

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

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held March 28, 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 Dougherty, Parks Superintendent Adamini, Public Works Director Blomstrom, Associate City Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, 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 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 Bergman, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of February 28, 2013, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the special meeting of March 5, 2013, as written. Ayes - 4 - Nays - 0 - Abstain - 1 (Grendahl).

CITY OF APPLE VALLEY

Dakota County, Minnesota

March 28, 2013

Page 2

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-50**, accepting, with thanks, the donation of a foosball table from Ms. Anne Peterson for use at the Apple Valley Teen Center. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Christopher Goeke Leadership Foundation, for use on May 4, 2013, at Redwood Park, 311 150th Street W., and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, receiving the Cable and Telecommunications Advisory Committee's 2012 annual report. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, receiving the Needs Ascertainment Report Related to Cable Franchise Renewal, as attached to the Assistant City Administrator's memo dated March 28, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-51**, amending the 2013 Operating Budget for Building Inspections Division. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving renewal of the City's general liability, property, automobile, workers' compensation, umbrella, and other insurance coverage for March 1, 2013, through March 1, 2014, with the League of Minnesota Cities Insurance Trust at a total premium of \$776,775.00, including the non-waiver of statutory liability limits for the City's insurance, as recommended in the Finance Director's memo dated March 21, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving renewal of the Client Service Agreement with Bill Velin of Wells Fargo Insurance Services, acting as the Agent of Record for 2013-2014, in the amount of \$8,000.00, as recommended in the Finance Director's memo dated March 21, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, authorizing submittal of CenterPoint Energy 2013 Community Partnership Grant application, in the amount of \$2,500.00, for Rosenbauer Heros XT Helmets with LED lights, as described in the Fire Chief's memo dated March 25, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-52**, identifying the need for 2012 Livable Communities Development Account Transit Oriented Development (LCDA-TOD) funding and authorizing a revised application to Metropolitan Council for Central Village West Office site acquisition assistance. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-53** amending the 2030 Land Use Map of the Comprehensive Plan, redesignating Outlots H and I, Cobblestone Lake Commercial 3rd Addition. Ayes - 5 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

March 28, 2013

Page 3

MOTION: of Bergman, seconded by Goodwin, approving the Partial Termination of Easements for Kelley Park expansion parcels, as attached to the Planner's memo dated March 28, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes -5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-54** setting a public hearing at 7:00 p.m., on April 25, 2013, to consider vacating the park, sidewalk, trail, and drainage and utility easement upon and across Outlot I, Cobblestone Lake Commercial 3rd Addition. Ayes -5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 940** amending Chapter 155 of the City Code, regulating area standards and requirements for Planned Development Designation No. 739, Zones 3 and 4 (Parkside Village). Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Second Amendment to Lease with Allina Health System d/b/a Allina Medical Transportation, for Fire Station 1, 15000 Hayes Road, as attached to the Fire Chief's memo dated March 25, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving First Amendment to Lease on the antenna agreement with Sprint Spectrum Realty Company, L.P., for Longridge Reservoir, located at 8350 160th Street, as attached to the Public Works Utilities Superintendent's memo dated March 28, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Second Amendment to Lease on the antenna agreement with Sprint Spectrum Realty Company, L.P., for Palomino Lattice Tower, located at 7738 128th Street, as attached to the Public Works Utilities Superintendent's memo dated March 28, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Second Amendment to Lease on the antenna agreement with Sprint Spectrum Realty Company, L.P., for Valleywood Reservoir, located at 4851 125th Street, as attached to the Public Works Utilities Superintendent's memo dated March 28, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the First Amendment to the Professional Services Agreement for SCADA (Supervisory Control and Data Acquisition) Engineering Services for AV Project 2012-108, Water Treatment Plant Expansion, with Automatic Systems Company, in the amount of \$306,097.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

March 28, 2013

Page 4

MOTION: of Bergman, seconded by Goodwin, approving the Third Amendment to the Professional Services Agreement for construction administration of AV Project 2012-108, Water Treatment Plant Expansion, with Short Elliott Hendrickson, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, authorizing the award of contracts to the lowest responsible bidders for the Joint Powers Agreement with the City of Burnsville for 2013 South Metro Cities for Street Maintenance Services, as attached to the Public Works Superintendent memo dated March 28, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-55** awarding the contract for AV Project 2013-109, 2013-2014 Mowing and Trimming Services, to Executive Outdoor Services, the lowest responsible bidder, in the annual amount of \$58,550.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-56** awarding the contract for AV Project 2013-101, Greenleaf Street and Utility Improvements, to LaTour Construction, Inc., the lowest responsible bidder, in the amount of \$2,714,979.61. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-57** awarding the contract for AV Project 2013-102, Whitney Drive Improvements, to McNamara Contracting, Inc., the lowest responsible bidder, in the amount of \$1,651,112.14. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement with South Shore Development, Inc., for engineering design services relating to AV Project 2013-119, Cobblestone South Shore 8th Addition, in the estimated amount of \$19,000.00, as described in the City Engineer's memo dated March 28, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the contract with Budget Sandblasting and Painting, Inc., for AV Project 2013-131, 2013 Sealing of Decorative Concrete and Block Retaining Walls, in the estimated amount of \$8,080.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement with Hawkins, Inc., for AV Project 2013-127, 2013 Outdoor Pool Water Management, in the amount of \$72,900.00 plus tax, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the contract for AV Project 2013-122, 2013 Farquar Lake Fish Removal, with J. R. Commercial Fishing, in the

amount of \$8,500.00, and authorizing the Mayor and City Clerk to sign the same.
Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the contract for AV Project 2013-132, 2013 Sod Replacement Services, with Jirik Sod Farm, Inc., in the estimated amount of \$10,080.00, and authorizing the Mayor and City Clerk to sign the same.
Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement with Midwest Fence and Manufacturing Company for Quarry Point Park Athletic Fencing Project – Spring 2013, in the amount of \$18,150.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement with Automatic Systems Company for Valleywood Booster Station Upgrade, in an amount not to exceed \$53,500.00, and authorizing the Mayor and City Clerk to sign the same.
Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Agreement with Yamaha Golf & Utility, for Computerized Central Control System, in the amount of \$15,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting Quarry Point Park Storm Damage Repair Project as complete and authorizing final payment on the contract with Midwest Fence and Manufacturing Company, in the amount of \$172,900.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal employees and resignation of employees, as listed in the Personnel Report dated March 28, 2013.
Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mr. Hedberg introduced Ms. Robin Roland, President of the Minnesota Government Finance Officers Association.

Ms. Roland 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, 2011.

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

2013 ON-SALE LIQUOR LICENSE FOR SPOON, INC.

Ms. Gackstetter reviewed the applications and provided a brief history on the request by Spoon, Inc., d/b/a Spoon, located at 14871 Granada Avenue, for On-Sale Intoxicating Liquor, Special License for Sunday Liquor Sales, On-Sale Wine, and On-Sale 3.2 Percent Malt Liquor Licenses. She noted receipt of the affidavit of publication of the hearing notice.

Police Chief Rehtzigel and Fire Chief Thompson provided additional history.

Mayor Hamann-Roland called the public hearing to order at 7:19 p.m. to consider the applications for an On-Sale Intoxicating Liquor License, a Special License for Sunday Liquor Sales, an On-Sale Wine License, and a 3.2 Percent Malt Liquor License for Spoon, Inc., d/b/a Spoon. The Mayor asked for questions or comments from the Council and the audience.

Mr. Daniel Lee, legal counsel for Spoon, Inc., addressed the City Council.

Discussion followed.

Mayor Hamann-Roland asked for additional questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:46 p.m.

Discussion continued.

MOTION: of Goodwin, adopting **Resolution No. 2013-58** approving issuance of 2013 On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales, with conditions as outlined in sample resolution "B", to Spoon, Inc., d/b/a Spoon, for premises located at 14871 Granada Avenue. Motion failed due to the lack of a second.

The City Council continued discussion.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2013-58** approving issuance of 2013 On-Sale Wine and 3.2 Percent Malt Liquor licenses, with conditions as outlined in sample resolution "G", to Spoon, Inc., d/b/a Spoon, for premises located at 14871 Granada Avenue, subject to approval of the wine license by the Minnesota Commissioner of Public Safety. Ayes - 3 - Nays - 2 (Bergman and Hooppaw).

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolutions No. 2013-59** denying the 2013 On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales for Spoon, Inc., d/b/a Spoon, located at 14871 Granada Avenue. Ayes - 5 - Nays - 0.

Mayor Hamann-Roland recessed the meeting at 8:34 p.m.

Mayor Hamann-Roland resumed the meeting at 8:41 p.m.

BOGART'S/APPLE PLACE BOWL VOLLEYBALL COURTS

Ms. Dykes reviewed the request by Bogart's/Apple Place Bowl to amend Chapter 144 of the City Code to define a Temporary Seasonal Outdoor Recreational Facility; to amend Planned Development 290, Zone 2, to allow Temporary Seasonal Outdoor Recreational Facilities as a conditional use; for approval of a Conditional Use Permit for temporary seasonal outdoor volleyball courts; and for approval of a Second Amendment to Easement Agreement for cross-parking and cross-access.

Mr. Rick Waggoner, of Bogart's, addressed the Council.

Discussion followed.

MOTION: of Bergman, seconded by Grendahl, waiving the procedure for a second reading and passing **Ordinance No. 941** amending Chapter 155 and Planned Development 290, Zone 2, regulating Temporary Seasonal Outdoor Recreational Facilities. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-60** approving a Conditional Use Permit to allow a Temporary Seasonal Outdoor Recreational Facility on Lot 2, Block 7, Apple Valley Commercial Addition (14917 Garrett Avenue), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Second Amendment of Easement Agreement between Seventy-Two Hundred, LLC, and Franke Enterprises, LLP, for cross-parking and cross-access. Ayes - 5 - Nays - 0.

CROOKED PINT ALE HOUSE RESTAURANT

Mr. Lovelace reviewed the request by DDJ Ranch Development, LLC, for a Conditional Use Permit for on-sale liquor sales and site plan/building permit authorization to allow construction of a Crooked Pint Ale House restaurant.

Discussion followed.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2013-61** approving a Conditional Use Permit to allow on-sale liquor in conjunction with a Class I restaurant on Lot 2, Block 1, Cobblestone Lake Commercial 4th, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2013-62** approving the site plan and authorizing issuance of a building permit for construction of a

5,448 sq. ft. restaurant, 1,640 sq. ft. outdoor patio/bocce ball court, and 64 space surface parking on Lot 2, Block 1, Cobblestone Lake Commercial 4th Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

Mr. Dan Peterson, representative of DDJ Ranch Development, and Ms. Mary Jule Erickson, President of Crooked Pint, addressed the Council.

Discussion continued.

HOME DEPOT OUTDOOR GARDEN CENTER

Mr. Lovelace reviewed the request by Home Depot U.S.A., Inc., for a Conditional Use Permit for temporary outdoor display, sales, and storage.

Discussion followed.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-63** approving a Conditional Use Permit for the temporary outdoor display, sales, and storage of retail goods and merchandise on Lot 6, Block 1, Hillcrest Acres (15101 Flagstaff Avenue), with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

Mr. Nick Wallrich, General Manager of Home Depot, addressed the Council.

Discussion continued.

ORDINANCE AMENDING LATE-NIGHT PARKING

Mr. Lawell gave the first reading of an ordinance amending Section 71.17 of the City Code regulating late-night parking.

Discussion followed.

MOTION: of Hooppaw, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 942** amending Section 71.17 of the City Code regulating late-night parking. Ayes - 5 - Nays - 0.

SEASONAL LOAD RESTRICTIONS

Mr. Blomstrom gave the first reading of an ordinance amending Section 70.04 of the City Code regulating size, weight, and load roadway restrictions and provided background information on the recommendation to establish weight restrictions on City streets.

MOTION: of Grendahl, seconded by Goodwin, waiving the procedure for a second reading and passing **Ordinance No. 943** amending Section 70.04 of the City Code regulating size, weight, and load roadway restrictions. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2013-64** establishing weight restrictions of vehicles on City streets. Ayes - 5 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk's memo dated March 25, 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 Bergman, seconded by Goodwin, to pay the claims and bills, check registers dated March 7, 2013, in the amount of \$657,514.34; March 14, 2013, in the amount of \$1,048,059.76; March 21, 2013, in the amount of \$532,635.19; and March 28, 2013, in the amount of \$382,510.80. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 9:15 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 4-11-13.