

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
May 14, 2015

Minutes of the special meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 14, 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, Deputy City Clerk Marschall, City Attorney Hills, Police Captain Bermel, Parks and Recreation Director Bernstein, Public Works Superintendent Blommel Johnson, Public Works Director Blomstrom, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Police Sergeant Matos, Community Development Director Nordquist, Police Chief Rechtzigel, 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 Hooppaw, seconded by Bergman, moving item 4.J - Authorize Submittal of Housing Policy Comments to Metropolitan Council to the regular agenda, 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.

Councilmember Goodwin requested item 4.J be moved to the regular agenda.

MOTION: of Goodwin, seconded by Grendahl, approving all items on the consent agenda as amended. Ayes - 5 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Grendahl, approving the minutes of the regular meeting of April 23, 2015, as written. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-65** accepting, with thanks, the donation of canine bullet and stab protective vest, from Vested Interest in K9s, Inc., for use by the Police Department. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-66** approving issuance of a Gambling Premises Permit to Apple Valley Hockey Association for premises at Panino Brothers, 15322 Galaxie Avenue, Ste. 108, and waiving any waiting period for Minnesota Gambling Control Board approval. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-67** setting a public hearing, at 7:00 p.m., on June 11, 2015, on the application for On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales by M, S & R, III, LLC, d/b/a Masu Sushi and Noodle, 14638 Cedar Avenue, Ste. C. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, receiving the Police Department's 2014 annual report. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, authorizing expenditure up to \$185,000.00 from the Park Dedication Fund for field lighting on Quarry Point Park Athletic Complex #7, as described in the Parks and Recreation Director's memo. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, proclaiming "Music in Kelley Park" on June 5, 12, 19 and 26, 2015, July 10, 17, 24 and 31, 2015, and August 7, 2015, and declaring this music series a community event and encouraging the citizens of Apple Valley to support and attend these music events. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-68** approving extended park hours and athletic field lighting hours at Quarry Point Park on July 17 and 18, 2015, for Relay for Life Event. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-69** supplementing cable needs assessment. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-70** approving a 2.5 ft. fence height variance on Lot 9, Block 2, Pilot Knob Estates 1st Addition (14334 Embry Path), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the First Amendment to Declaration of Cross Parking Easements, for parking spaces and a driveway aisle that cross the south side of Lots 1 and 2 of the Legacy of Apple Valley Sixth Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, approving the First Amendment to Lift Station and Stormwater Drainage Easement Agreement, for a lift station that is located on the Remington Cove lot, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Purchase Agreement with Cartegraph Systems, Inc., for software license, as attached to the Community Development Director's memo. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the License Agreement with St. Paul Growers Association, Inc., for a Farmers Market in the Municipal Center parking lot on Saturday's from June 13 through October 24, 2015, from 6:30 a.m. to 2:00 p.m., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Joint Powers Agreement for Concrete Pavement Rehabilitation with Dakota County, related to Zoo Boulevard, in an estimated amount of \$45,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Intergovernmental Agreement with the Metropolitan Council for 2015 Citizen-Assisted Lake Monitoring Program (CAMP), in the amount of \$2,475.00, for Cobblestone Lake, Farquar Lake, Long Lake, and Scout Lake, as attached to the Natural Resources Coordinator's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the State of Minnesota Grant Contract for harvesting curlyleaf pondweed from Farquar Lake, as attached to the Natural Resources Coordinator's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-71** awarding the contract for AV Project 2015-106, 2015 Micro Surfacing, to ASTECH, Corp., the lowest responsible bidder, in the amount of \$469,967.06. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the contract for AV Project 2015-149, Exterior Painting of Central Maintenance Facility Main Building, with Fresh Paint, Inc., in the amount of \$24,920.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the contract for AV Project 2015-147, Fuel Pump & Fuel Management Software Replacement, with Pump & Meter Service, Inc., in the amount of \$33,753.60, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, amending the scope of work for AV Project 2013-168, Well 16 Analysis, with Black & Veatch, in the amount of an additional \$20,000.00, as attached in the Public Works Superintendent's memo. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving Change Order No. 1 to the contract with Parkos Construction Company, for Apple Valley Liquor Store #2 Interior Remodeling and City Hall Municipal Center Counter Remodeling Project, in the amount of an additional \$6,339.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving Change Order No. 2 to the contract with Northwest Asphalt, Inc., for AV Project 2014-112, Cortland 3rd Addition Street and Utility Improvements, in the amount of an additional \$56,641.70, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, accepting AV Project 2015-114, 2015 Ash Tree Removals, as complete and authorizing final payment on the contract with St. Croix SavATree, in the amount of \$9,408.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, appointing Councilmember John Grendahl 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 - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Amendment to the Dental Administrative Services Agreement No. 5601, as attached in the Human Resources Manager's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin seconded by Grendahl, approving hiring the seasonal and part time employees, promotion of employees, retirement of employees, temporary assignment of employees, and resignation of employees, as listed in the Personnel Report dated May 14, 2015. Ayes - 4 - Nays - 0 - Abstain - 1 (Hamann-Roland).

#### END OF CONSENT AGENDA

#### SUBMITTAL OF HOUSING POLICY COMMENTS TO METROPOLITAN COUNCIL

Mr. Nordquist explained the Metropolitan Council developed and approved the "Thrive MSP 2040" development guide, a Housing Policy Plan (HPP). The City responded with comments, and amendments to the HPP are being further considered.

Councilmember Goodwin expressed concern that “housing” is not a system like transportation, parks, and natural resources management, but is being highly regulated in the HPP.

Discussion followed.

Mayor Hamann-Roland stressed the City is a regulatory agency for land use and housing which is stated in the comment letter, as well as 16 other comments to the Metropolitan Council.

MOTION: of Grendahl, seconded by Goodwin, authorizing submittal of housing policy comments to the Metropolitan Council, as described in the Community Development Director’s memo dated May 14, 2015. Ayes - 5 - Nays - 0.

#### CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mr. Hedberg introduced Ms. Brenda Davitt, Minnesota Government Finance Officers Association representative.

Ms. Davitt presented the City with a Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the fiscal year ending December 31, 2013.

The City Council commended Mr. Hedberg and the Finance Department for achieving this prestigious award.

#### POPPY DAYS PROCLAMATION

Ms. Hannah Cybart, representing the American Legion, Post 1776, Auxiliary Poppy Committee was present. She read the proclamation, proclaiming May 15-16, 2015, as “Poppy Days” and May 2015 as “Poppy Month”.

MOTION: of Grendahl, seconded by Hooppaw, proclaiming May 15-16, 2015, as “Poppy Days” and May 2015 as “Poppy Month” and asking citizens to pay tribute to those who have died in war in the name of freedom. Ayes - 5 - Nays - 0.

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

#### MEMORIAL DAY PROCLAMATION

Mr. Lloyd Cybart, on behalf of American Legion, Post 1776, invited everyone to the Memorial Day ceremonies at 11:00 a.m. at the Apple Valley American Legion Memorial located behind the American Legion Post on Granada Avenue. He then read the proclamation proclaiming May 25, 2015, “Memorial Day”.

MOTION: of Grendahl, seconded by Hooppaw, acknowledging the Federal Proclamation of May 25, 2015, 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 - 5 - Nays - 0.

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

#### SALE OF CITY LIQUOR STORE REVENUE REFUNDING BONDS – SERIES 2015A

Mr. Hedberg introduced Steve Mattson of Northland Securities.

Mr. Mattson distributed a summary analysis for the sale of \$1,820,000 Liquor Store Revenue Refunding Bonds, Series 2015A. The bonds will be issued to refund portions of the 2008C Liquor Revenue Bonds. He then presented details regarding the bond issue, noting the estimated total savings is \$529,730.65, in net present value terms the savings are \$368,728.76.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-72** providing for the issuance and sale of \$1,820,000 Liquor Store Revenue Refunding Bonds, Series 2015A, and authorizing execution of the necessary documents to complete the sale. Ayes - 5 - Nays - 0.

Discussion followed.

#### SALE OF CITY GENERAL OBLIGATION BONDS – SERIES 2015B

Mr. Mattson distributed a summary analysis for the sale of \$5,935,000 General Obligation Bonds, Series 2015B. He then presented details regarding the bond issue, noting the estimated total savings is \$303,057.02, in net present value terms the savings are \$231,938.33.

Mr. Mattson then reviewed the ratings reports received from Moody's Investor Service and Standard and Poor's Ratings Services. The General Obligation Bonds, Series 2015B, will be issued to refund portions of the 2007A, 2008D, 2011A General Obligation Bonds and provide \$600,000 for equipment needs. He noted the City has received the highest credit ratings of Aaa and AAA, from Moody's Investor Service and Standard and Poor's Ratings Services, respectively.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-73** providing for the issuance and sale of \$5,935,000 General Obligation Bonds, Series 2015B, and authorizing execution of the necessary documents to complete the sale. Ayes - 5 - Nays - 0.

The Council commented on the many benefits of the AAA rating from both agencies and thanked everyone for their efforts in achieving this accomplishment.

ORDINANCE AMENDING PARK DEDICATION FEE SCHEDULE

City Planner Lovelace presented this item of an ordinance amending Chapter 35 of the City Code regulating park dedication land values and persons per unit ratios. Current benchmark land values were last set in 2004. The values were established prior to the recent recession and may not be reflective of current market conditions. The City retained Patchin, Messner, Dodd & Brumm to complete a land value study. Staff reviewed the study and found adjustments to the current land values would be necessary. In addition, Staff agreed it was appropriate to adjust the persons per unit ratio used in the City's parkland dedication calculation.

Discussion followed.

Mayor Hamann-Roland called the public hearing to order, at 7:42 p.m., to consider amending Chapter 35 of the City Code regulating park dedication fees and persons per unit ratios. The Mayor asked for questions or comments from the public. There were none and the hearing was declared closed at 7:43 p.m.

The Council accepted the first reading. The second reading is scheduled May 28, 2015.

SPRINGS AT APPLE VALLEY APARTMENTS

Mr. Lovelace reviewed the development proposal request by Continental 313 Fund, LLC, to allow for construction of a 280-unit apartment project. The property is located between 145th and 147th Streets West and Foliage and Flagstaff Avenues. The request requires amendments to Planned Development No. 746 establishing uses, area requirements, and performance standards for Zone 3 which are specific to the apartment complex; approving the Planned Development Agreement; and approving the Final Plat and Development Agreement.

Discussion followed.

Mr. Eric Thom, of Continental 313 Fund, LLC, presented additional information regarding the project.

Discussion continued.

MOTION: of Hooppaw, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 988** amending Chapter 155, Appendix F, of the City Code, adding Zone 3 to Planned Development No. 746. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-74** approving the final plat and Subdivision Agreement for Springs at Apple Valley, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl seconded by Hooppaw, adopting **Resolution No. 2015-75** approving the Planned Development Agreement with Continental 313 Fund, LLC, for Springs

at Apple Valley, and authorizing the Mayor and City Clerk to sign the same. Ayes  
- 5 - Nays - 0.

#### ANTENNA INSTALLATION AT PALOMINO RESERVOIR

Mr. Blomstrom reviewed the request from Verizon Wireless, LLC, to install an antenna and ground equipment at the Palomino water storage and antenna facility located at 128th Street. He explained the importance of wireless communications in today's society which requires adequate infrastructure, and provided a brief history of the site and surroundings. He then summarized comments and concerns from nearby residents.

Ms. Blommel Johnson presented details of the site and Verizon's installation plan.

Mr. Jim Gasper, 7794 128th Street, commented on land use, aesthetic appearance, noise concerns, and requested additional studies.

Discussion followed.

Ms. Blommel Johnson described the location of the Dakota County generator and other buildings on the site.

Discussion continued.

Mr. Blomstrom commented that Verizon is willing to address resident concerns and reviewed new language added to the lease agreement. He then explained the lattice tower is at 100 percent capacity.

Ms. Julie Gasper, 7794 128th Street, asked for clarification of AT&T's request to install an antenna at this site.

Discussion followed.

Mr. Blomstrom said it would be difficult to add another carrier at this site due to capacity issues, unless technology equipment changes.

Discussion continued.

Mr. Mark Mullane, 7768 128th Street, and Mr. Bruce Frederick, 7823 128th Street, inquired about Verizon's fuel tank and generator.

Mr. Tony Dorland of Moss & Barnett and Mr. Brian Schriener of Design 1, both representing Verizon Wireless, addressed the Council.

Discussion followed.

Mayor Hamann-Roland called a recess at 8:45 p.m.

Mayor Hamann-Roland resumed the meeting at 8:55 p.m.

Fire Chief Thompson presented details regarding on fuel tank installations, generators, and State code requirements.

Mr. Blomstrom added before a building permit is issued all construction plans are reviewed by the fire marshal and building official, and required to be in compliance with State of Minnesota fire and building codes.

Discussion continued.

Mr. Mullane asked if the air conditioning units can be placed inside a building due to the additional noise.

Discussion followed.

Mr. Mullane said Verizon hired a sound engineer to review the noise concerns.

Discussion continued.

Mr. Frederick said a high efficiency air conditioner with less than 50 decibels will be installed.

Discussion followed.

Mr. Blomstrom suggested building a berm to reduce noise levels and improve aesthetic appearance.

Discussion continued.

MOTION: of Hooppaw, seconded by Bergman, approving the Lease Agreement with Verizon Wireless, LLC, for installation of antenna and ground equipment at Palomino Reservoir, as attached to the Public Works Superintendent's memo dated May 14, 2015, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

#### 2015 GOAL SETTING WORKSHOP SUMMARY

Mr. Lawell introduced this item and provided a summary of the goal setting workshop held on April 17, 2015. Annually City Council and senior staff members meet to discuss accomplishments from the prior year and set goals for the coming year.

City Council thanked staff for their hard work and accomplishments.

MOTION: of Bergman, seconded by Grendahl, approving the 2015 Goal Setting Workshop Summary as attached to the City Administrator's memo dated May 14, 2015. Ayes - 5 - Nays - 0.

APPOINT PLANNING COMMISSIONER

Mr. Lawell reviewed the City Clerk's memo dated May 11, 2015, listing applicants for the Planning Commission vacancy.

The Mayor called for nominations for the vacancy. Councilmember Grendahl nominated Rob Barse, Jan Daker, Tarell Friedley, Roberta Gibbons, Angela Polozun, Brenton Schulz, and Michael Sturdivant. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Grendahl, seconded by Hooppaw, accepting the seven nominations for the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, amending the previously adopted appointment process to reduce the number of candidates by selecting two fewer candidates than total names appearing on the ballot. Ayes - 5 - Nays - 0.

The Deputy City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select five names from the seven nominees. After selections were made, they were tallied and the City Attorney announced that five names remained.

MOTION: of Grendahl, seconded by Hooppaw, amending the previously adopted appointment process to reduce the number of candidates by selecting two fewer candidates than total names appearing on the ballot. Ayes - 5 - Nays - 0.

The Deputy City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select three names. After selections were made, they were tallied and the City Attorney announced that three names remained.

MOTION: of Hooppaw, seconded by Bergman, amending the previous appointment process to reduce the number of candidates by selecting one less than the total number of names appearing on the ballot. Ayes - 5 - Nays - 0.

The Deputy City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select two names. After selections were made, they were tallied and the City Attorney announced that the two names remained.

The Deputy City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select one name. After selections were made, they were tallied and the City Attorney announced that Angela Polozun received the majority of votes.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2015-76** appointing Angela Polozun to the Planning Commission for a term expiring March 1, 2017.  
Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked all the applicants who applied and expressed interest in the position.

### COMMUNICATIONS

Mr. Lawell announced Public Works Director Todd Blomstrom is resigning from his position and recognized his accomplishments. The Council thanked him for his years of service.

Councilmember Goodwin expressed concern how the State of Minnesota lawmakers overlooked regulating police body-cameras in 2015.

Discussion followed.

Police Chief recognized National Police Week.

Mayor Hamann-Roland recognized Councilmember Bergman as a representative on the Metropolitan Airports Commission Noise Oversight Committee.

Mayor Hamann-Roland invited everyone to the Farmers Market in the Municipal Center parking lot on Saturdays from June 13 through October 24, 2015, from 8:00 a.m. to 1:00 p.m.

Mayor Hamann-Roland invited everyone to the Music in Kelley Park Concert Series beginning June 5, 2015.

### CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated May 11, 2015, 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 Goodwin, to pay the claims and bills, check registers dated April 29, 2015, in the amount of \$387,291.80, May 7, 2015, in the amount of \$380,768.93, and May 13, 2015, in the amount of \$1,249,905.45. Ayes - 5 - Nays - 0.

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

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The meeting was adjourned at 10:14 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall  
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 5-28-15.