

CITY OF APPLE VALLEY
Dakota County, Minnesota
July 14, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 14, 2011, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: Councilmember Grendahl.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Public Works Director Blomstrom, 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, Fire Chief Thompson, and Crime Prevention Specialist Walter.

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 Hooppaw, seconded by Bergman, approving the agenda for tonight's meeting, as presented. 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 Bergman, seconded by Goodwin approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of June 23, 2011, as written. Ayes - 3 - Nays - 0 - Abstain - 1 (Goodwin).

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-102** accepting, with thanks, the donation of \$500.00 in gift cards from Wal-Mart for the Night to Unite celebration. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Ducks Unlimited, Chapter 185, for use on September 14, 2011, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the ALF Ambulance 2012 Budget, as attached to the City Administrator's memo dated June 11, 2011, and recommended by the ALF Ambulance Board. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-103** identifying the need for Livable Communities Demonstration Account (LCDA) funding and authorizing submittal of grant applications to Metropolitan Council. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the reduction of financial guarantee for Cobblestone Lake Senior Housing (CDA) Natural Resources Management Permit from \$10,437.50 to \$9,437.50 and the release of financial guarantee for Apple Valley East Townhomes (CDA), as listed in the Community Development Department Assistant's memo dated July 14, 2011. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-104** approving plans and specifications for AV Project 2011-104, 2011 Utility Improvements; and authorizing advertising for receipt of bids, at 10:00 a.m., on August 18, 2011. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-105** approving the Settlement Agreement and Release documents for ponding easements, authorizing execution of the documents, and approving payment for said easements. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the First Amendment to Antenna Lease Agreement with Dakota County for installation of antennas on Palomino Lattice Tower, as attached to the Public Works Superintendent's memo dated July 14, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Design Agreement with South Shore Development, Inc., for Cobblestone South Shore 5th Addition, as attached to the City Engineer's memo dated July 14, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the First Supplement to Joint Powers Agreement with Independent School District 196 for Lot 3, Block 1, High School Four 2nd Addition, as attached to the City Attorney's memo dated July 7,

2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Purchase Agreement with Aggreco for land for Flagstaff Avenue, as attached to the City Attorney's memo dated July 7, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Exchange Agreement with McNamara Contracting Properties, LLC, as attached to the City Attorney's memo dated July 7, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for AV Project 2011-139, Roof Replacement – Central Maintenance Facility Areas 1 & 4, with A-Plus Roofing Co., in the amount of \$40,100.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for AV Project 2011-121, 2011 Traffic Control Signal System Painting, with Budget Sandblasting & Painting, Inc., in the amount of \$12,190.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Payment Services Agreement with Pay Pal, Inc., as attached to the Finance Director's memo dated July 10, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-106** awarding the contract for AV Project 2011-109, 2011 Micro Surfacing, to Astech Corp. the lowest responsible bidder, in the amount of \$314,126.35. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-107** awarding the contract for AV Project 2009-102, Whitney Pond Storm Water Improvements, to Minnesota Dirt Works, Inc., the lowest responsible bidder, in the amount of \$595,941.70. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-108** awarding the contract for AV Project 2011-113, Well No. 20 Pumping Facility, to Rice Lake Construction Group, the lowest responsible bidder, in the amount of \$334,600.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to the contract with McNamara Contracting, Inc., for AV Project 2011-101, 2011 Street Maintenance, in the amount of an additional \$66,207.50. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 3 to the contract with E. H. Renner and Sons, Inc., for AV Project 2010-111, Deep Well 20 Construction, in the amount of an additional \$35,220.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2011-120, 2011 Sod Replacement Services, as complete and authorizing final payment on the agreement with Jirik Sod Farms, in the amount of \$4,860.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2011-112, 2011 Farquar Lake Weed Harvesting, as complete and authorizing final payment on the agreement with Midwest Weed Harvesting, Inc., in the amount of \$6,880.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the 2012 Budget Calendar, as attached to the Finance Director's memo dated July 6, 2011. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, setting a special informal City Council meeting at 6:00 p.m. and Special Regular City Council Meeting at 8:00 p.m. on September 6, 2011, at the Apple Valley Municipal Center, and canceling the Informal and Regular meetings set for September 8, 2011. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the 2011-2012 Labor Agreement with Law Enforcement Labor Services, Inc., (LELS) Local No. 71, Police Officers, as attached to the Human Resources Manager's memo dated July 11, 2011, and authorizing execution of the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal and part time employees, temporary assignment of employee, and resignation of employees, as listed in the Personnel Report dated July 14, 2011. Ayes - 4 - Nays - 0.

END CONSENT AGENDA

NIGHT TO UNITE

Ms. Walter read the proclamation proclaiming the 3rd annual "Night to Unite" on August 2, 2011.

MOTION: of Hooppaw, seconded by Goodwin, proclaiming August 2, 2011, as "Night to Unite" and encouraging citizens to participate in and support the crime prevention efforts this opportunity offers. Ayes - 4 - Nays - 0.

Ms. Walter then reviewed the agenda of activities planned throughout the City. She invited everyone to attend a picnic sponsored by the Business Watch program, from 11:30 a.m. to 1:30 p.m., at Fire Station 1. Visits by the Police and Fire Departments and Councilmembers to neighborhood events will begin at 5:00 p.m., and continue throughout the evening. There are approximately 60 neighborhood parties registered so far. Neighborhoods interested in scheduling

a party can register online. Ms. Walter said new this year are the partnerships with American Automobile Association (AAA), who will be giving away 50 bicycle helmets, and the Apple Valley Heart Restart, who has offered two community training events. As in the past, they are collecting school supplies to be donated to Independent School District 196.

Mayor Hamann-Roland thanked Ms. Walter for coordinating this event and the businesses for their generous donations.

COBBLESTONE LAKE SOUTH SHORE 5TH ADDITION

Mr. Lovelace reviewed the request by South Shore Development, LLC, for approval of an amendment to the 2030 Comprehensive Plan Land Use Map, rezoning of Outlot K from "PD-703/Zone 8" to "PD-703/Zone 2", and a subdivision by preliminary plat of Outlot K, Cobblestone Lake Commercial 3rd Addition, into 53 single family lots and one outlot. Outlot K is an 11.4 acre site located in the northeast corner of 160th Street W. and Elmhurst Lane. The Metropolitan Council approved the Comprehensive Plan amendment and the City Council can now take final action.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-109** approving an amendment to the Land Use Map of the 2030 Comprehensive Guide Plan changing the designation of Outlot K, Cobblestone Lake Commercial 3rd Addition, from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential/3-6 units per acre), as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, passing **Ordinance No. 921** rezoning Outlot K, Cobblestone Lake Commercial 3rd Addition, from "PD-703/Zone 8" to "PD-703/Zone 2". Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-110** approving the preliminary plat of Cobblestone Lake South Shore 5th Addition, for 53 lots and one outlot, with conditions as recommended by the Planning Commission, subject to completion of the appropriate rezoning. Ayes - 4 - Nays - 0.

Mr. Jacob Fick, of South Shore Development, LLC, thanked the Council for its approval.

CEDAR AVENUE AIA DESIGN ASSESSMENT TEAM

Mr. Lovelace invited residents and businesses to share their input regarding Transit Oriented Design (TOD) along the Cedar Avenue Bus Rapid Transit (BRT) corridor with members of the American Institute of Architects (AIA) Design Assessment Team at various events scheduled July 20-22, 2011. Anyone interested in participating or learning more about the process should contact the Community Development Department.

STAFF COMMUNICATION

Mr. Blomstrom provided an update on the Cedar Avenue transitway construction project.

Mr. Manson provided an update on the Galaxie Pond drainage improvement project located in Galaxie Park.

Mr. Johnson invited everyone to “Music in Kelley Park at Stage One” from 6:00 to 9:00 p.m. on July 15, 22, and 29, and August 5.

CALENDAR OF UPCOMING EVENTS

MOTION: of Goodwin, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk’s memo dated July 11, 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 Goodwin, to pay the claims and bills, check registers dated June 29, 2011, in the amount of \$705,664.73; July 6, 2011, in the amount of \$292,484.53; and July 13, 2011, in the amount of \$1,381,792.49. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, to adjourn. Ayes - 4 - 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 7-28-11.