

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
July 25, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held July 25th, 2013, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl.

ABSENT: Councilmember Hooppaw.

City staff members present were: City Administrator Lawell, Deputy City Clerk Marschall, City Attorney Dougherty, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Assistant City Administrator Grawe, Human Resources Manager Haas, City Engineer Manson, Police Captain Marben, Community Development Director Nordquist, Fire Chief Thompson, and Crime Prevention Specialist Walter.

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 Bergman, seconded by Grendahl, removing item 4.H - Adopt Resolution Establishing Urban District Speed Zone along Flagstaff Avenue from 140th Street W. to 1,350 Ft. South of 140th Street W., and approving the agenda for tonight's meeting, as amended. Ayes - 4 - 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 Bergman, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Goodwin, seconded by Bergman, approving the minutes of the regular meeting of July 11, 2013, as written. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Firefighters Relief Association, for use on September 14, 2013, at Apple Valley Fire Station

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No. 1, 15000 Hayes Road, and waiving any waiting period for State approval.  
Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on September 14, 2013, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Auxiliary, Unit 1776, for use on November 9, 2013, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving a change in manager 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 Jon Paul Williams as General Manager; as described in the City Clerk's memo dated July 22, 2013. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-111** setting a public hearing on August 22, 2013, at 7:00 p.m., on the application for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales by Vivo Restaurants, LLC, d/b/a Vivo. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, waiving the procedure for a second reading and passing Ordinance No. 948 amending the Fee Schedule Appendix of Title III of the City Code by adjusting the fees for a final plat. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving temporary parking on the north side of Greenleaf Elementary School for school events during the 2013/2014 school year as listed in the attachment to the Police Chief's memo dated July 22, 2013. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, approving the release of financial guarantees for Eagle Ridge Business Park Lifeworks Building NRMP and Apple Valley Business Campus, as listed in the Community Development Department Assistant's memo dated July 25, 2013. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-113** approving a 15 ft. side yard setback variance on Lot 1, Block 1, Hesli Addition (4869 Dominica Way W.) to allow construction of a 24 ft. x 16 ft. water-oriented accessory building, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

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- MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-114** setting a public hearing, at 7:00 p.m., on August 22, 2013, to consider vacating easements on Lot 1, Block 1, Hidden Ponds 3rd Addition. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving issuance of a Pony Ride Permit to Mr. Yasser Kinawy and Pony Parties Express, LLC, at Hayes Park on August 11, 2013. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the Conditional Release and Assignment - Construction from Merchants Bonding Company, for the Apple Valley Senior Center, in exchange for \$510.15 reimbursement of the roof warranty fee, as attached to the Director of Parks and Recreation's memo dated July 22, 2013, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, accepting the settlement from Prairie Technologies, Inc., of MN d/b/a Direct Digital Controls, in the amount of \$13,186.88, for the Valleywood clubhouse freeze issue, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Lawrence and K. I. Reiners for raingarden at 14005 Heritage Court, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, accepting Valleywood Golf Course Booster Station Control System Upgrade, as complete and authorizing final payment on the contract with Automatic Systems Company, in the amount of \$52,320.98. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, accepting AV Project 2011-140, Traffic Signal System Improvements, as complete and authorizing final payment on the contract with Egan Companies, Inc., in the amount of \$32,557.32. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, accepting AV Project 2012-155, Well 11 Electrical Upgrades, as complete and authorizing final payment on the contract with Master Electric Company, Inc., in the amount of \$21,478.00. Ayes - 4 - Nays - 0.
- MOTION: of Goodwin, seconded by Bergman, approving hiring the seasonal and part time employees, and promotion of employee, as listed in the Personnel Report dated July 25, 2013. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, canceling the informal and regular City Council meetings, scheduled for August 8, 2013. Ayes - 4 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, setting a special informal City Council meeting, at 5:00 p.m., on August 22, 2013, at the Municipal Center. Ayes - 4 - Nays - 0.

#### END OF CONSENT AGENDA

#### NIGHT TO UNITE

Ms. Walter read the proclamation proclaiming “Night to Unite” on August 6, 2013, and reviewed the agenda of activities planned throughout the City for the 5th annual Night to Unite. She invited everyone to attend a picnic sponsored by the Business Watch program, from 11:30 a.m. to 1:30 p.m., at Fire Station 1. Visits by the Police and Fire Departments and Councilmembers to neighborhood events will begin at 5:00 p.m., and continue throughout the evening. There are 80 neighborhood parties registered so far. Neighborhoods interested in scheduling a party can register online. As in the past, they are collecting school supplies to be donated to Independent School District 196.

MOTION: of Grendahl, seconded by Goodwin, proclaiming August 6, 2013, as “Night to Unite” and encouraging citizens to participate in and support the crime prevention efforts this opportunity offers. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2013-112** accepting, with thanks, the donation of \$500.00 in gift cards from Wal-Mart for the Night to Unite celebration. Ayes - 4 - Nays - 0.

Mayor Hamann-Roland thanked Ms. Walter for coordinating this event and the businesses for their generous donations.

#### STAFF ITEMS

Mr. Lawell said the Metropolitan Council published a news release regarding the Metro Red Line service. It stated the average weekday ridership is forecast to reach 975 after the first full year of service. And after three weeks of service, customers are boarding an average of 798 times each weekday and an average of 450 times on weekend days.

Mayor Hamann-Roland said she hopes these high ridership numbers will help the Council in their continuous efforts of a pedestrian skyway over Cedar Avenue.

Mr. Lawell congratulated the Mayor for her reappointment as the Chair of the Livable Community Advisory Committee.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Bergman, approving the calendar of upcoming events as included in the City Clerk's memo dated July 22, 2013, 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 July 18, 2013, in the amount of \$1,259,731.90; and July 25, 2013, in the amount of \$763,284.24. Ayes - 4 - Nays - 0.

CLOSE MEETING - ATTORNEY-CLIENT PRIVILEGE

Mr. Dougherty reviewed exceptions to the open meeting law and advised the Council that it could hold a closed session, under the provisions of M.S. 13D.03, to discuss labor negotiations.

MOTION: of Grendahl, seconded by Goodwin, to enter into a closed meeting and convene in closed session to discuss LELS and AFSCME union labor negotiations. Ayes - 4 - Nays - 0.

The Council convened in the Regent Conference Room at 7:21 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, and Grendahl; City Administrator Lawell; Deputy City Clerk Marschall; Parks and Recreation Director Bernstein; Public Works Director Blomstrom; Human Resources Manager Haas; and Police Captain Marben. The meeting was tape recorded as required by law. The Council reconvened in open session at 8:02 p.m.

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

The meeting was adjourned at 8:03 o'clock p.m.

Respectfully Submitted,

/s/ Stephanie Marschall  
Stephanie Marschall, Deputy City Clerk

Approved by the Apple Valley City Council on 8-22-13.