

CITY OF APPLEVALLEY
Dakota County, Minnesota
January 27, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held January 27th, 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, Recreation Supervisor Bilek, Public Works Director Blomstrom, Assistant City Administrator Grawe, Human Resources Representative Haas, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, Public Works Superintendent Blommel Johnson, City Engineer Manson, and Community Development Director Nordquist.

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

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Grendahl, approving the minutes of the regular meeting of January 13, 2011, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-13** accepting, with thanks, the donation of cash and prizes from various businesses toward sponsorship of the 2011 Mid-Winter Fest Celebration. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-14** accepting, with thanks, the donation of \$20.00 from Alan Kohls for landscape beautification at Lebanon Cemetery. Ayes - 5 - Nays - 0.

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- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-15** accepting, with thanks, the donation of a Mitsubishi television from Lance and Beth Berger for use at Fire Station 1. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving renewal of a Hobby Kennel Permit for 2011 for Elizabeth and David Murphy, at 14799 Hallmark Drive. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the 2011 Commercial Extraction Permit for sand and gravel mining operations by Fischer Sand & Aggregate, LLP, as described in the City Planner's memo dated January 21, 2011. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Minnesota Zoo Foundation, for use on April 30, 2011, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, receiving the Cemetery Advisory Committee's 2010 annual report. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, receiving the Traffic Safety Advisory Committee's 2010 annual report. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the Agreement with Bonestroo establishing a perpetual license for use of standard specifications and Computer Aided Design (CAD) standards, in the amount of \$5,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the PayMode-X Municipality Authorization Agreement with Bottomline Technologies, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-16** awarding the contract for 2011-2012 Mowing and Trimming Services, to TruGreen Landcare, LLC, the lowest responsible bidder, in the annual amount of \$49,860.00 for 2011 and 2012. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 1 to the contract with E.H. Renner & Sons, Inc., for AV Project 2010-111, Deep Well No. 20 Construction, in the amount of an additional \$31,440.00. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2010-109, 2010 Concrete Raising and Leveling Services, as complete and authorizing final

payment on the agreement with Northstar Mudjacking Specialists, in the amount of \$7,462.50. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the 2011 Pay Equity Report as attached to the Human Resources Manager's memo dated January 20, 2011, and authorizing execution of the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving hiring the part time and seasonal employees, as listed in the Personnel Report dated January 27, 2011. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

MID-WINTER FEST 2011

Mr. Randy Johnson and Mr. Bilek reviewed activities planned for this year's Mid-Winter Fest celebration. Activities are scheduled at Apple Valley Community Center, Hayes Community and Senior Center, the Teen Center, Sports Arena, and Valleywood Golf Course. One of the new events this year is a boot hockey tournament and 12 teams are already signed up. Buttons are required for admission to the events on February 5 and 6, 2011, and are for sale at various locations for \$1.00 in advance and \$2.00 at the door. This year's button was designed by Kati Erb, a student from Apple Valley High School. They invited everyone to participate in the activities. Mr. Johnson also thanked the organizations and business community who support this event.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2011-17** proclaiming February 5 and 6, 2011, as "Apple Valley Mid-Winter Fest 2011" and encouraging citizens to support and participate in the celebration. Ayes - 5 - Nays - 0.

WELLHEAD PROTECTION PLAN -PART 2

Mr. Blomstrom said the Council will hold a public hearing on the draft Wellhead Protection (WHP) Plan - Part 2 this evening. He gave a general overview of the process and explained why the WHP Plan was amended and why the public hearing is needed. No action is required this evening. Comments received tonight and those received from adjacent communities and watersheds will be compiled and the report will be revised. The Plan will then be submitted to the Minnesota Department of Health (MDH). After the MDH has approved the Plan, staff will be back before the Council for approval of the final document.

Mr. Mark Janovec, from Bonestroo, presented technical findings of the Plan. The Plan identifies potential sources of contamination, and provides management objectives and action plans to prevent human-caused contamination from entering the public water supply wells. He reviewed the wellhead protection area for a 10-year time of travel; the drinking water supply management area; and the location of groundwater wells, storage tanks, and septic systems. The Plan also

identifies other potential contamination sources and documented leak sites. Lastly, he described the management plan main objectives.

Mayor Hamann-Roland called the public hearing to order, at 8:28 p.m., to receive comments on the draft Wellhead Protection Plan - Part 2; and noted receipt of the affidavit of publication of the hearing notice. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 8:29 p.m.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Bergman, approving the calendar of upcoming events as included in the City Clerk's memo dated January 27, 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 January 19, 2011, in the amount of \$812,286.31; and January 26, 2011, in the amount of \$658,877.35. 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 litigation involving Jorge Allen, et al, regarding ponding.

MOTION: of Grendahl, seconded by Goodwin, to close the regular meeting and convene in closed session to discuss with the City Attorney litigation involving Jorge Allen, et al, regarding ponding. Ayes - 5 - Nays - 0.

The meeting was closed at 8:30 p.m. and Mayor Hamann-Roland and Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw convened in the Regent Conference Room, at 8:35 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 litigation involving Jorge Allen, et al, relative to ponding.

The Council reconvened in open session at 9:02 p.m.

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

The meeting was adjourned at 9:03 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 2-10-11