

CITY OF APPLE VALLEY
Dakota County, Minnesota
June 28, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 28th, 2012, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: Councilmember Bergman.

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, Parks and Recreation Director Johnson, City Engineer Manson, Community Development Director Nordquist, Acting Police Chief Rehtzigel, Fire Chief Thompson, and Golf Manager Zinck.

Mayor Hamann-Roland called the meeting to order at 7:01 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 presented. Ayes - 4 - 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, moving consideration of item 4.E – Approve 2011 Metropolitan Council Livable Communities Demonstration Account (LCDA) Grant Agreement for Commons I and II Site Acquisition and Designate Signing Authority, to the regular agenda; and approving all remaining items on the consent agenda. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Hooppaw, approving the minutes of the regular meeting of June 14, 2012, as written. Ayes - 4 - Nays - 0.

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MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-129** accepting, with thanks, the donation of two flagpoles, from Kay Bergman, for Valleywood Golf Course. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-130** accepting, with thanks, the donation of \$100.00 from Residential Mortgage Group, for the Police Department K-9 Program. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-131** accepting, with thanks, the donation of \$100.00 from Randy Johnson for Valleywood Clubhouse. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-132** accepting, with thanks, the donation of \$250.00 from CenterPoint Energy for use by the City of Apple Valley. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-133** accepting, with thanks, the donation of \$1,000.00 from Barb and Dick Lundquist for Valleywood Clubhouse. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-134** authorizing the City Clerk to appoint Deputy City Clerks for 2012 election administration. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving rental fees for Valleywood Clubhouse, and granting the Parks and Recreation Director or designee to adjust clubhouse rental fees, as described in the Valleywood Manager's memo dated June 22, 2012. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-135** approving 5% variance of impervious surface on Lot 2, Block 2, Wyndemere 4th Addition (13749 Findlay Avenue) to allow construction of a pool, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, authorizing participation in the 2013 Fixed Price Fuel Program with State of Minnesota, as attached in the Public Works Supervisor's memo dated June 28, 2012. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the purchase of cabinets and millwork for AV Project 2012-134, 2012 Central Maintenance Facility Remodel with MINNCOR Industries, in an estimated amount of \$9,375.00, as described in the Public Works Director's memo dated June 22, 2012. Ayes - 4 - Nays - 0.

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- MOTION: of Goodwin, seconded by Hooppaw, approving the purchase of two driver feedback speed signs, in an amount estimated at \$14,000.00, as described in the Public Works Director's memo dated June 22, 2012. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin seconded by Hooppaw, adopting **Resolution No. 2012-136** approving plans and specifications for AV Project 2011-140, Traffic Control Signal System Improvements, and authorizing advertising for receipt of bids, at 10:00 a.m., on July 26, 2012. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the License Agreement with Randell and Teresa Christenson for deck encroachment in a drainage and utility easement, on Lot 17, Block 1, Briar Oaks of Apple Valley 2nd Addition (12070 Gantry Court), and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the License Agreement with David and Susan Knopik for drain tile installation encroachment in a drainage and utility easement on Lot 23, Block 10, Greenleaf 2nd Addition (13460 Fairlawn Court), and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the Joint Powers Agreement with Dakota County for Cost Contribution Related to Feasibility Study for an Underpass of CSAH 42, in connection with AV Project 2012-112, Fisher Point Addition, as attached to the City Engineer's memo dated June 28, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the proposal for Professional Services from Bolton and Menk, Inc., for CSAH 42 trail underpass feasibility study related to AV Project 2012-112, Fischer Point Addition, in an estimated amount of \$12,200.00. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the proposal for Professional Services from Bolton and Menk, Inc., for preliminary traffic design services related to AV Project 2012-112, Fischer Point Addition, in an estimated amount of \$32,000.00. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the Agreement for Liquor Store No. 1 Interior Remodel - Millwork and Shelving with Designed Cabinets, Inc., in the amount of \$9,336.00, 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 - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the Agreement for Liquor Store No. 1 Interior Remodel - Finish Upgrades, with Fendler Patterson Construction, in the amount of \$47,470.00, subject to final revisions and changes as approved by the

City Administrator and City Attorney, and authorizing the Mayor and City Clerk sign the same. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 1 to Valleywood Clubhouse Project #0331 – Cast-In-Place Slabs/Site Concrete, with Thompson Construction of Princeton, Inc., for a deduction of \$1,225.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 1 to Valleywood Clubhouse Project #0420 – Masonry, with Met-Con Construction, Inc., for a deduction of \$2,000.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 1 to Valleywood Clubhouse Project #0510 – Steel Erection, with Maxx Steel Erectors, Inc., for a deduction of \$100.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 1 to Valleywood Clubhouse Project #0512 – Steel Supply, with Thurnbeck Steel Fabrication, Inc., for a deduction of \$2,100.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 2 to Valleywood Clubhouse Project #0610 – General Carpentry, with Cannon Construction, Inc., for a deduction of \$2,314.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 1 to Valleywood Clubhouse Project #0990 – Painting/Finishes, with Wasche Commercial Finishes, Inc., for a deduction of \$220.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 3 to Valleywood Clubhouse Project #2200 – Plumbing/Piping, with Jim Murr Plumbing, Inc., in the amount of an additional \$1,022.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 2 to Valleywood Clubhouse Project #2600 – Electrical/Fire Alarm, with Schammel Electric Inc., in the amount of an additional \$2,095.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 3 to Valleywood Clubhouse Project #2600 – Electrical/Fire Alarm, with Schammel Electric Inc., in the amount of an additional \$827.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 1 to Valleywood Clubhouse Project #2700 – Communications Systems, with Dascom Systems Group, LLC, for a deduction of \$99.00. Ayes - 4 - Nays - 0.

- MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 2 to Valleywood Clubhouse Project #2700 – Communications Systems, with Dascom Systems Group, LLC, in the amount of an additional \$1,857.00. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 3 to Valleywood Clubhouse Project #2700 – Communications Systems, with Dascom Systems Group, LLC, in the amount of an additional \$1,381.00. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 2 to Valleywood Clubhouse Project #3123 – Earthwork/Site Utilities/Asphalt Paving/Demolition, with Prior Lake Blacktop, Inc., for a deduction of \$337.00. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 3 to Valleywood Clubhouse Project #3123 – Earthwork/Site Utilities/Asphalt Paving/Demolition, with Prior Lake Blacktop, Inc., in the amount of an additional \$225.00. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, accepting AV Project 2012-128, 2012 Farquar Lake Weed Harvesting, as complete and authorizing final payment on the agreement with Midwest Weed Harvesting, Inc., in the amount of \$12,378.75. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, accepting AV Project 2011-142, 2011 Pond Cleanouts, as complete and authorizing final payment on the agreement with Veit & Company, Inc., in the amount of \$700.60. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the 2011-2012 Labor Agreement with Law Enforcement Labor Services, Inc., (LELS), Local No. 243, Police Sergeants, as attached to the Human Resources Manager’s memo dated June 22, 2012, and authorizing execution of the necessary documents. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving hiring the part-time and seasonal employees, and promotion, resignation, and termination of employees, as listed in the Personnel Report dated June 28, 2012. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, adopting the 2013 Budget calendar as attached to the Finance Director’s memo dated June 25, 2012. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, setting a special informal City Council meeting, at 9:00 a.m., on July 13, 2012, at the Municipal Center. Ayes - 4 - Nays - 0.

END CONSENT AGENDA

LIVEABLE COMMUNITIES DEMONSTRATION ACCOUNT GRANT

Mr. Nordquist said staff is recommending approval of the Metropolitan Council Livable Communities Demonstration Account (LCDA) Grant Agreement for Commons I and II site acquisition and is requesting the Council designate the signing authority for reimbursement requests.

Councilmember Grendahl questioned the need to spend taxpayer dollars to provide assistance for site acquisition when there is no known project moving forward.

Mr. Nordquist stated staff met with the broker for Commons I and II about three weeks ago. They have received multiple reports that the broker is working with interested tenants who will be job producers within the range that will comply with the grant agreement. On Monday, the owner confirmed the building will be sold and these resources are needed as part of that transaction.

Discussion followed.

Councilmember Hooppaw asked if there was an urgency to approve the agreement this evening.

Mr. Nordquist said staff would be happy to provide the City Council additional information.

MOTION: of Goodwin, seconded by Grendahl, tabling consideration of the Livable Communities Demonstration Account (LCDA) Grant Agreement with the Metropolitan Council for Commons I and II site acquisition – Grant No. SG011-193(12), and designation of signing authority until July 12, 2012. Ayes - 4 - Nays - 0.

CEDAR AVENUE TRANSIT STATIONS

Ms. Bodmer reviewed the request by the Metropolitan Council for site plan review/building permit authorization to construct transit stations on Cedar Avenue at 140th and 147th Streets. She noted these are walk-up stations that will be served by the new Bus Rapid Transit (BRT) system which is scheduled to begin operations in Spring of 2013. She added that this will be the first BRT in Minnesota.

Ms. Bodmer stated the 140th Street transit stations will be 160 sq. ft. and will be located approximately 670 feet north of 140th Street. She presented the landscape plan, grading and drainage plan, elevation drawings, 3D modeling, and a context image for this site. The Planning Commission reviewed this project on June 20, 2012. Ms. Bodmer summarized the Planning Commission's discussion and comments. She added that the Planning Commission voted unanimously to recommend approval subject to conditions, which she reviewed.

Ms. Bodmer said the 147th Street transit stations will be located approximately 630 feet north of 147th Street. The Metropolitan Council proposes to build these stations in two phases. Phase I consists of a 410 sq. ft. enclosed building area and a covered platform. Phase II includes a 462 sq.

ft. addition on the main floor, a 324 sq. ft. second level, as well as a skyway, stairs, and an elevator. She presented the landscape plan, grading and drainage plan, colored renderings, and context drawings. The Planning Commission reviewed this project on June 20, 2012. Ms. Bodmer summarized the Planning Commission's discussion and comments. She added that the City, Metropolitan Council, Dakota County, and adjacent businesses met in May to discuss this project. Two primary potential issues were raised: 1) transit riders would park in business parking lots, and 2) transit riders would in park in adjacent public streets and cross through the business properties. Based on those comments, the Metropolitan Council provided the City with a preliminary parking and traffic plan. She then reviewed the parking management plan. Ms. Bodmer said the Planning Commission voted unanimously to recommend approval subject to conditions, which she reviewed.

Mayor Hamann-Roland stated the Chamber of Commerce and the businesses in those areas were unanimous in their request to decrease the negative impacts of Bus Rapid Transit. They want it to be successful, and they believe the best way to do that is to be as efficient as possible in the construction.

Councilmember Grendahl questioned how riders would cross Cedar Avenue at the 140th Street station. She believes the lack of safe and convenient crossing is a total impediment to ridership and sets the plan up for failure. When the ridership is not there, she wants to be on record that it is because of the design of the stations.

Mayor Hamann-Roland noted Cedar Avenue will be constructed to a width that is just three lanes shy of the L.A. freeway. She believes this is a different corridor than anywhere in the metropolitan area and it should be looked at that way. The transit stations needs to be constructed so they are safe and riders want to use them.

Councilmember Goodwin pointed out these other agencies are focused on ridership, whereas he is concerned about safety. He doubts riders are going to want to walk to these stations. He questioned the effectiveness of various aspects of the parking management plan. However, he will support it because the Bus Rapid Transit project is incredibly important.

Mayor Hamann-Roland reminded everyone that this started out as a highway project and evolved into Bus Rapid Transit project which brought BRT to this area sooner than originally anticipated. If the BRT was built as originally planned, Apple Valley's numbers would have supported the skyway. She agrees with the Planning Commission that transit stations that do not function well are not good land use. She also believes it is good land management to do things right the first time.

Councilmember Grendahl said taxpayers south of the river do not believe they are getting their fair share. She then questioned the subsidy for riders taking the Northstar.

Ms. Arlene McCarthy, Director of Metropolitan Transportation Services, responded the subsidy on Northstar Light Rail Transit is approximately \$18.00. She stated they are disappointed in the

ridership, but pointed out that it is a long-term investment. She added that the model was updated prior to calculating the ridership projections for Cedar Avenue.

Councilmember Grendahl clarified that riders using the Northstar are subsidized \$36.00 per round trip. She said the cities south of the river would also appreciate the long-term investment. She asked what it cost to construct the commuter rail lines.

Ms. McCarthy said the Hiawatha was just over \$700 million, the Northstar was over \$300 million, and the Central Corridor was just over \$900 million.

Councilmember Grendahl said the City is looking for three or four million dollars. A couple billion dollars was spent on these other locations. In addition, the Metropolitan Council is requesting the City pay the operating/maintenance costs and upfront the construction costs for the skyway. She then voiced concerns regarding safety. She requested the Metropolitan Council revisit its contributions to communities south of the river.

Mayor Hamann-Roland pointed out the investment in the rail lines is considerably more than the investment in the transit stations. She added that the rails give businesses a sense of permanency. The buildings or transit stations are critically important to create a sense of permanence with Bus Rapid Transit.

Councilmember Grendahl said she wishes they would have built the 157th Street Transit Station six levels high and forgot all the rest.

Discussion followed.

Councilmember Hooppaw said the City wants Bus Rapid Transit to be successful. He is disappointed that this big of an investment has been made and now the things that are going to make it work correctly are going to be shorted. He asked why 600 riders a day is the magic number that justifies a skyway.

Ms. McCarthy said that number is based on the model that is used to forecast ridership.

Discussion continued.

Mayor Hamann-Roland commented about the location of the stations in connection with the crosswalks and stated she is concerned people will jaywalk in order to get across the road. She is also concerned with safety. In addition, she wants to get accurate costs for the construction and maintenance of the skyway.

Councilmember Goodwin agreed that it may have been better to simply build the 157th Street Transit Station six levels high. He wants to keep the parking lot next to that transit station. He said the reason cities south of the river will not get light rail transit is because the cost to build a bridge over the Minnesota River is prohibitive.

Councilmember Grendahl questioned pedestrian safety near the 140th Street Transit Station.

Mr. Mark Krebsbach, Dakota County Transportation Director, said he cannot guarantee someone will not get hit after the road is built, nor can he guarantee someone will not get hit today prior to the reconstruction. He said safety is also their top priority.

Discussion followed.

Councilmember Grendahl questioned if any of the light rail lines will cross a river.

Ms. McCarthy stated both the Central Corridor and Northstar lines cross the river.

Discussion continued.

Mr. Lawell said the City received a letter from Dakota County on June 25, 2012. He summarized the County's response to the City's request to include a bid alternate for the skyway at the 147th Street Transit Station. He also reviewed their proposal for ongoing operations and maintenance costs. The next steps would be to provide feedback on the County's proposal and, if the Council wishes to proceed, direct staff to work on a Joint Powers Agreement with the Dakota County Regional Rail Authority (DCRRA) and the Metropolitan Council.

Mayor Hamann-Roland called a recess at 8:29 p.m.

Mayor Hamann-Roland resumed the meeting at 8:34 p.m.

The Council continued discussion.

Mr. Lawell clarified that the resolution for the site plan/building permit authorization for the 147th Street Transit Stations does not require the installation of a skyway or Phase II. The City Attorney has drafted language that could be added as a condition and is subject to the Metropolitan Council, DCRRA, and City coming to an agreement within the timeframe previously mentioned. If the agencies are not able to come to an agreement, they would be able to build the station without the skyway.

Mr. Dougherty read the suggested revised language.

Mr. Krebsbach expressed concern with the comment on funding. He wished to clarify there is no on-going discussion regarding the funding of Phase II.

Mary Hamann-Roland said the City wants to get accurate estimates so it can make a sound decision and it is not talking about the funding.

Discussion followed.

Mr. Dougherty further revised the resolution language.

Councilmember Hooppaw clarified the City is not committing to spend any money on the skyway this evening. It is only requesting the opportunity to gather additional information.

Councilmember Grendahl requested staff find out the subsidies of all the light rail transit commuter lines.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-137** approving the site plan and authorizing issuance of a building permit to construct two transit station buildings in the Cedar Avenue right-of-way, approximately 670 feet north of 140th Street W., with conditions as recommended by the Planning Commission. Ayes - 3 - Nays - 1 (Grendahl).

MOTION: of Goodwin, seconded by Hooppaw, approving the revised language recommended by the City Attorney and adopting **Resolution No. 2012-138**, as revised, approving the site plan and authorizing issuance of a building permit to construct two transit station buildings in the Cedar Avenue right-of-way, approximately 630 feet north of 147th Street W., with conditions as recommended by the Planning Commission. Ayes - 3 - Nays - 1 (Grendahl).

STAFF COMMUNICATION

Mr. Blomstrom gave an update on various road construction projects as well as the storm recovery efforts.

The Council thanked staff for their efforts following the storm. The Council also commented on the expansion of Hwy. 77 and noted it does not support the moveable traffic barrier.

Councilmember Grendahl commented on the clog on Cedar Avenue that starts at I-35E because the onramp at that location is not metered.

CALENDAR OF UPCOMING EVENTS

MOTION: of Goodwin, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk's memo dated June 25, 2012, 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 Grendahl, seconded by Hooppaw, to pay the claims and bills, check registers dated June 22, 2012, in the amount of 950,342.17; and June 28, 2012, in the amount of \$649,191.13. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, to adjourn. Ayes - 4 - Nays - 0.

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The meeting was adjourned at 9:09 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 7-12-12.