

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
May 24, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 24th, 2012, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw.

ABSENT: Mayor Hamann-Roland.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Park Maintenance Superintendent Adamini, Public Works Director Blomstrom, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Parks and Recreation Director Johnson, City Engineer Manson, Community Development Director Nordquist, Acting Police Chief Rechtzigel, and Fire Chief Thompson.

Acting Mayor Goodwin called the meeting to order at 7:01 p.m. Everyone took part in the Pledge of Allegiance to the flag.

#### APPROVAL OF AGENDA

MOTION: of Grendahl, seconded by Hooppaw, approving the agenda for tonight's meeting, as presented. Ayes - 4 - Nays - 0.

#### AUDIENCE

Acting Mayor Goodwin 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

Acting Mayor Goodwin 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 Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Hooppaw, approving the minutes of the regular meeting of May 10, 2012, as written. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Sons of the American Legion, Squadron 1776, for use on November 11, 2012, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving issuance of a lawful gambling

exempt permit, by the State Gambling Control Board, to Apple Valley Sons of the American Legion, Squadron 1776, for use on December 8, 2012, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Rotary Scholarship Foundation, for use on October 20, 2012, at the Apple Valley Ford Lincoln, 7200 150th Street W., and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-107** amending the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales issued to Rich Management, Inc., d/b/a Bogart's/Apple Place Bowl, at 14917 Garrett Avenue, to include the outdoor deck and walkway, identified in Exhibit A, as part of the licensed premises. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-108** assigning amounts to the committed 2011 Fund Balance for financial statement purposes. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-109** amending 2012 budget for uncompleted 2011 projects. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-110** approving the City's 2012-2016 Capital Improvements Program (CIP). Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-111** approving a 10-foot variance from the 30-foot front yard setback on Lot 4, Block 1, Valley Oaks Estates Addition (13628 Gotham Court), with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-112** approving a text amendment to the Land Use Chapter of the 2030 Comprehensive Plan for Single-Family Development Densities, and authorizing submittal to the Metropolitan Council, as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Service Agreement for One-Stop Permit System with Dakota County, for \$2,000.00 plus a monthly service fee, as attached to the Assistant City Engineer's memo dated May 18, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Joint Powers Agreement with Dakota County and the City of Rosemount, for Milling, Bituminous Overlay, and Median Construction along County State Aid Highway 33 (Diamond Path), as attached to the Public Works Director's memo dated May 18, 2012, and

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

MOTION: of Bergman, seconded by Hooppaw, approving the Professional Services Agreement with Braun Intertec Corporation for materials testing services relating to AV Project 2011-148, Cobblestone Lake South Shore 6th Addition, in an estimated amount of \$5,616.00, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Lease Agreement Supplement with Loffler Companies for 36-Month Lease of Multi-Function Copier and Services, in the amount of \$12,975.12, and authorizing the City Administrator to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Intergovernmental Agreement with the Metropolitan Council, for the 2012 Citizen-Assisted Lake Monitoring Program (CAMP), in the amount of \$2,475.00, for Cobblestone Lake, Farquar Lake, Long Lake, and Scout Lake, as attached to the Natural Resources Coordinator's memo dated May 24, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving Change Order No. 2 to the agreement with Keys Well Drilling Company by deducting \$6,470.00; and accepting AV Project 2011-149, Well Pumps 1, 2, 18, and Low Zone Pump 4 Maintenance, as complete and authorizing final payment in the amount of \$4,177.60. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving hiring the part-time and seasonal employees and resignation of employees, as listed in the Personnel Report dated May 24, 2012. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, canceling the Informal City Council Meeting on June 14, 2012. Ayes - 4 - Nays - 0.

#### END OF CONSENT AGENDA

#### FLAGS FOR FALLEN MILITARY DONATION

Mr. Johnson said Flags for Fallen Military has generously offered to donate a flagpole in honor of Apple Valley resident US Navy SN3 Jesse Henry. He then introduced Colleen and Vern Betlach and David Larson.

Ms. Betlach, Jesse Henry's mother, thanked the City for allowing a flagpole to be placed on the west side of the Hayes Community and Senior Center in Hayes Park in honor of her son.

Mr. Larson, founder of Flags for Fallen Military, spoke about the organization's mission. Their organization is pleased to donate the flag pole in memory of Jesse.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2012-113** accepting, with thanks, the donation of a flag pole from Flags for Fallen Military. Ayes - 4 - Nays - 0.

#### APPLE VALLEY LIONS CLUB DONATION

Mr. Adamini said the Apple Valley Lions Club has generously offered to donate money for trees for Apple Grove Park. He then introduced Mr. Len Kaehler and Mr. Don Johnson from the Lions Club.

Mr. Len Kaehler, President of the Apple Valley Lions Club, said their organization is pleased to donate \$300.00 towards trees to be planted in Apple Grove Park. He said the Lions International President's goal is to plant trees around the world. Since July of 2011, 46,178 Lions Clubs have planted over 9,575,000 trees. They would like to increase that number by planting four swamp oaks in the park behind Fire Station 1.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2012-114** accepting, with thanks, the donation of \$300.00 from Apple Valley Lions Club for trees in Apple Grove Park. Ayes - 4 - Nays - 0.

#### COMMUNICATIONS

Mr. Blomstrom gave an update on the Cedar Avenue transitway construction project and various road improvement projects.

Councilmember Bergman commented on the recent improvements to Applebee's restaurant.

Mr. Blomstrom explained the water restrictions which are currently in place.

Mr. Lawell invited everyone to the Yellow Ribbon City Proclamation Celebration on May 29, 2012, from 6:00 p.m. to 8:00 p.m., at the Hayes Community and Senior Center.

Acting Mayor Goodwin invited everyone to the Memorial Day celebration at the Apple Valley American Legion, beginning at 11:00 a.m., on May 28, 2012.

#### 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 May 21, 2012, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 - Nays - 0.

#### CLAIMS AND BILLS

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MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated May 17, 2012, in the amount of \$802,696.47; and May 24, 2012, in the amount of \$727,420.54. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 7:29 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 6-14-12.