

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
March 22, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held March 22, 2012, 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, Deputy City Clerk Marschall, City Attorney Dougherty, Public Works Director Blomstrom, Associate City Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Parks and Recreation Director Johnson, City Planner Lovelace, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 7:00 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scouts Ethan and Gerritt Graham, Ben and Glen Glaser, Ethan Hogge, Max Korth, and Bryant Ruff from Troop 508.

#### APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Hooppaw, removing 4.P.5 – Approve Agreement for Magellan Pipeline Company to Lower Transmission Pipes for Construction of 147th Street W., 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 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 March 8, 2012, as written. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Chamber of Commerce, for use on May 3, 2012, at Valley Buick GMC, 7500 145th Street

W., and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving a change in manager for Applebee Minnesota, LLC, d/b/a Applebee's Neighborhood Grill and Bar, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 14678 Cedar Avenue, naming Thomas Lee Wroblewski as General Manager, as described in the City Clerk's memo dated March 19, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-65**, designating Sun Thisweek as the 2012 official newspaper of the City of Apple Valley effective March 30, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-66**, setting revised boundaries and establishing 16 election precincts and polling places in the City, and authorizing the City Clerk to file copies of the map and precinct descriptions with the Dakota County Treasurer-Auditor, Secretary of State, and the School Districts. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, receiving the Cable and Telecommunications Advisory Committee's 2011 annual report. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-67**, approving amendments to the Apple Valley Firefighters Relief Association's Bylaws. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving a Deferred Service Pension interest rate of zero percent (0%) for 2012, as recommended by the Apple Valley Firefighters Relief Association. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-68**, approving the financing plan for the new facilities at the Valleywood Golf Course. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing submittal of Minnesota Department of Natural Resources grant application for aquatic invasive species control projects, as attached to the Natural Resources Coordinator's memo dated March 22, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-69**, approving the Member Intergovernmental Cooperative Purchasing Agreement with National Purchasing Partners, providing for a cooperative purchasing program for goods and services. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-70**, approving a Conditional Use Permit for a commercial recreational use in a "BP"

(Business Park) zoning district on Lot 2, Block 1, Knob Ridge 2nd Addition (14791 Energy Way), for CrossFit Northstar, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-71**, approving an Interim Use Permit for two seasonal outdoor volleyball courts, sundeck, and service bar at 14917 Garrett Avenue for Bogart's/Apple Place Bowl, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-72**, approving plans and specifications for AV Project 2011-105, Flagstaff Avenue Extension, and authorizing advertisement for receipt of bids at 10:00 a.m. on April 19, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No 2012-73**, approving plans and specifications for AV Project 2011-141, Eagle Ridge Business Park, and authorizing advertisement for receipt of bids at 10:00 a.m. on April 19, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing the award of contracts to the lowest responsible bidders for the Joint Powers Agreement with the City of Burnsville for 2012 South Metro Cities for Street Maintenance Services, as attached to the Public Works Superintendent's memo dated March 22, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Lease Agreement with Versatile Vehicles, Inc., for the one-year rental of 30 golf cars, in the amount of \$18,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Lease Agreement with Versatile Vehicles, Inc., for the one-year rental of a refresher cart, in the amount of \$2,370.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Agreement with Budget Sandblasting and Painting, Inc., for AV Project 2012-121, 2012 Sealing of Decorative Concrete and Block Retaining Walls, in the amount of \$6,340.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Property Acquisition and Assessment Agreement with Fischer Market Place, LLP, for Outlot C, Fischer Market Place. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Agreement with Gartzke Construction, Inc., for AV Project 2012-116, Valleywood Clubhouse Sanitary

Grinder Stations, in the amount of \$51,525.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Agreement with Underground Piercing, Inc., for AV Project 2011-145, Valleywood Clubhouse Sanitary Sewer Extension, in the amount of \$75,353.15, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the contract with Cannon Construction, Inc., for Valleywood Clubhouse Project #0610 - General Carpentry, with a deduction of \$5,309.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the contract with Breth-Zenzen Fire Protection, LLC, for Valleywood Clubhouse Project #2100 - Fire Protection, resulting in no change to the contract amount. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the contract with Jim Murr Plumbing, Inc., for Valleywood Clubhouse Project #2200 - Plumbing & Piping, in the amount of an additional \$3,198.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the contract with Prairie Technologies, Inc., d/b/a Direct Digital Controls, for Valleywood Clubhouse Project #2500 - Temperature Controls, in the amount of an additional \$712.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the contract with Schammel Electric, Inc., for Valleywood Clubhouse Contract #2600 - Electrical/Fire Alarm, with a deduction of \$11,696.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving hiring the seasonal employees and resignation and termination of employees, as listed in the Personnel Report dated March 22, 2012. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

#### MASTER DEVELOPMENT DISTRICT MODIFICATIONS

Mr. Hedberg said staff is requesting the City Council hold a public hearing to consider amendments to the Master Development District to include new Tax Increment Financing (TIF) District No. 14, Valley Business Campus, and to modify TIF District Nos. 7 and 13 to reflect the expanded Master Development District. He then reviewed the presentation describing the amendments.

Mayor Hamann-Roland commented that the TIF policy was created in 2002, before the recession, and asked if Dakota County had any thoughts.

Mr. Hedberg said the County is willing to revisit the policy in light of new economic conditions.

Councilmember Grendahl questioned the County's comments that the plan did not meet the required increase in net livable wage jobs. She commented that the business complexes will create many jobs.

Mr. Hedberg agreed. He said the TIF plan will create 137 jobs in the first phase and will increase from there.

Mayor Hamann-Roland noted job wages are different now than they were in 2002.

Councilmember Grendahl said the County also needs to revisit the mixed use requirement. She added that it has been done all over the metropolitan area and is not working in many areas.

Councilmember Goodwin agreed and said the County needs to revisit mixed use trends and advise if it is working or not working.

Mr. Hedberg said he will contact the County to discuss economic development and encourage an updated policy.

Councilmember Bergman asked if there were any concerns with the July 1st construction start date.

Mr. Hedberg stated the City requested a special legislative extension.

Mayor Hamann-Roland said it passed the Senate hearing today.

Councilmember Bergman asked what happens if construction does not begin by July 1st.

Mr. Hedberg stated it must commence by July 1st or the funding would no longer be available for the TIF District.

Mayor Hamann-Roland called the public hearing to order, at 7:20 p.m., to consider amendments to the Master Development District to include new Tax Increment Financing District No. 14, Valley Business Campus, and to modify TIF District Nos. 7 and 13 to reflect the expanded Master Development District. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:21 p.m.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2012-74** approving amendments to the Master Development Program for the Master Development District, Tax Increment Financing amendments, and establishing TIF District No. 14. Ayes - 5 - Nays - 0.

FIRE DEPARTMENT PERSONNEL ORDINANCE

Councilmember Grendahl requested the second reading not be waived because Council just received the policy handbook yesterday and she would like additional time to review it.

Mr. Thompson gave the first reading of an ordinance amending Chapter 32 of the City Code regulating Fire Department Personnel and recommended changes to the Volunteer/Paid-On-Call Firefighter Personnel Policies Handbook.

Mayor Hamann-Roland noted the Fire Department Executive Committee supports the handbook changes. She also stated that when a City transitions from voluntary to full-time staff, this is typically done within a 2 to 3 year timeframe and this is a catch-up item considered administrative in nature.

Councilmember Grendahl asked if the entire handbook was new.

Mr. Thompson said no. He said it is an improved, updated version. There are minor changes reflecting how the Fire Department does business today, as well as the expected conduct of Firefighters.

The Council accepted the first reading. The second reading is scheduled on April 12, 2012.

#### APPOINT CEMETERY ADVISORY COMMITTEE MEMBER

Mr. Lawell reviewed the City Clerk's memo dated March 19, 2012, listing applicants for the Cemetery Advisory Committee vacancy.

The Mayor called for nominations for the vacancy. Councilmember Grendahl nominated Timothy Anderson, Dave Freed, and John Jorgenson. There being no further nominations, the Mayor declared the nominations closed.

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

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

The Deputy 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 Timothy Anderson received the majority of votes.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2012-75** appointing Timothy Anderson to the Cemetery Advisory Committee for a term expiring March 1, 2015. Ayes - 5 - Nays - 0.

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

### STAFF COMMUNICATIONS

Mr. Lawell stated Apple Valley will be certified as a Beyond the Yellow Ribbon city in a ceremony at 3:00 p.m., March 30, 2012, at Trinity Evangelical Lutheran Church, 10658 210th Street W., Lakeville.

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

### COUNCIL COMMUNICATIONS

Councilmember Goodwin expressed his concern on the financial impact involved with the voter identification law.

Councilmember Bergman commented the State of the City Address was well attended by dignitaries who had the opportunity to hear about Apple Valley, as well as surprising announcements. He then asked if the State of the City Address is hosted by the City or the Chamber of Commerce.

Mr. Lawell said the State of the City Address is part of the Chamber of Commerce monthly luncheon events. The Chamber coordinates all registrations with provisions for non-chamber members to attend.

Councilmember Bergman requested to meet with staff regarding the event.

Councilmember Grendahl said citizens are asking why the Beyond the Yellow Ribbon ceremony is held in Lakeville.

Mr. Lawell said the ceremony is hosted by a city which has already been certified.

Mayor Hamann-Roland announced that Stream Global Services is moving their headquarters to Apple Valley and thanked CEO Kathy Marinello.

Councilmember Goodwin congratulated Mayor Hamann-Roland and City staff for their efforts in bringing Stream Global Services to Apple Valley.

### 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 March 19, 2012, 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 March 15, 2012, in the amount of \$781,276.48; and March 22, 2012, in the

amount of \$769,983.30. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:07 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall  
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 4-12-12.