

CITY OF APPLE VALLEY
Dakota County, Minnesota
March 24, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held March 24, 2016, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Mayor Hamann-Roland; Councilmembers Bergman, Grendahl, and Hooppaw.

ABSENT: Councilmember Goodwin.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Parks Superintendent Adamini, City Engineer Anderson, Police Captain Bermel, Assistant City Administrator Grawe, City Planner Lovelace, Police Chief Rehtzigel, 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 Grendahl, seconded by Bergman, removing item 4.Y – Approve Joint Powers Agreement with Dakota County for Project 2016-105, 2016 Street Improvements, from the consent agenda and approving the agenda for tonight's meeting, as amended. Ayes - 4 - 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 Hooppaw, seconded by Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Grendahl, approving the minutes of the regular meeting of February 25, 2016, as written. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-39** accepting, with thanks, the donation of \$200.00 in gift cards from Rascals Apple Valley Bar & Grill, for use by the Parks and Recreation Department. Ayes - 4 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

March 24, 2016

Page 2

MOTION: of Hooppaw, seconded by Grendahl, 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 May 7, 2016, at the American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving a change in manager for Apple Minnesota, LLC, d/b/a Applebee's Neighborhood Grill & Bar, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 14678 Cedar Avenue, naming Leonard Steven Rodrigues as General Manager, as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Apple Valley American Legion, Post 1776, by Minnesota Alcohol and Gambling Enforcement Division, for use on May 22, 2016, outdoors at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Apple Valley American Legion, Post 1776, by Minnesota Alcohol and Gambling Enforcement Division, for use on July 4, 2016, outdoors at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion, Post 1776, for use on September 10, 2016, outdoors at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving the Special Outdoor Promotion/Temporary Sign Permit for placement of signage on City property, as described in the application, in connection with the 2016 Home & Garden Expo. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, receiving the Parks and Recreation Department's 2015 annual report. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, receiving the Parks and Recreation Advisory Committee's 2015 annual report. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, receiving the Planning Commission's 2015 annual report. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, receiving the Telecommunications Advisory Committee's 2015 annual report. Ayes - 4 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

March 24, 2016

Page 3

MOTION: of Hooppaw, seconded by Grendahl, receiving the Urban Affairs Advisory Committee's 2015 annual report. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-40** designating appointed officials subject to economic interest statement requirements under Minnesota Statue Chapter 10A. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-41** adopting Policies and Procedures Governing Application, Review and Recommendations Regarding Grant of Competitive Cable Franchises. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-42** setting a public hearing on May 12, 2016, at 7:00 p.m., on intent to consider issuance of franchise. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing an application to OSHA for matching safety grant in the amount of \$10,000.00 as submitted by the Central Maintenance Facility Labor/Management Safety Committee, and attached to the Public Works Superintendent's - Streets memo. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-43** approving a 6-ft. variance reducing the front yard setback from 30 ft. to 24 ft. for a porch addition, on Lot 4, Block 4, Briar Oaks of Apple Valley 1st Addition (12163 Gantry Lane), with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-44** approving the final plat for correction or recombination of Giselle's Corner. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-45** approving the final plat and Development Agreement for Quarry Ponds Third Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-46** ordering plans and specifications, for Project 2016-138, 2016 Galaxie Avenue and 140th Street Traffic Signal Improvements. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-47** approving plans and specifications for Project 2015-103, 157th Street & Johnny Cake Ridge Road Improvements, and authorizing advertising for receipt of bids, at 10:00 a.m., on April 28, 2016, via a posting on the City's website and Quest Construction Data Network. Ayes - 4 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

March 24, 2016

Page 4

- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-48** accepting easements for Project 2015-103, 157th Street & Johnny Cake Ridge Road Improvements. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-49** restricting parking on 157th Street W. from 150 ft. east of Finch Avenue to Pilot Knob Road (State Aid Project No. 186-113-003), and ordering installation of the necessary signage. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-50** restricting parking on Johnny Cake Ridge Road from 157th Street W. to 158th Street W., (State Aid Project No. 186-113-003), and ordering installation of the necessary signage. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-51** approving plans and specifications for Project 2015-117, 157th Street Greenway Pedestrian Underpass, and authorizing advertising for receipt of bids, at 10:00 a.m., on April 28, 2016, via a posting on the City's website and Quest Construction Data Network. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-52** awarding the agreement for In-Car Video System with Infrastructure to Support a Future Body Camera System, to Baycom, Inc., the lowest responsible bidder, in the amount of \$189,250.00. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-53** awarding the agreement for Project 2013-125, Pond EVR-P89 (EVR-P12) Filter Bench Improvements, to Fitzgerald Excavating & Trucking, Inc., the lowest responsible bidder, in the amount of \$148,000.50. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-54** awarding the agreement for Project 2016-105, 2016 Street Improvements, to McNamara Contracting, Inc., the lowest responsible bidder, in the amount of \$2,098,750.85. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the Hayes Park Arena Advertising Agreement with Bell State Bank & Trust, in the amount of \$4,500.00 for a three-year lease of advertising space, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the Hayes Park Arena Advertising Agreement with Jennifer L. Eisenhuth D.D.S., M.S., P.A., in the amount of \$1,800.00 for a three-year lease of advertising space, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

March 24, 2016

Page 5

- MOTION: of Hooppaw, seconded by Grendahl, approving the Design Agreement with D.R. Horton, Inc., for design services of public infrastructure relating to the proposed Project 2016-134, Cortland 5th Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the Design Agreement with Palm Realty, Inc., for design services of public infrastructure relating to the proposed Project 2015-175, Quarry Ponds North Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the Design Agreement with South Shore Development, Inc., for design services of public infrastructure relating to the proposed Project 2016-123, Cobblestone Lake North 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for Project 2016-125, 2016 Sod Replacement Services, with JWS Construction, LLC, in the amount of \$14,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement with Marco Technologies, LLC, for Mitel Network Phone System, in the amount of \$162,550.84, as attached to the Information Technologies Manager's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving the Agreement for Project 2016-116, Family Aquatic Center Roofing, with Redline Architectural Sheet Metal, LLC, in the amount of \$46,097.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, accepting Project 2014-146, Water System Vulnerability Assessment, as complete and authorizing final payment on the contract with SL-serco, Inc., in the amount of \$3,330.00. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, approving hiring the seasonal and part time employees, retirement of employee, promotion of employee, and resignation of employees, as listed in the Personnel Report dated March 24, 2016. Ayes - 4 - Nays - 0.
- MOTION: of Hooppaw, seconded by Grendahl, to pay the claims and bills, check registers dated February 17, 2016, in the amount of \$587,762.19, February 24, 2016, in the amount of \$846,797.69, March 2, 2016, in the amount of \$590,757.91, and March 9, 2016, in the amount of \$1,414,213.60. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

RASCALS APPLE VALLEY BAR & GRILL ON-SALE LIQUOR LICENSE

Ms. Gackstetter reviewed the application by LSP Ventures, Inc., d/b/a Rascals Apple Valley Bar & Grill for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales, effective April 1, 2016, as described in her memo. The restaurant is located at 7721 147th Street W. She noted receipt of the affidavit of publication of the hearing notice. The Police and Fire Departments completed background and site investigations and found no reason the licenses could not be authorized at this time.

Mayor Hamann-Roland called the public hearing to order at 7:06 p.m. to consider the application by LSP Ventures, Inc., d/b/a Rascals Apple Valley Bar & Grill, for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:07 p.m.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-55** approving issuance of a 2016 On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales to LSP Ventures, Inc., d/b/a Rascals Apple Valley Bar & Grill, for premises located at 7721 147th Street W., for the period of April 1, 2016, through December 31, 2016. Ayes - 4 - Nays - 0.

Ms. Lorrie Stau, of Rascals Apple Valley Bar & Grill, spoke about their future plans and invited everyone to stop in.

COBBLESTONE RETAIL II BUILDING

Mr. Lovelace reviewed the request by Bear Cobblestone 2, LLC, for a zoning amendment to allow for a drive-through window in conjunction with a restaurant, a replat of an outlot into a lot, and a site plan/building permit authorization to allow for construction of a 6,288-sq. ft. retail building on a .98-acre lot. The property is located at the northwest corner of 157th Street W. and Cobblestone Lake Parkway.

The Planning Commission held a public hearing on this request on February 17, 2016, and recommended approval of the zoning amendment and site plan review/building permit authorization on March 2, 2016, with recommendations.

Discussion followed.

MOTION: of Bergman, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 1006** amending PD-703 (Planned Development) to allow drive-through window service in conjunction with a Class II Restaurant within a multi-tenant retail building. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-56** approving the final plat of Cobblestone Lake Commercial 6th Addition and waiving the requirement for a subdivision agreement. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2016-57** approving the site plan and authorizing issuance of a building permit to allow construction of a 6,288-sq. ft. multi-tenant retail building on Lot 1, Block 1, Cobblestone Lake Commercial 6th Addition, with conditions as recommended by the Planning Commission. Ayes - 4- Nays - 0.

Mr. Ben Krsnak, of Bear Cobblestone 2, LLC, and Mr. Scott Nelson, of DJR Architecture, Inc., addressed the Council. They stated this is the first Costa Vida in Minnesota and they hope to be open by the end of the year.

ORDINANCE AMENDING CHAPTER 91 - DESIGNATING HEARING OFFICER

Police Captain Bermel gave the first reading of an ordinance amending Chapter 91 of the City Code regulating Animals by amending the designated hearing officer. The ordinance was prepared by the City Attorney. The Council accepted the first reading.

Discussion followed.

MOTION: of Grendahl, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 1007** amending Chapter 91 entitled "Animals" by amending the designated hearing officer. Ayes - 4 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Bergman, 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 - 4 - Nays - 0.

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

The meeting was adjourned at 7:31 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council
on 4-14-16.

/s/ Mary Hamann-Roland
Mary Hamann-Roland, Mayor