

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
April 28, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 28th, 2011, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: None.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Public Works Director Blomstrom, Building Official Brady, Associate City Planner Dykes, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Human Resources Manager Pearson, Police Captain Rehtzigel, Liquor Operations Director Swanson, 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 Bergman, seconded by Hooppaw, adding item 5.D – Support for Regional Council of Mayors Resolution on Transportation Funding, 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 Goodwin, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Hooppaw, approving the minutes of the regular meeting of April 14, 2011, as written. Ayes - 5 - Nays - 0

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2011-58** accepting, with thanks, the donation of \$500.00 from Jeannine Churchill for Apple Valley Heart Restart Program. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2011-59** accepting, with thanks, the donation of Patchmaster grass seed from Apple Valley Home Depot for use by Parks Maintenance Division. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving issuance of a Pony Ride Permit to Micaela Schokley, for Hayes Park on May 14, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, receiving the Police Department 2010 Annual Report. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, proclaiming May 1-7, 2011, as "Drinking Water Week" and asking citizens to protect the City's water resources, practice water conservation, and get involved in local water issues. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2011-60** establishing a Vice-Chair position on the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, authorizing applications to OSHA for matching safety grants in the amounts of \$8,411.22 and \$17,753.00, as submitted by the Utilities and Parks Maintenance Divisions, and attached to the Public Works Superintendent's memo dated April 28, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the update to the Master Plan for Lebanon Cemetery of Apple Valley, dated January 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2011-61** approving issuance of a Natural Resources Management Permit, with conditions, for Outlot K, Cobblestone Lake Commercial 3rd Addition, to South Shore Development, LLC. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the Joint Powers Agreement with Dakota County for cost share related to the Improvements to Digital Elevation Data, as attached to the Public Works Director's memo dated April 28, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the Agreement for AV Project 2011-124, 2011 Reconditioning and Painting Hydrants, with OLS Restoration, Inc., in the amount of \$18,285.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2011-62** awarding the contract for 2011 Outdoor Pool Water Management to Hawkins, Inc., the lowest responsible bidder, in the amount of \$69,600.00 plus tax. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving hiring the part-time and seasonal employees, and promotion, as listed in the Personnel Report dated April 28, 2011. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

APPLE VALLEY TRANSIT STATION

Ms. Dykes reviewed the request by Minnesota Valley Transit Authority (MVTA) for vacation of easements on Lot 1, Block 1, Menard Addition, in connection with the site plan review/building permit authorization for expansion of the northbound and southbound stations at the Apple Valley Transit Station located at 155th Street W. and Cedar Avenue. She noted a new easement will be dedicated and any existing utilities will be relocated within the new easement.

Mayor Hamann-Roland called the public hearing to order, at 8:05 p.m., to consider vacating easements on Lot 1, Block 1, Menard Addition; 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 8:06 p.m.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-63** completing vacation of all drainage and utility easements on Lot 1, Block 1, Menard Addition, and authorizing recording the necessary documents. Ayes - 5 - Nays - 0.

Ms. Dykes then reviewed the staff report on the site plan/building permit authorization for expansion of the existing northbound Apple Valley Transit Station building, construction of a covered passenger waiting area at the northbound station, and expansion of the loading platforms at both the northbound and southbound stations.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-64** approving the site plan and authorizing issuance of a building permit for expansion of the northbound Apple Valley Transit Station on Lot 1, Block 1, Menard Addition (15450 Cedar Avenue), and approving the site plan of the southbound station, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

Mr. Blomstrom reviewed his memo regarding cost participation for additional pedestrian level street lights along Cedar Avenue. He noted the lighting for this area is being installed through a Joint Powers Agreement between Dakota County and the Cities of Apple Valley and Lakeville. The Minnesota Valley Transit Authority (MVTA) has agreed to cover the cost for the additional lights. However, Dakota County does not want to bring another agency into an already complex agreement. So as not to delay the project, Dakota County is requesting the City concur with the cost share set forth in the Joint Powers Agreement. The City would then get reimbursed from the Minnesota Valley Transit Authority. Staff is recommending the installation of the additional lights.

MOTION: of Grendahl, seconded by Hooppaw, approving the cost participation for an additional seven pedestrian level street lights along Cedar Avenue, in the amount of \$8,851.50 for the City's share, subject to reimbursement from the Minnesota Valley Transit Authority. Ayes - 5 - Nays - 0.

Councilmember Bergman asked when the next decks may be added to the transit station.

Ms. Beverly Miller, MVTA Executive Director, said they are aware the transit station is full. There is money in Dakota County's Phase I for a park-and-ride lot study of the corridor. She anticipates the study will start later this year or early next year. She reviewed various parking options as well as projects that are currently scheduled.

Councilmember Hooppaw said he spoke with Commissioner Branning this morning and everyone recognizes the need for more parking, but there is no funding to build the additional decks. He encouraged the public to use the site across the street for parking.

The Council held discussion regarding the need for additional parking and funding.

Ms. Miller said the Apple Valley Transit Station expansion has been moved to Phase II due to lack of funding. She said Dakota County has requested additional funding from the Legislature. Unfortunately, Phase II cannot move forward until funding becomes available.

#### ORDINANCE REGULATING EXTERIOR BUILDING WORK

Mr. Blomstrom and Mr. Brady gave the first reading of an ordinance amending Chapter 150 of the City Code by adding Section 150.06 regulating completion deadlines for exterior building work permitted under the State Building Code. Mr. Brady reviewed the standards and timeframes set forth in the proposed ordinance. The Council accepted the first reading. The second reading will be May 12, 2011.

#### ORDINANCE REGULATING ALCHOLIC BEVERAGES

Mr. Swanson gave the first reading of an ordinance amending Chapter 111 of the City Code regulating alcoholic beverages. The proposed ordinance designates the Hayes Community and Senior Center as an on-sale municipal liquor store and eliminates outdated language. Staff is requesting this designation so that the Wine Club can be held at the Hayes Community and Senior Center.

Councilmember Hooppaw asked if this designation will affect businesses that may caterer events at the Hayes Community and Senior Center.

City Attorney Dougherty said it will not.

The Council accepted the first reading. The second reading will be May 12, 2011.

### SUPPORT FOR TRANSPORTATION FUNDING

Mr. Lawell said the Regional Council of Mayors (RCM) prepared a resolution which addresses the subject of transportation funding and will be shared with state legislators. The RCM is asking participating cities for their support of the resolution. He then reviewed key points in the resolution. He added that most items are consistent with positions the City has taken in the past.

Mayor Hamann-Roland indicated the funding request may not be perfect but pointed out the Cedar Avenue corridor, Bus Rapid Transit (BRT), and the Minnesota Valley Transit Authority are critically important to the City of Apple Valley.

Councilmember Grendahl said she is unsure what the RCM is asking the Legislature to do. She questioned whether some of the funding priorities listed in the resolution are in direct competition to Cedar Avenue and BRT.

Councilmember Hooppaw said he is doubtful the resolution will garner any specific action, but does not think it hurts to request transportation funding.

The Council held discussion.

MOTION: of Goodwin, seconded by Hooppaw, supporting the Regional Council of Mayors Resolution on Transportation Funding, as attached to the City Administrator's memo dated April 28, 2011. Ayes - 4 - Nays - 0 - Abstain - 1 (Grendahl).

### COMMUNICATIONS

Mr. Lawell informed the Council that Police Chief Scott Johnson was recognized in the Spring 2011 edition of the Inver Hills Magazine as one of their 2011 Outstanding Alumni.

Mr. Nordquist announced that The Seasons of Apple Valley was named the 2010 Best Senior Housing Development or Redevelopment by the *St. Paul Business Journal*. He further announced that the City's economic development video "Plant-Grow-Prosper" has been awarded a 2011 Telly Award.

Mr. Johnson reviewed the 2011 concert schedule for Music in Kelley Park at Stage One.

Mayor Hamann-Roland added that the Apple Valley Arts Foundation, in conjunction with local businesses, will be giving away six bicycles on August 5, 2011, which is the last day of the concert series.

Councilmember Hooppaw invited the public to "Construction Chat" at the Dakota County Western Service Center on May 11, 2011, at 7:30 a.m., to learn more about the Cedar Avenue corridor construction project.

CALENDAR OF UPCOMING EVENTS

MOTION: of Bergman, seconded by Goodwin, adding "Construction Chat" at the Dakota County Western Service Center on May 11, 2011, at 7:30 a.m., to the calendar of upcoming events, and approving the calendar of upcoming events in the City Clerk's memo dated April 25, 2011, as amended, 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 April 20, 2011, in the amount of \$977,145.19; and April 27, 2011, in the amount of \$232,205.51. Ayes - 5 - Nays - 0.

CLOSE MEETING, LABOR NEGOTIATIONS

Mr. Dougherty 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 Grendahl, seconded by Bergman, to enter into a closed meeting and convene in closed session to discuss LELS Police Officers union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 8:56 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; 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 9:54 p.m.

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

The meeting was adjourned at 9:55 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 5-12-11.