

CITY OF APPLE VALLEY
Dakota County, Minnesota
April 28, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held April 28, 2016, 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, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, Community Development Director Nordquist, 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 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 April 14, 2016, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-69** amending the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor

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Sales for M, S & R, III, LLC, d/b/a Masu Sushi and Noodle, at 14638 Cedar Avenue, by amending the licensed premises to include the outside patio area, subject to conformance with the approved site plan. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-70** establishing election precinct boundaries and polling places. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving submittal of CenterPoint Energy 2016 Community Partnership Grant application, in the amount of \$2,500.00, with a 50-50 match, for eleven (11) Motorola Monitor VI pagers, as described in the Fire Chief's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, proclaiming May 3, 2016, as "Teacher Day" and asking citizens to take time to recognize and acknowledge the impact of teachers on our lives. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-71** approving 2016 Special Assessment Roll No. 644, for hearing purposes, in the total amount of \$137,712.06 for delinquent utility charges, and setting the public hearing, at 7:00 p.m., on May 26, 2016. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-72** approving 2016 Special Assessment Roll No. 645, for hearing purposes, in the total amount of \$2,417.84 for delinquent tree removal, and setting the public hearing, at 7:00 p.m., on May 26, 2016. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-73** approving 2016 Special Assessment Roll No. 646, for hearing purposes, in the total amount of \$1,438.00 for delinquent false alarm charges, and setting the public hearing, at 7:00 p.m., on May 26, 2016. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-74** approving the final plat and Development Agreement for Cobblestone Lake 8th 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. 2016-75** approving the final plat and waiving the Development Agreement for Fulford 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. 2016-76** approving plans and specifications for Project 2016-106, 2016 Micro Surfacing, and authorizing advertising for receipt of bids, at 10:00 p.m., on May 19, 2016, via a posting on the City's website and Quest Construction Data Network. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for Project 2016-130, 2016 Concrete Removal and Replacement Services, with JWS Construction, LLC, in the amount of \$34,675.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for Project 2016-152, Hayes Park Arena Compressor, with Rink-Tec, International, Inc., in the amount of \$13,800.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for Project 2016-143, 2016 Sump Catch Basin Cleaning, with Sewer Services, Inc., in the amount of \$64,170.00, 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 agreement with Viking Automatic Sprinkler Company, for Project 2016-110, Apple Valley Community Center Fire Alarm System, resulting in no change to the contract amount. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-77** approving amending the 2016 Employee Pay and Benefit Plan. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving hiring the seasonal and full time employees, promotion of employee, and resignation of employees, as listed in the Personnel Report dated April 28, 2016. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated April 6, 2016, in the amount of \$875,632.44; and April 13, 2016, in the amount of \$685,477.17. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

INTRODUCTION OF NEW POLICE OFFICER FRY

Police Chief Rehtzigel introduced newly hired Police Officer David Fry to the Council and presented him with his badge. The City Clerk administered the oath of office to Officer Fry. The Council congratulated Officer Fry and welcomed him to his new position.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mr. Hedberg introduced Ms. Michelle Pietrick, Minnesota Government Finance Officers Association representative.

Ms. Pietrick presented the City with a Certificate of Achievement for Excellence in Financial Reporting for its comprehensive annual financial report for the fiscal year ending December 31, 2014.

The City Council commended Mr. Hedberg and the Finance Department for achieving this prestigious award.

COBBLESTONE LAKE NORTH SHORE 2ND ADDITION

Mr. Lovelace reviewed the request by South Shore Development, Inc., for approval of an amendment to the 2030 Comprehensive Plan Land Use Map, re-designating 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); an ordinance rezoning Outlot B, Cobblestone Lake Commercial 3rd Addition, from “PD-703/Zone 8” to “PD-703/Zone 2A”; and the preliminary plat for Cobblestone Lake North Shore 2nd Addition. Outlot B is an 11.57 acre site located at the southeast corner of 155th Street W. and Embry Path.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2016-78** approving an amendment to the Land Use Map of the 2030 Comprehensive Guide 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. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, passing **Ordinance No. 1008** rezoning Outlot B, Cobblestone Lake Commercial 3rd Addition, from “PD-703/Zone 8” to “PD-703/Zone 2”. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2016-79** approving the preliminary plat of Cobblestone Lake North Shore 2nd Addition, for 47 single-family residential lots and one outlot, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

2030 COMPREHENSIVE PLAN LAND MAP AMENDMENT

Mr. Lovelace reviewed the request by PHS Apple Valley Senior Housing, Inc., and South Shore Development, Inc., to re-designating Outlots E, F, and G, Cobblestone Lake Commercial 3rd Addition, from “HD” (High Density Residential/12+units per acre), “C” (Commercial) , and “P” (Parks/Open Space), to “HD” (High Density Residential/12+units per acre) and “P” (Parks/Open Space). The applicant is proposing a 175-unit continuum of care complex located along the east side of Cobblestone Lake Parkway, south of Embry Path and north of Elmhurst Lane.

Discussion followed.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2016-80** approving submitting to the Metropolitan Council an amendment to the 2030 Land Use Map of the Comprehensive Guide Plan re-designating Outlots E, F, and G, Cobblestone Lake Commercial 3rd Addition, from “HD” (High Density Residential/12+units per acre), “C” (Commercial) , and “P” (Parks/Open Space), to “HD” (High Density Residential/12+units per acre) and “P” (Parks/Open Space). Ayes - 5 - Nays - 0.

APPOINT PARKS AND RECREATION ADVISORY COMMITTEE MEMBER

Ms. Gackstetter reviewed her memo listing the applicants for the Parks and Recreation Advisory Committee vacancy.

The Mayor called for nominations for the vacancy. Councilmember Grendahl nominated Josh Gaffke, Chuck Grothaus, Renee Heimer, Jeremy Hensche, Richard Keuler, Jason Phillips, and Mark Schori. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Grendahl, seconded by Hooppaw, accepting the seven nominations for the Parks and Recreation Advisory Committee. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, amending the previously adopted appointment process for the first round of voting to reduce the number of candidates by selecting two fewer candidates than total names appearing on the ballot. Ayes - 5 - Nays - 0.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select five names from the seven nominees. After selections were made, they were tallied and the City Attorney announced that five names remained.

MOTION: of Hooppaw, seconded by Bergman, amending the previously adopted appointment process for the second round of voting to reduce the number of candidates by selecting two fewer candidates than total names appearing on the ballot. Ayes - 5 - Nays - 0.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select three names. After selections were made, they were tallied and the City Attorney announced that three names remained.

The City Clerk prepared ballots and the City Attorney distributed them to the Council who were asked to each select two names. After selections were made, they were tallied and the City Attorney announced that the two names remained.

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 Josh Gaffke received the majority of votes.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2016-81** appointing Josh Gaffke to the Parks and Recreation Advisory Committee for a term expiring March 1, 2019. Ayes - 5 - Nays - 0.

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

COMMUNICATIONS

Councilmember Goodwin noted the digging on the south side of McAndrews Road near the Zoo entrance is part of a Dakota County project.

Staff provided updates on a variety of topics: Mr. Bernstein on the Kelley Park concert series, Mr. Saam on Emerald Ash borer, the tree sale, and water sprinkling restrictions, Mr. Grawe on the City auction, Police Captain Francis on parking regulations, and Fire Chief Thompson on recreational fire rules and Fire Department volunteer recruitment.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, amending the calendar of upcoming events as included in the Deputy City Clerk's memo to include the State of the City event on May 24, 2016, approving the calendar of upcoming events as amended, and noting that each event listed is hereby deemed a Special Meeting of the City Council.
Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:17 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council
on 5-12-16.

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