

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
July 26, 2012

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 26, 2012, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: Councilmember Hooppaw.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Acting Parks and Recreation Director Adamini, Public Works Director Blomstrom, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Police Chief Rehtzigel, 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 Grendahl, removing item 5.C – Resolution Authorizing Joint Powers Agreement with Dakota County Regional Railroad Authority and Metropolitan Council for Transit Station Improvements at 147th Street W., and adding item 10 – Convene in Closed Session, Under Attorney-Client Exception to Open Meeting Law, to Discuss Litigation Regarding K.E.E., 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 Goodwin, seconded by Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Grendahl, approving the minutes of the regular meeting of July 12, 2012, as written. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-142** accepting, with thanks, the donation of \$250.00 from Jean Hansen for Valleywood Clubhouse. Ayes - 4 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-143** accepting, with thanks, the donation of \$500.00 from Kathleen and James McJunkin for Valleywood Clubhouse. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-144** accepting, with thanks, the donation of a JVC 47" HD TV from Russ DeFauw, in memory of former Councilmember Robert 'Bob' Erickson, for Valleywood Clubhouse. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on September 8, 2012, at the Apple Valley American Legion, Post 1776, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Firefighters Relief Association, for use on September 15, 2012, at Apple Valley Fire Station No. 1, 15000 Hayes Road, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-145** approving an amendment to the 2030 Comprehensive Plan changing the Low Density Residential designation range from 3-6 units per acre to 2-6 units per acre. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving receipt of the 2013 municipal financial requirements as certified by Apple Valley Fire Relief Association Board of Trustees, as attached to the Fire Chief's memo dated July 23, 2012. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-146** authorizing submittal of an application for 2012 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Funds to hire a Fire Department Deputy Chief/Training Officer. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-147** establishing parking restrictions along Walnut Lane. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, authorizing advance purchase of traffic signal control equipment in connection with AV Project 2011-140, Traffic Control Signal System Improvements, in the amount of \$49,781.60. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving a five-year extension of Site Lease Agreement with Charter Cable Partners, LLC, for leased premises located at 6442 140th Street W., for the period of October 1, 2012, through September 30, 2017, as

attached to the Public Works Superintendent's memo dated July 26, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Encroachment Agreement with Koch Pipeline Company, L.P., for public infrastructure in connection with AV Project No. 2011-107, 147th Street Extension, as attached to the City Engineer's memo dated July 26, 2012, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, authorizing preparation of plans and specifications for AV Project 2012-149, Holyoke Area Neighborhood Drainage Improvements. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving Change Order No. 2 to the contract with Geislinger and Sons, Inc., for AV Project 2011-108, Sanitary Lift Station 2 Replacement, in the amount of an additional \$13,524.00. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, accepting AV Project 2011-145, Valleywood Clubhouse Sanitary Sewer Extension, as complete and authorizing final payment on the contract with Underground Piercing, Inc., in the amount of \$715.03. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving hiring the seasonal employees, promotion of employees, and resignation of employee, as listed in the Personnel report dated July 26, 2012. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, setting a special informal City Council meeting, at 5:30 p.m., on August 23, 2012, at the Municipal Center. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, setting a special informal City Council meeting, at 5:30 p.m., and special City Council meeting at 7:00 p.m., on September 11, 2012, at the Municipal Center. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, canceling the September 13, 2012, informal and regular City Council meetings. Ayes - 4 - Nays - 0.

#### END OF CONSENT AGENDA

#### POLICE CHIEF OATH OF OFFICE

Mayor Hamann-Roland introduced Jon Rechtzigel who was promoted to the position of Police Chief. The City Clerk administered the oath of office to Police Chief Rechtzigel. Mayor Hamann-Roland then presented him with his badge. The Council congratulated Police Chief Rechtzigel on his new position.

#### HILLREST ACRES 5TH ADDITION/AUTOZONE RETAIL STORE

Mr. Lovelace reviewed the request by AutoZone and Vermillion State Bank for a subdivision by replat and a site plan/building permit authorization to allow for construction of a 13,000 sq. ft. auto accessory store. The site is located on the southeast corner of Foliage Avenue and 150th Street. He reviewed the site plan, grading plan, utility plan, landscape plan, and elevation drawings. The Planning Commission reviewed this item on July 18, 2012, and recommended approval.

Mayor Hamann-Roland inquired if snow storage would be included in the maintenance agreement.

Mr. Lovelace confirmed it would be included.

Councilmember Bergman asked about all sides of the building being treated as equal.

Mr. Lovelace said when treating all sides as a “front”, the goal is to ensure the theme and materials continue around all sides of the building. He stated this building has the same treatment with the pillar-look on all four sides.

**MOTION:** of Goodwin, seconded by Grendahl, adopting **Resolution No. 2012-148** approving the final plat of Hillcrest Acres Fifth Addition, and waiving the requirement for a subdivision agreement. Ayes - 4 - Nays - 0.

**MOTION:** of Bergman, seconded by Grendahl, adopting **Resolution No. 2012-149** approving the site plan and authorizing issuance of a building permit for construction of a 13,000 square foot AutoZone retail store on Lot 1, Block 1, Hillcrest Acres Fifth Addition, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

#### ORDINANCE AMENDING BOND REQUIREMENTS FOR ALCOHOL LICENSES

Ms. Gackstetter gave the first reading of an ordinance amending Chapter 111 of the City Code entitled “Alcoholic Beverages”, by amending Sections 111.24 and 111.28 regulating bond requirements for certain alcoholic licenses. This item was also discussed at the informal City Council meeting on July 12, 2012. Based on past experience, the cost of calling on the bonds, and changes to the liquor law, staff is recommending the ordinance be amended to eliminate the need for a Corporate Surety Bond in connection with its liquor licenses. The ordinance amendment was prepared by the City Attorney. The Council accepted the first reading. The second reading is tentatively scheduled for August 9, 2012.

#### ORDINANCE AMENDING BOND REQUIREMENTS FOR PRECIOUS METAL DEALERS

Ms. Gackstetter gave the first reading of an ordinance amending Chapter 117 of the City Code entitled “Pawnbrokers and Precious Metal Dealers”, by amending Sections 117.05 and 117.09 regulating bond requirements for Precious Metal Dealers. This item was also discussed at the informal City Council meeting on July 12, 2012. Based on past experience and the cost of calling on the bonds, staff is recommending the ordinance be amended to eliminate the need for a Corporate Surety Bond in connection with its Precious Metal Dealer licenses. The ordinance

amendment was prepared by the City Attorney. The Council accepted the first reading. The second reading is tentatively scheduled for August 9, 2012.

#### STAFF ITEMS

Mr. Lawell reminded everyone about various Night to Unite activities scheduled on August 7, 2012.

Mr. Blomstrom provided an update on various road and construction projects.

#### COUNCIL COMMUNICATIONS

Mayor Hamann-Roland thanked Councilmember Grendahl for the fine job she did at the Relay for Life event. She then invited everyone to "Music in Kelley Park" from 6:00 p.m. to 9:00 p.m. on July 27, 2012.

#### CALENDAR OF UPCOMING EVENTS

MOTION: of Goodwin, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated July 23, 2012, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 - Nays - 0.

#### CLAIMS AND BILLS

MOTION: of Grendahl, seconded by Bergman, to pay the claims and bills, check registers dated July 19, 2012, in the amount of \$1,009,427.19; and July 26, 2012, in the amount of \$941,963.71. Ayes - 4 - Nays - 0.

#### CLOSE MEETING - ATTORNEY-CLIENT PRIVILEGE

Mr. Dougherty asked the City Council to convene in a closed session, under the provisions of M.S. 13D.05, to discuss litigation regarding K.E.E.

MOTION: of Bergman, seconded by Goodwin, to close the regular meeting and convene in closed session to discuss with the City Attorney litigation regarding K.E.E. Ayes - 4 - Nays - 0.

The meeting was closed at 7:48 p.m. and Mayor Hamann-Roland and Councilmembers Bergman, Goodwin, and Grendahl convened in the Regent Conference Room, at 7:51 p.m., along with City Attorney Dougherty, City Administrator Lawell, City Clerk Gackstetter, Police Chief Rechtzigel, Police Captain Marben, and Legal Counsel Joseph Flynn of Jardine, Logan & O'Brien, P.L.L.P. Mr. Dougherty advised the Council that its discussion must be limited to matters for which the meeting was closed and if issues are discussed outside of this meeting the attorney-client privilege will be lost. Discussion followed regarding the litigation involving K.E.E. The Council reconvened in open session at 8:08 p.m.

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

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The meeting was adjourned at 8:09 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 8-9-12.