

CITY OF APPLE VALLEY
Dakota County, Minnesota
April 9, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 9, 2015, 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, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Planner Bodmer, Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Engineer Manson, Community Development Director Nordquist, and Police Chief Rehtzigel.

Mayor Hamann-Roland called the meeting to order at 7:00 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scouts Andrew Tennant and Ryan Tennant from Troop 508.

APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Goodwin, 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 Hooppaw, seconded by Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Grendahl, approving the minutes of the regular meeting of March 26, 2015, as written. Ayes - 4 - Nays - 0 - Abstain - 1 (Goodwin).

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-46** accepting, with thanks, the donation of \$100.00 from Kim and Susan Schumann for use by Police Department K-9 Unit. Ayes - 5 - Nays - 0.

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- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-47** accepting, with thanks, the donation of a television from Faith Collins for use by the Parks and Recreation Department. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving a change in manager for Smashburger Acquisition of Minneapolis, LLC, d/b/a Smashburger #1317, in connection with the On-Sale 3.2 Percent Malt Liquor and Wine Licenses at 7394 153rd Street W., Ste. 100, naming Jeremy Michael Ahern as General Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, declaring certain City property as surplus; authorizing disposal of unclaimed property and surplus City property by a public sale; and approving the Agreement with Assets 2 Cash, LLC, an authorized vendor of K-BID.com, to conduct an online auction of unclaimed and surplus property, as attached to the City Clerk's memo dated April 6, 2015, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-48** providing for the competitive negotiated sale of \$5,939,000.00 General Obligation Bonds, Series 2015B. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-49** approving the issuance of Liquor Store Revenue Refunding Bonds, Series 2015A. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving submittal of CenterPoint Energy 2015 Community Partnership Grant application, in an amount up to \$2,500.00, with a 50-50 match, for Gerber Crucial multi-purpose tools, as described in the Fire Chief's memo dated April 6, 2015. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, authorizing acceptance of the grant from the National Council on Aging's National Institute of Senior Centers and the Music Performance Trust Fund for MusicianFest Performance Series, as described in the Recreation Superintendent's memo. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, proclaiming April 24, 2015, as "Arbor Day" and May 2015, as "Arbor Month", and encouraging citizens to become more aware of the importance of trees and to participate in tree planting programs. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the 2015 schedules of billing rates for Bolton and Menk, Braun Intertec, and TKDA, as attached to the City Engineer's memo. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Grendahl, approving the Assignment and Assumption of License Agreement to allow for conveyance of a license for the installation and maintenance of landscaping within the Cortland Third Addition from D. R. Horton, Inc.-Minnesota, to Cortland Homeowners' Association, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-50** approving acquisition of a Drainage and Utility Easements and Ponding Easements on Government Lot 1, Section 24, Township 115, Range 20. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Infiltration Basin Construction and Maintenance Agreement for installation and ongoing maintenance of an infiltration basin on Lot 1, Block 1, Cobblestone Lake Commercial 5th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-51** approving the Joint Powers Agreement with the Minnesota Internet Crimes Against Children (MICAC) Task Force, as attached to the Police Chief's memo dated April 2, 2015, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the revised 2015 Joint Powers Agreement with Dakota County Multi-Agency Assistance Group (MAAG), as attached to the Police Chief's memo dated April 2, 2015, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Joint Powers Agreement with Dakota County for cost share related to pedestrian trail improvements on the north side of CSAH 42, as attached to the City Engineer's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Joint Powers Agreement with Independent School District No. 196 for the operation and maintenance of the Sports Arena Facility, as attached to the Parks and Recreation Department's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-52** awarding the contract for AV Project 2014-129, Sanitary Lift Station No. 3 Replacement, to Geislinger and Sons, Inc., the lowest responsible bidder, in the amount of \$829,954.00 and amending the 2015 operating budget for the Sanitary Sewer Utility. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for AV Project 2015-135, Outdoor Pool Water Management, with Hawkins, Inc., in the amount of \$78,900.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Grendahl, approving the contract for AV Project 2015-122, 2015 Ash Tree Replacements, with Hoffman & McNamara Company, in the amount of \$9,795.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the contract for AV Project 2015-133, 2015 Farquar Lake Fish Removal, with Jeffrey Allen Riedemann, in the amount of \$8,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for AV Project 2015-131, Maintenance Security Fencing, with Midwest Fence & Mfg. Co., in the amount of \$13,240.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for 2015 Redwood Wading Pool Repair, with Stoneage Pools, LLC, in the amount of \$12,385.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the contract for AV Project 2015-132, 2015 Farquar Lake Weed Harvesting, with Waterfront Restoration, LLC, in the amount of \$14,975.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, accepting AV Project 2011-108, Sanitary Lift Station 2 Replacement, as complete and authorizing final payment on the contract with Geislinger and Sons, Inc., in the amount of \$9,296.92. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving hiring the seasonal and full time employees, and resignation of employee, as listed in the Personnel Report dated April 9, 2015. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

VOLUNTEER RECOGNITION WEEK

Ms. Gackstetter introduced this item and read the proclamation proclaiming April 12 through April 18, 2015, as "Volunteer Recognition Week".

MOTION: of Grendahl, seconded by Bergman, proclaiming April 12 through April 18, 2015, as "Volunteer Recognition Week" and thanking all those who contribute their time, talent, and energy to the community. Ayes - 5 - Nays - 0.

The City Council welcomed Cemetery Advisory Committee Member Jay Hoekstra; Planning Commissioners Ken Alwin, Thomas Melander, and Paul Scanlan; Traffic Safety Advisory Committee Members Todd Blomstrom and Charles Grawe; Urban Affairs Advisory Committee Member Walton Mahlum, Economic Development Authority Member Mike Maquire; Head Election Judges Doug Ackerman, Janet Ackerman, Karen Bromund, Jim Madigan, Judy Madigan, Shannan Menya, Cynthia McDonald, and Corey Neuman; and specialist volunteers Jim Kluender and Sam Miranda. They thanked all of the Commissioners, Committee Members, Head Election Judges and other City volunteers for their generous commitment of time, energy, education, and skills which help make Apple Valley a quality community.

Mayor Hamann-Roland then presented Planning Commissioner Ken Alwin with a marble apple clock. She also presented Certificates of Recognition to Head Election Judges Janet Ackerman, Karen Bromund, Jim Madigan, Judy Madigan, Shannan Menya, and Corey Neuman, each of whom has served as a Head Election Judge for ten or more elections.

SEVERE WEATHER AWARENESS WEEK

Police Chief Rehtzigel announced Governor Dayton proclaimed April 21 – 25, 2014, as Severe Weather Awareness Week. He then reviewed the upcoming tornado drill schedule and various weather-related safety precautions.

UPONOR ANNEX EXPANSION

Mr. Nordquist introduced this item and provided a brief history on Uponor, Inc.

Ms. Dykes reviewed the proposal by Uponor to expand its operations on a 6-acre lot located at 14800 Everest Avenue. The project includes expanding a former 36,000 sq. ft. bus garage to an 86,000 sq. ft. manufacturing and office facility. The cost of improvements and equipment is estimated at \$18 million and is expected to create at least 80 additional jobs. Because of the high construction costs, Uponor requested assistance from the State of Minnesota. A grant is available from the Minnesota Investment Fund (MIF) to assist Uponor with this project. The grant is awarded through the Department of Employment and Economic Development (DEED) to local units of government who provide forgivable loans to assist expanding businesses. She added that a public hearing is required relative to the submittal of an application for MIF loan funds.

Mr. Hedberg reviewed the request for a pay-as-you-go Economic Development Tax Increment Financing (TIF) District to assist with the development. He noted the City has not received any comments from the school district or the county. He explained the actions necessary to establish TIF District No. 16 and noted the requirement for a public hearing.

Ms. Dykes then reviewed the details regarding the deferred forgivable loan which will be considered by the Economic Development Authority. She noted the deferred loan business assistance is considered a public business subsidy and also requires a public hearing.

Ms. Bodmer reviewed the request by Uponor, Inc., for a site plan/building permit authorization for renovation and expansion of a former bus garage into an 86,000 sq. ft. office and manufacturing facility at 14800 Everest Avenue. The Planning Commission reviewed this item on March 18, 2015, and voted unanimously to recommend approval.

Ms. Dykes then summarized the requested actions.

Mayor Hamann-Roland called the public hearing to order at 7:45 p.m. to consider the Minnesota Investment Fund (MIF) application to the Department of Employment and Economic Development (DEED) for Uponor, Inc. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:46 p.m.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-53** authorizing submittal of a Minnesota Investment Fund (MIF) application to the Department of Employment and Economic Development (DEED) for Uponor, Inc. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland called the public hearing to order at 7:46 p.m. to consider amendments to the Master Development Program relating to its Master Development District, establishment of Tax Increment Financing (TIF) District No. 16, and adoption of a Tax Increment Financing Plan relating thereto. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:47 p.m.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-54** approving amendments to the Master Development Program for Master Development District, Tax Increment Financing amendments and the establishment of Tax Increment Financing (TIF) District No. 16, approving Tax Increment Financing Plan therefor, and approving the Development Agreement. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland called the public hearing to order at 7:47 p.m. to consider a deferred forgivable loan as a public business subsidy for Uponor, Inc. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:48 p.m.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2015-55** supporting a Business Subsidy Agreement between the Economic Development Authority and Uponor, Inc. Ayes - 5 - Nays - 0.

MOTION: of Hamann-Roland, seconded by Grendahl, adopting **Resolutions No. 2015-56** approving the site plan and authorizing issuance of a building permit for the renovation and expansion of a former bus garage into an 86,000 sq. ft. office and manufacturing facility on Lot 2, Block 1, Wirsbo 3rd Addition (14800 Everest Avenue), with conditions as recommended by the Planning Commission.

Discussion followed.

Mr. Bill Gray, President of Uponor, addressed the City Council.

COMMUNICATIONS

Mr. Lawell provided details on the Sexual Assault Awareness Walk on April 22, 2015.

Mayor Hamann-Roland congratulated Uponor on its 25th anniversary. In honor of their 25th anniversary, Uponor will once again sponsor Shakespeare Under the Stars at Kelley Park. She then reminded everyone about the Home & Garden Expo this coming Saturday.

Councilmember Bergman requested staff and the City Council discuss the Menard's property in the near future.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, amending the location of the State of the City Address and approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated April 6, 2015, as amended, 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 April 1, 2015, in the amount of \$858,616.99; and April 9, 2015, in the amount of \$461,143.79. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:04 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 4-23-15.