

CITY OF APPLE VALLEY
Dakota County, Minnesota
February 14, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held February 14th, 2013, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Acting Mayor Goodwin; Councilmembers Bergman, Grendahl, and Hooppaw.

ABSENT: Mayor Mary Hamann-Roland.

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

Acting Mayor Goodwin called the meeting to order at 7:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Grendahl, seconded by Bergman, adding item 5.C – Resolution Providing for Competitive Negotiated Sale of \$9,000,000 General Obligation Crossover Refunding Bonds, Series 2013A, and Setting a Special Meeting in March; and Financial Advisory Service Agreement with Northland Securities, Inc.; and approving the agenda for tonight's meeting, as amended. 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 Grendahl, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of January 24, 2013, as written. Ayes - 4 - Nays - 0.

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MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-26** accepting, with thanks, the donation of cash and prizes from various businesses toward sponsorship of the Mid-Winter Fest Celebration. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-27** accepting, with thanks, the donation of \$300.00 from Apple Valley Villa Chapel to be used in support of the Police Department K-9 program. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Dakota County Voiture 1457, for use on March 17, 2013, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Minnesota Zoo Foundation, for use on August 30, 2013, at the Minnesota Zoo, 13000 Zoo Boulevard, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Special Outdoor Promotion/Temporary Sign Permit for placement of signage on City property from March 8, 2013, through April 6, 2013, as described in the application, in connection with the 2013 Home & Garden Expo. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the standing purchase order list for 2013, as attached to the Finance Director's memo dated February 11, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-28** setting a public hearing at the Planning Commission Meeting on March 20, 2013, at 7:00 p.m., regarding amending the driveway location and driveway width regulations in Planned Development No. 703. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving AV Project 2013-126, 2013 Tree Planting Reimbursement Program, from March 1, 2013, through December 31, 2013, as described in the Natural Resources Coordinator's memo dated February 14, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the release of financial guarantee for Cobblestone Lake South Shore 3rd Addition, NRMP Security, as listed in the Community Development Department Assistant's memo dated February 14, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-29** rejecting all bids received January 29, 2013, for 2013-2014 Mowing and Trimming Services. Ayes - 4 - Nays - 0.

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MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-30**, approving a Mutual Aid Agreement for Emergency Management with Dakota County and other cities within Dakota County, and authorizing execution of the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Joint Powers Agreement with Dakota County, the Minnesota Valley Transit Authority, and the Metropolitan Council, for Development of Optical Fiber Network, as attached to the Assistant City Administrator's memo dated February 14, 2013, with minor revisions subject to the approval of the City Administrator and City Attorney, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Clean Water Fund Grant Agreement with State of Minnesota Board of Water and Soil Resources for Cost Share Funding of AV Project 2013-118, Pond Alum Treatments, and AV Project 2013-125, Pond EVR-P12 Filter Bench, as attached to the Natural Resources Coordinator's memo dated February 14, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Financial Planning Agreement with Northland Securities, Inc., for analysis of the IMH Tax Increment Finance (TIF) District request, in an amount not to exceed \$4,500.00, as attached to the Finance Director's memo dated February 11, 2013, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Engineering Services Proposal from Short Elliott Hendrickson, Inc., for AV Project 2013-124, Signal Modifications at 147th Street and Galaxie Avenue, as attached to the City Engineer's memo dated February 14, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Data Transport Service Agreement, with Charter Business, for 60-month lease of 50Mbps point-to-point fiber optic WAN service to connect the Valleywood Clubhouse to the Municipal Center, with minor revisions subject to the approval of the City Administrator and City Attorney, and authorizing the City Administrator to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement for Fire Station 1 Garage Door Replacement, with Twin City Garage Door Company, in the amount of \$46,550.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving Change Order No. 1 to the contract with OLS Restoration, Inc., for AV Project 2012-123, 2012 Traffic Control Signal System Painting, by adjusting the completion date to May 31, 2013, resulting in no

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change to the contract amount, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving Change Order No. 1 to the contract with Keys Well Drilling Company, for AV Project 2012-131, Well Pumps 6, 11, 13, and High Zone Pump 4, in the amount of an additional \$26,249.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2012-152, Palomino Drive Guardrail, as complete and authorizing final payment on the contract with Highway Technologies, in the amount of \$306.27. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0331 – Cast-In-Place Slabs and Site Concrete, as complete and authorizing final payment on the contract with Thompson Construction of Princeton, Inc., in the amount of \$5,344.65. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0340 – Precast Structural Steel, as complete and authorizing final payment on the contract with Moline Concrete Products Company, in the amount of \$2,631.80. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0420 – Masonry, as complete and authorizing final payment on the contract with Met-Con Construction, Inc., in the amount of \$7,942.50. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0510 – Steel Erection, as complete and authorizing final payment on the contract with Maxx Steel Erectors, Inc., in the amount of \$1,557.50. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0512 – Steel Supply, as complete and authorizing final payment on the contract with Thurnbeck Steel Fabrication, Inc., in the amount of \$5,115.00. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0840 – Aluminum Entrances/Storefront/Glazing, as complete and authorizing final payment on the contract with Northern Glass and Glazing, Inc., in the amount of \$3,049.75. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0930 – Tile, as complete and authorizing final payment on the contract with WTG Terrazzo & Tile, Inc., in the amount of \$1,737.70. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0950 – Acoustical Ceilings, as complete and authorizing final payment on the

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contract with Acoustics Associates, Inc., in the amount of \$1,130.50. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0965 – Resilient Flooring/Carpet, as complete and authorizing final payment on the contract with Acoustics Associates, Inc., in the amount of \$1,739.90. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0990 – Painting/Finishes, as complete and authorizing final payment on the contract with Wasche Commercial Finishes, Inc., in the amount of \$891.70. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #2100 – Fire Protection, as complete and authorizing final payment on the contract with Breth-Zenzen Fire Protection, LLC, in the amount of \$2,022.10. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #3123 – Earthwork/Site Utilities/Asphalt Paving, as complete and authorizing final payment on the contract with Prior Lake Blacktop, Inc., in the amount of \$10,231.60. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting Valleywood Clubhouse Project #0833 – Coiling/Sectional Doors, as complete and authorizing final payment on the contract with Crawford Door Sales Company, in the amount of \$404.45. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, appointing Mayor Mary Hamann-Roland and Pamela Gackstetter as statutory members to the Apple Valley Firefighters Relief Association Board of Trustees, for the year 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, appointing Councilmember John Bergman as representative to the Metropolitan Airports Commission (MAC) Noise Oversight Committee (NOC) At-Large Community Group for participation in the At-Large Community Representative election and primary City contact for the NOC At-Large Community Representative Group. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the hiring of seasonal, part-time, and full time employees, and resignation of employees, as listed in the Personnel Report dated February 14, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, canceling the May 9, 2013, informal and regular City Council meetings. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, setting a Special Informal Meeting on May 7, 2013, at 5:30 p.m., and Special Regular Meeting on May 7, 2013, at 7:00 p.m.
Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

PHARMACEUTICAL DRUG DISPOSAL PROGRAM

Police Chief Rehtzigel introduced this item and explained the program.

MOTION: of Bergman, seconded by Hooppaw, approving the Joint Powers Agreement with Dakota County for Pharmaceutical Drug Disposal Program, as attached to the Police Chief's memo dated February 11, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

AWARD CONTRACT FOR WATER TREATMENT FACILITY EXPANSION

Mr. Blomstrom introduced this item and provided background information regarding the project.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2013-31** awarding the contract for AV Project 2012-108, Water Treatment Plant Expansion, to Magney Construction, Inc., the lowest responsible bidder, in the amount of \$14,435,400.00.

Discussion followed.

Vote was taken on the motion. Ayes - 4 - Nays - 0.

SET SALE OF GENERAL OBLIGATION CROSSOVER REFUNDING BONDS

Mr. Hedberg introduced this item. Mr. Steve Mattson, of Northland Securities, Inc., reviewed the refund analysis, noting the City will realize a net savings estimated at \$1,338,472.81 by refinancing the bonds. He suggested the Council set the sale date for March 5, 2013, and noted a special meeting would need to be held to award the sale.

Discussion followed.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-32** providing for the competitive negotiated sale of \$9,000,000 General Obligation Crossover Refunding Bonds, Series 2013A; and setting a Special Meeting on March 5, 2013, at 6:00 p.m. to award the sale. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Financial Advisory Service Agreement with Northland Securities, Inc., for services related to the issuance of bonds, as attached to the Finance Director's memo dated February 13, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

MOTION: of Bergman, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated February 11, 2013, 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 January 31, 2013, in the amount of \$565,737.52, and February 7, 2013, in the amount of \$549,906.26, and February 14, 2013, in the amount of \$613,338.35. Ayes - 4 - Nays - 0.

CLOSE MEETING, LABOR NEGOTIATIONS

Ms. Hills reviewed exceptions to the open meeting law and advised the Council that it could hold a closed session, under the provisions of M.S. 13D.03, to discuss labor negotiations.

MOTION: of Bergman, seconded by Grendahl, to enter into a closed meeting and convene in closed session to discuss LELS Police Sergeants and Police Officers union labor negotiations. Ayes - 4 - Nays - 0.

The Council convened in the Regent Conference Room at 7:32 p.m. In attendance were Acting Mayor Goodwin; Councilmembers Bergman, Grendahl, and Hooppaw; City Administrator Lawell; City Clerk Gackstetter; Human Resources Manager Haas; Police Chief Rehtzigel; and Police Captain Marben. The meeting was tape recorded as required by law. The Council reconvened in open session at 7:53 p.m.

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

The meeting was adjourned at 7:54 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter

Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council on 2-28-13.