

CITY OF APPLE VALLEY
Dakota County, Minnesota
May 12, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 12, 2016, 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 Hills, City Engineer Anderson, Parks and Recreation Director Bernstein, Planner Bodmer, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Public Works Superintendent Blommel Johnson, 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 Bergman, seconded by Hooppaw, adding item 4.Q – Adopt Resolution Approving Uponor Way as an Honorary Street Name Designation, 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.

MOTION: of Grendahl, seconded by Goodwin, moving consideration of item 4.L – Approve Change Order No. 1 to Agreement with McNamara Contracting, Inc., for Project 2016-105, 2016 Street Improvements, to the regular agenda and approving all remaining items on the consent agenda. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Goodwin, approving the minutes of the regular meeting of April 28, 2016, as written. Ayes - 5 - Nays - 0.

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MOTION: of Grendahl, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Rotary Scholarship Foundation, for use on October 15, 2016, at Apple Valley Ford Lincoln, 7200 150th Street W., and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2016-82** setting a public hearing, at 7:00 p.m., on June 9, 2016, on the application for On-Sale Wine and 3.2 Percent Malt Liquor Licenses by Ooka Bistro, Inc., d/b/a Ooka, 6520 150th Street W., Ste. 400. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, proclaiming May 16, 2016, as "Uponor Day in the City of Apple Valley" and recognizing Uponor North America for achieving the highest of business expectations with 26 years of growth, business success, and community partnership. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving reduction of the natural resources management permit financial guarantee for Remington Cove Apartments from \$13,400.00 to \$3,400.00, as listed in the Natural Resources Coordinator's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No 2016-83** authorizing submittal of the Comprehensive Plan amendment to the Metropolitan Council changing the designation of the parcel preliminary platted as Lot 2, Block 1, Mount Olivet Second Addition from "INS" (Institutional) to "C" (Commercial). Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2016-84** approving a 7-ft. variance to increase the driveway width from 26 ft. to 33 ft. on Lot 2, Block 3, Delaney Park Second Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 1009** amending Chapter 35 of the City Code, regulating late fees for untimely license/permit renewal applications. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2016-85** approving continuation of the Cooperative Agreement for the Dakota County Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs for fiscal years 2017 through 2019. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the License Agreement with St. Paul Growers Association, Inc., for a Farmers Market in the Municipal Center parking lot on Saturdays from June 11 through October 29, 2016, from 6:30 a.m. to

2:00 p.m., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Agreement for Project 2016-123, Cobblestone Lake North Shore 2nd Addition, with South Shore Development Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, accepting City of Apple Valley Data Center Cooling Project, as complete and authorizing final payment on the agreement with Horwitz, Inc., in the amount of \$33,520.00. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, accepting Project 2012-108, Water Treatment Facility Expansion, as complete and authorizing final payment on the agreement with Automatic Systems Company, in the amount of \$15,304.85. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving hiring the seasonal and part time employees, as listed in the Personnel Report dated May 12, 2016. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, to pay the claims and bills, check registers dated April 20, 2016, in the amount of \$866,432.83, April 27, 2016, in the amount of \$350,677.22. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2016-86** approving Uponor Way as an honorary street name designation in Apple Valley. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2016 STREET IMPROVEMENTS CHANGE ORDER

Councilmember Grendahl noted the change order is for improvements at Valleywood Golf Course and asked about the funding source.

Mr. Anderson responded that the work will be funded out of the road improvement fund.

Mr. Hedberg provided additional information regarding the funding of this project.

Councilmember Grendahl stated she does not take exception to the installation of lights for safety purposes, but has concerns with the method of accounting for the expenditures.

Discussion followed.

Councilmember Bergman asked staff to review if it is better for Valleywood Golf Course to be an enterprise fund or not and report its findings to the Council.

Discussion continued.

Mayor Hamann-Roland asked if there is a way Valleywood could be responsible for this cost.

Mr. Hedberg indicated park dedication could be used to pay for this improvement or the City Council could authorize an interfund loan.

The City Council held discussion regarding funding options.

MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the agreement with McNamara Contracting, Inc., for Project 2016-105, 2016 Street Improvements, in the amount of an additional \$50,665.70. Ayes - 4 - Nays - 0 - Abstain - 1 (Grendahl).

Council then directed staff to present a funding solution to track the liability associated with this capital expenditure at Valleywood.

POPPY DAYS PROCLAMATION

Ms. Janet Thompson, representing the American Legion, Post 1776, Auxiliary Poppy Committee was present. She read the proclamation, proclaiming May 20-21, 2016, as "Poppy Days" and May 2016 as "Poppy Month".

MOTION: of Grendahl, seconded by Goodwin, proclaiming May 20-21, 2016, as "Poppy Days" and May 2016 as "Poppy Month" and asking citizens to pay tribute to those who have died in war in the name of freedom. Ayes - 5 - Nays - 0.

The Mayor presented the proclamation to Ms. Thompson.

MEMORIAL DAY PROCLAMATION

Mr. Lloyd Cybart, on behalf of American Legion, Post 1776, invited everyone to the Memorial Day ceremonies at 11:00 a.m. at the Apple Valley American Legion Memorial located behind the American Legion Post on Granada Avenue. He then read the proclamation proclaiming May 30, 2016, "Memorial Day".

MOTION: of Goodwin, seconded by Grendahl, acknowledging the Federal Proclamation of May 30, 2016, as "Memorial Day" and asking citizens to remember those who were casualties and injured in the various wars and police actions of the United States. Ayes - 5 - Nays - 0.

The Mayor presented the "Memorial Day" proclamation to Mr. Cybart.

SPECIAL OLYMPICS DAY PROCLAMATION

Mr. Jay Pedersen, on behalf of Special Olympics Minnesota, announced the annual state summer games will be held in Apple Valley from June 23 through 26, 2016. The Mayor presented the “Special Olympics Day” proclamation to Mr. Pedersen, who read the proclamation proclaiming June 24, 2016, as “Special Olympics Day”.

MOTION: of Bergman, seconded by Hooppaw, proclaiming June 24, 2016, as “Special Olympics Day” and encouraging all citizens to support this endeavor in every possible way. Ayes - 5 - Nays - 0.

Mr. Pedersen introduced the Special Olympics athletes that were present.

APPLE VALLEY SQUARE 4TH ADDITION VACATION

Ms. Bodmer reviewed the request by Apple Valley Minnesota Realty, LLC, owners of the Burlington Coat Factory property located at 7575 153rd Street W., for a vacation of a portion of an unused drainage and utility easement on Lot 2, Block 1, Apple Valley Square 4th Addition. She noted receipt of the affidavit of publication of the hearing notice and stated no objections have been received.

Mayor Hamann-Roland called the public hearing to order, at 7:43 p.m., to consider vacating easements on Lot 2, Block 1, Apple Valley Square 4th Addition (7575 153rd Street W.). The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:44 p.m.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-87** completing vacation of a portion of an unused drainage and utility easement on Lot 2, Block 1, Apple Valley Square 4th Addition, and authorizing the City Clerk to record the necessary documents. Ayes - 5 - Nays - 0.

COMPETITIVE CABLE FRANCHISE

Mr. Grawe introduced this item and provided background information on franchising. He stated Frontier Communications has applied for a competitive cable franchise which requires a public hearing.

Mayor Hamann-Roland called the public hearing to order, at 7:50 p.m., to consider the notice of intent on the issuance of a franchise to Frontier Communications. The Mayor asked for questions or comments from the Council and the public.

Mr. Jack Phillips, from Frontier Communications, introduced the representatives that were present and provided information about their company and their plans in Apple Valley.

Mr. George Meskowski, from Frontier Communications, described various programming packages and features of their equipment.

Ms. LeeAnn Herrera, from Charter Communications, provided a brief history on Charter Communications and commented on Frontier Communication's franchise application.

Mr. Robert Vose, Cable Commission Attorney for the Cities of Apple Valley, Farmington, and Rosemount, reviewed staff's recommendation as outlined in the report. He further suggested that if the City Council is satisfied it has heard enough testimony at the public hearing, that it close the oral portion of the public hearing but allow written records to be submitted for an additional 30 days.

Discussion followed.

Ms. Karen Kiser, Frontier employee and President of Communications Workers of America, Local 7270, asked the Council to support approval of Frontier's franchise application.

Mayor Hamann-Roland asked for additional questions or comments from the Council and the public. There were none and the oral portion of the public hearing was declared closed at 8:37 p.m.

MOTION: of Hooppaw, seconded by Goodwin, authorizing receipt of written comments for an additional period of 30 days in connection with the competitive cable franchise application from Frontier Communications. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, directing staff and legal counsel to negotiate franchise terms, prepare a report of findings, and present recommendations to the Council. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell congratulated Mayor Hamann-Roland on being appointed Vice Chair of the Metropolitan Council Transportation Advisory Board (TAB).

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, approving the calendar of upcoming events as included in the Deputy City Clerk's memo, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:41 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 5-26-16.

/s/ Mary Hamann-Roland
Mary Hamann-Roland, Mayor