

CITY OF APPLE VALLEY
Dakota County, Minnesota
July 14, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 14, 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 Dougherty, City Engineer Anderson, Police Captain Bermel, Parks and Recreation Director Bernstein, Planner Bodmer, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, Community Development Director Nordquist, Police Chief Rechtzigel, Public Works Director Saam, 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 led by Girl Scouts Deniyah Brown, Alisa Cobos, and Holly Landru from Troop 55503 and Boy Scout Joe Hanson, from Troop 345.

APPROVAL OF AGENDA

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

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Goodwin, approving the minutes of the regular meeting of June 23, 2016, as written. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Goodwin, approving a change in general manager for The Noodle Shop Co.-Colorado, Inc., d/b/a Noodles & Company, in connection with the On-Sale 3.2 Percent Malt Liquor and Wine Licenses at 14879 Florence Trail, naming Mickey Alfred Fredrickson as General Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Eastview High School Lightning Hockey Team Booster Club, by Minnesota Alcohol and Gambling Enforcement Division, for use on August 20, 2016, outdoors at Bogart's/Apple Place Bowl, 14917 Garrett Avenue, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Special Outdoor Promotion/Temporary Sign Permit for the 2016 Night to Unite Business Watch picnic, at Kelley Park on August 2, 2016, as described in the staff memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing submittal of 2016 Hazardous Materials Emergency Preparedness (HMEP) Grant for reimbursement of Fire Department Instructors Conference expenditures through the Minnesota Board of Firefighter Training and Education. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the letter of support for the skyway grant application, as attached to the Public Works Director's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing the City Administrator to submit a letter of support for expanded transit routes and resources in Apple Valley and Rosemount, as attached to the Community Development Director's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, receiving the 2015 Comprehensive Annual Financial Report. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the release of financial guarantee for Parkside Gaballa, as listed in the Community Development Department Assistant's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the release of NRMP financial guarantees for Prestige Preschool Academy, Bank of America, Parkside Village-Gaballa, and Cortland Addition, as listed in the Natural Resources Coordinator's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, continuing the public hearing on the vacation of a portion of sidewalk, trail, and drainage and utility easement on

Oulot G, Cobblestone Lake Commercial 3rd Addition, to August 25, 2016, at 7:00 p.m. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, continuing the public hearing on the issuance of revenue bonds by Public Finance Authority and Plan of Finance for PHS Apple Valley Senior Housing, Inc., to August 25, 2016, at 7:00 p.m. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2016-120** approving the final plat of Apple Valley Ford 3rd Addition (7200 150th Street W.), and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2016-121** approving the final plat and Development Agreement for Embury Place Second Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2016-122** approving the Joint Powers Agreement with the State of Minnesota regarding the Minnesota Crimes Against Children Task Force. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Water Quality Improvement Cost Share Program Agreement with Scott William Gilmore and Katrina Scarlett Gilmore for raingarden and native garden at 14782 Hallmark Drive, in the amount not to exceed \$500.00 per project, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Agreement for Project 2016-128, 2016 Reconditioning and Painting of Steel Fence Sections, Fence Support Posts, and Decorative Light Poles, with Budget Sandblasting and Painting, Inc., in the amount of \$71,553.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the engineering consultant pool and Engineering Consultant Agreements with the engineer firms identified in the list attached to the Public Works Director's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, accepting Project 2016-112, Kelley Park Playground Re-Surfacing, as complete and authorizing final payment on the agreement with Midwest Playscapes, Inc., in the amount of \$57,194.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, accepting Project 2015-122, Ash Tree Replacements, as complete and authorizing final payment on the contract with

Hoffman and McNamara Company, in the amount of \$526.50. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving hiring the seasonal and part time employees, and acting assignment of employee, as listed in the Personnel Report dated July 14, 2016. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, to pay the claims and bills, check registers dated June 15, 2016, in the amount of \$1,633,251.55; June 22, 2016, in the amount of \$385,675.04, and June 29, 2016, in the amount of \$945,576.75. Ayes - 5 - Nays - 0.

END CONSENT AGENDA

DONATION OF BLANKETS

Fire Chief Thompson introduced Girl Scouts Deniyah Brown, Alisa Cobos, and Holly Landru from Troop 55503. The Girl Scouts described their service project and presented blankets which they made and want to donate to the Fire Department for use in comforting children and pets that may be afraid in an emergency situation.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-123** accepting, with thanks, the donation of blankets from Girl Scout Troop 55503 for use by the Fire Department. Ayes - 5 - Nays - 0.

DONATION OF CPR DVICES

Fire Chief Thompson introduced Dr. Charlie Lick, of Allina Health Emergency Medical Services, and Brian Knapp, of Fairview Foundation. Dr. Lick and Mr. Knapp provided information on the ResQPUMP Cardiopulmonary Resuscitation (CPR) devises they want to donate to the City.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2016-124** accepting, with thanks, the donation of four ResQPUMP Cardiopulmonary Resuscitation (CPR) devises for use by the Fire Department, from Fairview Foundation, as a result of an application for donation by Allina Health Emergency Medical Services. Ayes - 5 - Nays - 0.

CENTERPOINT ENERGY 2016 COMMUNITY PARTNERSHIP GRANT

Fire Chief Thompson stated the Fire Department was successful in its application for a 2016 Community Partnership Grant from CenterPoint Energy. Mr. Andrew Balgobin, of CenterPoint Energy, then presented Chief Thompson with a check in the amount of \$2,500.00, towards the purchase of 11 Motorola Minitor VI pagers.

MOTION: of Goodwin, seconded by Hooppaw, accepting the award of \$2,500.00 from CenterPoint Energy Community Partnership Grant Program towards the purchase of 11 Motorola Minitor VI pagers. Ayes - 5 - Nays - 0.

QUARRY PONDS FOURTH ADDITION

Mr. Lovelace reviewed the request by Palm Realty, Inc., for approval to rezone Blocks 1-3, Quarry Ponds Fourth Addition, from "SG" (Sand and Gravel) to "PD-975/Zone1" (Planned Development) and a subdivision of approximately 8 acres into 22 single-family residential lots. The property is located at the northwest corner of 157th Street W. and Johnny Cake Ridge Road.

Discussion followed.

MOTION: of Grendahl, seconded by Goodwin, passing **Ordinance No. 1012** rezoning Blocks 1-3, Quarry Ponds Fourth Addition, from "SG" (Sand and Gravel) to "PD-975/Zone1" (Planned Development). Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2016-125** approving the preliminary plat of Quarry Ponds Fourth Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

PARK DEDICATION FEE SCHEDULE

Mr. Lovelace reviewed the proposed amendment to the Fee Schedule. Based on a real estate valuation service company's analysis, staff is recommending amending the single-family benchmark land value and the residential subdivision formula used for computing cash in lieu of land dedication in the Fee Schedule. If approved, the fees would be effective immediately.

Mayor Hamann-Roland called the public hearing to order at 7:27 p.m. to consider amending the single-family benchmark land value and residential subdivision formula in the Fee Schedule. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:28 p.m.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-126** approving the amendment to the 2016 Fee Schedule related to benchmark land values for park dedication.

Discussion followed.

Vote was taken on the motion. Ayes - 5 - Nays - 0.

HUDSON DIVISION FINAL PLAT

Ms. Bodmer reviewed the request by Apple Valley Leased Housing Associates IV, LLLP, for approval of the final plat and development agreement for Hudson Division and planned

development agreement for Valley Bluffs Senior Apartments. The property is located on the southwest corner of Cedar Avenue and 140th Street W. at 14050 Granite Avenue.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-127** approving the final plat and Subdivision Agreement for Hudson Division and the planned development agreement for Valley Bluffs Senior Apartments, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

DAKOTA COUNTY CDA USE OF TIF FOR VALLEY BLUFFS SENIOR APARTMENTS

Mr. Nordquist introduced this item and provided a brief history. The property owner of 14050 Granite Avenue requested financial development assistance from the Dakota County Community Development Agency (CDA) for Valley Bluffs Senior Apartments (Dominium Senior Development). The request is for no more than 15 years of Tax Increment Financing (TIF) and will improve housing affordability for seniors.

City Council held discussion, including the addition of public art and preleasing to Apple Valley residents.

Mr. Ron Mehl, Senior Developer with Dominium, said whether it is in the TIF agreement or the development agreement, they are committed to work with the City on public art.

Councilmember Bergman suggested the City Council direct one of the advisory committees to establish policies and procedures for public art.

Councilmember Grendahl said she will be voting no on the financing of this project. She added that TIF is a very unusual tool and should be used for blighted business areas, redevelopment, or creating jobs and not for housing in a City that has a lot of housing.

Ms. Margaret Dykes, of Dakota County Community Development Agency, commented on the TIF housing district.

Discussion followed.

Mr. Nordquist suggested language to amend the resolution.

Discussion continued.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2016-128** authorizing the Dakota County Community Development Agency's establishment of a Tax Increment Financing district for affordable housing in Apple Valley, with minor revisions as approved by the City Administrator and City Attorney. Ayes - 4 - Nays - 1 (Grendahl).

COMMUNICATIONS

Councilmember Hooppaw requested a discussion regarding public art be added to a future informal meeting.

CALENDAR OF UPCOMING EVENTS

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

CLOSE MEETING, LABOR NEGOTIATIONS

Mayor Hamann-Roland stated there is a need for Council to hold a closed session, under the provisions of M.S. 13D.03, to discuss labor negotiations.

MOTION: of Grendahl, seconded by Goodwin, to enter into a closed meeting and convene in closed session to discuss AFSCME union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 8:145 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; City Administrator Lawell; City Clerk Gackstetter; Parks and Recreation Director Bernstein; Human Resources Manager Haas; Finance Director Hedberg; and Public Works Director Saam. The meeting was tape recorded as required by law. The Council reconvened in open session at 8:29 p.m.

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

The meeting was adjourned at 8:30 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter

Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council
on _____.

Mary Hamann-Roland, Mayor