

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
February 28, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held February 28th, 2013, 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 Hills, Parks and Recreation Director Bernstein, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Public Works Superintendent Blommel Johnson, City Planner Lovelace, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Police Chief Rehtzigel, Fire Chief Thompson, and Golf Manager Zinck.

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 Bergman, seconded by Hooppaw, 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 Goodwin, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Hooppaw, approving the minutes of the regular meeting of February 14, 2013, as written. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-33**, accepting, with thanks, the donation of \$75.00 from the Lions Club of Apple Valley for activities related to Mid-Winter Fest. Ayes - 5 - Nays - 0.

- MOTION: of Goodwin, seconded by Hooppaw, approving a change in Corporate Officer for RT Minneapolis Franchise, LLC, d/b/a Ruby Tuesday in connection with the On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales licenses at 14883 Florence Trail, naming James Jerome Buettgen as the new President and CEO, as described in the City Clerk's memo dated February 25, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving amending the Refuse License held by Veolia ES Solid Waste Midwest, LLC, d/b/a Veolia Environmental Services, by changing the corporate and business name to Advanced Disposal Services Solid Waste Midwest, LLC, d/b/a Advanced Disposal Services, as described in the City Clerk's memo dated February 25, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-34** setting a public hearing, at 7:00 p.m., on March 28, 2013 on the applications for On-Sale Intoxicating Liquor, On-Sale Wine, On-Sale 3.2 Percent Malt Liquor, and Special License for Sunday Liquor Sales licenses by Spoon, Inc., d/b/a Spoon. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Eastview Community Foundation, for use on May 4, 2013, at the Eastview High School, 6200 140th Street, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-35** approving amendments to the Apple Valley Firefighters Relief Association Bylaws. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the application for renewal of commercial extraction permit by Fischer Sand and Aggregate, LLP, for 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the 2013 schedules of billing rates for engineering consulting services for Stantec Consulting Services, Inc., and TKDA, as attached to the City Engineer's memo dated February 28, 2013. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-36** approving extended park hours and athletic field lighting hours at Quarry Point Park on July 19 and 20, 2013, for Relay for Life Event. Ayes - 5 - Nays - 0.
- MOTION: of Goodwin, seconded by Hooppaw, approving the release of financial guarantee for Cobblestone Lake South Shore 3rd Addition, and approving the reduction of

financial guarantee for Cortland, from \$817,120.00 to \$368,775.00, as listed in the Community Development Department Assistant's memo dated February 28, 2013. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-37** setting a public hearing at the Planning Commission Meeting on March 20, 2013, at 7:00 p.m., to consider amendments to Chapter 155 of the City Code regulating area standards and requirements for PD-739, Zones 3 and 4. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-38** approving the final plat for Cub Foods 2nd Addition and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-39** approving specifications for AV Project 2013-109, 2013-2014 Mowing and Trimming Services, and authorizing advertising for receipt of bids, at 10:00 a.m., on March 21, 2013. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the Lease Agreement with State of Minnesota, on behalf of Dakota County Technical College, for property located at 14200 Cedar Avenue South, as attached to the City Administrator's memo dated February 25, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the Purchase Agreement with Palm Realty, Inc., for approximately 3.08 acres of real property in the City of Apple Valley, Outlot D, Cortland, for Lebanon Cemetery, in the amount of \$154,290.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-40** awarding the contract for AV Project 2013-116, 2013-2016 Golf Car Lease, for model RXV-48V, to Versatile Vehicles, Inc., the lowest responsible bidder, in the amount of \$42,817.50, and authorizing the Mayor and City Clerk to sign the lease subject to final revisions and changes as approved by the City Administrator and City Attorney. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the Engineering Consultant Agreement for Mechanical Engineering Services for HVAC system at the Central Maintenance Facility with Wentz Associates, Inc., in the amount of \$79,500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the Agreement for AV Project 2013-117, 2,000 Gallon Street Flusher, with Stepp Manufacturing Co., Inc., in the amount of \$62,885.00 plus sales tax, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving Change Order No. 1 to the contract with Killmer Electric Company, Inc., for AV Project 2012-144, Outdoor Lighting Replacement for Apple Valley Fire Stations, in the amount of an additional \$990.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the hiring of part-time and seasonal employees, termination of employee, and resignation of employee, as listed in the Personnel Report and Addendum dated February 28, 2013. Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### INTRODUCTION OF NEW POLICE OFFICER LUETTELE

Police Chief Rehtzigel introduced newly hired Police Officers David Engel, Peter Meuwissen, and Gregory Neumann to the Council and presented them with their badges. The City Clerk administered the oaths of office to the Officers. The Council congratulated Officers Engel, Meuwissen, and Neumann and welcomed them to their new positions.

#### ORDINANCE AMENDMENT REGULATING DRIVE-THROUGH MENU BOARDS

Mr. Lovelace reviewed the request for an amendment to Chapter 154 of the City Code regulating drive through menu boards. He noted the Planning Commission held a public hearing on February 20, 2013, on the proposed amendments. Therefore, staff is recommending waiving the second reading of the ordinance.

Discussion followed.

MOTION: of Hooppaw, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 939** amending Section 154.04(J) of the City Code regulating menu boards, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

#### CHICK-FIL-A RESTAURANT

Mr. Lovelace reviewed the request by Chick-fil-A, Inc., and SVH Realty, Inc., for a Conditional Use Permit, site plan/building permit authorization, and variances.

Discussion followed.

Mr. Joe Vavrina, Project Manager with H. R. Green, addressed the Council.

Discussion continued.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2013-41** approving a Conditional Use Permit and variance to allow a Class II restaurant to be located closer than 1,000 feet from an institutional or residential use, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2013-42** approving the site plan and authorizing issuance of a building permit for construction of a 4,559 sq. ft. Class II restaurant on Lot 2, Block 1, Cub Foods 2nd Addition (15350 Cedar Avenue), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

#### APPOINT COMMISSION & COMMITTEE MEMBERS

Ms. Gackstetter reviewed her memo regarding the appointment of Commission and Committee Members. She noted there are 15 seats with terms expiring March 1, 2013. All members serve a three-year term and the new term will expire March 1, 2016.

Discussion followed.

MOTION: of Goodwin, seconded by Hooppaw, accepting the resignations of Cemetery Advisory Committee Member Noel Hammill and Parks and Recreation Advisory Committee Member Russ DeFauw, and thanking them for their dedicated service to the City of Apple Valley. Ayes - 5 - Nays - 0.

The Mayor called for nominations for the two seats on the Cemetery Advisory Committee with terms expiring March 1, 2013. Councilmember Grendahl nominated Dave Freed, Tanya Grawe, Jay Hoekstra, and John Jorgenson. There being no further nominations, the Mayor declared the nominations closed.

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

MOTION: of Grendahl, seconded by Goodwin, approving voting for three candidates 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 from the four nominees. After selections were made, they were tallied and the City Clerk announced that three names remained.

MOTION: of Grendahl, seconded by Bergman, amending the previous appointment process to reduce the number of candidates by selecting one less than the total number of names appearing on the ballot. Ayes - 5 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

February 28, 2013

Page 6

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 Tanya Grawe and Jay Hoekstra received the majority of votes.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2013-43** appointing Tanya Grawe and Jay Hoekstra to the Cemetery Advisory Committee for a term expiring March 1, 2016. Ayes - 5 - Nays - 0.

The Mayor called for nominations for the three seats on the Parks and Recreation Advisory Committee with terms expiring March 1, 2013. Councilmember Grendahl nominated Elizabeth Fors, Noel Hammill, Cindy Hart, Melissa Novak, and Nick Suchy as Youth Rep. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Grendahl, seconded by Hooppaw, accepting the five nominations for the Parks and Recreation 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 four names from the five nominees. After selections were made, they were tallied and the City Clerk announced Nick Suchy, Youth Rep, received a majority of votes and that three additional 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 Noel Hammill and Cindy Hart received the majority of votes.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2013-44** appointing Noel Hammill, Cindy Hart, and Nick Suchy as Youth Rep to the Parks and Recreation Advisory Committee for a term expiring March 1, 2016. Ayes - 5 - Nays - 0.

The Mayor called for nominations for the two seats on the Planning Commission with terms expiring March 1, 2013. Councilmember Bergman nominated Akshatha Anil, Tim Burke, Paul Chellsen, and Paul Scanlan. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Bergman, seconded by Grendahl, accepting the four nominations for the Parks and Recreation 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 three names. After selections were made, they were tallied and the City Clerk 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 Tim Burke and Paul Scanlan received the majority of votes.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2013-45** appointing Time Burke and Paul Scanlan to the Planning Commission for a term expiring March 1, 2016. Ayes - 5 - Nays - 0.

The Mayor called for nominations for the two seats on the Telecommunications Advisory Committee with terms expiring March 1, 2013. Councilmember Hooppaw nominated Rollin Bible, Jerry Brown, and Elizabeth Fors. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Hooppaw, seconded by Goodwin, accepting the three nominations for the Telecommunications 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 two names. After selections were made, they were tallied and the City Attorney announced that Rollin Bible and Jerry Brown received the majority of votes.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-46** appointing Rollin Bible and Jerry Brown to the Telecommunications Advisory Committee for a term expiring March 1, 2016. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-47** reappointing Todd Blomstrom, Linda Dolan, and Joe Shaw to the Traffic Safety Advisory Committee for a term expiring March 1, 2016. Ayes - 5 - Nays - 0.

The Mayor called for nominations for the three seats on the Urban Affairs Advisory Committee with terms expiring March 1, 2013. Councilmember Grendahl nominated Barry Berg, Sandy Breuer, Shirley Doering, and Melissa Novak. There being no further nominations, the Mayor declared the nominations closed.

MOTION: of Grendahl, seconded by Hooppaw, accepting the four nominations for the Urban Affairs 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 three names. After selections were made, they were tallied and the City Attorney announced that Barry Berg, Sandy Breuer, and Shirley Doering received the majority of votes.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-48** appointing Barry Berg, Sandy Breuer, and Shirley Doering to the Urban Affairs Advisory Committee for a term expiring March 1, 2016. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland thanked all the applicants who expressed interest in the serving on the various committees and congratulated all the appointees for their valuable services.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Bergman, approving the calendar of upcoming events as included in the City Clerk's memo dated February 26, 2013, 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 Grendahl, seconded by Bergman, to pay the claims and bills, check registers dated February 21, 2013, in the amount of \$635,994.21, and February 28, 2013, in the amount of \$601,274.22. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:33 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 3-28-13.