

CITY OF APPLEVALLEY
Dakota County, Minnesota
April 14, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 14th, 2011, at 8:00 o'clock p.m., at Apple ValleyMunicipalCenter.

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, 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, Police Captain Rechtzigel, 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 Grendahl, seconded by Bergman, adding item 4.K –Authorize Use of Johnny Cake Ridge Park for Aerial Display on May 28, 2011, to the consent 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. 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 Grendahl, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Goodwin, approving the minutes of the regular meeting of March 24, 2011, as written. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, declaring certain City property as surplus; authorizing disposal of unclaimed property and surplus City property by a public sale; and approving the Agreement with MDI Auctions, an authorized vendor of K-BID.com, to conduct an online auction of unclaimed and surplus property, as

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attached to the City Clerk's memo dated April 11, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, proclaiming April 29, 2011, as "Arbor Day" and May 2011, as "Arbor Month", and encouraging citizens to participate in tree planting programs. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-53** approving 2011 Special Assessment Roll No. 596, for hearing purposes, in the total amount of \$3,223.52, for delinquent mowing and trash cleanup charges, and setting the public hearing, at 8:00 p.m., on May 12, 2011. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-54** approving 2011 Special Assessment Roll No. 597, for hearing purposes, in the total amount of \$184,542.60, for delinquent utilities and mowing charges, and setting the public hearing, at 8:00 p.m., on May 12, 2011. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-55** approving 2011 Special Assessment Roll No. 598, for hearing purposes, in the total amount of \$1,080.00, for delinquent false alarm charges, and setting the public hearing, at 8:00 p.m., on May 12, 2011. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-56** directing the City Engineer to prepare plans and specifications for AV Project 2011-102, Garden View Drive Street Improvements. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving a Lease Agreement with Zayo Group, LLC, for Installation of Ground Equipment at Nordic Reservoir, 13099 Foliage Avenue, as attached to the Public Works Superintendent's memo dated April 14, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving a Lease Agreement with Zayo Group, LLC, for Installation of Ground Equipment at Palomino Reservoir, 7738 138th Street W., as attached to the Public Works Superintendent's memo dated April 14, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving a Lease Agreement with Zayo Group, LLC, for Installation of Ground Equipment at Quarry Point Water Tower, 5551 160th Street W., as attached to the Public Works Superintendent's memo dated April 14, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Agreement for AV Project 2011-120, 2011 Sod Replacement Services, with Jirik Sod Farm, Inc., in the

amount of \$5,400.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Agreement for AV Project 2011-112, 2011 Farquar Lake Weed Harvesting, with Midwest Weed Harvesting, Inc., in the amount of \$13,060.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, accepting AV Project 2010-106, Chlorine Gas Containment System for Two (2) 1-Ton Chlorine Cylinders, as complete and authorizing final payment on the contract with Vessco, Inc., in the amount of \$26,387.44. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the hiring of part-time and seasonal employees, as listed in the Personnel Report dated April 14, 2011. Ayes - 4 - Nays - 0 - Abstain - 1 (Hamann-Roland).

MOTION: of Grendahl, seconded by Goodwin, authorizing use of Johnny Cake Ridge Park for Christopher Goeke Leadership Foundation aerial display event on May 28, 2011, as described in the City Administrator's memo dated April 12, 2011, and authorizing the Mayor to sign the Request for Military Aerial Support. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

VOLUNTEER RECOGNITION WEEK

Ms. Gackstetter read the proclamation proclaiming April 10 through April 16, 2011, as "Volunteer Recognition Week".

MOTION: of Bergman, seconded by Hooppaw, proclaiming April 10 through April 16, 2011, 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 welcomed Cemetery Advisory Committee Member Alan Kohls; Parks and Recreation Advisory Committee Members Russell Defauw and Lee Strom; Planning Commissioner Paul Scanlan; Telecommunications Advisory Committee Member John Magnusson; Traffic Safety Advisory Committee Members Todd Blomstrom, Charles Grawe, Harald Eriksen, Jon Rehtzigel, and Arthur Zimmerman; and Head Election Judges Camille Burin, Ronald Burke, Darlene Lemke, Tracy O'Brien, and Linda Paseka. She thanked all of the Commissioners, Committee Members, Head Election Judges and other City volunteers for their generous commitment of time, energy, education, and skills which help make Apple Valley a quality community.

Mayor Hamann-Roland then presented Committee Members Harald Eriksen and Arthur Zimmerman with a marble apple clock and Charles Grawe with a Certificate of Recognition for

ten years of service on the Traffic Safety Advisory Committee. She also presented Certificates of Recognition to Head Election Judges Camille Burin, Ronald Burke, Darlene Lemke, Tracy O'Brien, and Linda Paseka, each of whom has served as a Head Election Judge for ten or more elections.

HOME DEPOT OUTDOOR GARDEN CENTER EXPANSION

Mr. Lovelace reviewed the request by Home Depot U.S.A., Inc., for an Interim Use Permit (IUP) to allow an 82 ft. by 72 ft. temporary outdoor garden sales area in the southeast corner of the parking lot and an extension of the existing temporary sales area in front of the store by 53 feet from April 15 through June 15 for the Home Depot located at 15101 Flagstaff Avenue. Staff is proposing the IUP would be in effect for two years. The public hearing on the IUP was held at the Planning Commission meeting of April 6, 2011. He stated the Planning Commission voted unanimously to recommend approval of the Interim Use Permit.

Mayor Hamann-Roland commented on a policy that did not allow stores to refuse delivery of materials. She noted the Apple Valley store was recently granted permission to refuse trucks from delivering materials if the store cannot handle them.

Mr. Nick Wallrich, General Manager for Home Depot, confirmed that was correct.

Councilmember Bergman asked if there would be a cash register in the expansion area or if patrons would need to go back into the store to purchase their merchandise.

Mr. Wallrich stated there currently are no provisions to place a register in the garden center expansion area. The space will be limited primarily to trees, shrubs, and select soils. Patrons will be able to move freely between the expansion area, garden center, and the building.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2011-57** approving an Interim Use Permit to allow a temporary outdoor garden sales area expansion on Lot 6, Block 1, Hillcrest Acres (15101 Flagstaff Avenue), for Home Depot, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

VALLEYWOOD CLUBHOUSE

Mr. Russ Defauw, Parks and Recreation Advisory Committee Chair, reviewed the recommendation by the Valleywood Clubhouse Task Force Committee to accept the Letter of Proposal for Predesign and Schematic Design Services from CNH Architects.

Councilmember Goodwin pointed out this does not obligate the City to anything beyond the initial services for predesign and schematic design services.

Councilmember Grendahl stated she is sure it comes as no surprise that she has issues with this. She indicated she could probably support \$1 million from the Park Dedication Fund, but she cannot support a potential \$2 million loan from the Capital Improvement Fund, which would be

paid back at \$50,000 a year for approximately 40 years. She indicated she will not be supporting this. She then inquired if the golf course pays for its water.

Mr. Zinck responded that the water for irrigating the golf course comes from Valleywood's own well system. Valleywood is charged for the City water used at the clubhouse.

The Council held discussion on the cost of and means of paying for the clubhouse.

Mr. Defauw commented on some of the changes made at Valleywood to make it a self-sustaining facility that is not subsidized by taxpayers. He stated a new facility would dramatically expand food and beverage profits. He added that the \$50,000 annual payment would be the minimum payment and that they have every intention to pay the loan back as fast as possible.

Councilmember Grendahl said she has asked the Council to survey the residents to determine if they would support this but stated nobody wanted to do it. She commented about the transfer of money from the Liquor Fund to the General Fund which is used to support recreational programs. If the project moves forward, she does not know why the funds transferred from the liquor operations could not go toward paying for the clubhouse. Golf is a very volatile business. As a result, she is unsure if anyone could commit to the annual amount that could be paid back on a loan.

Councilmember Hooppaw said the City owns a fantastic course with a clubhouse that was built very inexpensively and has served the City well, but now needs something done to it. It is important to take this first step to determine what the costs are, then the Council can figure out how to pay for it.

Councilmember Bergman commented on the poor condition of the existing clubhouse and invited the public to go look at it. He noted the cost to make the needed repairs to the current building is \$1.5 million. He does not want to spend that kind of money on an old building. Obtaining the schematic drawing is the first step in a process to determine how next to proceed with resolving this issue.

Mayor Hamann-Roland agreed it is important to have good data in order to make a good decision.

MOTION: of Hooppaw, seconded by Goodwin, accepting the Letter of Proposal for Predesign and Schematic Design Services from CHN Architects, Inc., in the amount of \$5,000.00, and authorizing use of Park Dedication Funds to cover said costs. Ayes - 4 - Nays - 0 - Abstain - 1 (Grendahl).

ORDINANCE AMENDING LATE-NIGHT PARKING

Mr. Blomstrom gave the second reading of an ordinance amending Section 71.17 regulating late-night parking. The amendment provides a fourth exception to late-night parking which would allow vehicles, road construction machinery, and equipment used in connection with City road repair and maintenance projects to be parked within the right-of-way.

Councilmember Hooppaw pointed out the City will still need to give permission for any equipment to be placed on a street.

Mr. Blomstrom said typically the City requires a traffic control plan in its road construction contracts, which include various safety measures.

MOTION: of Goodwin, seconded by Hooppaw, passing **Ordinance No. 914** amending Section 71.17 of the City Code regulating late-night parking. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING SNOW AND ICE IN STREETS AND ON SIDEWALKS

Mr. Blomstrom gave the second reading of an ordinance amending Chapter 96 of the City Code by adding Section 96.07 regulating snow and ice in the street or on sidewalks. The proposed ordinance prohibits snow and ice from being deposited into the traveled portion of public streets and sidewalks during plowing of private driveways and parking lots. It also provides for an abatement process if necessary.

Council and staff held discussion.

MOTION: of Goodwin, seconded by Bergman, passing **Ordinance No. 915** amending Chapter 96 of the City Code by adding Section 96.07 regulating snow and ice in the street or on sidewalks. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Police Chief Johnson reported on the warning sirens that were sounded at 1:45 p.m. and 6:55 p.m. today in connection with Minnesota Severe Weather Awareness Week.

Mayor Hamann-Roland commented on the trees being removed along Cedar Avenue. She spoke with Dakota County this week regarding the possibility of using those trees for tables in the library or for siding or paneling or something of that nature. There may also be a possibility to harvest some of the trees for placement in City parks.

Mr. Blomstrom noted many of the larger trees are ash trees and there is concern about their long-term viability due to Emerald Ash Borer. The area will be scanned for opportunities to transplant smaller trees. He explained the limitations associated with transplanting trees. He added there is a significant reforestation and landscaping component to the Cedar Avenue Corridor project.

Councilmember Grendahl gave kudos to the Apple Valley Chamber of Commerce for its successful Home & Garden Expo held last weekend.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk's memo dated April 11, 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 March 30, 2011, in the amount of \$119,109.90; April 7, 2011, in the amount of \$504,744.50; and April 13, 2011, in the amount of \$720,357.90. Ayes - 5 - Nays - 0.

CLOSE MEETING - ATTORNEY-CLIENT PRIVILEGE

Mr. Dougherty asked the City Council to convene in a closed session, under the provisions of M.S. 471.705, to discuss a flood claim from Ron Hermes, Upper 136th Street W.

MOTION: of Bergman, seconded by Grendahl, to close the regular meeting and convene in closed session to discuss with the City Attorney a flood claim from Ron Hermes, Upper 136th Street W. Ayes - 5 - Nays - 0.

The meeting was closed at 9:08 p.m. and Mayor Hamann-Roland and Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw convened in the Regent Conference Room, at 9:12 p.m., along with City Attorney Dougherty, City Administrator Lawell, City Clerk Gackstetter, and Public Works Director Blomstrom. Mr. Dougherty advised the Council that its discussion must be limited to matters for which the meeting was closed and if issues are discussed outside of this meeting the attorney-client privilege will be lost. Discussion followed regarding the flood claim from Ron Hermes, Upper 136th Street W. The Council reconvened in open session at 9:17 p.m.

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

The meeting was adjourned at 9:18 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 4-28-11