

CITY OF APPLE VALLEY
Dakota County, Minnesota
September 6, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held September 6, 2011, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: Councilmember Goodwin.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Hills, Public Works Director Blomstrom, Associate City Planner Bodmer, Associate City Planner Dykes, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Human Resources Manager Pearson, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 8:01 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Grendahl, approving the agenda for tonight's meeting, as presented. 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. 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 Hooppaw, seconded by Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Grendahl, approving the minutes of the regular meeting of August 25, 2011, as written. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving a change in officer for Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 15560 Cedar Avenue, naming Douglas Lee Christman as

Vice President/Secretary, as described in the City Clerk's memo dated September 2, 2011. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-127** approving 2011 Special Assessment Roll No. 599, for hearing purposes, in the total amount of \$1,862.00 for delinquent false alarm charges, and setting the public hearing, at 8:00 p.m., on October 13, 2011. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-128** approving 2011 Special Assessment Roll No. 600 for hearing purposes, in the total amount of \$147,976.37 for delinquent utility charges, and setting the public hearing, at 8:00 p.m., on October 13, 2011. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-129** approving 2011 Special Assessment Roll No. 601 for hearing purposes, in the total amount of \$8,837.39 for delinquent mowing and diseased tree removal charges, and setting the public hearing, at 8:00 p.m., on October 13, 2011. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-130** setting a public hearing, at 8:00 p.m., on October 13, 2011, on the issuance of a revenue note for Lifeworks – Apple Valley Project. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving temporary parking on the north side of Greenleaf Elementary School for school events during the 2011-2012 school year as listed in the attachment to the Police Chief's memo dated August 29, 2011. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-131** restricting parking along the west side of Garden View Drive from Palomino Drive to 210 feet south of Garden View Court and on the east side of Garden View Drive from 450 feet north of 141st Street Court to Palomino Drive, and ordering installation of the necessary signage. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing submittal of the State of Minnesota Clean Water Fund Grant application for constructing ten bioretention best management practices in the Long-Farquar Lakes watershed, as described in the Natural Resources Coordinator's memo dated September 6, 2011, and authorizing the Mayor and City Clerk to sign the Conflict of Interest Statement. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing participation in the 2012 Fixed Price Fuel Program with State of Minnesota, as attached in the Public Works Supervisor's memo dated September 6, 2011, and authorizing the Public Works Director to sign the necessary documents. Ayes - 4 - Nays - 0.

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MOTION: of Hooppaw, seconded by Grendahl, approving the Water Quality Improvement Cost Share Program Agreement with Althea Toyoko Oki Hoogs for a raingarden and native garden, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Personal Service Agreement with McComb Group, Ltd., for market study of the Hanson Concrete site, as attached to the Associate City Planner's memo dated September 6, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Easement Acquisition Agreement with Hanson Pipe and Precast, LLC, as attached to the City Planner's memo dated September 2, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for AV Project 2011-142, 2011 Pond Cleanouts, with Veit & Company, Inc., in the amount of \$27,870.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for Repairing and Upgrading former Granada Drive for Access and Egress, with Time Square Shopping Center II, LLP, as attached to the Public Works Director's memo dated September 6, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for Repairing and Upgrading former Granada Drive for Access and Egress, with Granada Shopping Center Partners, as attached to the Public Works Director's memo dated September 6, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for Repairing and Upgrading former Granada Drive for Access and Egress, with Sandra I. Benolkin and David L. Benolkin, (Westwood Sports), as attached to the Public Works Director's memo dated September 6, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving Change Order No. 1 to the contract with McNamara Contracting, Inc., for AV Project 2011-104, 2011 Utility Improvements, in the amount of an additional \$47,998.25. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving Change Order No. 2 to the contract with Enebak Construction Co., for AV Project 2011-106, Upper 147th Street Extension, in the amount of an additional \$12,100.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2011-132** amending the 2011 Employee Pay and Benefit Plan. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving hiring the seasonal employees and resignation of employee, as listed in the Personnel Report dated September 6, 2011. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

BEYOND THE YELLOW RIBBON COMMUNITY PROGRAM

Mr. Lawell described the “Beyond the Yellow Ribbon” program and announced a group of citizen volunteers is coordinating an effort to have Apple Valley named a Beyond the Yellow Ribbon Community. The public is invited to attend a community kick-off meeting at 6:30 p.m. on September 19, 2011, at the Apple Valley American Legion, Post 1776. Mr. Lawell then read the proclamation.

MOTION: of Grendahl, seconded by Hooppaw, approving a proclamation expressing appreciation for military service members and their families, supporting the community effort to become officially recognized as a Beyond the Yellow Ribbon Community and inviting participation in the community kick-off meeting scheduled for September 19, 2011. Ayes - 4 - Nays - 0.

Mr. Bruce Folken, member of the Beyond the Yellow Ribbon citizen coordinating committee, said the kick-off meeting is the first step in a 16-step process to have Apple Valley named a Beyond the Yellow Ribbon Community. He encouraged community members to attend.

FIREFIGHTERS' RELIEF ASSOCIATION BOOYA FUND RAISER

Fire Chief Thompson introduced Firefighter Al Olson, the new Booya Chairperson.

Firefighter Olson described activities planned for the Firefighters Relief Association's 33rd annual booya fund raiser on September 17, 2011, at Fire Station No. 1. Everyone is invited to attend. The event starts at 11:00 a.m. Activities such as bingo, silent auction, bake sale, kids' games, and face painting continue throughout the day. A print of the firefighters raising the flag at ground zero, commemorating the tenth anniversary of 9/11, will also be given away. Raffle tickets are available in advance from all firefighters.

Mayor Hamann-Roland thanked all the volunteers for their time and efforts in coordinating the booya as well as the businesses for their generous support.

PROPOSED 2012 CITY BUDGET AND PROPERTY TAX LEVY

Mr. Hedberg presented the proposed 2012 budget and tax levy. He reviewed the budget timeline. Staff recommends the Council set the public budget meeting, formerly called the Truth-in-Taxation hearing, for December 8, 2011, which is a regularly scheduled Council meeting. The County will then send parcel specific notices to all property owners between November 11, and November 25, 2011, informing them of the meeting on December 8. He reviewed the budget challenges for 2012 as well as the long-standing budget assumptions. He noted market values are still declining but are moderating some. He then reviewed a table showing a comparison of taxable market values by property class payable in 2011 and 2012. The 2012 proposed budget requires a total levy of \$22,025,249, a decrease of \$674,751 or 2.97% from 2011. He pointed out that once the preliminary budget is adopted, the total levy amount may decrease, but not increase.

Mr. Hedberg then reviewed the various property tax levy components. The largest component is the General Fund, which is \$17,897,000 for 2012. The impact of the 2012 levy on the median-valued home, valued at \$197,800, that experienced a 2.94% decrease in value, will result in the City portion of property taxes increasing by 1% or approximately \$8. He noted that the total City portion of the tax bill, excluding the amount for the voter-approved referendum, is still lower than the amount which was due in 2008.

Mr. Hedberg presented a chart depicting the categories and percentages that make up the 2012 General Fund revenues. The biggest share of General Fund revenue comes from property taxes. He also showed how the funds are divided between Personnel Services, Commodities/Other, and Capital Outlay. He then reviewed budget highlights and explained the new Homestead Market Value Exclusion (HMVE) Program which replaces the Market Value Homestead Credit for 2012. Although the City-wide impact of the Homestead Market Value Exclusion Program is not great, the lowering of the tax values for certain property classes does shift the tax burden to other properties. The actual impacts of the HMVE will not be known until final values are calculated by the County.

Mr. Hedberg said the Council is requested to adopt a preliminary budget and property tax levy and set the date for the public budget meeting.

Mayor Hamann-Roland thanked staff for its work on the budget. She noted the budget is based on the parameters the City Council set during its goal setting session.

Councilmember Hooppaw commented on the impact of the Homestead Market Value Exclusion Program. He then complimented staff and previous City Councils for their foresight and the decisions they made not to count on State funding.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2011-133** approving the proposed 2012 budgets, with total revenue of \$52,080,422.00 and expenditures of \$54,006,058.00, and approving the proposed tax levy collectible in 2012 of \$22,025,249.00 consisting of \$19,972,000.00 for general purposes and \$2,053,249.00 for debt purposes. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded Bergman, setting a public budget meeting on the proposed 2012 budgets and tax levy, at 8:00 p.m. on December 8, 2011. Ayes - 4 - Nays - 0.

EAGLE RIDGE BUSINESS PARK/LIFEWORCS WERVICES BUILDING PROJECT

Ms. Bodmer reviewed the request by Patina Apple Valley Land and Lifeworks Services for a subdivision by preliminary plat of Eagle Ridge Business Park, a Conditional Use Permit for outdoor storage of 15 small buses, and a site plan review/building permit authorization to construct an 18,200 square foot building for career development, training, and light assembly. The 18.7 acre property is located on the northeast corner of Upper 147th Street W. and Johnny Cake Ridge Road. She stated screening landscaping will be installed in the gaps along the north and east property lines. Ms. Bodmer then reviewed the landscaping plan, site plan, and elevation drawings. The Planning Commission held the public hearing for the project on August 3, 2011. She recapped the questions and answers discussed at the hearing. On August 17, 2011, the Planning Commission voted unanimously to recommend approval of the project.

Councilmember Bergman asked about the ponding.

Mr. Blomstrom responded that the pond is designed with an emergency overflow, which is a key aspect in modern design standards.

Ms. Judy Lysne, President of Lifework Services, Mr. Ted Carlson, of Carlson Commercial Real Estate, and Ms. Christina Caulkins, of Patina Apple Valley Land, were present to answer questions. They also thanked Ms. Bodmer for her assistance on this project.

Councilmember Grendahl said she does not have any questions about the project, but wanted to remind staff that there are still financial conversations that need to take place.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2011-134** approving the subdivision by preliminary plat of Eagle Ridge Business Park, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2011-135** approving a Conditional Use Permit to allow the overnight parking of 15 small buses on Lot 1, Block 1, Eagle Ridge Business Park, which is an "I-1" (Limited Industrial) zone, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-136** approving the site plan and authorizing issuance of a building permit for an 18,200 squarefoot building for training, career development, and light assembly, on Lot 1, Block 1, Eagle Ridge Business Park, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

STAFF COMMUNICATION

Mr. Blomstrom provided an update on the Cedar Avenue transitway construction project.

Fire Chief Thompson stated uniformed firefighters at each Fire Station will pay tribute to the 343 New York firefighters who lost their lives on 9/11 by observing a moment of silence at 9:00 a.m. The community is invited to participate.

Mr. Johnson announced there will be Music in Kelley Park on September 17, 2011, from 5:00 to 7:00 p.m.

COUNCIL COMMUNICATIONS

Councilmember Bergman invited the public to the Mayor's Cup Race for Hunger on September 9, 2011, starting at 6:00 p.m., at Raceway Park in Shakopee.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, the calendar of upcoming events as included in the City Clerk's memo dated September 6, 2011, 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 August 31, 2011, in the amount of \$138,231.93. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded Hooppaw, to adjourn. Ayes - 4 - Nays - 0.

The meeting was adjourned at 9:11 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 9-22-11.