

CITY OF APPLE VALLEY

Dakota County, Minnesota

April 8, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 8th, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: Councilmember Goodwin.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, City Engineer Manson, Parks Maintenance Superintendent Adamini, Public Works Director Blomstrom, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, Community Development Director Nordquist, Department Assistant Perkins Monn, Human Resources Manager Strauss, Fire Chief Thompson, and Golf Manager Zinck.

Mayor Hamann-Roland called the meeting to order at 8:00 p.m. Everyone took part in the Pledge of Allegiance led by Cub Scouts Ethan Bessler and Nolan Bessler from Pack 292.

APPROVAL OF AGENDA

MOTION: of LaComb, seconded by Bergman, removing items 4.J.1 – Agreement for Faith Park Playground Structure, 4.J.2 – Agreement for Galaxie Park Playground Structure, 4.J.4 – Agreement for EECBG Energy Efficiency Loan Program, 4.J.6 – Agreement for Wallace Park Playground Structure, 4.J.8 – Agreement for Alimagnet Park Playground Structure, and 5.B – Resolution Appointing Cemetery Advisory Committee from the agenda; adding item 4.O – Special Outdoor Promotion/Temporary Sign Permit for 2010 Celebration of Spring; moving consideration of items 4.J.5 – Agreement for Quarry Point Park Playground Structure and 4.J.7 – Agreement for Quarry Point Park Sun Shade to the regular agenda; 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.

Mr. Brian Bessler, Ms. Lisa Bessler, Ms. Paula Christiansen, and Ms. Julianne Yonker, representatives of the Apple Valley Arts Foundation, announced the annual Celebration of Spring will take place on Sunday, April 11, 2010, from noon to 6:00 p.m., at Apple Valley High School. Ms. Christiansen stated the event is open to the public and encouraged everyone to attend this free event.

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 LaComb, seconded by Grendahl, approving all items on the consent agenda as amended. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of LaComb, seconded by Grendahl, approving the minutes of the regular meeting of March 25, 2010, as written. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, adopting **Resolution No. 2010-74** accepting, with thanks, the donation of six restaurant seating booths and tables, from Apple Valley Dairy Queen, for use at the Teen Center. Ayes - 4 - Nays - 0.

MOTION: of LaComb, 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 MDI Auctions, to conduct an online auction of unclaimed and surplus property, as attached to the City Clerk's memo dated April 5, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, proclaiming April 17, 2010, as "Adopt-A-Park Volunteer Appreciation Day", and encouraging citizens to participate in the Adopt-A Park Program. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, proclaiming April 30, 2010, as "Arbor Day" and May 2010, as "Arbor Month", and encouraging citizens to participate in tree planting programs. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, adopting **Resolution No. 2010-75** approving 2010 Special Assessment Roll No. 590, for hearing purposes, in the total amount of \$239,251.76 for delinquent utilities and mowing charges, and setting the public hearing, at 8:00 p.m., on May 13, 2010. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, adopting **Resolution No. 2010-76** approving 2010 Special Assessment Roll No. 591, for hearing purposes, in the total amount of \$2,030.00 for delinquent false alarm charges, and setting the public hearing, at 8:00 p.m., on May 13, 2010. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, adopting **Resolution No. 2010-77** approving 2010 Special Assessment Roll No. 592, for hearing purposes, in the total amount

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of \$9,419.45 for delinquent mowing and tree removal charges, and setting the public hearing, at 8:00 p.m., on May 13, 2010. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, adopting **Resolution No. 2010-78** approving plans and specifications for AV Project 2010-102, Reconditioning and Painting of Steel Fence Sections, Fence Support Posts, and Decorative Light Poles; and authorizing advertising for receipt of bids, at 2:00 p.m., on May 6, 2010. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, acknowledging the award of contract to the lowest responsible bidder for each service under the Joint Powers Agreement for 2010-2011 Traffic Markings, Street Sweeping, Crack Sealing, Screening, and Seal Coating, as attached to the Public Works Superintendent's memo dated April 8, 2010. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, approving a Lease Agreement with Western Finance & Lease, Inc., on behalf of MTI, Inc., for 4-Year Lease of 2 Toro Greensmaster Greens Mowers, as attached to the Golf Manager's memo dated April 2, 2010, and authorizing the Mayor, City Clerk, and City Administrator to sign the same. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, approving a Lease Agreement with Western Finance & Lease, Inc., on behalf of MTI, Inc., for 5-Year Lease of 3 Toro Workman Utility Vehicles and 1 Pro Force Debris Blower, as attached to the Golf Manager's memo dated April 2, 2010, and authorizing the Mayor, City Clerk, and City Administrator to sign the same. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, approving the Agreement for AV Project 2010-112, 2010 Decorative Concrete and Block Retaining Walls Sealing Services, with Budget Sandblasting & Painting, Inc., in the amount of \$5,880.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, approving an Agreement with TeeMaster Corporation for 2010 golf reservation services at Valleywood Golf Course, at an annual fee of \$9,002.00, as attached to the Valleywood Golf Course Manager's memo dated April 2, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, adopting **Resolution No. 2010-79** awarding the contract for 2010 Outdoor Pool Water Management to Hawkins, Inc., the lowest responsible bidder, in the amount of \$69,600.00 plus taxes. Ayes - 4 - Nays - 0.

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MOTION: of LaComb, seconded by Grendahl, adopting **Resolution No. 2010-80** awarding the contract for AV Project 2010-106, Chlorine Gas Containment System for Two (2) 1-Ton Chlorine Cylinders to Vessco, Inc., the lowest responsible bidder, in the amount of \$246,900.00. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, approving Change Order A to the contract with Crimson Fire, for 2009 Fire Engine, Triple Combination Pumper, with a deduction of \$1,355.00. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, approving the 2010 Labor Agreement with Law Enforcement Labor Services, Inc., (LELS), Local No. 71, Police Officers, as attached to the Human Resources Manager's memo dated March 19, 2010, and authorizing execution of the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Grendahl, approving the hiring of seasonal employees, as listed in the Personnel Report dated April 8, 2010. Ayes - 3 - Nays - 0 - Abstain - 1 (Hamann-Roland).

MOTION: of LaComb, seconded by Grendahl, approving the Special Outdoor Promotion/Temporary Sign Permit for placement of signage on City property, from April 9, 2010, through April 11, 2010, in connection with the Apple Valley Arts Foundation 2010 Celebration of Spring, as described in the application. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

ORDINANCE AMENDMENTS

Police Chief Johnson gave the second reading of three ordinances amending Chapters 10, 70, 71, 91, 93, 94, 95, and 96 of the City Code regarding misdemeanor and petty misdemeanor penalties, the adoption of certain statutes, and defining certain offenses as petty misdemeanor penalties. He noted the revisions were recommended by the City Attorney and the Police Department agrees with the proposed changes.

MOTION: of Grendahl, seconded by Bergman, passing **Ordinance No. 885** amending Section 10.99 of the City Code, regarding misdemeanor and petty misdemeanor penalties. Ayes - 4 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, passing **Ordinance No. 886** amending Chapters 70 and 71 of the City Code, regarding adoption of certain statutes and defining certain offenses as petty misdemeanor penalties. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, passing **Ordinance No. 887** amending Chapters 91, 93, 94, 95, and 96 of the City Code Section, defining certain offenses as petty misdemeanors. Ayes - 4 - Nays - 0.

AGREEMENTS FOR QUARRY POINT PARK

Mr. Johnson said staff is requesting approval of the agreements for playground equipment and a sun shade structure at Quarry Point Park. Quarry Point Park is the City's newest park and the playground equipment is an integral part of this athletic complex. Beginning June 1 all eight fields will be utilized seven days a week with programmed activities for the youth of this community. Siblings often come along when their brothers and sisters are playing games. The playgrounds give the siblings something to do. In order for the equipment to be installed in time for the park opening, it is necessary to seek approval of these two agreements at this time. He noted the contracts are for high quality equipment from a reputable vendor in state. He added that two vendors submitted proposals within the price point of \$70,000. The Parks and Recreation Advisory Committee reviewed the proposals and selected the model provided by PlayPower LT, Inc., also known as Little Tikes Commercial Play Systems. In addition to the playground equipment, staff is recommending a sun shade structure. It will help with safety by preventing foul balls from hitting children playing on the equipment; provide shade because the park is new and the trees are still small; and by extending the life of the equipment by screening it from the UV rays.

Mayor Hamann-Roland commented on the liability and the need to protect the children playing on the equipment.

Mr. Johnson said funding for this project will come from the 2007 park bond referendum. They are hoping to complete the final projects from the park bond referendum this year.

Councilmember Bergman asked about the life expectancy of the sun shade and how it weathers windstorms and winter.

Mr. Johnson said there are several sun structures in place throughout the City. There is one in Cedar Isle Park and several at the Aquatic Center. They are wind graded to 120 mph and guaranteed to last between 10 and 15 years. He said maintenance crews place the fabric on the framework in spring and take it off in fall and store it over the winter.

Councilmember Bergman noted the Aquatic Center is a more controlled environment. He hopes the sun shade is up high enough so kids do not damage it. He asked how much it would cost to replace it.

Mr. Johnson responded that the total cost for the structure is \$40,000. He estimated 2/3 of the cost would be for the metal framework and the remainder would be for the fabric. He guessed the fabric would cost between \$10,000 and \$15,000 and would need to be replaced in 10 or 15 years.

Mayor Hamann-Roland asked how much it would cost to install a permanent pavilion.

Mr. Johnson estimated a permanent structure would be triple or quadruple the cost. He added that there would be replacement and maintenance costs associated with that as well.

Councilmember Bergman views the request for equipment at Quarry Point Park as different from the requests for equipment at the other parks because the other parks already have playground equipment installed and that equipment is in very good condition. He indicated he is in favor of installing the playground equipment at Quarry Point Park because it is a brand new park that does not currently have any equipment.

Mayor Hamann-Roland said it is important for the equipment to be installed in a timely fashion because of the liability issues and thinks it would be best for it to be installed before the park opens up.

Councilmember Grendahl noted there are delays in projects all over the state and throughout the country because people do not have the money. She questioned the need to spend \$120,000 for playground equipment at this time. She then asked about the bidding process and how the vendor for the sun shade structure was selected.

Mr. Johnson explained that this equipment is being purchased off of a National Joint Powers Alliance purchasing program which satisfies the competitive bidding requirement. He added PlayPower LT was the only vendor offering the shade structure on the Joint Powers Agreement.

Mary Hamann-Roland said she thought she remembered the Governor recommending cities take advantage of the purchasing power offered by these types of cooperative purchasing programs in order to reduce costs.

Mr. Johnson added state law requires communities to purchase off of these types of purchasing programs if the amount is over \$25,000 and if the equipment is available through them. He stated they provide taxpayers the best value.

Mayor Hamann-Roland noted it is a tough economic time but that the park is going to be open to the public. She wants to ensure there is not a liability issue and that the kids are safe. She pointed out that Quarry Point Park was part of the referendum and the City should do what it said it would do.

Councilmember Grendahl said the park referendum was passed in 2007 while the economy was still good. She feels it is incumbent upon the Council to determine what the economic climate is and if the City can spend \$120,000 on playground equipment at this time. She noted housing has not grown around the park. She pointed out Cobblestone Lake, which is just across the street, also has a park. She inquired if there was a cutoff date to use the referendum money.

Mr. Dougherty said there is a deadline in that if it is the will of the Council that it is not going to spend the money, it is the taxpayers' right to have the money paid back.

Councilmember Bergman said Councilmember Grendahl brings up a good point. He likes the idea of completing the park, but questioned whether it needs to be completed right now. He said the area identified for the playground equipment is basically a sandbox. He asked if it could remain in that state until the Council has time to discuss the projects at all the parks.

Mayor Hamann-Roland said it sounds like the Council still has questions and wondered if the items should be tabled. Although tabling the items would not be consistent with staff's objective of having the equipment installed by the time the park is opened, she acknowledged that the Council has additional questions.

MOTION: of Hamann-Roland, seconded by Grendahl, tabling consideration of the Agreement for Playground Structure at Quarry Point Park and the Agreement for Sun Shade Structure at Quarry Point Park. Ayes - 3 - Nays - 1 (LaComb).

Councilmember LaComb said she believes that in these very serious and poor economic times the parks are used more. She works with many dislocated worker projects as well as individuals who are unemployed or underemployed. In discussions with these individuals, they indicate they are looking for things to do that are affordable. Parks are affordable to everyone in the community. She pointed out 60 percent of the people voting for the park bond referendum indicated they wanted this park. She thinks there is an obligation on behalf of the Council to give them it. She does not believe the voters said if the City has less money it should put the park issue off.

Mayor Hamann-Roland said Councilmember LaComb's point is very well proven with Kelley Park which is very highly used.

Councilmember Grendahl said someone has to pay for the park. There are a lot of unemployed people who are going to have to pay for it through their property taxes. She then said very few people voted on the park bond referendum.

Councilmember Bergman said after considering the location and the percentages of ball and soccer fields affiliated with this park, there probably should not have been any playground equipment scheduled for this park. However, it is in the plan and now the Council will need to discuss it.

STAFF COMMUNICATIONS

Police Chief Johnson stated Governor Pawlenty has proclaimed April 19 through April 23, 2010, as Minnesota Severe Weather Awareness Week. The City's nine outdoor sirens will sound at 1:45 p.m. and 6:55 p.m. on April 22, 2010. Schools, businesses, and residents are encouraged to practice severe weather sheltering when the sirens are sounded.

Mr. Grawe provided an update on the Be (Better Energy) Program, noting there are two more workshops scheduled. One will be held on April 20, 2010, between 6:30 p.m. and 8:30 p.m. at the Apple Valley Hayes Community and Senior Center, and the other one will be held on April 24, 2010, between 10:00 a.m. and 12:00 noon at Valley Middle School.

Mr. Blomstrom provided an update on the fixed price fuel contract the City entered into earlier this year and Public Works Department's progress on completing the first round of street sweeping.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by LaComb, approving the calendar of upcoming events as included in the City Clerk's memo dated April 5, 2010, 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 Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated March 31, 2010, in the amount of \$193,279.00; and April 7, 2010, in the amount of \$933,377.98. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 8:51 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 4-22-10