

CITY OF APPLE VALLEY

Dakota County, Minnesota

January 14, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held January 14th, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and LaComb.

ABSENT: None.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Husko, City Engineer Manson, Public Works Director Blomstrom, Associate City Planner Bodmer, Associate City Planner Dykes, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, City Planner Lovelace, Community Development Director Nordquist, Police Captain Rechtzigel, Human Resources Manager Strauss, and Fire Chief Thompson.

Others present: Planning Commission Chair Churchill.

Mayor Hamann-Roland called the meeting to order at 8:00 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scout Mitchell Walstad from Troop 205.

APPROVAL OF AGENDA

MOTION: of Grendahl, seconded by LaComb, adding item 5.E - Appoint Representative to Minnesota Valley Transit Authority (MVTA) Board of Directors to the regular agenda, and approving the agenda for tonight's meeting as amended. Ayes - 5 - Nays - 0.

AUDIENCE

Mayor Hamann-Roland asked if anyone was present to address the Council, at this time, on any item not on this meeting's agenda. No one requested to speak.

CONSENT AGENDA

Mayor Hamann-Roland asked if the Council or anyone in the audience wished to pull any item from the consent agenda. There were no requests.

MOTION: of Bergman, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of December 22, 2009, as written. Ayes - 5 - Nays - 0.

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- MOTION: of Bergman, seconded by Goodwin, approving renewal and issuance of licenses and permits for 2010 as listed in the attachment to the City Clerk's memo dated January 11, 2010. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-1** approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Sons of the American Legion, Squadron 1776, for use on February 13, 2010, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-2** approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Sons of the American Legion, Squadron 1776, for use on April 10, 2010, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-3** designating Apple Valley-Rosemount Thisweek as the official newspaper of the City for the year 2010. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-4** designating Anchor Bank of Apple Valley as the official depository for City funds for the year 2010 and accepting its deposit collateral. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-5** designating additional depositories and financial security dealers for City funds for the year 2010: Wells Fargo Securities, LLC; Northland Securities, Inc.; RBC Capital Markets Corporation; Robert W. Baird & Co., Inc.; Sterne Agee & Leactt, Inc.; US Bank; Capital Securities of America; and Mutual Securities. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-6** appointing Northland Securities, Inc., as the City's financial advisor for the year 2010. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving the License Agreement with John and Ann Loch for a retaining wall in public right-of-way at 4726 Dominica Way, as attached to the City Planner's memo dated January 11, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-7** approving a variance for impervious surface coverage exceeding 35% of Lot 1, Block 7, Greenleaf 2nd Addition (6704 133rd Street W.), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

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- MOTION: of Bergman, seconded by Goodwin, approving the Amendment to Lease Agreement with T-Mobile Central, LLC, for Palomino Lattice Tower, attached to the Public Works Superintendent's memo dated January 14, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-8** directing the City Engineer to prepare plans and specifications for AV Project 2010-107, LED Streetlight Pilot Study. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-9** directing the City Engineer to prepare plans and specifications for AV Project 2008-111, Apple Valley East Family Addition. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-10** awarding the contract for AV Project 2009-122, 140th Street West and Garden View Drive Street Improvements, to McNamara Contracting, Inc., the lowest responsible bidder, in the amount of \$908,403.15. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to the contract with Northwest Asphalt, Inc., for Project 06-327, Village at Founders Circle Utility and Street Improvements – Phase II, in the amount of an additional \$4,267.82. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, accepting Project 06-327, Village at Founders Circle Utility and Street Improvements – Phase II, as complete and authorizing final payment on the contract with Northwest Asphalt, Inc., in the amount of \$286,969.05. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, accepting Senior Center Project # 0512 – Structural Steel-Supply as complete and authorizing final payment on the agreement with DAKA Corporation, in the amount of \$6,196.70. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, accepting Senior Center Project # 0840 – Aluminum Entrances as complete and authorizing final payment on the agreement with Empirehouse, Inc., in the amount of \$9,149.50. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, appointing Mayor Hamann-Roland and Pamela Gackstetter as statutory members to the Apple Valley Firefighters Relief Association Board of Trustees, for the year 2010. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal employee, as listed in the Personnel Report dated January 14, 2010. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

COBBLESTONE LAKE DEVELOPMENT PUBLIC HEARING

Mr. Lovelace reviewed the request by South Shore Development to vacate park, sidewalk, trail, and drainage and utility easements in Cobblestone Lake Development. Areas D and L, which are the areas to be vacated, cover approximately 7.5 acres. The reason for the vacation is a proposed development in Area M. When Area M is subdivided, approximately 7.1 acres of the area to be vacated will be dedicated for park property. The developer wants to vacate but does not intend to dedicate as park property the most western side of Area L. As a result, staff believes an easement should remain over that portion of property. The reason the petitioner does not want to dedicate all of the property at this time is because they are unsure of the exact space needed to develop the larger piece of property to the west of the Area L. It is more difficult to negotiate its return once it has been dedicated for public park purposes. Therefore, staff is recommending an easement be retained over the 1/2 acre of property on the west side of Area L. He noted only the hearing is scheduled this evening and no action is required.

Mayor Hamann-Roland called the public hearing to order, at 8:13 p.m., to consider vacating park, sidewalk, trail, and drainage and utility easements in Cobblestone Lake Development and noted receipt of the affidavit of publication of the hearing notice. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 8:14 p.m.

Mr. Jacob Fick, of South Shore Development, said it is their intention to plat the western edge of Area L. He added that property lines can shift slightly depending on how a product line lays out. Until the larger area to the west of Area L is developed, they do not know if minor modifications are needed. They simply have more flexibility if they do not deed the additional property to the City at this time.

2009 PLANNING COMMISSION ACTIVITIES

Mr. Nordquist reviewed the 2009 Planning Commission Activity Report as well as the actions anticipated for the Planning Commission in 2010.

Councilmember Grendahl commented about an article in the newspaper that referenced Founders Circle and the loans. She asked if staff thought something might move forward in 2010.

Mr. Nordquist said the developers of Founders Circle continue to work with their lenders. There was a change which renegotiated the loans and the values on the property and allowed the developer to update their proposal. Several aspects of the design were unfinished, such as the types of housing units, the exact floor plan, and so on. The developer has to go back and finish that work now.

Councilmember Grendahl stated the original design included a \$2.3 million grant from Livable Communities. She does not want to see a design that is significantly scaled back simply because the grant is no longer available.

Mr. Nordquist said in the old days it was common for a project to have 9 or 10 funding sources. Approximately 10 to 12 funding sources have been identified for this project and will be explored, including Livable Communities money. The developer is trying to find other resources which will make up that \$2.3 million.

Councilmember Grendahl asked if a grant request for Founders Circle would be submitted to Livable Communities this year.

Mr. Nordquist responded that it would be submitted if the project is still eligible.

Councilmember Grendahl stated the money for Livable Communities grants has been significantly scaled back.

Mr. Nordquist responded that they are looking for \$2 million to \$3 million in total, with perhaps \$500,000 to \$700,000 coming from Livable Communities.

Councilmember Grendahl asked if the grant request for Founders Circle would replace the request for the old transit site or if multiple requests would be submitted.

Mr. Nordquist replied that the City traditionally submits one application. The application for the old transit station site will likely move forward. He does not believe it would serve the City well to submit competing proposals.

Mayor Hamann-Roland commented about the success of the new transit station and suggested the City be cautious about how quickly it gives up the old transit site. Considering the current demand, it may be necessary to continue to use a portion of the old transit site for additional parking.

Councilmember Goodwin commented on the success of the new transit station and noted that it was full on the first day it was open. It was anticipated there would be 150 to 175 spaces vacant and available for future growth. He would like to know what the future demand will be. He understands there is property to the east of the new transit station for future development, but the old site already has a finished parking surface. He suggested the City be careful with the old site. He thinks it would be foolish to give it up too quickly and then regret the decision down the line.

Mr. Nordquist agreed that the City needs to be protective of its assets while it continues to grow ideas and the downtown area.

Councilmember Bergman said he does not want the design of the Founders Circle triangle project to be diminished because of the loss of the Livable Communities grant. He wonders

where the multiple funding sources were when the project was first being considered. He wants the amenities in the design as they were first discussed.

Mayor Hamann-Roland acknowledged times are difficult, but the Council wants to keep the original vision for the triangle as it is developed. She then thanked Mr. Nordquist for the report.

2030 COMPREHENSIVE PLAN

Mr. Nordquist introduced Planning Commission Chair Jeannine Churchill, citing she has been a great leader in helping to create the 2030 Comprehensive Plan.

Mayor Hamann-Roland thanked Chair Churchill for her leadership on the Planning Commission and the work she and Planning Commission did on the 2030 Comprehensive Plan.

Chair Churchill commended the Planning Department for the hours and hours of work necessary to complete the 2030 Comprehensive Plan. She also thanked the rest of the City staff, Council, and citizens who contributed. She said it was a long effort for the Planning Commission. She commented on the pressure on Apple Valley's business community and acknowledged their cooperation as well. Chair Churchill said the Planning Commission recommends approving the 2030 Comprehensive Plan.

Ms. Bodmer reviewed the purpose of the 2030 Comprehensive Plan, noting that it guides future development in the City and provides the legal framework for land use controls. It also discusses the qualities and characteristics the City envisions for itself through 2030. A unique feature of the Plan is the vision statement which includes the 11 keys. She read the keys and stated they are woven throughout the Plan.

Ms. Bodmer said on May 28, 2009, the Council authorized submission of the Plan to the Metropolitan Council for review and approval. In mid-June, the Metropolitan Council requested additional information from the City. Staff and the City's consultant worked with staff from the Metropolitan Council over the next several months to answer questions and make minor modifications. On October 27, 2009, the Metropolitan Council notified the City that the Plan was considered complete. On December 9, 2009, the Metropolitan Council reviewed the Plan and found it consistent with regional system plans and authorized the City to adopt it. The Planning Commission reviewed the final draft of the 2030 Comprehensive Plan last night and unanimously recommended its approval. Although the Planning Commission's motion includes approval of the Tier II Sanitary Sewer Plan, staff is recommending the Council adopt the 2030 Comprehensive Plan with the understanding the Tier II Sanitary Sewer Plan will be presented to the Council by Public Works staff at a future meeting.

Councilmember Goodwin thanked the Planning Commission and Planning Department for all the work necessary to draft this Plan, acknowledging it was a huge task that required many hours to complete.

Mayor Hamann-Roland thanked the Planning Commission for producing such an exceptional product and said the Plan is so well done it could be a model for other communities.

Chair Churchill said the credit for the design work goes to staff and the consultant, the Planning Commission simply provided input along the way.

Councilmember Bergman echoed the thanks and remarked about how comprehensive it is.

Mr. Nordquist commented about the upcoming census, noting that the 2030 Comprehensive Plan is based on census information from 2003 with annual adjustments. He added that the census is very important.

MOTION: of LaComb, seconded by Goodwin, adopting **Resolution No. 2010-11** approving the 2030 Comprehensive Plan. Ayes - 5 - Nays - 0.

2010 ACTING MAYOR

MOTION: of LaComb, seconded by Bergman, adopting **Resolution No. 2010-12** appointing Councilmember Goodwin to serve as Acting Mayor, in the absence of the Mayor, for the year 2010. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked Councilmember Goodwin for his dedicated service to the community and serving on the Council and commended him for the good job he has done as Acting Mayor in the past.

DAKOTA COMMUNICATIONS CENTER (DCC) APPOINTMENTS

Mr. Lawell said in accordance with the Dakota Communications Center (DCC) By-laws, it is necessary to appoint the Alternate and Primary representatives to the DCC Board of Directors. The directors are appointed for a two-year term. Currently, Councilmember Bergman serves as Primary Director and Councilmember LaComb serves as Alternate Director. Additionally, four staff members have been appointed to various DCC positions. Council should make a motion appointing City representatives for these six positions.

Mayor Hamann-Roland thanked Councilmembers Bergman and LaComb for the excellent job they have done representing the City on this Board.

MOTION: of Grendahl, seconded by Goodwin, appointing Councilmember Bergman Primary and Councilmember LaComb Alternate to the Dakota Communications Center (DCC) Board of Directors and appointing the City Administrator DCC Executive Committee Member, the Assistant City Administrator DCC Executive Committee Alternate Member, the Police Chief DCC Police Operations Committee Member, and the Fire Chief DCC Fire Operations Committee Member, for 2010 and 2011. Ayes - 5 - Nays - 0.

MINNESOTA VALLEY TRANSIT AUTHORITY (MVTA) APPOINTMENT

Mayor Hamann-Roland thanked Councilmember Grendahl for her years of service on the Minnesota Valley Transit Authority Board of Directors and commended her for doing a great job.

Councilmember Grendahl said she has served 13 years on the Minnesota Valley Transit Authority Board of Directors. She was present when the old transit station was built and when the new transit station opened last Friday. She thinks it is time to let another Council Member serve in this position.

MOTION: of Grendahl, seconded by Bergman, appointing Councilmember LaComb to the Minnesota Valley Transit Authority Board of Directors. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland noted the MVTA's governance does not allow for an Alternate appointment, but suggested Councilmember Bergman would be an excellent choice. Perhaps the City can affect that change in their By-laws.

Councilmember LaComb said she calculated that Councilmember Grendahl has spent over 1,000 hours representing Apple Valley on transit issues and thanked her for this effort.

Mayor Hamann-Roland also thanked Mr. Lovelace for his work on the MVTA.

COUNCIL COMMUNICATIONS

Mayor Hamann-Roland said Apple Valley has recently been named a "Heart Beat City" thanks to the City's extensive Public Access Defibrillation Program. Apple Valley is the second city in the state to receive this recognition. A recognition event will be held from 7:30 a.m. to 9:00 a.m. on January 20, 2010. She thanked Sergeant JoEllen Rutzen, Patti McCauley, and the business community for this special accomplishment.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk's memo dated January 11, 2010, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Goodwin, to pay the claims and bills, check registers dated December 23, 2009, in the amount of \$524,938.72; December 30, 2009, in the amount of \$476,950.39; January 6, 2010, in the amount of 460,489.16; and January 14, 2010, in the amount of 1,060,685.85. Ayes - 5 - Nays - 0.

CLOSE MEETING, LABOR NEGOTIATIONS

City Attorney Husko reviewed exceptions to the open meeting law and advised the Council that it could hold a closed session, under the provisions of M.S. 13D.03, to discuss labor negotiations.

MOTION: of Goodwin, seconded by Grendahl, to enter into a closed meeting and convene in closed session to discuss LELS Police Sergeants union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 9:07 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and LaComb; City Administrator Lawell, City Clerk Gackstetter, Human Resources Manager Strauss, Police Chief Johnson, and Police Captain Rehtzigel. The meeting was tape recorded as required by law. The Council reconvened in open session at 9:15 p.m.

MOTION: of Grendahl, seconded by Goodwin, to adjourn. Ayes - 5 - Nays - 0.

The meeting was adjourned at 9:16 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter
Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council on 1-28-10.