

CITY OF APPLE VALLEY
Dakota County, Minnesota
August 13, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held August 13, 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, Parks Superintendent Adamini, Police Captain Bermel, Planner Dykes, Police Captain Francis, 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 Bergman, seconded by Hooppaw, 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. 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 Grendahl, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of July 23, 2015, as written. 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 Apple Valley American Legion Auxiliary, Unit 1776, for use on September 26, 2015, 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 Grendahl, seconded by Hooppaw, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion, Post 1776, for use on the revised date of September 12, 2015, at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving a change in officers and managers for Apple Valley American Legion, Post 1776, in connection with the On-Sale Club License and Special License for Sunday Liquor Sales, at 14521 Granada Drive, naming Carla Tappainer as Commander, David Riha as 1st Vice Commander, Donald Hereau as 2nd Vice Commander, Gary Odegard as Adjutant and Finance Officer, Tamara Riha as Sergeant at Arms, John Ohotto as Operations Group Chair, Tom Dokulil as Operations Group 2016, Joseph Tappainer, Jr., as Operations Group 2017, Ranee Solis as Operations Group 2018, Robert Nelson as Past Commander, John Lenvik as Membership Chair, Marv Jarvis as Gambling Manager, Jorie Heder as Club Manager, and Joan Guse as Business Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-105** appointing Nick Francis, as the Police Department Representative, to the Traffic Safety Advisory Committee, for a term expiring March 1, 2017. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, continuing the public hearing on the vacation of Evendale Way right-of-way and drainage and utility easements, north of the pipeline easement, to August 27, 2015. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-106** setting a public hearing on September 24, 2015, at 7:00 p.m., on amendments to Master Development Program for Master Development District, establishment of TIF District No. 17, and adoption of a Tax Increment Financing Plan. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-107** approving a 207 sq. ft. variance on Lot 23, Block 1, Chateau Estates (8460 133rd Street Ct.) for a detached garage, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Water Quality Improvement Cost Share Program Agreement with Gerald L. and Mary L. Rue as Trustees of the Rue Family Trust for raingarden, at 8163 137th Court, 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 amended and restated Joint Powers Agreement with the City of Eagan for Firearms Training Facility as attached to the Police Chief's memo dated August 3, 2015, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, approving Change Order No. 16 to the contract with Magney Construction, Inc., for AV Project 2012-108, Water Treatment Plant Expansion, with a deduction of \$15,596.00, and authorizing the Acting Public Works Director to sign the same. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, accepting Municipal Center Surveillance and Camera System Project, as complete and authorizing final payment on the contract with General Security Services Corporation, in the amount of \$10,908.08. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, accepting AV Project 2015-132, 2015 Farquar Weed Harvesting, as complete and authorizing final payment on the contract with Waterfront Restoration, LLC, in the amount of \$12,139.25. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, approving hiring the seasonal and part time employees, acting assignment of employee, and resignation of employee, as listed in the Personnel Report dated August 13, 2015. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

INTRODUCTION OF NEW POLICE CAPTAIN AND SERGEANT

Police Chief Rehtzigel introduced newly promoted Police Captain Nick Francis and Police Officer Adam Keeler. The Council congratulated them on their new positions.

VILLAGE AT FOUNDERS CIRCLE 2ND ADDITION

Ms. Dykes reviewed the request by Dakota County Community Development Agency (CDA) for the vacation of easements over a portion of Outlot A, Village at Founders Circle Addition, rezoning of two parcels totaling 4.78 acres from "PD-739/Zones 1 and 2" to "PD-739/Zone 1", and a subdivision by preliminary plat. It is recommended the City Council withhold action on the vacation until the final plat and development agreement for Village at Founders Circle 2nd Addition is considered. She added that a public hearing was held on June 17, 2015, and the Planning Commission voted unanimously to recommend approval of the rezoning and preliminary plat at its meeting on August 5, 2015.

Discussion followed.

Mayor Hamann-Roland called the public hearing to order, at 7:27 p.m., to consider vacating easements over a portion of Outlot A, Village at Founders Circle Addition. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:28 p.m.

MOTION: of Bergman, seconded by Hooppaw, passing **Ordinance No. 995** rezoning a 4.78 acre site from “PD-739/Zones 1 and 2” to “PD-739/Zone 1”. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-108** approving the preliminary plat of Founders Circle 2nd Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

VACATION OF EASEMENTS IN CORTLAND THIRD ADDITION

Mr. Lovelace reviewed the request by D. R. Horton, Inc.-MN and Fischer Sand and Aggregate, LLP, for the vacation of utility easements over and across Outlots A and B, Cortland Third Addition.

Mayor Hamann-Roland called the public hearing to order, at 7:31 p.m., to consider vacating utility easements over and across Outlots A and B, Cortland Third Addition. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:32 p.m.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-109** completing vacation of all utility easements over and across Outlots A and B, Cortland Third Addition, and authorizing the City Clerk to record the necessary documents. Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell provided information regarding Minnesota Valley Transit Authority (MVTA) transit options to the Minnesota State Fair.

Mayor Hamann-Roland invited the public to Kelley Park for Uponor’s “Shakespeare Under the Stars” events.

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

Police Captain Bermel recapped the Watchdog Walkers kickoff event.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Bergman, approving the calendar of upcoming events as included in the in the Deputy City Clerk’s memo dated August 10, 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 Grendahl, to pay the claims and bills, check register dated July 30, 2015, in the amount of \$1,307,512.10. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, to end the regular meeting and relocate to the Regent Conference Room to continue the informal meeting. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:45 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 8-27-15.