

CITY OF APPLE VALLEY
Dakota County, Minnesota
September 24, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held September 24, 2015, 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, Deputy City Clerk Marschall, City Attorney Dougherty, Acting City Engineer Anderson, Police Captain Bermel, Parks and Recreation Director Bernstein, Acting Public Works Director Blommel Johnson, Planner Bodmer, Planner Dykes, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Community Development Director Nordquist, Police Chief Rechtzigel, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 7:01 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Grendahl, 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

MOTION: of Goodwin, seconded by Bergman, approving the minutes of the regular meeting of September 10, 2015, as written. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-121** accepting, with thanks, the donation of \$100.00, from Scott Grohoski for use by the Fire Department. Ayes - 5 - Nays - 0.

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- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-122** accepting, with thanks, the donation of a water bottle filling station, from Jim Meyer for use in the Municipal Center. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving a change in officer for RT Minneapolis, LLC, d/b/a Ruby Tuesday, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 14883 Florence Trail, naming Rhonda Jean Parish as Chief Legal Officer/Secretary; as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving issuance of a 2015 Christmas Tree Sales Lot license to William E. Brabec d/b/a Silver Bell Christmas Tree Farm, for use on Lot 2, Block 1, East Valley Plaza 3rd Addition (between Upper 141st and 140th Streets), as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, proclaiming October 11, 2015, as "CROP Hunger Walk Day" and asking citizens to become aware of hunger and its causes. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-123** regarding the support of a Job Creation Fund Application in connection with Karamella, LLC. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-124** approving 2015 Special Assessment Roll No. 639, for hearing purposes, in the total amount of \$1,570.00 for delinquent utility charges, and setting the public hearing, at 7:00 p.m., on October 22, 2015. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-125** approving 2015 Special Assessment Roll No. 640, for hearing purposes, in the total amount of \$152,995.06 for delinquent false alarm charges, and setting the public hearing, at 7:00 p.m., on October 22, 2015. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-126** approving 2015 Special Assessment Roll No. 641, for hearing purposes, in the total amount of \$1,994.25 for delinquent mowing and tree removal charges, and setting the public hearing, at 7:00 p.m., on October 22, 2015. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the License Agreement with Cortland Homeowners' Association and D.R. Horton, Inc.-Minnesota, for installation and maintenance of landscaping in Cortland Fourth Addition right-of-way, as attached to the City Planner's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

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- MOTION: of Goodwin, seconded by Bergman, accepting the proposal and approving the agreement with McGladrey, LLP, to provide professional services related to Payment Card Industry (PCI) Compliance Services. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the agreement for on-line utility billing services with Paymentus Corporation, subject to final revision and changes as approved by the City Administrator and the City Attorney, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the agreement for Apple Valley City Hall – 2015 Exterior Repairs Part 1 Project, with Structural Glass Products, Inc., in the amount of \$69,120.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the agreement for Apple Valley City Hall – 2015 Exterior Repairs Part 2 Project, with Restoration Systems, Inc., in the amount of \$24,798.00, 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. 2 to the agreement with Parkos Construction Company, for Apple Valley Liquor Store #2 Interior Remodeling and City Hall Reception Counter Remodeling Project, with a deduction of \$970.00. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving Change Order No. 1 to the agreement with Graybar Electric Company, Inc., in the amount of an additional \$345.00 and accepting Project 2015-154, Quarry Point Park Soccer Field #7 Lighting - Supplies, as complete and authorizing final payment in the amount of \$125,112.00. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, accepting Apple Valley Liquor Store #2 Interior Remodeling and City Hall Reception Counter Remodeling Project, as complete and authorizing final payment on the agreement with Parkos Construction Company, in the amount of \$10,262.95. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, accepting Project 2015-128, 2015 Concrete Cleaning & Sealing Services, as complete and authorizing final payment on the contract with Budget Sandblasting and Painting, Inc., in the amount of \$17,300.00. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, accepting Project 2015-129, 2015 Sump Catch Basin Cleaning, as complete and authorizing final payment on the contract with Hydro-Klean, LLC, in the amount of \$24,480.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin seconded by Bergman, approving hiring the seasonal, part time, and full time employees, and resignation of employees, as listed in the Personnel Report dated September 24, 2015. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the claims and bills, check registers dated September 2, 2015, in the amount of \$588,232.78; and September 9, 2015, in the amount of \$598,510.13. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

PROCLAIM FIRE PREVENTION WEEK

Fire Chief Thompson said every year the National Fire Protection Association (NFPA) along with Fire Departments nationwide recognize Fire Prevention Week. He then reviewed activities the Fire Department will be conducting during the week of October 4th at elementary schools in the City. The 2015 theme for Fire Prevention Week is "Hear the Beep Where You Sleep". Public open houses will be held, from 6:00 to 9:00 p.m., at Fire Station No. 1 on October 6, at Fire Station No. 2 on October 7, and at Fire Station No. 3 on October 8, 2015, and everyone is invited. He then read the proclamation proclaiming Fire Prevention Week.

MOTION: of Grendahl, seconded by Hooppaw, proclaiming October 4-10, 2015, as "Fire Prevention Week" in support of the Fire Department's public safety efforts and urging all citizens to install smoke alarms and carbon monoxide detectors, and to plan and practice fire drills. Ayes - 5 - Nays - 0.

AMEND MASTER DEVELOPMENT DISTRICT TO INCLUDE TIF DISTRICT NO. 17

Ms. Dykes introduced this item and reviewed the proposal by Karamella, Inc., to expand its operations on a 21.58-acre lot located at 147th Street and Johnny Cake Ridge Road. Phase 1 of the project includes construction of a new 73,700 sq. ft. manufacturing and retail facility. The cost of improvements and equipment is estimated at \$6.6 million and is expected to create at least 80 additional jobs. Phase II of the project could add another 47,000 sq. ft. of manufacturing/warehouse space. Because of the high construction costs, Karamella requested assistance from the State of Minnesota. She then reviewed the financial assistance request for a pay-as-you-go Economic Development Tax Increment Financing (TIF) District to assist with the development. In addition to the TIF assistance, Karamella will be submitting a Job Creation Fund application for assistance from the State of Minnesota. She explained the actions necessary to establish TIF District No. 17 and noted the requirement for a public hearing.

Mayor Hamann-Roland called the public hearing to order at 7:16 p.m. to consider amendments to the Master Development Program relating to its Master Development District, establishment of Tax Increment Financing (TIF) District No. 17, and adoption of a Tax Increment Financing Plan relating thereto. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:17 p.m.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2015-127** approving amendments to the Master Development Program for Master Development District, Tax Increment Financing amendments and the establishment of Tax Increment Financing (TIF) District No. 17, approving Tax Increment Financing Plan therefor, and approving the Development Agreement. Ayes - 5 - Nays - 0.

Mr. Steve Hegedus, Owner of Karamella, Inc., addressed the City Council.

ORDINANCE AMENDING MINIMUM LOT SIZE

Ms. Bodmer gave the first reading of an ordinance amending Chapter 155 of the City Code by amending Section 155.266 reducing the minimum project area from 20 to 5 acres, and allowing project areas less than 5 acres provided certain conditions are met. Section 155.269 requires the applicant to submit a written statement on how the proposal would benefit public interest.

The Planning Commission reviewed this item at its meeting on September 16, 2015, and voted unanimously to recommend approval. Because this matter was previously reviewed by the Planning Commission, staff is recommending waiving of the second reading.

MOTION: of Bergman, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 997** amending Chapter 155 of the City Code. Ayes - 5 - Nays - 0.

TRAFFIC SAFETY ADVISORY COMMITTEE MEMBER RESIGNATION

Mr. Grawe reviewed the City Clerk's memo, dated September 24, 2015, regarding the resignation of Traffic Safety Advisory Committee Member Laura Turek, creating a vacancy on the Traffic Safety Advisory Committee with a term expiring March 1, 2018. He recommended the Council extend an invitation to individuals interested in serving on the Traffic Safety Advisory Committee to submit an application to the City Clerk by October 31, 2015. Appointment could then be made at the first meeting in November.

MOTION: of Grendahl, seconded by Bergman, accepting the resignation of Traffic Safety Advisory Committee Member Laura Turek and thanking her for her dedicated service to the City of Apple Valley; and directing staff to post the Traffic Safety Advisory Committee vacancy and inviting individuals interested in serving on the Committee to submit an application to the City Clerk by October 31, 2015. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Councilmember Goodwin commented on police body cameras.

Mr. Lawell thanked everyone for their participation in both the tree planting and booya events.

Mr. Nordquist announced City Planner Maggie Dykes is resigning from her position and recognized her accomplishments. The Council thanked her for her years of service.

CALENDAR OF UPCOMING EVENTS

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

CLOSED SESSION, LABOR NEGOTIATIONS

Mr. Dougherty 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.

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

The Council convened in the Regent Conference Room at 7:45 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; City Administrator Lawell; Deputy City Clerk Marschall; Human Resources Manager Haas; Police Chief Rechtzigel; and Police Captain Bermel. The meeting was tape recorded as required by law. The Council reconvened in open session at 8:16 p.m.

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

The meeting was adjourned at 8:16 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 10-8-15.