

CITY OF APPLE VALLEY
Dakota County, Minnesota
May 10, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 10th, 2012, 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: Assistant City Administrator Grawe, City Clerk Gackstetter, City Attorney Hills, Public Works Director Blomstrom, Human Resources Manager Haas, Finance Director Hedberg, Parks and Recreation Director Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Acting Police Chief Rehtzigel, 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 to the flag.

APPROVAL OF AGENDA

MOTION: of Grendahl, seconded by Hooppaw, moving item 5.A – Proclaim May 18-19, 2012, as “Poppy Days” and May 2012 as “Poppy Month” and item 5.B – Proclaim May 28, 2012, as “Memorial Day” to items 5.H and 5. I respectively; 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 Bergman, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of April 26, 2012, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-97** accepting, with thanks, the donation of a bench for Alimagnet Park from friends of Dan Evert. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-98** accepting,

with thanks, the donation of \$4,500.00 from Seasons of Apple Valley and Enjoy! Restaurant for a fountain for Kelley Park pond. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving issuance of a new 2012-2013 License to sell tobacco or tobacco products to Tobacco Valley 1, Inc., d/b/a Tobacco Valley, 7539 149th Street W., as described in the City Clerk's memo dated May 7, 2012. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-99** approving the interfund transfers between funds. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the release of financial guarantee for Think Bank, as listed in the Community Development Department Assistant's memo dated May 10, 2012. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the change in the color concrete selection for Cedar Avenue transitway improvements, as described in the Public Works Director's memo dated May 7, 2012. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the First Amendment to the Lease Agreement with New Cingular Wireless PCS, LLC, as attached to the Public Works Superintendent's memo dated May 10, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Licensing Agreement for Improvements on Outlot J, Cobblestone Lake Commercial 3rd Addition, as attached to the City Planner's memo dated May 2, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the professional services agreements with Braun Intertec Corporation for materials testing services related to AV Project 2012-101, 2012 Street Maintenance Project, as attached to the City Engineer's memo dated May 10, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement for AV Project 2012-104, 2012 Utility Improvements, with Kruger Excavating, Inc., in the amount of \$26,072.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with Veit & Company, Inc., for AV Project 2011-152, 2011 Sanitary Sewer Lining, with a deduction of \$50.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with Tecta America Stock Roofing, LLC, for Valleywood Clubhouse Project #0741 – Roofing & Metal Panels, resulting in no change to the contract

amount. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with Regal Contractors, Inc., for Valleywood Clubhouse Project #0920 – Drywall/Framing, in the amount of an additional \$453.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with Acoustics Associates, Inc., for Valleywood Clubhouse Project #0950 – Acoustical Ceilings, with a deduction of \$820.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with Acoustics Associates, Inc., for Valleywood Clubhouse Project #0965 – Resilient Flooring/Carpet, with a deduction of \$1,672.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to the contract with Jim Murr Plumbing, Inc., for Valleywood Clubhouse Project #2200 – Plumbing & Piping, in the amount of an additional \$4,091.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with Prior Lake Blacktop, Inc., for Valleywood Clubhouse Project #3123 – Earthwork/Site Utilities/Asphalt Paving, with a deduction of \$12,239.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving a billable rate of \$65.00 per hour and a pay rate of \$52.00 per hour for extra-duty police officers, as described in the Police Captain's memo dated May 3, 2012. Ayes - 5 - Nays - 0.

MOTION: of Bergman seconded by Goodwin, approving hiring the seasonal employees, as listed in the Personnel Report dated May 10, 2012. Ayes - 4 - Nays - 0 - Abstain - 1 (Hamann-Roland).

END OF CONSENT AGENDA

2012 SPECIAL ASSESSMENT ROLL 608

Mr. Hedberg described Assessment Roll No. 608, totaling \$2,166.00, for delinquent false alarms. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received and there have been no prepayments.

Mayor Hamann-Roland called the public hearing to order, at 7:05 p.m., on Special Assessment Roll No. 608. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:06 p.m.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2012-100** approving and levying 2012 Special Assessment Roll No. 608, for delinquent

false alarms, in the total amount of \$2,166.00. Ayes - 5 - Nays - 0.

2012 SPECIAL ASSESSMENT ROLL NO. 609

Mr. Hedberg described Assessment Roll No. 609, totaling \$4,964.36, for delinquent mowing, tree removal, and trash clean up. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received and there have been no prepayments.

Mayor Hamann-Roland called the public hearing to order, at 7:07 p.m., on Special Assessment Roll No. 609. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:08 p.m.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-101** approving and levying 2012 Special Assessment Roll No. 609, for delinquent mowing, tree removal, and trash clean up, in the total amount of \$4,964.36. Ayes - 5 - Nays - 0.

2012 SPECIAL ASSESSMENT ROLL 610

Mr. Hedberg described Assessment Roll No. 610, totaling \$177,614.46, for delinquent utilities accounts. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. The assessment represents 584 utility billing accounts. No written objections have been received. The revised total following prepayments is \$163,901.17.

Mayor Hamann-Roland called the public hearing to order, at 7:09 p.m., on Special Assessment Roll No. 610. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:10 p.m.

Councilmember Hooppaw asked if the delinquent accounts are accruing year after year or are they getting paid once they are assessed.

Mr. Hedberg noted several properties are repeatedly assessed for delinquent charges; however, the majority of the accounts do get paid.

The Council held discussion.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-102** approving and levying 2012 Special Assessment Roll No. 610, delinquent utilities accounts, in the revised amount of \$163,901.17. Ayes - 5 - Nays - 0.

COBBLESTONE LAKE PIZZA RANCH

Mr. Lovelace reviewed the request by DDJ Ranch Apple Valley, LLC, for a replat of an existing lot and outlot that will create two new lots and a site plan review/building permit authorization for a 6,998 square foot building and 102 surface parking spaces for Pizza Ranch on a 1.4 acre lot in Cobblestone Lake Commercial 4th Addition. The property is located on the northeast corner

of Pilot Knob Road and 157th Street W. As part of the review, Mr. Lovelace presented the site plan, grading plan, utility plan, elevation drawings, and landscape plan. The Planning Commission reviewed the request on April 4, and May 2, 2012, and recommended approval.

Councilmember Goodwin asked why there was one dissenting vote for the site plan/building permit authorization.

Mr. Lovelace explained the Planning Commissioner's opposition as he understood it.

Councilmember Goodwin said he believes the restaurant will be a great addition. He then commented on the popularity of this chain in other cities.

Mr. Lovelace added that this is the first free standing Pizza Ranch in the metro area.

Councilmember Bergman thanked the applicant for coming to Apple Valley. He thinks the restaurant will draw attention to this area of the City. He believes the businesses, Quarry Point Park, and Pizza Ranch will benefit from each other.

Mr. Dan Peterson, Operating Partner of Pizza Ranch, said Pizza Ranch has been in operation for 30 years and they have approximately 170 restaurants. They hope to open in Apple Valley by November 1. He stated they will employ approximately 110 part-time employees.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-103** approving the final plat for correction or recombination of Cobblestone Lake Commercial 4th Addition.. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-104** approving the site plan and authorizing issuance of a building permit for construction of a 6,998 square foot building and 102 surface parking spaces on Lot 1, Block 1, Cobblestone Lake Commercial 4th Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

FISCHER POINT

Mr. Lovelace reviewed the request by Fischer Sand and Aggregate, LLC, for an amendment to the 2030 Comprehensive Plan Land Use Map, redesignating the northwest 25 acres of the site from "MBC" (Mixed Business Campus) to "C" (Commercial); rezoning the northwest 25 acres of the site from "SG" (Sand and Gravel) to "RB" (Retail Business); and a subdivision by preliminary plat. The 55.73 acre site is located on the southeast corner of County State Aid Highway 42 and Flagstaff Avenue. The Metropolitan Council approved the Comprehensive Plan amendment on April 27, 2012. He noted Menards Corporation would like to relocate their existing facility to Lot 1. Menards would also purchase the outlot to the north and use it for retail development.

The Council commented on the great things happening in the City and noted that this is a terrific reinvestment by Menards.

Councilmember Grendahl asked if any residents expressed concerns on any of the issues.

Mr. Lovelace stated the Planning Commission held a public hearing. He received a couple phone calls with questions, but no complaints were received and no one spoke at the public hearing.

Councilmember Grendahl asked about the two dissenting votes from the Planning Commission. She sees this as smart, planned growth.

Mr. Lovelace said he believed the main reason was that these two Commissioners wanted to develop the mixed business campus as one large tract of land and did not want the site to be subject to commercial creep.

Councilmember Goodwin said the City has to be flexible. There are still many acres available for the mixed business campus. He thinks this is a golden opportunity and he is happy to have this development on a difficult corner.

Councilmember Bergman said he is also concerned about the creep, but acknowledges this is a difficult piece of property. He does not want commercial development to go beyond the Hanson property.

The Council and staff held discussion.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-105** approving an amendment to the Land Use Map of the 2030 Comprehensive Guide Plan re-designating Lot 1 and Outlot A, Fischer Point, from "MBC" (Mixed Business Campus) to "C" (Commercial), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, passing **Ordinance No. 932** rezoning Lot 1 and Outlot A, Fischer Point, "SG" (Sand and Gravel) to "RB" (Retail Business). Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-106** approving the preliminary plat of Fischer Point, for one lot and four outlots, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

POPPY DAYS PROCLAMATION

Ms. Heike Cybart of the American Legion Auxiliary Poppy Committee was present. She read the proclamation, proclaiming May 18-19, 2012, as "Poppy Days" and May 2012 as "Poppy Month".

MOTION: of Grendahl, seconded by Hooppaw, proclaiming May 18-19, 2012, as “Poppy Days” and May as “Poppy Month” and asking citizens to pay tribute to those who have died in war in the name of freedom. Ayes - 5 - Nays - 0.

The Mayor thanked the Auxiliary for its efforts in remembering those who have died in war by distributing the memorial flowers and presented the proclamation to Ms. Cybart.

MEMORIAL DAY PROCLAMATION

The Mayor presented the “Memorial Day” proclamation to Mr. Cybart.

Mr. Lloyd Cybart, on behalf of American Legion, Post 1776, read the proclamation proclaiming May 28, 2012, “Memorial Day”. He invited everyone to the ceremonies at 11:00 a.m. at the Apple Valley American Legion Memorial located behind the American Legion Post on Granada Avenue.

MOTION: of Grendahl, seconded by Goodwin, acknowledging the Federal Proclamation of May 28, 2012, as “Memorial Day” and asking citizens to remember those who were casualties and injured in the various wars and police actions of the United States. Ayes - 5 - Nays - 0.

The Council thanked the veterans for their service.

COMMUNICATIONS

Mr. Blomstrom provided an update on the Cedar Avenue transitway construction project.

Mr. Nordquist and Mayor Hamann-Roland provided an update on the Omnibus Tax Bill.

The Council held discussion regarding the status of the Omnibus Tax Bill.

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 May 8, 2012, 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 Goodwin, to pay the claims and bills, check registers dated May 3, 2012, in the amount of \$798,196.38; and May 10, 2012, in the amount of \$1,019,989.79. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:16 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 5-24-12.