

CITY OF APPLE VALLEY
Dakota County, Minnesota
May 28, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held May 28, 2015, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw.

ABSENT: Mayor Hamann-Roland.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Police Captain Bermel, Parks and Recreation Director Bernstein, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rehtzigel, and Fire Chief Thompson.

Acting Mayor Goodwin called the meeting to order at 7:01 p.m. Everyone took part in the Pledge of Allegiance led by Boy Scouts Zach Clifford, Braeden Croft, Colby Flake, and Elijah Gordhamer from Troop 508.

APPROVAL OF AGENDA

MOTION: of Grendahl, seconded by Bergman, approving the agenda for tonight's meeting, as presented. Ayes - 4 - 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 Grendahl, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of May 14, 2015, as written. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving a change in manager for Vivo Restaurants, LLC, d/b/a Vivo, in connection with the with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 15435 Founders Lane, naming Stephanie Mae Wesener as General Manager; as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

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MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a Special Outdoor Promotion/Temporary Sign Permit for the 2015 Night to Unite Business Watch picnic at Kelley Park on August 4, 2015. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-77** establishing parking restrictions on or near the parade route for the July 4, 2015 Apple Valley Freedom Days parade, beginning at 11:00 a.m. July 3, 2015, and ending at 4:00 p.m. on July 4, 2015. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-78** approving the 2014 interfund transfers between funds. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-79** approving the preliminary plat of Embry Estates Second Addition, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-80** approving the final plat of Embry Estates Second Addition, and waiving the requirement for subdivision agreement. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, authorizing preparation of plans and budget for the proposed Central Village West parking lot. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement to Pursue Best Practices for the Use of Recycled Concrete Materials on City projects, with AVR, Inc., and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement for AV Project 2015-145, 2015 Hydrant Reconditioning and Painting, with B & L Utility Maintenance, LLC, in the amount of \$26,100.00, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement for AV Project 2015-140, Apple Valley Family Aquatic Center Pool Shell Repair, with Horizon Chemical Company, Inc., d/b/a Horizon Commercial Pool Supply, in the amount of \$49,100.00, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement with RES Specialty Pyrotechnics, Inc., for fireworks display services on July 4, 2015, in the amount of \$20,000.00, subject to conditions listed in the Parks and Recreation Director's memo, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement for AV Project 2015-151, Hayes Park Arena Compressor Replacement, with Rink-Tec International, Inc., in the amount of \$13,800.00, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Agreement for AV Project 2015-146, 2015 Ash Tree Injections, with S & S Tree and Horticultural Specialists, Inc., in the amount of \$2,700.00, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw approving Change Order No. 1 to the contract with G.F. Jedlicki, Inc., for AV Project 2015-115, 2015 Utility Improvements, in the amount of an additional \$42,228.87. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2015-131, Maintenance Security Fencing, as complete and authorizing final payment on the contract with Midwest Fence & Mfg. Co., in the amount of \$13,240.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman seconded by Hooppaw, approving hiring the seasonal and part time employees, acting assignment of employee, and resignation and termination of employees, as listed in the Personnel Report dated May 28, 2015. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, canceling the June 11, 2015, informal City Council meeting, scheduled for 5:30 p.m., at the Municipal Center. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

ALF AMBULANCE 2009 -2014 REPORT

Mr. Kurt Weidner, Allina Health Emergency Medical Services Operations Director, presented the ALF Ambulance report for 2009 - 2014.

The Council thanked Mr. Weidner for the informative report and Allina Health and ALF Ambulance for excellent service to the community.

CELTS CRAFT HOUSE ON-SALE LIQUOR LICENSE

Ms. Gackstetter reviewed the application by CCH, LLC, d/b/a Celts Craft House for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales as described in her memo. The restaurant is located at 7083 153rd Street W., Suite 1, and the premises includes an outdoor patio. She noted receipt of the Affidavit of Publication of the hearing notice and stated no comments have been received to date. The Police and Fire Departments completed the necessary background and site investigations and find no reason the license could not be authorized at this time.

Acting Mayor Goodwin called the public hearing to order at 7:23 p.m. to consider the application by CCH, LLC, d/b/a Celts Craft House, for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales. The Acting Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:24 p.m.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-81** approving issuance of a 2015 On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales to CCH, LLC, d/b/a Celts Craft House, for premises located at 7083 153rd Street W., Suite 1. Ayes - 4 - Nays - 0.

Mr. Michael Murnane, General Manager, and owners James Macchitelli and Lonnie Stanton stated they are excited to be in Apple Valley and invited the public to stop in.

2014 SPECIAL ASSESSMENT ROLL NO. 631

Mr. Hedberg described Assessment Roll No. 631, totaling \$162,824.67, for delinquent utility accounts. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. The City has received several prepayments and one written objection.

Acting Mayor Goodwin called the public hearing to order, at 7:30 p.m., on Special Assessment Roll No. 631. The Acting Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:31 p.m.

MOTION: of Grendahl, seconded by Bergman, waiving the administrative processing fee for 14593 Embassy Avenue and adopting **Resolution No. 2015-82** approving and levying 2015 Special Assessment Roll No. 631, for delinquent utility accounts, in the amount of \$162,824.67, minus any prepayments.

Discussion followed.

Vote was taken on the motion: Ayes - 4 - Nays - 0.

2015 SPECIAL ASSESSMENT ROLL NO. 632

Mr. Hedberg described Assessment Roll No. 632, totaling \$1,752.00, for delinquent false alarms charges. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received. To date, there have been no prepayments.

Acting Mayor Goodwin called the public hearing to order, at 7:32 p.m., on Special Assessment Roll No. 632. The Acting Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:33 p.m.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-83** approving and levying 2015 Special Assessment Roll No. 631, for delinquent false alarms, in the amount of \$1,752.00, minus any prepayments. Ayes - 4 - Nays - 0.

2015 SPECIAL ASSESSMENT ROLL NO. 633

Mr. Hedberg described Assessment Roll No. 633, totaling \$3,614.79, for delinquent tree removal and yard clean up charges. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received. To date, there have been no prepayments.

Acting Mayor Goodwin called the public hearing to order, at 7:34 p.m., on Special Assessment Roll No. 633. The Acting Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:35 p.m.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-84** approving and levying 2015 Special Assessment Roll No. 633, for delinquent tree removal and yard clean up charges, in the amount of \$3,614.79, minus any prepayments. Ayes - 4 - Nays - 0.

HOLYOKE PATH GARAGE AND DRIVEWAY VARIANCE REQUEST

Mr. Lovelace reviewed the request by Eriksmoen Cottages for a variance to allow the retention of a second attached garage and driveway as part of a conversion of a twin-home into a single-family dwelling, located at 13980-82 Holyoke Path. The Planning Commission reviewed the variance request on May 6, 2015, and May 20, 2015. The motion to approve the variance by the Planning Commission failed on a 1-5 vote.

Discussion followed.

MOTION: of Grendahl, seconded by Bergman, adopting the resolution of findings of fact, conclusions, and decision denying the 13980-82 Holyoke Path garage and driveway variance, as recommended by the Planning Commission.

Discussion continued.

Vote was taken on the motion: Ayes - 2 (Grendahl, Bergman) - Nays - 2 (Goodwin, Hooppaw).

MOTION: of Hooppaw, seconded by Goodwin, tabling consideration of the 13980-82 Holyoke Path garage and driveway variance request until the next meeting of the full City Council (July 9, 2015). Ayes - 4 - Nays - 0.

ORDINANCE AMENDING PARK DEDICATION FEE SCHEDULE

City Planner Lovelace gave the second reading of an ordinance amending the Fee Schedule Appendix of Title III, Chapter 35, of the City Code regulating park dedication land values and persons per unit ratios. A public hearing was held at the last meeting. He noted current benchmark land values were last set in 2004, prior to the recent recession and may not be reflective of current market conditions.

MOTION: of Grendahl, seconded by Hooppaw, passing **Ordinance No. 989** amending the Fee Schedule Appendix of Title III of the City Code by adjusting certain fees regulating park dedication land values and persons per unit ratios.

Discussion followed.

Vote was taken on the motion: Ayes - 4 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated May 22, 2015, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 - Nays - 0.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated May 20, 2015, in the amount of \$627,512.35; and May 28, 2015, in the amount of \$872,560.88. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, to adjourn. Ayes - 4 - Nays - 0.

The meeting was adjourned at 8:11 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 6-11-15.