

CITY OF APPLE VALLEY
Dakota County, Minnesota
August 14, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held August 14, 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, Deputy City Clerk Marschall, Police Captain Bermel, City Attorney Dougherty, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Assistant City Administrator Grawe, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rehtzigel.

Mayor Hamann-Roland called the meeting to order at 7:01 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scout Noah Drehmel from Troop 290.

Mayor Hamann-Roland requested a moment of silence for fallen Mendota Heights Police Officer Scott Patrick, and offered condolences to his family and friends.

Councilmember Bergman thanked Dakota Communications Center dispatchers for responding to the call.

Police Chief Rehtzigel provided a review of the incident and recognized Police K-9 Duke.

APPROVAL OF AGENDA

MOTION: of Goodwin, seconded by Hooppaw, adding item 4.O.2 - Adopt Resolution Ratifying the Agreement to Consolidate MVTA Public Transit Services with Prior Lake and Shakopee Transit Services, reversing the order of items 5.A.1 and 5.A.2, and amending the language of item 5.A.3 - Adopt Resolution Completing Vacation of Drainage and Utility Easements, 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 Bergman, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of July 10, 2014, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Ducks Unlimited, Chapter 185, for use on September 10, 2014, at the Apple Valley American Legion, Post 1776, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License, to Apple Valley American Legion, Post 1776, for use on September 6, 2014, outdoors at 14521 Granada Drive; as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2014-115** amending the 2014 Budget for Specific Items. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the reduction of financial guarantees for Cobblestone Lake South Shore 8th Addition (LOC #251) from \$578,776.00 to \$115,755.00 and South Shore Development, Inc., Cobblestone Lake South Shore (LOC #NZS556432) from \$43,000.00 to \$2,000.00, and the release of financial guarantee for Cobblestone Lake South Shore 8th Addition (LOC #252), as listed in the Community Development Department Assistant's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the release of Natural Resources Management Permit (NRMP) financial guarantees for Cobblestone Lake South Shore 5th Addition, Cobblestone Lake South Shore Addition, and Cobblestone Lake 3rd Addition, as listed in the Assistant City Engineer's memo dated August 5, 2014. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2014-116** approving an Interim Use Permit to allow construction of a 24-space parking lot on Lot 2, Block 1, Apple Valley Commercial 4th Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, authorizing the letter in support of North Creek Regional Greenway Trail, as attached to the Parks and Recreation Director's memo. Ayes - 5 - Nays - 0.

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- MOTION: of Bergman, seconded by Goodwin, approving First Amendment to Lease Agreement with Verizon Wireless at Valleywood Reservoir, as attached in the Public Works Superintendent - Utilities memo dated August 14, 2014, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2014-117** allowing Charter Communications to modify and relocate the local community programming channels. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving the Settlement and Release Agreement with Charter Cable Partners, LLC, for cable franchise and PEG fee audit and extension of current cable franchise through December 31, 2014, as attached to the Assistant City Administrator's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, authorizing reimbursement to the Apple Valley, Farmington, Rosemount Cable Commission for audit costs in an amount of \$9,483.76, as attached to the Assistant City Administrator's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving Great River Greening Cooperative Agreement with Great River Greening, for woodland enhancement work within Alimagnet Park, as attached to the Parks and Recreation Director's memo. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving the Police Liaison Services Agreement with Independent School District 196, for the 2014-2015 school year, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving Subgrant Agreement with Dakota County, for implementation of the County's Statewide Health Improvement Program (SHIP), as attached to the Parks and Recreation Directors memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving the Third Amended and Restated Joint Powers Agreement of the Minnesota Valley Transit Authority (MVTA) and authorizing the Mayor and City Clerk to sign the same, and authorizing the letter in support of Dakota County's participation with the MVTA,. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2014-118** ratifying the agreement to consolidate Minnesota Valley Transit Authority (MVTA) public transit services with Prior Lake and Shakopee transit services. Ayes - 5 - Nays - 0.

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- MOTION: of Bergman, seconded by Goodwin, approving the Agreement for AV Project 2014-142, Sports Arena Condenser Replacement, with Mulcahy Company, Inc., in the amount of \$30,917.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 2 to the contract with Alpha Video and Audio, Inc., for High-Definition Video and Audio Telecast Systems, resulting in no change to the contract amount. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 9 to the contract with Magney Construction, Inc., for AV Project 2012-108, Water Treatment Plant Expansion, in the amount of an additional \$9,279.65, and authorizing the Public Works Director to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2014-119, 2014 Sealing of Decorative Concrete, Colored Sidewalks, and Block Retaining Walls, as complete and authorizing final payment on the contract with Clean 'N Seal, LLC, in the amount of \$8,750.00. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2013-165, Sanitary Sewer Lift Station 9 Electrical Service Replacement, as complete and authorizing final payment on the contract with Killmer Electric Co., Inc., in the amount of \$945.00. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2013-135, Central Maintenance Facility HVAC Improvements, as complete and authorizing final payment on the contract with Nordic Mechanical Services, in the amount of \$59,992.00. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal and part time employees, promotion of employees, resignation of employees, and retirement of employees, as listed in the Personnel Report dated August 14, 2014. Ayes - 5 - Nays - 0.
- MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Firefighters Relief Association, for use on September 20, 2014, at Fire Station No. 1, 15000 Hayes Road, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

CORTLAND ADDITION VACATION OF RIGHT-OF WAY AND EASEMENTS

Mr. Lovelace reviewed the request by Arcon Land IV, LLC, and Fischer Sand and Aggregate, LLP, for the vacation of right-of-way in the Cortland Addition. The request is related to a proposed single-family residential subdivision of a 25-acre outlot.

Mayor Hamann-Roland called the public hearing to order, at 7:13 p.m., to consider vacating the existing dedicated 152nd Street West right-of-way in the Cortland Addition. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:14 p.m.

Formal action completing the vacation of the right-of-way will be requested when the City Council considers approval of the final plat.

Mr. Lovelace reviewed the request by D.R. Horton, Inc.-MN, and Fischer Sand and Aggregate, LLP. The applicant recently completed the final plat of Cortland Third Addition, which is a replat of a portion of Outlot C, Cortland, into 34-residential lots. Part of this process is to vacate easements over portions of this plat that would prohibit construction of dwelling units on some lots. It includes an easement for a temporary turnaround at the end of Eagle Bay Way that will no longer be needed because the street will be extended and intersect with Embury Path. The second is a storm sewer easement that will be re-established in the Cortland Third Addition final plat.

Mayor Hamann-Roland called the public hearing to order, at 7:15 p.m., to consider vacating draining and utility easements on Outlot C, Cortland. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:16 p.m.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-119** completing the vacation of easements on Outlot C, Cortland, and authorizing the City Clerk to record the necessary documents. Ayes - 5 - Nays - 0.

COBBLESTONE LAKE COMMERCIAL ADDITION OFFICE/RETAIL BUILDING

Mr. Lovelace reviewed the request for site plan/building permit authorization by Fendler Patterson Construction and Bear Cobblestone 2, LLC, to construct a 9,007 sq. ft. office/retail building and 48 surface parking spaces on a .95-acre lot, on Lot 4, Block 1, Cobblestone Lake Commercial Addition, located at the northwest corner of 157th Street West and Cobblestone Lake Parkway. The Planning Commission reviewed this item on August 6, 2014, and recommend approval.

Mayor Hamann-Roland said she is excited to see commercial development coming to the Cobblestone area. She thanked the developer for adding the plaza area and pedestrian connections for office workers.

Mr. Ben Krsnak, from Bear Cobblestone 2, LLC, and Mr. Scott Nelson, from DJR Architecture, Inc., were present. Mr. Nelson publicly thanked staff for their cooperation with this project.

Mr. Nelson said Edina Realty has already signed on as a tenant.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolutions No. 2014-120** approving the site plan and authorizing issuance of a building permit to allow construction of a 9,007 sq. ft. commercial building on Lot 4, Block 1, Cobblestone Lake Commercial Addition, subject to conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

STAFF COMMUNICATIONS

Mr. Bernstein invited the public to join Great River Greening in planting wildflowers in Alimagnet Park. They are seeking 150 restoration volunteers on Saturday, September 27, 2014, from 8:30 a.m. to 12:30 p.m.

Councilmember Bergman expressed his concern about the amount of traffic during the event and requested nearby residents receive advanced notification.

COUNCIL COMMUNICATIONS

Mayor Hamann-Roland congratulated Von Hanson's Meats on 30 years of success and for their recognition in Minnesota Business Magazine.

Mayor Hamann-Roland invited the public to Kelley Park for "Shakespeare Under the Stars" event, August 15-17, 2014, and August 22-24, 2014 at 7:00 p.m.

Councilmember Bergman thanked everyone for their involvement with Night to Unite.

Mayor Hamann-Roland announced an open house at Dakota County Western Service Center on August 21, 2014, from 4:30 to 6:30 p.m., regarding intersection signal modifications on County Road 42, and encouraged the public to attend.

Mayor Hamann-Roland announced the next City Council meeting on August 28, 2014, will not be televised due to technical changes to equipment.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Goodwin, adding a special informal meeting at 4:30 p.m. on August 21, 2014, at Dakota County Western Service Center, and approving the calendar of upcoming events in the City Clerk's memo dated August 8, 2014, as amended, 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 July 17, 2014, in the amount of \$870,060.20; July 31, 2014, in the amount of \$1,511,724.64; August 7, 2014, in the amount of \$1,900,550.88; and August 13, 2014, in the amount of \$998,677.46. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:37 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 8-28-14.