

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, January 6, 2009

Pursuant to due call and notice thereof, the regular meeting of the City Council, City of Mendota Heights, Minnesota was held at 7:00 o'clock p.m. at City Hall, 1101 Victoria Curve, Mendota Heights, Minnesota.

OATH OF OFFICE

City Administrator Danielson administered the Oath of Office to Mayor John J. Huber, who was elected on November 4, 2008 to a two-year term of office, and to Councilmembers Sandra Krebsbach and Jack Vitelli, who were re-elected to four-year terms of office.

CALL TO ORDER

Mayor Huber called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Duggan, Krebsbach, and Vitelli. Councilmember Schneeman was excused.

PLEDGE OF ALLEGIANCE

Council, the audience and staff recited the Pledge of Allegiance.

AGENDA ADOPTION

Councilmember Duggan moved adoption of the agenda as corrected. Councilmember Vitelli seconded the motion.

Ayes: 4

Nays: 0

APPROVAL OF MINUTES

Councilmember Duggan moved to approve the minutes of the December 16, 2008 City Council Meeting as corrected.

Commissioner Vitelli seconded the motion.

Ayes: 4

Nays: 0

CONSENT CALENDAR

Councilmember Duggan moved approval of the consent calendar as presented, pulling item j for further discussion, and authorization for execution of any necessary documents contained therein.

- a. Acknowledgement of the Building Activity Report for December 2008.

- b. Acknowledgement of the December 2008 Treasurer's Report.
- c. Approval of Change Order No. 2 for 2008 Reconstruction – The “Avenues” Project No. 200802 and Authorization for Mayor and Clerk to Execute Change Order.
- d. Approval of Joint Powers Agreement (JPA) for Wetland Health Evaluation Program (WHEP).
- e. Approval of Renewal of Joint Powers Agreement (JPA) for Traffic Markings, Street Sweeping, Crack sealing, Screening, and Seal coating.
- f. Approval of 2009 Commission Appointments and Setting Workshop Meeting. Adoption of Resolution No. 09-01: “A RESOLUTION APPOINTING ADVISORY COMMISSIONERS”.
- g. Adoption of Resolution No. 09-02: “A RESOLUTION APPROVING THE APPLICATION OF THE CITY OF MENDOTA HEIGHTS FOR FISCAL YEAR 2009 DAKOTA COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING”.
- h. Adoption of Resolution No. 09-03: “A RESOLUTION ACCEPTING PLEDGED SECURITIES FOR 2008”.
- i. Adoption of Resolution No. 09-04: “A RESOLUTION ESTABLISHING 2008 CITY DEPOSITORIES OF FUNDS”.
- j. Adoption of Resolution No. 09-05: “A RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT FOR HUNTER LANE, ORCHARD PLACE AND THE RURAL SECTION OF CULLIGAN LANEAS WELL AS THE REHABILITATION TO THE REMAINDER OF CULLIGAN LANE, VERONICA LANE AND GLENHILL ROAD”.
- k. Adoption of Resolution No. 09-06: “A RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT FOR THE CHERRY HILL 2ND REHABILITATION PROJECT”.
- l. Approval of the List of Contractors dated December 30, 2008.
- m. Approval of the List of Claims, dated January 6, 2009, totaling \$225,246.86.

Councilmember Duggan referred to Item l noting that there are only two rubbish hauler licenses listed and

there are at least five operating in the city. City Clerk Kathleen Swanson said the ones listed are the ones that have come in so far.

Councilmember Krebsbach asked to have item j pulled and asked if there will be neighborhood meeting to allow residents to voice their concerns and questions. Public Works Director John Mazzitello said there will be a neighborhood meeting as part of the preparation of the feasibility study.

Councilmember Vitelli seconded the motion.

Ayes: 4
Nays: 0

EMPLOYEE RECOGNITION

Mayor Huber presented Service Awards to the following employees:

Those present to accept awards:

- Steve Abrahamson, Firefighter 5 years
- Thomas Mattaini, Firefighter 5 years
- Chris Perault, Fire Dept. 5 years
- Mike Aschenbrener, Police Chief 5 years
- Kristen Schabacker, Finance Director 10 years
- Bret Blaeser, Firefighter 15 years
- Keith Stein, Captain – Fire Dept. 25 years
- John Maczko, Fire Chief 30 years

Those not present to accept awards:

- Mike Maczko, Firefighter 25 years

Mayor Huber thanked all the employees for their excellent work.

COMMISSIONER RECOGNITION

Mayor Huber presented a plaque to Larry Craighead for his 11 years of service on the Parks Commission.

APPOINTMENT OF ACTING MAYOR

Councilmember Duggan moved to appoint Councilmember Schneeman as Acting Mayor for 2009. Councilmember Krebsbach seconded the motion.

Ayes: 4
Nays: 0

DESIGNATION OF OFFICIAL NEWSPAPER

Mayor Huber said each year the City Council must designate a local newspaper to serve as the Official City Newspaper for the year.

City Clerk Swanson said the South-West Review has done an excellent job and its rates are somewhat less than the Sun Current.

Councilmember Duggan moved to designate the South-West Review as the Official Newspaper for 2009. Councilmember Krebsbach seconded the motion.

Ayes: 4

Nays: 0

MENDOTA MALL PUD

It is noted that Planning Commissioners Bruce McManus, Mike Povolny and Doug Hennes have joined the City Council for a joint discussion this evening.

Assistant to the City Administrator Jake Sedlacek reviewed the history of this application and presented a site map depicting the proposed development at Mendota Mall, Highway 110 and Dodd Road.

This application is a request for a preliminary plat and preliminary PUD, request for rezoning, wetlands permit and a conditional use permit. The proposal is to renovate the existing Mendota Plaza building and the addition of new buildings on site including a Walgreens Pharmacy, two restaurant buildings and a retail center with a maximum of seven tenants.

Mr. Sedlacek reviewed a memo that he provided giving some background on a number of issues which have been raised regarding the planning application with the Planning Commission's approval, as well as issues raised by the Council at their regular November 18th and December 2nd meetings.

Staff asked for discussion on all these items to make sure the Planning Commission and the Council are comfortable that a number of smaller issues have been addressed before tackling the larger issues.

The Planning Commission recommended approval of an earlier draft ,on a split vote 4:3 (Norton, Povolny, Hennes and Field in favor, and McManus, Lally and Viksnins against), of the Preliminary Development PUD, along with a Preliminary Plat, rezoning request,

conditional use permit, and wetlands permit, with a number of conditions (as outlined in Mr. Sedlacek's report).

- 1) Lighting plan for parking areas and loading area – the applicant has provided a revised lighting plan.
- 2) Issues associated with vehicular stacking space, circulation, loading area and off street parking – Staff feels these issues have been addressed within the current plan. Councilmember Krebsbach asked for further clarification on the drive aisle on the Walgreens side. Mr. Mazzitello indicated on the site plans (Sheet C 4.0) and explained how the drive-thru lanes will not conflict with any parking stalls. Councilmember Krebsbach asked to have it noted that she would like more landscaping to the south of the Walgreen's parking lot to soften the area and add some buffering.
- 3) Performance Bond issues – Performance Bonds and Letters of Credit are to be submitted with the final PUD and Development Agreement. A draft version has been completed and the developer is comfortable with the language. City Attorney Tami Diehm said this particular performance bond letter of credit has to do with the landscaping. Ms. Diehm said the code requires the landscaping bond to be held to insure the growth for one full growing season. At the end of the season, the developer has the right to come back to the city and ask for a reduction. At that point, if there have been no problems it would be reasonable for the Council to grant the reduction. Ms. Diehm added that the Development Agreement insures that any future owner of the this PUD property is bound by this agreement and under the section of the Development Agreement where it talks about assignments and transfers, the new owner would specifically have to agree to be bound by the terms of this agreement.
- 4) Final pond and drainage systems are subject to the review and approval of the City Engineer – Mr. Mazzitello said the storm water system meets all the city and watershed requirements and the applicant will have to come back to the city with any changes

for subsequent approval. Mr. Mazzitello explained how the storm water will be directed in relation to the creek, which is a natural entity. Mr. Mazzitello said storm water calculations indicate that the 100-year high water level is plus or minus 100th of a foot at an 840 elevation and the top of the pond berms are at an 844 elevation which is consistent with the elevation of the parking lots.

- 5) Changes to the Traffic Study shall be subject to review by the City Engineer – the City Engineer has approved this plan with the proposed Development Agreement language, which means if there is any degradation of service from what is there today, the developer is responsible. Councilmember Krebsbach asked about signals on Dodd Road. Mr. Mazzitello said at this point in time, signals are not anticipated to be installed unless the level of service degrades and then it will be revisited. A signal at the west entrance, which is now the main entrance, is not likely because of the proximity to the Dodd Road signal. A signal at South Plaza Drive may be plausible if the level of service degrades to the point it is warranted. It is anticipated at this point that South Plaza Drive will only service the buildings in Phase II of the development. Street width concerns can be addressed with any modifications that need to be done. Councilmember Duggan said it is important to keep traffic from shortcutting through the development and would like to have some language that will address any problems of this nature. Mr. Sedlacek noted that the roadway has been made more narrow at 24-ft to further reduce this activity.
- 6) Final storm water management plan – this rolls into the pond and drainage system.
- 7) Changes to the design of the service road – the City Engineer does approval of the submittal plan and any changes made must be done through an amendment to the PUD. Councilmember Duggan asked if those changes are similar to the proposed lengthening of the turn-in off Highway 110 east of Dodd Road to get into the site and does this have to be approved by MnDOT. Mr. Mazzitello said the design shown in the applicant's plan was the

preferred design of MnDOT and he just received word today from the applicant's civil engineer that MnDOT wants that entrance altered slightly and the applicant will alter those plans to comply with MnDOT's request. The length shown on this plan is what MnDOT wants.

- 8) Limited hours for all tenants shall be included in the Development Agreement – there is some language in Section 4.9 that addresses this issue saying that retail establishments located within the PUD development shall be restricted in their hours of operation. No retail establishment located in the PUD shall be open to the public outside the hours of 6:00 am to 10:30 pm, notwithstanding the foregoing establishments holding an on-sale liquor license which may operate during the hours specified in their license.
- 9) Another performance bond and certified check for the inspection costs – the certified check process is a normal process that the city always has in place. Ms. Diehm said the performance bond requirement is incorporated into Section 3.6 on Page 6 of the draft Developers Agreement and the inspection costs are incorporated with the general city expense provision as outlined in Section 3.7 on Page 6.
- 10) Approval from MnDOT to require plantings along the east property line - the city received a letter from Dodge Nature Center that they were okay with the proposed plantings. Staff understands that MnDOT has received the request and will be under Council review before the building permit is granted.
- 11) The applicant shall address MnDOT's comments and concerns regarding the project – these comments were provided, and include comment regarding the ingress and egress around the McDonald's property which have been addressed.
- 12) Continue discussions with Dakota County Community Development Agency regarding the housing component and the CDA's property. Staff understands that these discussions have been on-going. Councilmember Vitelli asked to have updated drawings sent to the county and ask for

commentary. Councilmember Duggan indicated his disapproval of the proposed housing renditions that were submitted by the applicant, and feels it would be good to have some with balconies.

- 13) Continue to work with Dakota County regarding trail alignments – Al Singer has seen the current iteration of the plan which keeps the greenway of the site and the preservation of the creek. The applicant is proposing to prepare grade for a trail to be installed at a later time. Mr. Sedlacek shared an elevation drawing showing the bridge, water culvert and walking trail box tunnel. Councilmember Duggan asked that talks continue about extending the trail southward to connect by the gas station. Mr. Sedlacek said it will ultimately connect to the trail by Friendly Hills Marsh.
- 14) Park dedication requirements to be determined – Parks and Recreation Commission has not seen this and will be meeting later this month before the next Council meeting. The general feeling is that because Dakota County is onboard there is a good chance the Parks and Recreation will be in favor. Councilmember Duggan asked for clarification of all the parcels that will need to provide the park dedication. Mr. Sedlacek said traditionally, park dedication is equal to 10% of the land value of the newly platted property and there may be some re-negotiations on that point. For now, Staff suggests that with the discussions this evening, the right thing to do would be to say that the city will be negotiating this into the Developers Agreement. Councilmember Krebsbach asked if there is any space available that would accommodate the overpass if it is ever constructed. Mr. Mazzitello indicated the best site for the landings would be by the Verizon store on the north side and just east of the ingress to the Paster property on the south side.
- 15) Final grading / topography plans and utility plans shall be subject to the review and approval of the City Engineer – Mr. Sedlacek said the City Engineer has approved the submitted plan. Councilmember Krebsbach asked for clarification on the topography of the Walgreens in relation to Dodd Road. Mr. Mazzitello said there is a cross

section in the Council packets showing this. Mr. Mazzitello reviewed the plans for the retaining wall south of the Walgreens that at its highest point is 8.5 ft. tall. Councilmember Duggan asked if this wall could be staggered. Mr. Mazzitello said there is a substantial grade difference and to accommodate the landscaping between Dodd Road and the retaining wall, there needs to be sufficient green space to have plantings for root structures and canopy, and taking out the retaining wall would result in parking stall cuts.

- 16) Ten-foot wide drainage and utility easements along the property lines – those easements need to be included in the final application package and listed as a condition of any action the Council may take at this time.
- 17) Dedicated easements over trunk sanitary lines, sewer lines and water lines – applicant shall dedicate as per the Saint Paul City Water Department. Mr. Sedlacek said it is his understanding that these typically do not get platted on the map until the City of Saint Paul sees the final build and is comfortable with the results.
- 18) Applicant paying all final applicable fees and securities; Development Agreement approval by City Attorney, and final approval by City Council – a draft of the Development Agreement has been prepared for Council review.
- 19) Wetland Permit shall be conditioned upon review and approval of the MN Wetland Conservation Act Permit Application – this was a sticking point between the Planning Commission and the Council as the site plan as was proposed with its lack of application will not likely be approved. Planning Commission approved this application conditional upon approval of this permit. With changes to the mitigation of the wetland from the original review, a new application needs to be made. The Technical Evaluation Panel has not yet met on this permit application and Staff is anticipating a favorable review.

Mr. Sedlacek reviewed the Council Requirements / Status table.

- 1) Phasing – the applicant has kept up with their phasing documents. The anticipated completion date is 2013.
- 2) Five year build out statement – phasing schedule shows complete build-out within 5 years from Final PUD approval.
- 3) Further detail on architecture for future phase buildings – the future buildings are included in the perspective renderings that have been submitted. Architectural consistency, color and material will be carried through the entire project. Approval of the preliminary plat is currently based upon the idea of what is on the other sites (second phase) and the applicant is committed to the use, lot size and footprints of those sites. Any other changes to that would require a planned unit development amendment which would require a full public review. If the buildings in the second phase do not comply with the agreed color or architecture, there would be a staff determination if this would fit with the PUD, and if not, would be subject to Council review. At that point, Council could say it does not fit with the PUD as the City Council had approved. Councilmember Krebsbach asked if the Council should be paying attention to things like the balconies in the housing part. Ms. Diehm said the Development Agreement right now in the draft form is set up that if the Council has some specific concerns about one aspect of the development, specific language addressing the lot's requirements can be placed in the Development Agreement; there is a placeholder in Section 4.10 that could be used to incorporate such language for one particular building. Councilmember Duggan said he understands the reading of the PUD that the city can and is entitled to receive a full rendering of everything that is being proposed on the site at this time, which would include the housing component, office building and day care center. Councilmember Duggan said the housing component is showing a four story building which he feels may be too large for the site and there

should be discussions on this concern at this time. Mr. Sedlacek said there needs to be some more detail on the housing and talked about a concern that was reflected in the Maxfield summary that there is a moving target on the housing; the applicant has said they will put in housing but there has not been any real specifics presented on what that housing will look like. Councilmember Duggan said it is his understanding that the housing will be rentals.

- 4) Full landscaping plan for all phases – these have been submitted for Phase I as well as a full build out. Councilmember Krebsbach expressed interest in having more variety in the back of the entrances, such as more fall season plantings.
- 5) Further detail on greenway with landscaping – landscape renderings have been submitted. Councilmember Duggan said he would like to have a comparison on the dollars spent on the entire landscaping.
- 6) Landscape rendering with multiple year growth depicted – Staff feels this has been submitted and the plan is to have the landscaping similar to the Village development. Councilmember Krebsbach asked to have some language in the Development Agreement that the trees are to be allowed to grow to a mature level in the greenway.
- 7) Pylon signs - Council expressed that there is no interest in having three pylon signs for this project. The applicant has agreed to make one change to the architecture of the signs to have the base of the sign lighter. The existing signs will be refinished and there will be no change in the heights of the existing signs. Mayor Huber asked how many pylon signs are at The Village. Mr. Sedlacek said there are no pylon signs at The Village. Councilmember Duggan said he would support only a monument sign on this site as a pylon sign is not warranted.
- 8) Roof top units – submitted plans show renderings of the rooftop units colored to match the roofing materials and parapet colors.

At this time, there was further discussion on the retaining wall behind Walgreens. Planning Commissioner Mike Povolny expressed his concern for safety issues – Mr. Mazzitello said there is a fall issue if there were pedestrians on this wall and the building code states that anything over 42-inches in height has to have sufficient fall protection whether that be a landscaped hedgerow, fencing or railing.

Councilmember Duggan said he would like the Council to consider requiring a staggered wall instead of having fencing on top of there. Mr. Sedlacek said even with staggering, it would be best to have some type of fencing. Mayor Huber agreed. Mr. Sedlacek said any staggering would reduce parking, and the plan is already below the city's code amount for parking.

Councilmember Krebsbach said she would like to see an inventory of how many walls there will be on the site. Councilmember Duggan asked for the applicant to do whatever is necessary to soften the walls, i.e., boulders, staggering, etc.

- 9) Walgreens hours – this requirement has been placed in the Development Agreement.
- 10) Working with city staff before the meeting with Council again – applicant met with city staff on November 24, December 16th and January 2nd.
- 11) Light fixtures – the submitted plan meets city code and includes four different types of light fixtures. A revised Photometrics Plan has been submitted and is consistent with city code. Commissioner Povolny asked if the walkway under the bridge will be lighted. Mr. Sedlacek said this will be added when the trail is completed.
- 12) Second story on “B” building – it has been determined that the site cannot support additional square footage due to insufficient space for additional parking. Staff supports this conclusion.
- 13) “B” Building – better imagery – updated architectural and new architectural renderings have been submitted with the revised application package. Mr. Sedlacek confirmed that the face front of the building will not be flat, but will be staggered.

- 14) Housing – the developer is proposing a four story, 100-unit senior rental housing with services. The footprint has been determined from Day 1, one that is similar to the Southview Living in West St. Paul. Photographs of this complex have been submitted, and would incorporate the same architectural features as the rest of the development. The applicant has also submitted other architectural styles for consideration. Mayor Huber asked how high the CDA facility is. Mr. Sedlacek said it is 3-story. Councilmember Duggan said he would like to see balconies and a different changing roofline. Mr. Sedlacek said the Council can have requirements put into the Development Agreement to submit detailed elevations. Councilmember Duggan said there is a strong opinion of the Met Council and the community to have affordable housing, which is part of the comprehensive plan.
- 15) Housing Feasibility Study has been requested and Staff has received an executive study which was completed.
- 16) Joint meeting with Planning Commission on January 6, 2009 – there are three commissioners present at this meeting.
- 17) Verify the square footage of the buildings in the northeast corner – these numbers have been submitted and have been included in the revised submittal package.
- 18) Park dedication - open to negotiation and is a Development Agreement issue.
- 19) Clustering of southwest corner – revised plan shows daycare facility and office building moved closer together.
- 20) Grading – cut/fill analysis - Mr. Mazzitello shared a shaded cut analysis plan. Councilmember Krebsbach asked how many yards are going to be moved. Mr. Mazzitello said there will be 42,909 cubic yards cut.
- 21) Proof of financing sufficient to assure completion of PUD – the applicant has expressed that they are

financing the project themselves and provided a letter from M&I bank supporting their finances.

22) Traffic – City Engineer approves submitted plan and applicant agrees to include language in the Development Agreement to address degradation in traffic due to development. Councilmember Krebsbach said she does not see any traffic information as it pertains to the roadway leading to Friendly Hills. Mr. Sedlacek indicated the flow of traffic in that area.

Louise Lentz, was present to speak on behalf of ISALAH, a consortium of 90+ churches in the Twin Cities that act on faith in the community, working on issues such as social justice issues such as housing, education, health care, immigration and domestic violence. Ms. Lentz talked about the importance of affordable housing in the community, and asked the City Council to commit to including affordable housing in this development.

Mr. Henk, Paster Enterprises, said they have shown all along a four-story, 100-unit residential building and have provided pictures of the Southview Living to give the Council an idea of the future phase planning. Mr. Henk said there are no final concepts completed at this time. Mr. Henk said photos of other daycare facilities and office buildings have also been provided to give the Council an idea of what they are considering for the second phase.

Mr. Henk said Paster Enterprises are not at any stage to determine at what price points the housing will be, whether it be affordable or market rates.

Mayor Huber said the Council has asked for specifics on this and asked for a fuller rendering on what this will look like.

Mr. Henk said they have been asked to provide three or four different concepts, which they have done, and as these are future phases, there is not a lot of detail. Mr. Henk said he believes that the PUD requirements state that when the second phase is to begin, the developer will be required to come back to the city to review those plans and that would be the time to discuss the

details of those buildings. Mr. Henk said he wants the Council to look at the concepts that have been presented and then the developer will go forward with details on that particular design.

Mayor Huber said without the specifics now, nothing is getting moved along. Mayor Huber said he does not feel that a four-story building will work out as there are no other buildings this high in the city.

Councilmember Duggan said the Council has been saying from Day 1 that they would like to see detailed drawings of what might be considered, not just exterior renderings. The PUD calls for a complete detailed plan for everything that is proposed for the whole entire site, and all phases, at the same time. And along with this complete detailed plan, the Council is agreeable to the phasing of the actual construction. Mr. Henk insisted that this is what they have shown – that being a four-story building with 100 units, 100,000 sq. ft., the size of the footprint is shown, photographs of similar buildings (noting that the architecture design will be different), and other renderings of alternative designs. Mr. Henk said he believes that on a preliminary approval basis that this would be sufficient.

Councilmember Duggan said in addition to the requirement that the whole project is detailed before any approvals are made, he also would like to see what the project would look like from a neighbor's perspective. Councilmember Duggan said a four-story building would be monumental to the people in the surrounding area, and there are no drawings to see what these actual buildings will look like, giving no visual impact from the surrounding buildings.

Councilmember Duggan said there should be housing, and it should be housing appropriate to Mendota Heights, and the city needs to take into consideration the requests for affordable housing. Mr. Henk said in the current guide plan there is no mention in the requirements on this southeast corner of Highway 110 and Dodd Road for affordable housing, however it talks about mixed use development and a combination of housing and business. Mr. Henk said there may be affordable housing mentioned in the overall Mendota

Heights comprehensive plan, but there is specific language on this parcel where affordable housing is not mentioned. Mr. Henk expressed his frustration that now they are at the 11th hour and the City is now talking affordable housing.

Mayor Huber said the Council is not requiring affordable housing, but they have been very clear that they want to know what type of housing the developer is planning and feel that this information has not been adequately provided.

Mr. Henk said the plans are showing that the restaurant buildings are 7,600 sq. ft. but there has been no specific indication what type of restaurants they will be (Italian, Mexican, white table cloth, fast/casual), or what the tenants will be in the retail buildings. Mayor Huber said the Council is not asking for that information. Mr. Henk said the Council is asking for that type of information on the housing. Mayor Huber said the Council is asking for a specific design structure which was provided in all the buildings for Phase I. Mayor Huber said the developer seems to be saying they want to bring in a mix of retail users that are complimentary to each other, and at the same time, should be providing more information on the housing such as price points, approximate square footage of the interior units, giving a mental image of what the interior will look like as well.

Councilmember Vitelli said he agrees with the Mayor that there needs to be more definition of the housing plan, adding that a four-story would be an eyesore.

Councilmember Vitelli said he does not know the definition of affordable housing. Councilmember Krebsbach said when ISALAH was before the Council previously, she has asked that affordable housing be managed to keep it affordable, and that the city has had good experiences with the CDA. Councilmember Krebsbach talked about the recent development of a four-story condominium building in the OPUS development which is very large and would not like to see that type of building in this development.

Councilmember Krebsbach feels it is very important on how a building looks and how it will fit in the area long

term. Councilmember Krebsbach said the renderings do not show underground parking. Mr. Henk said there will be underground parking.

Mr. Henk talked about the four-story being only slightly higher than a three-story by only about 10-feet, and that they have worked with the CDA who does not seem to have a problem with the four stories. Mr. Henk said he sees this building ties in nicely and clustering with the CDA buildings. Councilmember Krebsbach said if this is to be affordable housing, she would want to be sure it will be managed by the CDA.

Councilmember Vitelli said affordable housing will not get the amenities like the balconies as Councilmember Duggan has asked for. Councilmember Duggan said the main level could be affordable and then other levels could be used as senior housing, and added that affordable housing does not necessarily mean senior, but young entry level workers as well. Ms. Lentz gave the Council the Met Council's definition of affordable housing as homeownership or rental does not exceed than 30% of a family's gross income; income at a level of 80% of median family income for a family of four, which would be \$64,720. Right now, that would be a home selling for \$215,000. Affordable rental rates vary from \$758.00 per month for a one-bedroom apartment to \$1,050 per month for a three-bedroom. According to the CDA definition, these numbers are much lower. Councilmember Vitelli asked if affordable housing has to be subsidized. Ms. Lentz said it does not.

Mayor Huber said the Council is not to make the determination on whether this should be affordable housing or not, recognizing there is a definite need for it.

Councilmember Duggan said he would like to see the residential building designed in a more curvature / angular building, and three story, to break up its massiveness. Councilmember Duggan said the original designs for the residential at The Village is much different than what is there now as a result of many design discussions between the developer and the Council.

Mr. Henk said they know the use of the residential will change and they did not see the benefit of detailing the design at this time. Mayor Huber expressed that the importance of knowing the plan for the residential at this time, is to prevent this developer, or a subsequent developer, from changing the use later (example: by agreeing to building a single multi-unit residential building in the PUD approval, the use cannot be changed to a townhome type development without the review and approval by the City Council).

Councilmember Vitelli said the developer is asking the Council to approve a PUD; two-thirds of it is well defined and one-third is not well defined. This does not meet the Council's requirement. It should be able to be done because this was seen at The Village. When the Council approved that PUD, there were architectural drawings for all of the buildings, all the details such as price points, have been discussed. Councilmember Vitelli said the project can be phased as Mr. Fefercorn had done and is still doing. Mr. Fefercorn also knows that if he chooses to do condominiums in the unfinished area instead of the townhome units that were originally agreed on, he will have to come back to the Council with a revised plan. Councilmember Vitelli said that Paster Enterprises is saying that they do not want to do it that way, and the Council is telling the applicant that they want the complete definition of all the buildings on the site in order to approve the PUD, and the applicant continues to come back to the Council with one-third of the site poorly or undefined.

Mr. Henk said he would disagree because they are listing the sizes, listing the heights, showing the exact footprint, showing what the building materials are. Councilmember Vitelli asked where the architectural renderings are. Mr. Henk replied that whether it is a rendering or a colored photo of a similar building, such as with the day care building, they know it is about a 10,000 sq. ft. which is what a typical day care center is.

Councilmember Vitelli said he believes that Paster Enterprises has never done any residential units. Mr. Henk said their company was founded as a residential company, and then switched in the 1960's to commercial.

Councilmember Vitelli said the developer has no recent experience in this and gives the impression that they want to get going on Walgreens and the renovation of the existing building.

Mr. Henk said that is certainly not the intent, and their premise all along is to define future phases as best they can with the information they have at this point. Mr. Henk said what the Council is really saying is to come back with a complete development and build that all at once. Councilmember Vitelli said the Council has all along said they support phasing. Mr. Henk said he has not given rental rates on what the restaurants will be charged, so why does this need to be done with the residential? Mayor Huber said there is a wide range of rental properties and that really does change the feel and look of what will be there. Housing has a much different impact than commercial and retail does.

Mayor Huber took questions from the audience.

Diane Burfield, 688 West Wentworth, asked Mr. Henk what the services are that this residential development would provide. Mr. Henk said this building is shown as 100 units, which was determined as a result of interviewing other senior and assisted living facilities. The services would include providing meals, and having perhaps twelve to fifteen units to house people with dementia and Alzheimer's type diseases. In talking to the CDA, the developer has learned that they are very interested in this new development becoming an assisted living that they could piggy back onto a meal program. The County is finding that a lot of the population is aging in place and there are not a lot of available services to those people, but having a facility directly across the street would be a great opportunity. Paster Enterprises is continuing to have dialogue with the CDA on these opportunities.

Mrs. Burfield said this is something that is not available in Mendota Heights presently and there is a need for this.

Mayor Huber said this is exactly what the Council needs to hear; now this explains more of what is intended for this residential building. This information

will allow the Council to better envision what will be planned.

Councilmember Vitelli said these exchanges of comments with Mrs. Burfield have revealed more to him than what Mr. Henk has revealed in the last six months about what the developer's thinking / strategy is. Councilmember Vitelli said the developer should be talking about this more. Mr. Henk said they provided some of this information in the Executive Summary from the Maxfield Study, and since they do not have a lot of experience in the assisted living entity, they would be joint venturing this facility or make some arrangements with an adult entity, and they have been interviewing a number of prospects. Mr. Henk said if any one of them was ready to go, the developer would have jumped at the chance to put this in the first phase. Paster Enterprises said they believe this is the right use for this property and the CDA is very much in support of this.

Commissioner Bruce McManus asked if it would be possible for the developer to come back to the Council in thirty days with an elevation that would be approximate of what they want to do, and with the kind of detail that the Council is requesting. Mr. Henk said that could be done.

Mayor Huber asked to continue on with some other discussion at this time to discuss other changes and concerns.

John Dietrich, RLK Inc., reviewed the revised site plan showing the changes based on the July Planning Commission approvals. Mr. Dietrich talked about the updated landscaping designs and storm management changes.

The pylon sign on Highway 110 was reduced from 35-ft to 25-ft. This signs sit approximately 10 feet below the elevation of Highway 110. Mr. Dietrich said this is a very important sign for potential customers traveling eastbound along Highway 110, serving as a significant landmark.

Mr. Dietrich reviewed elevations from Dodd Road, showing a twenty foot drop from the south corner of South Plaza Drive to the entrance to Mendota Plaza. The retaining wall along the Walgreens area is twenty feet or greater setback from the property line. There is a significant green space along that edge. The existing pylon sign will be visible coming north on Dodd Road, which will be an important landmark where the entry is. The retaining wall goes from zero to 8-feet on the Walgreens site and there will be a fence along the top of the wall, and indicated how the end of the wall will be landscaped, and they will be adding some pine trees in that area. Councilmember Duggan asked that the fencing be ornamental and not chain link.

The guarantee of landscape materials will be covered in the Development Agreement and transferrable. The width of the internal drive will be 26-feet. The right turn lanes have been addressed by the City Engineer. The developer will be working with the county on the extension of the trail to Dodd and Highway 110.

Mr. Dietrich said the developer would like to use the language of the Developers Agreement to control future phases, and all those details have been submitted as part of the package.

Mr. Dietrich reviewed the screening of the loading areas. Councilmember Krebsbach asked if there would be semi trucks coming into the site to supply stores. Mr. Dietrich said that was correct. Councilmember Duggan expressed concern on the delivery times of these trucks. Mr. Dietrich said the trucks prefer unloading after hours and not during peak hours.

Mr. Dietrich said they will look into getting the number for the comparison/ratio of dollars spent for the landscape as they do not have that information yet.

Mr. Dietrich said they will make sure the trees will grow to full maturity and explained how the trees and other plantings will be maintained around the creek area. There are no trees planned for this area as there will not be irrigation and will be left more wild and native. Councilmember Krebsbach said she would like

to see something in place to make sure the volunteer trees are not removed.

Mr. Dietrich reviewed the proposed walls in Phase I indicating the heights along those walls. The wall will be covered with vines and other landscaping. The walls will be recon block with the dimensions being 20-inch by 26-inch which will look like large limestone block elements.

Councilmember Krebsbach asked how high the water will be in the creek. Mr. Dietrick explained how the water will flow through the property. Councilmember Duggan said the DNR reports there will always be water running through but it will depend on the time of season on how much. Councilmember Duggan said there should be landscaping that will in time soften the walls in this area. Councilmember Krebsbach asked to have at the next meeting some type of rendering of what the landscaping may look like in this area.

Councilmember Duggan asked about the fencing along the creek retaining wall. Mr. Dietrich said the railing will be about 42-inches in height. Councilmember Duggan said this railing has been done in a very interesting design. Councilmember Duggan asked about the box culvert for the trail system under the bridge. Mr. Dietrich said this culvert will go in right away but will be sealed until the time the trail is finished.

Mr. Dietrich reviewed the east side promenade landscaping. Councilmember Krebsbach said this will look very good.

Jack Amdel, KKE Architects, reviewed additional highlights of the architecture and provided some of the material samples for the Planning Commissioner's review.

Glass and glazing has been increased on some of the buildings to give more lighting. Water fountains will provide white noise to screen traffic noise. Soft accent lighting will be continued throughout the area as was suggested by Councilmember Duggan.

Councilmember Krebsbach said she has seen some Walgreen stores that have a softer color to them and asked if this will be the same. Mr. Amdel reminded the Council that the reason they are using a darker brick is because the lighter brick will tend to jump out at people and they don't want that to happen with the back of the building, and wish to keep to a darker color to recede the building better. Mr. Amdel said they wish to keep with the similar darker colors of The Village.

Mr. Amdel shared some photos of the work that will be done on the existing building, highlighting some new brickwork on the façade they did to sample the materials on this building.

Sidewalks will be colored stamped concrete and the pilasters will be redone. Mr. Amdel highlighted the changes to the lighting and glazing on this building.

Mr. Amdel reviewed the plans for the rear of the existing building, which will have a bigger variety of materials to blend with the rest of the development. Mr. Amdel noted that the parapets will be about 3-feet high; noting that if they are built higher additional structure is needed for snow drifting onto the building.

Councilmember Krebsbach asked for information on blade signage. Mr. Amdel shared a few examples of some signage and said this will give a nicer feel for the pedestrian walkways along the buildings.

Mr. Amdel confirmed that the plan is to construct seven retail stores in building "B", which would include smaller tenants such as an ice cream store, and the north end of the building will serve well as a coffee shop with a drive thru window.

Mr. Amdel reviewed the Walgreens store layout and materials.

Commissioner McManus asked about the front windows. Mr. Amdel explained that this will contain the Walgreens logo. Commissioner McManus said he does not see how this part fits into the rest of the design and asked if the developer has looked at some of the other Walgreens designs and is this is the one that fits

best. Mr. Amdel said this is the one that fits best into their architecture. Commissioner McManus asked if this logo and these windows could go away. Mr. Amdel said this is a very large vestibule and is used as the main entrance. Commissioner McManus said this is not the way it is in many of the Walgreens stores. Commissioner McManus asked if this design has been forced upon them by Walgreens. Mr. Amdel said it has not.

Councilmember Krebsbach asked how much of the back of the Walgreens building will be visible from Dodd. Mr. Amdel provided the drawing to show this area. Mr. Dietrich said that south side of the building will be seen at one point driving up Dodd Road.

Mr. Amdel said there is an option for a two-lane drive thru.

Councilmember Duggan said one of the negatives at The Village is the overhead awnings not being long enough and allow water dripping onto the sidewalks and freezing in winter time. Councilmember Duggan said the proposed awnings in this proposal are more open. Mr. Amdel said they are more of a shade structure and protect better.

Mr. Amdel reviewed the northwest corner of the existing building and highlighted the new façade, focusing on the details for the rear of the building.

Councilmember Duggan said there are currently three businesses on the west side of the building, and the new renditions are showing the possibility of five tenants. Mr. Amdel said the potential could be for five tenants but there is no plan at this time to fill all five.

Mr. Amdel reviewed the rendering of what the office building will look like using a photo example of an existing building. Mr. Amdel will bring forth their own rendering of a three story building.

Councilmember Krebsbach asked if there will be anything done to soften the existing building so it does not look like Signal Hills. Mr. Amdel said the colonnade will be left on the north side of the building

as it's structurally integral to the building, but will be softened up.

Mr. Amdel talked about the pylon signage for the development. Councilmember Duggan expressed his concern on having the pylon sign put right in the area of the creek and gathering areas. Mayor Huber said the Council is not at all interested in having three pylon signs.

Commissioner Povolny suggested using monument signs as this seems to be the trend these days. Mayor Huber said the three pylon signs are just dead on arrival. Mr. Amdel said a monument sign would not be very visible on the Highway 110 entrance. Councilmember Krebsbach said there is nothing distinctive about pylon signs and agrees that monument signage is better. Mr. Amdel said a monument sign will not give sufficient tenant identification.

Commissioner McManus asked if the pylon in the existing location is removed and allow for a sign on each entrance. Mayor Huber said he could live with two signs, but not both on Highway 110.

Mayor Huber said this proposal today is dramatically different than a year ago, and there is now a lot of good stuff.

Councilmember Vitelli said he agrees and complimented the developer on the progress that has been made in the last couple of months. Councilmember Vitelli said that although he seems somewhat negative on the residential, only because he wants it done right, he is very impressed with the layout and architectural and landscaping detail that has been done.

Commissioner Doug Hennes said his only observation is that there is huge disconnect here and does not know where the fault is. There needs to be more of a clear guidance from the Council of what is needed for this development or the developer will come back and the process will still be fumbling. Mayor Huber said the Council just wants a lot more specifics on the housing. Mayor Huber said the Council tries to give guidance

but would rather have the applicant present a plan and the Council is to comment on it, but not try to draft it for them.

Mr. Henk said he believes that collectively, everyone made great progress and for the January 20th meeting, the developer will seek approval or denial.

Mr. Henk said they have heard favorable comments on a good portion of the property and said they will continue working on the following items:

- Housing: putting together everything they can during the next week, putting language to use in the Development Agreement, using information from the Maxwell study and creating a new building plan from the three samples they have.
- Landscaping around the east property line and along Dodd Road
- Rooftop
- Materials in creek
- Blade signs
- Pylons

Councilmember Duggan said he would like to see what a four story building will look like in relation to Friendly Hills.

Councilmember Vitelli thanked Mr. Henk for bringing the Maxfield Study to his attention and after reading this information, he found it very encouraging to find the study feels there is a strong market support for senior housing, and there is a demand for market rate senior housing. Councilmember Vitelli said he would personally like to see a plan for market rate senior housing in this development that the Council could accept.

Councilmember Vitelli said it was also interesting to read in this report that the median price of a home in Mendota Heights is \$262,000 which is only 15% to 20% over the \$215,000 which means Mendota Heights has a lot of affordable homes in the community.

Councilmember Krebsbach said the city does meet its requirements.

Mayor Huber asked the developer to provide location information to Staff about samples of the wall where the council members can visit to view the wall style. Mr. Henk said some of them can be seen along I-494 by Ridgedale.

Mr. Sedlacek said he had some additional items of concern to be added to the list:

- Decorative fencing on Dodd Road
- Building elevations

COUNCIL COMMENTS

Councilmember Krebsbach and Councilmember Duggan wished everyone a Happy New Year.

Mr. Danielson said the ARC meetings will now be held in Council Chambers and be televised.

On behalf of Councilmember Schneeman and himself, Councilmember Duggan congratulated Councilmember Krebsbach, Councilmember Vitelli and Mayor on their re-election.

ADJOURN

There being no further business to come before the Council, Councilmember Duggan moved to adjourn the meeting.

Councilmember Krebsbach seconded the motion.

Ages: 4

Nays: 0

Time of Adjournment 11:35 p.m.

Rebecca Shaffer
Recording Secretary

ATTEST:

John J. Huber
Mayor