

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
November 25, 2014

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held November 25, 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 Dougherty, Police Captain Bermel, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Engineer Manson, Community Development Director Nordquist, Police Chief Rehtzigel, Liquor Operations Director Swanson, 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 Grendahl, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Goodwin, approving the minutes of the regular meeting of November 13, 2014, as written. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2014-163** authorizing application for a regional grant under the 2014 Assistance to Firefighters Grant Program to purchase software and all additionally required

support equipment to bring emergency fire dispatch functionality to the Dakota Communications Center. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2014-164** authorizing application for 2014 Assistance to Firefighters Grant Program to purchase Self-Contained Breathing Apparatus (SCBA) and supporting equipment for the Apple Valley Fire Department. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Municipal Advisory Service Agreement appointing Northland Securities, Inc., as Municipal Advisor on the issuance of the 2015 Liquor Revenue Refunding Bonds, Series 2015A, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the 2015 fees for the Sports Arena/Hayes Park Arena, Redwood Pool/Apple Valley Family Aquatic Center, and Valleywood Golf Course, and granting the Parks and Recreation Director or designee the latitude to adjust golf course fees for promotions, as described in the Parks and Recreation Director's memo. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the contract with Patchin, Messner, Dodd & Brumm for Park Dedication Fee Analysis Study, in an amount not to exceed \$10,000.00, subject to final revisions and changes as approved by the City Administrator and City Attorney, and authorizing execution of the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2014-165** approving the Settlement Agreements and Release documents for ponding easements for Outlot B, Farquar Lake Addition, and Lots 2 and 3, Block 1, Hesli Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the License Agreement with D.R. Horton, Inc.-Minnesota and Cortland Homeowners' Association, for installation and maintenance of landscaping within the Cortland Third Addition public street right-of-way, as attached to the City Planner's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Assignment and Assumption of License Agreement with D.R. Horton, Inc.-Minnesota and Cortland Homeowners Association, for Cortland Addition right-of-way monument sign and Landscaping License Agreement, as attached to the City Planner's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Joint Powers Agreement with the Cities of Burnsville, Farmington, Hastings, Inver Grove Heights, Mendota

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Heights, Rosemount, South St. Paul, West St. Paul, and Dakota County for Dakota County Electronic Crimes Task Force, as attached to the Police Chief's memo dated November 25, 2014, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Joint Powers Cost Share Agreement with Dakota County for 2014 and 2015 pictometry aerial photography, as attached to the Community Development Director's memo dated November 21, 2014, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Agreement for a 2014 Fire Engine, Triple Combination Pumper with Crimson Fire, d/b/a Spartan ERV, in the amount of \$495,350.00, subject to final revisions and changes as approved by the City Administrator and City Attorney, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Agreement for Liquor Store Walk-in Cooler Fan Motors and Controls Project with Energy Consulting Partners, in the amount of \$13,214.81, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving the Agreement for AV Project 2014-151, Well Pumps 7, 19, and Water Treatment Plant High Zone Pumps 2 and 3 Maintenance, with Keys Well Drilling Company, in the amount of \$60,904.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving Change Order No. 1 to the agreement with Hawkins, Inc., with a deduction of \$3,424.78; and accepting AV Project 2014-128, 2014 Outdoor Pool Water Management, as complete and authorizing final payment in the amount of \$76,434.89. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, accepting AV Project 2014-134, 2014 Sanitary Sewer Lining, as complete and authorizing final payment on the contract with SAK Construction, LLC, in the amount of \$230,920.00. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2014-166** appointing Greg Helms as Commissioner and John Glynn as Alternate Commissioner, to the Black Dog Watershed Management Commission. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Goodwin, approving hiring the seasonal and full time employees and resignation of employees, as listed in the Personnel Report dated November 25, 2014. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

2015 ON-SALE LIQUOR AND WINE LICENSE RENEWALS

Ms. Gackstetter reviewed her memo regarding renewal applications for On-Sale Intoxicating Liquor, Club, Concessionaire, Wine, and 3.2 Percent Malt Liquor licenses for 2015. She noted receipt of the affidavit of publication of the hearing notice and stated no comments have been received. Ms. Gackstetter stated that although the On-Sale 3.2 Percent Malt Liquor renewal licenses are included in the public hearing this evening, there will be no action requested for them. Action on all 3.2 Percent Malt Liquor licenses will take place at the December 11, 2014, meeting.

Mayor Hamann-Roland called the public hearing to order at 7:09 p.m. to consider renewal applications for On-Sale Intoxicating Liquor, Club, Concessionaire, Wine, and 3.2 Percent Malt Liquor licenses for the year 2015. The Mayor 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 Goodwin, seconded by Bergman, approving renewal, for 2015, of On-Sale Intoxicating Liquor, Club On-Sale Intoxicating Liquor, Concessionaire On-Sale Intoxicating Liquor, Special License for Sunday Liquor Sales, and On-Sale Wine licenses, subject to receipt of the necessary fees and documents, by adopting **Resolutions No. 2014-167** for Apple Minnesota, LLC, d/b/a Applebee's Neighborhood Grill & Bar; **No. 2014-168** for Apple Valley Grill, LLC, d/b/a Wild Bill's Sports Saloon; **No. 2014-169** for Blazin Wings, Inc., d/b/a Buffalo Wild Wings; **No. 2014-170** for DDJ Crooked Pint Apple Valley, Inc., d/b/a Crooked Pint Ale House; **No. 2014-171** for El Azteca Apple, Inc., d/b/a El Azteca Mexican Restaurant; **No. 2014-172** for GSTL Investments, LLC, d/b/a Valley Tap House; **No. 2014-173** for H.O.C., Inc., d/b/a Rascals Apple Valley Bar & Grill; **No. 2014-174** for Osaka AV Inc., d/b/a Osaka Seafood Steakhouse; **No. 2014-175** for Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits; **No. 2014-176** for Rich Management, Inc., d/b/a Bogart's/Apple Place Bowl; **2014-177** for RT Minneapolis Franchise, LLC, d/b/a Ruby Tuesday; **No. 2014-178** for Vivo Restaurants, LLC, d/b/a Vivo; **No. 2014-179** for Wadsworth Old Chicago, Inc., d/b/a Old Chicago; **No. 2014-180** for Apple Valley American Legion, Post 1776; **No. 2014-181** for Lancer Food Service, Inc., d/b/a Lancer Food Service; **No. 2014-182** for Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill; **No. 2014-183** for D & D of Minnesota, Inc., d/b/a Famous Dave's BBQ Shack; **No. 2014-184** for MANA Restaurants, LLC, d/b/a Fiesta Mexican Cuisine; **2014-185** for Smashburger Acquisition Minneapolis, LLC, d/b/a Smashburger #1317; and **No. 2014-186** for The Noodle Shop, Co. - Colorado, Inc., d/b/a Noodles & Company. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING FEES CONTAINED IN CITY CODE

Ms. Gackstetter reviewed proposed amendments to the Fee Schedule Appendix of Title III of the City Code. Fee adjustments are proposed for the cemetery, City fees and materials, consultant and engineering services, building inspections and permits, licenses and permits, subdivision and development fees, utility fees, and zoning. The fees would be effective January 1, 2015. She noted the proposed rates more accurately reflect the City's costs. Some changes were also recommended as a result of increased fees being charged the City and some were increased according to the Consumer Price Index and the Engineering News Record Cost Index.

The City Council accepted the first reading. The second reading is scheduled for December 11, 2014.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated November 20, 2014, in the amount of \$974,515.92, and November 25, 2014, in the amount of \$1,856,846.41. Ayes - 5 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, approving the calendar of upcoming events as included in the City Clerk's memo dated November 21, 2014, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:15 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 12-11-14.