

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
April 26, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 26th, 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, City Clerk Gackstetter, City Attorney Dougherty, Public Works Director Blomstrom, Associate City Planner Bodmer, Human Resources Manager Haas, Finance Director Hedberg, Parks and Recreation Director Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, 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 Garrett Broemer from Troop 292.

#### APPROVAL OF AGENDA

MOTION: of Hooppaw, seconded by Bergman, adding item 4.S – Proclaim June 2, 2012, as “Prader-Willi Syndrome Research Day in Apple Valley”, 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 Goodwin, seconded by Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Grendahl, approving the minutes of the regular meeting of April 12, 2012, as written. Ayes - 5 - Nays - 0

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-84** accepting, with thanks, the donation of \$250.00 from Aaron Johnson for use by the Parks and Recreation Department toward the new clubhouse at Valleywood Golf Course. Ayes - 5 - Nays - 0.

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- MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-85** approving issuance of a Gambling Premises Permit to Eastview Hockey Association for premises at Bogart's/Apple Place Bowl, 14917 Garrett Avenue, and waiving any waiting period for Minnesota Gambling Control Board approval. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, proclaiming May 6-12, 2012, as "Drinking Water Week" and asking citizens to protect the City's water resources, practice water conservation, and get involved in local water issues. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, authorizing submittal of a Dakota County Soil and Water Conservation District Grant, in the amount of \$90,000.00, for the Long Lake Retrofit Project, as attached to the Natural Resources Coordinator's memo dated April 26, 2012. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, approving the reduction of financial guarantees for Cobblestone Lake South Shore 3rd Addition NRMP Security from \$32,750.00 to \$4,550.00, Cobblestone Lake South Shore 3rd Addition from \$45,750.00 to \$6,372.00, and Cobblestone Lake South Shore NRMP from \$67,000.00 to \$9,342.00; and the release of financial guarantees for Cobblestone South Shore, Cobblestone Lake South Shore 5th Addition, and Think Bank NRMP Security, as listed in the Community Development Department Assistant's memo dated April 26, 2012. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, authorizing purchase of equipment for Valleywood Golf Course under the National IPA Cooperative Purchasing Agreement, to be financed through 2012 Equipment Certificates, as described in the Finance Director's and Golf Course Manager's memo dated April 20, 2012. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-86** directing the City Engineer to prepare Plans and Specifications for AV Project 2011-144, Apple Valley Business Campus. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No 2012-87**, approving plans and specifications for AV Project 2012-102, 2012 Micro Surfacing, and authorizing advertisement for receipt of bids at 10:00 a.m. on May 31, 2012. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No 2012-88**, approving plans and specifications for AV Project 2011-107, 147th Street Extension from Flagstaff Avenue to Johnny Cake Ridge Road, and authorizing advertisement for receipt of bids at 10:00 a.m. on May 31, 2012. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Grendahl, approving the License Agreement with St. Paul Growers Association, Inc., for a Farmers Market in the Municipal Center parking lot on Saturdays from June 16 through October 27, 2012, from 6:30 a.m.

to 2:00 p.m., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5  
- Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Joint Powers Agreement with the City of Burnsville for implementation of water quality improvement projects in Alimagnet Lake, Keller Lake, and Lac Lavon, as attached to the Natural Resources Coordinator's memo dated April 26, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No 2012-89** approving the Reimbursement Agreement with MCI Communications Services, Inc., to relocate fiber optic communication lines for construction of 147th Street. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Agreement with Hoisington Kogler Group, Inc., for Cedar Avenue Bus Rapid Transit Oriented Development (BRTOD) Guide Plan, in an amount not to exceed \$70,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Agreement with Able Concrete Raising, for AV Project 2012-118, 2012 Concrete Raising and Leveling Services, in the amount of \$12,150.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Agreement with Champion Coatings, Inc., for AV Project 2012-132, 2012 Hydrant Reconditioning and Painting, in the amount of \$18,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-90** awarding the contract for AV Project 2011-105, Flagstaff Avenue Extension, to LaTour Construction, Inc., the lowest responsible bidder, in the amount of \$2,751,356.90. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-91** awarding the contract for AV Project 2011-141, Eagle Ridge Business Park, to Enebak Construction Company, the lowest responsible bidder, in the amount of \$ 390,570.46. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving a change in cost participation for the Cedar Avenue Transitway Project for additional work associated with water main improvements, in the amount of an additional \$8,449.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, accepting AV Project 2011-152, 2011 Sanitary Sewer Lining, as complete and authorizing final payment on the contract with Veit & Company, Inc., in the amount of \$10,340.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving hiring the seasonal and full-time employees, and promotion of paid on call employee, as listed in the Personnel Report dated April 26, 2012. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, proclaiming June 2, 2012, as "Prader-Willi Syndrome Research Day in Apple Valley". Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### "YELLOW RIBBON CITY" PROCLAMATION

Mr. Lawell stated the Council expressed its support for the "Beyond the Yellow Ribbon" program at the September 6, 2011, City Council meeting. The purpose of the program is to assist military members and their families. Starting in 2011, a citizens group, the Apple Valley American Legion, and members of staff have been working towards Apple Valley achieving the designation as a "Yellow Ribbon City".

Mr. Bruce Folken, Chair of the Yellow Ribbon Network Steering Committee, announced that Apple Valley was officially proclaimed a "Yellow Ribbon City" by Governor Mark Dayton on March 16, 2012. He then invited the public to attend upcoming events including a Memorial Day event at the American Legion on May 28, 2012, and an Apple Valley Yellow Ribbon Network Proclamation Celebration at the Hayes Community and Senior Center on May 29, 2012, from 6:00 p.m. to 8:00 p.m.

The Mayor accepted the proclamation on behalf of the City. She thanked the Steering Committee for the work they have done to bring this program to Apple Valley.

#### WATER TREATMENT PLANT EXPANSION

Ms. Bodmer reviewed the request by the City for a site plan review/building permit authorization for a 26,700 sq. ft. water treatment plant expansion and 7,100 sq. ft. wash bay expansion at the Central Maintenance Facility located at 6442 140th Street W. The project includes the request for two variances. One variance is for an increase in the maximum building coverage and the other is for a reduction in the minimum parking setback. She also presented the landscape plan, elevation drawings, and colored renderings of the buildings. On March 21, 2012, the Planning Commission voted unanimously to recommend approval of the site plan/building permit and variances.

Mr. Blomstrom said the proposed water treatment plant will meet the City's future water capacity needs. In addition, the plant is designed to be as efficient as possible and includes redundancy so that the different portions of the plant can be operated independently.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-92** approving the site plan and authorizing issuance of a building permit for construction of a 26,700 sq. ft. water treatment plant expansion and 7,100 sq. ft. wash bay expansion on Lot 1, Block 2, Eastview Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-93** approving a .8% building coverage variance from 20.0% to 20.8% in a "P" (Institutional) zoning district on Lot 1, Block 2, Eastview Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-94** approving a 15-foot drive aisle/parking area setback variance from 20 feet to 5 feet on Lot 1, Block 2, Eastview Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Goodwin seconded by Grendahl, adopting **Resolution No 2012-95**, approving plans and specifications for AV Project 2012-108, Water Treatment Plant Expansion, and authorizing advertisement for receipt of bids at 2:00 p.m. on June 28, 2012. Ayes - 5 - Nays - 0.

#### FIRE DEPARTMENT PERSONNEL ORDINANCE

Fire Chief Thompson gave the second reading of an ordinance amending Chapter 32 of the City Code regulating the Fire Department. The ordinance repeals several Sections and amends Section 32.15. He said staff is further recommending adoption of a resolution approving changes to the Apple Valley Fire Department Volunteer/Paid-On-Call Firefighter Personnel Policies Handbook.

Councilmember Grendahl said she supports the changes but would like the Council to have additional discussion regarding the Handbook at an upcoming informal meeting. She noted the Handbook references the National Fire Protection Association (NFPA) and questioned whether the City has adopted the standards.

Fire Chief Thompson said the City has not adopted NFPA standards but uses them as best practices.

The Council and staff held discussion.

MOTION: of Goodwin, seconded by Grendahl, passing **Ordinance No. 931** of the City Code regulating the Fire Department. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-96** approving the Apple Valley Fire Department Volunteer/Paid-On-Call Firefighter Personnel Policies Handbook. Ayes - 5 - Nays - 0.

#### COMMUNICATIONS

Fire Chief Thompson announced that the City is currently accepting applications for individuals interested in becoming a firefighter.

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

Councilmember Bergman asked about the completion dates for the Flagstaff Avenue extension and the 147th Street extension from Flagstaff Avenue to Johnny Cake Ridge Road.

Mr. Blomstrom said those projects will complete two key corridors in the City. Both projects are anticipated to be completed this year.

Mr. Nordquist said the Metropolitan Council awarded the City a Livable Communities program Transit-Oriented Development (TOD) grant in the amount of \$866,000 to help redevelop office buildings near the 147th Street Station along the Cedar Avenue Bus Rapid Transit (BRT) corridor.

Mayor Hamann-Roland commented on the importance of the skybridge over Cedar Avenue at the 147th Street Station Stop.

Councilmember Grendahl announced the One Small Step for Prader-Willi Syndrome Research in honor of Nicholas Joncas will be held on June 2, 2012. She invited the public to attend the walk and said more information will be forthcoming.

#### 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 23, 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 Goodwin, to pay the claims and bills, check registers dated April 19, 2012, in the amount of \$1,178,767.39; and April 26, 2012, in the amount of \$514,407.96. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:05 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 5-10-12.