

CITY OF APPLE VALLEY
Dakota County, Minnesota
June 9, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 9, 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, Recreation Supervisor Bird, 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, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Human Resources Manager Pearson, Police Captain Rehtzigel, Sports Arena Office Supervisor Schesso, and Fire Chief Thompson.

Mayor Hamann-Roland 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 Bergman, seconded by Goodwin, adding item 4.N.3 – Authorize Request for Participation on Corridors of Opportunity Board to the consent 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 Hooppaw, seconded by Bergman, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the regular meeting of May 26, 2011, as written. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-84** accepting, with thanks, the donation of a \$150.00 Bachman gift card from Carol O'Donnell

for the Lebanon Cemetery Beautification Fund, in memory Gerald O'Donnell.
Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion, Post 1776, for use on August 13, 2011, outdoors at 14521 Granada Drive, as described in the City Clerk's memo dated June 6, 2011. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving a temporary event license in connection with a community festival for two outdoor special events to Rich Management, Inc., d/b/a Apple Place, on June 24 and 25, 2011, and June 25 and 26, 2011, for use in the parking lots at 14917 Garrett Avenue and 7300 147th Street W., as described in the City Clerk's memo dated June 6, 2011. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-85** establishing parking restrictions on or near the parade route for the July 4, 2011, Apple Valley Freedom Days parade, beginning at 11:00 a.m. on July 3, 2011, until 4:00 p.m. on July 4, 2011. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, receiving the City's 2011 Financial Audit and Management Letter by Kern, DeWenter, Viere, Ltd. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-86** authorizing a Safe Routes to School 2011 Infrastructure Grant Application with Minnesota Department of Transportation, for a hybrid pedestrian beacon system on Galaxie Avenue near Greenleaf School, in the amount of \$109,000.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the License Agreement with St. Paul Growers Association, Inc., for a Farmers Market in the Municipal Center parking lot on Saturdays from June 18, 2011, through October 29, 2011, from 8:00 a.m. to 1:00 p.m.; and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-87** authorizing the City of Apple Valley to participate in the Minnesota GreenStep Cities Program. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-88** approving plans and specifications for AV Project 2009-102, Whitney Pond Storm Water Improvements; and authorizing advertising for receipt of bids, at 10:00 a.m., on July 7, 2011. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-89** approving plans and specifications for AV Project 2011-109, 2011 Micro Surfacing; and authorizing advertising for receipt of bids, at 10:00 a.m., on July 7, 2011. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, approving the Agreement with Profinium Financial, Inc., for permanent right-of-way easements and temporary construction easements, associated with AV Project 2011-105, Flagstaff Avenue Extension, as attached to the City Engineer's memo dated June 9, 2011. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement with Cedar Valley Holdings, LLLP, for permanent sanitary sewer easements, permanent access and utility easements, and temporary construction easements, associated with AV Project 2011-108, Sanitary Lift Station 2 Replacement, as attached to the City Engineer's memo dated June 9, 2011. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Joint Powers Agreement with the City of Burnsville for Sanitary Sewer Service for Apple Valley Sewer Sub-District BO-A, as attached to the Public Works Superintendent-Utilities memo dated June 9, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Sub-Recipient Grant Agreement with the Metropolitan Council for Cedar Avenue Bus Rapid Transit (BRT) Market and Development Standards Study, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Consortium Agreement with the Corridors of Opportunity (CoO) partners for Corridors of Opportunity: A Partnership for Sustainable Communities in the Minneapolis – Saint Paul Region, and authorizing the Mayor and City Clerk to sign the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing staff to request participation on the Corridors of Opportunity (CoO) Policy Board, with Mayor Hamann-Roland serving as the primary member and Councilmember Hooppaw serving as alternate member. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Andrew and Marguerite Kirchhoff for native garden at 15848 Harwell Avenue, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Patricia A. Johnson for raingarden at 14308 Excelsior Lane, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the License Agreement for \$1,000.00 chance at Valleywood Golf Course with On the Green, LLC, d/b/a/

Million Dollar Hole-In-One, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for Professional Services with Automatic Systems Company for AV Project 2011-134, 2011 Lift Station Control and SCADA Upgrades, in the amount of \$47,553.00, and authorizing the Public Works Superintendent-Utilities to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for Athletic Field Fencing Project 2011 Johnny Cake Ridge Park East, with Midwest Fence and Manufacturing Company, in the amount of \$42,235.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for AV Project 2011-117, 2011 Concrete Removal and Replacement Services, with Ron Kassa Construction, Inc., in the amount of \$16,669.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for 2011 Tennis Court Resurfacing, with Upper Midwest Athletic Construction, a Division of Blacktop Repair Service, Inc., in the amount of \$52,560.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to the contract with Enebak Construction Company, for AV Project 2011-106, Upper 147th Street Extension, with a deduction of \$23,220.65. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-90** approving a 6.92 foot sign setback variance to allow an existing pylon sign to remain in its current location, 6.08 feet from the right-of-way for Holiday Station Store, on Lot 1, Block 1, Carroll Center 2nd Addition (15550 Cedar Avenue), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving hiring the seasonal employees and resignation of employee, as listed in the Personnel Report dated June 9, 2011. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2011 TELLY AWARD

Ms. Dykes said the City won a 2011 Telly Award for its "Plant-Grow-Prosper" promotional video. Telly Awards are one of the most sought-after awards by industry leaders, from large international firms to local production companies and ad agencies. She said the video would not have been possible without the hard work of many individuals, including the City Council, the Chamber of

Commerce, Studio 120, numerous residents, businesses, and schools, and City staff. The Council viewed the video.

Mr. Mitch Waters, from Studio 120, thanked the City Council, Chamber of Commerce, and City staff for all their help. Hethen presented the 2011 Telly Award to the Mayor and Chamber of Commerce President.

Mr. Ed Kearney, Chamber of Commerce President, said there is a concerted effort by the City and the Chamber to get the video distributed nationally.

Mr. Nordquist recognized Ms. Dykes for her efforts as project manager for the video.

2011 APPLE VALLEY FREEDOM DAYS

Mr. Randy Johnson introduced Apple Valley Freedom Days Committee Chair Pat Schesso and City liaison Bill Bird. He stated preparation for Freedom Days is a team effort which includes many departments in the City including Police, Fire, Public Works, and Parks and Recreation.

Ms. Schesso thanked the City and the Apple Valley American Legion for supporting Apple Valley Freedom Days. Ms. Schesso and Mr. Bird then presented the various activities planned for the 45th Annual Apple Valley 4th of July Celebration, which begins on June 24 and concludes on July 4. The parade begins at 1:00 p.m. on July 4 and the fireworks will begin at 10:00 p.m. that evening. Everyone is invited to enjoy the fun and participate in the various events. Ms. Schesso reminded the public that chairs and blankets cannot be placed along the parade route prior to 24 hours before the start of the parade.

Mayor Hamann-Roland thanked the Freedom Days Committee and many volunteers for their efforts in coordinating all the activities.

Mr. Johnson read the proclamation.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-91** proclaiming July 4, 2011, as "The 45th Annual Apple Valley 4th of July Freedom Days Celebration" and encouraging citizens to support and participate in the community-wide celebration. Ayes - 5 - Nays - 0.

SALE OF CITY BONDS

Mr. Hedberg said staff is seeking approval of the issuance and sale of \$3,945,000 in General Obligation Bonds. That issue is comprised of two components: \$1,345,000 will be used for parks and is the remaining amount authorized in the 2007 Park Bond Referendum, and \$2,600,000 will be used for storm water projects.

Mr. Steve Mattson, of Northland Securities, Inc., described the joint bond issue. He said last week Moody's Investor Services confirmed the City's Aaa bond rating. He pointed out the total levy on

all bonds issued in connection with the 2007 Park Bond Referendum is less than the amount originally anticipated and presented to the public prior to the vote.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-92** providing for the issuance and sale of \$3,945,000 General Obligation Bonds, Series 2011A, at an estimated net effective interest rate of 3.21061%, and pledging for the security thereof net revenues and levying ad valorem taxes for the payment thereof.

Councilmember Grendahl said at the last Council meeting she expressed her dismay at going out for the additional \$309,000 for the park bond issue. She questioned how the City made that much money on the investment considering the current low interest rates. She said she supports the storm sewer bond but not the park bond issue.

Mr. Mattson said approximately \$6.4 million in bonds were issued in 2007. The market was really good at that time. The money was not spent as quickly as originally anticipated and was in an interest-bearing construction account. It was a similar story in 2008. The City earned approximately \$300,000 in interest income on those two issues. He noted that interest earnings were structured into the estimates originally presented to the public prior to the vote.

Council held discussion.

Vote was taken on the motion: Ayes - 4 - Nays -1 (Grendahl).

AUGUSTANA HEALTH CARE CENTER

Mr. Lovelace reviewed the request by Augustana Health Care Center of Apple Valley for rezoning, Planned Development ordinance amendments, a preliminary plat approval, overall site plan approval, and a site plan/building permit authorization to allow for the construction of a two-story, 40-unit transitional care facility. The site is located on the northeast corner of 147th Street and Garrett Avenue. He noted the pond is an aesthetic feature and is not part of any ponding requirement. Instead, the applicant is proposing an underground infiltration system. He then reviewed elevation drawings for the 40-unit transitional care unit. The Planning Commission reviewed this request on June 1, 2011, and voted unanimously to recommend approval.

Mr. David Shaw, Administrator for Augustana, said they are very excited about the project. He reported on how their business has changed.

Councilmember Bergman said this is a key piece of property in the City. He asked about the entrance off of 147th Street, the height of the various buildings, and the building coverage for the property.

Mr. Lovelace said the proposed building coverage on the property is 30 percent. There are other developments within this Planned Development that also have 30 percent building coverage. He added that the project will require significant landscaping that will enhance the appearance.

Mr. Blomstrom said during the site plan review process several elements of traffic were reviewed in connection with this site. After the analysis and modeling, it was determined the proposed driveway on 147th Street is the best option.

Mr. Lovelace added that this is a senior development. As a result, the amount of traffic generated from this site will be less than the traffic generated from a market-rate apartment site.

Councilmember Bergman said he was happy to learn the buildings will not look institutional.

Mayor Hamann-Roland asked Mr. Shaw if he wanted to speak to the architectural depth of the buildings.

Mr. Shaw stated he would bring back drawings showing the height of the buildings. He added that they too want to preserve the green space. As a result, most of the parking for Phase II will be underground. He noted Phase I will not impact traffic because the number of residents and staff will not change.

Mayor Hamann-Roland thanked Augustana for their reinvestment in Apple Valley.

MOTION: of Goodwin, seconded by Grendahl, passing **Ordinance No. 918** rezoning Lot 1, Block 5 Apple Valley Commercial Addition, and Lot 2, Block 1, Apple Valley Commercial 4th Addition, from Planned Development No. 290/Zone 1 to Planned Development No. 290/Zone 2, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 919**, amending City Code Section A2-2 of Planned Development No. 290, to include a continuum of care retirement community with exceptions. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-93** approving the preliminary plat of Augustana 1st Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2011-94** approving the Augustana Health Care Center overall site plan, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-95** approving the site plan and authorizing issuance of a building permit for Augustana Health Care Center: Phase 1 Transitional Care Unit, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

STAFF COMMUNICATION

Mr. Blomstrom gave an update on the Cedar Avenue transitway construction project and responded to questions regarding the sound barrier or noise wall which will be installed along Cedar Avenue just south of 153rd Street W.

Ms. Bodmer invited the public to participate in the third annual Bike Friendly Apple Valley Community Ride on June 12, 2011, beginning at 2:00 p.m. at Kelley Park.

Mr. Johnson invited the public to the second annual "Music in Kelley Park at Stage One" concert series from 6:00 to 9:00 p.m. on June 17; July 1, 8, 15, 22, and 29; and August 5.

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 June 6, 2011, 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 Grendahl, to pay the claims and bills, check registers dated June 1, 2011, in the amount of \$1,063,202.76; and June 8, 2011, in the amount of \$638,512.30; 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 Goodwin, seconded by Hooppaw, to enter into a closed meeting and convene in closed session to discuss LELS Police Sergeants and Police Officers union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 9:32 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; City Administrator Lawell; City Clerk Gackstetter; Human Resources Manager Pearson; Human Resources Representative Haas; Police Chief Johnson; Police Captain Rechtzigel; and Police Captain Marben. The meeting was tape recorded as required by law. The Council reconvened in open session at 10:33 p.m.

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

The meeting was adjourned at 10:34 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 6-23-11.