

CITY OF APPLE VALLEY
Dakota County, Minnesota
March 8, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held March 8th, 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 Bodmer, Associate City Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Parks and Recreation Director Johnson, City Planner Lovelace, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Sports Arena Manager Pietig, Acting Police Chief Rehtzigel, 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, approving the agenda for tonight's meeting as written. 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.

Mr. Gary Anderson, representing the Apple Valley Seniors Club, invited the public to the Apple Valley Seniors Showcase at the Hayes Community and Senior Center on March 30, 2012, from 11:00 a.m. to 3:00 p.m.

CONSENT AGENDA

Mayor Hamann-Roland asked if the Council or anyone in the audience wished to pull any item from the consent agenda.

Councilmember Bergman requested item 4.C be placed on the regular agenda

MOTION: of Hooppaw, seconded by Bergman, moving consideration of item 4.C - Approve Ice Arena Fees to the regular agenda, and approving all remaining items on the consent agenda. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the regular meeting of February 23, 2012, as written. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, approving the issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Christopher Goeke Leadership Foundation, for use on May 18, 2012, at the GrandStay Hotel, 7083 153rd Street W., on May 18, 2012, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the list of standing purchase orders for 2012, as attached to the Finance Director's memo dated March 5, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Interfund Loan Policy as attached to the Finance Director's memo dated February 2, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution 2012-59**, approving the Public Works Department Policy Manual, Section 4.01 - Engineering Design Standards. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution 2012-60**, authorizing submittal of a Transit Improvement Area (TIA) Designation Application to the Minnesota Department of Employment and Economic Development and approving a Transit Improvement Area plan for the 140th Street Station Stop. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution 2012-61**, authorizing submittal of a Transit Improvement Area (TIA) Designation Application to the Minnesota Department of Employment and Economic Development and approving a Transit Improvement Area plan for the 147th Street Station Stop. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution 2012-62**, approving a Conditional Use Permit to allow the outdoor display, sale, and storage of a propane dispenser tank in a "PD-254" (Planned Development) zoning district on Lot 1, Block 1, U Haul Apple Valley Addition (6895 151st Street W.) for U-Haul Moving and Storage of Apple Valley, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing the Minnesota Department of Natural Resources to conduct watercraft inspections and decontaminations on City-owned lake accesses, and authorizing the Mayor and City Clerk to sign the necessary documents for right of entry authorization. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Master Service Agreement with Impact Mailing of Minnesota, Inc., d/b/a Impact Proven Solutions, for utility bill processing and printing services, subject to final revisions and changes as

approved by the City Administrator and City Attorney, 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 2012-122, 2012 Sod Replacement Services, with Jirik Sod Farm, Inc., in the amount of \$10,500.00, and authorizing the Mayor and City Clerk to sign the same . Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-63** approving the Second Amendment to the Agreement between the Cities of Apple Valley, Eagan, Rosemount, and Farmington for joint ownership of a TSI PortaCount respirator fit testing machine, and authorizing the Mayor and City Clerk to sign the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the hiring of the full-time, part-time, and seasonal employees, and the resignations and retirement of employees, as listed in the Personnel Report dated March 8, 2012. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

ICE ARENA FEES

Councilmember Bergman commented on the comparison group used for the fee survey. He questioned why the City of Farmington, which operates a municipal ice arena, and Wakota Ice Arena were not included in the comparison group, while St. Thomas, which is a privately operated school arena, was included. He further noted Dakota Sport and Fitness in Prior Lake, which is in the South Suburban Conference, was not included. He also questioned if fees are impacted at facilities that have multiple sheets of ice and are newer.

Mr. Pietig said he knows a lot of these arena managers; and, for the most part, they are the City's neighbors south of the river. He explained the pricing for the other communities.

Councilmember Bergman said he does not question the proposed fees. He is looking forward to seeing the ice arena's preliminary business plan at the upcoming goal setting session and the final business plan by the time the budget is set.

Councilmember Goodwin said usually ice arena fees can fund the bonding costs or the operating costs, but not both. He noted that the bonds for the ice arena will be paid off in two years.

Mr. Johnson said staff will include the other arenas in future surveys.

MOTION: of Goodwin, seconded by Bergman, approving the Sports Arena and Hayes Park Arena ice rental fees for 2012 as described in the Arena Manager's memo dated February 22, 2012. Ayes - 5 - Nays - 0.

FISCHER POINT ADDITION

Mr. Lovelace reviewed the request by Fischer Sand and Aggregate, LLC, for a 2030 Comprehensive Plan amendment, rezoning, and subdivision by preliminary plat on a 55.74-acre property located along the southeast corner of County Road 42 and Flagstaff Avenue. The purpose of the rezoning is to establish a 19-acre lot for a new Menards store and a 6-acre outlot for future retail development. He noted Menards has not made application for a site plan/building permit authorization. He summarized the actions by the Planning Commission during their review. He also reviewed the comments from the City's traffic consultant and presented the grading plan. Mr. Lovelace stated only two actions are requested of the City Council this evening: authorization to submit the Comprehensive Plan amendment to the Metropolitan Council, and direction for staff to begin preparation of a mixed business campus ordinance amendment.

Mayor Hamann-Roland said if Menards leaves their existing site, it would be nice if some of the businesses on the City's wish list would locate there.

Mr. Tom O'Neil, of Menards, said although they have not yet begun to market the property, they have received several unsolicited inquiries. He believes it is a dynamic corner and the property will sell itself.

Councilmember Grendahl asked if there were any comments received during the public hearing.

Mr. Lovelace said there were no public comments received at the meeting, or by mail, email, or phone.

Councilmember Bergman complimented staff on their presentation at the Planning Commission meeting. He does not have issue with the outlots in front of this building but may not want to see outlots all the way down County Road 42.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-64** authorizing submitting to the Metropolitan Council an amendment to the 2030 Land Use Map of the Comprehensive Guide Plan redesignating Lot 1 and Outlot A, Fischer Point, from "MBC" (Mixed Business Campus) to "C" (Commercial). Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, directing staff to prepare an ordinance amendment consistent with the goals and policies set forth in the 2030 Comprehensive Plan's "Mixed Business Campus" designation and begin the rezoning process for Outlots B, D, and E. Ayes - 5 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Bergman, approving the calendar of upcoming events as included in the City Clerk's memo dated March 5, 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 Goodwin, to pay the claims and bills, check registers dated March 1, 2012, in the amount of \$624,688.56; and March 8, 2012, in the amount of \$572,505.92. 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 Grendahl, to enter into a closed meeting and convene in closed session to discuss LELS Police Sergeants union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 7:40 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; City Administrator Lawell; City Clerk Gackstetter; Human Resources Manager Haas; Acting Police Chief Rechtzigel; and Police Captain Marben. The meeting was tape recorded as required by law.

The Council reconvened in open session at 8:04 p.m.

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

The meeting was adjourned at 8:05 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 3-22-12.