

CITY OF APPLE VALLEY

Dakota County, Minnesota

April 22, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 22nd, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: None.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, City Engineer Manson, Public Works Director Blomstrom, Associate City Planner Bodmer, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, City Planner Lovelace, Police Captain Marben, Community Development Director Nordquist, Human Resources Manager Strauss, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 8:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of LaComb, seconded by Bergman, 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. 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.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by LaComb, approving the minutes of the regular meeting of April 8, 2010, as written. Ayes - 4 - Nays - 0 - Abstain - 1 (Goodwin).

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-81** accepting, with thanks, the donation of \$100.00 from CNH Architects for 2010 Mid-Winter Fest activities. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Rotary

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Scholarship Foundation, for use on October 16, 2010, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, proclaiming May 2-8, 2010 as “Drinking Water Week” and asking citizens to protect the City’s water resources, practice water conservation, and get involved in local water issues. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution 2010-82** establishing election precinct boundaries and polling places. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving submittal of the CenterPoint Energy 2010 Community Partnership Grant application, in the amount of \$2,200.00, for fire rescue tools, as described in the Fire Chief’s memo dated April 16, 2010. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb approving the License Agreement for \$1,000.00 chance at Valleywood Golf Course with On the Green, LLC, d/b/a/ Million Dollar Hole-In-One, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Joint Powers Agreement with the City of Burnsville for 2010 Lake Alimagnet Water Quality Improvement Projects, as attached to the Natural Resources Coordinator’s memo dated April 22, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Joint Powers Agreement with Dakota County for Cost Share Related to the Purchase of Aerial Photography, as attached to Public Works Director’s memo dated April 22, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-83** awarding the contract for AV Project 2008-111, Apple Valley East Family Addition, to McNamara Contracting, Inc., the lowest responsible bidder, in the amount of \$272,237.97. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-84** awarding the contract for Redwood Pool Renovation, to GenCon Construction, the lowest responsible bidder, in the amount of \$77,700.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Agreement with Midwest Weed Harvesting, Inc., for Farquar Lake Weed Harvesting, in an amount not to exceed \$15,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by LaComb, approving the Agreement for AV Project 2010-109, Concrete Raising and Leveling Services, with Northstar Mudjacking, Inc., in an amount not to exceed \$9,500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, accepting Bleachers for Quarry Point Park as complete, and authorizing final payment on the agreement with Flanagan Sales, Inc., in the amount of \$52,713.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, accepting Senior Center Project # 0610/1230 – Rough and Finish Carpentry/Premanufactured Casework as complete and authorizing final payment on the agreement with Northfield Construction Company, Inc., in the amount of \$21,089.85. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, accepting Senior Center Project # 2100 – Fire Protection as complete and authorizing final payment on the agreement with Summit Fire Protection, in the amount of \$3,356.25. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving a 6-foot front-yard setback variance to allow construction of covered front entry on Lot 4, Block 2, Bobs Garden View (172 Strese Circle), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, setting a special informal City Council meeting, at 2:00 p.m., on April 27, 2010, at Camp Sacajawea Lodge, 5121 McAndrews Road, for the purpose of discussing goals with City staff. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving hiring the seasonal employees, as listed in the Personnel Report dated April 22, 2010. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

VOLUNTEER RECOGNITION WEEK

Mayor Hamann-Roland welcomed Cemetery Advisory Committee Member Alan Kohls; Planning Commissioner Paul Scanlan; Traffic Safety Advisory Committee Members Todd Blomstrom and Charles Grawe; and Urban Affairs Advisory Committee Members Sandy Breuer and Ed Holmes. She thanked all of the Commissioners, Committee Members, and other City volunteers for their generous commitment of time, energy, education, and skills which help make Apple Valley a quality community. She then presented Urban Affairs Advisory Committee Member Sandy Breuer with a marble apple clock for ten years of service to the City and read the proclamation proclaiming Volunteer Recognition Week.

MOTION: of Grendahl, seconded by LaComb, proclaiming April 18 through April 24, 2010, as "Volunteer Recognition Week" and thanking all those who contribute their time, talent, and energy to the community. Ayes - 5 - Nays - 0.

TRAIL AND SIDEWALK PLAN

Ms. Bodmer reviewed her memo requesting approval of the consulting services agreement with LHB, Inc, to prepare a Trail and Sidewalk Plan and the adoption of a resolution establishing a Trail and Sidewalk Study Task Force. She noted the City received a \$25,000 grant from Dakota County Public Health Department to hire a consultant and prepare the Trail and Sidewalk Plan. She explained why the study is necessary and stated it would help identify connections within retail areas, between commercial areas, the BRT Station, and the Cedar Avenue Corridor; look at ways to navigate major intersections; and identify gaps in the existing trail and sidewalk network. She stated the Trail and Sidewalk Study Task Force would consist of two members each from the Planning Commission, Parks and Recreation Advisory Committee, and Traffic Safety Advisory Committee, as well as key members of Apple Valley businesses, organizations, and user groups. There would be a maximum of 15 participants on the Task Force. If approved, the study will begin immediately and conclude the end of June.

Councilmember Bergman asked if the City is obligated to spend money to add trails and sidewalks following the study.

Ms. Bodmer said there is no further obligation. The study will simply identify and prioritize trail and sidewalk projects that can be completed at some future time.

Councilmember Bergman suggested the Task Force look at a means for pedestrians and bicyclists to get over or under County Road 42 and Cedar Avenue at various points.

Mayor Hamann-Roland agreed that it is important for the public to be able to safely cross County Road 42 and Cedar Avenue as well as 160th Street.

Councilmember Goodwin expressed concern regarding the suggested size of the Task Force. Considering the project needs to be completed quickly, he recommended the Task Force be limited to 11 people.

Mayor Hamann-Roland asked if there was a reason why staff recommended 15 people.

Ms. Bodmer responded the Task Force was to have a maximum of 15 members but it could consist of fewer members.

Councilmember Grendahl suggested staff set the meeting dates in advance so people interested in serving know the dates of the meetings. She asked if the City would be seeking grant funding from Livable Communities.

Mr. Nordquist affirmed the City will be seeking grant funding.

Councilmember Bergman stated his preference for organizations represented on the Task Force to be from the City and for comments and feedback received on the Plan to come from Apple Valley residents.

Ms. Bodmer noted the resolution establishing the Task Force requires members live or work in Apple Valley.

The Council continued to discuss how many members should serve on the Task Force.

Councilmember LaComb said she hopes there is a means for individuals who are interested in this topic to provide input even if they are not able to serve on the Task Force.

Ms. Bodmer said there will be at least two meetings that will provide an opportunity for the public to provide input.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for Professional Services with LHB, Inc., to prepare a Trail and Sidewalk Plan, in an amount not to exceed \$25,000.00, and authorizing the Mayor and City Clerk to sign the same.
Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, amending the resolution to allow for a maximum of 11 members to serve on the Task Force and adopting **Resolution No. 2010-85** establishing the Trail and Sidewalk Study Task Force, as amended.
Ayes - 5 - Nays - 0.

ORDINANCE AMENDING PROPERTY MAINTENANCE REGULATIONS

Mr. Lovelace gave the first reading of an ordinance amending Section 155.360 of the City Code regarding property maintenance regulations. The amendment addresses interior hazardous, structurally deficient, and poorly maintained properties and unsanitary and unsafe living conditions and further provides for abatement actions when necessary.

Mayor Hamann-Roland noted this amendment addresses properties with serious public health and safety concerns.

Mr. Lovelace added that the Planning Commission held a public hearing on the amendment and no comments were received. Following the hearing, the Planning Commission voted unanimously to recommend approval of the amendment. The Planning Commission Chair recommended the draft ordinance be posted on the City's website. It was posted as requested and again no comments were received.

The Council accepted the first reading. The second reading will be May 13, 2010.

CEMETERY ADVISORY COMMITTEE

Ms. Gackstetter reviewed her memo dated April 19, 2010, regarding the Cemetery Advisory Committee vacancy.

The Mayor called for nominations for the vacancy. Councilmember Grendahl nominated Noel Hammill, Shannon Heydt, Sue Jan Monro, and Eugene Peterson. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Grendahl, seconded by Bergman, accepting the four nominations for Cemetery Advisory Committee. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by LaComb, approving the appointment process of voting for one less than total number of candidates appearing on the ballot. Ayes - 5 - Nays - 0.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select three names from the four nominees. After selections were made, they were tallied and the City Attorney announced that three names remained.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select two names. After selections were made, they were tallied and the City Attorney announced that two names remained.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select one name. After selections were made, they were tallied and the City Attorney announced that Noel Hammill received the majority of votes.

MOTION: of LaComb, seconded by Bergman, adopting **Resolution No. 2010-86** appointing Noel Hammill to the Cemetery Advisory Committee for a term expiring March 1, 2013. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked all the applicants who applied and expressed interest in the position.

CALENDAR OF UPCOMING EVENTS

MOTION: of Goodwin, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated April 19, 2010, 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 April 14, 2010, in the amount of \$326,876.04; and April 21, 2010, in the amount of \$1,224,924.17. Ayes - 5 - Nays - 0.

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

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

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 5-13-10