

CITY OF APPLE VALLEY
Dakota County, Minnesota
December 12, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held December 12, 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, Assistant City Engineer Bennett, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Planner Bodmer, Assistant Finance Director Broughten, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Public Works Supervisor Blommel Johnson, City Planner Lovelace, Community Development Director Nordquist, Police Chief Rehtzigel, Police Captain Scott, Liquor Operations Director Swanson, 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 led by Cub Scouts Brock Edelen, Hunter JoDell, Tyler Johnson, Matthew Ostrander, Nicholas Thompson, and Spencer Tio from Den 5 Pack 293; and Boy Scout Kevin JoDell from Troop 290.

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.

APPROVAL OF AGENDA

MOTION: of Hooppaw, seconded by Grendahl, approving the agenda for tonight's meeting, as presented. Ayes - 5 - Nays - 0.

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, moving consideration of item 4.C – Adopt Resolution Accepting Donation of \$50,000.00 from Norlyn Smith Estate for Bleachers at Johnny Cake Ridge Park, to the regular agenda, and approving all remaining items on the consent agenda. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

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MOTION: of Bergman, seconded by Grendahl, approving the minutes of the regular meeting of November 26, 2013, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, setting the 2014 City Council meeting schedule, in accordance with adopted policy on the second and fourth Thursdays of each month unless the following Friday is a holiday, as listed in the City Clerk's memo dated December 9, 2013. 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 American Legion Auxiliary, Unit 1776, for use on January 11, 2014, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. 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 Post 1776 American Legion Riders, for use on January 25, 2014, February 22, 2014, March 22, 2014, October 25, 2014, and November 22, 2014, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. 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 Apple Valley Sons of the American Legion, Squadron 1776, for use on February 8, 2014, April 12, 2014, and July 4, 2014, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving renewal and issuance of On-Sale and Off-Sale 3.2 Percent Malt Liquor Licenses for 2014, as attached to the City Clerk's memo dated December 9, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the MS4 SWPPP Application for reauthorization for the NPDES Storm Water Pollution Prevention Permit, as attached to the Water Quality Technician's memo dated December 12, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of a building permit for construction of footings, foundations, and associated retaining walls, for an Independent School District 196 facility, in Rosemount School District 2nd Addition, as described in the Public Works Director's memo dated December 12, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-179**, approving the reallocation of Special Assessment Roll Nos. 564, 569, 580, and 602, for Apple Valley Family 2nd Addition. Ayes - 5 - Nays - 0.

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- MOTION: of Bergman, seconded by Grendahl, approving extension of the Agreement with the Apple Valley Chamber of Commerce, for provision of Convention and Visitors Bureau services, through December 31, 2014, as attached to the Assistant City Administrator's memo dated December 12, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the Apple Valley Convention and Visitors Bureau 2014 budget and marketing plan, as attached to the Assistant City Administrator's memo dated December 12, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the 2014 Blue Thumb Partners' Agreement with Rice Creek Watershed District (RCWD) for membership renewal, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the Joint Powers Agreement with Independent School District 196, for the purchase and storage of road salt, as attached to the Public Works Superintendent's memo dated December 12, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the contract for AV Project 2014-107, 2014 Water Treatment Chemicals - Chlorine, with DPC Industries, Inc., in the amount of \$12,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the contract for AV Project 2014-107, 2014 Water Treatment Chemicals - Hydrofluorosilicic Acid and Cairox Potassium Permanganate, with Hawkins, Inc., in the amount of \$48,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the contract for Storm Sewer Televising within McAndrews Road, with Infratech, in the amount of \$7,636.84, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the Letter of Understanding for janitorial and grounds keeping tasks, with ProAct, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the contract for AV Project 2013-167, 2014 Ash Tree Removals, with St. Croix Tree Service, Inc., in the amount of \$6,437.08, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 2 to the contract with Krueger Excavating, Inc., for AV Project 2013-155, 2013 Utility Improvements, with a deduction of \$25,835.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 4 to the contract with Magney Construction, Inc., for AV Project 2012-108, Water Treatment Plant Expansion, in the amount of an additional \$12,117.32. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2011-107, 147th Street Extension from Flagstaff Avenue to Johnny Cake Ridge Road, as complete and authorizing final payment on the contract with LaTour Construction, Inc., in the amount of \$41,711.49. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2013-102, Whitney Drive Improvements, as complete and authorizing final payment on the contract with McNamara Contracting, Inc., in the amount of \$218,456.97. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2013-129, 2013 Concrete Removal & Replacement Services, as complete and authorizing final payment on the contract with Ron Kassa Construction, Inc., in the amount of \$4,186.04. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving hiring the seasonal and part time employees, resignation of employee, and termination of employee, as listed in the Personnel Report dated July 14, 2011. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

DONATION FROM NORLYN SMITH ESTATE

Councilmember Goodwin introduced this item and provided a brief history. He then read the Certificate of Recognition thanking Mr. Norlyn Smith and his estate for the generous donation.

MOTION: of Hamann-Roland, seconded by Grendahl, adopting **Resolution No. 2013-178** accepting, with thanks, the donation of \$50,000.00 from Norlyn Smith's Estate for bleachers at Legion Field of Johnny Cake Ridge Park. Ayes - 5 - Nays - 0.

INTRODUCTION OF NEW POLICE OFFICER GERVING

Police Chief Rehtzigel and Police Captain Scott introduced newly hired Police Officer Joshua Gerving to the Council and presented him with his badge. The City Clerk administered the oath of office to Officer Gerving. The Council congratulated Officer Gerving and welcomed him to his new position.

2014 CITY BUDGET AND PROPERTY TAX LEVY

Mr. Hedberg presented the 2014 proposed budget and tax levy. He reviewed the budget development process, on-going challenges, budget objectives and highlights. He showed various comparisons with other Dakota County cities, similarly sized metro cities, and other services. All properties in the City received mailed notice of the Truth-in-Taxation meeting and the notice included the proposed property taxes for 2014 based on preliminary budgets and tax levies approved in September. The impact of the property tax levy on the 2014 median valued home of \$192,100 that experienced an increase of 3.28% in market value, will result in the City portion of property taxes increasing approximately \$10. Mr. Hedberg stated the final property tax levy for 2014 is \$22,727,000, which is an increase of 1.4% or \$316,054 from 2013.

Mayor Hamann-Roland pointed out other communities assess for road reconstruction projects on top of their general fund levies; whereas, Apple Valley's levy includes road reconstruction.

Discussion followed.

Mayor Hamann-Roland opened the public comment portion of the Truth-in-Taxation hearing at 8:01 p.m. She asked for questions or comments from the public. There were none and the hearing was declared closed at 8:02 p.m.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-180** approving setting the City tax levy collectible in 2014 at \$22,727,000 and approving 2014 budgets with total revenue of \$57,031,185 and expenditures of \$61,302,286. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2013-181** setting the sewer and water rates and related procedures, effective January 15, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2013-182** setting the storm water drainage rates, effective January 15, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2013-183** setting the street light utility fees, effective January 15, 2014. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-184** approving the transfer of \$525,000.00 from the Liquor Fund to the General Fund for 2013. Ayes - 5 - Nays - 0.

PUBLIC HEARING ON ALCOHOLIC BEVERAGE LICENSE FEE AMENDMENT

Ms. Gackstetter introduced this item and provided a brief history. Staff is proposing the City Council consider increasing several alcoholic beverage license fees. The fees are included in the

Fee Schedule, which will be presented for action later this evening. She noted no comments have been received since the public hearing opened on November 26, 2013.

Mayor Hamann-Roland continued the public hearing at 8:09 p.m. regarding increasing various alcoholic beverage license fees. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 8:10 p.m.

ORDINANCE AMENDING ALCOHOLIC BEVERAGE INVESTIGATION FEES

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 111 of the City Code regulating alcoholic beverage investigation fees. The proposed ordinance authorizes the City to charge Clubs a fee for additional investigations, similar to all other licensees. The ordinance was prepared by the City Attorney's office. She noted no comments have been received since the first reading on November 26, 2013.

MOTION: of Hooppaw, seconded by Bergman, passing **Ordinance No. 954** amending City Code Sections 111.24 and 111.25, regulating alcoholic beverage investigation fees. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING FEES CONTAINED IN CITY CODE

Ms. Gackstetter gave the second reading of an ordinance amending the Fee Schedule Appendix of Title III of the City Code. Fee adjustments are proposed for the cemetery, City fees and materials, consultant and engineering services, building inspections and permits, licenses and permits, subdivision and development fees, utility fees, and zoning. The fees would be effective January 1, 2014. She noted the proposed rates more accurately reflect the City's costs. Some changes were also recommended as a result of increased fees being charged the City and some were increased according to the *Consumer Price Index* for Mpls./St. Paul and the *Engineering News Record* cost index. No comments from the public have been received regarding the proposed changes.

MOTION: of Hooppaw, seconded by Bergman, passing **Ordinance No. 955** amending the Fee Schedule Appendix of Title III, Chapter 35, of the City Code by adjusting certain fees and charges effective January 1, 2014. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING WATER AND SEWERS

Ms. Blommel Johnson gave the first reading of an ordinance amending Chapter 51 of the City Code regulating discharges into the City sanitary sewer system and maintenance of fire hydrants and other utility appurtenances. The ordinance was prepared by the City Attorney's office. The second reading is scheduled for December 26, 2013.

Discussion followed.

The City Council accepted the first reading.

APPOINT PARKS AND RECREATION ADVISORY COMMITTEE YOUTH REP

Mr. Barry Bernstein said the previous Parks and Recreation Advisory Committee Youth Representative resigned his appointment. An application was received from Ms. Kanika Gupta. Staff met with Ms. Gupta and recommends her appointment as Youth Representative.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-185** appointing Kanika Gupta Youth Representative to the Parks and Recreation Advisory Committee for a term expiring March 1, 2016. Ayes - 5 - Nays - 0.

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 December 9, 2013, 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, December 5, 2013, in the amount of \$3,284,705.52, and December 11, 2013, in the amount of \$551,401.40. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:28 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 12-26-13.