

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY
STATE OF MINNESOTA

Minutes of the Regular Meeting
Held Tuesday, January 20, 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.

CALL TO ORDER

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

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 Schneeman seconded the motion.

Ayes: 5

Nays: 0

APPROVAL OF MINUTES

Mayor Huber tabled the approval of the minutes of the January 6, 2009 City Council meeting to the next Council meeting.

CONSENT CALENDAR

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

- a. Acknowledgement of the NDC4 Meeting Minutes and Agenda.
- b. Acknowledgement of the Minutes from the January 13, 2009 Parks and Recreation Meeting.
- c. Acknowledgement of the December 2008 Treasurer's Report.
- d. Acknowledgement of the December 2008 Fire Department Monthly Report.
- e. Acknowledgement of School District 197's 150th Birthday Update.
- f. Authorization for Purchase of Turnout Gear.
- g. Authorization for Purchase of Thermal Imaging Camera.
- h. Approval of Sign Permit for 2365 Waters Drive.

- i. Adoption of Ordinance 420, “AN ORDINANCE AMENDING TITLE 12 CHAPTER 4 OF THE CITY CODE.” (Airport Noise)
- j. Approval of the List of Contractors dated January 15, 2009.
- k. Approval of the List of Claims, dated January 20, 2009, totaling \$1,210,388.68.

Councilmember Duggan asked to have item e pulled and said that this is a significant event and that the City should contact the school district to let them know of the support the city is giving them and to offer assistance with this celebration.

Councilmember Duggan moved approval of the acknowledgement of Independent School District 197’s 150th Birthday Update as presented.

Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

Councilmember Krebsbach asked to have item i pulled and asked if this applies to new construction only. City Administrator Jim Danielson said that is correct and pointed out a small language change. Councilmember Krebsbach said she would like to hold this item for further discussion during Council’s goal setting workshop.

Councilmember Krebsbach moved to table the discussion on the adoption of proposed Ordinance 420. Councilmember Schneeman seconded the motion.

Ayes: 5
Nays: 0

BLOOD DRIVE

Ms. Jude Rikala, from St. Paul’s United Methodist Church, talked about the upcoming blood drive at the church on Saturday, January 31st from 9:00 am to 2:00 pm. The church is located at 700 Wesley Lane, Mendota Heights. For more information, residents should contact the church at 651-452-5683 or check the website at www.givbloodgivelife.org, and enter 6499.

ALLEY VACATION REQUEST

Assistant to the City Administrator Jake Sedlacek introduced for discussion a request from Brian and Kim Burnett, 591 Hiawatha Avenue, for an alley vacation. He reviewed a map showing the Burnett parcel and stated that in this neighborhood, an alley was platted between the homes, and in addition, a stretch of roadway was platted known as Eugenia Avenue. It is

noted that these roadways are unused. Mr. Sedlacek said there are a number of residents who would be affected by this and typically the neighbors are contacted to see if there is are agreeable, and if so, the city would split the property evenly.

In this case, if the alley is vacated, alley area would be turned back to the homeowners on each side of the alley. If Council decides to pursue this action, a utility easement should be retained and a public hearing will be set up for residents' comments.

Councilmember Vitelli asked if property taxes increase when the land is granted to the homeowners. Mr. Sedlacek said that was correct, that this property would be put back on the tax rolls.

Councilmember Vitelli asked if there are any trees in this area. Mr. Sedlacek said it is mostly clear.

Councilmember Schneeman asked who owns the pine trees. Mr. Burnett said they are on his lot. Councilmember Schneeman said this would be a good thing to do and would recommend having a public hearing. If the City continues to hold on to this property the city would have to continue the maintenance on it.

Mayor Huber asked if the lot to the southeast of Sibley Memorial Highway at Eugenia would become subdividable if some of the Eugenia right-of-way land gets turned back. Mr. Sedlacek said it could be possible that the Blaesers (the property owners) could make a request to subdivide.

Mayor Huber said he is fine with a public hearing, but that he typically refrains from supporting a turnback that would result in a lot becoming subdividable that is not currently subdividable. He could perhaps support the vacation of the alley without the vacation of Eugenia, but he would not support creating a condition that would allow one neighbor to benefit in that regard.

City Attorney Tami Diehm said she will look into creating a condition in that regard and will provide more information at the time of the public hearing.

Councilmember Vitelli asked what the result would be of the land increase in terms of subdividability if just

the alley is vacated. Mr. Sedlacek said they will have that information at the next meeting as well.

Councilmember Duggan asked what the size of the lot is before the possible vacation of Eugenia (606 Sibley Memorial). Mr. Sedlacek said it is currently 26,600 sq. ft. With the vacation of Eugenia Avenue and the alley, the total area would be 34,700 sq. ft. Councilmember Duggan asked if there were any challenges or requirements in relation to the bluff. Mr. Sedlacek said it is within the critical area and a subdivision would require a critical area permit. This is zoned R-1.

Brian Burnett, 591 Hiawatha, said he has been maintaining this piece of Eugenia and would like to plant some trees in this area to create more privacy for his family. Mr. Burnett said he would like to continue maintaining it.

Councilmember Duggan asked if Eugenia would be divided. Mr. Sedlacek said the whole property was platted as part of the development to the north, and therefore would be given to properties to the north. Councilmember Duggan suggested that Staff include the residents to the south in the public hearing notification.

Councilmember Schneeman moved to conduct a public hearing on February 3.

Councilmember Vitelli seconded the motion.

Ayes: 5

Nays: 0

MENDOTA MALL PUD

Assistant to the City Administrator Jake Sedlacek said the materials submitted at this time are supplemental materials and not a replacement for the materials that were discussed previously.

This application is a request for a preliminary plat and preliminary PUD, request for rezoning, wetlands permit and a conditional use permit for grading. The site is located on the southeast corner of Highway 110 and Dodd Road. The zoning is a combination of B-4, R-1-A, and R-3. The site is designed in two phases. The first phase contains Walgreens (14,000 sq. ft), the remodeled existing building, a restaurant building (8,000 sq. ft. that may house one or two restaurants), and a retail building at 12,000 sq. ft that can hold up to seven tenants. The second phase will include a three

story office building, a four-story residential building, and child care facility.

Mr. Sedlacek reviewed the history of this process, and stated that at the January 6th Council meeting, there were nine items that the applicant and Council decided were the remaining items to be addressed.

- 1) Housing design details and renderings. The applicant was directed to provide some elevations. The applicant has provided those in the newly submitted materials.
- 2) Revised landscaping along Dodd Road and Highway 110. The landscape plan has been updated accordingly.
- 3) More information was requested on the plant material in the ditch area, specifically to have some variation of the heights of the plantings. The new landscaping plan does show the material as requested.
- 4) Blade signs on retail. In the newly submitted materials, renderings of what the signs will look like have been described. The blade signs will be incorporated into the design standards in the Development Agreement.
- 5) Pylon signs – the third pylon has now been replaced with an 8 ft. tall monument sign.
- 6) Four story housing views from the Friendly Hills neighborhood and the CDA building. The applicant has provided some ground level perspectives from different sights along South Plaza Drive.
- 7) Fencing along Dodd Road atop the retaining wall. Council directed the applicant to update that material to not be black vinyl chain link fencing. The applicant is now proposing to use the same ornamental fence that is proposed along the plaza and the creek. The applicant was also directed to provide elevations of the office and day care buildings. Those materials have been provided.

The next steps after approval of the resolutions for this case will be to further negotiate the Development Agreement. A draft of this agreement has been provided for review of the many issues at hand. The draft that was provided at the January 6 meeting is the most reliable working draft.

Another step is that if there were a motion to move ahead with this project there is the final plat and the

final PUD approval which is to define more of what will make the Council more comfortable with this project.

After final approval, the planning application will be in the public record showing the design criteria, Development Agreement, final PUD and final plat.

The Development Agreement and final PUD approval will include bonds to ensure performance.

Other steps down the road will be to grant the necessary building permits which will be reviewed by the Council.

Councilmember Schneeman asked for confirmation that the pylon signs on Highway 110 had gone from 35 ft. to 25 ft. Mr. Sedlacek said that was true on January 6. The applicant has now proposed a monument sign. The current proposal is to keep the two existing signs at their current heights and sizes, and these signs will be re-skinned. The applicant is not proposing to lower these signs.

Councilmember Krebsbach asked for clarification on what will be in the ditch area. Mr. Sedlacek said the developer is proposing river birch. Councilmember Krebsbach said she wants the minutes to show that she does not want the volunteer trees to be removed.

Responding to a question from Councilmember Krebsbach about errors in the January 6 minutes, Attorney Diehm stated that the minutes do not become public record until they are adopted and adoption has been tabled to the next meeting.

Councilmember Krebsbach said there has not been a lot of discussion on the residential and she would not be in favor of a four story residential building and does not know why the Council would want a four story building. Mayor Huber said he would like to have some clear thoughts on the table about the absolute height of that building. Four story may work if it is constructed like the Summit but four stories would be out of bounds if it is with a pitched roof.

Mr. Sedlacek said the applicant has provided information that shows this building at 65feet high at the top. That is an item that could be put into the

developers agreement. Councilmember Duggan asked what the ordinance permits for the existing zoning. Mr. Sedlacek noted that this is a PUD and Council can determine any height they feel is appropriate. Ms. Diehm said the code says that no limit shall be placed in the R-3 district. Mr. Sedlacek said on an absolute basis the height of the CDA building is 55-ft, and although the proposed building is higher, the CDA building is on a higher base since it is on a hill. He said that it might be good to get a mean sea level because grading might change. There could be something placed in the final developers agreement and final PUD or a final plat requirement if the city could identify what the appropriate height of the building should be. Then it is easier to look at the grading documents to determine the mean sea level.

Councilmember Krebsbach commented about the largeness of the residential building and expressed her concern that the housing be in scale with the other buildings.

Councilmember Schneeman asked how high the CDA building is. Mr. Sedlacek said it is three stories. Councilmember Duggan said that the CDA contended that it would be just as economical to add third story at the time of this development and the Planning Commission at that time felt there were no concerns about the three stories.

Councilmember Vitelli said there may be a need for balance between the four stories and what is economically feasible. He feels that if the Council tells the developer that they do not want four stories, the developer will say it would not be feasible without that fourth floor. The CDA is a government building, and this being a private development, there would be no government assistance.

Councilmember Duggan said there is language in the PUD that says the feasibility of the project should not be dependent on the dollars and/or dollar profits.

Mayor Huber said he could live with four stories, but it is the absolute height that he is worried about.

Councilmember Krebsbach said she does not see the curved wall behind the Walgreens depicted on the plans. Public Works Director John Mazzitello said

those photographs were forwarded to him via email and are not a part of the packet at this time. Mr. Sedlacek said the current wall is a straight wall along Dodd Road, and gets to be about 17-ft. The applicant feels this wall has been designed this way to preserve as much green space on the top of the wall as possible.

Councilmember Vitelli asked Staff if there are any glaring issues from Staff's point of view of what the Council has requested over time. Mr. Sedlacek said the applicants appear to have provided materials for all the questions that the Planning Commission and Council have raised. The Council now needs to determine if these materials are appropriate for the community. Councilmember Vitelli asked for Mr. Mazzitello's opinion. Mr. Mazzitello said he concurs with the statements made by Mr. Sedlacek.

Mayor Huber asked if Staff is comfortable with the pictures provided in relation to Walgreens. Mr. Sedlacek said Staff feels that the way the wall was described in the application materials was sufficient for review but with the understanding that Council needed more detail on this.

Mayor Huber said his main concern about the wall is that the materials bring character and texture. Mr. Mazzitello said the photographs that were presented were to show the kind of product that is to be used, for a retaining wall stone block that has a cracked stone finish on the exposed face of the block that can be stained. When the product will be installed, it will have the appearance of a limestone block wall, with some backward relief.

Councilmember Duggan said he was taken aback when learning of the height of this wall with the addition of the fencing along the top and asked if it could be staggered. Mr. Sedlacek said parking will have to be reduced if the wall is staggered and that the applicant is already below what is required by code in the number of parking spaces.

Councilmember Duggan said there has not been a lot of discussion on these areas, and wondered if the parking space requirement could be further lessened by having only two floors on the office building instead of three.

Councilmember Duggan said he is not comfortable with this phase of the project as these items have just now been provided to the Council and there has not been enough discussion, and is not comfortable with the height of this wall.

Councilmember Krebsbach asked for more information on the timetable for grading. Mr. Mazzitello said the grading activity is planned to commence in May, 2009 and be complete by November, 2009, moving from the east property line to the proposed access to Highway 110, along with some removal just east of Dodd Road, as well as the excavation of storm water ponds and that dirt can be placed on either side of the greenway as well as the land bridge crossing.

Councilmember Duggan commented that there will be about 250,000 cubic yards of earth movement for underground parking for the residential. Mr. Mazzitello said when Lot 6 is developed; the excavation will be taking place at that time. Councilmember Duggan said that the movement taking place at this time is only for this phase.

Mr. Ken Henk, Paster Enterprises, gave a brief history of the process they have gone through. Mayor Huber asked Mr. Henk if they were prepared to respond to the residential. Mr. Henk said they were, and that this is a four story building with a maximum height of 65-ft that will have a similar footprint to the CDA building and the one at The Village. Mayor Huber said he feels this is important because the pitch of the roof sometimes blocks views of other residents.

Councilmember Vitelli said he does not have a problem with the height of this building, as it is only 10-ft higher than the building at The Village and the CDA building.

Councilmember Vitelli said he does not have a problem with the 17-ft wall either.

Mr. John Dietrich, RLK Inc., is the landscape architect for the Mendota Mall Associates. Mr. Dietrich said they heard the Council clearly on January 6th about the number of questions and number of issues.

Mr. Dietrich said a few changes they made included additional landscaping along Highway 110, and in the decorative walls in the center area. In relation to the

retaining walls in the southwest corner, it is their intent to make these walls seem less like a plain concrete wall and will be adding landscaping along the top along with a steel decorative fencing. There will also be some curvature in the wall on the southwest corner.

Mr. Dietrich talked about the River Birch trees that will be along the waterway, growing in the 25-ft to 30 height range, and talked about the other native plants in that area. Certain plants will be taken out, such as elm and buckthorn. If it is a good tree, it will be left to grow. Councilmember Krebsbach asked that some language be included in the Development Agreement to address the maintenance. Mr. Dietrich said they will be acceptable to this language.

Mr. Dietrich talked about the landscaping that will be done at the Highway 110 entrance.

Mr. Dietrich shared a rendering looking southwest to compare the height of the existing building to the proposed residential building.

Councilmember Krebsbach said the residential building is an impressive building, but fears that it may dominate the rest of the site. Councilmember Duggan pointed out the difference in height between the retail (24-ft) and the residential (65-ft.) being a 41-ft difference.

Councilmember Krebsbach asked if the residential, should it not become an assisted living type facility, would become an apartment building. Mr. Amdel, KKE Architects, said this question would have to be addressed by Mr. Henk.

Mr. Amdel clarified the plans for the signage, with two existing pylon signs (Dodd Road and along Highway 110). Mr. Amdel pointed out several monument signs that will be placed, with one of them being at the Highway 110 entrance. This particular sign would be 8-ft high and will barely be visible from the roadway.

Mr. Amdel explained the design and materials of the sign, which will be internally illuminated. The sign on Dodd Road will be, after remodeling, about 27-ft high. Major modifications will be made to the existing signs.

Mr. Amdel presented samples of the blade signs that are available and said they will be using signage similar to what The Village has (using the coffee shop sign in the examples).

Mr. Amdel reviewed drawings of future phase buildings including the single story office building (Lot 5) which will be similar to the restaurant and retail building. Councilmember Duggan said he likes all the glass that is being used on these buildings.

Councilmember Schneeman said this building looks very attractive.

Mr. Amdel reviewed the buildings on Lot 8 that include the three story office building, noting the tinted windows that are common for office buildings.

Mr. Amdel reviewed the one level day care center with an outdoor play area located on Lot 7.

Councilmember Krebsbach asked if there will be another remodeling of this shopping center. Councilmember Duggan said it will be 15 years from now according to their information. Mr. Amdel said retail tends to reinvent itself on a schedule and there would be an aggressive remodeling. Councilmember Schneeman said it makes it interesting to have different designs.

Councilmember Duggan referred to the applicant's proposal and asked about the number of classrooms that will be available at the daycare. Councilmember Duggan asked if this is more of a school than a day care center. Mr. Amdel said at this point, they do not have a tenant assigned to this and it will depend on who comes in there. Mr. Amdel said he believes that the maximum of children would be 120.

Councilmember Duggan asked if the fencing and landscaping around the day care fenced in area will compliment the rest of the site's railings and fencing. Mr. Amdel said they will compliment them well, and that it is typical to enclose a day care yard with 5-ft. high vinyl coated chain link for safety purposes.

Mr. Amdel reviewed the sketches and plans for the housing unit; showing balconies and chimney accents.

Councilmember Duggan asked whether, should this go forward with approval, the applicant would be willing to discuss the design of this building with the Council in more detail (color renditions, roofing, etc.) since this is the first time the Council has seen this.

Councilmember Duggan said he would be uncomfortable approving this tonight with what has been shown as this is a very massive building.

Councilmember Duggan said he would like to see more options to make it look less noticeable. Plans show this to be a higher end senior residence building.

Councilmember Duggan asked if there will be fireplaces in any of the units.

Mr. Amdel said that would be market driven, and may be an option. The chimneys would serve more as vents for plumbing stacks. There would also be a mixture of studio, one bedroom and two bedroom units. The units will most likely have forced air heat, and air conditioning, with the furnace/air conditioning in a closet in each unit. There will be intake grills outside the unit, hidden by the balconies.

Councilmember Duggan said the plans show 55 units for independent living, 35 for assisted living, and 10 for memory care. Councilmember Duggan asked where the memory care units will be. Mr. Amdel said that is yet to be determined, but it is his experience that they would be on the first floor as there are some life safety issues.

Councilmember Duggan asked if there is a minimum floor space size for residential units. Ms. Diehm said there is a minimum size in the R-3 zoning district but through the PUD proposal, this can be varied.

Councilmember Vitelli said he believes this is an excellent proposal and likes the looks of the building. Councilmember Vitelli said there has been plenty of detail provided and suggested to move ahead.

Mr. Dietrich reviewed elevations of the property with the neighboring properties, showing site lines between the buildings and neighboring buildings.

Councilmember Vitelli said he does not have a problem with this size of a building, and noted that the CDA building does not stand out while driving past it.

Councilmember Vitelli said this information has been very helpful and the developer has responded very well to the Council's request. Councilmember Vitelli said he sees absolutely no problem with the 65-ft sloped roof. This is an excellent plan.

In response to Councilmember Krebsbach's request, Mr. Dietrich reviewed the pedestrian movement system. Councilmember Duggan suggested something be done to better identify the walkways to ensure the safety of the pedestrians.

Councilmember Duggan referred to the pathway between the office building and day care center, noting this is a steep area and asked if there will be some leveling done. Mr. Dietrich said this slope will meet the ADA quality standards of 5% or less slope.

Mr. Henk said the Developers Agreement is showing the senior housing as having 55 units for independent living, 35 for assisted living, and 10 for memory care; this being based on the best market conditions they see at this time.

Councilmember Krebsbach asked if the developer will sell this building. Mr. Henk talked about conferring with other senior housing facilities on what the needs are, and how to deal with this kind of usage, as well as partnering with other facilities – this will not be a wholly owned facility.

Councilmember Krebsbach asked if there is anything in the Developer's Agreement should this not become senior housing. Ms. Diehm said the agreement currently has an a section where the City can impose certain restrictions on the housing, depending on the level of details; and all the plans are attached to the Development Agreement. If the developer were to come back with something different, it would be considered an amendment to this agreement and would have to come before the Council.

Councilmember Duggan referred to the document with the project narrative from December 22nd and revised January 14th; asking if they can make the creek meander. Mr. Henk said the existing creek is a designated wetland and they are not touching it other than where the roadway crosses over. In addition, there

is just 6 inches of fall from one corner to the other, and they want to keep the water running through. If they alter it, that may not happen.

Councilmember Duggan asked who maintains the three water bodies. Mr. Henk said the developer will maintain them.

Councilmember Duggan asked if the construction trucks will be coming in and out of South Plaza Drive. Mr. Henk said they will discuss that more during the pre-construction meetings with the building officials and city staff. They will want to put in the bridge first as they may be able to use that as a temporary access. They do not want any construction traffic interfering with the customer traffic.

Councilmember Duggan asked if the trees along Dodd on top of the retaining wall in the southwest corner will be evergreens. Councilmember Duggan believes these will provide better screening.

Mr. Henk said he noticed that the conifers along the golf course may provide adequate screening from the golf course.

Mr. Dietrich said the trees along the wall will be a combination of indigenous and coniferous trees.

Councilmember Vitelli said he is excited about this plan and is ready to approve it (all five resolutions). Councilmember Vitelli said this has been a long process and he thinks that Paster Enterprises has responded now completely to all the Council's requests and this is an excellent plan. Councilmember Vitelli said he is anxious to move ahead and assumes that when this has been approved, all the detail will be contained in the documents so a year from now, one can refer back to these discussions.

Councilmember Krebsbach said she is prepared to support this proposal. Councilmember Krebsbach asked about the consideration for a pedestrian crossover from The Village, and asked if any easements would need to be obtained. Mr. Mazzitello said the exact location of any proposed overpass has not been determined, and the intention would be to bring the people down from the overpass within MnDOT's right

of way. Mr. Henk indicated on the map where these areas would be.

Councilmember Duggan said he would like to include the following language in the Development Agreement: “the developer is prepared to preserve this trail corridor and create a connection under the Plaza if the city and county determines this is the appropriate location for the regional trail”.

Mr. Henk said that has been discussed with Staff. Mr. Mazzitello said either through a dedication to the city or through a public access easement at the time they prepare for construction.

Councilmember Duggan said the agreement talks about the language for building signage where it talks about “building signage being consistent with the requirement of the underlying B-2 zoning requirements” and believes this should indicate a B-4. Mr. Henk said the mixed use designation is designed for B-1 and B-2, and the existing shopping center is zoned for B-4. The applicant wants to go to the B-2 zoning.

Councilmember Duggan referred to the Mendota Plaza design standards, and said the council members do not always see eye to eye with these standards, and wished to note that this project is always subject to review by the city. Mr. Henk said these design standards have been incorporated as part of the development agreement and in fact would become a part of the agreement as a recorded document. Councilmember Duggan asked what would happen if the Council is not comfortable with these design standards (using the design standard discussion in relation to “Do It Best” hardware store). Mr. Henk said they did not have design guidelines at that point. When the developer came in for a variance because it did not follow the city ordinances, the variance was approved 4 to 1. Shortly after, a new tenant came in and wanted to change the signage. Upon coming back to the Council for a new variance, the Council did not agree and voted it down.

Mr. Henk offered his closing statements, stating this has been a long process and there has been a lot of give and take. Mr. Henk said he stated his reasons for approval in his letter to the Council, and provided all the necessary information for these five resolutions.

Mayor Huber said there were some conditions that came from the Planning Commission. Mr. Sedlacek said legal counsel has recommended these conditions should be included in the planned unit development approval. Mr. Sedlacek said Ms. Diehm has drafted some language that can be inserted, stating that these conditions must be resolved.

Ms. Diehm said while there has been a lot of discussion, and there is a lot of information on the record as to what will be included in that Development Agreement, it may make sense to add language that says “the Development Agreement should be in a form substantially similar to the Draft Development Agreement which has been provided to the applicant, and shall address the outstanding issues which have been discussed with the applicant, including but not limited to hours of operation for retail use, the complete development schedule, the performance bond or other security for completion of development and landscaping, building height and material, building setbacks, parking requirements, signage, lighting, easements, traffic improvements, site landscaping and maintenance, and park dedication.” Ms. Diehm said these are all items that have been discussed with the developer.

Mr. Sedlacek said there are conditions that each of the resolutions be conditioned upon approval of the preliminary planned unit development. Each condition should reference the final planned unit development.

Councilmember Vitelli moved adoption of Resolution No. 09-07: “A RESOLUTION APPROVING A REZONING REQUEST FOR 750 HIGHWAY 110.” Councilmember Krebsbach seconded the motion.

Mayor Huber addressed Howard Paster and his associates, saying this has been a long process, and he believes everyone has gotten there. Mayor Huber said everyone needs to know and respect the rights of the landowner as well.

Ayes: 5
Nays: 0

Councilmember Schneeman said she believes the applicant has responded to all the comments she has made to her satisfaction. Although she is not completely happy with the treatment of the south side of the existing building, She is

willing to give on that. Councilmember Schneeman said she likes the monument signs and hopes that the applicant will design the pylon signs to match the architecture and ambience of the buildings. The greenway amenity has been well thought out and certainly will add pleasure to anyone who visits the project. She is happy with the River Birch choice and it's fine with her that the applicant will retain the rights to maintain the storm water ponds and waterway. This will be a daunting job and the Council will continue to monitor it.

Councilmember Schneeman said the plaza piece will be amazing if indeed the applicant follows through on what has been promised, noting that the trailway system is wonderful. Councilmember Schneeman said she feels that the developer will diligently pursue the housing component, having a mixture of housing for seniors and not necessarily low income. It is important to include the best possible uses for seniors as they age, as there is a huge need for this in the community. Councilmember Schneeman said she likes the design team, and feels that the project has come a long way with a lot of transferring of information. Councilmember Schneeman advised the developer that they need to do as they say they will, and that the city will also hold up its end of the project. As the Planning Commission recommended approval, Councilmember Schneeman said she will happily endorse this project.

Councilmember Vitelli said he is happy with the plan as it is and the applicant has done a fantastic job; offering his compliments to Mr. Dietrich and Mr. Amdel, who has done a lot of work on this project, and he is pleased to vote yes on this application.

Councilmember Krebsbach feels this has come a long way and the developer has hired an excellent team.

Councilmember Krebsbach feels that this project will be a great amenity to the city, and appreciated having the developer's staff work well with the city staff.

Councilmember Duggan said he met with Paster Enterprises this afternoon with some concerns he still had, and that the applicant's team did a pretty good job of telling him what they are doing, and that this project is in the best interest of Mendota Heights. Councilmember Duggan said he listened respectfully to what would be presented this evening, with

mixed emotions not sure of which way he would vote.
Councilmember Duggan said it's not a perfect plan, but he is comfortable that the project is well on its way to having a very successful Mendota Plaza.

Councilmember Vitelli moved adoption of Resolution No. 09-08: "A RESOLUTION APPROVING A WETLANDS PERMIT FOR 750 HIGHWAY 110".
Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

Councilmember Krebsbach moved adoption of Resolution No. 09-09: "A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR 750 HIGHWAY 110".
Councilmember Duggan seconded the motion.

Ayes: 5
Nays: 0

Councilmember Schneeman moved adoption of Resolution No. 09-10: "A RESOLUTION APPROVING A PRELIMINARY PLAT FOR 750 HIGHWAY 110".
Councilmember Krebsbach seconded the motion.

Ayes: 5
Nays: 0

Councilmember Duggan moved adoption of Resolution No. 09-11: "A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT FOR 750 HIGHWAY 110."
Councilmember Vitelli seconded the motion.

Ayes: 5
Nays: 0

FEASIBILITY STUDY PEDESTRIAN IMPROVEMENTS

Mr. Mazzitello submitted a memo to the Council, with a resolution to award a contract for a feasibility study for pedestrian improvements at the intersection of State Trunk Highway 110 and Dodd Road, and providing notice to proceed.

In Mr. Mazzitello's memo, he recommends that this discussion be tabled until February to allow the Council to discuss at the January 22nd Workshop.

Councilmember Duggan moved to table discussion to the next City Council meeting.
Councilmember Vitelli the motion.

Ayes: 5
Nays: 0

COUNCIL COMMENTS

Mayor Huber reminded everyone of the workshop to be held on Thursday morning, at 7:30 am.

Mayor Huber said he had lunch today with the new MAC Commissioner, who has offered to come to a Council meeting some time in the future. On behalf of the Council, Mayor Huber accepted this offer.

Councilmember Krebsbach said she and her husband recently attended the St. Thomas/Henry Sibley High School basketball game and talked about being very fortunate to have three high schools in Mendota Heights that do a good job of practicing good sportsmanship and coaching. Councilmember Krebsbach said one of the player's fathers thanked her and the rest of the Council for all that they do.

Councilmember Duggan thanked Planning Commission members Bruce McManus, Mike Povolny and Doug Hennes for sitting in on the last council meeting.

Councilmember Duggan said he is beginning his 34th year as a Minnesotan.

Mr. Danielson said upon further reflection he recalled that it was Keith Heaver who developed the land and that Vern Cohen made a couple of runs at townhouses before that.

ADJOURN

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

Ayes: 5

Councilmember Krebsbach seconded the motion.

Nays: 0

Time of Adjournment 9:50 p.m.

Rebecca Shaffer, Recording Secretary

ATTEST:

John J. Huber, Mayor