

CITY OF APPLE VALLEY
Dakota County, Minnesota
May 23, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 23, 2013, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Mayor Hamann-Roland; Councilmembers Bergman, Grendahl, and Hooppaw.

ABSENT: Councilmember Tom Goodwin.

City staff members present were: City Administrator Lawell, Deputy City Clerk Marschall, City Attorney Dougherty, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Police Officer Erickson, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Police Chief Rehtzigel, Police Captain Scott, 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, Noah Christianson.

APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Hooppaw, adding item 4.R - Approve Agreement with Crimson Fire, Inc., d/b/a Spartan ERV, for purchase of 2013 Fire Engine, Triple Combination Pumper, and approving the agenda for tonight's meeting, as amended.
Ayes - 4 - 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 Hooppaw, seconded by Bergman, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the special meeting of May 7, 2013, as written. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-76** accepting, with thanks, the donation of nine unframed 8" x 12" prints signed by Bud

Chapman, from Mike Garrison, for use at Valleywood Golf Course Clubhouse.
Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Apple Valley American Legion, Post 1776, by Minnesota Alcohol and Gambling Enforcement Division, for use on July 4, 2013, outdoors at American Legion, 14521 Granada Drive, as described in the City Clerk's memo dated May 20, 2013. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Rotary Scholarship Foundation, for use on October 26, 2013, at Apple Valley Ford Lincoln, 7200 150th Street W., and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-77** approving the interfund transfers between funds, as attached to the Finance Director's memo dated May 15, 2013. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, receiving the 2012 Annual Traffic Safety Advisory Committee Report, as attached to the Assistant City Administrator's memo dated May 23, 2013. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the First Amendment to Lease Agreement with Double B Farms, Inc., for City-owned property located East of Pilot Knob Road in the City of Lakeville, as attached to the Public Works Director's memo dated May 20, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the License Agreement with St. Paul Growers Association, Inc., for a Farmers Market in the Municipal Center parking lot on Saturdays from June 15 through October 26, 2013, from 6:30 a.m. to 2:00 p.m., and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-78** approving a 4.5 feet variance from the front yard building setback of 30 feet to allow construction of a covered front entry on Lot 11, Block 1, Briar Oaks of Apple Valley 2nd Addition (12091 Gantry Court), as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-79** approving specifications for AV Project 2013-145, Modular Tennis Court Surface, and authorizing advertising for receipt of bids at 10:00 a.m. on June 20, 2013. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-80** approving plans and specifications for AV Project 2013-107, 2013 Micro Surfacing, and authorizing advertising for receipt of bids at 10:00 a.m. on June 20, 2013. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-81** approving plans and specifications for AV Project 2013-106, Nordic Reservoir Intermediate Rehabilitation, and authorizing advertising for receipt of bids at 10:00 a.m. on June 27, 2013. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Joint Purchasing Agreement with Dakota County, for Traffic Signal Equipment, as attached to the City Engineer's memo dated May 23, 2013, and authorizing the Mayor and Deputy City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-82** approving City of Apple Valley's continued participation in Dakota County Community Block Grant, Home Investment Partnership (HOME), and Emergency Solution Grant Programs, as attached to the City Planner's memo dated May 15, 2013, and authorizing the City Administrator to sign the Metropolitan City Entitlement Status Continuance Deferral Letter. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement with Advanced Imaging Solutions to purchase Multi-Function Digital Copier at Valleywood Golf Course, as described in the IT Manager's memo dated May 20, 2013, and authorizing the Mayor and Deputy City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the 2013 Labor Agreement with Law Enforcement Labor Services, Inc., (LELS) Local No. 243, Police Sergeants, as attached to the Human Resources Manager's memo dated May 20, 2013, and authorizing execution of the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving hiring of seasonal and full time employees, resignation of employee, and transfer of employee, as listed in the Personnel Report dated May 23, 2013. Ayes - 4 - Nays - 0

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement with Crimson Fire, Inc., d/b/a Spartan ERV, for 2013 Fire Engine, Triple Combination Pumper, in the amount of \$495,350.00, 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 - 4 - Nays - 0.

END OF CONSENT AGENDA

POLICE STAFF INTRODUCTIONS

Police Chief Rehtzigel introduced Mitchell Scott who was promoted to the position of Police Captain. The Council congratulated Captain Scott and welcomed him to his new position.

Police Chief Rehtzigel introduced newly hired Police Officer Krista Erickson and presented her with her badge. The Deputy City Clerk administered the oath of office to Officer Erickson. The Council congratulated Officer Erickson and welcomed her to her new position.

POPPY DAYS PROCLAMATION

Ms. Gorda Olsen of the American Legion Auxiliary Poppy Committee was present. She read the proclamation, proclaiming May 17-18, 2013, as "Poppy Days" and May 2013 as "Poppy Month".

MOTION: of Grendahl, seconded by Hooppaw, proclaiming May 17-18, 2013, as "Poppy Days" and May as "Poppy Month" and asking citizens to pay tribute to those who have died in war in the name of freedom. Ayes - 4 - Nays - 0.

The Mayor thanked the Auxiliary for its efforts and presented the proclamation to Ms. Olsen.

MEMORIAL DAY PROCLAMATION

Mr. Lloyd Cybart, on behalf of American Legion, Post 1776, read the proclamation proclaiming May 27, 2013, "Memorial Day". He invited everyone to the ceremonies at 11:00 a.m. at the Apple Valley American Legion Memorial located behind the American Legion Post on Granada Avenue.

MOTION: of Grendahl, seconded by Bergman, acknowledging the Federal Proclamation of May 27, 2013, as "Memorial Day" and asking citizens to remember those who were casualties and injured in the various wars and police actions of the United States. Ayes - 4 - Nays - 0.

The Mayor presented the "Memorial Day" proclamation to Mr. Cybart. The Council thanked the veterans for their service.

UPONOR NORTH AMERICA RECOGNITION

Mayor Hamann-Roland introduced Uponor North America President Bill Gray and recognized Uponor for their achievement in receiving the "Manufacturer of the Year" award from the Manufacturer's Alliance of Minnesota.

The Mayor read and presented a Certificate of Recognition on behalf of the City Council and Chamber of Commerce.

MOTION: of Grendahl, seconded by Hooppaw, approving the Certificate of Recognition to Uponor North America for their achievement in receiving the “Manufacturer of the Year” award from the Manufacturer’s Alliance of Minnesota. Ayes - 4 - Nays - 0.

Mayor Hamann-Roland then presented a road sign and congratulated Uponor for their well-deserved achievement.

Discussion followed.

Mr. Gray and Chamber President Ed Kearney addressed the City Council.

Discussion continued.

Mayor Hamann-Roland called a recess at 7:40 p.m.

Mayor Hamann-Roland resumed the meeting at 7:48 p.m.

2013 SPECIAL ASSESSMENT ROLL NO. 616

Mr. Hedberg described Assessment Roll No. 616, totaling \$177,413.89, for delinquent utility accounts. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. The assessment represents 562 utility billing accounts. No written objections have been received. To date, the City has received prepayments of \$17,084.95.

Mayor Hamann-Roland called the public hearing to order, at 7:50 p.m., on Special Assessment Roll No. 616. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:51 p.m.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-83** approving and levying 2013 Special Assessment Roll No. 616, delinquent utility accounts, in the amount of \$177,413.89, minus any prepayments. Ayes - 4 - Nays - 0.

2013 SPECIAL ASSESSMENT ROLL NO. 617

Mr. Hedberg described Assessment Roll No. 617, totaling \$3,354.00, for delinquent false alarms. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received. To date, the City has received prepayments of \$2,412.00.

Mayor Hamann-Roland called the public hearing to order, at 7:52 p.m., on Special Assessment Roll No. 617. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:53 p.m.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-84** approving and levying 2013 Special Assessment Roll No. 617, for delinquent false alarms, in the amount of \$3,354.00, minus any prepayments. Ayes - 4 - Nays - 0.

2013 SPECIAL ASSESSMENT ROLL NO. 618

Mr. Hedberg described Assessment Roll No. 618, totaling \$2,064.42, for delinquent tree removal and trash clean up. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received and there have been no prepayments.

Mayor Hamann-Roland called the public hearing to order, at 7:54 p.m., on Special Assessment Roll No. 618. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:55 p.m.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2013-85** approving and levying 2013 Special Assessment Roll No. 618, for delinquent tree removal and trash clean up, in the amount of \$2,064.42, minus any prepayments. Ayes - 4 - Nays - 0.

ORDINANCE AMENDING DRIVEWAYS OFF STREETS WITH RAISED MEDIANS

Mr. Lovelace gave the first reading of an ordinance amending Planned Development No. 703 (Chapter 155, Appendix F, Article 28, Section A28-5(C)(2)) approving driveways off streets with raised medians within the Cobblestone Lake Development. The Planning Commission reviewed this item and recommended approval.

Discussion followed.

MOTION: of Bergman, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 945** amending Chapter 155 of the City Code, regulating driveway access within Planned Development No. 703. Ayes - 4 - Nays - 0.

COBBLESTONE LAKE SOUTH SHORE 8TH ADDITION

Mr. Lovelace reviewed the request by South Shore Development, LLC, amending the 2030 Comprehensive Plan Land Use Map re-designating the property from "MD" (Medium Density Residential/6-12 units per acre) and "P" (Parks and Open Space) to "LD" (Low Density Residential 2-6 units per acre); rezoning Planned Development "PD-703/Zone 8" (Sand and Gravel Mining) to "PD-703/Zone 2" (Single Family Dwellings); rezoning Planned Development "PD-703/Zone 8" (Sand and Gravel Mining) to "PD-703/Zone 7" (Public Open Space); and the subdivision by replat of Outlots H and I, Cobblestone Lake 3rd Addition, into 29 single family lots and two outlots. The Planning Commission reviewed this item and recommended approval.

Discussion followed.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-86** approving an amendment to the Land Use Map of the 2030 Comprehensive Plan changing the designation of Outlots H and I, Cobblestone Lake Commercial 3rd Addition, from “MD” (Medium Density Residential/6-12 units per acre) and “P” (Parks and Open Space) to “LD” (Low Density Residential 2-6 units per acre), as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, passing **Ordinance No. 946** rezoning portions of Outlot H and I, Cobblestone Lake Commercial 3rd Addition, from “PD-703/Zone 8” to “PD-703/Zone 2”. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, passing **Ordinance No. 947** rezoning portions of H and I, Cobblestone Lake Commercial 3rd Addition, from “PD-703/Zone 8” to “PD-703/Zone 7”. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-87** approving the preliminary plat of Cobblestone Lake South Shore 8th Addition, for 29 lots and two outlots, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

COMMUNICATIONS

Mr. Lawell commented that Dakota Valley Recycling received an award of excellence for their website and invited everyone to visit their website to learn more about increasing recycling in our community.

Mr. Lawell congratulated Councilmember Bergman who was re-appointed to the Metropolitan Airport Commission Noise Oversight Committee for another two-year term and thanked him for volunteering his time.

Councilmember Bergman then provided an update.

Mr. Blomstrom gave an update on the various road construction projects.

Mr. Bernstein invited the public to the “Music in Kelley Park” concert series from 6:00 p.m. to 9:00 p.m. on June 7, 14, and 21; July 5, 12, 19, and 26; and August 2, 2013.

Mayor Hamann-Roland thanked the Apple Valley Arts Foundation and its sponsors for offering these fun, free music events.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated May 20, 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 Grendahl, seconded by Bergman, to pay the claims and bills, check registers dated May 13, 2013, in the amount of 954,277.00; May 16, 2013, in the amount of \$668,334.18; and May 23, 2013, in the amount of \$1,255,273.40. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 8:31 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 6-13-13.