

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
November 9, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held November 9, 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, Public Works Director Blomstrom, Building Official Brady, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Human Resources Manager Pearson, Police Captain Rehtzigel, 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 Grendahl, adding item 5.D – Set Special Informal Council Meeting on November 22, 2010, at 3:30 p.m., to the regular 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. There were no requests.

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

#### CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of October 28, 2010, as written. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, approving submittal of grant application to American Institute of Architects (AIA) 2011 Sustainable Design Assessment Team Program (SDAT) for Cedar Avenue Transitway Corridor, as described in the City Planner's memo dated November 5, 2010. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, authorizing execution of the Contract for Professional Services with Dakota County for Business Bike Rack Program, as attached in the Associate City Planner's memo dated November 9, 2010. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-184** directing the City Engineer to prepare plans and specifications for AV Project 2011-102, 2011 Garden View Drive Improvements. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-185** directing the City Engineer to prepare plans and specifications for AV Project 2011-105, Flagstaff Avenue Extension. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-186** authorizing the preparation of plans and specifications for AV Project 2011-108, Sanitary Lift Station 2 Replacement. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Mission Critical Personnel Emergency Dispensing Plan as attached to the Police Chief's memo dated November 3, 2010. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Joint Powers Agreement with Dakota County for Closed Point of Dispensing as attached to the Police Chief's memo dated November 3, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Partners' Agreement with Rice Creek Watershed District (RCWD) for 2011 Membership in Blue Thumb Program, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Joint Powers Agreement with Independent School District 196 for Computer Networking at Apple Valley Sports Arena as attached to the IT Manager's memo dated November 5, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Hayes Park Arena Air Unit and Compressor as complete and authorizing final payment on the agreement with

South River Heating & Cooling, Inc., in the amount of \$17,775.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal employees as listed in the Personnel Report dated November 9, 2010. Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### CANVASS OF ELECTION RETURNS

Ms. Gackstetter reviewed the results of the General Election held on November 2, 2010. A total of 21,271 ballots were cast, which represents a 66.3 percent voter turnout. She thanked the volunteers and City staff for all their help.

The Council expressed appreciation to everyone who helped prepare for and worked at the election.

MOTION: of Grendahl, seconded by LaComb, adopting **Resolution No. 2010-187** canvassing the returns of the November 2, 2010, City General Election and declaring that Mary Hamann-Roland was elected Mayor for a four-year term commencing January 3, 2011; and John Bergman and Clint Hooppaw were elected Councilmembers for four-year terms, each, commencing January 3, 2011.

Councilmember Goodwin congratulated the top vote getters and noted it was a tough year for incumbents. He believes the results indicate residents are upset with politicians at the federal and state level, but pretty happy with the way things are going at the City level. He thinks that means the Council is doing its job pretty well.

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

Mayor Hamann-Roland thanked the residents for the trust and confidence they have placed in the City Council. She said City staff deserves much of that recognition. She believes the City is well run and the Council and staff make a great team.

#### ORDINANCE AMENDING CHAPTER 51 REGARDING SEWAGE TREATMENT SYSTEMS

Mr. Blomstrom said although the vast majority of homes in Apple Valley are connected to the public sanitary sewer system, a few homes have their own individual sewage treatment systems or septic sewer systems. There have been some recent changes in state law and in Dakota County's code. The proposed ordinance amendment reflects changes needed to make the City's Code compliant with the changes at the state and county level. He then introduced Mr. Brady.

Mr. Brady gave the first reading of an ordinance amending Title V, Chapter 51 of the City Code entitled "Water and Sewers" by amending Sections 51.55 through 51.65 regarding individual

sewer treatments. The revisions are in compliance with the stronger minimum standards set by the Minnesota Pollution Control Agency (MPCA) and adopted into law in 2008. Dakota County adopted the new septic system ordinance in 2009. The new rules provide consistent means and methods for the design and installation of septic systems. He stated the MPCA will review the City's proposed ordinance to ensure it is consistent with the County's ordinance. Future amendments may be required as directed by the MPCA. Currently there are 53 systems in Apple Valley, of which 9 are commercial and 44 are residential. Property owners with failing systems are required to hook up to City sewer when available. He stated the City requires septic owners to provide a report every three years.

Councilmember Goodwin noted there are approximately six or seven septic systems on properties right around the City's lakes.

The Council accepted the first reading. The second reading will be November 23, 2010.

#### PLANS AND SPECIFICATIONS FOR 2011 STREET MAINTENANCE PROJECT

Mr. Blomstrom said typically the ordering of plans and specifications for the annual street maintenance project is fairly routine and is often placed on the consent agenda. Because the scope of the project for 2011 is broader and a bit different than what the Council has typically seen, staff wanted to present the information with an opportunity for questions and comments. He pointed out as the infrastructure gets older, the management techniques get more complex. It will be evident this year as staff begins to deploy various cost-effective strategies in managing the street system.

Mr. Manson presented the pavement management strategies for the 2011 construction season. He said staff has been working diligently on a pavement condition rating program. He presented a map depicting the overall condition index (OCI) of the City's streets. He then reviewed the conditions warranting a full reconstruction, resurfacing and overlay, and pavement preservation. He described microsurfacing, which is similar to chip sealing and an overlay, without the mess of the loose rocks. It is a pavement preservation technique that is less expensive than an overlay and offers minimal disruption. He then reviewed the areas included in the 2011 Street Overlay Project. Approximately 2.3 miles will be reconstructed, 4.3 miles will be resurfaced/overlaid, and 3.2 miles will undergo microsurfacing, for a total of 9.8 miles. The preliminary cost estimate is \$4 million. The project will be bid in March 2011 with construction to begin in Spring 2011.

Councilmember Bergman inquired about the longevity of microsurfacing and how snowplowing might affect it.

Mr. Manson said the longevity will be similar to chip sealing, perhaps even a bit longer because it is a thicker material.

Councilmember Goodwin questioned why the road on the southeastern corner of Pennock Avenue and McAndrews Road needs to be reconstructed when that is a fairly new neighborhood.

Mr. Blomstrom stated during the analysis of the pavement conditions, staff is finding some street segments are failing prematurely. Although the Pennock Avenue and McAndrews Road segment is relatively new, it would not be cost effective to overlay it due to the condition of the street and the subgrade.

Councilmember Goodwin asked if the street was not built properly and if there are any guarantees from the contractor who built it.

Mr. Blomstrom said there would not be guarantees that are still in place today. He speculated that the road's condition is due to a subgrade issue with poor soils under the roadway.

Mayor Hamann-Roland asked when the road was constructed.

Mr. Manson said the road was probably constructed sometime in the 1980's.

Mayor Hamann-Roland commented on the reconstruction of 140th Street and Garden View Drive. She said there were issues with the soils in that area which affected the time it took to complete the project. She asked if a similar situation is anticipated and what will be done to minimize the impact.

Mr. Blomstrom said very unusual soil conditions were encountered in the central portion of 140th Street this past summer. Some of the same soil conditions are anticipated. As a result, there will be a much higher density of soil borings along Garden View Drive. Knowing that upfront helps, but it will increase the overall scope of the work necessary to rebuild the street.

Mayor Hamann-Roland asked if knowing that ahead of time will reduce the timeframe compared to what happened last summer.

Mr. Blomstrom confirmed.

Councilmember LaComb asked if the City will increase the number of soil borings for all of the projects.

Mr. Blomstrom said yes.

Councilmember Goodwin said even if there are no guarantees for the roads in the Pennock Avenue and McAndrews Road area, there should be records that indicate who completed the work.

Mr. Blomstrom said when a road project is complete and the City accepts it, the road becomes the City's responsibility. That is one of the reasons the City currently has a very detailed inspection process, so when it comes time to accept a piece of infrastructure as public, we know what is underneath it.

Councilmember Goodwin said if certain street segments are failing quicker than others, staff should be aware who built those roads and consider that in the bid process.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-188** directing the City Engineer to prepare plans and specifications for AV Project 2011-101, 2011 Street Maintenance Project. Ayes - 5 - Nays - 0.

#### SET SPECIAL INFORMAL MEETING

MOTION: of Grendahl, seconded by LaComb, setting a special informal City Council meeting, at 3:30 p.m., on November 22, 2010, at the Municipal Center. Ayes - 5 - Nays - 0.

#### STAFF ITEMS

Mr. Nordquist presented a plaque given to the City of Apple Valley which states “the Dakota County Community Development Agency commends the outstanding support of the City of Apple Valley in providing affordable housing for seniors presented this first day of November 2010 for the dedication of Cobblestone Square”.

Mr. Lawell invited residents interested in serving on the Traffic Safety Advisory Committee to submit an application to the City Clerk by November 30, 2010.

#### COUNCIL COMMUNICATION

Mayor Hamann-Roland said the Apple Valley High School will be holding a Veterans Recognition Assembly on Veterans Day, beginning with a social hour at 8:15 a.m. and a 50-minute program starting at 9:00 a.m. She noted Councilmember Goodwin will be the keynote speaker at this event.

#### CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk’s memo dated November 9, 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 Grendahl, to pay the claims and bills, check registers dated November 4, 2010, in the amount of \$717,299.82. Ayes - 5 - Nays - 0.

#### CLOSE MEETING

Mr. Dougherty reviewed exceptions to the open meeting law and advised the Council that it could hold a closed session, under the provisions of M.S. 13D.03, to discuss AFSCME Union labor

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negotiations and M.S. 13D.05 Subd. 3, to discuss litigation involving Jorge Allen, et al, regarding ponding easements.

MOTION: of LaComb, seconded by Grendahl, to enter into a closed meeting and convene in closed session to discuss AFSCME Union labor negotiations and Jorge Allen, et al, regarding ponding easements. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 8:58 p.m. to discuss AFSCME Union labor negotiations. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and LaComb; City Administrator Lawell; City Clerk Gackstetter; Human Resources Manager Strauss; Public Works Director Blomstrom; and Parks and Recreation Director Johnson. The meeting was tape recorded as required by law. The Council concluded this discussion at 9:35 p.m.

At 9:36 p.m. the Council convened in closed session to discuss Jorge Allen, et al, regarding ponding easements. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and LaComb; City Administrator Lawell; City Clerk Gackstetter; City Attorney Dougherty; and Public Works Director Blomstrom. The Council reconvened in open session at 10:00 p.m.

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

The meeting was adjourned at 10:01 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 11-23-10.