

CITY OF APPLE VALLEY
Dakota County, Minnesota
December 11, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held December 11, 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, Assistant Finance Director Broughten, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, Liquor Operations Director Swanson, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 7:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Grendahl, adding item 4.O.4 – Embury Place: Approve Planned Development Agreement, 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.

Mr. Ed Kearney, Chamber of Commerce President, commented on the Chamber Christmas luncheon and awards ceremony. He announced Wings Financial was selected as the Apple Valley Business of the Year.

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 Grendahl, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

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MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of November 25, 2014, as written. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, setting the 2015 City Council meeting schedule, in accordance with adopted policy on the second and fourth Thursdays of each month unless the following Friday is a holiday, as listed in the City Clerk's memo dated December 8, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-187** accepting, with thanks, the donation of \$3,000.00 from Dakota County Victim Impact Panel for use by the Police Department. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of an off-site gambling permit, by the State Gambling Control Board, to Apple Valley Hockey Association, for use on January 8, 2015, at Apple Valley High School, 14450 Hayes Road, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Eastview Community Foundation, for use on January 24, 2015, at Valleywood Golf Course, 4851 McAndrews Road, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling permit to conduct excluded bingo, by the State Gambling Control Board, to Eastview Lighting Touchdown Club, for use on February 22, 2015, at the Rascal's Apple Valley Bar & Grill, 7721 147th Street W., and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Post 1776 American Legion Riders, for use on January 24, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Post 1776 American Legion Riders, for use on February 22, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Post 1776 American Legion Riders, for use on March 28, 2015, at the Apple Valley American Legion,

14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Post 1776 American Legion Riders, for use on October 24, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Post 1776 American Legion Riders, for use on November 21, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving renewal and issuance of On-Sale 3.2 Percent Malt Liquor Licenses for 2015, as attached to the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-188** appointing City Clerk Pamela Gackstetter the Responsible Authority and Data Practices Compliance Official. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution 2014-189** granting Charter Communications a cable franchise extension through December 31, 2015. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution 2014-190** consenting to change of control within Charter Communications. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the letter of support for Dakota County's application of Federal Funding Solicitation for CSAH 31 and CSAH46 traffic system management, as attached to the City Engineer's memo dated December 11, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the reduction of financial guarantee for Quarry Ponds West from \$497,690.90 to \$106,450.15, as listed in the Community Development Department Assistant's memo dated December 11, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the reduction of NRMP financial guarantee for Cortland 1st Addition from \$22,294.00 to \$9,000.00, as listed in the Public Works GIS Technician's memo dated December 11, 2014. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-191** approving specifications for AV Project 2015-111, Mowing and Trimming Services 2015-2016, and authorizing advertising for receipt of bids, at 10:00 a.m., on January 15, 2015. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-192** approving submittal of Comprehensive Plan 2030 Land Use Map Amendment to re-designate Outlot B, Fischer Market Place, from "C" (Commercial) to "HD" (High Density Residential/+12 Units per Acre), and authorizing submittal to the Metropolitan Council. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-193** terminating a temporary ponding, drainage, and grading easement over a portion of Outlot C, Cortland. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, passing **Ordinance No. 979** rezoning Outlot C, Cortland Third Addition, from "M-6C" (Medium Density Residential/6-12 Units Per Acre) to "PD-856/Zone 2" (Planned Development), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-194** completing the vacation of right-of-way in Cortland Addition. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-195** approving the final plat and Development Agreement for Embry Place, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Planned Development Agreement for Embry Place, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2014-196** approving the final plat and Development Agreement for Quarry Ponds, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Water Quality Improvement Cost Share Program Agreement with Foxmoore Ridge Townhomes for raingarden on Lot 47, Block 2, Foxmoore Ridge Two, C.I.C. No. 128, 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 Grendahl, seconded by Hooppaw, approving the Joint Powers Agreement with the Cities of Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Mendota Heights, Rosemount, Savage, South St. Paul, West St. Paul,

and Dakota County for Dakota County Drug Task Force, as attached to the Police Chief's memo dated December 8, 2014, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement for AV Project 2015-108, 2015 Water Treatment Plant Chemicals – Chlorine and Hydrofluorosilicic Acid, with DPC Industries, Inc., in the amount of \$36,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement for AV Project 2015-108, 2015 Water Treatment Plant Chemicals – Chlorine and CARUSOL Sodium Permanganate, with Hawkins, Inc., in the amount of \$24,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2014-111, 2014 Utility Improvements, as complete and authorizing final payment on the contract with Krueger Excavating, Inc., in the amount of \$4,917.26. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2014-116, 2014 Concrete Raising and Leveling, as complete and authorizing final payment on the contract with Northstar Mudjacking, Inc., in the amount of \$443.61. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2014-117, 2014 Concrete Removal and Replacement Services, as complete and authorizing final payment on the contract with Ron Kasa Construction, Inc., in the amount of \$7,481.80. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Memorandum of Agreement for 2015 Insurance Contribution with AFSCME Council 5, Local No. 479, 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 Grendahl, seconded by Hooppaw, approving hiring the seasonal employees, resignation of employees, acting assignment of employees and termination of employee, as listed in the Personnel Report dated December 11, 2014. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2015 CITY BUDGET AND PROPERTY TAX LEVY

Mr. Hedberg presented the 2015 proposed budget and tax levy. He reviewed the budget development process, on-going challenges, budget objectives and highlights. All properties in the City received mailed notice of the Truth-in-Taxation meeting and the notice included the proposed

property taxes for 2015 based on preliminary budgets and tax levies approved in September. The impact of the property tax levy on the 2015 median valued home of \$207,400 that experienced an increase of 7.74% in market value, will result in the City portion of property taxes increasing approximately \$29. The General Fund revenues and expenditures are \$28,876,225. Mr. Hedberg stated the final property tax levy for 2015 is \$23,134,000, which is an increase of 1.8% or \$407,000 from 2014.

Discussion followed.

Mayor Hamann-Roland pointed out Apple Valley's budget includes funding for the annual street maintenance program.

Mayor Hamann-Roland opened the public comment portion of the Truth-in-Taxation hearing at 7:45 p.m. She asked for questions or comments from the public. There were none and the hearing was declared closed at 7:46 p.m.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2014-197** approving setting the City tax levy collectible in 2015 at \$23,134,000 and approving 2015 budgets with total revenue of \$59,238,070 and expenditures of \$63,607,884. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-198** amending the sewer and water utility rates and related procedures, effective January 15, 2015. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2013-199** amending the storm water drainage rates, effective January 15, 2015. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-200** amending the street light utility rates, effective January 15, 2015. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2013-201** approving the transfer of \$600,000.00 from the Liquor Fund to the General Fund for 2014. Ayes - 5 - Nays - 0.

SUPERWORLD BUFFET ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE

Ms. Gackstetter reviewed the application by Li, Inc., d/b/a Super World Buffet for a 2015 On-Sale 3.2 Percent Malt Liquor as described in her memo dated December 8, 2014, and noted receipt of the affidavit of publication of the hearing notice. No comments have been received to date. The restaurant is located at 15050 Cedar Avenue, Suite. 111. The Police and Fire Departments completed the necessary background and site investigations and found no reason the license could not be authorized at this time.

Mayor Hamann-Roland called the public hearing to order at 7:57 p.m. to consider the application by Li, Inc., d/b/a Super World Buffet for On-Sale 3.2 Percent Malt Liquor. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:58 p.m.

MOTION: of Goodwin, seconded by Bergman, approving issuance of 2015 On-Sale 3.2 Percent Malt Liquor License to Li, Inc., d/b/a Super World Buffet for premises located at 15050 Cedar Avenue, Suite. 111. Ayes - 5 - Nays - 0.

CARIBOU COFFEE

Ms. Bodmer stated Caribou Coffee Company, Inc., has requested a Conditional Use Permit and site plan review/building permit authorization to construct and operate a drive-thru window at 14638 Cedar Avenue. Following the discussion at the informal meeting, the applicant has indicated its willingness to extend the application deadline to January 30, 2015, in order to gather additional information.

Mayor Hamann-Roland asked Caribou Coffee representatives if they wished to extend their application deadline to January 30, 2015.

Mr. Jerry Roper and Mr. Michael Weidner, representing Caribou Coffee, affirmed their interest in the extension.

MOTION: of Hooppaw, seconded by Grendahl, tabling consideration of the Conditional Use Permit and site plan review/building permit authorization for Caribou Coffee, located at 14638 Cedar Avenue, per the applicant's request, to a City Council meeting in January 2015. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING FEES CONTAINED IN CITY CODE

Ms. Gackstetter gave the second reading of an ordinance amending the Fee Schedule Appendix of Title III of the City Code. Fee adjustments are proposed for the cemetery, City fees and materials, consultant and engineering services, building inspections and permits, licenses and permits, subdivision and development fees, utility fees, and zoning. The fees would be effective January 1, 2015. She noted the proposed rates more accurately reflect the City's costs. Some changes were also recommended as a result of increased fees being charged the City and some were increased according to the *Consumer Price Index* for Mpls./St. Paul and the *Engineering News Record* cost index. No comments from the public have been received regarding the proposed changes.

MOTION: of Goodwin, seconded by Hooppaw, passing **Ordinance No. 980** amending the Fee Schedule Appendix of Title III, Chapter 35, of the City Code by adjusting certain fees and charges effective January 1, 2015. Ayes - 5 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk's memo dated December 8, 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 Hooppaw, to pay the claims and bills, check registers dated, December 4, 2014, in the amount of \$3,176,953.44 and December 11, 2014, in the amount of \$4,071,538.85. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:05 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 12-23-14.