

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
October 9, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 9, 2014, 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, Police Captain Bermel, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Planner Bodmer, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, City Engineer Manson, Police Chief Rehtzigel, Recreation Supervisor Skinner, 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 Goodwin, seconded by Grendahl, 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.

Mr. Larry Greaves, 15365 Dresden Way, commented about unsolicited newspapers and pamphlets being left on his property. He asked the City Council to consider an ordinance requiring the items to be placed in a paper box or hung on the door.

The City Council referred the matter to the Urban Affairs Advisory Committee for review.

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

#### CONSENT AGENDA ITEMS

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MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the regular meeting of September 25, 2014, as written. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, amending the Off-Sale 3.2 Percent Malt Liquor License held by Fuhr Enterprises, Inc., at 14265 Essex Avenue, by changing the assumed name from PQD Food Store to Snack Shack, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, amending the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales held by Blazin Wings, Inc., at 14658 Cedar Avenue, Suite D, by changing the assumed name from Buffalo Wild Wings Grill & Bar to Buffalo Wild Wings, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving a change in officer for RT Minneapolis Franchise, LLC, d/b/a Ruby Tuesday, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales, at 14883 Florence Trail, naming Jill Zita Golder as Executive Vice President/Chief Financial Officer, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving a change in 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 Jonathan Randall Carnahan as Beverage Manager; as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving a change in committee member for Apple Valley American Legion, Post 1776, in connection with the On-Sale Club License and Special License for Sunday Liquor Sales at 14521 Granada Drive, naming Thomas James Dokulil as Operations Board Committee Member, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-142**, approving the Reallocation of Special Assessment Roll Nos. 605 and 607, for the Cortland 3rd Development Area. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-143** approving Partial Assignment of Development Agreements for Parkside Village-Galante and authorizing execution of consent. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, declaring certain City property as surplus; authorizing disposal of surplus and forfeiture vehicles by a public sale; and approving the Agreement with A2C Auctions, for an online auction conducted through K-Bid, as attached to the Public Works Supervisor's memo dated

October 9, 2014, and authorizing the Mayor and City Clerk to sign the same.  
Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-144** ordering plans and specifications for AV Project 2015-105, 2015 Street Improvements.  
Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2014-145** approving the Maintenance Agreement for Storm Sewer Systems with Dakota County, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 11 to the contract with Magney Construction, for AV Project 2012-108, Water Treatment Facility Expansion, in the amount of an additional \$24,046.85, and authorizing the Public Works Director to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to the contract with Fendler Patterson Construction, Inc., for Apple Valley Municipal Center Counter Remodel Project, in the amount of an additional \$2,822.50. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting Apple Valley Municipal Center Counter Remodel Project, as complete and authorizing final payment on the contract with Fendler Patterson Construction, Inc., in the amount of \$48,282.50. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, accepting AV Project 2014-118, 2014 Reconditioning and Painting of Steel Fence Sections, Fence Support Posts, and Decorative Light Poles, as complete and authorizing final payment on the contract with Budget Sandblasting & Painting, Inc., in the amount of \$11,915.26. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving continuation of Dental Insurance Administration with Health Partners as described in the Human Resources Manager's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving hiring the seasonal and part time employees, resignation of employees, and transfer of employee, as listed in the Personnel Report dated October 9, 2014. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

HOLIDAY/WINTER FARMERS MARKET

Mr. Lovelace reviewed the request by St. Paul Growers Association, Inc., to operate a holiday/winter farmers market as a community event at the Redwood Community Center and to display temporary signage advertising the event.

Mr. Jack Gerten, from the St. Paul Growers Association, further described the proposed event and displayed samples of products that will be for sale.

Discussion followed.

MOTION: of Grendahl, seconded by Goodwin, approving the St. Paul Growers Association/Apple Valley Holiday Farmers Market community event as described in the City Planner's memo and authorizing the display of event signage. Ayes - 5 - Nays - 0.

2014 SPECIAL ASSESSMENT ROLL 628

Mr. Hedberg described Special Assessment Roll 628, originally totaling \$173,744.87, for delinquent utility account charges. From the 637 delinquent accounts, the City has received approximately \$18,839 in 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. 628, at 7:24 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:25 p.m.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2014-146** approving and levying 2014 Special Assessment Roll No. 628, for delinquent utility account charges, in the original amount of \$173,744.87, minus any prepayments. Ayes - 5 - Nays - 0.

2014 SPECIAL ASSESSMENT ROLL 629

Mr. Hedberg described Special Assessment Roll 629, originally totaling \$1,399.25, for delinquent mowing and tree removal charges. To date, there have been no 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. 629, at 7:26 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:27 p.m.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2014-147** approving and levying 2014 Special Assessment Roll No. 629, for delinquent mowing and tree removal charges, in the original amount of \$1,399.25, minus any prepayments. Ayes - 5 - Nays - 0.

#### EMBRY PLACE

Mr. Lovelace reviewed the request by Arcon Land IV, LLC, and Fischer Sand & Aggregate, Co. to rezone Outlot C, Cortland Third Addition from "M6-C" (Medium Density Residential/6-12 units per acre) to "PD" (Planned Development) and approval of a preliminary Plat.

Mayor Hamann-Roland asked if it would be possible to choke the intersection as a traffic calming measure to preempt any speeding issues.

Mr. Scott Johnson, of Arcon Land IV, LLC, responded that the road is very short but they can have those conversations with engineering staff.

Discussion followed.

MOTION: of Grendahl, seconded by Hooppaw, rezoning Outlot C, Cortland Third Addition, from "M6-C" (Medium Density Residential/6-12 units per acre) to "PD" (Planned Development) and directing staff to prepare a planned development ordinance that includes permitted, conditional, and accessory uses as well as area requirements and special performance standards consistent with the proposed development plans. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2014-148** approving the preliminary plat of Embry Place, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

#### ORDINANCE AMENDING TRESPASSING REGULATIONS

Police Captain Bermel gave the second reading of an ordinance amending City Code Section 130.04, regulating trespassing. No comments from the public have been received regarding the proposed changes.

MOTION: of Bergman, seconded by Goodwin, passing **Ordinance No. 976** amending City Code Section 130.04, regulating trespassing. Ayes - 5 - Nays - 0.

#### CALENDAR OF UPCOMING EVENTS

MOTION: of Bergman, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated October 6, 2014, 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 October 1, 2014, in the amount of \$2,046,839.87; and October 9, 2014, in the amount of \$2,252,613.81. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:50 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 10-23/14.