

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
May 26, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 26, 2016, 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, City Engineer Anderson, Parks and Recreation Director Bernstein, Police Captain Francis, Human Resources Manager Haas, Finance Director Hedberg, Community Development Director Nordquist, Police Chief Rehtzigel, Public Works Director Saam, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 7:01 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scout Tommy Jacobs, from Troop 293.

#### APPROVAL OF AGENDA

MOTION: of Hooppaw, seconded by Bergman, removing item 4.G - Adopt Resolution in Support of Dakota County's Community Development Agency's Use of Tax Increment Financing (TIF) Assistance for Valley Bluffs Senior Apartments (Preliminary Platted as Hudson Division) from the 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. There were no requests.

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

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Bergman, approving the minutes of the regular meeting of May 12, 2016, as written. Ayes - 5 - Nays - 0.

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- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-88** accepting, with thanks, the donation of \$1,125.80 from Friends of Joel Jorgenson for use by the Parks and Recreation Department. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-89** accepting, with thanks, the donation of two automated external defibrillators (AEDs) from StayWell Interactive, LLC, d/b/a StayWell for use by Parks and Recreation Department. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion, Post 1776, for use on June 11, 2016, outdoors at 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, proclaiming June 8, 2016, as "Steve Degenaar Day" in recognition of his achievements as Apple Valley High School Principal. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-90** setting a public hearing at 7:00 p.m. on June 23, 2016, on the issuance of revenue bonds by the Public Finance Authority and a plan of finance for PHS Apple Valley Senior Housing, Inc. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, authorizing preparation of a resolution for considering the Tax Increment Financing (TIF) Project Area consistent with special legislation. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 1010** amending Chapter 111 of the City Code regulating alcoholic beverages by eliminating food sales percentage requirements in connection with On-Sale Wine and 3.2 Percent Malt Liquor. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-92** approving participation in all hazard mitigation planning process. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the reduction of financial guarantee for Cortland Fourth Addition from \$341,495.00 to \$174,400.00, as listed in the Community Development Department Assistant's memo. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-93** awarding the agreement for Project 2015-103, 157th Street and Johnny Cake Ridge Road Improvements, to Friedges Contracting Co., LLC, the lowest responsible bidder, in the amount of \$1,255,745.31. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-94** awarding the agreement for Project 2015-117, 157th Street Greenway Pedestrian Underpass,

to Swenke Ims Contracting, LLC, the lowest responsible bidder, in the amount of \$580,152.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Joint Powers Agreement with the Dakota County for cost share related to Project 2015-117, 157th Street Greenway Pedestrian Underpass, 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 Goodwin, seconded by Bergman, adopting **Resolution No. 2016-95** approving the State of Minnesota Joint Powers Agreements authorizing access to statewide and federal databases. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2016-96** approving the State of Minnesota Joint Powers Agreement, with Department of Transportation for Project 2015-117, 157th Street North Creek Greenway Pedestrian Underpass. Ayes - 5 - Nays - 0.

MOTION: of Goodwin seconded by Bergman, approving the Design Agreement with Arcon Land IV, LLC, for design services relating to Project 2015-143, Embury Place 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Agreement for Project 2016-135, 2016 Hydrant Recondition and Painting, with Champion Coatings, Inc., in the amount of \$20,400.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Agreement with D.R. Horton, Inc., for private installation of public infrastructure for Project 2016-134, Cortland 5th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Intergovernmental Agreement with the Metropolitan Council, for 2016 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 Bergman, approving Change Order No. 1 and 2 to the agreement with Marco Technologies, LLC, for Mitel Network Phone System, in the amount of an additional \$9,759.72. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving Change Order No. 1 to the agreement with Redline Architectural Sheet Metal, LLC, in the amount of an

additional \$600.00, and accepting Project 2016-126, Family Aquatic Center Roofing, as complete and authorizing final payment in the amount of \$46,697.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin seconded by Bergman, approving hiring the seasonal, part-time, and full time employees, and retirement of employees, as listed in the Personnel Report dated May 26, 2016. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, to pay the claims and bills, check registers dated May 4, 2016, in the amount of \$437,380.69; and May 11, 2016, in the amount of \$1,379,160.81. Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### MUSIC IN KELLEY PARK PROCLAMATION

Mr. Bernstein invited the public to the sixth annual "Music in Kelley Park" concert series from 6:00 p.m. to 9:00 p.m. on June 3, 10, 17, and 24; July 8, 15, 22, and 29; and August 5 and 12, 2016. The music events are free and are sponsored by the Apple Valley Arts Foundation, the City of Apple Valley, and several local businesses. The public is encouraged to bring their families and lawn chairs or blankets. Food and beverages will also be available for sale.

MOTION: of Grendahl, seconded by Bergman, proclaiming June 3, 10, 17, and 24, 2016; July 8, 15, 22, and 29, 2016; and August 5 and 12, 2016; from 6:00 p.m. to 9:00 p.m. as "Music in Kelley Park" and encouraging citizens to support and attend these community events. Ayes - 5 - Nays - 0.

#### AUDIENCE - Continued

Mayor Hamann-Roland invited Mr. Israel Grey to the podium.

Mr. Grey, of Liberia, commented on his volunteer work at the City, his education, as well as his initiatives following the 2014 outbreak of ebola in West Africa.

#### 2016 SPECIAL ASSESSMENT ROLL NO. 644

Mr. Hedberg briefly described the process for certifying delinquent charges. He then reviewed Assessment Roll No. 644, totaling \$137,712.06, for delinquent utility accounts. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. The City has received several prepayments. No written objections have been received.

Mayor Hamann-Roland called the public hearing to order, at 7:16 p.m., on Special Assessment Roll No. 644. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:17 p.m.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2016-97** approving and levying 2016 Special Assessment Roll No. 644, for delinquent utility accounts, in the amount of \$137,712.06, minus any prepayments. Ayes - 5 - Nays - 0.

2016 SPECIAL ASSESSMENT ROLL NO. 645

Mr. Hedberg described Assessment Roll No. 645, totaling \$2,417.84, for delinquent tree removal charges. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received; however, one verbal objection has been received. To date, there have been no prepayments.

Mayor Hamann-Roland called the public hearing to order, at 7:18 p.m., on Special Assessment Roll No. 645. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:19 p.m.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2016-98** approving and levying 2016 Special Assessment Roll No. 645, for delinquent tree removal charges, in the amount of \$2,417.84, minus any prepayments.

Councilmember Grendahl commented on the importance of also removing diseased trees from parks and other public places.

Vote was taken on the motion: Ayes - 5 - Nays - 0.

2016 SPECIAL ASSESSMENT ROLL NO. 646

Mr. Hedberg described Assessment Roll No. 646, totaling \$1,438.00, for delinquent false alarms charges. 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, there have been two prepayments.

Mayor Hamann-Roland called the public hearing to order, at 7:20 p.m., on Special Assessment Roll No. 646. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:21 p.m.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-99** approving and levying 2016 Special Assessment Roll No. 646, for delinquent false alarms, in the amount of \$1,438.00, minus any prepayments. Ayes - 5 - Nays - 0.

VALLEYWOOD GOLF COURSE INTERFUND LOAN

Mr. Hedberg stated a change order for the installation of parking lot lighting at Valleywood Golf Course was approved at the last City Council meeting. At that time, the Council directed staff to formally establish an interfund loan to track the obligation for both the parking lot and lighting improvements at Valleywood. The proposed resolution establishes the interfund loan from the Future Capital Projects Fund in an amount up to \$110,000.

Discussion followed.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-91** approving the interfund loan for financing parking lot and lighting improvements at Valleywood Golf Course. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell expressed appreciation to the Mayor on the positive message she delivered at the State of the City address and to staff for the work that went into preparing for it.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated May 23, 2016, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:25 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council  
on 6-9-16.

/s/ Tom Goodwin  
Tom Goodwin, Acting Mayor