

CITY OF APPLE VALLEY
Dakota County, Minnesota
February 11, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held February 11th, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: Councilmember Grendahl.

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

Mayor Hamann-Roland called the meeting to order at 8:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Goodwin, seconded by LaComb, adding item 4.U – Adopt Resolution Setting Public Hearing on Issuance of Housing and Health Care Revenue Bonds for Ecumen – The Seasons of Apple Valley Project on March 11, 2010, at 8:00 p.m., and approving the agenda for tonight's meeting as amended. Ayes - 4 - 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 - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of January 28, 2010, as written. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-18** accepting, with thanks, the donation of \$200.00, from Residential Mortgage Corporation, for use by the Police Department D.A.R.E. Program. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-19** approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Dakota County Voiture 1457, for use on March 12, 2010, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-20** approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Dakota County Voiture 1457, for use on May 9, 2010, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-21** amending the Comprehensive Plan establishing the 2010-2014 Capital Improvements Program, as attached to the Assistant City Administrator's memo dated February 11, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-22** approving the 2030 Comprehensive Sewer Plan, as attached to the Public Works Superintendent's memo dated February 11, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, declaring one Automated External Defibrillator (AED) as surplus and authorizing its donation to the Dakota County Domestic Preparedness Committee, as described in the Fire Chief's memo dated February 8, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving 2010 Valleywood Golf Course Fees and granting Parks and Recreation Director or designee to adjust golf course fees for promotions, as attached to the Valleywood Manager's memo dated February 8, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the 2010 annual excavation permit for commercial sand and gravel mining operations by Fischer Sand & Aggregate, LLP, as recommended in the City Planner's memo dated February 5, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving release of financial guarantee for Walmart Multi-Tenant Retail NRMP, as listed in the Community Development Department Assistant's memo dated February 11, 2010. Ayes - 4 - Nays - 0.

- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-23** supporting Statewide Complete Streets Policy, as attached to the Community Development Director's memo dated February 8, 2010. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving the Contract for Professional Services with Dakota County for the Comprehensive Trail and Sidewalk Study grant funding, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving request for proposals for a planning consultant for the Comprehensive Trail and Sidewalk Study, as attached to the Associate City Planner's memo dated February 11, 2010. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-24** approving plans and specifications for AV Project 2010-101, 2010 Street Maintenance Project, and authorizing advertising for receipt of bids, at 10:00 a.m., on March 18, 2010. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-25** awarding the contract for Energy Efficiency and Conservation Block Grant (EECBG) Grant Lighting Retrofits Project, to Premium Electrical Services, LLC, the lowest responsible bidder, in the amount of \$122,629.00. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-26** awarding the contract for Energy Efficiency and Conservation Block Grant (EECBG) Grant Building HVAC Improvements Project, to UHL Company, Inc., the lowest responsible bidder, in the amount of \$174,050.00. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-27** approving the Joint Exercise of Powers Agreement with National Joint Powers Alliance (NJPA) for providing a cooperative purchasing program for goods and services, as attached to the Finance Director's memo dated January 25, 2010, and authorizing the City Administrator to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-28** approving the Master Intergovernmental Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance for providing a cooperative purchasing program for goods and services, as attached to the Finance Director's memo dated January 25, 2010, and authorizing the City Administrator to sign the same. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-29** approving the Inter-local Contract for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC) for providing a cooperative purchasing program for goods and services, as attached to the Finance Director's memo dated January 25, 2010, and authorizing the City Administrator to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-30** approving the Master Interstate Contract with Harris County Department of Education (Choice Facility Partners) for providing a cooperative purchasing program for goods and services, as attached to the Finance Director's memo dated January 25, 2010, and authorizing the City Administrator to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for Website Overhaul Project, Phase I, with LiveFront, Inc., in the amount of \$6,500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Lease Agreement with Clear Wireless, LLC, for installation of antennas at Palomino Lattice Tower, as attached to the Public Works Superintendent's memo dated February 11, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Senior Center Project # 0420 – Masonry/Cast Stone as complete and authorizing final payment on the Agreement with Axel H. Ohman, Inc., in the amount of \$19,394.95. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Senior Center Project # 2602 – Electrical/Fire Alarm as complete and authorizing final payment on the Agreement with Manor Electric, Inc., in the amount of \$19,910.65. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving an expenditure of \$20,485.00 for professional engineering services with SRF Consulting Group for plans and specifications for water and sanitary sewer improvements along Cedar Avenue, as described in the Public Works Director's memo dated February 11, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 878** amending Section 155.378(D) of the City Code requiring perimeter curb around parking areas and parking lots for commercial, industrial, and institutional uses. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the part time, seasonal, and resignation of employees, as listed in the Personnel Report dated February 11, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-31** setting a public hearing, at 8:00 p.m., on March 11, 2010, to consider issuance of Housing and Health Care Revenue Bonds for Ecumen – The Seasons of Apple Valley Project. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

FIRE FIGHTERS OATHS OF OFFICE

Fire Chief Thompson introduced the 14 Firefighters from the Class of 2009 who are celebrating one year of service on the Fire Department. The City Clerk administered the oath of office to Firefighters Laura Basballe, Scott Crow, Robert Hochsprung, Marisa Holman, John Kabat, Alexander Lee, Dominic Richardson, Steve Schendel, Sam Scott, Ulysses Seal, David Shepard, and Nicholas Torrini. Individuals selected by each Firefighter pinned their badge. Firefighters Scott Brown and Nichole Nelson were not able to attend tonight's meeting and were sworn in by the City Clerk earlier today. The Council congratulated the Firefighters and welcomed them to the Fire Department.

"HEART SAFE COMMUNITY" RECOGNITION

Mayor Hamann-Roland recognized Police Sergeant JoEllen Rutzen, Allina Medical Transportation Education Coordinator Patti McCauley, and retired Firefighter Stew Shepard who were instrumental in starting the City's Public Access Defibrillation Program. She also recognized representatives from Allina who were present.

Sergeant Rutzen said in 2001 the Police and Fire Departments, ALF Ambulance, and the American Heart Association formed a committee to encourage businesses in the City to purchase Automated External Defibrillators (AEDs). Today more than 50 Apple Valley businesses have AEDs and there are 36 AEDs within the school district. Because of those efforts, Allina has designated the City of Apple Valley as a "Heart Safe Community" for providing its citizens and visitors exceptional preparedness for cardiac emergencies.

Ms. Kim Bemenderfer, from Allina Hospitals and Clinics, presented a plaque recognizing Apple Valley as a "Heart Safe Community". She noted Apple Valley is the second city in the state to achieve this award.

Mayor Hamann-Roland accepted the award on behalf of the City.

Mayor Hamann-Roland called a five-minute recess at 8:17 p.m.

Mayor Hamann-Roland resumed the meeting at 8:22 p.m.

CEDAR AVENUE RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION

Mr. Blomstrom reviewed the Joint Powers Agreement between Dakota County and the City of Apple Valley governing right-of-way acquisition and construction along Cedar Avenue (CSAH 23). Following approval of the agreement, Dakota County will proceed with land acquisition and finalize construction plans for the Cedar Avenue transitway project.

Mayor Hamann-Roland said there are always issues which are challenging and commended the partnership for working through the issues.

MOTION: of Goodwin, seconded by Bergman, approving the Joint Powers Agreement for Right-of-Way Acquisition, Highway and Transitway Construction, Signal Construction, Utility Relocation, and Streetscape Improvements along Cedar Avenue (CSAH 23). Ayes - 4 - Nays - 0.

COBBLESTONE LAKE SOUTH SHORE 5TH ADDITION

Mr. Lovelace reviewed the request by South Shore Development to rezone 2.04 acres of property from Planned Development 703/Zone 8 to Planned Development 703/Zone 2, rezone 7.1 acres from Planned Development 703/Zone 8 to Planned Development 703/Zone 7, subdivide approximately 9.14 acres into 11 residential lots and one outlot, and for a site plan/building permit authorization to allow construction of 10 single-family detached townhouse dwelling units. The property is located south, west, and north of Cobblestone Lake. The applicant has also requested a vacation of a portion of the park, sidewalk, trail, drainage and utility, and temporary construction easement over Area L. As part of the preliminary plat, they will dedicate a portion of property east of Area L that is not part of the current easement for use as public parkland.

Mr. Lovelace reviewed the grading plans and utility plans. The traffic consultant recommended removal of one parking space on the north side of Cobblestone Lake Parkway due to sight line and no parking on the west side of Eastbend Way.

Councilmember Bergman questioned the no parking zone in front of the homes along Eastbend Way.

Mr. Lovelace noted parking would be allowed on the east side of the street and that there is similar parking throughout the development. He then reviewed the landscape plans and elevation drawings. Mr. Lovelace said the resolution presented this evening requires that the easement on the .5 acres of property on the western side of Area L be reestablished with the final plat.

The Planning Commission reviewed this request at its meetings on January 13, 2010, and February 3, 2010, and voted unanimously to recommend approval.

Mayor Hamann-Roland said it is exciting to see the potential for housing construction during this economy.

Mr. Jacob Fick, of South Shore Development, stated the detached single-family townhome is somewhat of a new concept and they are happy to be moving it forward.

MOTION: of Goodwin, seconded by LaComb, passing **Ordinance No. 879** rezoning Lots 1-11, Block 1, Cobblestone Lake South Shore 5th Addition, according to the preliminary plat, from "PD-703/Zone 8" to "PD-703/Zone 2" and rezoning Outlot A, Cobblestone Lake South Shore 5th Addition, according to the preliminary plat, from "PD-703/Zone 8" to PD-703/Zone 7", as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, directing staff to prepare ordinance amendments for Planned Development 703/Zone 2 that will include the addition of detached townhomes as a permitted use and establish area requirements consistent with the proposed development, as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-32** approving the preliminary plat of Cobblestone Lake South Shore 5th Addition, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-33** approving the site plan and authorizing issuance of a building permit for construction of 10 detached townhomes on Lots 1-11, Block 1, Cobblestone Lake South Shore 5th Addition, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

ORDINANCE AMENDING CHAPTER 32 REGARDING COMMISSIONS AND BOARDS

Mr. Lawell gave the first reading of the ordinance amending Chapter 32 of the City Code regarding commissions, boards, and departments. The ordinance amends the terms of various committees so that the membership of all committees have staggering terms, as was previously requested by the City Council. Considering the nature of the ordinance amendment, he recommended waiving of the second reading.

Mayor Hamann-Roland stated that the citizen advisory committees are very important to the City Council and thanked them for all the work they do.

MOTION: of Bergman, seconded by LaComb, waiving the procedure for a second reading and passing **Ordinance No. 880** amending Chapter 32 of the City Code regarding commissions, boards, and departments. Ayes - 4 - Nays - 0.

SPECIAL INFORMAL MEETING

MOTION: of LaComb, seconded by Goodwin, setting a special informal meeting at 6:30 p.m., on February 25, 2010, at the Municipal Center. Ayes - 4 - Nays - 0.

COMMUNICATIONS

Mr. Lawell thanked the residents for participating in the Mid-Winter Fest activities and thanked staff for coordinating all the events.

Mayor Hamann-Roland said it was probably the most well-attended Mid-Winter Fest she can remember. It was lots of fun and the weather was perfect.

Councilmember LaComb also complimented staff. She stated several residents commented about the fact that the events were free or very inexpensive to attend and added that they seemed very appreciative.

Councilmember Bergman said he also heard several compliments regarding the design of the Mid-Winter Fest button and stated he personally thought the design was phenomenal. He also thanked staff responsible for snow removal operations and noted the good job they have been doing especially considering the amount of snow that has fallen.

CALENDAR OF UPCOMING EVENTS

MOTION: of LaComb, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk's memo dated February 8, 2010, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 - Nays - 0.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Goodwin, to pay the claims and bills, check registers dated February 4, 2010, in the amount of \$1,680,548.17 and February 10, 2010, in the amount of \$1,833,810.35. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, to adjourn. Ayes - 4 - Nays - 0.

The meeting was adjourned at 8:49 o'clock p.m.

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Respectfully Submitted,

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

Approved by the Apple Valley City Council on 2/25/10.