

CITY OF APPLE VALLEY
Dakota County, Minnesota
September 22, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held September 22, 2011, at 8:00 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, Public Works Director Blomstrom, Associate City Planner Bodmer, Associate City Planner Dykes, Assistant City Administrator Grawe, Parks and Recreation Director Johnson, Police Chief Johnson, City Planner Lovelace, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Human Resources Manager Pearson, Police Captain Rehtzigel, Fire Chief Thompson, and Golf Manager Zinck.

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 Goodwin, 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. 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 Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Grendahl, approving the minutes of the regular meeting of September 6, 2011, as written. Ayes - 4 - Nays - 0 - Abstain - 1 (Goodwin).

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-137** accepting, with thanks, the donation of \$1,000.00 from Wal-Mart, for use by the Police Department Bicycle Patrol Program. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-138** accepting, with thanks, the donation of two \$50.00 Cub Foods gift cards from Cub Foods, for use by the Police and Fire Departments. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving issuance of a new 2011 Fuel Dispensing Facility Permit to Emperor Twyst, Inc., d/b/a Gardenview Marathon, 213 County Road 42, as described in the City Clerk's memo dated September 19, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving issuance of a new 2011 License to Sell Tobacco and Tobacco Products to Emperor Twyst, Inc., d/b/a Gardenview Marathon, 213 County Road 42, as described in the City Clerk's memo dated September 19, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving issuance of a 2011 Christmas Tree Sales Lot license to Bill Brabec d/b/a Silver Bell Christmas Tree Farm, for use on Lot 2, Block 1, East Valley Plaza 3rd Addition (between Upper 141st and 140th Streets), as described in the City Clerk's memo dated September 19, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-139** appointing Michael Marben to the Traffic Safety Advisory Committee for a term expiring March 1, 2014. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, authorizing retaining a flat screen digital monitor for use by the Police Department, as described in the Police Captain's memo dated September 19, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Consent to Assignment of Lease Agreement for office space from Bonestroo, Inc., to Stantec Consulting Services, Inc., as attached to the City Engineer's memo dated September 22, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Water Tower Lease Agreement with Zayo Bandwith, LLC, for installation of ground equipment on Longridge water tower site, 8351 160th Street W., as attached to the Public Works Superintendent's memo dated September 22, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-140** setting a public hearing on October 27, 2011, at 8:00 p.m., on the issuance of Health Care Facilities Revenue Bonds for Augustana Health Care Center of Apple Valley Project. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-141** directing the City Engineer to prepare plans and specifications for AV Project 2011-107, 147th Street Extension from Flagstaff Avenue to Johnny Cake Ridge Road. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-142** approving plans and specifications for Valleywood Clubhouse – Bid Package #1, and authorizing advertising for receipt of bids, at 10:00 a.m., on October 6, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Joint Powers Agreement with Dakota County for narrow band outdoor warning sirens, as attached to the Police Chief's memo dated September 19, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, accepting Outdoor Pool Water Management as complete and authorizing final payment on the agreement with Hawkins, Inc., in the amount of \$74,385.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-143** approving the 2012 City contribution towards non-union employee and elected official group insurances. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the 2012 Labor Agreement with AFSCME Council 5, Local No. 479, maintenance employees, as attached to the Human Resources Manager's memo dated September 19, 2011, and authorizing execution of the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving hiring the seasonal and full time employees and promotion of employee, as listed in the Personnel Report and Addendum dated September 22, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, changing the location of the informal City Council meeting at 6:00 p.m. on October 13, 2011, to the Water Treatment Plant located at 6442 140th Street W. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, setting a special informal City Council meeting, at 2:00 p.m., on October 18, 2011, at the Municipal Center. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-144** setting a public hearing, at 8:00 p.m., on October 27, 2011, on the issuance of a Revenue Note for Lifeworks – Apple Valley Project. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

PROCLAIM FIRE PREVENTION WEEK

Fire Chief Thompson said every year the National Fire Protection Association (NFPA) along with Fire Departments nationwide recognize Fire Prevention Week commemorating the Great Chicago Fire of 1871. He then reviewed activities the Fire Department will be conducting during the week of October 9th at elementary schools in the City. The 2011 theme for Fire Prevention Week is "It's Fire Prevention Week! Protect Your Family from Fire." Public openhouses will be held, from 6:00 to 9:00 p.m., at Fire Station No. 1 on October 11, at Fire Station No. 2 on October 12, and at Fire Station No. 3 on October 13, 2011, and everyone is invited. He then read the proclamation proclaiming Fire Prevention Week.

MOTION: of Grendahl, seconded by Hooppaw, proclaiming October 9-15, 2011, as "Fire Prevention Week" in support of the Fire Department's public safety efforts and urging all citizens to install smoke alarms and carbon monoxide detectors, and to plan and practice fire drills. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked the Fire Department for their efforts in coordinating these events.

CEDAR KNOLLS VACATION

Mr. Lovelace reviewed the request by Cedar Valley Holdings, LLP, to vacate a portion of an existing utility easement in the Cedar Valley apartment complex, located at 7430, 7433, 7445, and 7460 128th Street W. He noted receipt of the affidavit of publication of the hearing notice and stated no objections have been received.

Mayor Hamann-Roland called the public hearing to order, at 8:14 p.m., to consider vacating a portion of the easement on Lot 1, Block 16, Cedar Knolls. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 8:15 p.m.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-145** completing the vacation of a portion of the utility easement on Lot 1, Block 16, Cedar Knolls, and authorizing the City Clerk to record the necessary documents. Ayes - 5 - Nays - 0.

MCNAMARA CONTRACTING - FLAGSTAFF AVENUE VACATION

Ms. Bodmer reviewed the request to vacate roadway, drainage, and utility easements on the McNamara Contracting Properties, LLC, parcels located at 14325 Flagstaff Avenue. Replacement easements will be dedicated on the new plat. She noted receipt of the affidavit of publication of the hearing notice. She then reviewed the public comments and indicated how the City will address Dakota Electric Association's concerns. Ms. Bodmer stated only the hearing is requested this evening, an action to complete the vacation will be requested at a future meeting.

Councilmember Bergman asked when the City expects to hear back from the Metropolitan Council on the Comprehensive Plan amendment.

Ms. Bodmer said a response is expected by the end of the month.

Mayor Hamann-Roland called the public hearing to order, at 8:20 p.m., to consider vacating easements on the McNamara Contracting Properties, LLC, parcels located at 14325 Flagstaff Avenue. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 8:21 p.m.

SPOON RESTAURANT

Ms. Dykes reviewed the request by Spoon restaurant, located at 14871 Granada Avenue, for a site plan review for an outdoor dining area. There is an existing asphalt pad on the south side of the restaurant. The applicant would like to convert a portion of the pad into a patio for outdoor dining. The patio will be 15 ft. by 50 ft., will seat approximately 40 people, and will be surrounded by a 4 ft. high maintenance-free aluminum fence. On September 7, 2011, the Planning Commission voted unanimously to recommend approval.

Councilmember Bergman asked if there is a safety concern with the vehicles coming in and out of the alley and the proximity of the road to the patio.

Mr. Blomstrom stated the speed in that area is relatively slow and there is only a one-block stretch between stop signs.

The Council and staff held discussion.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-146** approving the site plan for an outdoor patio dining area at Spoon restaurant, on Lot 2, Block 1, Valley Commercial Park 1st Addition (14871 Granada Avenue), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

Ms. Gackstetter then reviewed the application by Spoon, Inc., d/b/a Spoon, located at 14871 Granada Avenue, for On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales as described in her memo dated September 19, 2011. She noted receipt of the affidavit of publication of the hearing notice. The restaurant will seat approximately 152 people indoors and 40 people on the outside patio. She stated the Police Department completed the necessary background investigation and found no reason the license could not be authorized at this time. The owners have been operating the restaurant since the first of the year and are currently licensed to sell wine and 3.2 percent malt liquor. If approved, the license would be effective October 1 through December 31, 2011.

Mayor Hamann-Roland called the public hearing to order at 8:30 p.m. to consider the application of Spoon, Inc., d/b/a Spoon, for On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 8:31 p.m.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-147** approving issuance of a 2011 On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales to Spoon, Inc., d/b/a Spoon, for premises located at 14871 Granada Avenue. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell stated the Parks and Recreation Department's new on-line registration system is working well.

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

Mayor Hamann-Roland thanked Firefighter Al Olson for chairing the Booya, as well as all the other volunteers that made it such a successful event.

Mr. Grawe stated Apple Valley's Residential Fall Clean-up Day is Saturday, September 24, 2011, from 8:00 a.m. to 1:00 p.m. at the Central Maintenance Facility. On the same day, from 9:00 a.m. to 2:00 p.m., Dakota County is sponsoring a Household Hazardous Waste Drop-off Day at the Burnsville Maintenance Facility.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated September 19, 2011, 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 Grendahl, to pay the claims and bills, check registers dated September 7, 2011, in the amount of \$1,852,973.55; September 14, 2011, in the amount of \$789,759.33; and September 22, 2011, in the amount of \$995,159.78. Ayes - 5 - Nays - 0.

CLOSED MEETING, PERFORMANCE EVALUATION

Mr. Dougherty reviewed exceptions to the open meeting law and advised the Council that it could hold a closed session, under the provisions of M.S. 13D05, Subd. 3a, to conduct a performance evaluation.

MOTION: of Grendahl, seconded by Hooppaw, to enter into a closed meeting and convene in closed session to conduct a performance evaluation of the City Administrator. Ayes - 5 - Nays - 0.

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The Council convened in the Regent Conference Room at 9:50 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; and City Administrator Lawell. The meeting was tape recorded as required by law.

MOTION: of Grendahl, seconded Bergman, to convene in open session. Ayes - 5 - Nays - 0.

The Council reconvened in open session at 9:21 p.m.

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

The meeting was adjourned at 9:22o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 10-13-11.