

CITY OF APPLE VALLEY
Dakota County, Minnesota
June 27, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 27, 2013, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw.

ABSENT: Mayor Hamann-Roland.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Associate City Planner Bodmer, Assistant City Administrator Grawe, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rehtzigel, Police Captain Scott and Fire Chief Thompson.

Acting Mayor Goodwin 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, adding Item 4.Q – Set Special Informal Meeting on July 11, 2013, at 5:00 p.m., to the consent agenda, and approving the agenda for tonight's meeting, as amended. Ayes - 4 - Nays - 0.

AUDIENCE

Acting Mayor Goodwin 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

Acting Mayor Goodwin asked if the Council or anyone in the audience wished to pull any item from the consent agenda. There were no requests.

MOTION: of Grendahl, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of June 13, 2013, as written. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Eastview Community Foundation, for use on August 15, 2013, at 4854 Dominica Way, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0

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MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a new 2013 Fuel Dispensing Facility Permit to Fuhr Enterprises, Inc., d/b/a PQD Food Stores, 14265 Essex Avenue, as described in the City Clerk's memo dated June 24, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a new 2013 Off-Sale 3.2 Percent Malt Liquor License to Fuhr Enterprises, Inc., d/b/a PQD Food Stores, 14265 Essex Avenue, as described in the City Clerk's memo dated June 24, 2013. Ayes - 4- Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a new 2013 License to Sell Tobacco or Tobacco Products to Fuhr Enterprises, Inc., d/b/a PQD Food Store, 14265 Essex Avenue, as described in the City Clerk's memo dated June 24, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Beyond the Yellow Ribbon - Rosemount, by Minnesota Alcohol and Gambling Enforcement Division, for use from 8:00 a.m. on July 13, 2013, to 12:00 a.m. on July 14, 2013, in the north parking lot at Bogart's/Apple Place Bowl, 14917 Garrett Avenue, as described in the City Clerk's memo dated June 24, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving **Resolution No. 2013-97** approving nighttime hauling hours for Fischer Sand & Aggregate, LLP, for the Portland Avenue bridge reconstruction project, and attaching conditions thereto. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving **Resolution No. 2013-98** approving nighttime hauling hours for Fischer Sand & Aggregate, LLP, for the County State Aid Highway (CSAH) 42 resurfacing project, and attaching conditions thereto. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving an Estoppel Certificate for The Seasons at Apple Valley, 15359 Founders Lane, (Lot 1, Block 2, The Legacy of Apple Valley) as attached to the Planner's memo dated June 27, 2013, and authorizing the Acting Mayor and City Clerk to sign the necessary documents. Ayes - 4 - Nays - 0

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-99** establishing parking restrictions along Upper 139th Street W. between Glazier Court and Cedar Avenue, from 6:00 a.m. to 10:00 a.m., Monday through Friday, and ordering installation of the necessary signage. Ayes - 4 - Nays - 0.

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MOTION: of Grendahl, seconded by Hooppaw, approving the release of financial guarantee for Eagle Ridge Business Park, as described in the Community Development Department Assistant's memo dated June 27, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, authorizing the purchase of carpet, electrical upgrade, and clerical work stations, at Central Maintenance Facility, as described in the Public Works Supervisor's memo dated June 27, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, authorizing the purchase of traffic signal controller and cabinet for AV Project 2013-124, 147th Street W. and Galaxie Avenue Signal Revisions, in the amount of \$24,850.00, as described in the City Engineer's memo dated June 27, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Water Quality Improvement Cost Share Program Agreement with Richard K. and Karen A. Morical, for raingarden, at 116 Surrey Trail N., 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 Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-100** approving the Settlement Agreement and Release document for ponding easements on Lot 2, Block 1, Hesli Addition, in the amount of \$24,500.00, and authorizing the Mayor and City Clerk to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Design Agreement with K. Hovanian Homes of Minnesota, LLC, for design services relating to AV Project 2013-149, Quarry Ponds, in the amount of \$75,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Design Agreement with Keyland Homes, Inc., for design services relating to AV Project 2013-149, Quarry Ponds, in the amount of \$35,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the contract for AV Project 2013-124, Signal Modifications at 147th Street W. and Galaxie Avenue, with Killmer Electric Co., Inc., in the amount of \$17,750.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-101** awarding the contract for AV Project 2013-107, Micro Surfacing, to Astech Corporation, the lowest responsible bidder, in the total amount of \$654,436.00. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-102** awarding the contract for AV Project 2013-145, Modular Tennis Court Surface, to C & C

Courts, Inc., d/b/a Sport Court MN, the lowest responsible bidder, in the total amount of \$106,713.00. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2013-131, 2013 Sealing of Decorative Concrete and Block Retaining Walls, as complete and authorizing final payment on the agreement with Budget Sandblasting & Painting, Inc., in the amount of \$8,080.00. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2013-123, 2013 Farquar Lake Weed Harvesting, as complete and authorizing final payment on the Agreement with Midwest Weed Harvesting, Inc., in the amount of \$12,379.20, as described in the Natural Resources Coordinator's memo dated June 27, 2013. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving hiring the seasonal employee and promotion of employee, as listed in the Personnel Report dated June 27, 2013. Ayes - 4 - Nays - 0

END CONSENT AGENDA

ACCESSORY BUILDING VARIANCE

Ms. Bodmer reviewed the petitioner's request for a 49 ft. "SH" (Shoreland) setback variance and a 15 ft. side yard setback variance to construct a 24 ft. x 16 ft. water-oriented accessory building at 4869 Dominica Way W., adjacent to Farquar Lake. She also recapped discussion held by the Planning Commission.

Discussion followed.

Councilmember Bergman stated additional facts have been discovered since the Planning Commission's review.

Councilmember Grendahl suggested the Planning Commission revisit the matter if there is new information.

Mr. Pascal Dalseth, 4869 Dominca Way W., presented pictures of the site. He stated that without the side yard variance, a mature oak tree and an established raingarden would be negatively impacted.

Discussion continued.

MOTION: of Bergman, seconded by Grendahl, tabling the Resolution regarding a 15 ft. side yard setback variance on Lot 1, Block 1, Hesli Addition (4869 Dominica Way W.) to allow construction of a 24 ft. x 16 ft. water-oriented accessory building, until further consideration by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-103** approving a 49 ft. "SH" (Shoreland) setback variance on Lot 1, Block 1, Hesli Addition (4869 Dominica Way W.) to allow construction of a 24 ft. x 16 ft. water-oriented accessory building, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

STAFF COMMUNICATION

Mr. Lawell announced the annual Drinking Water Report is now available on the City's website.

Mr. Blomstrom gave an update on various road construction projects.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk's memo dated June 24, 2013, 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 Grendahl, to pay the claims and bills, check registers dated June 20, 2013, in the amount of \$2,048,154.31; and June 27, 2013 in the amount of \$892,072.14. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, to adjourn. Ayes - 4 - Nays - 0.

The meeting was adjourned at 7:41 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 07-11-13.