

CITY OF APPLE VALLEY
Dakota County, Minnesota
July 10, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 10, 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, Assistant City Engineer Bennett, 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, 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 Bergman, seconded by Hooppaw, 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.

Mr. Gene Rehtzigel, 6533 160th Street W., commented on the land title of his property and provided historical information.

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 June 26, 2014, as written. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, receiving the 2013 Comprehensive Annual Financial Report, as attached to the Finance Director's memo dated July 6, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving receipt of the 2015 Financial Requirements of the Apple Valley Firefighter's Relief Association, as attached to the Fire Chief's memo dated July 2, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 973** amending Chapter 34 of the City Code entitled "Personnel", regulating electronic delivery devices and nicotine and lobelia delivery products, effective August 1, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 974** amending Chapter 115 of the City Code entitled "Tobacco Regulations", regulating electronic delivery devices and nicotine and lobelia delivery products, effective August 1, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-98** setting a public hearing at 7:00 p.m., on August 14, 2014, to consider vacating drainage and utility easements on Outlot C, Cortland Addition. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-99** setting a public hearing at 7:00 p.m., on August 14, 2014, to consider vacating right-of-way in Cortland Addition. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-100** approving plans and specifications for Apple Valley Liquor Store #2 Interior Remodel Project, and authorizing advertising for receipt of bids, at 10:00 a.m., on July 31, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the contract for AV Project 2014-118, 2014 Reconditioning and Painting of Steel Fence Sections, Fence Supports Posts, and Decorative Light Poles, with Budget Sandblasting & Painting, Inc., in the amount of \$61,324.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the Holyoke Area Drainage Improvement Agreement with Kerry T. Sobieck, on Lot 8, Block 2, Palomino Lakeside Meadows 3rd Addition, as attached to the City Engineer's memo dated July 10, 2014, and authorizing the Mayor and City Clerk to sign the same. . Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Engineering Consulting Agreement with Black & Veatch, for AV Project 2013-168, Well 16 Analysis, in

the amount of \$60,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to the contract with McNamara Contracting, Inc., for AV Project 2014-101, 2014 Street Improvements, in the amount of an additional \$25,096.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to the contract with Marine Connection, Inc., d/b/a Marine Dock & Lift, with a deduction of \$538.00; and accepting AV Project 2014-126, Floating Pier as complete and authorizing final payment in the amount of \$47,794.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, canceling the July 24, 2014, regular City Council meeting. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving hiring the seasonal employees, promotion of employee, and resignation of employee, as listed in the Personnel Report dated July 10, 2014. Ayes - 5 - Nays - 0.

END CONSENT AGENDA

NIGHT TO UNITE

Ms. Walter noted the gift card donation from Walmart is matched by the Police Department and used for Night to Unite neighborhood parties.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-101** accepting, with thanks, the donation of \$500.00 in gift cards from Walmart for the Night to Unite celebration. Ayes - 5 - Nays - 0.

Ms. Walter read the proclamation proclaiming “Night to Unite” on August 5, 2014, and reviewed the agenda of activities planned throughout the City for the 6th annual Night to Unite. She invited everyone to attend a picnic sponsored by the Business Watch program, from 11:30 a.m. to 1:30 p.m., at Fire Station 1. Visits by Councilmembers and staff to neighborhood events will begin at 5:00 p.m., and continue throughout the evening. As in the past, they are collecting school supplies to be donated to Independent School District 196.

MOTION: of Grendahl, seconded by Bergman, proclaiming August 5, 2014, as “Night to Unite” and encouraging citizens to participate in and support the crime prevention efforts this opportunity offers. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked Ms. Walter for coordinating this event and the businesses for their generous donations.

REGENT'S POINT

Mr. Lovelace reviewed the request by Arcon Land II, LLC, and Fischer Sand and Aggregate, LLP, for various actions in connection with Regent's Point. The proposed subdivision will create 41 single-family lots and dedicated public street right-of-way on approximately 60.5 acres. The site is located north of 160th Street W. and approximately ½ mile west of Pilot Knob Road. He then reviewed the findings of fact in response to the petition requesting an Environmental Assessment Worksheet (EAW) be prepared for the Regent's Point and Quarry Ponds West developments.

The City Council held discussion.

Mr. Blomstrom described the difference between natural water bodies and infrastructure used to store storm water, such as McNamara Pond. He commented on the volunteer growth near the pond and its potential negative impact.

Discussion continued.

Mr. Jeff Kehrer reviewed the current plant and tree species near the pond and commented on their impact on pond maintenance.

Discussion followed.

Mayor Hamann-Roland called a recess at 8:20 p.m.

Mayor Hamann-Roland resumed the meeting at 8:25 p.m.

Ms. Carla Rechtzigel, 15973 Fennel Court, displayed pictures of McNamara Pond and commented about wildlife in the area.

Mr. Zack Stadem, 14644 Hayes Road, requested the west bank of the pond be preserved to protect the habitat.

Ms. Sara Rechtzigel, 15973 Fennel Court, commented on the road which will split the pond and its potential impact on wildlife.

An individual also asked about methods used to control dust during construction and the trails.

Mr. Gene Rechtzigel, 6533 160th Street W., presented an alternative plan for construction of the pond and nearby roads, and commented on multiple aspects of the proposed project.

The City Council continued discussion.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-102** determining the need for an Environmental Assessment Worksheet (EAW)

regarding Regent's Point and Quarry Ponds West development projects. Ayes - 5
- Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 975** amending Appendix F of the City Code by adding Article A34, establishing Planned Development Designation No. 975. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2014-103** approving the Planned Development Agreement for Regent's Point, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-104** approving the final plat and Development Agreement for Regent's Point, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the Restoration Agreement with Fischer Sand & Aggregate, LLP, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2014-105** permitting the conveyance of City-owned property. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-106** approving issuance of a Natural Resources Management Permit, subject to approvals and permits, for Quarry Ponds West. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, amending the language of the resolution and adopting **Resolution No. 2014-107** approving issuance of a Natural Resources Management Permit, with conditions, for Regent's Point, as amended. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2014-108** awarding the contract for AV Project 2013-149, Regent's Point Street and Utility Improvements, to Designing Earth Contracting, Inc., the lowest responsible bidder, in the amount of \$2,039,567.50. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked everyone for their input citing it affected the development in a positive way.

THE LEGACY OF APPLE VALLEY 6TH ADDITION/REMINGTON COVE

Ms. Margaret Dykes reviewed the request by Remington 1 AV, LLC, and Trident Development, LLC, for a vacation of easements, approval of a final plat and Development Agreement, approval

of an amendment to the Planned Development Agreement, and approval of an assignment of the Development Agreement.

Mayor Hamann-Roland called the public hearing to order, at 9:15 p.m., to consider vacating the drainage and utility easements on Lot 1, Block 1, The Legacy of Apple Valley Fourth Addition; Lot 1, Block 1, The Legacy of Apple Valley; Lot 1, Block 1, The Legacy of Apple Valley Second Addition; Lot 1, Block 1, The Legacy of Apple Valley Fourth Addition; and Utility Easement per Document No. 1611915; and noted receipt of the affidavit of publication of the hearing notice. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 9:16 p.m.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2014-109** completing vacation of all drainage and utility easements on the plats of The Legacy of Apple Valley, The Legacy of Apple Valley Second Addition, the Legacy of Apple Valley Fourth Addition, and Utility Easement per Document No. 161195, and authorizing recording the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2014-110** approving the final plat of The Legacy of Apple Valley Sixth Addition and Development Agreement, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Amendment to Planned Development Agreement with Galaxie Partners, LLC, for The Legacy of Apple Valley Sixth Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Assignment of Development Agreement from Galaxie Partners, LLC, to Remington 1 AV, LLC, for Lot 2, Block 1, The Legacy of Apple Valley Sixth Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

PARKSIDE VILLAGE GABELLA

Ms. Bodmer identified the five actions requested by IMH Special Asset NT 175 - AVN, LLC, and Titan Development I, LLC. She noted details regarding Parkside Village Gabella were presented at the informal workshop.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2014-111** approving the revised Business Subsidy Agreement with IMH Special Asset NT 175 - AVN, LLC. Ayes - 4 - Nays - 1 (Grendahl).

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2014-112** approving an amended and restated Development Assistance Agreement with IMH Special Asset NT 175 - AVN, LLC. Ayes - 4 - Nays - 1 (Grendahl).

MOTION: of Goodwin, seconded by Hooppaw, approving the amended Planned Development Agreement with the Dakota County Community Development Agency and South Shore Development, Inc., for Parkside Village Gabella, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-113** approving the final plat and Development Agreement for Parkside Village Gabella, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-114** approving the site plan and reauthorizing issuance of building permits to construct 196-unit Parkside Village Gabella building, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

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 July 7, 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 Grendahl, seconded by Bergman, to pay the claims and bills, check registers dated July 2, 2014, in the amount of \$779,236.01; and July 10, 2014, in the amount of \$1,668,740.31. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 9:24 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter

Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council on 08-14-14.