

CITY OF APPLE VALLEY
Dakota County, Minnesota
October 11, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 11, 2012, at 7:00 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, Acting Parks and Recreation Director Adamini, Public Works Director Blomstrom, Associate City Planner Bodmer, Associate City Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 7:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Grendahl, seconded by Goodwin, adding item 4.R – Adopt Resolution Banning Recreational Fires to the consent agenda, and item 5.F – Name of Hayes Community and Senior Center to the regular 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.

Mr. Ross Rowley and Mrs. Coleen Rowley, 193 Beaumont Court, and Mr. Peter Blewett, 13964 Herald Way, commented on military spending and requested the City Council adopt a resolution titled Minnesota Arms Spending Alternative Project.

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

CONSENT AGENDA ITEMS

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MOTION: of Hooppaw, seconded by Goodwin, approving the minutes of the regular meeting of September 27, 2012, as written. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-189** accepting, with thanks, the donation of \$250.00 from Valleywood Men's Club for Valleywood Clubhouse. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-190** accepting, with thanks, the donation of a 1998 Dodge Durango, from Paul and Karmen Mattsen, 13660 Gardenia Path, for use by the Fire Department in training. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving a change in manager for Water's Edge Restaurant, LLC, d/b/a Enjoy!, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 15435 Founders Lane, naming Cindy Jo Meyers as General Manager; as described in the City Clerk's memo dated October 8, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, 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 Stuart Benton Brown as Assistant Secretary and Treasurer/CFO; as described in the City Clerk's memo dated October 8, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, directing the Urban Affairs Advisory Committee to review the animal control ordinance and forward recommendations. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-191** approving reallocating special assessments in the Cortland Addition Development Area. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the reduction of financial guarantee for Oakwood Hills from \$16,505.94 to \$6,348.45, as listed in the Community Development Department Assistant's memo dated October 11, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-192** approving an Interim Use Permit to allow outdoor storage of passenger vehicles at Greater Midwest Fundraising, 7600 147th Street W., with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-193** approving a variance reducing the required number of surface parking spaces from 135 to 80

(reduction of 55 spaces) on Lot 32, Block 1, Morningview, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-194** approving the final plat and Subdivision Agreement for Cobblestone Lake South Shore 7th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-195** approving the final plat, Subdivision Agreement, and Park and Ponding Agreement for Cortland, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, ordering plans, specifications, and project development work tasks for AV Project 2013-102, Whitney Drive Improvements. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving change in scope of Cedar Avenue Transitway Improvement Project to provide additional work associated with landscape improvements, in the amount of \$32,300.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-196** approving the Settlement Agreement and Release documents for ponding easements, on Lot 1, Block 1, Hesli Addition, and Lot 14, White Oak Ridge Addition, in the amounts of \$30,000.00 and \$15,529.00, respectively, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Second Amended and Restated Joint Powers Agreement with Minnesota Valley Transit Authority, as attached to the City Administrator's memo dated October 8, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving ratifying the Bylaws of the Minnesota Valley Transit Authority, as attached to the City Administrator's memo dated October 8, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the agreement with Fendler Patterson Construction, Inc., in the amount of an additional \$1,165.00; and accepting Liquor Store No. 1 Remodel – Finish Upgrades, as complete and authorizing final payment in the amount of \$48,635.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, accepting AV Project 2012-132, 2012 Hydrant Reconditioning and Painting as complete, and authorizing final payment

on the contract with Champion Coatings, Inc., in the amount of \$17,100.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving hiring the seasonal employees and resignation of employees, as listed in the Personnel Report dated October 11, 2012. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2012-201** banning recreational fires until there is a snowfall amounting to two inches or more of accumulation or December 31, 2012, whichever occurs first. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2012 SPECIAL ASSESSMENT ROLL 611

Mr. Hedberg described Special Assessment Roll 611, totaling \$136,723.28, for delinquent utility account charges. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received. To date, approximately 85 accounts have submitted prepayments.

Councilmember Hooppaw questioned what percentage of the delinquencies is collected.

Mr. Hedberg responded the City ultimately collects 100 percent. He added that once the levy is certified, approximately 97.5 percent of the accounts are collected with the next year's property taxes.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 611, at 7:19 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:20 p.m.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-197** approving and levying 2012 Special Assessment Roll No. 611, for delinquent utility account charges, in the amount of \$136,723.28, minus any prepayments. Ayes - 5 - Nays - 0.

2012 SPECIAL ASSESSMENT ROLL NO. 612

Mr. Hedberg described Special Assessment Roll 612, totaling \$2,682.00, 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. Prepayments have been made on five of the seven properties.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 612, at 7:21 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:22 p.m.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-198** approving and levying 2012 Special Assessment Roll No. 612, for delinquent false alarm charges, in the amount of \$2,682.00, minus any prepayments.

Councilmember Grendahl noted one of the businesses had several false alarm charges. She asked if there was anything the City could do to be proactive to help businesses reduce unnecessary calls for service.

Mr. Hedberg explained that when businesses have changes in managers, changes in alarm systems, or undergo remodeling they often generate a number of false alarms.

Vote was taken on the motion: Ayes - 5 - Nays - 0.

2012 SPECIAL ASSESSMENT ROLL NO. 613

Mr. Hedberg described Special Assessment Roll 613, totaling \$7,164.04, for delinquent mowing and debris 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 to date.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 613, at 7:23 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:24 p.m.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2013-199** approving and levying 2012 Special Assessment Roll No. 613, for delinquent mowing and debris removal, in the amount of \$7,164.04, minus any prepayments. Ayes - 5 - Nays - 0.

THE LEGACY OF APPLE VALLEY NORTH VACATION

Ms. Bodmer reviewed the request from IMH Special Asset NT 175-AVN, LLC, for a vacation of easements and right-of-way in The Legacy of Apple Valley North. The hearing is being requested by the property owner to allow for development of the Parkside Village project. She noted CenterPoint Energy has filed an objection because they have a natural gas main that runs along Galaxie Avenue and 153rd Street. The project developer is working with CenterPoint Energy to ensure the easements shown on the proposed final plat of Parkside Village meet CenterPoint Energy's needs. She said this issue will need to be resolved prior to final action on the vacation request and final plat.

Mayor Hamann-Roland called the public hearing to order, at 7:27 p.m., to consider vacating easements on Blocks 2, 3, 7, and 8, in The Legacy of Apple Valley North; that part of Fortino Street lying between the southerly extensions of the west and east lines of Block 7 to the north line of

Block 8, in The Legacy of Apple Valley North; and that part of Fontana Trail lying between the easterly extensions of the north and south lines of Block 2 to the west line of Block 3, in The Legacy of Apple Valley North. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:28 p.m.

APPOINT PARKS AND RECREATION ADVISORY COMMITTEE YOUTH REP

Mr. Adamini asked the Council to consider appointing Mr. Nick Suchy as the Parks and Recreation Advisory Committee Youth Representative. Mr. Adamini met with Mr. Suchy and he believes Mr. Suchy will demonstrate excellence as a member of the Parks and Recreation Advisory Committee.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-200** appointing Nick Suchy Youth Representative to the Parks and Recreation Advisory Committee for a term expiring March 1, 2013. Ayes - 5 - Nays - 0.

HAYES COMMUNITY AND SENIOR CENTER NAME

Councilmember Grendahl said over the last couple weeks she has been thinking about the name of the Hayes Community and Senior Center. Some Councilmembers were convinced that was a better name because it would generate more rental revenue. She no longer sees that as an issue. Valleywood Clubhouse is a very attractive rental space and she does not think people will chose to rent the Hayes Community and Senior Center over the Valleywood Clubhouse. Therefore, she is recommending the name of the Hayes Community and Senior Center building be changed to the Apple Valley Senior Center.

MOTION: of Grendahl, seconded by Goodwin, approving changing the name of the Hayes Community and Senior Center building to the Apple Valley Senior Center.

Councilmember Bergman said he is open to changing the name, but would like additional discussion at an Informal Meeting. To be fair and consistent with past processes, he would like it to go back to the Parks and Recreation Advisory Committee to see if they are comfortable with changing the name.

Mr. Adamini stated there is no doubt the prime function of that building is the senior center and the seniors know it is their building.

Councilmember Goodwin said he personally thought it was a mistake to name it Hayes Community and Senior Center in the first place. He believes the Parks and Recreation Advisory Committee would strongly endorse this change. He believes the word is already out about it being a great room to rent. Although he is surprised by the motion, he is pleased by it as well.

Councilmember Hooppaw said he has no issue with changing the name but asked whether the Council should consider this without it going before the Parks and Recreation Advisory

Committee and without knowing the costs. He agreed with Councilmember Goodwin's comment that it is a nice space and people are not going to shy away from booking it because of its name. He would not stand in the way of changing the name, but suggested it go through the normal process.

Mayor Hamann-Roland said she fully supports the name being changed to the Apple Valley Senior Center. She stated she and Councilmember Goodwin originally were the dissenting votes on the motion to name it Hayes Community and Senior Center. She appreciates the proposal to change the name. She is open to having additional discussion at the next meeting if that is what the Council decides.

Discussion continued.

Councilmember Goodwin called the question.

Vote was taken on the motion: Ayes - 4 - Nays - 1 (Bergman).

STAFF COMMUNICATION

Mr. Blomstrom provided an update on various road and construction projects.

Mr. Nordquist invited the public to attend Open House #1 regarding the plan for transit oriented development along Cedar Avenue on October 23, 2012, from 5:30 p.m. to 7:30 p.m. at the Municipal Center.

Fire Chief Thompson announced to the public that a resolution was adopted earlier this evening banning recreational fires until conditions improve.

CALENDAR OF UPCOMING EVENTS

MOTION: of Goodwin, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated October 13, 2012, 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 4, 2012, in the amount of \$902,504.45; October 11, 2012, in the amount of \$789,248.30. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:53 o'clock p.m.

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Respectfully Submitted,

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

Approved by the Apple Valley City Council on 10-25-12.