

CITY OF APPLE VALLEY
Dakota County, Minnesota
December 26, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held December 26, 2013, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw.

ABSENT: Mayor Hamann-Roland.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Planner Bodmer, Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Engineer Manson, Community Development Director Nordquist, Police Chief Rechtzigel, and Fire Chief Thompson.

Acting Mayor Goodwin 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 Bergman, approving the agenda for tonight's meeting, as presented. Ayes - 4 - Nays - 0.

AUDIENCE

Acting Mayor Goodwin 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

Acting Mayor Goodwin 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 - 4 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Grendahl, approving the minutes of the regular meeting of December 12, 2013, as written. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of an off-site gambling permit, by the State Gambling Control Board, to Apple Valley Hockey Association, for use on January 14, 2014, at the Apple Valley High School, 14450 Hayes Road. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Minnesota Zoo Foundation, for use on August 29, 2014, at the Minnesota Zoo, 13000 Zoo Boulevard, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, amending the Precious Metal Dealer License held by Bill Buttweiler, LLC, at 14810 Granada Avenue, by changing the legal name to Apple Valley Diamonds, LLC. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of a new 2014 Fuel Dispensing Facility Permit to Crown Equipment Rental Co., Inc., 7661 146th Street W., as described in the City Clerk's memo dated December 20, 2013. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving renewal and issuance of licenses and permits for 2014 as listed in the attachment to the City Clerk's memo dated December 20, 2013. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-186** amending the 2013 Operating Budget for Specific Items. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-187** committing 2013 General Fund balance for 2013 financial statement purposes. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-188** amending 2014 budget for 2013 uncompleted projects. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, setting a public hearing at the Planning Commission Meeting on January 15, 2014, at 7:00 p.m., regarding an amendment to Chapter 155, regulating the keeping of animals in a residential district. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-189** establishing an all-way stop at the intersection of 147th Street W. and Johnny Cake Ridge Road. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving release of the Natural Resources Management Permit financial guarantee for Chick fil-A, as listed in the Public Works Technician's memo dated December 26, 2013. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-190** approving a 5-foot variance from the 30-foot front-yard setback on Lot 17, Block 10,

Palomino Lakeside Meadows 2nd Addition (13971 Holyoke Path), as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, appointing Malloy, Montague, Karnowski, Radosevich & Co., P.A., as auditors for 2013, 2014, and 2015 City audit. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the contract with Dakota County Technical College for Customized Electrical Safety Training, as attached to the Public Works Superintendent's memo dated December 26, 2103, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the contract with Dakota County for use of Sentenced to Service Program Work Crews for 2014, as attached to the Park Maintenance Superintendent's memo dated December 26, 2013, and authorizing the Acting Mayor and Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Lease Agreement with Saint Mary's University, for use of the Partners in Higher Education Building, 14200 Cedar Avenue S., subject to final revisions and changes as approved by the City Administrator, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 1 to the agreement with Executive Outdoor Services, for 2013-2014 Mowing and Trimming Services, and authorizing the Acting Mayor and Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-191** approving the 2014 Employee Pay and Benefit Plan. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-192** amending the Flexible Benefits Plan, and authorizing the Acting Mayor and Clerk to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-193** amending the Retirement Enhancement and Benefit Alternatives Voluntary Employees' Beneficiary Association (REBA/VEBA) Plan, and authorizing the Acting Mayor and Clerk to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-194** approving the Business Associate Agreement with Genesis Employee Benefits, and authorizing the Acting Mayor and Clerk to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-195** approving the Dental Administrative Services Agreement with HealthPartners Administrators, Inc., and authorizing the Acting Mayor and Clerk to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-196** approving the On-Call Loss Control Services Agreement with Integrated Loss Control, Inc., and authorizing the Acting Mayor and Clerk to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2013-197** approving the Renewal Agreement for Long-Term and Short-Term Disability Insurance with National Insurance Services and Madison Nation Life, and authorizing the Acting Mayor and Clerk to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman seconded by Grendahl, approving hiring the part-time and seasonal employees, and fire officer assignments, as listed in the Personnel Report dated December 26, 2013. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, setting a special informal City Council meeting, at 9:00 a.m., on March 20, 2014, at Schaar's Bluff Gathering Center, 8395 127th Street E., Hastings, MN, for the purposes of goal setting. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

SMASHBURGER ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES

Ms. Gackstetter reviewed the application by Smashburger Acquisition Minneapolis, LLC, d/b/a Smashburger #1317 for On-Sale Wine and 3.2 Percent Malt Liquor licenses as described in her memo dated December 23, 2013. She noted receipt of the affidavit of publication of the hearing notice. The restaurant is located at 7394 153rd Street W., Ste. 100. She stated the Police Department completed the necessary background investigation and found no reason the license could not be authorized at this time. The restaurant is scheduled to open January 29, 2014.

Acting Mayor Goodwin called the public hearing to order at 7:05 p.m. to consider the application of Smashburger Acquisition Minneapolis, LLC, d/b/a Smashburger #1317, for On-Sale Wine and 3.2 Percent Malt Liquor licenses. The Acting Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:06 p.m.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2013-198** approving issuance of 2014 On-Sale Wine and 3.2 Percent Malt Liquor licenses to Smashburger Acquisition Minneapolis, LLC, d/b/a Smashburger #1317, for premises located at 7394 153rd Street W., Ste. 100, subject to approval of the On-Sale Wine license by the Minnesota Commissioner of Public Safety.

Mr. Halberg, of Smashburger, addressed the City Council.

Vote was taken on the motion. Ayes - 4 - Nays - 0.

Acting Mayor Goodwin welcomed Smashburger to Apple Valley.

ORDINANCE AMENDING CHAPTER 51 - WATER AND SEWERS

Mr. Blomstrom gave the second reading of an ordinance amending Chapter 51 of the City Code regulating discharges into the City sanitary sewer system and maintenance of fire hydrants and other utility appurtenances. The ordinance was prepared by the City Attorney's office. He noted no comments have been received since the first reading on December 12, 2013.

MOTION: of Bergman, seconded by Grendahl, passing **Ordinance No. 956** amending Chapter 51 of the City Code, regulating discharges into the City sanitary sewer system and maintenance of fire hydrants and other utility appurtenances. Ayes - 4 - Nays - 0.

ORDINANCE AMENDING CHAPTER 155 - INSTITUTIONAL ZONING DISTRICTS

Ms. Bodmer gave the first reading of an ordinance amending Chapter 155 of the City Code regulating "P" (Institutional) zoning districts. The ordinance would allow governmental offices, governmental maintenance facility buildings, accessory storage buildings, and outdoor storage in a "P" (Institutional) zoning district. On December 18, 2013, the Planning Commission voted unanimously to recommend approval of the draft ordinance. Because the Planning Commission previously held a public hearing on this item, staff is recommending waiving of the second reading.

Discussion followed.

MOTION: of Hooppaw, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 957** amending Chapter 155 of the City Code, regulating "P" (Institutional) zoning districts, as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

ORDINANCE AMENDING CHAPTER 154 - ELECTRONIC DISPLAY SIGNS

Ms. Dykes gave the first reading of an ordinance amending Chapter 154 of the City Code regulating signs. The ordinance would allow for electronic changeable copy on ground/pylon signs. On December 18, 2013, the Planning Commission voted unanimously to recommend approval of the draft ordinance. Because the Planning Commission previously held a public hearing on this item, staff is recommending waiving of the second reading.

Discussion followed.

Mr. Dan Hughes, of Uponor North America, addressed the Council.

MOTION: of Grendahl, seconded by Hooppaw, waiving the procedure for a second reading and passing **Ordinance No. 958** amending Chapter 155 of the City Code, regulating electronic display signs, as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

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 December 20, 2013, 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 Bergman, seconded by Hooppaw, to pay the claims and bills, on the check register dated December 19, 2013, in the amount of \$3,045,605.10; and December 26, 2013, in the amount of \$436,701.80. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 7:41 o'clock p.m.

Respectfully Submitted,

/s/ Pamela J. Gackstetter/

Pamela J. Gackstetter, City Clerk

Approved by the Apple Valley City Council on 1-9-14.