

CITY OF APPLE VALLEY
Dakota County, Minnesota
July 9, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 9, 2015 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, Police Captain Bermel, Parks and Recreation Director Bernstein, Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, Acting Public Works Director Manson, Community Development Director Nordquist, Police Chief Rechtzigel, 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 Hooppaw, seconded by Bergman, removing item 5.G – Resolution Appointing Member to Fill Vacancy on Parks and Recreation Advisory Committee 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 Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Grendahl, approving the minutes of the regular meeting of June 11, 2015, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving a change in corporate officer for El Azteca Apple, Inc., d/b/a El Azteca Mexican Restaurant, in connection with the

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On-Sale Intoxicating Liquor License, at 6670 150th Street W., Ste. 106, naming Teresa Macias as President and General Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving a change in manager for D & D Minnesota, Inc., d/b/a Famous Dave's BBQ Shack, in connection with the On-Sale Wine and 3.2 Percent Malt Liquor Licenses, at 7593 147th Street W., naming Matthew Delane Anderson as General Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, receiving the 2014 Comprehensive Annual Financial Report, as attached to the Finance Director's memo dated July 2, 2015. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-92** setting a public hearing, at 7:00 p.m., on August 13, 2015, to consider vacating easements on Outlot A, Village at Founders Circle (to be replatted as Lot 1, Block 1, Village at Founders Circle 2nd Addition). Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-93** setting a public hearing, at 7:00 p.m., on August 13, 2015, to consider vacating easements on Outlots A and B, Cortland Third Addition. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving **Resolution No. 2015-94** approving extended hauling hours for Fischer Mining, LLC, for Minnesota State Highway 101 Bridge Reconstruction Project. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Release of Lot 1, Block 1, Springs at Apple Valley, from Development Agreement for Fischer Market Place and Development Agreement Wensmann 13th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-95** approving release of Lot 1, Block 1 and Lot 1, Block 2, Apple Valley Business Campus 2nd Addition, from the requirement that a Common Interest Community be recorded with the final plat. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the application for wetland impacts and replacement for North Creek Regional Bike Trail, as described in the Water Quality Technician's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Design Agreement and Private Installation of Improvements Agreement with Cobblestone Lake Development, LLC, for design services and private installation of public infrastructure relating

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to AV Project 2015-138, Cobblestone Lake 7th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Design Agreement and Private Installation of Improvements Agreement with D.R. Horton, Inc.,-Minnesota for design services and private installation of public infrastructure relating to AV Project 2015-141, Cortland Fourth Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Private Installation of Improvements Agreement with K. Hovnanian Homes of Minnesota at Regent's Point, LLC, for private installation of public infrastructure relating to AV Project 2015-153, Regent's Point 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Water Quality Improvement Cost Share Program Agreement with Deborah Jean Stordahl for native garden at 15740 Hayes Trail, 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 Bergman, seconded by Grendahl, approving the Water Quality Improvement Cost Share Program Agreement with Carl and Jane Larsen for raingarden at 7330 Upper 139th Street W., 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 Bergman, seconded by Grendahl, approving the Water Quality Improvement Cost Share Program Agreement with Daniel J. and Laura Linser for two raingardens at 5545 133rd Street Ct., 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 Bergman, seconded by Grendahl, approving Change Order No. 1 to the contract with Fresh Paint, Inc., for AV Project 2015-149, Exterior Painting of Central Maintenance Facility Main Building, in the amount of an additional \$7,525.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2015-151, Hayes Arena Compressor Replacement, as complete and authorizing final payment on the contract with Rink-Tec International, Inc., in the amount of \$13,800.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Public Works Director Position profile for recruitment, subject to minor edits, as attached to the Human Resources Manager's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving hiring the seasonal and part time employees, promotion of employees, resignation of employees, and termination of employees, as listed in the Personnel Report dated July 14, 2011. Ayes - 4 - Nays - 0 - Abstain - 1 (Hamann-Roland).

END CONSENT AGENDA

CENTERPOINT ENERGY 2015 COMMUNITY PARTNERSHIP GRANT

Fire Chief Thompson stated the Fire Department was successful in its application for a 2015 Community Partnership Grant from CenterPoint Energy. Mr. Nate Toedter, of CenterPoint Energy, then presented Chief Thompson with a check in the amount of \$2,000.00, towards the purchase of 87 Gerber Crucial fire rescue multi-purpose tools.

NIGHT TO UNITE

Ms. Walter read the proclamation proclaiming “Night to Unite” on August 4, 2015, and reviewed the agenda of activities planned throughout the City for the 7th annual Night to Unite.

MOTION: of Grendahl, seconded by Hooppaw, proclaiming August 4, 2015, as “Night to Unite” and encouraging citizens to participate in and support the crime prevention efforts this opportunity offers. Ayes - 5 - Nays - 0.

Ms. Walter stated Target generously donated gift cards to be used for Night to Unite neighborhood parties.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2015-96** accepting, with thanks, the donation of \$500.00 in gift cards from Target for the Night to Unite celebration. Ayes - 5 - Nays - 0.

Ms. Walter then invited everyone to attend a picnic sponsored by the Business Watch program, from 11:00 a.m. to 2:00 p.m., at Kelly Park, which is a new location this year.

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

COBBLESTONE LAKE 7TH ADDITION

Mr. Lovelace reviewed the request by South Shore Development, Inc., for the completion of a Comprehensive Plan Land Use Map amendment and rezoning, a subdivision by preliminary plat, and a site plan/building permit authorization to allow for the construction of 37 townhome dwellings on 3 acres of a 3.7-acre parcel. The site is located along the south side of Dodd Boulevard, east of Eagle Bay Drive. The Planning Commission reviewed this item on June 3, 2015, and voted unanimously to recommend approval.

Discussion followed.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2015-97** approving an amendment to the Land Use Map of the 2030 Comprehensive Guide Plan re-designating 15450 Dodd Boulevard from “P” (Park) to “MD” (Medium Density Residential/6-12 units per acre), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, passing **Ordinance No. 992** rezoning the property located at 15450 Dodd Boulevard from “A” (Agricultural) to “PD-703/Zone 9” (Planned Development). Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, directing staff to prepare ordinance amendments for the new subzone in “PD-703/Zone 9” (Planned Development). Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-98** approving the preliminary plat of Cobblestone Lake 7th Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2015-99** approving the site plan and authorizing issuance of a building permit to allow construction of 37 townhouse dwelling units, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

Mr. Rob St. Sauver, of Tradition Development, commented on the exterior of the buildings and landscape improvements.

Mr. Paul Heuer, of Pulte Homes, commented on the various products which will be offered within the development. He added that they are excited to be in Apple Valley.

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 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. The City Council reviewed this item on May 28, 2015; at which time, a motion to deny the variance lost due to a tie vote.

Discussion followed.

Mr. Brett Foss, property owner, commented on the loss of parking space due to the installation of a handicap-accessible lift as well as the difficulty of accessing a handicap-accessible bus from the street.

Mr. Ron Eriksmoen, manager of the group home, spoke about how the property will be used.

The City Council continued discussion.

Mr. Foss presented a petition signed by ten neighboring property owners stating they believe it would negatively impact the neighborhood if one of the driveways was removed and the garage door was removed and sided over.

Discussion continued regarding the number of vehicles allowed to be parked on the property.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2015-100**, approving a variance to allow for the retention of an attached garage and driveway for a single-family home located at 13980, and attaching conditions thereto.

Discussion continued.

Vote was taken on the motion: Ayes - 3 - Nays - 2 (Bergman and Grendahl).

CENTRAL VILLAGE WEST

Ms. Margaret Dykes presented the staff report on an ordinance amendment to “PD-739/Zone 4” to allow for publicly-owned parking facilities and a rezoning of three City-owned properties from “PD-739/Zones 1 and 2” to “PD-739/Zone 4” to align with expected uses and existing property boundaries. The Planning Commission reviewed this item on June 17, 2015, and voted unanimously to recommend approval.

Discussion followed.

MOTION: of Hooppaw, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 993** amending Article A31 of Appendix F of the City Code regulating Planned Development Designation No. 739. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, passing **Ordinance No. 994** rezoning property from “PD-739/Zone 1 and 2” to “PD-739/Zone 4”, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

UPONOR SHAKESPEARE UNDER THE STARS PROCLAMATION

Mr. Bernstein introduced this item and read the proclamation proclaiming multiple dates in August “Apple Valley Live! Uponor Shakespeare Under the Stars”.

MOTION: of Grendahl, seconded by Hamann-Roland, proclaiming August 1, 2, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30, 2015, as "Apple Valley Live! Uponor Shakespeare Under the Stars". Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell announced the Metropolitan Council reappointed Mayor Hamann-Roland chair of the Livable Communities Advisory Committee and the Metropolitan Airports Commission (MAC) Noise Oversight Committee (NOC) At-Large Members have reappointed Councilmember Bergman as the Primary At-Large Community Representative.

Councilmember Bergman complimented the Freedom Days Committee and staff for all their work in connection with the 4th of July activities.

Councilmember Grendahl stated she has received several complaints regarding panhandling and then read an article from *Off the Cuff* about panhandling.

Police Captain Bermel commented on what the City is doing to address panhandlers and what citizens can do to ensure their donations are going to those in need.

CALENDAR OF UPCOMING EVENTS

MOTION: of Goodwin, seconded by Grendahl, approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated July 6, 2015, 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 June 18, 2015, in the amount of \$1,509,545.43; June 25, 2015, in the amount of \$119,985.93, July 2, 2015, in the amount of \$1,837,265.37, and July 8, 2015, in the amount of \$142,582.63. Ayes - 5 - Nays - 0.

CLOSE MEETING, LABOR NEGOTIATIONS

Mr. Dougherty reviewed exceptions to the open meeting law and advised the Council that it could hold a closed session, under the provisions of M.S. 13D.03, to discuss labor negotiations.

MOTION: of Goodwin, seconded by Hooppaw, to enter into a closed meeting and convene in closed session to discuss LELS Police Sergeants and Police Officers union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 8:37 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; City

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Administrator Lawell; City Clerk Gackstetter; Human Resources Manager Haas; Police Chief Rehtzigel; Police Captain Bermel; and Finance Director Hedberg. The meeting was tape recorded as required by law. The Council reconvened in open session at 9:09 p.m.

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

The meeting was adjourned at 9:10 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 7-23-15.