

CITY OF APPLE VALLEY
Dakota County, Minnesota
June 26, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 26, 2014, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Acting Mayor Goodwin; Councilmembers Grendahl, and Hooppaw.

ABSENT: Mayor Hamann-Roland and Councilmembers Bergman.

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, Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Deputy Fire Chief Russell, and Police Captain Scott.

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 Grendahl, seconded by Hooppaw, approving the agenda for tonight's meeting, as presented. Ayes - 3 - 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 Hooppaw, seconded by Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 3 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Grendahl, approving the minutes of the regular meeting of June 12, 2014, as written. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-90** accepting, with thanks, the donation of \$500.00 in gift cards from Buffalo Wild Wings for use by Parks and Recreation Department. Ayes - 3 - Nays - 0

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MOTION: of Hooppaw, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Rotary Scholarship Foundation, for use on October 25, 2014, at Apple Valley Ford Lincoln, 7200 150th Street W., and waiving any waiting period for State approval. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving a change in officers for, Apple Valley American Legion, Post 1776, in connection with the On-Sale Club License and Special License for Sunday Liquor Sales, at 14521 Granada Drive, naming John A. Hunter as 2nd Vice Commander, and David L. Cardinal as Operations Committee, as described in the City Clerk's memo. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Helping Out Our American Heroes (H.O.O.A.H.), Inc., by Minnesota Alcohol and Gambling Enforcement Division, for use on July 26, 2014, from 8:00 a.m. to midnight, in the north parking lot at Bogart's/Apple Place Bowl, 14917 Garrett Avenue, as described in the City Clerk's memo dated June 23, 2014. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, waiving the procedure for a second reading and passing **Ordinance No. 969** amending Section 111.04 of the City Code by regulating Alcoholic Beverages. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-91** approving the final plat and Subdivision Agreement for Cobblestone Lake Commercial 5th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-92** approving the final plat and Subdivision Agreement for Cortland Third Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Pre-Development Agreement with Dakota County Community Development Agency (CDA) for development of two parcels in Central Village West, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0

MOTION: of Hooppaw, seconded by Grendahl, approving the Holyoke Area Drainage Improvement Agreement with Terri Langfus, on Lot 1, Block 2, Palomino Lakeside Meadows 3rd Addition, as attached to the City Engineer's memo dated June 26, 2014, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Holyoke Area Drainage Improvement Agreement with Dakota County Community Development Agency,

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on Lot 4, Block 1, Palomino Lakeside Meadows 5th Addition, as attached to the City Engineer's memo dated June 26, 2014, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Holyoke Area Drainage Improvement Agreement with Anthony T. Tegels and Christopher R. Tegels, on Lot 10, Block 1, Palomino Lakeside Meadows 6th Addition, as attached to the City Engineer's memo dated June 26, 2014, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving Work Site Agreement and Statement of Work with Tree Trust, at a cost not to exceed \$3,000.00 plus materials, as attached to the Parks and Recreation Director's memo, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Water Quality Improvement Cost Share Program Agreement with Nancy Joy Hegg for raingarden at 12968 Fich Way, in the amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Professional Services Agreement with Short Elliot Hendrickson, Inc., for AV Project 2014-129, Lift Station 3 Replacement Design, in an estimated amount of \$39,588.00 in 2014 and \$13,197.00 in 2015. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-93** awarding the contract for AV Project 2014-112, Cortland 3rd Addition Street and Utility Improvements, to Northwest Asphalt, Inc., the lowest responsible bidder, in the amount of \$1,106,119.94. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving Change Order No. 1 to the contract with Ameresco, Inc., for Energy Savings Performance Contract, resulting in no change to the contract amount. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, accepting Energy Savings Performance Contract, as complete and authorizing final payment on the agreement with Ameresco, Inc., in the amount of \$44,982.00, contingent upon receipt of all required documentation. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, declaring twenty EZGO Golf Carts as surplus and authorizing trade-in towards the purchase of a 2012 Cushman Hauler Gas Utility Vehicle and a 2014 Cushman Refresher Gas Beverage, as described in the Parks and Recreation Department Director's and Valleywood Manager's memo dated June 23, 2014. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-94** setting a public hearing at 7:00 p.m., on July 10, 2014, to consider vacating easements as dedicated on the plats of The Legacy of Apple Valley, The Legacy of Apple Valley Second Addition, and The Legacy of Apple Valley Fourth Addition; lying over, under, and across Lot 1, Block, 1, The Legacy of Apple Valley Fourth Addition. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving hiring the seasonal and part time employees, and resignation of employee, as listed in the Personnel Report dated June 26, 2014. Ayes - 3 - Nays - 0

END CONSENT AGENDA

QUARRY PONDS WEST PRELIMINARY PLAT

Mr. Lovelace reviewed the request by Arcon Land III, LLC, and Fischer Sand and Aggregate, LLP, for a preliminary plat for the subdivision of Outlot D, Regent's Point into 33 single-family residential lots. Outlot D is a 10.5-acre parcel located on the north side of 160th Street W. and approximately one-half mile west of Pilot Knob Road. He noted the Planning Commission considered this item on May 21, 2014, and voted unanimously to recommend approval.

Mr. Manson reviewed the street and drainage improvements proposed for the site.

Discussion followed.

Mr. Scott Johnson, President of Arcon Land III, stated a significant portion of the market likes the open space provided on lots that abut ponds and other features, such as golf courses.

The City Council continued discussion.

Mr. Lovelace said staff has scheduled an additional public meeting on July 1, 2014, at 7:00 p.m. to further discuss this project.

Mr. Dougherty affirmed that the recommended action complies with the letter from the Minnesota Environmental Quality Board (EQB) dated June 16, 2014.

Mr. Steven Slinger, 132nd Street Court, commented about fish and wildlife living in and or near the pond and asked that it be preserved.

Ms. Carla Rechtzigel, 15973 Fennel Court, commented about the wildlife and the timing of the public meeting, and requested an Environmental Assessment Worksheet (EAW) be completed prior to any City Council actions.

Mr. Gene Rehtzigel, 6533 160th Street W., addressed the Council regarding various aspects of the proposed project.

Discussion continued.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-95** approving the preliminary plat of Quarry Ponds West Addition, for 33 single-family residential lots, with conditions as recommended by the Planning Commission.

Discussion followed.

Mr. Matt Duffy, legal counsel for Fischer Sand and Aggregate, provided an update on current litigation.

Vote was taken on the motion: Ayes - 3 - Nays - 0.

MVTA BUS LAYOVER FACILITY

Ms. Dykes reviewed the request by Minnesota Valley Transit Authority (MVTA) for an ordinance amending PD-507 to allow for a bus layover facility, an Interim Use Permit (IUP) for a 231-space overflow parking lot, and a site plan review/building permit authorization for a bus layover facility with a building approximately 600 sq. ft. The Planning Commission held a public hearing on June 4, 2014, and no comments were received. On June 18, 2014, the Planning Commission voted unanimously to recommend approval.

MOTION: of Grendahl, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 970** amending Planned Development 507/zone 7b, to allow a bus layover facility for the exclusive use of public transit providers as part of a mixed-use development. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-96** approving an Interim Use Permit for a 231-space overflow parking lot on Lot 1, Block 1, Menard Addition, with conditions as recommended by the Planning Commission. Ayes - 3 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-97** approving the site plan and authorizing issuance of a building permit for construction of a bus layover facility and approximately a 600 square foot building on Lot 1, Block 1, Menard Addition, with conditions as recommended by the Planning Commission. Ayes - 3 - Nays - 0.

Discussion followed.

ORDINANCE AMENDING PD-290/ZONE 4 – CLASS III DRIVE THRU

Ms. Bodmer reviewed the request by Caribou Coffee Company, Inc., for an ordinance amending PD-290 to allow a drive-thru window in connection with a Class III Restaurant. The Planning Commission held a public hearing on June 4, 2014, and no comments were received. On June 18, 2014, the Planning Commission voted unanimously to recommend approval.

Discussion followed.

Mr. Duane Perry, of Wilkus Architects, addressed the Council.

Discussion continued.

MOTION: of Goodwin, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 971** amending PD-290, to allow a drive-thru window in connection with a Class III Restaurant, with conditions as recommended by the Planning Commission. Ayes - 3 - Nays - 0.

ORDINANCE AMENDING CHAPTER 154 – SIGNS

Ms. Dykes gave the first reading of an ordinance amending Chapter 154 of the City Code regulating signs. The Planning Commission reviewed this on June 18, 2014, and voted unanimously to recommend approval.

MOTION: of Hooppaw, seconded by Grendahl, waiving the procedure for a second reading and passing **Ordinance No. 972** amending Chapter 154 of the City Code regulating signs. Ayes - 3 - Nays - 0.

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 June 23, 2014, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 3 - Nays - 0.

CLAIMS AND BILLS

MOTION: of Grendahl, seconded by Hooppaw, to pay the claims and bills, check registers dated June 19, 2014, in the amount of \$1,701,829.22; and June 26, 2014 in the amount of \$317,761.83. Ayes - 3 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, to adjourn. Ayes - 3 - Nays - 0.

The meeting was adjourned at 9:12 o'clock p.m.

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Respectfully Submitted,

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

Approved by the Apple Valley City Council on 7-10-14.