

CITY OF APPLE VALLEY
Dakota County, Minnesota
December 22, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held December 22, 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, City Engineer Anderson, Police Captain Bermel, Parks and Recreation Director Bernstein, Planner Bodmer, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, Police Chief Rechtzigel, Public Works Director Saam, 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 Hooppaw, seconded by Grendahl, 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 Bergman, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Bergman, approving the minutes of the regular meeting of December 10, 2015, as written. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Minnesota Zoo Foundation, for use on February 20, 2016, at the Minnesota Zoo, 13000 Zoo

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Boulevard, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving renewal and issuance of licenses and permits for 2016, as listed in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving a change in officer and ownership for Vivo Restaurants, LLC, d/b/a Vivo, in connection with the On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales, at 15435 Founders Lane, naming Jeff Scot Mould as Executive Director/President, and removing Robert C. Tinsley as owner, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-184** supporting the Second Extension and Amendment of the Metropolitan Livable Communities Act Livable Communities Demonstration Account (LCDA) Transit Oriented Development (TOD) Grant Agreement of \$866,000.00 to April 2017. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-185** committing General Fund balance for 2015 financial statement purposes. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-186** amending the 2016 budget for specific items and 2015 uncompleted projects. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-187** approving the Public Works Department Policy Manual, Section 5.02 Maintenance Personnel Uniform Policy, and 5.03 Non-Union Personnel Uniform Policy. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the Subrecipient Agreement for FY 2015 Community Development Block Grant (CDBG) with Dakota County Community Development Agency (CDA), and authorizing the City Administrator to execute the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the reduction of financial guarantees for Cobblestone Lake North Shore from \$80,800.00 to \$20,000.00, Cobblestone Lake North Shore from \$22,000.00 to \$7,200.00, Cobblestone Lake 7th Addition from \$359,000.00 to \$59,000.00, Regent's Point from \$839,600.00 to \$712,224.00, Quarry Ponds Second Addition from \$226,500.00 to \$50,000.00, Quarry Ponds from \$14,000.00 to \$8,800.00, and Cortland Fourth Addition from \$872,000.00 to \$341,495.00, as listed in the Community Development Department Assistant's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-188** approving an amendment to the 2030 Land Use Guide Map of the Comprehensive Plan changing the designation of Outlot B, Cobblestone Lake Commercial 3rd Addition, from “MD” (Medium Density Residential/6-12 units per acre) to “LD” (Low Density Residential/2-6 units per acre), as recommended by the Planning Commission, and authorizing submittal to the Metropolitan Council. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the Assignment and Assumption of License Agreement for Cortland Fourth Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-189** approving a Conditional Use Permit for outdoor storage and overnight parking of motor vehicles and trailers on Lot 1, Block 1, Apple Valley Business Campus (14607 Felton Court), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-190** approving a Conditional Use Permit for outdoor storage and overnight parking of motor vehicles and trailers on Lot 2, Block 1, Apple Valley Business Campus (14608 Felton Court), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-191** approving a Conditional Use Permit for outdoor storage and overnight parking of motor vehicles and trailers on Lot 1, Block 1, Apple Valley Business Campus 2nd Addition (14645 Felton Court), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-192** approving a Conditional Use Permit for outdoor storage and overnight parking of motor vehicles and trailers on Lot 1, Block 2, Apple Valley Business Campus 2nd Addition (6275 147th Street W.), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-193** approving the final plat and Development Agreement for Karamella Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the Joint Powers Agreement for Emergency Management Services with Dakota County, in the amount of \$5,302.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the Agreement for Project 2016-102, 2016 Water Treatment Chemicals, with Hawkins, Inc., in the amount of \$60,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the Agreement for Microsoft licensing for the City's computer software assets with SHI International Corporation, in the amount of \$54,679.40, and authorizing the City Administrator to sign the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, accepting Project 2014-112, Cortland 3rd Addition Street and Utility Improvements, as complete and authorizing final payment on the agreement with Northwest Asphalt, Inc., in the amount of \$98,292.25. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, accepting Project 2015-125, 2015 Concrete Raising and Leveling Services, as complete and authorizing final payment on the agreement with Northstar Mudjacking & More, LLC, in the amount of \$2,546.06. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving the Liquor Operations holiday pay policy, as attached in the Human Resources Manager's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2015-194** approving the revised 2016 Pay and Benefit Plan. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, approving hiring the seasonal, part time and full time employees, and retirement of employee, as listed in the Personnel Report dated July 14, 2011. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, to pay the claims and bills, on the check register dated December 2, 2015, in the amount of \$2,797,912.25; and December 9, 2015, in the amount of \$971,642.93. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

ORDINANCE AMENDING "I-2" ZONING DISTRICT

Ms. Bodmer gave the first reading of an ordinance amending Chapter 155 of the City Code regarding permitted, conditional, and permitted accessory uses in "I-2" (General Industrial) zoning districts by deleting obsolete and high nuisance industrial uses and providing additional performance standards for bulk fuel storage tanks.

A public hearing was held on March 18, 2015, and the Planning Commission reviewed this item at its meeting on October 21, 2015, and voted unanimously to recommend approval. Because a public hearing has already been held, staff is recommending waiving of the second reading.

Discussion followed.

Fire Chief Thompson commented on concerns expressed by Magellan and the reasoning for the amendments to the ordinance.

Discussion continued.

MOTION: of Hooppaw, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 1002** amending Chapter 155 of the City Code regarding permitted, conditional, and permitted accessory uses in "I-2" (General Industrial) zoning districts by deleting obsolete and high nuisance industrial uses and providing additional performance standards for bulk fuel storage tanks. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING CANDIDACY FILING FEES

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 30 of the City Code entitled "City Council", by adding Section 30.06 regulating municipal office candidacy filing fees. The ordinance sets the filing fee at \$40.00. No comments have been received since the first reading which was held December 10, 2015.

MOTION: of Bergman, seconded by Hooppaw, passing **Ordinance No. 1003** amending Chapter 30 of the City Code, by adding Section 30.06 regulating municipal office candidacy filing fees. Ayes - 5 - Nays - 0.

APPOINT TRAFFIC SAFETY ADVISORY COMMITTEE MEMBER

Ms. Gackstetter reviewed her memo listing applicants for the Traffic Safety Advisory Committee vacancy.

The Mayor called for nominations for the vacancy. Councilmember Grendahl nominated Dennise Herskind and Fernando Puente. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Grendahl, seconded by Bergman, accepting the two nominations for Traffic Safety Advisory Committee. Ayes - 5 - Nays - 0.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select one name. After selections were made, they were tallied and the City Attorney announced that Fernando Puente received the majority of votes.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2015-195** appointing Fernando Puente to the Traffic Safety Advisory Committee for a term expiring March 1, 2018. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked both applicants who applied and expressed interest in the position.

COMMUNICATIONS

Mr. Lawell expressed sympathy to the family of David Ganfield, former fire fighter for the Cities of Apple Valley and Richfield and current Apple Valley Fire Relief Association President.

Mary Hamann-Roland invited everyone to the 2016 Frozen Apple concerts at Valleywood Clubhouse.

CALENDAR OF UPCOMING EVENTS

MOTION: of Bergman, 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.

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

The meeting was adjourned at 7:29 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 1-14-16.