

CITY OF APPLE VALLEY
Dakota County, Minnesota
June 12, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 12, 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, Planner Bodmer, Recreation Superintendent Breuer, Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Public Works Superintendent Blommel Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rehtzigel, Police Captain Scott, 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 Grendahl, seconded by Hooppaw, removing the request under item 4.G to Set a Special Informal Meeting on August 28, 2014, 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 Hooppaw, seconded by Bergman, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the regular meeting of May 22, 2014, as written. Ayes - 5 - Nays - 0.

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- MOTION: of Hooppaw, seconded by Bergman, approving issuance of a new 2014 Fuel Dispensing Facility Permit to Independent School District #196, 14445 Diamond Path, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving a change in officer for D & D of Minnesota, Inc., d/b/a Famous Dave's BBQ Shack, in connection with the On-Sale Wine and 3.2 Percent Malt Liquor Licenses, at 7593 147th Street W., naming Paul David Ziccarelli as CEO, President, and Director, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-75** appointing individuals listed in the resolution to serve as judges for the Primary Election to be held on August 12, 2014, in the City. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-76** delegating the Dakota County Absentee Ballot Board to duplicate accepted UOCAVA absentee ballots. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the permit for Otting House Movers, LLC, to move an overweight structure on City streets between 12:00 a.m. and 5:00 a.m. on June 13, 2014, or June 16, 2014, as described in the Assistant City Engineer's memo dated June 12, 2014. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the 2015 Budget Calendar, as included in the Finance Director's memo dated June 9, 2014. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, designating the Minnesota Municipal Money Market Fund (4M Fund) as an additional depository for 2014 and adopting **Resolution No. 2014-77** authorizing membership in the 4M Fund. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-78** authorizing execution of a grant agreement with Minnesota Department of Public Safety Office of Traffic Safety for participation in the Dakota County Traffic Safety Group. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving relinquishing 2011 Metropolitan Council Livable Communities Demonstration Account (LCDA) Grant Agreement for Gathering (a/k/a The Enclave) Apartment Trails - Grant No. SG011-150, and authorizing the Community Development Director and Finance Director to sign necessary documents. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-79** approving extended park hours and athletic field lighting hours at Quarry Point Park on July 18 and 19, 2014, for Relay for Life Event. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-80** approving the site plan and authorizing issuance of a building permit for construction of a 28 ft. x 35 ft. canopy and two asphalt drive lanes on Lot 3, Block 2, Levine Subdivision No. 2, (7540 149th Street W.), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Marcy Kelash for raingarden and native garden at 12753 Ethelton Way, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-81** awarding the contract for AV Project 2014-131, 2014 Micro Surfacing, to Astech Corp., the lowest responsible bidder, in the amount of \$663,714.70. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-82** awarding the contract for AV Project 2014-134, 2014 Sanitary Sewer Lining, to SAK Construction, LLC, the lowest responsible bidder, in the amount of \$232,678.75. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving procedures for administering change orders to the contract with Alpha Video and Audio, Inc., for High-Definition Video and Audio Telecast Systems, as described in the Assistant City Administrator's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to the contract with Alpha Video and Audio, Inc., for High-Definition Video and Audio Telecast Systems, with a deduction of \$3,000.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 2 to the contract with Executive Outdoor Services, LLC, for AV Project 2013-109, 2013-2014 Mowing and Trimming Services, in the amount of an additional \$2,850.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 8 to the contract with Magney Construction, Inc., for AV Project 2012-108, Water Treatment Plant Expansion, in the amount of an additional \$15,970.62; and authorizing the Public Works Director to sign the same.. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to the contract with Keys Well Drilling Company, with a deduction of \$12,368.00, and accepting AV Project 2013-164, Well Pumps 4, 9 and 15 Maintenance, as complete and authorizing final payment in the amount of \$3,138.85. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving hiring the seasonal and full time employees, and resignation of employee, as listed in the Personnel Report dated June 12, 2014. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

INTRODUCTION OF NEW POLICE OFFICER LUETTEL

Police Chief Rehtzigel introduced and acknowledged the recent promotions of Captain Bermel, Sergeant Tschida, and Zach Broughten and K-9 Duke. He also introduced newly hired Police Officers Joel Pogatchnik and Cody Yard to the Council. The City Clerk administered the oaths of office to the new Officers and then the Police Chief presented them with their badges. The Council congratulated and welcomed all to their new positions.

2014 APPLE VALLEY FREEDOM DAYS

Mr. Breuer and Apple Valley Freedom Days Committee Chair Pat Schesso reviewed the various activities planned for the 48th Annual Apple Valley 4th of July Celebration, which begins on June 27 and concludes on July 4. The parade begins at 1:00 p.m. on July 4 and the fireworks will begin at 10:00 p.m. that evening. Everyone is invited to enjoy the fun and participate in the various events. Ms. Schesso thanked the City, the Apple Valley American Legion, and local businesses for supporting Apple Valley Freedom Days.

Mayor Hamann-Roland thanked the Freedom Days Committee and many volunteers for their efforts in coordinating all the activities.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2014-83** proclaiming July 4, 2014, as “The 48th Annual Apple Valley 4th of July Freedom Days Celebration” and encouraging citizens to support and participate in the community-wide celebration; and

authorizing street closures beginning at 11:00 a.m., for the July 4, 2014, Apple Valley Freedom Days parade, as described in the Recreation Superintendent’s memo; and

adopting **Resolution No. 2014-84** establishing parking restrictions on or near the parade route for the July 4, 2014, Apple Valley Freedom Days parade, beginning at 11:00 a.m. on July 3, 2014, until 4:00 p.m. on July 4, 2014; and

adopting **Resolution No. 2014-85** approving extended park hours at Johnny Cake Ridge Park-East on June 27 and 28, 2014, for Dancin’ and Cruisin’; and

approving a temporary event license in connection with a community festival for a special temporary outdoor event to Rich Management, Inc., d/b/a

Bogart's/Apple Place Bowl, on June 27, 2014, and July 4, 2014, for use at Johnny Cake Ridge Park-East, located at 5800 140th Street W., as described in the City Clerk's memo dated June 9, 2014; and

authorizing a helicopter landing and lift-off at Johnny Cake Ridge Park on July 3, 2014, between the hours of 5:00 p.m. and 9:00 p.m. Ayes - 5 - Nays - 0.

Councilmember Bergman asked what determines the length of the fireworks display and if it could last longer.

Mr. Breuer responded that the length of the display is based on funding.

Discussion followed.

Ms. Schesso reminded the public that chairs and blankets cannot be placed along the parade route prior to 24 hours before the start of the parade.

COBBLESTONE LAKE COMMERCIAL 5TH ADDITION – PRESTIGE PRESCHOOL

Mr. Lovelace reviewed the request by South Shore Development, Inc., and Red Mountain Retail Group to rezone a 3.22-acre outlot in Planned Development 703 from Zone 8 to Zone 6, amend the Planned Development 703 zoning ordinance, subdivide Outlot O into two lots, and a request for a site plan review/building permit authorization to allow construction of a 10,850 sq. ft. daycare facility on 1.25 acres. A public hearing was held on May 21, 2014. The Planning Commission voted unanimously to recommend approval on June 4, 2014.

Councilmember Bergman asked about the design guidelines for this development.

Mr. Jacob Fick, of South Shore Development, LLC, responded to questions regarding architectural requirements.

Discussion followed.

Mr. Jon Fahning, of Shingobee, representing Red Mountain Retail Group, stated the final drawings will capture some of the features mentioned and that it is their intent to provide a product that is unique.

Discussion continued.

MOTION: of Grendahl, seconded by Hooppaw, passing **Ordinance No. 966** rezoning Outlot O, Cobblestone Lake 3rd Addition, from Planned Development 703/Zone 8 to Planned Development 703/Zone 6, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 967** amending Section A28-2(G) of the City Code by adding daycare centers/preschools as permitted uses in Planned Development 703/Zone 6 zoning district. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-86** approving the preliminary plat of Cobblestone Lake Commercial 5th Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2014-87** approving the site plan and authorizing issuance of a building permit for construction of a 10,850 sq. ft. daycare center and 31 surface parking spaces on Lot 1, Block 1, Cobblestone Lake Commercial 5th Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

THE LEGACY OF APPLE VALLEY 6TH ADDN. – REMINGTON COVE APARTMENTS

Ms. Dykes reviewed the request by Trident Development, LLC, for a zoning amendment to change an approved site plan, a subdivision of by preliminary plat of a 5.21-acre lot into two lots, and a site plan review/building permit authorization to allow construction of a 101-unit apartment building. A public hearing was held on May 21, 2014. The Planning Commission voted unanimously to recommend approval on June 4, 2014.

Discussion followed.

MOTION: of Hooppaw, seconded by Bergman, directing staff to prepare amendments to the Planned Development Agreement for The Legacy of Apple Valley Fourth Addition to allow for the subdivision of Lot 1, Block 1, into two lots, and allow for the construction of a 101-unit apartment building, as shown on the revised plans received in City offices on May 29, 2014. Ayes - 5- Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2014-88** approving the preliminary plat of The Legacy of Apple Valley Sixth Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2014-89** approving the site plan and authorizing issuance of a building permit for construction of a 101-unit apartment building on Lot 2, Block 1, The Legacy of Apple Valley Sixth Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

Mr. Roger Fink, of Trident Development, LLC, stated they hope to be open by fall of next year.

ORDINANCE AMENDMENT REGULATING RIGHTS-OF-WAY

Ms. Blommel Johnson gave the second reading of an ordinance amending City Code Section 96.06 regulating obstructions and excavations within public rights-of-way. She noted the first reading was held May 22, 2014, and no comments have been received.

MOTION: of Hooppaw, seconded by Bergman, passing **Ordinance No. 968** regulating obstructions and excavations within public rights-of-way. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell announced the one year anniversary of the Red Line and opening of the Green Line.

Mr. Breuer reviewed upcoming “Music in Kelley Park” and “Shakespeare Under the Stars” events.

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 11, 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 Goodwin, to pay the claims and bills, check registers dated May 29, 2014, in the amount of \$1,012,027.91; June 5, 2014, in the amount of \$1,913,582.27; and June 12, 2014, in the amount of \$894,848.15. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland recognized Boy Scouts August Hannasch, from Troop 205, and Michael Watkins, from Troop 929.

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

The meeting was adjourned at 8:32 o’clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 6-26-14.