

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
April 12, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 12th, 2012 at 7:00 o'clock p.m., at Apple Valley Municipal Center.

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, Associate City Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Natural Resources Coordinator Kehrer, City Planner Lovelace, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Sports Arena Manager Pietig, Acting Police Chief Rehtzigel, 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 Scout Zachary Montgomery from Troop 290.

#### APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Hooppaw, 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 Hooppaw, seconded by Bergman, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the regular meeting of March 22, 2012, as written. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion Post 1776 for use on July 14, 2012, outdoors at 14521 Granada Drive; as described in the City Clerk's memo dated April 9, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License for Apple Valley American Legion, Post 1776, by Minnesota Alcohol and Gambling Enforcement Division, for use on July

CITY OF APPLE VALLEY

Dakota County, Minnesota

April 12, 2012

Page 2

3 and 4, 2012, outdoors at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo dated April 9, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License for Apple Valley American Legion, Post 1776, by Minnesota Alcohol and Gambling Enforcement Division, for use on September 8, 2012, outdoors at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo dated April 9, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving a change in manager for RT Minneapolis Franchise, LLC, d/b/a Ruby Tuesday, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 14883 Florence Trail, naming Terri Ann Hagness as General Manager; as described in the City Clerk's memo dated April 9, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, declaring certain City property as surplus; authorizing disposal of unclaimed property and surplus City property by a public sale; and approving the Agreement with MDI Auctions, an authorized vendor of K-BID.com, to conduct an online auction of unclaimed and surplus property, as attached to the City Clerk's memo dated April 9, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, proclaiming April 27, 2012, as "Arbor Day" and May 2012, as "Arbor Month", and encouraging citizens to participate in tree planting programs. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-76** approving 2012 Special Assessment Roll No. 608, for hearing purposes, in the total amount of \$2,166.00, for delinquent false alarms charges, and setting the public hearing, at 7:00 p.m., on May 10, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-77** approving 2012 Special Assessment Roll No. 609, for hearing purposes, in the total amount of \$4,964.36, for delinquent mowing, tree removal, and trash clean up charges, and setting the public hearing, at 7:00 p.m., on May 10, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-78** approving 2012 Special Assessment Roll No. 610, for hearing purposes, in the total amount of \$177,614.46, for delinquent utility account charges, and setting the public hearing, at 7:00 p.m., on May 10, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving renewal of the City's general liability, property, automobile, workers' compensation, umbrella, and other insurance coverage for March 1, 2012, through March 1, 2013, with the League of Minnesota Cities Insurance Trust at a total premium of \$781,137.00, including the

non-waiver of statutory liability limits for the City's insurance, as recommended in the Finance Director's memo dated April 7, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving renewal of the Client Service Agreement with Bill Velin of Wells Fargo Insurance Services, acting as the Agent of Record for 2012-2013, in the amount of \$8,000.00, as recommended in the Finance Director's memo dated April 7, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-79** approving the Dakota County All Hazard Mitigation Plan. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-80** supporting the planning and construction of transit facilities at 140th and 147th Streets and Cedar Avenue to meet City transit and economic development objectives. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Assignment and Assumption of License Agreement with South Shore Development, Inc., and Cobblestone Lake Master Association for Cobblestone Lake Clock Tower, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Lease Agreement with Double B Farms, Inc., for City Owned Property Located East of Pilot Knob Road in the City of Lakeville, through December 1, 2012, as attached to the Public Works Director's memo dated April 9, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-81** directing the City Engineer to prepare plans and specifications for AV Project 2012-102, 2012 Micro Surfacing. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-82** awarding the contract for AV Project 2012-101, 2012 Street Maintenance Project, to McNamara Contracting, Inc., the lowest responsible bidder, in the amount of \$ 2,378,504.80. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-83** approving agreements with Magellan Pipeline Company, L.P., and SPOWD Developments, LLC, to lower transmission pipes for construction of 147th Street. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for 2012 Hayes Park Arena Rubber Flooring Project, with Arena Systems, in the amount of \$90,798.80, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for 2012 Sports

Arena Rubber Flooring Project, with Arena Systems, in the amount of \$ 32,780.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for AV Project 2012-120, Reconditioning and Painting of Steel Fence Sections, Fence Support Posts, and Decorative Light Poles, with Budget Sandblasting and Painting, Inc., in the amount of \$57,974.40, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for Valleywood Clubhouse Project #0833 - Coiling/Sectional Doors, with Crawford Door Sales Company, in the amount of \$8,089.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for 2012 Outdoor Pool Water Management, with Hawkins, Inc., in the amount of \$71,600.00, plus taxes, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for AV Project 2012-128, 2012 Farquar Lake Weed Harvesting, with Midwest Weed Harvesting, Inc., in the amount of \$13,300.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting AV Project 2011-134, 2011 Lift Station Control and SCADA Upgrades, as complete and authorizing final payment on the contract with Automatic Systems Company, in the amount of \$39,837.50. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting AV Project 2011-153, Non-Invasive Pipe Condition Assessment, as complete and authorizing final payment on the contract with Short Elliott Hendrickson, Inc., in the amount of \$6,367.97. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, setting a special informal City Council meeting, at 9:00 a.m., on May 4, 2012, at Shaar's Bluff Gathering Center, located at 8395 127th Street East, Hastings. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the hiring of seasonal employees, as listed in the Personnel Report dated April 12, 2012. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

VOLUNTEER RECOGNITION WEEK

Ms. Gackstetter said on an annual basis the City recognizes the members who serve on the

various advisory committees as well as those who volunteer their services in the community. In conjunction with National Volunteer Week, staff is recommending the City Council proclaim April 15 through April 21, 2012, as "Volunteer Recognition Week" in Apple Valley.

Mayor Hamann-Roland presented Commissioner Keith Diekmann with a marble apple clock for six years of service on the Planning Commission.

MOTION: of Grendahl, seconded by Hooppaw, proclaiming April 15 through April 21, 2012, as "Volunteer Recognition Week" and thanking all those who contribute their time, talent, and energy to the community. Ayes - 4 - Nays - 0.

Mayor Hamann-Roland acknowledged Cemetery Advisory Committee Member Alan Kohls; Planning Commissioner Keith Diekmann; Traffic Safety Advisory Committee Members Todd Blomstrom, Charles Grawe, and Michael Marben; and Urban Affairs Advisory Committee Member Edwin Holmes who were in the audience. She thanked all of the Commissioners, and Committee Members, and other City volunteers for their generous commitment of time, energy, education, and skills which help make Apple Valley a quality community.

#### ORDINANCE AMENDING SHADE TREE DISEASE REGULATION

Mr. Kehrer gave the first reading of an ordinance amending Section 152.45(B) of the City Code regarding shade tree disease regulation. The amendment is necessary to cite the appropriate statutory authority for shade tree pest and disease controls. Due to the minor nature of the amendment, staff is recommending waiving the second reading.

MOTION: of Bergman, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 930** amending Chapter 152 of the City Code regarding shade tree disease regulation. Ayes - 4 - Nays - 0.

#### STAFF ITEMS

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

#### CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, the calendar of upcoming events as included in the City Clerk's memo dated April 12, 2012, 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 March 29, 2012, in the amount of \$805,139.61; April 5, 2012, in the amount of \$628,362.11; and April 12, 2012, in the amount of \$434,389.66. Ayes - 4 - Nays - 0.

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

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
April 12, 2012  
Page 6

The meeting was adjourned at 7:14 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 4-26-12