

CITY OF APPLE VALLEY
Dakota County, Minnesota
April 14, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 14, 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, Police Captain Bermel, Parks and Recreation Director Bernstein, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, Community Development Director Nordquist, Police Chief Rechtzigel, Public Works Director Saam, 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 Scouts Ben Bauer, Jeremy Carlson, Cole Eleazar, Garrit Livingston, Adam Morken, Kaleb Ohlhauser, Will Rohda, and Nicholas Thompson from Troop 293.

APPROVAL OF AGENDA

MOTION: of Goodwin, seconded by Grendahl, 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.

Chamber of Commerce President Ed Kearney thanked the Council and staff for their assistance with the Home and Garden Show and their acts of volunteerism throughout the year.

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 March 24, 2016, as written. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-58** accepting, with thanks, the donation of \$500.00 from Auto Club Group (AAA) for use by Traffic Safety Advisory Committee and Police Department. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-59** accepting, with thanks, the donation of \$200.00 from AVR, Inc., for use by the Fire Department's Health and Wellness Program. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-60** accepting, with thanks, the donation of \$125.00 from Kathleen Swisher for use by the Parks and Recreation Department towards the purchase of a tree at Redwood Park. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Minnesota Zoo Foundation, for use on May 7, 2016, at the Minnesota Zoo, 13000 Zoo Boulevard, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving a change in manager for Apple Valley Diamonds, LLC, d/b/a Apple Valley Diamonds, in connection with Precious Metal Dealer License at 14810 Granada Avenue, by removing William Joseph Buttweiler as President, and naming Lori M. Olson as President, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion, Post 1776, for use on May 7, 2016, outdoors at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, receiving the Police Department's 2015 annual report. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, 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, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving renewal of the City's general liability, property, automobile, workers' compensation, umbrella, and other insurance coverage for March 1, 2016, through March 1, 2017, with the League of Minnesota Cities Insurance Trust at a total premium of \$1,145,257.00, including the non-waiver of statutory liability limits for the City's insurance, as recommended in the Finance Director's memo. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Hooppaw, approving Bill Velin of Assured Partners of Minnesota, LLC d/b/a Lee F. Murphy Insurance Group as the Agent of Record for 2016-2017, in the amount of \$8,000.00, as recommended in the Finance Director's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, proclaiming April 29, 2016, as "Arbor Day" and May 2016, as "Arbor Month", and encouraging citizens to participate in tree planting programs. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving use of Fire Station 3 building and grounds on April 30, 2016, by the Apple Valley Firefighters Relief Association, for fundraising luncheon. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-61** setting a public hearing, at 7:00 p.m., on May 12, 2016, to consider vacating easements on a portion of Lot 2, Block 1, Apple Valley Square 4th Addition (7575 153rd Street W.). Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-62** approving the 2016 amendment to Conditional Use Permit 2006-229 (Seed Property) amending the phasing plan and end use grade plan for sand and gravel mining. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-63** approving the 2016 amendment to Conditional Use Permit 2006-230 (Fischer Property/1993 CUP) amending the phasing plan and end use grade plan for sand and gravel mining. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-64** approving the 2016 amendment to Conditional Use Permit 2006-228 (160th Street Property) amending the phasing plan and end use grade plan for sand and gravel mining. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-65** approving three variances allowing two signs, each to be 184 square feet, at the northeast and northwest corners of Country Road 38 and Zoo Boulevard within County right-of-way, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-66** approving the Master Partnership Contract with the State of Minnesota Department of Transportation and authorizing the Public Works Director to negotiate work order contracts under such agreement. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the agreement to administer the City of Apple Valley's obligations for the Metropolitan Council LCDA Grant for

Village Pointe Plaza Site Acquisition Grant No. SG014-110, 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 with Dakota County to complete a Systems Plan for broadband services, as attached to the City Administrator's memo, 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 with Dakota County for Engineering and Trail Construction relating to Project 2016-105, 2016 Street Improvements, 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 Bergman, seconded by Hooppaw, authorizing the award of contracts to the lowest responsible bidders under the Joint Powers Agreement with the City of Burnsville for the 2016 South Metro Cities for Street Maintenance Services, as attached to the Public Works Superintendent's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-67** awarding the agreement for Project 2016-104, 2016 Street and Utility Improvements, to Redstone Construction, LLC, the lowest responsible bidder, in the amount of \$3,225,845.35. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Agreement for electronic payroll timekeeping system services with Ban-Koe Companies, in the amount of \$12,269.41, 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 Project 2016-116, 2016 Concrete Cleaning & Sealing Services, with Budget Sandblasting and Painting, Inc., in the amount of \$17,400.00, 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 Project 2016-131, Outdoor Pool Water Management, with Hawkins, Inc., in the amount of \$79,635.00, 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 Project 2016-142, Farquar Lake Weed Management, with Tonka Freshwater Harvesting Services, Inc., in the amount of \$12,800.00, 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. 1 to the agreement with Executive Outdoor Services, LLC, for Project 2015-111, Mowing

and Trimming Services 2015-2016, in the amount of an additional \$1,800.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, accepting 2014 Fire Engine, Triple Combination Pumper, as complete and authorizing final payment on the agreement with Crimson Fire, Inc., d/b/a Spartan ERV, in the amount of \$245,697.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving hiring the seasonal and part time employees, termination of employee, and resignation of employees, as listed in the Personnel Report dated April 14, 2016. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, to pay the claims and bills, check registers dated March 16, 2016, in the amount of \$783,150.77; March 23, 2016, in the amount of \$736,970.55, and March 30, 2016, in the amount of \$139,271.19. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

FIRE FIGHTERS OATHS OF OFFICE

Police Chief Thompson introduced the 7 Firefighters hired in 2014. The City Clerk administered the oath of office to Firefighters Jason Gillen, Christopher Kowalzek, Annette Maurer, Ryan McNulty, David Morgan, John Sole, and Lee Tuftee. Individuals selected by each Firefighter then pinned their badge. The Council congratulated the Firefighters and welcomed them to the Fire Department.

ROBOTICS MONTH PROCLAMATION

Mr. Lawell introduced this item and read the proclamation, proclaiming April 2016 as "Robotics Month in the City of Apple Valley".

MOTION: of Grendahl, seconded by Hooppaw, proclaiming April 2016 as "Robotics Month in the City of Apple Valley". Ayes - 5 - Nays - 0.

Apple Valley High School representatives Brenden Groff and Kegan Hackett and Eastview High School representatives Sara Peterson and Noah Horgen commented on the For Inspiration and Recognition of Science and Technology (FIRST) robotics program. The Apple Valley High School robotics teams are "Knights of the Valley", "Iron Maidens", "Regal Kiwis", and "Attack on Robot"; and the Eastview High School robotics teams are "Cobalt Catalysts", "Blue Lightning", "Short Circuits", and "Bolts from the Blue".

The Council thanked the teams for their robotics demonstration earlier this evening.

VOLUNTEER RECOGNITION WEEK

Ms. Gackstetter introduced this item.

MOTION: of Grendahl, seconded by Bergman, proclaiming April 10 through April 16, 2016, 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 Alan Kohls; Parks and Recreation Advisory Committee Member Lee Strom; Planning Commissioners Ken Alwin and Paul Scanlan; Traffic Safety Advisory Committee Members Charles Grawe, Nick Francis, Fred Puente, and Matt Saam; and Urban Affairs Advisory Committee Member Edwin Holmes. They thanked all of the Commissioners, Committee Members, 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 Cemetery Advisory Committee Member Alan Kohls and Planning Commissioner Paul Scanlan with marble apple clocks. She noted Parks and Recreation Advisory Committee Member Patrick Sullivan, Jr., was not able to attend but will also receive a marble apple clock.

FOLIAGE MEDICAL OFFICE BUILDING

Mr. Lovelace reviewed the request for site plan/building permit authorization by Elder Doyle, LLC, to allow construction of an 18,375-sq. ft. office building and 128 parking spaces on Lot 2, Block 1, Hillcrest Acres Fifth Addition. The 5.47 acre lot is generally located on the northeast corner of 152nd Street W. and Foliage Avenue. The Planning Commission reviewed this item on April 6, 2016, and voted unanimously to recommend approval.

Discussion followed.

Mr. Bruce Bissonnette, of Studio 55 Architects, LLP, addressed the Council.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolutions No. 2016-68** approving the site plan and authorizing issuance of a building permit to allow construction of an 18,375-sq. ft. office building and 128 parking spaces on Lot 2, Block 1, Hillcrest Acres Fifth Addition, subject to conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

2016 GOAL SETTING WORKSHOP SUMMARY

Mr. Lawell presented this item and provided a summary of the goal setting workshop held on February 26, 2016. 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 2016 Goal Setting Workshop Summary as attached to the City Administrator's memo. Ayes - 5 - Nays - 0.

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 April 14, 2016, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:09 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter

Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council
on _____.

Mary Hamann-Roland, Mayor