2 is hereby amended by inserting the following:

I. Commercial Kennel.

Section 3. City Code Chapter 5, Section 5.60, Subd 2, E is hereby amended by inserting the following language at the end of E: “ A Commercial Kennel does not include a Private kennel as defined in Subd. 2, D above

Section 4. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 5.99 and Section 11.99 entitled “Violation a Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 5. This ordinance shall become effective from and after its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 1st day of November, 2016, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the ____ day of _____, 2016.

Kathleen Porta, City Clerk

Nancy Tyra-Lukens, Mayor

Published in the Eden Prairie News on the ____ day of _____, 2016.

STAFF REPORT:

TO: Planning Commission
FROM: Steve Durham, Planner II
DATE: October 4, 2016
SUBJECT: Code Change – Commercial Kennels

BACKGROUND:

Commercial kennels may have characteristics of a retail and warehouse use. Generally the warehouse characteristics override the retail aspects of a commercial kennel. In Eden Prairie Commercial kennels have occurred in the Industrial Zoning Districts and in the Commercial Zoning Districts. Research regionally and nationally has shown it common and generally accepted for the Commercial Kennel to be located in the Industrial Zoning Districts. To remove any ambiguity for the Eden Prairie Code staff believes a code amendment to clarify location of commercial kennels is prudent.

Commercial kennels by their nature require a large indoor area to house animals including sleeping areas, play areas, feeding areas and areas for natural body functions. In addition, outdoor areas are needed. Noise may be an issue related to the use. These general characteristics may not be conducive or compatible to commercial zoned property and best suited to industrial zoned property.

Currently there is an existing commercial kennel approved via a Planned Unit Development in the Commercial Regional Services District that operates exclusively on a single property. If the code amendment is ultimately approved, this use would be classified as a Legal Non-Conforming use and would be protected under non-conforming state law.

PROPOSED CODE CHANGE:

The following definition is proposed to be added to Section 11.02.

"Commercial Kennel" means a place where any number of dogs and/or cats of any age are kept, confined, or congregated for the purpose of selling, boarding, breeding, training, treating or grooming. A Commercial Kennel does not include a Private kennel as defined in City Code, Chapter 5, Section 5.60, Subd. 2, D.

Commercial Kennel is proposed to be added as a permitted use in Section 11.30, Industrial Districts.

STAFF RECOMMENDATION:

Staff recommends approval of the amendment to City Code, Chapter 11, Section 11.02 entitled "Definitions," and Section 11.30 entitled "Industrial Districts," Subd. 2 as represented in the October 4, 2016 staff report.

APPROVED MINUTES

EDEN PRAIRIE PLANNING COMMISSION

MONDAY, OCTOBER 10, 2016

**7:00 P.M., CITY CENTER
Council Chambers
8080 Mitchell Road**

COMMISSION MEMBERS:

Jon Stoltz, John Kirk, Travis Wuttke, Ann Higgins,
Charles Weber, Andrew Pieper, Ed Farr, Mark
Freiberg, Tom Poul

CITY STAFF:

Julie Klima, City Planner
Rod Rue, City Engineer
Matt Bourne, Manager of Parks and Natural Resources
Julie Krull, Recording Secretary

I. PLEDGE OF ALLEGIANCE – ROLL CALL

Vice Chair Pieper called the meeting to order at 7:00 p.m. Kirk, Poul, Stoltz, and Weber were absent.

II. APPROVAL OF AGENDA

Wuttke wanted to change the order of the public hearings. He would like it in this order; Commercial Kennels, Automotive Services, Screening and Landscape, Tree Replacement. Klima suggested if the concern was to have the tree replacement and screening and landscaping discussion occur sequentially, then another option would be to move the tree replacement discussion as the second public hearing. Wuttke stated his revised order would be preferred.

MOTION: Wuttke moved, seconded by Farr, to approve the amended agenda. **Motion carried 5-0.**

III. MINUTES

A. PLANNING COMMISSION MEETING HELD ON SEPTEMBER 26, 2016

Wuttke had the following changes to the minutes:

Page 2, 2nd paragraph, 4th sentence; he would like it to read: Wuttke commented the City should be written as exempt from these requirements or that transparency in any issue by the City is paramount.

Page 2, 3rd paragraph, 1st sentence; he would like .05 changed to .50.

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Page 2, 3rd, 4th sentence; he would like it to read: Wuttke commented this replacement factor change would alleviate maintenance and overcrowding.

Page 2, 4th paragraph, 3rd sentence; he would like it to read: Wuttke asked what the test was for the health of Heritage trees, because the nature of large trees in certain circumstances could pose significant cost and risk long term after site improvements and alterations occur.

Page 3, 2nd paragraph, 1st sentence; he would like it to read: Wuttke asked what historically developer agreements state in regards to tree replacement.

Page 3, 2nd paragraph, 5th sentence; he would like it to read: Wuttke asked who would be responsible for the tree replacement many years later and/or owners later; would the current homeowner pay for tree replacement.

Page 3, 4th paragraph, 1st sentence; he would like it to read: Wuttke asked members and representatives what type of involvement developers have had with the drafting of these potential language changes.

Page 3, 5th paragraph, 3rd sentence; he would like it to read: Wuttke asked if the City could meet with members of the private sector prior to this public hearing and get their feedback.

Page 3, 8th paragraph, 1st sentence; he would like it to read: Wuttke asked, in regards to tree replacement, can we find a way to substitute land dedication versus paying a fee for caliper inch replacement and could these costs be offset when this occurs.

Page 4, 3rd paragraph, 1st sentence; he would like it to read: Wuttke said he would like cottonwood and basswood trees put on the list of exceptions because of the extensive shedding they do and the risks associated, respectively.

MOTION: Wuttke moved, seconded by Freiberg, to approve the amended Planning Commission Minutes. **Motion carried 5-0.**

IV. INFORMATIONAL MEETINGS

V. PUBLIC MEETINGS

VI. PUBLIC HEARINGS

A. CODE AMENDMENT – COMMERCIAL KENNELS

Request to:

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- Amend the City Code Chapter 11 Section 11.02 to add a definition of “commercial kennel” and Section 11.30 to add “commercial kennel” as a permitted use in the Industrial Zoning Districts.

Klima said in Eden Prairie commercial kennels have occurred in the Industrial Zoning Districts and in the Commercial Zoning Districts. Research regionally and nationally has shown it common and generally accepted for the commercial kennel to be located in the Industrial Zoning Districts. To remove any ambiguity from the Eden Prairie Code staff believes a code amendment to clarify location of commercial kennels in a specific zoning district is prudent. Staff recommendation is for approval.

Freiberg asked if a person in a residential area breeds for profit, is that allowed. Klima said the commercial operations should occur in an industrial district and not residential.

Wuttke asked if it could be allowed to breed once a year or something comparable in a residential area. Klima said the definition for a private kennel is where 2 cats or dogs over 6 months are allowed, to be in compliance with the ordinance.

Higgins asked if it is possible to arrange it in reverse order, that the birth and raising be done off site. Klima said that would be acceptable.

Wuttke asked what the City Council did regarding recreation fires this summer. Did the residents not have an opportunity to go on survey monkey and give their opinion? Wuttke stated this could be done with the dog breeders.

Farr said he does agree with City Staff and feels we may be developing a problem that is not there. Klima said since her time at the City, she has not received complaints of this type of activity.

Wuttke asked if there have been any issues with the garage sale ordinance. Klima said there have been no complaints with the garage sale revision.

Higgins said she is fine with going ahead with staff recommendations.

Wuttke said he does have some reservations approving this code amendment, but will move it forward.

Vice Chair Pieper opened the meeting up for public input. There was no input.

MOTION: Higgins moved, seconded by Farr, to close the public hearing. **Motion carried 5-0.**

MOTION: Higgins moved, seconded by Freiberg, to recommend approval of the amendment to City Code Chapter 11 to add a definition of commercial kennel and

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October 10, 2016

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to add commercial kennel as a permitted use in the Industrial Zoning District based on the information in the staff report dated October 4, 2016. **Motion carried 5-0.**

VII. PLANNERS' REPORT

VIII. MEMBERS' REPORT

IX. CONTINUING BUSINESS

X. NEW BUSINESS

XI. ADJOURNMENT

MOTION: Wuttke moved, seconded by Farr, to adjourn the Planning Commission meeting. **Motion carried 5-0.**

Vice Chair Pieper adjourned the meeting at 10:28 p.m.

CITY COUNCIL AGENDA		DATE: November 01, 2016
SECTION: Payment of Claims		
DEPARTMENT/DIVISION: Sue Kotchevar, Office of the City Manager/Finance	ITEM DESCRIPTION: Payment of Claims	ITEM NO.: X.

Requested Action

Move to: Approve the Payment of Claims as submitted (roll call vote)

Synopsis

Checks	249391 - 249732
Wire Transfers	1015285 - 1015408
Wire Transfers	5908 – 5923
Purchasing Card	

City of Eden Prairie
Council Check Summary
11/1/2016

Division	Amount	Division	Amount
	18,625	304 Senior Board	145
100 City Manager	956	315 Economic Development	6,204
102 Legal Counsel	44,231	502 Park Development	1,922
110 City Clerk	1,358	509 CIP Fund	693,741
111 Customer Service	4,359	522 Improvement Projects 2006	200
112 Human Resources	286	526 Transportation Fund	2,054
113 Communications	8,621	529 Shady Oak Rd-CR 61 South	46,866
114 Benefits & Training	2,954	531 Eden Prairie Road	736
131 Finance	156	536 General LRT	3,300
132 Housing and Community Services	10,125	804 100 Year History	332
133 Planning	6,374	Total Capital Projects Fund	755,500
136 Public Safety Communications	1,116		
138 Community Development Admin.	140	601 Prairie Village Liquor	97,038
151 Park Maintenance	18,517	602 Den Road Liquor	201,299
154 Community Center	41,885	603 Prairie View Liquor	121,014
156 Youth Programs	14,830	605 Den Road Building	1,075
157 Special Events	317	701 Water Fund	273,949
158 Senior Center	1,220	702 Sewer Fund	348,440
160 Therapeutic Recreation	970	703 Storm Drainage Fund	25,329
162 Arts	2,307	Total Enterprise Fund	1,068,144
163 Outdoor Center	1,311		
168 Arts Center	362	803 Escrow Fund	9,754
180 Police	21,012	806 SAC Agency Fund	12,425
184 Fire	52,655	807 Benefits Fund	467,734
186 Inspections	724	812 Fleet Internal Service	41,460
200 Engineering	570	813 IT Internal Service	25,713
201 Street Maintenance	29,877	814 Facilities Capital ISF	43,047
202 Street Lighting	71,434	815 Facilities Operating ISF	35,767
Total General Fund	357,292	816 Facilities City Center ISF	45,073
		817 Facilities Comm. Center ISF	68,570
301 CDBG	4,143	Total Internal Svc/Agency Fund:	749,542
303 Cemetary Operation	926		
Total Special Revenue Fund	5,069	Report Total	2,936,748
434 2008A Capital Equipment Notes	400		
435 2008B G.O. Improvement Bonds	800		
Total Debt Service Fund	1,200		

City of Eden Prairie
Council Check Register by GL
11/1/2016

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
1015396	398,551	ODESA II LLC	Improvements to Land	Capital Maint. & Reinvestment	Staring Play Area
249629	311,946	METROPOLITAN COUNCIL ENVIRONMENTAL SERVI	MCES User Fee	Sewer Utility - General	Wastewater Fee Oct16
1015353	264,330	XCEL ENERGY	Electric	Traffic Signals	Electric multiple locations
5921	242,672	ULTIMATE SOFTWARE GROUP, THE	Federal Taxes Withheld	Health and Benefits	Payroll Taxes
5919	155,627	PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	PERA	Health and Benefits	PERA
249521	123,800	RJ MARCO CONSTRUCTION INC	Building	Capital Maint. & Reinvestment	Moss Storage Aug16
5916	113,238	MINNESOTA DEPT OF REVENUE	Sales Tax Payable	Historical Culture	Sales Tax Sep16
1015393	95,036	MINNESOTA DIRT WORKS INC	Improvements to Land	Capital Maint. & Reinvestment	
1015335	64,717	MOTOROLA	Other Assets	Capital Maint. & Reinvestment	
1015328	52,001	GREGERSON ROSOW JOHNSON & NILAN LTD	Legal	Legal Criminal Prosecution	
249619	47,177	JOHNSON BROTHERS LIQUOR CO	Liquor Product Received	Den Road Liquor Store	
249482	39,213	LAVAN FLOOR COVERING	Contract Svcs - General Bldg	City Hall - CAM	
1015319	36,991	E H RENNER & SONS	Design & Engineering	Water Capital	
249621	35,177	KLM ENGINEERING INC	Other Contracted Services	Water Capital	
249477	35,045	JOHNSON BROTHERS LIQUOR CO	Liquor Product Received	Prairie Village Liquor Store	
1015378	33,665	2ND WIND EXERCISE	Capital Under \$25,000	Fitness Center	
249426	28,950	CURBSIDE LANDSCAPE & IRRIGATION	Improvement Contracts	Shady Oak Rd-CR 61 South	
1015331	28,876	JOHN DEERE GOVERNMENT & NATIONAL SALES	Machinery & Equipment	Public Works	
249531	27,568	SOUTHERN GLAZER'S WINE AND SPIRITS OF MN	Liquor Product Received	Prairie Village Liquor Store	
1015318	23,694	DIVERSE BUILDING MAINTENANCE	Janitor Service	Prairie Village Liquor Store	
249653	22,804	SOUTHERN GLAZER'S WINE AND SPIRITS OF MN	Liquor Product Received	Den Road Liquor Store	
5923	22,621	EMPOWER	Deferred Compensation	Health and Benefits	
249618	20,296	JJ TAYLOR DISTRIBUTING MINNESOTA	Liquor Product Received	Prairie View Liquor Store	
249512	16,174	PHILLIPS WINE AND SPIRITS INC	Liquor Product Received	Den Road Liquor Store	
249640	16,150	NORTHERN TECHNOLOGIES INC	Design & Engineering	Water Capital	
5922	15,984	ICMA RETIREMENT TRUST-457	Deferred Compensation	Health and Benefits	
249474	15,865	JJ TAYLOR DISTRIBUTING MINNESOTA	Liquor Product Received	Prairie Village Liquor Store	
1015347	15,151	THORPE DISTRIBUTING	Liquor Product Received	Prairie Village Liquor Store	
249416	14,850	CENTURY COLLEGE	Tuition Reimb-College Core	Fire	
5918	14,005	LIFE INSURANCE COMPANY OF NORTH AMERICA	Life Insurance EE/ER	Health and Benefits	
249574	13,754	BREAKTHRU BEVERAGE MINNESOTA WINE & SPIR	Liquor Product Received	Den Road Liquor Store	
249409	13,315	BREAKTHRU BEVERAGE MINNESOTA BEER LLC	Liquor Product Received	Den Road Liquor Store	
1015377	12,969	WSB & ASSOCIATES INC	Other Contracted Services	Park Acquisition & Development	
5909	12,930	RADIANT SYSTEMS	Bank and Service Charges	Prairie View Liquor Store	
249524	12,506	SEBCO INC	Other Contracted Services	Facilities Capital	
249450	12,455	GRAYMONT	Treatment Chemicals	Water Treatment Plant	
249628	12,301	METROPOLITAN COUNCIL	Other Revenue	SAC Agency Fund	
1015401	12,055	ST CROIX ENVIRONMENTAL INC	Design & Engineering	Wellhead Protection Plan	
249410	11,842	BREAKTHRU BEVERAGE MINNESOTA WINE & SPIR	Liquor Product Received	Den Road Liquor Store	
249645	10,925	PHILLIPS WINE AND SPIRITS INC	Liquor Product Received	Den Road Liquor Store	
249706	10,895	MED ONE CAPITAL FUNDING LLC	EMS Supplies-AED	Fire	
249657	10,845	TCIC INC	Improvement Contracts	Sewer Capital	
249573	10,817	BREAKTHRU BEVERAGE MINNESOTA BEER LLC	Liquor Product Received	Den Road Liquor Store	
5911	9,328	SELECT ACCOUNT	HSA	Health and Benefits	
1015404	9,167	THORPE DISTRIBUTING	Liquor Product Received	Prairie Village Liquor Store	
249441	8,448	FIRE SAFETY USA INC	Clothing & Uniforms	Fire	
1015322	8,429	ESS BROTHERS & SONS INC	Repair & Maint. Supplies	Sewer System Maintenance	
249603	8,427	GRAYMONT	Treatment Chemicals	Water Treatment Plant	
249530	8,343	SOCCER SHOTS	Instructor Service	Preschool Events	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
249415	8,050	CEMSTONE PRODUCTS COMPANY	Repair & Maint. Supplies	Street Maintenance	
249464	7,702	IMPACT PROVEN SOLUTIONS	Other Contracted Services	Water Accounting	
249422	7,492	COMMERCIAL ASPHALT CO	Repair & Maint. Supplies	Street Maintenance	
249518	7,425	RELIABLE PROPERTY SERVICES	Improvement Contracts	Shady Oak Rd-CR 61 South	
249481	7,002	LANO EQUIPMENT INC	Equipment Parts	Storm Drainage	
249520	6,250	RIGHTLINE DESIGN LLC	Other Contracted Services	Communications	
249555	6,248	WOODWAY USA NC	Training Supplies	Police	
1015325	6,037	GL SPORTS CAMPS, LLC	Instructor Service	Camps	
249663	6,007	WINE MERCHANTS INC	Liquor Product Received	Den Road Liquor Store	
1015307	5,904	WENCK ASSOCIATES INC	Design & Engineering	Storm Drainage	
249549	5,774	VISUAL COMMUNICATIONS	Other Contracted Services	Economic Development Fund	
5910	5,615	SELECT ACCOUNT	HRA	Health and Benefits	
249393	5,291	A P LAWN INC	Improvement Contracts	Shady Oak Rd-CR 61 South	
249636	5,048	MN DEPT TRANSPORTATION	Equipment Repair & Maint	Traffic Signals	
249652	5,000	SOUTHDALE YMCA YOUTH DEVELOPMENT PROGRAM	Other Contracted Services	Housing and Community Service	
249548	4,987	VERIZON WIRELESS	Other Contracted Services	IT Operating	
1015380	4,923	A-SCAPE INC	Contract Svcs - Lawn Maint	Arts Center	
1015329	4,850	HAWKINS INC	Treatment Chemicals	Water Treatment Plant	
249453	4,370	HEALTHPARTNERS	Health & Fitness	Fire	
249577	4,160	BWS HEATING & AIR CONDITIONING	Contract Svcs - HVAC	Fitness/Conference - Cmty Ctr	
249607	4,140	HENNEPIN COUNTY MEDICAL CENTER	Conference/Training	Fire	
249499	3,942	MINNESOTA VALLEY ELECTRIC COOPERATIVE	Electric	Riley Creek Woods	
1015304	3,927	VAN PAPER COMPANY	Cleaning Supplies	Fitness/Conference - Cmty Ctr	
249554	3,907	WINE MERCHANTS INC	Liquor Product Received	Den Road Liquor Store	
249570	3,837	BLUESTEM HERITAGE GROUP	Other Contracted Services	Heritage Preservation	
249539	3,792	THERMASTOR PRODUCTS GROUP	Building Repair & Maint.	Utility Operations - General	
249432	3,750	EDEN PRAIRIE COMMUNITY EDUCATION	Other Contracted Services	Housing and Community Service	
1015390	3,735	JEFFERSON FIRE & SAFETY INC	Small Tools	Fire	
249661	3,700	VERDE ENVIRONMENTAL TECHNOLOGIES INC	Operating Supplies	Police	
249639	3,664	NORTH STAR PUMP SERVICE	Equipment Repair & Maint	Sewer Liftstation	
249642	3,420	OLSEN'S EMBROIDERY/COMPANY	Operating Supplies	Engineering	
249544	3,415	ULTIMATE SOFTWARE GROUP, THE	Ultimate (prev. Ceridian)	IT Operating	
5908	3,385	AMERICAN EXPRESS	Bank and Service Charges	Finance	
249662	3,300	WEITZMAN STUDIOS INC	Design & Engineering	General LRT	
249517	3,271	RANDY'S ENVIRONMENTAL SERVICES	Waste Disposal	City Hall - CAM	
249417	3,140	CENTURYLINK	Telephone	Cummins Grill	
249510	3,134	PAUSTIS & SONS COMPANY	Liquor Product Received	Den Road Liquor Store	
1015321	3,100	EMERSON NETWORK POWER	Hardware - Rpr & Mtc	IT Operating	
1015324	3,044	GENUINE PARTS COMPANY	Equipment Parts	Fleet Operating	
249514	3,000	POSTAGE BY PHONE RESERVE ACCOUNT	Postage	Customer Service	
1015351	2,937	WINE COMPANY, THE	Liquor Product Received	Den Road Liquor Store	
249540	2,890	T-MOBILE USA	Developer Fees	Escrow	
249532	2,816	SOUTHWEST NEWS MEDIA	Printing	Communications	
249565	2,808	ARTISAN BEER COMPANY	Liquor Product Received	Den Road Liquor Store	
249503	2,765	NAC	Building Repair & Maint.	Prairie Village Liquor Store	
1015345	2,732	ST CROIX RECREATION FUN PLAYGRAOUNDS INC	Equipment Repair & Maint	Park Maintenance	
249398	2,644	ARTISAN BEER COMPANY	Liquor Product Received	Den Road Liquor Store	
249411	2,644	BRYAN ROCK PRODUCTS INC	Gravel	Water System Maintenance	
1015333	2,641	MENARDS	Operating Supplies	Water Treatment Plant	
249445	2,548	FORTERRA PIPE & PRECAST	Repair & Maint. Supplies	Storm Drainage	
249638	2,534	NAC	Contract Svcs - HVAC	Police City Center	
1015352	2,516	WM MUELLER AND SONS INC	Gravel	Sewer System Maintenance	
249429	2,490	DPC INDUSTRIES INC	Treatment Chemicals	Water Treatment Plant	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
1015385	2,454	DAIKIN APPLIED	Other Contracted Services	City Hall - CAM	
249604	2,454	GREAT LAKES COCA-COLA DISTRIBUTION	Merchandise for Resale	Den Road Liquor Store	
249593	2,413	EARL F ANDERSEN INC	Signs	Park Maintenance	
249610	2,375	HOHENSTEINS INC	Liquor Product Received	Den Road Liquor Store	
249501	2,300	MINNESOTA WINDOW & SIDING INC	Other Contracted Services	Rehab	
1015310	2,297	YOUNGSTEDTS COLLISION CENTER	Equipment Repair & Maint	Fleet Operating	
249627	2,275	METRON-FARNIER LLC	Capital Under \$25,000	Water Metering	
249406	2,252	BLUESTEM HERITAGE GROUP	Other Contracted Services	Heritage Preservation	
249579	2,178	CEMSTONE PRODUCTS COMPANY	Asphalt Overlay	Storm Drainage	
249559	2,054	XCEL ENERGY	Other Contracted Services	Transportation Fund	
249399	1,965	ARVIG	Fiber Lease Payments	IT Operating	
249461	1,910	HOHENSTEINS INC	Liquor Product Received	Prairie Village Liquor Store	
1015376	1,903	VINOCOPIA	Liquor Product Received	Den Road Liquor Store	
1015381	1,886	BARR ENGINEERING COMPANY	Other Contracted Services	Storm Drainage	
249556	1,873	WORKS COMPUTING INC	Software and Hardware	IT Operating	
249455	1,782	HENNEPIN COUNTY ACCOUNTS RECEIVABLE	Board of Prisoner	Police	
1015342	1,758	SHERWIN WILLIAMS	Operating Supplies	Traffic Signals	
249600	1,735	FLEET MAINTENANCE INC	Equipment Repair & Maint	Fleet Operating	
249413	1,710	BUREAU OF CRIMINAL APPREHENSION	Software Maintenance	IT Operating	
1015379	1,688	ADVANCED ENGINEERING & ENVIRONMENTAL SE	Process Control Services	Water Capital	
249452	1,685	HD SUPPLY WATERWORKS LTD	Repair & Maint. Supplies	Storm Drainage	
249496	1,674	MINNESOTA SAFETY SERVICES LLC	Instructor Service	Pool Lessons	
1015317	1,622	CENTERPOINT ENERGY	Gas	Cummins Grill	
249647	1,590	RETROFIT COMPANIES, INC, THE	Supplies - Electrical	Fitness/Conference - Cmty Ctr	
1015327	1,565	GRAINGER	Repair & Maint. Supplies	Fitness/Conference - Cmty Ctr	
1015346	1,539	STREICHERS	Clothing & Uniforms	Animal Control	
1015306	1,517	VINOCOPIA	Liquor Product Received	Den Road Liquor Store	
249626	1,500	MCNAB, JAMES	Refunds	Storm Drainage	
249655	1,488	STAPLES ADVANTAGE	Office Supplies	Customer Service	
249526	1,464	SIGNSOURCE	Improvements to Land	Capital Impr/Maint Fixed	
249401	1,450	BARTON SAND & GRAVEL CO	Waste Blacktop/Concrete	Street Maintenance	
249511	1,408	PERRY MONIKA	Refunds	CDBG - Public Service	
249447	1,404	GOPHER STATE ONE-CALL	OCS-Leak Detection	Utility Operations - General	
249533	1,394	SPARTAN STAFFING LLC	Other Contracted Services	Park Maintenance	
249654	1,394	SPARTAN STAFFING LLC	Other Contracted Services	Park Maintenance	
1015323	1,384	FORKLIFTS OF MINNESOTA INC	Equipment Repair & Maint	Utility Operations - General	
249611	1,375	HOMELINE	Other Contracted Services	Housing and Community Service	
249504	1,361	NORTHSTAR MUDJACKING & MORE LLC	Mudjacking Curbs	Drainage	
249660	1,353	US FOOD CULINARY EQUIPMENT & SUPPLIES	Supplies - Garden Room	Garden Room Repairs	
249427	1,350	DEPARTMENT OF CORRECTIONS	Other Contracted Services	Park Maintenance	
249561	1,256	ALLIED GENERATORS	Equipment Repair & Maint	Sewer Liftstation	
249597	1,254	FIRE SAFETY USA INC	Protective Clothing-Boots	Fire	
249404	1,248	BERNICK'S WINE	Liquor Product Received	Den Road Liquor Store	
249553	1,200	WELLS FARGO BANK MINNESOTA NA	Paying Agent	2008A Capital Equipment Notes	
249430	1,189	E A SWEEN COMPANY	Merchandise for Resale	Concessions	
1015408	1,178	WINE COMPANY, THE	Liquor Product Received	Den Road Liquor Store	
249493	1,160	MEDICINE LAKE TOURS	Special Event Fees	Trips	
249625	1,144	MCELLIGOTT ADVERTISING INC	Miscellaneous	Police	
249408	1,136	BOURGET IMPORTS	Liquor Product Received	Den Road Liquor Store	
249463	1,103	HYDRO KLEAN	Equipment Repair & Maint	Storm Drainage	
249469	1,080	INTERTECH INC	Contract Development	IT Operating	
249616	1,080	INTERTECH INC	Contract Development	IT Operating	
249485	1,067	LUBE-TECH & PARTNERS LLC	Lubricants & Additives	Fleet Operating	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
249557	1,060	XTREME INTEGRATION	Capital Under \$25,000	IT Telephone	
1015288	1,051	BERTELSON TOTAL OFFICE SOLUTIONS	Office Supplies	Utility Operations - General	
249468	1,039	INTERNATIONAL UNION OF OPERATING	Union Dues Withheld	Health and Benefits	
1015313	994	ASPEN WASTE SYSTEMS INC.	Waste Disposal	Utility Operations - General	
249424	972	COSTCO	Operating Supplies	Organizational Services	
249583	970	CLIMB THEATRE	Other Contracted Services	New Adaptive	
1015375	970	VAN PAPER COMPANY	Cleaning Supplies	City Center Operations	
1015312	968	A-SCAPE INC	Contract Svcs - Lawn Maint	Den Bldg. - CAM	
249529	963	SMALL LOT MN	Liquor Product Received	Den Road Liquor Store	
249643	956	ORGANIX SOLUTIONS	Waste Disposal	City Hall - Direct Costs	
249644	948	PAUSTIS & SONS COMPANY	Liquor Product Received	Den Road Liquor Store	
249534	938	SPOK, INC.	Pager & Cell Phone	IT Operating	
249439	920	EULL'S MANUFACTURING CO INC	Repair & Maint. Supplies	Sewer System Maintenance	
249615	915	INDEED BREWING COMPANY LLC	Liquor Product Received	Den Road Liquor Store	
249490	911	MASTER CRAFT LABELS INC	Fire Prevention Supp-Pub Ed/PR	Fire	
249438	910	ENVIRONMENTAL EQUIPMENT & SERVICES	Equipment Parts	Fleet Operating	
249502	900	MISSION CRITICAL CONCEPTS	Tuition Reimbursement/School	Police	
1015383	867	CDW GOVERNMENT INC.	Computers - Monitors	IT Operating	
249412	865	BUELL CONSULTING INC	Deposits	Escrow	
249420	850	CLASSIC PROTECTIVE COATINGS, INC	Deposits	Escrow	
1015334	849	METRO SALES INCORPORATED*	Office Supplies	IT Operating	
1015367	845	NCT	Other Contracted Services	Organizational Services	
249551	832	WEIGHT WATCHERS NORTH AMERICA INC	Other Contracted Services	Organizational Services	
1015366	818	KRUEGER, MARK	Miscellaneous	Reserves	
249475	803	JOHN A DALVIN & SON INC	Contract Svcs - Roof	Fire Station #1	
249508	800	OVERLAND CONTRACTING INC	Developer Fees	Escrow	
249576	790	BUSCH BROTHERS MACHINING INC	Repair & Maint. Supplies	Water Treatment Plant	
249414	788	C WORX TRAINING LLC	Other Contracted Services	Police	
249507	782	OUTDOORS AGAIN INC	Other Contracted Services	Park Maintenance	
249444	775	FMHC CORPORATION	Developer Fees	Escrow	
249569	773	BERNICK'S WINE	Liquor Product Received	Den Road Liquor Store	
249467	770	INNOVATIVE GRAPHICS	Clothing & Uniforms	Police	
249476	757	JOHN HENRY FOSTER MINNESOTA INC	Maintenance Contracts	Water Treatment Plant	
249400	755	ASPEN MILLS	Clothing & Uniforms	Fire	
1015286	754	AMERIPRIDE LINEN & APPAREL SERVICES	Janitor Service	Fire	
249472	744	JACOBS ENGINEERING GROUP INC	Reimbursement-attorney review	Escrow	
1015340	733	PRAIRIE ELECTRIC COMPANY	Contract Svcs - Electrical	Police City Center	
1015406	718	USA SECURITY	Maintenance Contracts	Water Treatment Plant	
249489	705	MARSHALL'S GARDENS	Operating Supplies	Fall Harvest	
249724	695	VANDUSEN GEORGE	AR Utility	Water Enterprise Fund	
249487	695	MACQUEEN EQUIPMENT INC	Equipment Parts	Sewer System Maintenance	
5917	693	MINNESOTA DEPT OF REVENUE	Motor Fuels	Fleet Operating	
249564	680	AQUA ENGINEERING INC	Maintenance Contracts	Utility Operations - General	
1015296	660	MINNESOTA NATIVE LANDSCAPES	Other Contracted Services	Storm Drainage	
249442	654	FLAGSHIP MARINE COMPANY	Other Contracted Services	Smetana Park	
249443	652	FLYING CLOUD T/S #U70	Waste Disposal	Park Maintenance	
249451	647	GREAT LAKES COCA-COLA DISTRIBUTION	Liquor Product Received	Concessions	
1015388	635	GRAINGER	Supplies - HVAC	Fire Station #4	
1015389	630	IDEAL SERVICE INC	Maintenance Contracts	Water Treatment Plant	
249527	605	SIR LINES-A-LOT	Contracted Striping	Traffic Signs	
1015344	600	SPS COMPANIES	Building Repair & Maint.	Utility Operations - General	
249500	583	MINNESOTA WANNER COMPANY	Equipment Repair & Maint	Park Maintenance	
249641	575	NOVAK STUMP REMOVAL	Other Contracted Services	Tree Removal	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
249437	569	ELEMENT MATERIALS TECHNOLOGY	Building	Capital Maint. & Reinvestment	
1015392	561	MENARDS	Equipment Parts	Fire	
249623	555	LAKE COUNTRY DOOR LLC	Contract Svcs - General Bldg	Fire Station #2	
1015338	551	OENO'S DISTRIBUTION	Liquor Product Received	Den Road Liquor Store	
249456	550	HENNEPIN COUNTY I/T DEPT	Software Maintenance	IT Operating	
249465	544	INDEED BREWING COMPANY LLC	Liquor Product Received	Den Road Liquor Store	
1015374	543	THE OASIS GROUP	Employee Assistance	Organizational Services	
249582	529	CLEAR RIVER BEVERAGE CO	Liquor Product Received	Den Road Liquor Store	
249659	513	UNIFORMS UNLIMITED	Clothing & Uniforms	Police	
249449	509	GRAPE BEGINNINGS	Liquor Product Received	Den Road Liquor Store	
249649	504	SELECT COMFORT CORPORATION	Operating Supplies-Linens	Fire	
249591	500	D H EXCAVATING	Other Contracted Services	Pleasant Hill Cemetery	
249495	483	MINNESOTA FIRE SERVICE CERTIFICATION BOA	Dues & Sub-Cert & Licensing	Fire	
1015398	468	PRAIRIE ELECTRIC COMPANY	Contract Svcs - HVAC	City Hall - CAM	
249391	465	PETTY CASH-POLICE DEPT	Equipment Repair & Maint	Animal Control	
249631	461	MIDWEST COCA COLA BOTTLING COMPANY	Liquor Product Received	Prairie Village Liquor Store	
249396	450	AMAZING ATHLETES OF SOUTHWEST METRO	Instructor Service	Preschool Events	
1015332	440	LOGIS	Other Contracted Services	IT Operating	
249594	430	EHLERS & ASSOCIATES INC	Other Contracted Services	TIF-SUPERIOR OFFICE CTR	
249678	430	DAMATO DAVID	AR Utility	Water Enterprise Fund	
1015337	418	NORTH CENTRAL LABORATORIES	Laboratory Chemicals	Water Treatment Plant	
1015382	417	BELLBOY CORPORATION	Liquor Product Received	Den Road Liquor Store	
1015395	414	NEW FRANCE WINE COMPANY	Liquor Product Received	Den Road Liquor Store	
249440	414	EXECUTIVE OFFICE CONCEPTS, LTD	Computer - Accessories	IT Operating	
249580	404	CENTURYLINK	Other Broadband Internet	IT Telephone	
1015314	400	BELLBOY CORPORATION	Liquor Product Received	Prairie Village Liquor Store	
249506	400	OUTDOOR ENVIRONMENTS INC	Other Contracted Services	Pleasant Hill Cemetery	
249458	392	HENNEPIN COUNTY TREASURER	Waste Disposal	Park Maintenance	
249595	387	ENKI BREWING COMPANY INC	Liquor Product Received	Den Road Liquor Store	
249602	385	GRAPE BEGINNINGS	Liquor Product Received	Den Road Liquor Store	
249519	382	RETROFIT COMPANIES, INC, THE	Supplies - Electrical	Outdoor Center Facilities	
1015292	381	GETSCHOW, RICK	Mileage & Parking	Administration	
1015309	352	WYFFELS, BILL	Travel Expense	Police	
249617	349	J H LARSON COMPANY	Repair & Maint. Supplies	Miller Park	
249394	347	ACROSS THE STREET PRODUCTIONS	Tuition Reimb-College Tuition	Fire	
1015293	345	GREATAMERICA FINANCIAL SVCS	Postage	Customer Service	
1015405	332	US HEALTH WORKS MEDICAL GRP MN, PC	Employment Support Test	Organizational Services	
249658	329	TRAFFIC CONTROL CORPORATION	Equipment Repair & Maint	Traffic Signals	
1015290	325	FASTENAL COMPANY	Safety Supplies	Fleet Operating	
249397	323	AMERIPRIDE LINEN & APPAREL SERVICES	Janitor Service	Prairie Village Liquor Store	
249620	320	JORSTAD & REUTHER GRAPHIC DESIGN	Operating Supplies	Historical Culture	
1015359	319	CHEMSEARCH	Contract Svcs - Ice Rink	Ice Arena Maintenance	
249558	317	BOUNDLESS NETWORK	Operating Supplies	Special Events Admin	
1015299	315	PROSOURCE SUPPLY	Cleaning Supplies	Fitness/Conference - Cmty Ctr	
249563	304	APRES	Other Rentals	Theatre Initiative	
249717	302	SEBESTA ROBERT	AR Utility	Water Enterprise Fund	
249484	300	LITTLE PRAIRIE BAND	Other Contracted Services	Staring Lake Concert	
1015387	299	GARTNER REFRIGERATION & MFG INC	Repair & Maint - Ice Rink	Ice Arena Maintenance	
1015391	297	KIDCREATE STUDIO	Instructor Service	Arts Center	
249715	296	SAYOCO DORLIE	AR Utility	Water Enterprise Fund	
1015371	295	SHAMROCK GROUP, INC - ACE ICE	Liquor Product Received	Den Road Liquor Store	
249637	295	MN HOCKEY DISTRICT 6	Deposits-P&R Refunds	Community Center Admin	
5912	285	SELECT ACCOUNT	HRA	Health and Benefits	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
1015407	281	WATSON CO INC, THE	Merchandise for Resale	Concessions	
249421	280	COMCAST	Other Broadband Internet	IT Operating	
249567	278	BACAL, AGNIESZKA	Operating Supplies	Outdoor Center	
1015356	267	BERRY COFFEE COMPANY	Merchandise for Resale	Concessions	
1015295	266	METROPOLITAN FORD	Equipment Parts	Fleet Operating	
249419	263	CINTAS CORPORATION #470	Cleaning Supplies	Utility Operations - General	
1015358	258	BOLD, PAULINE	Operating Supplies	Outdoor Center	
249612	252	HOTSY MINNESOTA	Contract Svcs - Plumbing	Public Works/Parks	
1015403	239	STREICHERS	Clothing & Uniforms	Police	
249562	237	AMERIPRIDE LINEN & APPAREL SERVICES	Janitor Service	Den Road Liquor Store	
1015361	235	FAGNANT, SUSAN	Operating Supplies	Outdoor Center	
249418	234	CENTURYLINK	Telephone	IT Telephone	
249436	232	EDEN PRAIRIE NOON ROTARY CLUB	Dues & Subscriptions	Police	
1015384	228	CONCRETE CUTTING & CORING INC	Equipment Repair & Maint	Street Maintenance	
249528	227	SITEONE LANDSCAPE SUPPLY, LLC	Repair & Maint. Supplies	Sewer System Maintenance	
1015305	223	VIK, LISA	Travel Expense	Police	
1015369	222	QUALITY PROPANE	Motor Fuels	Fleet Operating	
249605	215	GROVES SUSAN	AR Utility	Water Enterprise Fund	
1015301	212	ROSE, ALECIA	Employee Award	Organizational Services	
249634	210	MIRACLE RECREATION EQUIPMENT CO	Equipment Repair & Maint	Park Maintenance	
1015297	207	MPX GROUP, THE	Printing	Police	
249407	200	BOTTLESON CINDY	Deposits-P&R Refunds	Community Center Admin	
249446	200	FROEMMING TAMERA	Deposits-P&R Refunds	Community Center Admin	
249462	200	HUBENY JANELLE	Deposits-P&R Refunds	Community Center Admin	
249522	200	SCHMIT DIANE	Deposits-P&R Refunds	Community Center Admin	
249536	200	STEIDLE KELLI	Deposits-P&R Refunds	Community Center Admin	
249538	200	TADE BETH	Deposits-P&R Refunds	Community Center Admin	
249547	200	VANG SARAH	Deposits-P&R Refunds	Community Center Admin	
249550	200	WARNING LITES	Other Contracted Services	Improvement Projects 2006	
249614	200	IIMC	Dues & Subscriptions	City Clerk	
1015320	199	EDEN PRAIRIE FIREFIGHTER'S RELIEF ASSOC	Union Dues Withheld	Health and Benefits	
249428	197	DIRECTV	Cable TV	Community Center Admin	
249537	196	SUNLIFE ASSURANCE	AR Utility	Water Enterprise Fund	
249402	195	BAUHAUS BREW LABS, LLC	Liquor Product Received	Den Road Liquor Store	
1015348	195	TWIN CITY SEED CO	Repair & Maint. Supplies	Storm Drainage	
249590	186	CONTECH ENGINEERED SOLUTIONS LLC	Repair & Maint. Supplies	Storm Drainage	
1015372	184	SULLIVAN, ANDREW J	Mileage & Parking	Utility Operations - General	
1015354	183	ZIEGLER INC	Equipment Parts	Fleet Operating	
1015308	182	WHITE, BECKI	Operating Supplies - Food	Fire	
249480	180	LACKEY, SHARI	Refunds	Environmental Education	
1015339	180	POMP'S TIRE SERVICE INC	Tires	Fleet Operating	
1015330	173	HORIZON COMMERCIAL POOL SUPPLY	Supplies - Pool	Pool Maintenance	
1015386	169	FILTRATION SYSTEMS	Supplies - HVAC	Fitness/Conference - Cmty Ctr	
249497	165	MINNESOTA SHRINK WRAPPING	Other Contracted Services	Police	
249425	162	CUB FOODS EDEN PRAIRIE	Operating Supplies	Police	
1015394	161	MINNESOTA EQUIPMENT	Machinery & Equipment	Public Works	
1015368	155	PROSOURCE SUPPLY	Supplies - General Bldg	Pool Maintenance	
249698	153	KUGLER LAWRENCE	AR Utility	Water Enterprise Fund	
1015294	150	KOTCHEVAR, SUSAN	Mileage & Parking	Finance	
1015336	150	MTI DISTRIBUTING INC	Equipment Parts	Fleet Operating	
1015349	150	UPS	Deposits	Fire	
1015350	148	US HEALTH WORKS MEDICAL GRP MN, PC	Employment Support Test	Organizational Services	
1015326	147	GRAFIX SHOPPE	Equipment Parts	Fleet Operating	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
249581	146	CINTAS CORPORATION #470	Cleaning Supplies	Utility Operations - General	
249669	146	BRAWNER PAUL	AR Utility	Water Enterprise Fund	
1015316	145	CDW GOVERNMENT INC.	Capital Under \$25,000	Senior Board	
249479	145	KEEPRS INC.	Clothing & Uniforms	Police	
249575	145	BRIN NORTHWESTERN GLASS COMPANY	Supplies - General Bldg	City Hall - CAM	
1015370	140	RUZEK, CHRISTINE	Mileage & Parking	Human Resources	
249431	140	EARL F ANDERSEN INC	Signs	Traffic Signs	
249568	140	BAYER MARISA	Mileage & Parking	Community Development Admin.	
1015311	138	2ND WIND EXERCISE	Capital Under \$25,000	Fitness Classes	
249523	138	SCHWARZ MYRNA	AR Utility	Water Enterprise Fund	
249718	135	SINDELAR DAVID	AR Utility	Water Enterprise Fund	
249516	134	PROP - DO NOT USE	United Way Withheld	Health and Benefits	
249578	132	CARLOS CREEK WINERY	Liquor Product Received	Den Road Liquor Store	
249705	125	MCGREGOR SCOTT	AR Utility	Water Enterprise Fund	
1015400	125	SPS COMPANIES	Supplies - HVAC	City Hall - CAM	
249679	122	DIERSEN HEATHER	AR Utility	Water Enterprise Fund	
1015300	121	QUALITY PROPANE	Motor Fuels	Ice Arena Maintenance	
249545	120	UNIFORMS UNLIMITED	Clothing & Uniforms	Police	
249587	119	COMCAST	Cable TV	Fire	
249695	116	HOUCK INVESTMENTS LLC	AR Utility	Water Enterprise Fund	
1015341	116	PRIME SOURCE ONE LLC	Operating Supplies	Gymnasium (CC)	
249680	116	DONALDSON BARRETT	AR Utility	Water Enterprise Fund	
249541	115	TRANSUNION RISK & ALTERNATIVE DATA	Other Contracted Services	Police	
1015397	114	OENO'S DISTRIBUTION	Liquor Product Received	Prairie Village Liquor Store	
249395	113	ALTERNATIVE BUSINESS FURNITURE INC	Supplies - General Building	City Center Operations	
249423	113	COMMUNITY HEALTH CHARITIES OF MINNESOTA	United Way Withheld	Health and Benefits	
249721	112	STUDLEY BRUCE	AR Utility	Water Enterprise Fund	
249712	110	PEARSON COREY	AR Utility	Water Enterprise Fund	
5913	110	VANCO SERVICES	Miscellaneous	Community Center Admin	
5915	109	VANCO SERVICES	Bank and Service Charges	Sewer Accounting	
1015343	107	SHERWIN WILLIAMS CO	Operating Supplies	Park Maintenance	
249608	104	HENNEPIN COUNTY TREASURER	Operating Supplies-Escrow	Planning	
1015373	102	TEKIELA, STAN	Program Trips	Outdoor Center	
249675	102	CLARK MICHAEL	AR Utility	Water Enterprise Fund	
249454	100	HEIMKES RENEE	Refunds	Environmental Education	
249542	100	TRINE TIM	Refunds	Environmental Education	
249560	100	CARVER COUNTY SHERIFF'S DEPT.	Deposits	Escrow	
249606	100	GRUNZKE LYNNE	Refunds	Environmental Education	
249613	100	HUMPHREY JAN	Refunds	Environmental Education	
249726	100	WAHL PAUL	AR Utility	Water Enterprise Fund	
249571	98	BOURGET IMPORTS	Liquor Product Received	Prairie View Liquor Store	
249709	96	NELSON NANCY	AR Utility	Water Enterprise Fund	
1015364	96	GUNNAR ELECTRIC CO INC	Other Contracted Services	Park Maintenance	
1015291	96	GEIS, ROB	Clothing & Uniforms	Police	
249692	94	HANSEN BRIAN	AR Utility	Water Enterprise Fund	
249646	92	PRAIRIE LAWN AND GARDEN	Equipment Repair & Maint	Park Maintenance	
249697	92	KRAMP KERRY	AR Utility	Water Enterprise Fund	
5914	89	VANCO SERVICES	Miscellaneous	Community Center Admin	
249598	87	FIRST STATE TIRE RECYCLING	Waste Disposal	Fleet Operating	
249494	87	MICRONICS	Repair & Maint. Supplies	Water Treatment Plant	
249585	86	COMCAST	Cable TV	Fire	
249492	85	MCDONALD EARL	AR Utility	Water Enterprise Fund	
249403	85	BECKER ARENA PRODUCTS INC	Repair & Maint - Ice Rink	Ice Arena Maintenance	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
249707		84 MOHAN RAJENDRA	AR Utility	Water Enterprise Fund	
249457		83 HENNEPIN COUNTY MEDICAL CENTER	EMS Supplies-EMS Supplies	Fire	
249491		83 MATTS AUTO SERVICE INC	Equipment Repair & Maint	Fleet Operating	
249566		83 AT&T MOBILITY	Pager & Cell Phone	Water System Maintenance	
1015362		82 GEHRING CRYSTAL	Mileage & Parking	Park Maintenance	
249513		80 PLEAA	Tuition Reimbursement/School	Police	
249630		76 MID-AMERICA FESTIVALS	Deposits	Escrow	
249592		76 DIAMOND MOWERS INC	Equipment Parts	Fleet Operating	
249670		75 BRYNDAL GERALD	AR Utility	Water Enterprise Fund	
1015303		75 SHAMROCK GROUP, INC - ACE ICE	Liquor Product Received	Den Road Liquor Store	
249732		75 WICK LORALEE	AR Utility	Water Enterprise Fund	
1015402		72 STAR TRIBUNE MEDIA COMPANY LLC	Dues & Subscriptions	Utility Operations - General	
249702		71 LEBENS PEARL	AR Utility	Water Enterprise Fund	
249405		71 BLUE TARP FINANCIAL INC	Operating Supplies	Park Maintenance	
249727		71 WALKER CHRIS	AR Utility	Water Enterprise Fund	
1015365		68 KRAEMERS HARDWARE INC	Repair & Maint - Ice Rink	Garden Room Repairs	
249459		66 HENNEPIN COUNTY TREASURER	Operating Supplies-Escrow	Planning	
249711		66 PARIKH PRAMIT	AR Utility	Water Enterprise Fund	
249691		65 GUPTA PUNEET	AR Utility	Water Enterprise Fund	
1015360		65 DOHERTY, KRISTEN	Mileage & Parking	Arts Center	
249635		63 MN DEPT OF TRANSPORTATION	Testing - Soil Boring	Shady Oak Rd-CR 61 South	
249648		61 SCHULKE, REED	Operating Supplies	Theatre Initiative	
1015363		60 GOLDAMER, DANA	Mileage & Parking	Community Center Admin	
249460		59 HOESCHEN, CASSEY	Operating Supplies	Fire	
249730		58 WELDE FAMILY TRUST	AR Utility	Water Enterprise Fund	
249694		56 HICKEL STEPHANIE	AR Utility	Water Enterprise Fund	
249685		55 ESTATE OF RONALD B STARK	AR Utility	Water Enterprise Fund	
249688		55 GLOWACK MICHAEL	AR Utility	Water Enterprise Fund	
249483		53 LEASING AND MANAGEMENT	Inspection Fee	Housing Inspections	
249633		50 MINNESOTA PRINT MANAGEMENT LLC	Office Supplies	Customer Service	
249448		50 GPRS	Conference/Training	Human Resources	
249488		50 MAMA LOCAL 49 LMC COMMITTEE	Conference/Training	Human Resources	
249552		50 WEISSHAAR KAREN	Refunds	Environmental Education	
249572		50 BRAIN DAVID & JANE	Refunds	Environmental Education	
1015357		49 BERTELSON TOTAL OFFICE SOLUTIONS	Office Supplies	Utility Operations - General	
249650		49 SITEONE LANDSCAPE SUPPLY, LLC	Repair & Maint. Supplies	Park Maintenance	
249722		49 TIBBITS DENISE	AR Utility	Water Enterprise Fund	
249708		49 MUELLER CHUCK	AR Utility	Water Enterprise Fund	
249728		48 WALLER MARGARET	AR Utility	Water Enterprise Fund	
249543		48 TRUE FABRICATIONS	Liquor Product Received	Prairie View Liquor Store	
249700		47 LAFLEUR MOLLY	AR Utility	Water Enterprise Fund	
249672		46 CALDAS MONICA	AR Utility	Water Enterprise Fund	
249505		46 OLSEN CHAIN & CABLE	Repair & Maint. Supplies	Storm Drainage	
249676		45 COLDWELL BANKER BURNET RELO	AR Utility	Water Enterprise Fund	
249632		44 MILLER, KAREN	Refunds	Environmental Education	
1015399		43 SHERWIN WILLIAMS CO	Operating Supplies	Park Maintenance	
249470		40 IPMA-HR MN	Conference/Training	Human Resources	
249622		40 KUHLMAN, BARBARA	Deposits-Health Reimb.	Community Center Admin	
249725		40 VAYSHENK SAMUEL	AR Utility	Water Enterprise Fund	
249546		39 UNITED WAY	United Way Withheld	Health and Benefits	
249665		37 BART LORI	AR Utility	Water Enterprise Fund	
249435		37 EDEN PRAIRIE NEWS	Dues & Subscriptions	Police	
249651		36 SNAP-ON TOOLS	Small Tools	Fleet Operating	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
1015355		35 ADAMS PEST CONTROL INC	Contract Svcs - Pest Control	Park Shelters	
249677		35 D R HORTON INC	AR Utility	Water Enterprise Fund	
1015285		35 AMERICAN SOLUTIONS FOR BUSINESS	Clothing & Uniforms	Community Center Admin	
1015315		33 BOYER TRUCKS	Equipment Parts	Fleet Operating	
249392		32 440400 - NCPERS MINNESOTA	PERA	Health and Benefits	
249720		32 STREZO FRANK	AR Utility	Water Enterprise Fund	
249693		32 HERMAN NAN	AR Utility	Water Enterprise Fund	
249478		31 KARLGAARD DANIEL	AR Utility	Water Enterprise Fund	
249668		31 BJERKETVEDT DARLENE	AR Utility	Water Enterprise Fund	
249515		30 PRAHA DISTRIBUTING	Liquor Product Received	Prairie Village Liquor Store	
249704		30 MALONEY BRYAN	AR Utility	Water Enterprise Fund	
249673		29 CARLSON TOM	AR Utility	Water Enterprise Fund	
249699		26 KUHN DAVID	AR Utility	Water Enterprise Fund	
249690		26 GRAMBSCH WILLIAM	AR Utility	Water Enterprise Fund	
249696		25 KOEWLER ROB	AR Utility	Water Enterprise Fund	
1015302		25 SACKETT, MATTHEW	Travel Expense	Police	
249723		22 TULIJAPURKAR RAJEEN	AR Utility	Water Enterprise Fund	
249434		22 EDEN PRAIRIE FOUNDATION	United Way Withheld	Health and Benefits	
249710		21 PANKRATZ RYAN	AR Utility	Water Enterprise Fund	
249471		21 J H LARSON COMPANY	Repair & Maint. Supplies	Purgatory Creek Park	
249509		20 PAULSON, KAY	Deposits-P&R Refunds	Community Center Admin	
249525		20 SHERBURNE COUNTY RECORDER	Licenses & Taxes	Police	
249596		20 Ertman Lori K	Deposits-Health Reimb.	Community Center Admin	
5920		20 ULTIMATE SOFTWARE GROUP, THE	Garnishment Withheld	Health and Benefits	
249466		19 INGRAHAM & ASSOC	Repair & Maint. Supplies	Water Treatment Plant	
249701		19 LANG TODD	AR Utility	Water Enterprise Fund	
249624		19 LIGHT, REGINA M	Operating Supplies	Theatre Initiative	
249584		18 COMCAST	Cable TV	Fire	
249498		17 MINNESOTA TROPHIES & GIFTS	Operating Supplies	Police	
249714		17 REED JERRY	AR Utility	Water Enterprise Fund	
249586		16 COMCAST	Cable TV	Fire	
249589		16 COMCAST	Cable TV	Fire	
249686		16 FIMMEN JONATHAN	AR Utility	Water Enterprise Fund	
249713		16 PULTE HOMES OF MN	AR Utility	Water Enterprise Fund	
249656		15 SUBURBAN CHEVROLET	Equipment Parts	Fleet Operating	
249486		15 LUGER, MIKE	Dues & Sub-Cert & Licensing	Fire	
249535		14 STAPLES ADVANTAGE	Office Supplies	Customer Service	
249729		14 WANG STEPHEN	AR Utility	Water Enterprise Fund	
1015298		14 MUNOZ, CESAR	Travel Expense	Police	
249667		13 BELLERIVE EDWARD	AR Utility	Water Enterprise Fund	
249681		12 DORNACKER LISA	AR Utility	Water Enterprise Fund	
249687		11 FOWLER LINDA	AR Utility	Water Enterprise Fund	
249689		11 GOBLISH DONALD	AR Utility	Water Enterprise Fund	
249731		11 WELLS LINDSEY	AR Utility	Water Enterprise Fund	
249716		11 SCHUMACHER ABBY	AR Utility	Water Enterprise Fund	
249683		11 ERNST GARY	AR Utility	Water Enterprise Fund	
249671		10 BURCHETTE MARY	AR Utility	Water Enterprise Fund	
249609		10 HESBY, BRANDON	Deposits-P&R Refunds	Community Center Admin	
249684		10 ESTATE OF BARBARA L WADE	AR Utility	Water Enterprise Fund	
249473		9 JERRY'S ENTERPRISES INC	Repair & Maint. Supplies	Water Metering	
1015287		9 BATTERIES PLUS	Operating Supplies	Prairie Village Liquor Store	
249666		9 BAZEWICZ CHANTELL	AR Utility	Water Enterprise Fund	
249703		9 LORRAINE TESLOW C/O BRAD TESLOW	AR Utility	Water Enterprise Fund	

Check #	Amount	Supplier / Explanation	Account Description	Business Unit	Comments
249674		9 CHRISTIANSON GLEN	AR Utility	Water Enterprise Fund	
249599		8 FISERV INC	Bank and Service Charges	Water Accounting	
249719		8 SPOTS TRACY	AR Utility	Water Enterprise Fund	
249664		6 ANDERSON STEVE	AR Utility	Water Enterprise Fund	
249682		6 EMYOUSFI ALAN	AR Utility	Water Enterprise Fund	
249433		5 EDEN PRAIRIE FOOD SERVICES	Operating Supplies	Internal Events	
249601		4 GENERAL OFFICE PRODUCTS COMPANY	Supplies - General Bldg	Police City Center	
249588		2 COMCAST	Other Contracted Services	Police	
	<u>2,936,748</u>	Grand Total			