

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
August 27, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held August 27, 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, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, 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 Grendahl, moving consideration of item 4.E - Approve Letter to Dakota County Regional Rail Authority (DCRRA) Providing Comments on Cedar Avenue Transitway Implementation Plan Update 2015 to the regular agenda, 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. Avery Hildebrand, Southeast Metro Community Coordinator for Conservation Minnesota, presented the Dakota Electric energy survey results.

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

#### CONSENT AGENDA ITEMS

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MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of August 13, 2015, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, 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 November 14, 2015, January 9, 2016, and March 12, 2016, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Ducks Unlimited, Chapter 185, for use on September 16, 2015, at Bogart's/Apple Place Bowl, 14917 Garrett Avenue, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving a change in officer for Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 15560 Cedar Avenue, naming Michael Lawrence Kaplan as Vice President/Assistant Secretary, and Sarah Anne Mussetter as Secretary; as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, continuing the public hearing on the vacation of Evendale Way right-of-way and drainage and utility easements, north of the pipeline easement, to October 22, 2015. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2015-110** approving the final plat and Development Agreement for Cobblestone Lake 7th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2015-111** approving the final plat and Development Agreement for Cortland Fourth Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Water Quality Improvement Cost Share Program Agreement with Brian L. Johnston, as Trustee of the Brian L. Johnston Trust for rain garden at 6111 Falcon Ridge Trail, in the amount of \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Water Quality Improvement Cost Share Program Agreement with Marlene J. Sivyer for rain garden at 888

Redwell Lane, in the amount of \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the 2015 Blue Thumb Partners' Agreement with Metro Blooms for Membership in the Blue Thumb – Planting for Clean Water Program, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Project 2015-145, 2015 Hydrant Reconditioning and Painting, as complete and authorizing final payment on the contract with B & L Utility Maintenance, LLC, in the amount of \$25,143.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Project 2015-115, 2015 Utility Improvements, as complete and authorizing final payment on the contract with G.F. Jedlicki, Inc., in the amount of \$30,478.07. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Project 2015-154, Quarry Point Park Soccer Field #7 Lighting - Installation, as complete and authorizing final payment on the contract with Sports Technology, Inc., in the amount of \$37,063.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the full time, part time, and seasonal employees, resignation of employees, transfer of employee, and termination of employee, as listed in the Personnel Report dated August 27, 2015. Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### COMMENTS ON CEDAR AVENUE TRANSITWAY IMPLEMENTATION PLAN UPDATE

Mr. Nordquist reviewed comments in the draft letter to the Dakota County Regional Rail Authority (DCRRA) regarding the Cedar Avenue Transitway Implementation Plan Update 2015.

Discussion followed.

Mayor Hamann-Roland noted this is an implementation plan through 2040.

Councilmember Hooppaw noted that these are concepts. He advised concepts should not be presented ahead of the plan and the study.

Councilmember Goodwin expressed concern with a plan that cuts off access to the northern one-third of the City.

Councilmember Grendahl commented on the importance of access to neighborhoods for police, fire, and ambulance services.

Discussion continued.

MOTION: of Hooppaw, seconded by Goodwin, approving transmittal of the letter to the Dakota County Regional Rail Authority providing comments on the Cedar Avenue Transitway Implementation Plan Update 2015, as amended. Ayes - 5 - Nays - 0.

#### FIREFIGHTERS' RELIEF ASSOCIATION BOOYA FUNDRAISER

Fire Chief Thompson described activities planned for the Apple Valley Firefighters Relief Association's 37th Annual Booya Fundraiser on September 19, 2015, at Fire Station No. 1. The event starts at 11:00 a.m. and everyone is invited to attend.

Ms. Gackstetter invited citizens interested in volunteering for this event to contact the City's volunteer coordinator.

Mayor Hamann-Roland thanked all the volunteers for their time and efforts in coordinating the Booya as well as the businesses for their generous support.

#### PET OXYGEN MASKS DONATION

Fire Lieutenant Colleen Elvin recapped a recent fire event in which oxygen therapy was used to save a dog.

Ms. Mary Francis, from Invisible Fence Twin Cities, presented a donation of four pet oxygen mask kits for use by the Fire Department.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-112** accepting, with thanks, the donation of four pet oxygen mask kits from Invisible Fence Twin Cities for use by the Fire Department. Ayes - 5 - Nays - 0.

Firefighter Michael Sindt introduced his therapy dog Jimi Hendrix who works at Children's Hospitals and Clinics.

#### KARAMELLA ADDITION

Ms. Dykes reviewed the request by HBP Property Holdings, LLC, and Karamella, LLC, for an ordinance amending Chapter 155 to allow ancillary retail in conjunction with a permitted use in the "I-1" (Limited Industrial), "I-2" (General Industrial), and "BP" (Business Park) zoning districts, approval of a preliminary plat subdividing a 21.58-acre parcel to create one lot and one outlot, and approval of a site plan/building permit authorization for an approximately 69,500 sq. ft. manufacturing and warehouse facility, and attached 4,200 sq. ft. ancillary retail facility. She

noted that the Planning Commission reviewed this item on August 19, 2015, and voted unanimously to recommend approval.

Mr. Steve Hegedus, Karamella representative, commented on their candy business and future growth in Apple Valley.

Discussion followed.

MOTION: of Grendahl, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 996** amending Chapter 155 to allow ancillary retail in conjunction with a permitted use in the “I-1” (Limited Industrial), “I-2” (General Industrial), and “BP” (Business Park) zoning districts. Ayes - 5 - Nays - 0.

MOTION: of Goodwin seconded by Bergman, adopting **Resolution No. 2015-113** approving the preliminary plat of Karamella Addition, with one lot and one outlot, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2015-114** approving the site plan and authorizing issuance of a building permit for construction of an approximately 69,500 square foot manufacturing and warehouse facility and attached 4,200 square foot ancillary retail facility on Lot 1, Block 1, Karamella Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

#### COMMUNICATIONS

Mr. Lawell commented on the new agenda management system.

The Mayor invited everyone to the last weekend of Uponsor’s Shakespeare Under the Stars.

#### 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, 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 August 7, 2015, in the amount of \$406,891.59; and August 14, 2015, in the amount of \$1,605,238.63. Ayes - 5 - Nays - 0.

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

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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 9-10-15.