

CITY OF APPLE VALLEY
Dakota County, Minnesota
August 9, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held August 9, 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, Acting Parks and Recreation Director Adamini, Public Works Director Blomstrom, Assistant City Administrator Grawe, Acting Human Resources Manager Haas, Finance Director Hedberg, Natural Resources Coordinator Kehrer, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, and Fire Chief Thompson.

Mayor Hamann-Roland 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 Bergman, removing item 4.L – AV Project 2012-144, Outdoor Lighting Replacement for Apple Valley Fire Stations, 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 remaining 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 July 26, 2012, as written. Ayes - 4 - Nays - 0 - Abstain 1 (Hooppaw).

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-150** accepting, with thanks, the donation of \$100.00 from Kathy Bias for Valleywood Clubhouse. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-151** accepting, with thanks, the donation of \$175.00 from the American Legion for use by the Parks and Recreation Department for Safety Camp. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-152** accepting, with thanks, the donation of \$250.00 from Peggy Kluthe, representing current and former Huntington neighborhood residents, in memory of Kate Murphy, for a sugar maple tree in Huntington Park. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-153** accepting, with thanks, the donation of \$250.00 from Dakota Electric for use by the Parks and Recreation Department for Safety Camp. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-154** accepting, with thanks, the donation of \$250.00 from Joe and Jerry Lucken, representing Industrial Plastics of Minneapolis, for Valleywood Clubhouse. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-155** accepting, with thanks, the donation of \$500.00 from Craig and Dianne Fields for Valleywood Clubhouse. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-156** accepting, with thanks, the donation of \$500.00 from Cindy Sousek and Roxanne Gunther, in memory of Vicki Jabbra, for Valleywood Clubhouse. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, 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 12, 2012, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving a change in officer 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 Mr. Michael Owen Moore as the new EVP, CFO, Treasurer, and Assistant Secretary; as described in the City Clerk's memo dated August 6, 2012. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-157** approving the updated Lebanon Cemetery Policy, Rules, and Regulations. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the proposal dated July 25, 2012, from Brimeyer Fursman for recruitment of Parks and Recreation Director, for Phase I and II, at a cost not to exceed \$9,500.00 plus expenses. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-158** approving a 44 square foot sign variance at Apple Valley High School, 14450 Hayes Road. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-159** rejecting bids for AV Project 2012-108, Water Treatment Plan Expansion. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Professional Services Agreement with Bolton and Menk, Inc., for preliminary traffic design services relating to AV Project 2012-112, Fischer Point Addition, in an amount not to exceed \$18,500.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Agreement for Outdoor Aluminum Bleachers, with Flanagan Sales, Inc., in the amount of \$52,445.44, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Equipment Lease and CO2 Gas Agreement with Kelbro Company d/b/a Shamrock Group, for installation of a CO2 system at Valleywood Clubhouse, as attached to the Valleywood Manager's memo dated August 2, 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. 2012-160** approving plans and specifications for AV Project 2011-143, 2012 Long Lake Retrofit BMP's, and authorizing advertising for receipt of bids, at 10:00 a.m., on September 6, 2012. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-161** awarding the contract for AV Project 2011-140, Traffic Signal System Improvements, to Eagan Companies, Inc., the lowest responsible bidder, in the amount of \$356,895.80. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, accepting AV Project 2012-104, 2012 Utility Improvements as complete and authorizing final payment on the contract with Krueger Excavating, Inc., in the amount of \$343.16. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving hiring the seasonal and part-time employees, promotion of employees, and resignation of employees, as listed in the Personnel report dated August 9, 2012. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

PUBLIC HEARING ON DRAWDOWN OF PONDS EVR-P12 AND EVR-P170

Mr. Kehrer said the City would like to remove accumulated sediment from outfalls in Ponds EVR-P12 and EVR-P170. In order to expose the sediment and allow excess water to drain from it, staff is recommending a temporary drawdown of these ponds. The Minnesota Department of Natural Resources has the authority to approve a temporary drawdown of these public waters if a public hearing is held and signatures of a minimum of 75 percent of the shoreline owners are collected. The required signatures have been obtained. Staff is requesting the City Council hold a public hearing to receive comments on the temporary drawdown of Ponds EVR-P12 and EVR-P170 in connection with AV Project 2012-107, Stormwater Sediment Removal. Mr. Kehrer showed the location of the ponds and presented additional project details. He described the importance of these ponds relative to water quality in Long and Farquar Lakes.

Mayor Hamann-Roland called the public hearing to order, at 7:10 p.m., to consider the temporary drawdown of Ponds EVR-P12 and EVR-P170 for stormwater sediment removal; and noted receipt of the affidavit of publication of the hearing notice. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:11 p.m.

MOTION: of Bergman, seconded by Hooppaw, acknowledging no comments were received at the public hearing to consider the temporary drawdown of Ponds EVR-P12 and EVR-P170 for stormwater sediment removal. Ayes - 5 - Nays - 0.

SET SALE OF GENERAL OBLIGATION BONDS

Mr. Hedberg said staff is asking the Council to consider a resolution authorizing a competitive public sale of \$7,080,000 in General Obligation Bonds, Series 2012A, and approval of a Financial Advisory Service Agreement with Northland Securities. Mr. Hedberg then described the three separate uses comprised of the bond issue.

Mr. Steve Mattson, of Northland Securities, Inc., the City's fiscal consultant, reviewed the refund analysis, noting the City will realize a net savings estimated at \$406,000 by refinancing the bonds. He then provided various details of the refunding bonds, improvement bonds, and equipment certificates. He suggested the Council set the sale date for August 28, 2012. He noted a special meeting would need to be held to award the sale.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2012-162** providing for the competitive public sale of \$7,080,000 General Obligation Bonds, Series 2012A, on August 28, 2012, with the bid opening at 11:00 a.m. and the award at 3:00 p.m. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Financial Advisory Service Agreement with Northland Securities, Inc., as attached to the Finance Director's memo dated August 4, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, setting a Special City Council Meeting at the Municipal Center on August 28, 2012, at 3:00 p.m. Ayes - 5 - Nays - 0.

147TH STREET TRANSIT STATION JOINT POWERS AGREEMENT

Mr. Lawell provided a status update on the Joint Powers Agreement with the Dakota County Regional Railway Authority and the Metropolitan Council related to the possible construction of a pedestrian skyway at the 147th Street Transit Station. He reviewed the City's original request, drawings of the walk-up station with and without the skyway, the terms of the agreement, and the tentative development timeline. He said staff is recommending approval of the Joint Powers Agreement and noted the agreement does not commit any money at this time and there is no obligation to proceed. The agreement merely allows the Council to gather additional information in order to make an informed decision at a future meeting.

MOTION: of Hooppaw, seconded by Bergman, approving the Joint Powers Agreement with the Dakota County Regional Railway Authority and the Metropolitan Council, for improvements at the 147th Street Transit Station, subject to final revisions as approved by the City Administrator and City Attorney. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING BOND REQUIREMENTS FOR ALCOHOL LICENSES

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 111 of the City Code entitled "Alcoholic Beverages", by amending Sections 111.24 and 111.28 regulating bond requirements for certain alcoholic licenses. This item was also discussed at the informal City Council meeting on July 12, 2012, and the regular City Council meeting on July 26, 2012. Based on past experience, the cost of calling on the bonds, and changes to the liquor law, staff is recommending the ordinance be amended to eliminate the need for a Corporate Surety Bond in connection with its liquor licenses. The ordinance amendment was prepared by the City Attorney. No comments have been received following the first reading.

MOTION: of Hooppaw, seconded by Bergman, passing **Ordinance No. 933** amending Chapter 111 of the City Code regulating bond requirements for certain alcoholic licenses. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING BOND REQUIREMENTS FOR PRECIOUS METAL DEALERS

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 117 of the City Code entitled "Pawnbrokers and Precious Metal Dealers", by amending Sections 117.05 and 117.09 regulating bond requirements for Precious Metal Dealers. This item was also discussed at the informal City Council meeting on July 12, 2012, and the regular City Council meeting on July 26, 2012. Based on past experience and the cost of calling on the bonds, staff is recommending the ordinance be amended to eliminate the need for a Corporate Surety Bond in connection with its Precious Metal Dealer licenses. The ordinance amendment was prepared by the City Attorney. No comments have been received following the first reading.

MOTION: of Goodwin, seconded by Hooppaw, passing **Ordinance No. 934** amending Chapter 117 of the City Code regulating bond requirements for Precious Metal Dealers. Ayes - 5 - Nays - 0.

STAFF COMMUNICATION

Mr. Blomstrom provided an update on various road and construction projects.

Ms. Gackstetter reminded the public about the upcoming State Primary Election on Tuesday, August 14. Polls will be open from 7:00 a.m. to 8:00 p.m. She encouraged everyone to exercise their right to vote.

COUNCIL COMMUNICATIONS

Mayor Hamann-Roland recognized Uponor for being named one of *Minneapolis Star Tribune's* top workplaces of 2012.

Councilmember Grendahl commented on the good participation in "Night to Unite" and thanked everyone involved.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk's memo dated August 6, 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 Hooppaw, to pay the claims and bills, check registers dated August 2, 2012, in the amount of \$1,398,584.18; and August 9, 2012, in the amount of \$2,610,484.31. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:59 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 8-23-12.