

CITY OF APPLEVALLEY  
Dakota County, Minnesota  
June 23, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 23, 2011, at 8:00 o'clock p.m., at Apple ValleyMunicipalCenter.

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

ABSENT: Councilmember Goodwin.

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

Mayor Hamann-Roland called the meeting to order at 8:01 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scout Collin Dolejs from Troop 290.

#### APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Grendahl,adding item 4.N – Approve State Gambling Exempt Permit for Minnesota Zoo Foundation, at Minnesota Zoo, on August 15, 2011, to the consent agenda, and approving the agenda for tonight's meeting, as amended. Ayes - 4 - 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 Grendahlapproving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Grendahl, approving the minutes of the regular meeting of June 9, 2011, as written. Ayes -4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the reductionof financial guaranteefor Oakwood Hills Construction & Development Security from

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\$16,505.94 to \$6,348.42, as listed in the Community Development Department Assistant's memo dated June 23, 2011. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, waiving the procedure for a second reading and passing **Ordinance No.920**, amending Section 155.397of the City Code related to variance requirements. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Supplemental Letter Agreement with Short Elliott Hendrickson, Inc., for Geotechnical Services for AV Project 2010-103, Water Treatment Plant Expansion Feasibility Plan, in the amount of \$16,560.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-96** adopting 2011 Performance Measures as recommended by the Council on Local Results and Innovation. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing submittalof letter in response to requestfor comments on Cedar Avenue Bus Rapid Transit (BRT) Station to Station Service Project Environmental Assessment, as attached to the Community Development Director's memo dated June 23, 2011. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Settlement Agreement and Release document for Lot 2, Block 2, Eagle Pond 1st Addition (7175 Upper 136th Street), in the amount of \$40,000.00, as attached to the Public Works Director's memo dated June 23, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-97** approving the Settlement Agreement and Release document for ponding easements, on Lot 6, Block 5, Greenleaf 8th Addition, in the amount of \$5,900.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement with Cartegraph Systems, Inc., for database conversion services, in the amount of \$6,600.00, as attached to the Public Works Director's memo dated June 23, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for AV Project 2011-135, Traffic Control Signal System Repairs, with Killmer Electric Company, Inc., in the amount of \$13,325.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-98** awarding the contract for AV Project 2011-102, Garden View Drive Street Improvements, to

Bituminous Roadways, Inc., the lowest responsible bidder, in the amount of \$1,314,123.50. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-99** awarding the contract for AV Project 2011-108, Sanitary Lift Station 2 Replacement, to Geislinger and Sons, the lowest responsible bidder, in the amount of \$910,635.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, accepting AV Project 2011-119, 2011 Sealing of Decorative Concrete and Block Retaining Walls, as complete and authorizing final payment on the agreement with Budget Sandblasting & Painting, Inc., in the amount of \$5,820.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, accepting AV Project 2011-111, Farquar Lake Fish Removal, as complete and authorizing final payment on the agreement with Jeff Riedemann Fisheries, in the amount of \$8,500.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving Change Order No. 1 to the contract with McNamara Contracting, Inc., for AV Project 2011-101, 2011 Street Maintenance Project, in the amount of an additional \$10,146.24. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving Change Order No. 6 to Senior Center Project # 2302 – Heating/Ventilating/Air Conditioning, with Bostrom Sheet Metal Works, Inc., for a deduction of \$13,510.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving hiring the full-time and seasonal employees listed in the Personnel Report dated June 23, 2011. Ayes - 4 - Nays - 0.

#### END CONSENT AGENDA

#### GRANDVIEW TERRACE VACATION AND FINAL PLAT

Ms. Bodmer reviewed the request by Mr. Tim Hasse, 12128 Grandview Terrace, to combine two lots in order to construct a pool in his back yard. The request includes vacating the easements on Lot 2, Block 1, Grandview Manor Second Addition, and final plat approval of Grandview Manor Third Addition. Replacement easements will be dedicated on the new plat. 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 8:08 p.m., to consider vacating easements on Lot 2, Block 1, Grandview Manor Second Addition. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 8:09 p.m.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2011-100** completing vacation of all drainage and utility easements on Lot 2, Block 1, Grandview Manor Second Addition, and authorizing the City Clerk to record the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-101** approving the final plat for correction or recombination of Grandview Manor Third Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

#### STAFF COMMUNICATION

Mr. Lawell announced the City recently launched its new website, which is more user-friendly and offers several new features. He thanked Mr. Grawe and other staff members for their efforts in updating the site.

Mr. Blomstrom gave an update on the Cedar Avenue transitway construction project, noting construction will continue even if there is a State shutdown.

Mr. Johnson said Freedom Days activities begin tomorrow night and he encouraged the public to attend the upcoming events. He then reminded everyone about "Music in Kelley Park at Stage One" from 6:00 to 9:00 p.m. on July 1, 8, 15, 22, and 29, and August 5.

#### CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk's memo dated June 23, 2011, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 - Nays - 0.

#### CLAIMS AND BILLS

MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated June 15, 2011, in the amount of \$1,460,370.48; and June 22, 2011, in the amount of \$504,079.39. Ayes - 4 - Nays - 0.

#### CLOSE MEETING - ATTORNEY-CLIENT PRIVILEGE

Mr. Dougherty asked the City Council to convene in a closed session, under the provisions of M.S. 471.705, to discuss litigation involving Jorge Allen, et al, regarding ponding easement along Dominica Way.

MOTION: of Grendahl, seconded by Hooppaw, to close the regular meeting and convene in closed session to discuss with the City Attorney litigation involving Jorge Allen, et al, regarding ponding along Dominica Way. Ayes - 4 - Nays - 0.

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The meeting was closed at 8:19 p.m. and Mayor Hamann-Roland and Councilmembers Bergman, Grendahl, and Hooppaw convened in the Regent Conference Room, at 8:25 p.m., along with City Attorney Dougherty, City Administrator Lawell, City Clerk Gackstetter, and Public Works Director Blomstrom. Mr. Dougherty advised the Council that its discussion must be limited to matters for which the meeting was closed and if issues are discussed outside of this meeting the attorney-client privilege will be lost. Discussion followed regarding the litigation involving Jorge Allen, et al, relative to ponding. The Council reconvened in open session at 8:35 p.m.

MOTION: of Bergman, seconded by Grendahl, to adjourn. Ayes - 4 - Nays - 0.

The meeting was adjourned at 8:36 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter

Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council on 7-14-11.