

CITY OF APPLE VALLEY
Dakota County, Minnesota
January 23, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held January 23rd, 2014, 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, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Planner Bodmer, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Natural Resources Coordinator Kehrer, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, 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

Mr. Lawell noted the public hearing previously set for this evening, on the Minnesota Investment Fund application for a business subsidy, is no longer needed and does not appear on the agenda.

MOTION: of Grendahl, seconded by Bergman, 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 Grendahl, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

Councilmember Bergman commented on the Parks and Recreation Department's and Traffic Safety Advisory Committee's annual reports, noting they were both outstanding. He requested all or portions of each report be placed on the City's website.

CONSENT AGENDA ITEMS

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MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of January 9, 2014, as written. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-11**, accepting, with thanks, the donation of cash and prizes from various businesses toward sponsorship of the 2014 Mid-Winter Fest Celebration. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on March 8, 2014, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on April 12, 2014, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-12**, setting a public hearing, at 7:00 p.m., on February 27, 2014, on the application for On-Sale Wine and 3.2 Percent Malt Liquor Licenses by Super World Buffet, Inc., d/b/a Super World Buffet. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, receiving the Parks and Recreation Department 2013 annual report. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, receiving the Traffic Safety Advisory Committee 2013 annual report. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-13**, authorizing submission of an application for a Federal Transportation Alternatives (TAP) Grant, in the amount of \$500,000. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Livable Communities Demonstration Account (LCDA) Grant Agreement with the Metropolitan Council for Cedar (Central) Village West Site Assistance - Grant No. SG011-193(12), and authorizing the Mayor and City Clerk to sign the same; and designating signing authority for reimbursement requests to the Community Development Director and Finance Director. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-14**, approving the final plat and Development Agreement for Rosemount School District Second Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

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MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-15**, approving plans and specifications for AV Project 2014-101, 2014 Street Improvements, and authorizing advertising for receipt of bids, at 10:00 a.m., on February 20, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-16**, approving plans and specifications for AV Project 2014-102, 2014 Street and Utility Reconstruction, and authorizing advertising for receipt of bids, at 10:00 a.m., on February 27, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the reduction of financial guarantee for Apple Valley East Family 2nd Addition from \$11,220.00 to \$6,970.00, as listed in the Community Development Department Assistant's memo dated January 23, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Professional Services Agreement with Oye Home Inspection, Inc., for Contract Building Inspection services, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the two-year service agreement with Teemaster, Inc., in the amount of \$7,500.00 annually, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving Change Order No. 5 to the contract with Magney Construction, for AV Project 2012-108, Water Treatment Plant Expansion, in the amount of an additional \$15,704.06, and authorizing the Public Works Director to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2013-156, Hayes Park Arena Low Emissivity Ceiling, as complete and authorizing final payment on the agreement with R & R Specialties, Inc., in the amount of \$59,629.13. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopt **Resolution No. 2014-17**, declaring elected and appointed officers as City Employees for Workers' Compensation Insurance Coverage. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving hiring the part time employees, promotion of employees, resignation of employees, and retirement of employees, as listed in the Personnel Report dated January 23, 2014. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

MID-WINTER FEST 2014

Mr. Bernstein reviewed activities planned for this year's Mid-Winter Fest celebration and invited everyone to participate in the activities. Mayor Hamann-Roland read the resolution.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2014-18** proclaiming February 1, 2014, as "Apple Valley Mid-Winter Fest 2014" and encouraging citizens to support and participate in the celebration. Ayes - 5 - Nays - 0.

HUNTER FORREST

Ms. Bodmer reviewed the staff report regarding the request by Manley Development to rezone three lots located at 12842, 12866, and 12896 Galaxie Avenue from "R-1" (Single Family Residential/40,000 sq. ft. minimum lot area) to "R-3" (Single Family Residential/11,000 sq. ft. minimum lot area) and a subdivision by preliminary plat to create 14 lots for single family development.

Discussion followed.

Councilmember Bergman suggested restricting construction traffic from entering the existing neighborhood along Frost Point Way.

Discussion continued regarding lot size and the potential loss of significant trees.

Mr. Kehrer commented on how grading and compaction can affect tree health.

City Council and staff held discussion.

Mr. Chuck Ryan, of Dahle Brothers, stated he was present at the request of seven home owners from the adjacent neighborhood. He asked the City Council to carefully considering the zoning and tree preservation.

Ms. Debbie Berg, of 12866 Galaxie Avenue, requested the City Council support the project.

Mr. Harald Huglen, on behalf of Ross and Carol Taylor of 12896 Galaxie Avenue, requested the City Council approve the project.

Ms. Lisa Broden, of 12842 Galaxie Avenue, read a statement on behalf of her mother requesting the City Council allow the project to move forward.

Mr. Kurt Manley, of Manley Development, addressed the City Council and clarified various issues.

Mayor Hamann-Roland reiterated Mr. Manley's commitment to custom grade the custom lots and custom design the build for the features of the site in order to maximize tree preservation.

Mr. Manley affirmed that is his intent. He then stated the three properties just north of this site complimented him on the development.

Discussion continued.

MOTION: of Goodwin, seconded by Bergman, passing **Ordinance No. 959** rezone the properties located at 12842, 12866, and 12896 Galaxie Avenue from "R-1" (Single Family Residential/40,000 sq. ft. minimum lot area) to "R-3" (Single Family Residential/11,000 sq. ft. minimum lot area). Ayes - 5 - Nays - 0.

Mr. Dougherty recommended additional language for the resolution approving the preliminary plat which captures the City Council's comments regarding construction traffic access and the removal of the existing homes.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2014-19** approving the preliminary plat of Hunter Forrest, with conditions as recommended by the Planning Commission and as amended by the City Attorney. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland called a recess at 8:54 p.m.

Mayor Hamann-Roland resumed the meeting at 9:02 p.m.

ORDINANCE AMENDING FALSE ALARMS AND ALARM SYSTEMS

Fire Chief Thompson gave the second reading of an ordinance amending Chapter 130 of the City Code regulating false alarms and alarm systems. The ordinance was prepared by the City Attorney. No comments from the public have been received regarding the proposed changes.

MOTION: of Hooppaw, seconded by Grendahl, passing **Ordinance No. 960** amending Chapter 130 of the City Code regulating false alarms and alarm systems. Ayes - 5 - Nays - 0.

APPOINT PARKS AND RECREATION ADVISORY COMMITTEE MEMBER

Ms. Gackstetter reviewed her memo dated January 17, 2014, listing applicants for the Parks and Recreation Advisory Committee vacancy.

The Mayor called for nominations for the vacancy. Councilmember Grendahl nominated Boyd Montgomery and Mark Schori. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Grendahl, seconded by Bergman, accepting the two nominations for the Parks and Recreation Advisory Committee. Ayes - 5 - Nays - 0.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select one name. After selections were made, they were tallied and the City Attorney announced that Boyd Montgomery received the majority of votes.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-20** appointing Boyd Montgomery to the Parks and Recreation Advisory Committee for a term expiring March 1, 2015. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked both applicants who applied and expressed interest in the position.

COMMUNICATIONS

Mr. Lawell announced Councilmember Hooppaw was elected Chair of the Minnesota Valley Transit Authority Board for 2014.

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 January 22, 2014, 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 January 16, 2014, in the amount of \$569,712.06; January 23, 2014, in the amount of \$516,367.61. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 9:13 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 2-13-14.