

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
October 22, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 22, 2015, 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, Acting City Engineer Anderson, Parks and Recreation Director Bernstein, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Acting Public Works Director Blommel Johnson, City Planner Lovelace, 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 Bergman, seconded by Grendahl, adding item 4.Q – Approve Lease Extension with Time Square Shopping Center II, LLP, for Apple Valley Liquor Store #1, to the consent agenda, moving consideration of item 4.I – Adopt Resolution Approving Establishing a Designated Minimum Maintenance Road for Portion of Surrey Trail Right of Way to the regular agenda, and approving the agenda for tonight's meeting, as amended. 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 Hooppaw, approving all items on the consent agenda as amended. Ayes - 5 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of October 8, 2015, as written. Ayes - 5 - Nays - 0.

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- MOTION: of Grendahl, seconded by Hooppaw, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Sons of the American Legion, Squadron 1776, for use on December 12, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, approving a change in manager for Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill, in connection with the On-Sale Wine and 3.2 Percent Malt Liquor Licenses, at 7638 150th Street W., naming Dustin Mark Schreiber as General Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, approving a change in manager for GSTL Investments, LLC, d/b/a Valley Tap House, in connection with the On-Sale Intoxicating Liquor Licenses, at 14889 Florence Trail, naming Andrea Lynn Krueger as General Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-134** setting a public hearing, at 7:00 p.m., on November 24, 2015, on renewal applications for On-Sale Intoxicating Liquor, Wine, and 3.2 Percent Malt Liquor Licenses for 2016. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-135** of support for the draft Dakota County Draft 2016-2020 Capital Improvements Plan. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-136** approving submitting to the Metropolitan Council an amendment to the 2030 Land Use Map of the Comprehensive Guide Plan to re-designate Outlots F and G, Cobblestone Lake Commercial 3rd Addition, from "HD" (High Density Residential/12+ units per acre) to "LD" (Low Density residential/2-6 units per acre) and "P" (Parks and Open Space), in accordance with the Cobblestone Lake South Shore 9th Addition preliminary plat. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-137** approving a 2.5-foot variance from the side yard setback on Lot 1, Block 5, Greenleaf 1st Addition (6816 135th Street W.), for a third stall garage addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.
- MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-138** directing the preparation of plans and specifications for Project 2015-103, 157th Street & Johnny Cake Ridge Road Improvements. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Water Quality Improvement Cost Share Program Agreement with Mark and Melanie Baumhover for native plant shoreline buffer, at 12645 Florida Lane, in an amount not to exceed \$500, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Engineering Consulting Agreement with WSB & Associates, Inc., for engineering consulting services relating to the development of an updated Kelley Park master plan, in an amount not to exceed \$12,500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving Change Order No. 1 to the agreement with SwedeBro, Inc., for Project 2015-120, Apple Valley Community Center Aggregate Flooring, to authorize incremental payments for work completed and an extension of the timeline, resulting in no change to the contract amount. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving Change Order No. 1 to the agreement with Pump and Meter Service, Inc., in the amount of an additional \$959.10, and accepting Project 2015-147, Fuel Pump & Fuel Management Software Replacement, as complete and authorizing final payment in the amount of \$34,712.70. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving hiring the seasonal and part time employees, as listed in the Personnel Report dated October 22, 2015. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the claims and bills, check registers dated September 30, 2015, in the amount of \$321,349.50, and October 7, 2015, in the amount of \$1,508,426.10. Ayes - 5 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Lease Extension with Time Square Shopping Center II, LLP, for Apple Valley Liquor Store #1, as attached to the City Administrator's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### SURREY TRAIL RIGHT-OF-WAY

Mr. Nordquist presented the staff report on establishing Surrey Trail right-of-way as a minimum maintenance road. Public Works has arranged for a survey of the area to be completed this fall. He noted the property owner at the end of the road requested the City postpone this item to a

future meeting. Nick and Christine Arntz and Craig and Maria Westerberg, adjacent property owners, were present.

Discussion followed.

Councilmember Bergman asked the residents in the audience if they would mind if this matter was postponed for two weeks or if they preferred a decision this evening.

Mr. Arntz and Mr. Westerberg said they would like a decision made tonight.

Discussion continued.

**MOTION:** of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-139** establishing a designated minimum maintenance road for a portion of Surrey Trail Right-of-Way. Ayes - 5 - Nays - 0.

#### 2015 SPECIAL ASSESSMENT ROLL 639

Mr. Hedberg described Special Assessment Roll 639, originally totaling \$1,570.00, for delinquent false alarm charges. He explained the roll included an adjustment on one parcel. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. There have been no prepayments and no written objections have been received.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 639, at 7:20 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:21 p.m.

**MOTION:** of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2015-140** approving and levying 2015 Special Assessment Roll No. 639, for delinquent false alarm charges, in the original amount of \$1,570.00, minus any prepayments. Ayes - 5 - Nays - 0.

#### 2015 SPECIAL ASSESSMENT ROLL 640

Mr. Hedberg described Special Assessment Roll 640, originally totaling \$152,995.06, for delinquent utility account charges. From the 563 delinquent accounts, the City has received approximately \$19,144 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.

Discussion followed.

Councilmember Hooppaw asked if staff is confirming rental properties are registered with the City. He also asked if the list is an indicator that the property is not being maintained and

suggested using the list to enhance other proactive efforts to maintain good conditions of properties.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 640, 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 Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-141** approving and levying 2015 Special Assessment Roll No. 640, for delinquent utility account charges, in the original amount of \$152,995.06, minus any prepayments. Ayes - 5 - Nays - 0.

#### 2015 SPECIAL ASSESSMENT ROLL 641

Mr. Hedberg described Special Assessment Roll 641, originally totaling \$1,994.25, 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.

Discussion followed.

Councilmember Grendahl commented on dead trees on public property.

Ms. Blommel Johnson responded that she will have natural resources staff look at them.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 641, at 7:30 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:31 p.m.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2015-142** approving and levying 2015 Special Assessment Roll No. 641, for delinquent mowing and tree removal charges, in the original amount of \$1,994.25, minus any prepayments. Ayes - 5 - Nays - 0.

#### ZONING ORDINANCE - ALCOHOLIC BEVERAGE PRODUCTION ESTABLISHMENTS

Mr. Lovelace gave the first reading of an ordinance amending Chapter 155 of the City Code to allow alcoholic beverage production establishments in "I-1" (Limited Industrial) and "I-2" (General Industrial) zoning districts. The ordinance adds definitions and regulations regarding breweries, microdistilleries, and alcohol sales for brewer taprooms, cocktail rooms, and Sunday off-sale. The Planning Commission held a public hearing on the amendment September 16, 2015, and did not receive any comments. The Planning Commission reviewed this item again on October 7, 2015, and voted unanimously to recommend approval.

MOTION: of Bergman, seconded by Grendahl, waiving the procedure for a second reading and passing **Ordinance No. 998** amending Chapter 155 of the City Code to allow alcoholic beverage production establishments in “I-1” (Limited Industrial) and “I-2” (General Industrial) zoning districts, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

#### ORDINANCE FOR BREWPUBS, BREWER TAPROOMS, & MICRODISTILLERIES

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 111 of the City Code entitled “Alcoholic Beverages”, regulating on-sale and off-sale of alcohol at brewpubs, brewer taprooms, small brewers, microdistilleries, and cocktail rooms. The ordinance was prepared by the City Attorney’s office. One comment was received since the first reading.

Discussion followed.

MOTION: of Hooppaw, seconded by Bergman, passing **Ordinance No. 999** amending Chapter 111 of the City Code entitled “Alcoholic Beverages”, regulating on-sale and off-sale of alcohol at brewpubs, brewer taprooms, small brewers, microdistilleries, and cocktail rooms. 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. Fees in connection with the licensing of brewpubs, brewer taprooms, small brewers, microdistilleries, and cocktail rooms are being added. She noted a public hearing was held on October 8, 2015. No comments were received during the public hearing or since the first reading.

MOTION: of Bergman, seconded by Goodwin, passing **Ordinance No. 1000** amending the Fee Schedule Appendix of Title III of the City Code. Ayes - 5 - Nays - 0.

#### COMMUNICATIONS

Mr. Lawell reported Apple Valley’s liquor operations were ranked fifth in total sales for off-sale only municipal operations in the metro area and first in gross profit and net profit as a percent of sales according to the Minnesota State Auditor’s 2014 municipal liquor report. He further reported that Valleywood won the 2015 Minnesota Golf Association (MGA) Club of the Year. Lastly, he invited residents interested in serving on the Traffic Safety Advisory Committee to submit an application to the City Clerk.

Ms. Gackstetter noted one Traffic Safety Advisory Committee application has been received to date.

MOTION: of Grendahl, seconded by Bergman, extending the closing date by which individuals interested in serving on the Traffic Safety Advisory Committee must

submit an application to the City Clerk from October 31, 2015, to November 30, 2015. Ayes - 5 - Nays - 0.

Councilmember Goodwin commented on resident concerns over Jake breaking on County Road 46.

CALENDAR OF UPCOMING EVENTS

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

MOTION: of Bergman, seconded by Goodwin, to adjourn. Ayes - 5 - Nays - 0.

The meeting was adjourned at 7:56 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 11-12-15.