

CITY OF APPLE VALLEY
Dakota County, Minnesota
October 13, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 13, 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 Dykes, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, Public Works Superintendent Blommel Johnson, City Engineer Manson, 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 8:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Hooppaw, 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 Bergman, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of September 22, 2011, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-148** accepting, with thanks, the donation of \$100.00 from Residential Mortgage Group for the Police Department K-9 Program. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on November 12, 2011, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving renewal of a Currency Exchange License by the Minnesota Department of Commerce to Madison Financial Companies, Inc., d/b/a Money Xchange, located at 15465 Cedar Avenue, Suite 170. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving a change in officer for the Apple Valley American Legion, Post 1776, in connection with the On-Sale Club License and Special License for Sunday Liquor Sales at 14521 Granada Drive, naming Richard Raymond Immerfall as 2nd Vice Commander; as described in the City Clerk's memo dated October 10, 2011. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, amending the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales for Rich Management, Inc., changing the business name to Bogart's/Apple Place Bowl, located at 14917 Garrett Avenue; as described in the City Clerk's memo dated October 10, 2011. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-149** setting a public hearing, at 8:00 p.m., on November 22, 2011, on the application for On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales by Osaka AV, Inc., d/b/a Osaka Seafood Steakhouse. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the reduction of financial guarantee for Cobblestone Lake Commercial 3rd Addition/Think Bank from \$88,770.00 to \$8,750.00, as listed in the Community Development Department Assistant's memo dated October 13, 2011. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the policy to jointly negotiate cable franchise renewal through the cable commission, as attached to the Assistant City Administrator's memo dated October 13, 2011, subject to final revisions and changes as approved by the City Administrator and City Attorney, and authorizing the Mayor and City Clerk to sign the same; and further approving selecting Kennedy & Graven as the legal consultant and agreeing to share the costs based on cable subscriber rates with the other partner cities. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-150** calling for the redemption of outstanding General Obligation Taxable Tax Increment Refunding Bonds of 2003. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-151** approving and levying Special Assessment Roll No. 602, for public improvements in connection with Project 08-404, Apple Valley East Family Addition, in the total amount of \$394,503.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-152** approving and levying Special Assessment Roll No. 603, for public improvements in connection with AV Project 2011-104, 2011 Utility Improvements, in the total amount of \$28,800.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-153** approving the Agreement for Payment in Lieu of Taxes (PILOT) with Lifeworks Services, Inc., for Lifeworks/Apple Valley project. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the First Amendment to the Professional Services Agreement with Short Elliott Hendrickson, Inc., for AV Project 2012-108, Water Treatment Plant Expansion, as attached to the Public Work's Superintendent's memo dated October 13, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Traffic Signal Agreement with Dakota County for installation of a traffic control signal at County State Aid Highway 31 (Pilot Knob Road) and 157th Street W., as attached to the Public Works Director's memo dated October 13, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2011-114, Bituminous Trail Fog Sealing, as complete and authorizing final payment on the contract with Minnesota Roadway Company, in the amount of \$40,045.10. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting 2011 Tennis Court Resurfacing, as complete and authorizing final payment on the contract with Upper Midwest Athletic Construction, in the amount of \$52,560.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting the summary of the City Administrator's performance evaluation dated October 10, 2011. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal employees listed in the Personnel Report dated October 13, 2011. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for Flexible Benefits Plan Administration with Genesis Employee Benefits, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for Health Reimbursement Arrangement Administration with Genesis Employee Benefits, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for REBA Member Administration with Genesis Employee Benefits, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2011 SPECIAL ASSESSMENT ROLL NO. 599

Mr. Hedberg described Special Assessment Roll 599, totaling \$1,862.00, for delinquent false alarms. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received and there have been no prepayments.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 599, at 8:05 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 8:06 p.m.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2011-154** approving and levying 2011 Special Assessment Roll No. 599, for delinquent false alarm charges, in the total amount of \$1,862.00. Ayes - 5 - Nays - 0.

2011 SPECIAL ASSESSMENT ROLL 600

Mr. Hedberg described Special Assessment Roll 600, totaling \$147,976.37, for delinquent utility and mowing charges. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. One written objection was received. A copy of the objection is included in the packet and is summarized by property on Exhibit A of the resolution. The revised total following prepayments is \$131,894.22.

Councilmember Bergman questioned the number of homes in a given area with delinquent accounts and asked if the rate of delinquencies has increased from previous years.

Mr. Hedberg said it is not uncommon to see clusters of homes with past due accounts. He added that the numbers are in line with previous years.

Councilmember Grendahl asked about reporting past due accounts to credit reporting agencies.

Mr. Hedberg stated there is a fee to report to a credit bureau. He noted that collection agencies also receive a percentage of the amount collected. Mr. Hedberg said staff will research the fees for reporting to the credit bureau.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 600, at 8:15 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 8:16 p.m.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-155** approving and levying 2011 Special Assessment Roll No. 600, for delinquent utility and mowing charges, in the total amount of \$131,894.22. Ayes - 5 - Nays - 0.

2011 SPECIAL ASSESSMENT ROLL NO. 601

Mr. Hedberg described Special Assessment Roll 601, totaling \$8,837.39, for delinquent mowing and diseased tree removal. The properties included in this Roll do not have current utility bills. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received and there have been no prepayments.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 601, at 8:18 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 8:19 p.m.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-156** approving and levying 2011 Special Assessment Roll No. 601, for delinquent mowing and diseased tree removal, in the total amount of \$8,837.39. Ayes - 5 - Nays - 0.

VALLEYWOOD GOLF COURSE CLUBHOUSE

Ms. Dykes reviewed the staff report for a site plan review/building permit authorization for the footings and foundation for the Vallewood Golf Course clubhouse. The golf course is generally located northeast of the intersection of McAndrews Road and Pilot Knob Road. The new clubhouse will be approximately 16,400 sq. ft. on two levels and the building footprint is approximately 8,200 sq. ft. The building will be constructed in two phases. The first phase consists of the preliminary grading and the construction of the footings and foundation. There are no outstanding issues with grading or the Natural Resources Management Permit. Tree mitigation will be part of the second phase. The Planning Commission reviewed the proposal on October 5, 2011, and voted unanimously to recommend approval.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2011-157** approving the site plan and authorizing issuance of a building permit for construction of the footings and foundation for Valleywood Golf Course clubhouse, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0 - Abstain - 1 (Grendahl).

Mr. Johnson said various bids for the Valleywood Clubhouse Project were opened on October 6, 2011. Staff reviewed the bids with the architect and construction manager and is now recommending the Council award the bids to the lowest responsible bidders.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2011-158** awarding the contract for the Vallewood Clubhouse Project #3100 - Earthwork, to Urban Companies, LLC, the lowest responsible bidder, in the amount of \$42,000.00. Ayes - 4 - Nays - 0 - Abstain - 1 (Grendahl).

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-159** awarding the contract for the Vallewood Clubhouse Project #0330 – Cast-In-Place Concrete, to Thompson Construction of Princeton, Inc., the lowest responsible bidder, in the amount of \$63,986.00. Ayes - 4 - Nays - 0 - Abstain - 1 (Grendahl).

STAFF COMMUNICATION

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

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk's memo dated October 13, 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 Goodwin, to pay the claims and bills, check registers dated September 29, 2011, in the amount of \$681,158.87; October 6, 2011, in the amount of \$538,537.37; October 13, 2011, in the amount of 24,431.48; and October 13, 2011, in the amount of \$2,168,529.93. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:36 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 10-27-11.