

CITY OF APPLE VALLEY
Dakota County, Minnesota
April 25, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 25th, 2013, 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, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Police Captain Marben, and Community Development Director Nordquist.

Mayor Hamann-Roland called the meeting to order at 7:00 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scouts Sawyer Gardner, Ethan Graham, Gerritt Graham, Hayden Graham, Ethan Hogge, Max Korth, Tyler Payne, Bryant Ruff, Alex Suarez, and Juan Suarez, from Troop 508.

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 Goodwin, seconded by Bergman, moving item 4.B.1 – Adopt Resolution Setting Public Hearing at 7:00 p.m. on May 23, 2013, on 2013 Special Assessment Roll No. 616, \$177,413.89 – Delinquent Utilities Accounts to the regular agenda, and approving the remaining items on the consent agenda. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Bergman, approving the minutes of the regular meeting of April 11, 2013, as written. Ayes - 5 - Nays - 0.

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- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-69** approving 2013 Special Assessment Roll No. 617, for hearing purposes, in the total amount of \$3,354.00 for delinquent false alarm charges, and setting the public hearing, at 7:00 p.m., on May 23, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-70** approving 2013 Special Assessment Roll No. 618, for hearing purposes, in the total amount of \$2,064.42 for delinquent tree removal and trash clean up charges, and setting the public hearing, at 7:00 p.m., on May 23, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the 2013 Goal Setting Workshop Summary as attached to the City Administrator's memo dated April 22, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-71** approving submitting to the Metropolitan Council an amendment to the 2030 Land Use Map of the Comprehensive Guide Plan re-designating the west 26.77 acres of the Southwest 1/4 of the Southeast 1/4 of Section 35 from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential/2-6 units per acre, west of Quarry Point Park. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the Grant Contract with the Minnesota Department of Natural Resources for harvesting curlyleaf pondweed from Farquar Lake, as attached to the Natural Resources Coordinator's memo dated April 25, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the Joint Powers Agreement with Dakota County for cost share related to the purchase of digital aerial photography, in the amount of \$1,388.00, as attached to the Public Works Director's memo dated April 22, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the License Agreement with D. R. Horton, Inc.-Minnesota to allow for construction of a residential monument sign and installation of landscaping in Eagle Bay Drive right of way, Cortland Addition, as attached to the City Planner's memo dated April 22, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the contract for AV Project 2013-129, 2013 Concrete Removal and Replacement Services, to Ron Kassa Construction, Inc., in the amount of \$20,440.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Engineering Consulting Agreement with Braun Intertec Corporation for Geotechnical Engineering Services, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Engineering Consulting Agreement with Northern Technologies, Inc., for Geotechnical Engineering Services, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, authorizing Engineering Consultant Services with KLM Engineering, Inc., for AV Project 2013-106, Nordic Reservoir Intermediate Rehabilitation, in the amount of \$27,595.00, and authorizing the Public Works Director to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving Change Order No. 1 to the contract with Master Electric Company, Inc., for AV Project 2012-155, Well 11 Electrical Upgrades, in the amount of an additional \$2,590.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, accepting Valleywood Clubhouse Project #2600 – Electrical and Fire Alarm, as complete and authorizing final payment on the contract with Schammel Electric, Inc., in the amount of \$11,226.70. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving hiring the seasonal employees, promotion of employees, and resignation of employees, as listed in the Personnel Report dated April 25, 2013. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

SET HEARING ON 2013 SPECIAL ASSESSMENT ROLL NO. 616

Councilmember Grendahl questioned how long the City must wait before it can clear snow from a sidewalk in front of a foreclosed home and assess the property.

Mr. Nordquist stated the City can begin notifying property owners 48 hours following the snowfall event. Following notification, property owners are given five days to clear the sidewalk.

Mr. Dougherty clarified there is a statutory notification requirement in order to assess for the snow removal.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-68** approving 2013 Special Assessment Roll No. 616, for hearing purposes, in the total amount of \$177,413.89 for delinquent utility charges, and setting the public hearing, at 7:00 p.m., on May 23, 2013. Ayes - 5 - Nays - 0.

VOLUNTEER RECOGNITION WEEK

Mayor Hamann-Roland acknowledged Parks and Recreation Advisory Committee Member Patrick Sullivan, Jr., and Traffic Safety Advisory Committee Members Todd Blomstrom, Charles Grawe, and Michael Marben who were in the audience as well as those who were present at the volunteer recognition reception prior to the meeting. She thanked all of the Commissioners, Committee Members, and other City volunteers for their generous commitment of time, energy, education, and skills which help make Apple Valley a quality community. She recommended the City Council proclaim April 15 through April 21, 2012, as "Volunteer Recognition Week" in Apple Valley.

MOTION: of Grendahl, seconded by Goodwin, proclaiming April 21 through April 27, 2013, as "Volunteer Recognition Week" and thanking all those who contribute their time, talent, and energy to the community. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland stated a service award will be presented to Parks and Recreation Advisory Committee Member Lee Strom when he arrives.

COBBLESTONE LAKE COMMERCIAL 3RD ADDTION VACATION HEARING

Mr. Lovelace reviewed the request by South Shore Development, Inc., for a vacation of park, sidewalk, trail, and drainage and utility easement over Outlot I, Cobblestone Lake Commercial 3rd Addition. He recommended the public hearing be opened and closed with no action this evening.

Mayor Hamann-Roland called the public hearing to order, at 7:18 p.m., to consider vacating park, sidewalk, trail, and drainage and utility easement over Outlot I, Cobblestone Lake Commercial 3rd Addition. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:19 p.m.

ORDINANCE AMENDING ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 111 of the City Code regulating Alcoholic Beverages. The proposed language amends Section 111.23, Application Procedure; Renewals; and Section 111.34, Change in Ownership or Character of Business; Validity. Due to discussion at the first reading, the waiting period following a denial of a new or renewal license has been left blank and will need to be filled in by the City Council. She noted no comments have been received following the first reading.

Mayor Hamann-Roland noted Committee Member Lee Strom just arrived and suggested completing that item at this time.

VOLUNTEER RECOGNITION WEEK - Resumed

Mayor Hamann-Roland presented Committee Member Lee Strom with a marble apple clock for ten years of service on the Parks and Recreation Advisory Committee.

The Council congratulated and thanked Mr. Strom for his service to the City.

ORDINANCE AMENDING ALCOHOLIC BEVERAGE LICENSE APPLICATIONS - Resumed

The Council held discussion.

MOTION: of Goodwin, seconded by Grendahl, under Section 2, setting the waiting period following a denial at six months and passing **Ordinance No. 944** amending Chapter 111 of the City Code regulating Alcoholic Beverages.

Discussion continued.

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

URBAN AFFAIRS ADVISORY COMMITTEE RESIGNATION

Ms. Gackstetter reviewed her memo, dated April 22, 2013, regarding the resignation of Committee Member Shirley Doering, creating a vacancy on the Urban Affairs Advisory Committee with a term expiring March 1, 2016. She recommended the Council extend an invitation to individuals interested in serving on the Urban Affairs Advisory Committee to submit an application to her by May 31, 2013. Appointment could then be made in June.

MOTION: of Goodwin, seconded by Bergman, accepting the resignation of Urban Affairs Advisory Committee Member Shirley Doering and thanking her for her dedicated service to the City of Apple Valley; and directing staff to post the Urban Affairs Advisory Committee vacancy and inviting individuals interested in serving on the Committee to submit an application to the City Clerk by May 31, 2013. Ayes - 5 - Nays - 0.

STAFF ITEMS

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

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, the calendar of upcoming events as included in the City Clerk's memo dated April 22, 2013, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

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CLAIMS AND BILLS

MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated April 18, 2013, in the amount of \$796,543.00; and April 25, 2013, in the amount of \$436,235.13. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:47 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 5-7-13.