

CITY OF APPLE VALLEY
Dakota County, Minnesota
November 13, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held November 13, 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, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, and Deputy Fire Chief Russell.

Mayor Hamann-Roland called the meeting to order at 7:01 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scouts Devon Machalek and Kellan Machalek from Troop 290.

APPROVAL OF 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.

Mr. Richard Carter, 15984 Hyland Pointe Ct., thanked the City for installing outdoor pickleball courts and commented on their regular use.

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 Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Goodwin, approving the minutes of the regular meeting of October 23, 2014, as written. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on January 10, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on March 14, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving issuance of a new 2015 Fuel Dispensing Facility Permit to Emperor Twyst, Inc., d/b/a CBM Shell, at 12503 Germane Avenue, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving issuance of a new 2015 Off-Sale 3.2 Percent Malt Liquor License to Emperor Twyst, Inc., d/b/a CBM Shell, at 12503 Germane Avenue, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving issuance of a new 2015 License to Sell Tobacco and Tobacco Products to Emperor Twyst, Inc., d/b/a CBM Shell, at 12503 Germane Avenue, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-152** setting a public hearing on December 11, 2014, at 7:00 p.m., on the application for On-Sale 3.2 Percent Malt Liquor License by Li, Inc., d/b/a Super World Buffet. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the 2015 rates for City Attorney services, as described in the Assistant City Administrator's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-153**, approving the Reallocation of Special Assessment Roll No. 602, for Apple Valley East Family 2nd Addition. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, receiving an updated Emergency Operations Plan, as attached in the Police and Fire Chiefs' memo dated November 13, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-154** approving the revised Lebanon Cemetery Policies, Rules, and Regulations, as

attached to the Cemetery/Public Works Coordinator's memo dated November 13, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-155** supporting the draft Dakota County 2015-2019 Capital Improvement Program. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing submittal of the application for Minnesota Department of Health Source Water Protection Competitive Grant, as attached in the Public Works Superintendent's memo dated November 13, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing the letter of support for Minnesota Valley Transit Authority's Regional Solicitation Application for the expansion of the Apple Valley Transit Station parking facility, as attached to the City Planner's memo dated November 7, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-156** approving the Submission of the 2014-2015 Joint Landfill Abatement Funding Resolution to Dakota County. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing the letter of support for County Road 42 Trail to Minnesota Department of Transportation, as attached to the Parks and Recreation Director's memo dated November 10, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, authorizing The Arbitrage Group, Inc., to perform arbitrage rebate calculations, as described in the engagement letter dated October 28, 2014, and authorizing the Finance Director to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Wetland Delineation for the North Creek Regional Bike Trail project, as attached in the Water Quality Technician's memo dated November 13, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving Wetland Delineation for the CSAH 42 Pedestrian Trail project, as attached in the Water Quality Technician's memo dated November 13, 2014. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-157** approving the site plan and authorizing issuance of a building permit for construction of a cantilevered canopy and asphalt drive lane at Tide Dry Cleaners on Lot 3, Block 1, Levine Subdivision No. 2, (7540 149th Street W.), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

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MOTION: of Hooppaw, seconded by Goodwin, approving Rain Garden Construction and Maintenance Agreement with Time Square Shopping Center II, LLP, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-158** approving a Conditional Use Permit to allow for a 59-foot tall exhaust stack in conjunction with an emergency diesel generator on Lot 1, Block 1, Western Service Center (14955 Galaxie Avenue), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2014-159** approving the Settlement Agreement and Easement Documents for Lots 9 and 10, Block 1, Farquar lake Addition, in the amount of \$25,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Construction Cooperation Agreement for Construction of Sanitary Sewer Pipe and Meter Vault with the Metropolitan Council, in conjunction with AV Project 2014-129, Lift Station 3 Replacement, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Agreement for AV Project 2015-107, 2015 and 2016 Water Meter Reading Services, with RMR Services, LLC, in the estimated annual amounts of \$21,560.00 and \$18,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Agreement for Point of Sale (POS) System, with RITE Enterprises, Inc., d/b/a Retail Information Technology Enterprises, in the amount of \$44,435.13, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Professional Services Agreement for Inspection of Electrical Installations with Midwest Electrical Technologies, Inc., for AV Project 2015-110, 2015-2017 Contract Electrical Inspections, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, accepting AV Project 2014-131, 2014 Micro Surfacing, as complete and authorizing final payment on the contract with Astech Corporation, in the amount of \$6,077.13. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, accepting Fire Station 1 Exterior Trim and Apparatus Bay Painting as complete and authorizing final payment on the agreement with ProTect Painters of Minneapolis, in the amount of \$28,691.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Memorandum of Agreement for 2015 Insurance Contribution with Law Enforcement Labor Services, Inc., (LELS), Local No. 243, as attached to the Human Resources Managers memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving hiring the seasonal and part time employees and resignation of employees, as listed in the Personnel Report dated November 13, 2014. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

CANVASS OF ELECTION RETURNS

Ms. Gackstetter reviewed the results of the General Election held on November 4, 2014. A total of 19,351 ballots were cast, which represents a 59.8 percent voter turnout. She thanked the volunteers and City staff for all their help.

Councilmember Goodwin congratulated the three winners. He believes the City Council works well together as a group. He noted the Mayor won with 72.3 percent of the vote, which is the highest percentage in the City's history.

Mayor Hamann-Roland thanked the residents for the trust and confidence they have placed in the City Council.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2014-160** canvassing the returns of the November 4, 2014, City General Election and declaring that Mary Hamann-Roland was elected Mayor for a four-year term commencing January 5, 2015; and John Bergman and Clint Hooppaw were elected Councilmembers for four-year terms, each, commencing January 5, 2015. Ayes - 5 - Nays - 0.

COBBLESTONE LAKE NORTH SHORE

Mr. Lovelace reviewed the request by South Shore Development, Inc., for approval of an amendment to the 2030 Comprehensive Plan Land Use Map re-designating Outlot C, Cobblestone Lake Commercial 3rd Addition from "MD" to "LD"; rezoning of Outlot C, Cobblestone Lake Commercial 3rd Addition from "PD-703/Zone 8" to "PD-703/Zone 2"; a subdivision by preliminary plat into 22 residential lots, two common lots, and one outlot; and building permit authorization to allow for construction of model homes on Lot 7, Block 1, and Lots 13-15, Block 2, Cobblestone Lake North Shore. The Planning Commission reviewed this item at its meeting of September 17, 2014, and voted unanimously to recommend approval.

Discussion followed.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2014-161** approving an amendment to the Land Use Map of the 2030 Comprehensive Guide Plan changing the designation of Outlot C, Cobblestone Lake Commercial 3rd Addition, from “MD” (Medium Density Residential/6-12 units per acre) to “LD” (Low Density Residential/2-6 units per acre), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, passing **Ordinance No. 977** rezoning Outlot C, Cobblestone Lake Commercial 3rd Addition, from “PD-703/Zone 8” to “PD-703/Zone 2”. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2014-162** approving the preliminary plat of Cobblestone Lake North Shore, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing issuance of a building permit for model homes on Lot 7, Block 1, and Lots 13-15, Block 2, Cobblestone Lake North Shore. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING PARKING SETBACKS IN PD-290

Ms. Bodmer gave the first reading of an ordinance amending Chapter 155, Appendix F, of the City Code by amending Section A2-5(A) regulating minimum area standards for Planned Development No. 290/Zone 1. The amendment was initiated at the request of Merchant’s Bank Apple Valley, which is in the process of acquiring the former Huntington Learner Center/Metro Dental building at 14990 Glazier Avenue. The Planning Commission reviewed this item at its meeting on November 5, 2014, and voted unanimously to recommend approval. Because this matter was previously reviewed by the Planning Commission, waiving of the second reading of the ordinance is requested.

MOTION: of Hooppaw, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 978** amending Chapter 155, Appendix F, of the City Code by amending Section A2-5(A) regulating minimum area standards for Planned Development No. 290/Zone 1. Ayes - 5 - 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 November 10, 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 October 29, 2014, in the amount of \$707,149.09, November 6, 2014, in the amount of \$579,313.56, and November 13, 2014, in the amount of \$2,999,082.75. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:34 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 11-25-14.