

CITY OF APPLE VALLEY
Dakota County, Minnesota
February 9, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held February 9th, 2012, at 7:00 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, Associate City Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Parks and Recreation Director Johnson, City Engineer Manson, Community Development Director Nordquist, Acting Police Chief Rechtzigel, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 7:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Goodwin, seconded by Grendahl, adding item 4.J – Adopt Resolutions Supporting Consideration of 2012 Special Legislation, 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.

Councilmember Grendahl said she was disappointed there was not more time to discuss the Transit Oriented Development (TOD) grant application. She suggested letting the Metropolitan Council know that 30 days is a very short time period to be able to put together a major TOD grant proposal. She indicated the application is not perfect, but that she supports it.

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

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of January 26, 2012, as written. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, appointing Kern, DeWenter, Viere, Ltd., as auditors for the year 2011, at a cost not to exceed 45,900.00, and authorizing the Mayor and City Clerk to execute the Letter of Understanding, as attached to the Finance Director's memo dated February 4, 2012. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2012-43** identifying the need for and authorizing submittal of a Metropolitan Council Livable Communities Demonstration Account (LCDA) Transit Oriented Development (TOD) grant application for Commons I and Commons II site acquisition assistance in the amount of \$866,000.00. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2012-44** authorizing the preparation of plans and specifications for AV Project 2011-105, Flagstaff Avenue Extension. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2012-45** authorizing preparation of plans and specifications for AV Project 2011-141, Eagle Ridge Business Park. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2012-46** authorizing preparation of plans and specifications for AV Project 2012-101, 2012 Street Maintenance Project. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, authorizing professional engineering services with Wenck Associates, Inc., for AV Project 2012-117, Evaluation of Ponds EVR-P12 and EVR-P170, in accordance with the proposal dated January 27, 2012. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, authorizing the purchase of a bi-directional tractor and snowblower under the State of Minnesota Cooperative Purchasing Agreement, at an estimated cost of \$133,124.15. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the contract with Dakota County for use of Sentenced to Service Program Work Crews for 2012, as attached to the Park Maintenance Superintendent's memo dated February 9, 2012, and authorizing the Mayor and Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting 2011 Athletic Field Fencing Project at Johnny Cake Ridge Park East as complete and authorizing final payment on the agreement with Midwest Fence & Manufacturing, in the amount of \$42,235.00. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the hiring and promotion of employees, as listed in the Personnel Report dated February 9, 2012. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2012-47** supporting consideration of 2012 special legislation related to establishing a redevelopment Tax Increment Financing District in an Apple Valley mining reclamation project area. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2012-48** supporting consideration of 2012 special legislation related to extending economic development Tax Increment Financing use, duration, and authorization in Apple Valley. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2011 MINNESOTA JUVENILE OFFICER OF THE YEAR

Acting Police Chief Rehtzigel commended Officer Mike Eliason on being named the 2011 Minnesota Juvenile Officer of the Year. Officer Eliason was recognized with this award because of his long-term dedication to his duties as the School Resource Officer at Apple Valley High School.

The Council congratulated Officer Eliason on receiving this distinguished honor and thanked him for his dedicated service as an Apple Valley Police Officer and for being a good role model for children.

SIGN REGULATIONS FOR PUBLIC STREET RIGHTS-OF-WAY

Mr. Blomstrom gave a brief presentation and reviewed the sign regulations for public street rights-of-way based on existing State Statutes and Rules and County regulations. Approximately 37 miles of streets within Apple Valley are designated as Municipal State Aid (MSA) roads. The City is responsible to design, construct, and maintain those roads in accordance with State standards. In exchange for that, the City receives Municipal State Aid totaling about \$1.7 million a year.

Mr. Dougherty said a series of streets in Apple Valley are controlled by other governmental entities. The State controls State roads and the County controls County roads. Both the State and the County prohibit any type of signage, except directional signage, along their roads. In addition, when the City accepts State money for Municipal State Aid streets, it agrees to abide by the regulations placed on them in accordance with Chapter 160 of Minnesota Statutes.

Mayor Hamann-Roland clarified that in order to change the requirements on State Aid streets, State Legislators would need to amend the law.

Mr. Dougherty confirmed.

Councilmember Goodwin said he requested staff present this information at a Council meeting in order to help educate the public regarding the existing signage restrictions along the City's major roadways. He wants the public to realize the City does not make the rules and regulations for the rights-of ways along State trunk highways, County State Aid highways, County highways, and Municipal State Aid highways. He further pointed out that although the City does not make the

rules for these designated streets, it must enforce the rules set by the other agencies. He understands why the public is confused by this. He noted the City Council may set the rules for neighborhood streets.

Councilmember Bergman asked Councilmember Goodwin how he would like staff to proceed with this.

Councilmember Goodwin recommended this information be placed on the City's website and be included in the informational packet given to candidates who file for elected offices. In addition, he hopes it will help various business groups understand that relief from the restrictions on these streets must come from the Minnesota Legislature.

Councilmember Hooppaw recommended posting this information on the website and any other media formats as soon as possible.

Council and staff held discussion.

Councilmember Grendahl noted the City received over 280 signage complaints during the last election.

ORDINANCE AMENDING BILLING FOR STREET LIGHTS

Mr. Blomstrom gave the first reading of an ordinance amending City Code Section 96.01 regulating billing for street light utility costs. The ordinance amends the specified billing cycle for street lighting so that it is consistent with the water and sewer billing schedule. He recommended waiving the second reading.

MOTION: of Goodwin, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 929** amending City Code Section 96.01, regulating street lighting, location and costs. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell thanked the Parks and Recreation staff for coordinating the Mid-Winter Fest activities and for the public for attending the festivities.

Councilmember Goodwin commented on a recent newspaper article about assessments. He believes the City Council made a wise decision on how to fund the Pavement Management Program.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk's memo dated February 6, 2012, 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 February 2, 2012, in the amount of \$455,516.49 and February 9, 2012, in the amount of \$818,571.17. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:38 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 2-23-12.