

CITY OF APPLE VALLEY
Dakota County, Minnesota
August 23, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held August 23, 2012, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, and Hooppaw.

ABSENT: Councilmember Grendahl.

City staff members present were: City Administrator Lawell, Deputy City Clerk Marschall, City Attorney Hills, Acting Parks and Recreation Director Adamini, Public Works Director Blomstrom, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rehtzigel, 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 Hooppaw, approving the agenda for tonight's meeting, as presented. Ayes - 4 - 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 Hooppaw, seconded by Bergman, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the regular meeting of August 9, 2012, as written. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-163** accepting, with thanks, the donation of \$100.00 from Pat Sullivan, Jr., for Valleywood Clubhouse. Ayes - 4 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on November 10, 2012, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to School of Environmental Studies Education Foundation, for use on September 29, 2012, at the School of Environmental Studies, 12155 Johnny Cake Ridge Road, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-164** setting public hearing on issuance of Health Care Revenue Refunding Bonds for Evercare Senior Living, LLC, Project, and authorizing the publication of a notice of public hearing on September 11, 2012, at 7:00 p.m. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-165** approving specifications for Quarry Point Park Storm Damage Repair and authorizing advertising for receipt of bids at 10:00 a.m., on September 14, 2012. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the First Amendment to Lease Agreement with T-Mobile Central, LLC, for ground equipment and antenna at Longridge Reservoir, 8350 160th Street, as attached to the Public Works Superintendent's memo dated August 23, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the First Amendment to Lease with Option Agreement with T-Mobile Central, LLC, for ground equipment and antenna at Nordic Reservoir, 13099 Foliage Avenue, as attached to the Public Works Superintendent's memo dated August 23, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Second Amendment to Lease with Option Agreement with T-Mobile Central, LLC, for ground equipment and antenna at Hagemeister Park, 12925 Johnny Cake Ridge Road, as attached to the Public Works Superintendent's memo dated August 23, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Second Amendment to Lease Agreement with T-Mobile Central, LLC, for ground equipment and antenna at Palomino Lattice Tower, 7738 128th Street, as attached to the Public Works Superintendent's memo dated August 23, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, approving the First Amendment to Lease with Option Agreement with T-Mobile Central, LLC, for ground equipment and antenna at Quarry Point water tower, 5551 160th Street, as attached to the Public Works Superintendent's memo dated August 23, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the First Amendment to Lease with Option Agreement with T-Mobile Central, LLC, for ground equipment and antenna at Valleywood Reservoir, 4863 McAndrews Road, as attached to the Public Works Superintendent's memo dated August 23, 2012,. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Second Amendment to the professional services agreement with Short Elliott Hendrickson, Inc., for design of Water Treatment Plant Expansion, in accordance with the proposal dated August 17, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Keith Lowinske for raingarden at 12826 Emmer Place, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Joint Powers Agreement with the State of Minnesota, acting through its Department of Public Safety, Bureau of Criminal Apprehension, for Criminal Justice Data and CJDN Subscriber Agreement, as attached to the Assistant City Attorney's memo dated August 20, 2012, and authorizing the Mayor and Deputy City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Design Agreement with Menard, Inc., for design services relating to AV Project 2012-112, Fischer Point Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for Private Installation of Improvements for infrastructure installation relating to AV Project 2012-151, Cobblestone Lake South Shore 7th Addition, with South Shore Development, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for AV Project 2012-123, 2012 Traffic Control Signal System Painting, with OLS Restoration, Inc., in the amount of \$10,520.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2012-166** awarding a contract for AV Project 2012-144, Outdoor Lighting Replacement for Apple Valley Fire Stations, to Killmer Electric Companies, Inc., in the amount of \$32,312.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 2 to Valleywood Clubhouse Project #0420 – Masonry, with Met-Con Construction, Inc., in the amount of an additional \$550.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 2 to Valleywood Clubhouse Project #0510 – Steel Erection, with Maxx Steel Erectors, Inc., in the amount of an additional \$250.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to Valleywood Clubhouse Project #1140 – Food Service Equipment, with Premier Restaurant & Equipment Co., in the amount of an additional \$405.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 2 to Valleywood Clubhouse Project #2100 – Fire Protection, with Breth-Zenzen Fire Protection, LLC, in the amount of an additional \$2,882.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 5 to Valleywood Clubhouse Project #2200 – Plumbing and Piping, with Jim Murr Plumbing, Inc., in the amount of an additional \$565.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 5 to Valleywood Clubhouse Project #3123 – Earthwork/Site Utilities/Asphalt Paving/Demolition, with Prior Lake Blacktop, Inc., with a deduction of \$720.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting Valleywood Clubhouse Contract #3100, Earthwork/Underground Utilities as complete and authorizing final payment on the contract with Urban Companies, LLC, in the amount of \$2,100.00. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving hiring the full-time and seasonal employees and resignation of employee, as listed in the Personnel Report dated August 23, 2012. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

CORTLAND ADDITION

Mr. Lovelace reviewed the request by D.R. Horton, Inc., and Fischer Sand and Aggregate, LLC, for rezoning and subdivision by preliminary plat on an 88-acre property located east of Pilot Knob

Road, in the southeast corner of future Embry Path, and south of CSAH 42. The preliminary plat will create 178 single-family residential lots, a 6.27-acre ponding area, and a 5.56-acre Public Park.

Councilmember Bergman asked if the width of the road and parking would be an issue with the proposed ball field pictured in the preliminary plat drawing.

Mr. Adamini said the ball field is conceptual at this time.

Mr. Lovelace added the new Embry Path is considered a minor collector street with 1300-1900 vehicle trips per day. About 13 of the 178 lots will be located off of Embry Path. Due to the traffic on Embry Path, 13 lots will be constructed with a driveway turnaround.

Mayor Hamann-Roland appreciated the applicant's concern to traffic since it can be a safety issue.

Councilmember Bergman complimented the applicants and staff in promoting the City. He is concerned about the redundancy of floor plans in a neighborhood and asked if homeowners will be allowed to modify or customize floor plans.

Mr. Suel, of D.R. Horton, said homeowners have the option to customize their homes. D.R. Horton also manages floor plans internally to avoid redundancy in a neighborhood.

Mayor Hamann-Roland added variety is the charm of Apple Valley and appreciates the applicant's development and cooperation with the City.

City Attorney Hills said a plat will not show building pads or driveways. In order to enforce the driveway turnarounds remain on said lots, she recommended a requirement be included in the development's Declaration of Covenants and recorded against the subject lots.

Mr. Suel agreed.

MOTION: of Goodwin, seconded by Hooppaw, passing **Ordinance No. 935** rezoning 53-acres in the southeast corner of 150th Street West (CSAH 42) and Embry Path from "M-3C" (Multiple Family Residential/3-6 units per acre) to "R-3" (Single Family Residential/11,000 sq. ft. min. lot area). Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, passing **Ordinance No. 936** rezoning 11-acres the southeast corner of 150th Street West (CSAH 42) and Embry Path from "M-6C" (Multiple Family Residential/6-12 units per acre) to "R-3" (Single Family Residential/11,000 sq. ft. min. lot area). Ayes - 4 - Nays - 0.

Councilmember Goodwin questioned why homeowners are required to have a vehicle turnaround if only 1300 cars will travel the street per day.

Mayor Hamann-Roland said she spoke with an expert and was informed challenges begin when more than 1000 cars per day travel a road. She appreciates the applicant offered the turnaround as a solution.

Mr. Suel added the right-of-way on Embry Path was reduced from 80 feet to 60 feet. The lots are now 10 feet deeper which allows additional grass area in the front yard to make up for the area the turnaround has taken away.

Councilmember Bergman asked how much extra blacktop will be added for the turnaround.

Mr. Lovelace said he it is approximately 5x10 feet.

Councilmember Hooppaw commented they are not adding another parking stall but only enough room to back in and turn the opposite direction. He is concerned this will affect the marketability of the lots.

Mr. Suel said it is not the first time they have used turnarounds. Homeowners use them for basketball hoops, landscaping, and make it a positive feature. He does not see it as a concern.

Councilmember Goodwin said turnarounds are not attractive. He wants homeowners to have it as an option and not a requirement. He believes it is overkill for 1300 cars per day.

Councilmember Bergman said he would like to view other locations where turnarounds are being used. He is concerned the new Embry Path will become a speedway or runway.

Councilmembers Goodwin and Hooppaw said they do not believe it will become a speedway or runway.

Mr. Lovelace said the lots with turnarounds will be constructed in Phase II, so this topic may be revisited at a later date.

Mr. Suel and Council held further discussion.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2012-167** approving the preliminary plat of Cortland Addition, with conditions as recommended by the Planning Commission. Ayes - 3 - Nays - 1 (Goodwin).

STAFF COMMUNICATION

Mr. Blomstrom provided an update on various road and construction projects.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk's memo dated August 20, 2012, and noting that each

event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 -
Nays - 0.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Hooppaw, to pay the claims and bills, check registers dated August 16, 2012, in the amount of \$1,120,017.52; and August 23, 2012, in the amount of \$842,202.60. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded Bergman, to adjourn. Ayes - 4 - Nays - 0.

The meeting was adjourned at 9:02 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 9-11-12