

CITY OF APPLE VALLEY
Dakota County, Minnesota
February 10, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held February 10th, 2011, at 8:00 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, Public Works Director Blomstrom, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, City Engineer Manson, Community Development Director Nordquist, Human Resources Manager Pearson, Police Captain Rehtzigel, and Fire Chief Thompson.

Acting Mayor Goodwin called the meeting to order at 8:00 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 - 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 January 27, 2011, as written. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on March 12, 2011, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

CITY OF APPLEVALLEY

Dakota County, Minnesota

February 10, 2011

Page 2

- MOTION: of Bergman, seconded by Grendahl, approving a change in manager for Osaka Japanese Restaurant, Inc., d/b/a Osaka Seafood & Steakhouse, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales, at 7537 148th St W., Suite A, naming Jian Lin as General Manager; as described in the City Clerk's memo dated February 7, 2011. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-18** approving cooperative purchase of election equipment. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-19** approving outdoor warning siren system narrow banding. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-20** requesting use of Dakota County Western Service Center atrium at no charge for a civic event. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-21** authorizing Dakota County to accept confessions of judgment for delinquent special assessments on parcels in The Legacy of Apple Valley North. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, authorizing submittal of application to League of American Bicyclists for "Bicycle Friendly Community" designation, as attached to the Associate City Planner's memo dated February 10, 2011. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-22** setting a public hearing on March 24, 2011, at 8:00 p.m., on proposed official map amendment for 147th Street W. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-23** approving plans and specifications for AV Project 2011-101, 2011 Street Improvement Project; and authorizing advertising for receipt of bids, at 10:00 a.m., on March 17, 2011. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-24** approving Settlement Agreement and Release documents for ponding easements, authorizing execution of the documents, and approving payment for said easements. Ayes - 4 - Nays - 0.
- MOTION: of Bergman, seconded by Grendahl, approving the Agreement with Dakota County and South Shore Development for reserved area for future CSAH 31 and

CSAH 46 right-of-way, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Equipment Lease Agreement with City of Lakeville, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement with Mid-Metro Construction, Inc., for Safety Net Fence Repair and Improvement, in the amount of \$29,056.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Service Agreement with TeeMaster Corporation for online reservations at Valleywood Golf Course, in the amount of \$8,000.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Joint Powers Agreement with MN Department of Public Safety for use of Datamaster DMT-G breath tester, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Joint Powers Agreement with south metro cities for street maintenance services, as attached to the Public Works Superintendent's memo dated February 10, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the 2011 Labor Agreement with AFSCME Council 5, Local No. 479, maintenance employees, as attached to the Human Resources Manager's memo dated February 7, 2011, and authorizing execution of the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving resignation of employees, as listed in the Personnel Report dated February 10, 2011. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

SPOON, INC.

Ms. Gackstetter reviewed the application by Spoon, Inc., d/b/a Spoon for On-Sale Wine and 3.2 Percent Malt Liquor licenses as described in her memo dated February 7, 2011. She noted receipt of the affidavit of publication of the hearing notice. The restaurant will seat approximately 152 people, and is located in the Granada Shopping Center, at 14871 Granada Avenue. She stated the Police Department completed the necessary background investigation and found no reason the license could

not be authorized at this time. The owners have been operating the restaurant since the first of the year.

Acting Mayor Goodwin called the public hearing to order at 8:05 p.m. to consider the application of Spoon, Inc., d/b/a Spoon, 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 8:06 p.m.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2011-25** approving issuance of 2011 On-Sale Wine and 3.2 Percent Malt Liquor licenses to Spoon, Inc., d/b/a Spoon, for premises located at 14871 Granada Avenue, subject to approval of the wine license by the Minnesota Commissioner of Public Safety.
Ayes - 4 - Nays - 0.

METROPOLITAN COUNCIL LCDA GRANTS

Mr. Nordquist reviewed his presentation on Cedar Avenue land use planning, development opportunity and Metropolitan Council Livable Communities Grants. He noted Apple Valley was the only city awarded two pre-development grants this year.

MOTION: of Bergman, seconded by Hooppaw, approving the Metropolitan Livable Communities Act Grant Agreement with the Metropolitan Council for Cedar Avenue Master Transit Oriented Design (TOD) Development Plan, authorizing the Mayor and City Clerk to sign the same, designating the signing authority, and authorizing electronic funds transfer. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving the Metropolitan Livable Communities Act Grant Agreement with the Metropolitan Council for Market Analysis of Hanson Concrete Site, authorizing the Mayor and City Clerk to sign the same, designating the signing authority, and authorizing electronic funds transfer. Ayes - 4 - Nays - 0.

COUNCIL MEETING SCHEDULE

Mr. Lawell reviewed recommended modifications to the City Council's meeting schedule.

MOTION: of Grendahl, seconded by Bergman, setting a special informal City Council meeting at 6:00 p.m., on February 24, 2011, at the Municipal Center; canceling the informal and regular City Council meetings on March 10, 2011; and setting a special informal City Council meeting at 6:00 p.m., on March 24, 2011, at the Municipal Center. Ayes - 4 - 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 February 7, 2011, 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 Grendahl, to pay the claims and bills, check registers dated February 2, 2011, in the amount of \$420,978.78 and February 10, 2011, in the amount of \$1,029,626.05. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 8:14 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 2-24-11.