

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
October 10, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 10, 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, City Engineer Bennett, Parks and Recreation Director Bernstein, Public Works Superintendent Blommel Johnson, Public Works Director Blomstrom, Associate City Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, 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 Bergman, 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 September 26, 2013, as written. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-134** accepting, with thanks, the donation of \$150.00 from Kari L. Storey for a tree in Cobblestone Lake Park. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Hooppaw, approving a change in manager for The Noodle Shop Co.-Colorado, Inc., d/b/a Noodles & Company, in connection with the On-Sale 3.2 Percent Malt Liquor and Wine Licenses at 14879 Florence Trail, naming Suzanne Rodriguez as General Manager; as described in the City Clerk's memo dated October 7, 2013. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the manager for Vivo Restaurants, LLC, d/b/a Vivo, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 15435 Founders Lane, naming James Henry Coppa as Bar Manager; as described in the City Clerk's memo dated October 7, 2013. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, amending the officers of record for El Azteca Apple, Inc., d/b/a El Azteca Mexican Restaurant, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 6670 150th Street W., Suite 106, removing David Alonso Gil as President and General Manager, and listing Ruben Leon as the new President and Food Manager; as described in the City Clerk's memo dated October 7, 2013. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, adopting **Resolution No. 2013-135** designating as additional depositories for City funds for the year 2013: Wells Fargo Securities, LLC; Wells Fargo Bank, NA; Northland Securities, Inc.; RBC Capital Markets Corporation; Robert W. Baird & Co., Inc.; Sterne Agee & Leach, Inc.; US Bank, NA; Think Mutual Bank; and BMO Harris Bank, N.A. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving release of Natural Resources Management Permit Financial Guarantees for Seasons at Apple Valley Senior Building-Pathways, Kwik Trip Rebuild, and Cobblestone South Shore 6th Addition, as listed in the Community Development Department Assistant's and Public Works Technician's memos dated October 10, 2013. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, declaring certain City property as surplus; authorizing disposal of surplus and forfeiture vehicles by a public sale; and approving the Agreement with MDI Auctions, for an online auction conducted through K-Bid, as attached to the Public Works Supervisor's memo dated October 10, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, declaring a 1986 CAT Wheel Loader and 2001 Schaeff Superhoe as surplus; authorizing disposal of surplus equipment by a public sale; and approving the agreement and addendum with MDI Auctions, for an online auction conducted through K-Bid, as attached to the Public Works

Supervisor's memo dated October 10, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving the contract for AV Project 2013-155, 2013 Utility Improvements with Kruger Excavating, Inc., in the amount of \$55,435.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving an amendment to the lighting plan for Apple Valley Ford, 7200 150th Street W., to allow replacement of existing red light poles with gray light poles in the sales lot, as described in the City Planner's memo dated October 10, 2013. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, accepting AV Project 2013-145, Modular Tennis Court Surface, as complete and authorizing final payment on the agreement with C & C Courts, Inc., d/b/a Sport Court of Minnesota, in the amount of \$106,713.00. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, accepting AV Project 2013-127, 2013 Outdoor Pool Water Management, as complete and authorizing final payment on the agreement with Hawkins, Inc., in the amount of \$77,911.88. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Hooppaw, approving hiring the seasonal and part time employees, promotion of employees, and resignation of employee, as listed in the Personnel Report dated October 10, 2013. Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### MINNESOTA LEGACY DESTINATION CITIES AWARD

Mr. Paul Austin, on behalf of Conservation MN and Minnesota Citizens for the Arts, recognized Apple Valley and its residents for taking advantage of Legacy funds from the Clean Water, Land and Legacy Amendment to make the City a better place. He then presented a Minnesota Legacy Destination Cities Award to Mayor Hamann-Roland and Ms. Blommel Johnson.

#### 2013 SPECIAL ASSESSMENT ROLL 620

Mr. Hedberg described Special Assessment Roll 620, originally totaling \$142,017.83, for delinquent utility account charges. To date, approximately 95 of the 573 delinquent accounts have submitted prepayments. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 620, at 7:09 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:10 p.m.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-136** approving and levying 2013 Special Assessment Roll No. 620, for delinquent utility account charges, in the amount of \$142,017.83, minus any prepayments. Ayes - 5 - Nays - 0.

#### APPLE VALLEY BUSINESS CAMPUS VACATION

Mr. Lovelace reviewed the request by Spowd Development, LLC, for a vacation of a portion of easements over Outlot A, Apple Valley Business Campus. The petitioner is requesting the vacation in order to be allowed to place a parking lot unencumbered in the existing easement area. He noted a vacation of the easement will require a modification to the Easement and Right-of-Way Agreement granted to Magellan Pipeline Company in 2012.

Mayor Hamann-Roland called the public hearing to order, at 7:13 p.m., to consider vacating a portion of easements over Outlot A, Apple Valley Business Campus. The Mayor asked for questions or comments from the Council and the public. There were none and the hearing was declared closed at 7:14 p.m.

MOTION: of Hooppaw, seconded by Grendahl, approving the Modification of Easement and Right of Way Agreement with Magellan Pipeline Company, L.P., and Spowd Developments, LLC, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-137** completing vacation of a portion of easements over Outlot A, Apple Valley Business Campus, and authorizing the City Clerk to record the necessary documents. Ayes - 5 - Nays - 0.

#### CORTLAND SECOND ADDITION

Mr. Lovelace reviewed the staff report for an amendment to the 2030 Comprehensive Plan Land Use Map, re-designating Outlot A, Cortland, and Lot 1, Block 3, Cortland Second Addition, from "LD" (Low Density Residential/2-6 units per acre) to "P" (Parks and Open Space); rezoning of Outlot A, Cortland, and Lot 1, Block 3, Cortland Second Addition, from "R-3" (Single Family Residential/11,000 sq. ft. minimum lot area) to "'P" (Institutional); and a site plan/building permit authorization to allow for a Home Owners Association run community pool, 458 sq. ft. pool house, and 240 sq. ft. mechanical room. The Metropolitan Council approved the Comprehensive Plan amendment and the City Council can now take final action.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-138** approving an amendment to the Land Use Map of the 2030 Comprehensive Guide Plan

changing the designation of Outlot A, Cortland, and Lot 1, Block 3, Cortland Second Addition, from "LD" (Low Density Residential/2-6 units per acre) to "P" (Parks and Open Space), as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, passing **Ordinance No. 950** rezoning Outlot A, Cortland, and Lot 1, Block 3, Cortland Second Addition, from "R-3" (Single Family Residential/11,000 sq. ft. minimum lot area) to "'P" (Institutional). Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-139** approving the site plan and authorizing issuance of a building permit for construction of a Home Owners Association run swimming pool, pool house, and mechanical room on Lot 1, Block 3, Cortland Second Addition, with conditions as recommended by the Planning Commission. 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 October 7, 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 Grendahl, to pay the claims and bills, check registers dated October 3, 2013, in the amount of \$820,980.84; and October 10, 2013, in the amount of \$1,326,196.56. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:22 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 10-24-13.