

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
November 24, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held November 24, 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, Police Captain Bermel, Parks and Recreation Director Bernstein, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Community Development Director Nordquist, Police Chief Rechtzigel, Public Works Director Saam, 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 led by Boy Scout Nolan Bessler of Troop 290.

#### APPROVAL OF AGENDA

MOTION: of Bergman, 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 Goodwin, seconded by Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Grendahl, approving the minutes of the regular meeting of November 12, 2015, as written. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving issuance of a lawful gambling permit to conduct excluded bingo, by the State Gambling Control Board, to Eastview High School Senior Party, for use on March 6, 2016, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

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MOTION: of Goodwin, seconded by Grendahl, approving a change in officer for The Noodle Shop, Co.-Colorado, Inc., d/b/a Noodles & Company, in connection with the On-Sale Wine and 3.2 Percent Malt Liquor Licenses, at 14879 Florence Trail, naming David James Boennighausen as Secretary, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, 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 Licenses, at 14879 Florence Trail, naming Matthew M. Egan as General Manager, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-147** approving submission of the Apple Valley, Burnsville, and Egan 2016 Joint Landfill Abatement Funding Application to Dakota County, in the amount of \$191,000.00, to operate a joint Recycling Program, and authorizing the execution of the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-148** completing the vacation of easements on Outlot A, Village at Founders Circle Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-149** approving the final plat and Development Agreement for Village at Founders Circle 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving release of subdivision financial guarantees for Hunter Forrest and The Legacy of Apple Valley Sixth Addition, as listed in the Community Development Department Assistant's memo. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, adopting **Resolution No. 2015-150** consenting to change of control over the cable franchisee. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Joint Powers Agreement with the Dakota County for Engineering and Trail Construction/Overlay in connection with Project 2015-105, 2015 Street Improvements, as attached to the Public Works Director's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the Joint Powers Agreement with Dakota County and the Cities of Lakeville and Rosemount for Engineering, Highway Construction and Signal Revisions, for traffic signal fiber optic cable

installation, as attached to the Public Works Director's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving hiring the seasonal and part time employees and resignation of employee, as listed in the Personnel Report dated November 24, 2015. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Grendahl, approving the claims and bills, check registers dated November 4, 2015, in the amount of \$527,092.27, and November 11, 2015, in the amount of \$641,801.61. Ayes - 5 - Nays - 0.

#### END OF CONSENT AGENDA

#### 2016 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 2016. 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 10, 2015, meeting.

Mayor Hamann-Roland called the public hearing to order at 7:07 p.m. to consider renewal applications for On-Sale Intoxicating Liquor, Club, Concessionaire, Wine, and 3.2 Percent Malt Liquor licenses for the year 2016. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:08 p.m.

MOTION: of Hooppaw, seconded by Goodwin, approving renewal, for 2016, 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. 2015-151** for Apple Minnesota, LLC, d/b/a Applebee's Neighborhood Grill & Bar; **No. 2015-152** for Apple Valley Grill, LLC, d/b/a Wild Bill's Sports Saloon; **No. 2015-153** for Blazin Wings, Inc., d/b/a Buffalo Wild Wings; **No. 2015-154** for CCH, LLC, d/b/a Celts Craft House; **No. 2015-155** for DDJ Crooked Pint Apple Valley, Inc., d/b/a Crooked Pint Ale House; **No. 2015-156** for El Azteca Apple, Inc., d/b/a El Azteca Mexican Restaurant; **No. 2015-157** for GSTL Investments, LLC, d/b/a Valley Tap House; **No. 2015-158** for H.O.C., Inc., d/b/a Rascals Apple Valley Bar & Grill; **No. 2015-159** for M, S, & R, III, LLC, d/b/a Masu Sushi and Noodle; **2015-160** for Osaka AV Inc., d/b/a Osaka Seafood Steakhouse; **No. 2015-161** for PBAV-Sanders, LLC, d/b/a Panino Brothers; **2015-162** for Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits; **No. 2015-163** for Rich Management, Inc., d/b/a Bogart's/Apple Place Bowl; **2015-164** for RT Minneapolis Franchise, LLC, d/b/a

Ruby Tuesday; **No. 2015-165** for Vivo Restaurants, LLC, d/b/a Vivo; **No. 2015-166** for Wadsworth Old Chicago, Inc., d/b/a Old Chicago; **No. 2015-167** for Apple Valley American Legion, Post 1776; **No. 2015-168** for Lancer Food Service, Inc., d/b/a Lancer Food Service; **No. 2015-169** for Chipotle Mexican Grill of Colorado, LLC, d/b/a Chipotle Mexican Grill; **No. 2015-170** for D & D of Minnesota, Inc., d/b/a Famous Dave's BBQ Shack; **2015-171** for Smashburger Acquisition Minneapolis, LLC, d/b/a Smashburger #1317; and **No. 2015-172** for The Noodle Shop, Co. - Colorado, Inc., d/b/a Noodles & Company. Ayes - 5 - Nays - 0.

ORDINANCE AMENDING CHAPTER 35, REGULATING CITY FEES

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 35 of the City Code, regulating City Fees. The amendment removes the Fee Schedule Appendix from the ordinance effective, January 1, 2016. The ordinance was prepared by the City Attorney's office. No comments were received since the first reading which was held November 12, 2015.

MOTION: of Goodwin, seconded by Bergman, passing **Ordinance No. 1001** Chapter 35 of the City Code, regulating City Fees. Ayes - 5 - Nays - 0.

CALENDAR OF UPCOMING EVENTS

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

The meeting was adjourned at 7:13 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 12-10-15.