

CITY OF APPLE VALLEY
Dakota County, Minnesota
October 25, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 25, 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: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Acting Parks and Recreation Director Adamini, Public Works Director Blomstrom, Building Official Brady, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 7:01 p.m.

APPROVAL OF AGENDA

MOTION: of Hooppaw, seconded by Grendahl, adding item 4.Q – Adopt Resolution Lifting Current Ban on Recreational Fires to the consent agenda, and approving the agenda for tonight's meeting, as amended. Ayes - 5 - Nays - 0.

Everyone took part in the Pledge of Allegiance to the flag.

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 October 11, 2012, as written. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-202** accepting, with thanks, the donation of \$980.00 from Sandra Melby in memory of Donald Melby, for purchase of a bench in Lebanon Cemetery. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, authorizing the City Clerk to notify the Minnesota Department of Commerce that it approves the renewal of the Currency Exchange License for Madison Financial Companies, Inc., d/b/a Money Xchange, for premises at 15465 Cedar Avenue, Suite 170. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-203** setting a public hearing, at 7:00 p.m., on November 20, 2012, on renewal applications for On-Sale Intoxicating Liquor, Club, Wine, and 3.2 Percent Malt Liquor Licenses for 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-204** calling for public hearing on amendment to the Master Development Program and establishment of Tax Increment Financing District No. 15. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving closing Granada Drive between 146th Street W. and 147th Street W., on January 12, 2013, and February 23, 2013, in connection with a special outdoor event in Rascal's Parking lot, 7721 147th Street W., as described in the Associate City Planner's memo dated October 25, 2012. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Truth-in-Taxation notice, as attached to the Finance Director's memo dated October 21, 2012, and authorizing printing it in black and white. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-205** supporting the Dakota County 2013-2017 Capital Improvement Program. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Order to Remove Hazardous Building/Structure and Conditions on Property located at 14775 Hallmark Drive. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-206** approving a 10.7 ft. variance from the 13 ft. sign setback requirement for Majestic Cove Apartments on Lot 1, Block 1, Majestic Cove Limited Partnership, located at 7472 157th Street W., with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving an agreement for AV Project 2013-104, 2013 & 2014 Water Meter Reading Services, with RMR Services, LLC, in the

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amount of \$0.38 per meter, 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 Agreement with Braun Intertec Corporation for materials testing services relating to AV Project 2012-134, Cortland Addition, in an estimated amount of \$19,389.00, 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. 2 to Valleywood Clubhouse Project #0512 – Steel Supply, with Thurnbeck Steel Fabrication, Inc., for a deduction of \$250.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 3 to Valleywood Clubhouse Project #0610 – General Carpentry, with Cannon Construction, Inc., for a deduction of \$6,913.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 4 to Valleywood Clubhouse Project #0610 – General Carpentry, with Cannon Construction, Inc., for a deduction of \$5,446.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 5 to Valleywood Clubhouse Project #0610 – General Carpentry, with Cannon Construction, Inc., for a deduction of \$845.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 6 to Valleywood Clubhouse Project #0610 – General Carpentry, with Cannon Construction, Inc., for an addition of \$1,118.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 7 to Valleywood Clubhouse Project #0610 – General Carpentry, with Cannon Construction, Inc., for a deduction of \$2,350.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to Valleywood Clubhouse Project #0741 – Roofing and Metal Panels, with Tecta America Stock Roofing, Inc., for a deduction of \$369.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to Valleywood Clubhouse Project #0840 – Aluminum Entrances/Storefront/Glazing, with Northern Glass & Glazing, Inc., for an addition of \$200.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to Valleywood Clubhouse Project #0920 – Drywall/Framing, with Regal Contractors, Inc., for an addition of \$563.00. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 3 to Valleywood Clubhouse Project #0920 – Drywall/Framing, with Regal Contractors, Inc., for an addition of \$286.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to Valleywood Clubhouse Project #0930 – Tile, with WTG Terrazo & Tile, Inc., for an addition of \$879.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to Valleywood Clubhouse Project #0990 – Painting/Finishes, with Wasche Commercial Finishes, Inc., for an addition of \$114.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to Valleywood Clubhouse Project #1140 – Food Service Equipment, with Premier Restaurant Equipment, Co., resulting in no change to the contract amount. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 3 to Valleywood Clubhouse Project #1140 – Food Service Equipment, with Premier Restaurant Equipment, Co., resulting in no change to the contract amount. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 6 to Valleywood Clubhouse Project #2200 – Plumbing and Piping, with Jim Murr Plumbing, Inc., for an addition of \$450.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 7 to Valleywood Clubhouse Project #2200 – Plumbing and Piping, with Jim Murr Plumbing, Inc., for an addition of \$220.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to Valleywood Clubhouse Project #2300 – Heating, Ventilation and Air Conditioning, with Gemini 26, Inc., d/b/a Bauernfeind Goedtel, for a deduction of \$2,787.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to Valleywood Clubhouse Project #2300 – Heating, Ventilation and Air Conditioning, with Gemini 26, Inc., d/b/a Bauernfeind Goedtel, for a deduction of \$653.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 4 to Valleywood Clubhouse Project #2600 – Electrical/Fire Alarm, with Schammel Electric, Inc., for an addition of \$510.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 5 to Valleywood Clubhouse Project #2600 – Electrical/Fire Alarm, with Schammel Electric, Inc., for an addition of \$2,185.00. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 6 to Valleywood Clubhouse Project #2600 – Electrical/Fire Alarm, with Schammel Electric, Inc., for an addition of \$475.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 4 to Valleywood Clubhouse Project #2700 – Communications Systems, with Dascom Systems Group, LLC, for a deduction of \$66.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2012-116, Valleywood Clubhouse Sanitary Grinder Station, as complete and authorizing final payment on the contract with Gartzke Construction, Inc., in the amount of \$1,193.99. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2011-113, Well 20 Pumping Facility, as complete and authorizing final payment on the contract with Rice Lake Construction Group, in the amount of \$53,256.27. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Apple Valley Family Aquatic Center Boiler Repair, as complete and authorizing final payment on the contract with Twin Cities Boiler Repair, Inc., in the amount of \$12,574.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal employees, as listed in the Personnel Report dated October 25, 2012. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, setting a special formal City Council meeting, at 3:30 p.m., on November 13, 2012, at the Municipal Center, for the purpose of canvassing City election results. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-214** lifting the current ban on recreational fires. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

GENERAL ELECTION UPDATE

Ms. Gackstetter provided the Council an update on election preparations and reminded the public about the upcoming City and General Election on Tuesday, November 6. Polls will be open from 7:00 a.m. to 8:00 p.m. She encouraged everyone to exercise their right to vote.

KWIK TRIP 406

Mr. Lovelace reviewed the request by Kwik Trip, Inc., for approval of a final plat and Waiver of Subdivision Agreement; approval of Conditional Use Permits for motor fuel sales, a car wash bay, and outdoor display; and a site plan/building permit authorization and driveway width variances to

allow for construction of a 7,643 sq. ft. commercial building and 4,800 sq. ft. fuel canopy on Lot 1, Block 1, Kwik Trip 406. The commercial building includes a 5,764 sq. ft. convenience store and 1,879 sq. ft. attached single stall car wash facility. The site is located on the northwest corner of 145th Street W., and Cedar Avenue. It is the current location of a 12,400 sq. ft. multi-tenant retail building that includes the existing Kwik Trip convenience store. He reviewed the location map, turning movement plan, outdoor display locations, grading plan, utility plan, landscape plan, building elevations, and fuel canopy elevations. The Planning Commission reviewed the variances and recommended approval.

Mayor Hamann-Roland thanked Kwik Trip for its reinvestment in Apple Valley.

Mr. Wade DuMond, of Kwik Trip, complimented staff for their work on this project.

Councilmember Bergman asked when construction will begin and if it is a 24-hour operation.

Mr. DuMond responded they will start construction late spring or early summer next year and it will last about four months. The store is open 24 hours a day.

Councilmember Bergman asked about berming and landscaping, the orientation of the car wash facility, if the car wash doors would be insulated so that noise would not be an issue for neighboring townhomes, and if the car wash is also open 24 hours a day.

Mr. Lovelace said staff worked with the applicant to move the car wash facility as far away as possible from the residents on Glenda Drive. He added there was a public hearing on this project and there were no concerns expressed regarding the car wash.

Councilmember Hooppaw said it is a nice looking building. He hopes the site will not be cluttered with excessive signs.

MOTION: of Grendahl, seconded by Goodwin adopting **Resolution No. 2012-207** approving the final plat and Waiver of Subdivision Agreement for Kwik Trip 406. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-208** approving a Conditional Use Permit for Motor Fuel Sales in conjunction with a convenience store operation on Lot 1, Block 1, Kwik Trip 406, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2012-209** approving a Conditional Use Permit for Car Wash Operations in conjunction with a motor fuel sales operation on Lot 1, Block 1, Kwik Trip 406, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-210** approving a Conditional Use Permit for Outdoor Display and Sales in conjunction with a

convenience store operation on Lot 1, Block 1, Kwik Trip 406, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2012-211** approving the site plan and driveway width variances and authorizing issuance of a building permit for construction of a 7,643 sq. ft. commercial building and 4,800 sq. ft. fuel canopy on Lot 1, Block 1, Kwik Trip 406, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

CUB FOODS ADDITION

Mr. Lovelace reviewed the request by Oppidan, Inc., and SVH Realty, Inc., for preliminary plat approval and site plan/building permit authorization to allow construction of a 7,000 sq. ft. retail building on a 1.04 acre lot. The site is located on the southeast corner of 153rd Street W. and Cedar Avenue and is the location of the existing Cub Foods store. The applicant is proposing to reduce the existing Cub Foods store by 15,000 sq. ft. He reviewed the existing plat, proposed plat, existing conditions, various site plans, utility and grading plans, landscape plan, and proof of parking plan.

Mayor Hamann-Roland asked if Cub is considering its relationship to the transit hub.

Mr. Lovelace responded that staff has had those conversations with Cub representatives.

Council held discussion.

Councilmember Grendahl stated she does not see parking as an issue.

Councilmember Bergman suggested the City Council discuss the placement of buildings along the corridor at an informal meeting.

Mr. Paul Tucci, of Oppidan, Inc., commented on parking, the change in market share, and the size of the Apple Valley store.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2012-212** approving the preliminary plat of Cub Foods Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-213** approving the site plan and authorizing issuance of a building permit to allow construction of a 7,000 sq. ft. building and 54 surface parking spaces on Lot 3, Block 1, Cub Foods Addition (15350 Cedar Avenue), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

STAFF COMMUNICATION

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

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated October 25 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 Grendahl, to pay the claims and bills, check registers dated October 18, 2012, in the amount of \$2,310,953.15; and October 25, 2012, in the amount of \$1,246,880.14. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:07 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 11-8-12.