

CITY OF APPLEVALLEY
Dakota County, Minnesota
January 13, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held January 13th, 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 Hills, 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, Police Captain Marben, Community Development Director Nordquist, Human Resources Manager Pearson, Department Assistant Perkins Monn, Sports Arena Manager Pietig, Police Captain Rehtzigel, Fire Chief Thompson, and Golf Manager Zinck.

Others Present: Parks and Recreation Advisory Committee Member Strom.

City Clerk Gackstetter administered Oaths of Office to Mayor Hamann-Roland and Councilmembers Bergman and Hooppaw, who were elected November 2, 2010, for a four-year term expiring December 31, 2014.

Mayor Hamann-Roland called the meeting to order at 8:06 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

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

CONSENT AGENDA ITEMS

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MOTION: of Goodwin, seconded by Bergman, approving the minutes of the regular meeting of December 21, 2010, as written. Ayes - 3 - Nays - 0 - Abstain - 2 (Grendahl and Hooppaw).

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-1** accepting, with thanks, the donation of table tennis table, from Terri Jimerson, for use at the Apple Valley Teen Center. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-2** accepting, with thanks, the donation of a 1989 Dodge Pickup, from Raymond T. Holm, Jr., for use by the Fire Department in training. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-3** accepting, with thanks, the donation of a 1995 Pontiac, from Matthew T. Muller, for use by the Fire Department in training. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-4** accepting, with thanks, the donation of a 2000 Chevrolet, from David L. Nelson and Marjorie R. Nelson, for use by the Fire Department in training. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-5** approving issuance of an off-site gambling permit, by the State Gambling Control Board, to Apple Valley Hockey Association, for use on January 20, 2011, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving issuance of a lawful gambling permit to conduct excluded bingo, by the State Gambling Control Board, to Eastview Lightning Touchdown Club, for use on February 27, 2011, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving issuance of a new 2011 License to Collect Refuse, to Troje's Trash Pickup, Inc., as described in the City Clerk's memo dated January 10, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving issuance of a new 2011 Coin-Operated Amusement Devise License, to National Entertainment Network, Inc., at Rainbow #8828, 15125 Cedar Avenue, as described in the City Clerk's memo dated January 10, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving issuance of a new 2011 Coin-Operated Amusement Devise License, to Theisen Vending, Inc., at AmericInn, 15000 Glazier Avenue, as described in the City Clerk's memo dated January 10, 2011. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Bergman, approving renewal and issuance of Coin-Operated Device Licenses, Fuel Dispensing Facility Permits, Precious Metal Dealer Licenses, and Refuse Collection Licenses for 2011 as listed in the attachment to the City Clerk's memo dated January 10, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-6** setting a public hearing, at 8:00 p.m., on February 10, 2011, on the application for On-Sale Wine and 3.2 Percent Malt Liquor Licenses by Spoon, Inc., d/b/a Spoon. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-7** designating Apple Valley-Rosemount Thisweek as the official newspaper of the City for the year 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-8** designating Anchor Bank of Apple Valley as the official depository for City funds for the year 2011 and accepting its deposit collateral. Ayes - 4 - Nays - 0 - Abstain - 1 (Hooppaw).

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-9** designating additional depositories and financial security dealers for City funds for the year 2011: Wells Fargo Securities, LLC; Northland Securities, Inc.; RBC Capital Markets Corporation; Robert W. Baird & Co., Inc.; Sterne Agee & Leach, Inc.; and US Bank. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2011-10** appointing Northland Securities, Inc., as the City's financial advisor for the year 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving 2011 fees for Valleywood Golf Course and Ice Arenas; and granting the Parks and Recreation Director or designee to adjust golf course fees for promotions, as described in the Parks and Recreation Director's memo dated January 10, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, authorizing the distribution of various promotional materials for use at the high schools' senior class parties, as described in the Parks and Recreation Director's memo dated January 21, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving continuation of the Commission/Committee Recognition Program, allowing each non-staff member of the Cemetery Advisory Committee, Parks and Recreation Advisory Committee, Planning Commission, Traffic Safety Advisory Committee, and Urban Affairs Advisory Committee to receive up to \$720.00 of parks and

recreation services, for 2011, as described in the Park and Recreation Director's memo dated January 21, 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving notification to MnDOT regarding Trunk Highway 77 Corridor Managed Lanes Study as attached to the Public Works Director's memo dated January 13, 2011, and authorizing the Mayor to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving **Resolution No. 2011-11** approving temporary extended hauling hours to Fischer Sand and Aggregate, LLP, for snow hauling. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving a Lease Agreement with Bonestroo, Inc., for office space at Central Maintenance Facility, as attached to the Public Works Director's memo dated January 13, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Joint Powers Agreement with the City of Burnsville for construction of Whitney Pond as attached to the Public Works Director's memo dated January 13, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the Professional Services Agreement with Midwest Electrical Technologies, Inc., for inspection of electrical installations as attached to the Building Official's memo dated January 13, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving Change Order No. 1 to the agreement with BCI Burke Company, LLC, with a deduction of \$68.75; and accepting Playground Structure – Faith Park as complete and authorizing final payment in the amount of \$59,930.35. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving Change Order No. 1 to the agreement with BCI Burke Company, LLC, with a deduction of \$48.13; and accepting Playground Structure – Galaxie Park as complete and authorizing final payment in the amount of \$24,950.99. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving Change Order No. 1 to the agreement with Lakes Mechanical Services, Inc., with a deduction of \$1,490.00; approving the revised substantial completion date, and accepting EECBG Grant Sports Arena Boiler Replacement as complete and authorizing final payment in the amount of \$196,510.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, accepting AV Project 2010-136, Foliage Avenue & 153rd Street Intersection Improvements, as complete and authorizing

final payment on the contract with McNamara Contracting, Inc., in the amount of \$21,531.25. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, accepting EECBG Grant Lighting Retrofits as complete and authorizing final payment on the contract with Premium Electrical Services, LLC, in the amount of \$6,592.65. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, accepting EECBG Grant Building HVAC Improvements as complete and authorizing final payment on the contract with UHL Company Inc., in the amount of \$8,702.50. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, appointing Mayor Hamann-Roland and Pamela Gackstetter as statutory members to the Apple Valley Firefighters Relief Association Board of Trustees, for the year 2011. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the resignation of employee, as listed in the Personnel Report dated January 13, 2011. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2011 ACTING MAYOR

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2011-12** appointing Councilmember Goodwin to serve as Acting Mayor, in the absence of the Mayor, for the year 2011. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked Councilmember Goodwin for his service and the good job he has done as Acting Mayor in the past.

COUNCIL COMMITTEE AND BOARD APPOINTMENTS

Mr. Lawell said each January staff reviews the various boards, committees, and commissions on which the Mayor and Council Members serve. With Sharon LaComb's departure, there are currently two vacancies. Staff is recommending the Council consider and make appointments for the Director or representative to serve on the Minnesota Valley Transit Authority (MVTA) Board and the Alternate Director for the Dakota Communications Center (DCC) Board.

MOTION: of Goodwin, seconded by Bergman, appointing Councilmember Hooppaw to the Minnesota Valley Transit Authority Board of Directors. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, appointing Councilmember Bergman Primary Director and Councilmember Hooppaw Alternate Director to the Dakota Communications Center (DCC) Board, and appointing the City Administrator DCC Executive Committee Member, the Assistant City Administrator DCC Executive Committee Alternate Member, the Police Chief DCC Police Operations

Committee Member, and the Fire Chief DCC Fire Operations Committee Member, for 2011. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING FEE SCHEDULE FOR BUILDING INSPECTIONS/PERMITS

Mr. Blomstom said on December 21, 2010, the City Council passed an ordinance regulating electrical inspections and permits. He said that action was taken for three primary benefits: improve customer service, control the quality of the process, and maintain low fees. The ordinance presented this evening establishes the fees. He noted the State is currently considering raising its fees 15 to 17 percent. The fees in the ordinance amending the Fee Schedule Appendix of Title III of the City Code would keep the fees at their current level. This would result in a cost savings to Apple Valley's business and residents requiring electrical permits and inspections. He said staff is recommending waiving the second reading.

MOTION: of Goodwin, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 910** amending the Fee Schedule Appendix of Title III, Chapter 35, of the City Code by adjusting certain fees and charges under "Inspections and Permits" and establishing fees for electrical permits and inspections. Ayes - 5 - Nays - 0.

STAFF COMMUNICATIONS

Mr. Lawell reminded residents that the City is currently accepting applications for the Planning Commission vacancy. Individuals interested in applying should submit a completed application to the City Clerk by January 21, 2011.

CALENDAR OF UPCOMING EVENTS

MOTION: of Bergman, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated January 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 Goodwin, seconded by Bergman, to pay the claims and bills, check registers dated December 22, 2010, in the amount of \$601,548.32; December 29, 2010, in the amount of \$927,623.75; January 5, 2011, in the amount of \$506,777.51; and January 12, 2011, in the amount of \$1,202,922.74. Ayes - 5 - Nays - 0.

CLOSE MEETING, LABOR NEGOTIATIONS

City Attorney Hills reviewed exceptions to the open meeting law and advised the Council that it could hold a closed session, under the provisions of M.S. 13D.03, to discuss labor negotiations.

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MOTION: of Grendahl, seconded by Goodwin, to enter into a closed meeting and convene in closed session to discuss LELS Police Officers and AFSCME union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 8:27 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; City Administrator Lawell; City Clerk Gackstetter; Human Resources Manager Strauss; Police Chief Johnson; Police Captains Marben and Rehtzigel; Public Works Director Blomstrom; and Parks and Recreation Director Johnson. The meeting was tape recorded as required by law. The Council reconvened in open session at 9:03 p.m.

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

The meeting was adjourned at 9:04 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 1-27-11.