

CITY OF APPLE VALLEY
Dakota County, Minnesota
May 7, 2013

Minutes of the special meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 7, 2013, 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 Hills, Associate City Planner Bodmer, Assistant City Administrator Grawe, Human Resources Manager Haas, Public Works Superintendent Blommel Johnson, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, 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 to the flag.

APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Hooppaw, approving the agenda for tonight's meeting, as presented. 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 Bergman, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Hooppaw, approving the minutes of the regular meeting of April 25, 2013, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, proclaiming May 5 through May 11, 2013, as "Drinking Water Week" in the City of Apple Valley, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2013-72** appointing Mitchell Scott to the Traffic Safety Advisory Committee for a term expiring March 1, 2014. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving submittal of the United States Department of Justice's Office of Community Oriented Policing Service (COPS) grant application for Fiscal Year 2013 COPS Hiring Program (CHP), as described in Police Captain Marben's memo dated May 2, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, accepting the Planning Commission's finding that the acquisition of property for the expansion of Lebanon Cemetery is consistent with the Apple Valley 2030 Comprehensive Plan. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving a change in cost participation for the Cedar Avenue Transitway Project for additional work associated with sanitary sewer improvements, totaling \$16,250.00, as described in the City Engineer's memo dated May 7, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2013-73** awarding the Energy Savings Performance Contract to Ameresco, Inc., in an amount not exceeding \$899,650.00; and approving the agreement subject to final revisions and changes as approved by the City Administrator and City Attorney, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Joint Powers Agreement for Utility Repairs and Adjustments, Turn Lane and Median Revisions, and Bituminous Overlays with Dakota County, AV Project 2013-105, 2013 Dakota County Overlay, as attached to the City Engineer's memo dated May 7, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Design Agreement in connection with AV Project No. 2013-136, Cortland 2nd Addition, with D. R. Horton, Inc.-Minnesota, in the estimated amount of \$34,797.00, as attached to the Assistant City Engineer's memo dated May 2, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Agreement for Private Installation of Improvements, in connection with AV Project No. 2013-136, Cortland 2nd Addition, with D. R. Horton, Inc.-Minnesota, as attached to the Assistant City Engineer's memo dated May 2, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the First Amendment to Cortland Park and Pond Agreement with Palm Realty, Inc., as attached to the Assistant City Engineer's memo dated May 2, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, authorizing professional services with Automatic Systems Company for AV Project 2013-143, 2013 Lift Station Control and SCADA (Supervisory Control and Data Acquisition) upgrades, in the amount of \$47,162.00, as described in the Public Works Utilities Superintendent's memo dated May 7, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the License Agreement with Uponor NA Asset Leasing, Inc., for construction of improvements within a 60-foot drainage and utility easement on Lot 1, Block 1, Wirsbo Third Addition, as attached to the City Planner's memo dated May 7, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Intergovernmental Agreement with Metropolitan Council for 2013 Citizen Assisted Lake Monitoring Program (CAMP), as attached to the Natural Resources Coordinator's memo dated May 7, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Agreement for AV Project 2013-141, 2013 Hydrant Reconditioning and Painting, with Champion Coatings, Inc., in the amount of \$19,200.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving Change Order No. 2 to the contract with LaTour Construction, Inc., for AV Project 2011-107, 147th Street Extension, in the amount of an additional \$24,335.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving hiring the part-time and seasonal employees and resignation of employee, as listed in the Personnel Report dated May 7, 2013. Ayes - 4 - Nays - 0 - Abstain - 1 (Hamann-Roland).

MOTION: of Bergman, seconded by Hooppaw, setting a special informal City Council meeting with the Planning Commission at 4:30 p.m., on the June 13, 2013. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

DOG DAY GETAWAY

Ms. Bodmer reviewed the request by the owners of Dog Day Getaway for a zoning interpretation of "Finding of Similar Use" for a dog daycare facility in an "I-1" (Limited Industrial) zoning district which is deemed permitted in the "I-2" (General Industrial) zoning district, and a Conditional Use Permit for a 15 ft. by 54 ft. outdoor pet relief area in connection with a dog daycare facility located at 14607 Felton Court.

Ms. Carey Griffith Edwards and Ms. Nicole Boe addressed the Council.

Discussion followed.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2013-74** declaring a dog daycare as a similar use to an animal clinic that is a permitted use within I-1 (Limited Industrial) zones. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-75** approving a Conditional Use Permit for a 15 ft. by 54 ft. outdoor animal pen (pet relief area) in conjunction with a dog daycare use on Lot 1, Block 1, Apple Valley Business Campus (14607 Felton Court, Suites 101-103), for Dog Day Getaway, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Ms. Sarah Carrero, of MaxaMom Events, provided information about their organization and invited the public to attend a May 5K in Farmington on May 18, 2013.

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 May 3, 2013, 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 Grendahl, to pay the claims and bills, check registers dated May 2, 2013, in the amount of \$489,411.49. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:18 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter

Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council on 05-23-13.