

CITY OF APPLE VALLEY
Dakota County, Minnesota
September 12, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held September 12th, 2013, 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, Deputy City Clerk Marschall, City Attorney Dougherty, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Assistant Finance Director Broughten, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, and Fire Chief Thompson.

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 Bergman, approving the agenda for tonight's meeting, as presented. 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 August 22, 2013, as written. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-120** setting a public hearing at 7:00 p.m., October 10, 2013, for 2013 Special Assessment Roll No. 620, Delinquent Utility Charges. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-121** levying 2013 Special Assessment Roll No. 621 in the amount of \$455,000, for Traffic Signal System at 157th Street and Pilot Knob Road. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-122** completing vacation of park, sidewalk, trail, drainage, and utility easement in Outlot 1, Cobblestone Lake Commercial 3rd Addition. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-123** setting a public hearing at 7:00 p.m., October 10, 2013, for vacation of portion of pipeline easement at Apple Valley Business Campus. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-124** approving submitting to the Metropolitan Council an amendment to the 2030 Land Use Map re-designating Outlot A, Cortland, and Lot 1, Block 3, Cortland Second Addition, from "LD" (Low Density Residential/2-6 Units Per Acre) to "P" (Parks and Open Space). Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving acceptance of public improvements related to AV Project 2011-144, Apple Valley Business Campus, as described in the City Engineer's memo dated September 12, 2013. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-125** ordering plans, specifications, and project development work tasks for AV Project 2014-102, Street and Utility Reconstruction. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Professional Services Agreement with Master Electric Co., Inc., for AV Project 2013-160, TEGG Electrical Inspections, in the amount of \$48,054.00, and authorizing the Public Works Director to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving First Amendment to Water Tower Lease Agreement with Clear Wireless, LLC, at Quarry Point, as attached to the Public Works Superintendent's memo dated September 12, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting Valleywood Clubhouse Project #0741 – Roofing and Metal Panels, as complete and authorizing final payment on the agreement with Tecta America Stock Roofing, LLC, in the amount of \$4,873.55. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting Valleywood Clubhouse Project #1140 – Food Service Equipment, as complete and authorizing final payment on the agreement with Premier Restaurant Equipment Co., in the amount of \$7,799.05. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting Valleywood Clubhouse Project #2200 – Plumbing and Piping, as complete and authorizing final payment on the agreement with Jim Murr Plumbing, Inc., in the amount of \$10,749.05. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting Valleywood Clubhouse Project #2300 – Heating, Ventilation, and Air Conditioning, as complete and authorizing final payment on the agreement with Gemini 26, Inc., d/b/a Bauernfiend Goedtel, in the amount of \$8,200.15. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting Valleywood Clubhouse Project #2500 – Temperature Controls, as complete and authorizing final payment on the agreement with Prairie Technologies, LLC, in the amount of \$2,484.35. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting AV Project 2012-158, Sanitary Sewer Pipe Lining, as complete and authorizing final payment on the agreement with Insituform Technologies USA, LLC, in the amount of \$3,872.11. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting AV Project 2013-133, Traffic Control Signal System Painting, as complete and authorizing final payment on the agreement with OLS Restoration, Inc., in the amount of \$5,650.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-126** amending the 2013 Employee Pay and Benefit Plan. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving hiring the seasonal employees, termination of employee, acting assignment of employee, and resignation of employees, as listed in the Personnel Report dated September 12, 2013. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

FIREFIGHTERS' RELIEF ASSOCIATION BOOYA FUNDRAISER

Fire Chief Thompson introduced Firefighter Al Olson, the 2013 Booya Chairperson, and Firefighter Colleen Elvin.

Firefighter Olson described activities planned for the Apple Valley Firefighters Relief Association's 35th Annual Booya Fundraiser on September 14, 2013, at Fire Station No. 1. Everyone is invited to attend. The event starts at 10:00 a.m. Activities such as bingo, silent auction, bake sale, and inflatable jumpers for kids. Raffle tickets are available in advance from all firefighters.

Mayor Hamann-Roland thanked all the volunteers for their time and efforts in coordinating the Booya as well as the businesses for their generous support.

PROPOSED 2014 CITY BUDGET AND PROPERTY TAX LEVY

Mr. Hedberg presented the proposed 2014 budget and tax levy. He reviewed the budget timeline. Staff recommends the Council set the public budget meeting, formerly called the Truth-in-Taxation hearing, for December 12, 2013, which is a regularly scheduled Council meeting. The County will then send parcel specific notices to all property owners in November, informing them of the meeting on December 12. He reviewed the budget challenges for 2014, noting Apple Valley will not receive Local Government Aid (LGA) in 2014. The 2014 proposed budget requires a total levy of \$22,727,000, an increase of \$316,054 or 1.41% from 2013. He pointed out that once the preliminary budget is adopted, the total levy amount may decrease, but not increase.

Mr. Hedberg continued his presentation.

Mayor Hamann-Roland restated the commitment of no special assessments to property owners for street maintenance projects.

Mr. Hedberg continued his presentation.

Councilmember Goodwin commented on the Minnesota Legislature's significant changes in the State's Local Government Aid (LGA) distribution formula for 2014. He said residents should be aware that Apple Valley used to receive about \$3,000,000 and now the City receives \$0. He then reviewed LGA statistics in other Minnesota cities.

Councilmember Goodwin added the bad news is Apple Valley receives no LGA, but the good news is Apple Valley residents live in a city that is well-run, has good tax bases, and is not in tax trouble like other cities.

Councilmember Grendahl asked if the budget factors in the 4% increase in health insurance.

Mr. Hedberg replied yes.

Councilmember Hooppaw commented the City is in good shape because of historical planning and appreciates how everyone works together on the day to day goals as well as looking ahead at future goals.

Council held discussion.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-127** approving the proposed 2014 budgets, with total revenue of \$57,031,185 and expenditures of \$61,277,186, and approving the proposed tax levy collectible in 2014 of \$22,727,000. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded Goodwin, setting a public budget meeting on the proposed 2014 budgets and tax levy, at 7:00 p.m. on December 12, 2013. Ayes - 5 - Nays - 0.

COMMUNICATIONS TOWER SITE ASSESSMENT AT WALLACE PARK

Mr. Bernstein reviewed the request by Faulk and Foster, representing Verizon Wireless, LLC, for right of entry (ROE) authorization in Wallace Park (13720 Pennock Avenue) to conduct a site assessment for the purpose of a wireless communications tower.

Councilmember Grendahl said the Wallace Park neighborhood was not aware of this item and asked Mr. Bernstein how the Parks & Recreation Advisory Committee made this decision without any citizen input.

Mr. Bernstein replied since this is ROE request for exploratory purposes only, citizen input wasn't required at this early stage of the request.

Discussion followed.

MOTION: of Hamann-Roland, seconded by Bergman, tabling the Right of Entry request with Verizon Wireless, LLC, for communications tower site assessment at Wallace Park, and sending it to the Planning Commission.

Discussion continued.

MOTION: of Grendahl, seconded by Hooppaw, denying the Right of Entry request with Verizon Wireless, LLC, for communications tower site assessment at Wallace Park.

Discussion continued.

Mayor Hamann-Roland withdrew her previous motion of tabling the item.

Discussion continued.

Vote was taken on the previous motion. Ayes - 4 - Nays - 1 (Goodwin).

MOTION: of Hooppaw, seconded by Bergman, directing the Planning Commission to complete a comprehensive study of current and future communication needs within the City of Apple Valley. Ayes - 5 - Nays - 0.

APPLE VALLEY BUSINESS CAMPUS 2ND ADDITION

Mr. Lovelace reviewed the request by Hebert and Associates, Inc., for approval of a final plat and Waiver of Subdivision Agreement; and a site plan/building permit authorization to allow for construction of an 83,072 sq. ft. industrial building and up to 281 parking spaces on Lot 1, Block 1, and 324-space parking lot on Lot 1, Block 2, Apple Valley Business Campus 2nd Addition. The sites are located at 14645 Felton Court and 6275 147th Street W. The Planning Commission reviewed this item and recommended approval.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2013-128** approving the final plat and Waiver of Subdivision Agreement for Apple Valley Business Campus 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-129** approving the site plan and authorizing issuance of a building permit for construction of a 83,072 sq. ft. industrial building on Lot 1, Block 1; and 324-space parking lot on Lot 1, Block 2, Apple Valley Business Campus 2nd Addition, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

APPLE VALLEY EAST FAMILY 2ND ADDITION

Mr. Lovelace reviewed the request by South Shore Development, LLC, amending the 2030 Comprehensive Plan Land Use Map re-designating the north 9 acres of Outlot A, including street right-of-way, from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential/2-6 units per acre) and the south 5.5 acres of Outlot A from "MD" to "C" (Commercial); rezoning the north 9 acres of Outlot A from Planned Development "PD-849" to "PD-856/Zone 2"; directing staff to prepare ordinance amendments for "PD-856/Zone 2" to include permitted, conditional, and accessory uses, area requirements, and special performance standards consistent with the proposed development plans; and the subdivision by plat of Outlot A into 34 single-family residential lots and two outlots. The Planning Commission reviewed this item and recommended approval.

Councilmember Goodwin asked if signs will be installed informing future residents of the commercial zone just south of the residential development.

Mr. Jacob Fick, from South Shore Development, LLC, agreed to place additional signs and sales plats noting future land uses.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2013-130** approving an amendment to the Land Use Map of the 2030 Comprehensive Plan changing the designation of the north 9 acres of Outlot A, Apple Valley East Family 2nd Addition, from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential 2-6 units per acre); and the south 5.5 acres of Outlot A, Apple Valley East Family 2nd Addition, from "MD" (Medium Density Residential)

to “C” (Commercial), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, passing **Ordinance No. 949** rezoning the north 9 acres of Outlot A, Apple Valley East Family 2nd Addition, from “PD-849” to “PD-856/Zone 2”. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, directing staff to prepare Ordinance amendments for new subzone in Planned Development No. 856/Zone 2. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2013-131** approving the preliminary plat of Apple Valley East Family 2nd Addition, for 34 single-family residential lots and two outlots, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Private Installation Agreement with South Shore Development, Inc., for AV Project 2013-154, Apple Valley East Family 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

COUNCIL COMMUNICATIONS

Councilmember Grendahl thanked Councilmember Bergman for his involvement with the MSP Noise Oversight Committee (NOC). Councilmember Bergman then provided an update.

Mayor Hamann-Roland invited the public to “A Hole Lot of Art” event at Valleywood Clubhouse, from 6:00 to 9:00 p.m., on Friday, September 27, 2013.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, the calendar of upcoming events as included in the Deputy City Clerk’s memo dated September 13, 2013, 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 August 29, 2013, in the amount of \$457,749.31; September 5, 2013, in the amount of \$853,385.90, and September 12, 2013, in the amount of \$936,695.33. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:50 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 9-26-13.