

CITY OF APPLE VALLEY
Dakota County, Minnesota
October 28, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 28, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: None.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Park Maintenance Superintendent Adamini, Public Works Director Blomstrom, Assistant City Administrator Grawe, Finance Director Hedberg, and Recreation Director Johnson, Natural Resources Coordinator Kehrer, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Human Resources Manager Pearson, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 8:00 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scouts Adam Bobka, Brian Coan, and Jack Coan from Troop 298.

APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Goodwin, adding item 4.O – Proclaim October 2010 “Toastmasters International Month” to the consent 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 LaComb, seconded by Bergman, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of LaComb, seconded by Bergman, approving the minutes of the regular meeting of October 14, 2010, as written. Ayes - 5 - Nays - 0.

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- MOTION: of LaComb, seconded by Bergman, adopting **Resolution No. 2010-179** accepting, with thanks, the donation of \$100.00 from Residential Mortgage Group (RMG) for use by the Police Department K9 Program. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, approving issuance of a new 2010 Fuel Dispensing Facility Permit to Northern Tier Retail, LLC, d/b/a SuperAmerica #4342, 15020 Garrett Avenue, as described in the City Clerk's memo dated October 25, 2010. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, approving issuance of a new 2010-2011 License to Sell Tobacco or Tobacco Products to Northern Tier Retail, LLC, d/b/a SuperAmerica #4342, 15020 Garrett Avenue, as described in the City Clerk's memo dated October 25, 2010. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, approving issuance of a new 2010 Off-Sale 3.2 Percent Malt Liquor License to Northern Tier Retail, LLC, d/b/a SuperAmerica #4342, 15020 Garrett Avenue, as described in the City Clerk's memo dated October 25, 2010. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, approving renewal of a Currency Exchange License by the Minnesota Department of Commerce to Madison Financial Companies, Inc., d/b/a Money Xchange, 15465 Cedar Avenue, Suite 170. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, adopting **Resolution No. 2010-180** setting a public hearing, at 8:00 p.m., on November 23, 2010, on renewal applications for On-Sale Intoxicating Liquor, Wine, and 3.2 Percent Malt Liquor Licenses for 2011. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, approving release of financial guarantees for Dick's Valley Parking Lot Expansion NRMP Security, Walmart NRMP Security, and White Castle NRMP Security, as listed in the Erosion Control Technician's memo dated October 28, 2010. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Scott and Joan Dreier for raingarden and native garden at 6717 135th Street Court, in the amount of \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of LaComb, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Gina Vesledahl for raingarden, slope rehabilitation, and native plant shoreline at 12786 Diamond Path, in the amount of \$439.48, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

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MOTION: of LaComb, seconded by Bergman, approving the Agreement for AV Project 2010-136, Foliage Avenue and 153rd Street Intersection Improvements, with McNamara Contracting, in the amount of \$21,895.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, approving the Agreement for AV Project 2010-103, 2011 & 2012 Water Meter Reading Services, with STDEA Readers, Inc., in the amount of \$0.39 and \$0.395 per meter, respectively, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, approving the License and Indemnification Agreement with Dakota County for property located at 7469 Upper 139th Street, and authorizing the Mayor to sign the same. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, adopting **Resolution No. 2010-181** awarding the contract for AV Project 2010-111, Deep Well 20 Construction, to E. H. Renner and Sons, Inc., the lowest responsible bidder, in the amount of \$263,125.00. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, accepting Senior Center Project # 0990 – Painting/Finishes as complete and authorizing final payment on the agreement with MIC Services, in the amount of \$1,319.95. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, accepting Senior Center Project # 2202 – Plumbing as complete and authorizing final payment on the agreement with Sun Mechanical, Inc., in the amount of \$6,456.35. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, adopting **Resolution 2010-182** awarding the contract for the City's group dental plan provider network and claims administration to HealthPartners Dental, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, approving hiring the seasonal employees and resignation of employees, as listed in the Personnel Report and Addendum dated October 28, 2010. Ayes - 5 - Nays - 0.

MOTION: of LaComb, seconded by Bergman, proclaiming October 2010 as “Toastmasters International Month” and asking citizens to join in celebrating the 86th anniversary of the Toastmasters International organization. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

GENERAL ELECTION UPDATE

Ms. Gackstetter provided the Council an update on election preparations and reminded the public about the upcoming City and General Election on Tuesday, November 2. Polls will be open from 7:00 a.m. to 8:00 p.m. She encouraged everyone to exercise their right to vote.

2010 SPECIAL ASSESSMENT ROLL 594

Mr. Hedberg stated at its regular meeting on October 14, 2010, the Council tabled the public hearing on eight properties which were part of Special Assessment Roll 594, for delinquent mowing charges on properties that do not have a current utility bill account. The properties which were tabled were 01-18054-010-01, 01-18054-020-01, 01-18054-030-01, 01-18054-040-01, 01-18054-010-02, 01-18054-020-02, 01-18054-030-02, and 01-18054-040-02. He described how the situation was unique and that the property owner took ownership of the property through a process transferring the deed in lieu of foreclosure, which did not include a pending assessment search. Staff met with the property owner. Due to the unusual circumstances, staff is recommending acceptance of \$2,000.00 in satisfaction of the previously proposed assessments for delinquent mowing. The recommended amount covers all the out-of-pocket expenses as well as \$289.92 in administrative fees.

Mayor Hamann-Roland closed the public hearing on parcels 01-18054-010-01, 01-18054-020-01, 01-18054-030-01, 01-18054-040-01, 01-18054-010-02, 01-18054-020-02, 01-18054-030-02, and 01-18054-040-02 from Special Assessment Roll No. 594, at 8:13 p.m.

MOTION: of Goodwin, seconded by LaComb, accepting payment and satisfaction of proposed assessments on 01-18054-010-01, 01-18054-020-01, 01-18054-030-01, 01-18054-040-01, 01-18054-010-02, 01-18054-020-02, 01-18054-030-02, and 01-18054-040-02, for delinquent mowing charges, in the amount of \$2,000.00, as described in the Finance Director's memo dated October 25, 2010. Ayes - 5 - Nays - 0.

EMERALD ASH BORER MANAGEMENT POLICY

Mr. Blomstrom said staff is recommending the addition of the Emerald Ash Borer Management Policy to the Public Works Department Policy Manual. He introduced Mr. Kehrer who will describe the policy.

Mr. Kehrer reviewed the presentation on Emerald Ash Borer (EAB) Management. He stated EAB is probably the hottest topic in the forestry community. EAB is an exotic insect from China and there are no natural predators in the United States to keep it in check. It has been found in 11 states and Canada. It is responsible for killing 20 million trees and attacks all species of ash trees. He explained when Emerald Ash Borer was found in Minnesota, how the beetles are detected, results of an infested tree, and how they are tracking its movement across the state. Because the EAB disrupts the ash tree's vascular system, it eventually kills the tree. Methods currently being

used to help slow the spread of the beetle include trapping, insecticides, biological control, and Emerald Ash Borer Plans and ordinances.

Mr. Kehrer stated the City's proposed policy takes a proactive approach to controlling Emerald Ash Borer and is based on current best management practices. It provides staff with clear direction for EAB preparedness and addresses trees on both public and private properties.

Councilmember Bergman asked how many ash trees are in the City.

Mr. Kehrer responded that there are 2,408 ash trees in the public right-of-ways.

Councilmember Bergman asked if the policy includes a recommendation regarding tree replacement.

Mr. Kehrer said the policy does address diversity and that the specie of a replacement tree would be agreed upon by the homeowner and the City.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2010-183** approving the addition of Public Works Department Policy Manual, Section 3.01 – Emerald Ash Borer. Ayes - 5 - Nays - 0.

TRUTH-IN TAXATION INSERT

Mr. Hedberg said the City has the option to include a one-third page insert along with the Truth-in-Taxation notice that will be mailed to property owners in November. He presented the proposed insert. He said there will also be information regarding the budget in the next *City News*. He then reminded everyone about the upcoming public budget meeting scheduled at 8:00 p.m. on December 9, 2010. He noted the City's 2011 tax levy will drop \$139,554 and that 94.7 percent of the residential properties will see the same or a decrease in the City's portion of their tax bill. He reviewed other key elements of the 2011 budget. He pointed out this is the second year in a row that taxes will decline and the net tax dollars paid on a median valued home in 2011, excluding voter referendums, will be less than any amount paid since 2008. He then presented the monthly cost of various City services.

Mayor Hamann-Roland said this is a good message to receive in these tough economic times that the City is not going to raise its taxes.

Councilmember Goodwin said the fact that the 2011 levy will be \$139,554 less than in 2010 is significant and he appreciates all the work staff has done.

Mr. Hedberg said it really starts with the City Council and the clear direction they provide each spring before the budget process begins.

MOTION: of Bergman, seconded by LaComb, approving the Truth-in-Taxation notice as attached to the Finance Director's memo dated October 21, 2010. Ayes - 5 - Nays - 0.

ORDINANCE SETTING CITY COUNCIL SALARY

Mr. Lawell said state law allows City Council's to establish their salary. Presented this evening is an ordinance establishing the salary for the Mayor and City Council for 2011 and 2012. He noted the law has a provision that requires any action to take place prior to the election. In August 2008 the Council passed an ordinance setting its salary for 2009 and 2010. In December 2009 the Council took action to eliminate its scheduled increase for 2010. He recommended the Council discuss what it would like to do regarding salaries and then fill in the blanks. He further recommended the Council accept the first reading, waive the second reading, and pass the ordinance.

Mayor Hamann-Roland said these are tough economic times and everyone needs to do their part to make a difference. She said she would not accept a salary increase during this difficult time.

MOTION: of Bergman, seconded by LaComb, passing **Ordinance No. 904** amending Section 30.05 of the City Code by setting the scheduled salary for the Mayor and City Council Members effective January 1, 2011.

COUNCIL COMMUNICATION

Mayor Hamann-Roland announced that it has been five years since former Community Development Director Rick Kelley passed away. She commented about the success of Kelley Park which was dedicated in Mr. Kelley's honor.

Mr. Blomstrom gave an update regarding downed trees and other damage as a result of the high winds and rain received last Tuesday. There were power outages but no loss of water or sanitary sewer services for Apple Valley residents.

Councilmember Grendahl, who chairs the Metropolitan Council's Livable Communities Advisory Committee, said the City of Apple Valley received the two Livable Communities Demonstration Account (LCDA) pre-development grant awards for which it applied. She stated the application for the master transit oriented design (TOD) development project ranked the highest of all the projects submitted. The market analysis of the Hanson Concrete site project scored lower but within the range needed to receive a grant.

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 October 25, 2010, 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 October 20, 2010, in the amount of \$1,013,690.34; and October 28, 2010, in the amount of \$417,006.04. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:50 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 11-9-10.