

CITY OF APPLE VALLEY
Dakota County, Minnesota
July 22, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 22, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Acting Mayor Goodwin, Councilmembers Bergman, LaComb, and Grendahl.

ABSENT: Mayor Hamann-Roland.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, 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, Police Captain Marben, Community Development Director Nordquist, Police Captain Rehtzigel, and Fire Chief Thompson.

Acting Mayor Goodwin called the meeting to order at 8:01 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Grendahl, by LaComb, adding item 4. M - Approve State Gambling Exempt Permit for American Legion Auxiliary, Unit 1776, at Apple Valley American Legion on September 11, 2010, to the consent agenda; and approving the agenda for tonight's meeting, as amended. Ayes - 4 - Nays - 0.

AUDIENCE

Acting Mayor Goodwin 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

Acting Mayor Goodwin asked if the Council or anyone in the audience wished to pull any item from the consent agenda.

MOTION: of Bergman, seconded by LaComb, moving item 4.D - Approve Letter of Support to Minnesota Pollution Control Agency for GreenCorps Host Site Application to the regular agenda, and approving all remaining items on the consent agenda. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Grendahl, approving the minutes of the regular meeting of July 8, 2010, as written. Ayes - 4 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

July 22, 2010

Page 2

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2010-142** accepting, with thanks, the donation of \$100.00 from Residential Mortgage Corporation for the Police Department K-9 Program. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2010-143** accepting, with thanks, the donation of \$500.00 in gift cards from Wal-Mart for the Night to Unite celebration. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2010-144** approving the Public Works Department Policy Manual, Section 1 – Streets Division, and Section 2 – Utilities Division. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2010-145** approving the reapportioning of special assessments in the Cobblestone Lake Development Area. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2010-146** directing the City Engineer to prepare plans and specifications for AV Project 2010-111, Deep Well 20 Construction on the Apple Valley Family Aquatic Center Site. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the e-service Gateway Agreement with Vanco Services, LLC, for on-line check consolidator services, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for AV Project 2010-126, Flat Bed and Aerial Bucket Acquisition with ABM Equipment & Supply, LLC, in the amount of \$61,224.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 1 to the agreement with Keys Well Drilling Company, with a deduction of \$3,266.50; and accepting AV Project 2009-131, Maintenance of Deep Wells Numbers 5, 10, and 14, and Water Treatment Plant Low Zone Pump 3 as complete, and authorizing final payment in the amount of \$13,092.17. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting Redwood Pool Renovation as complete and authorizing final payment on the agreement with GenCon Construction, in the amount of \$84,083.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting Pennock Tennis Court Repair and Resurfacing as complete and authorizing final payment on the agreement with

Upper Midwest Athletic Construction, in the amount of \$23,300.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving hiring the seasonal employees, Fire Department assignments, resignation, and retirement of employees, as listed in the Personnel report dated July 22, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Settlement Agreement and Release for easements on Lots 1 and 2, Block 1, Loch Addition, in the amount of \$90,500.00, as attached to the Public Works Director's memo dated July 21, 2010. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on September 11, 2010, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) GRANT

Mr. Nordquist noted Apple Valley was recently featured in two national magazines. *CNN Money Magazine* featured Apple Valley as the 20th Best Place to Live in 2010 and *UrbanLand Magazine* highlighted Apple Valley in an article about Bus Rapid Transit Oriented Development (BRTOD). He then read a paragraph from *UrbanLand* regarding BRTOD and the Apple Valley Transit Station.

Mr. Nordquist then reviewed the Livable Communities Demonstration Account (LCDA) pre-development grant details. The maximum grant per application is \$100,000 and each grant requires a 25 percent match. He explained the types of uses permitted under the grant. He stated the City has two applications and funding for both will be requested in the 2011 budget.

Ms. Bodmer reviewed the details of the first grant application which is for a master transit oriented design (TOD) development plan. The requested funding would be used to hire a consultant to help create zoning and design standards and perform a market analysis of proposed developments located within 1/2 mile of the Apple Valley Transit Station. The request is for \$60,000 and would include a \$15,000 match for a total project cost of \$75,000.

Ms. Dykes reviewed the details of the second grant application which is for a market analysis of the Hanson Concrete site. The requested funding would be used to prepare a market analysis and strategy to determine future industrial users for the recently closed Hanson Concrete Plant, located on 80 acres northwest of the intersection of Johnny Cake Ridge Road and County Road 42. The request is for \$50,000 and would include a \$12,500 match for a total project cost of \$62,500.

Ms. Dykes then reviewed the application timelines.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-147** identifying the need for Livable Communities Demonstration Account (LCDA) funding and authorizing submittal of the grant applications in the total amount of \$110,000.00.
Ayes - 4 - Nays - 0.

GREENCORPS HOST SITE APPLICATION

Councilmember Bergman said he has some concerns regarding this item. He asked staff if this item could be delayed until the next informal meeting but learned postponing it would not meet the required timeline. He asked Mr. Grawe to summarize the request.

Mr. Grawe stated the timeline for the application was very tight. As a result, the Minnesota Pollution Control Agency (MPCA) allowed all applicants to submit their application by the deadline and later get official approval from the governing body.

Mr. Grawe then reviewed relative background information and initiative objectives. He described the various components of the Better Energy (BE) initiative and status for each sector (i.e., government, residential, business, and non-profit). The business sector was launched just over one month ago and there is quite a bit of interest. The non-profit sector has not yet launched. He noted the government and residential programs are running on their own, but the business and non-profit programs still need development. With funding coming to an end, a decision needs to be made regarding what to do with the business and non-profit programs. He described how a GreenCorps member may be able to assist. The application that was submitted with Great Plains Institute (GPI) requested one GreenCorps member to serve an 11 month internship. Fifty percent of their time would be spent coordinating and working on the residential, business, and non-profit sectors and fifty percent of their time would be spent on City energy saving initiatives. The MPCA provides the salary and benefits and the City is expected to provide office space, a computer, phone, materials, mileage, and day-to-day supervision. He stated the Great Plains Institute and Chamber of Commerce have already submitted letters of support. He is requesting City Council approval of the letter of support to the Minnesota Pollution Control Agency for the GreenCorps Host Site Application. He stated the sites will be selected within the next couple of weeks, following which time the MPCA will match members to the sites.

Councilmember Bergman asked why the utility companies were not providing the office space. He stated they are supporting the program but added they are also making large amounts of money. He relayed the discussions he had with Mr. Grawe regarding his concerns. He stated 50 percent of this person's time is to be spent on City initiatives. He said the City already knows what to do with a couple buildings and it is not to sit around and analyze them. He does not want the City stepping into something other businesses should be doing.

Councilmember Grendahl said she does not support the application. She said it is common for businesses to work directly with utility companies to reduce energy consumption. She does not

believe it is the City's role to supervise interns for programs that already exist. She then expressed concern with the resources needed for this position.

Councilmember LaComb said she has some very positive things to say about interns and what they can bring to any organization. She said businesses are finding that when they stop using interns during this downward economic cycle, they experience losses they did not expect. She asked Mr. Grawe for his opinion regarding what value interns bring versus the time required for supervision.

Mr. Grawe said a lot depends on the particular intern. The City has had some interns who were very motivated and independent workers who have brought valued skills to the job. What may be a bit different with this intern is that it would involve an individual with some training and expertise in energy that perhaps no City staff have. They would work more like a consultant. He said there is probably a very strong likelihood the City will receive more value from the GreenCorps member than the time spent in supervising their activities. He added that the City currently has space and a computer available due to some unfilled positions.

Councilmember Bergman said he believes it is important for the City to take care of its buildings that have energy issues before it asks businesses and non-profits to take care of theirs.

MOTION: of Grendahl, seconded by Bergman, denying approving the letter of support to Minnesota Pollution Control Agency for GreenCorps Host Site Application.

Councilmember Grendahl said she thinks this project could easily move into the private sector and if the Chamber of Commerce strongly supports the program, perhaps they could find the office space for this person.

Acting Mayor Goodwin asked what the deadline is for approval.

Mr. Grawe said the application was submitted a couple of weeks ago. The MCPA is in the process of selecting the host cities. If approval is not received from the City Council by tomorrow, the City would essentially withdraw its application and would no longer be considered a possible site.

Vote was taken on the motion. Ayes - 3 - Nays - 1 (LaComb).

STAFF ITEMS

Mr. Lawell congratulated Wings Financial on its merger with City-County Federal Credit Union.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Bergman, approving the calendar of upcoming events as included in the City Clerk's memo dated July 19, 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 LaComb, to pay the claims and bills, check registers dated July 14, 2010, in the amount of \$1,184,364.19; and July 22, 2010, in the amount of \$1,025,364.73. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 8:41 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 8-12-10.