

CITY OF APPLE VALLEY
Dakota County, Minnesota
October 24, 2013

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 24, 2013, 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, Parks and Recreation Director Bernstein, Public Works Director Blomstrom, Associate City Planner Bodmer, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Public Works Superintendent Blommel Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Chief Rehtzigel, 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 Bergman, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Goodwin, approving the minutes of the regular meeting of October 10, 2013, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-140** accepting, with thanks, the donation of a bench from Chick-fil-A, Inc., for use at Apple Valley Community Center. Ayes - 5 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

October 24, 2013

Page 2

MOTION: of Bergman, seconded by Goodwin, approving issuance of a new 2013 License to Sell Tobacco and Tobacco Products to Emperor Twyst, Inc., d/b/a Boosh!, 213 County Road 42, as described in the City Clerk's memo dated October 21, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, amending the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales held by Hiraku Japanese Restaurant, Inc., d/b/a Kami Japanese Restaurant at 15322 Galaxie Avenue, Suite 108, by changing the business name to Kami Japanese Steakhouse, as described in the City Clerk's memo dated October 21, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, amending the officers of record for El Toro of Apple Valley, Inc., d/b/a El Loro Mexican Grill, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 14638 Cedar Avenue, Suite C, removing Marcos Diomicio Gomez as President, and listing William Alexander Gomez as the new President, as described in the City Clerk's memo dated October 21, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-141** setting a public hearing, at 7:00 p.m., on November 26, 2013, on the application for On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales by MANA Restaurants, LLC, d/b/a Fiesta Mexican Cuisine. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-142** setting a public hearing, at 7:00 p.m., on November 26, 2013, on proposed fee increases for Intoxicating Liquor, Wine, and 3.2 Percent Malt Liquor Licenses. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-143** setting a public hearing, at 7:00 p.m., on November 26, 2013, on renewal applications for On-Sale Intoxicating Liquor, Wine, and 3.2 Percent Malt Liquor Licenses for 2014. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-144** setting a public hearing at the Planning Commission Meeting on December 4, 2013, at 7:00 p.m., on amendments to the "P" (Institutional) Zoning District. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, proclaiming October 18, 2013, as "Dan Shimek Day", in recognition of resident Dan Shimek who was an entrepreneurial business leader and philanthropist. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, proclaiming November 1, 2013, as "Extra Mile Day", a day to recognize the people and organizations in Apple Valley who are

CITY OF APPLE VALLEY

Dakota County, Minnesota

October 24, 2013

Page 3

creating positive change through their extra mile efforts in volunteerism and service. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, authorizing soliciting for request for proposals for professional auditing services, with receipt of proposals due by December 6, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-145** supporting the Dakota County 2014-2018 Capital Improvements Program. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the Truth-in-Taxation notice as attached to the Finance Director's memo dated October 18, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-146** authorizing issuance of Natural Resources Management Permit for Independent School District 196, at 14445 Diamond Path. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the closing of Granada Drive between 146th Street W. and 147th Street W., on January 18, 2014, and February 22, 2014, in connection with special outdoor events in Rascal's parking lot, as described in the Planner's memo dated October 24, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2013-147** ordering plans, specifications, and project development work tasks for AV Project 2014-101, 2014 Street Improvements, as described in the City Engineer's memo dated October 24, 2013. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with LaTour Construction, Inc., for AV Project 2013-101, Greenleaf Street and Utility Improvements, in the amount of an additional \$25,255.73. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 1 to the contract with Krueger Excavating, Inc., for AV Project 2013-155, 2013 Utility Improvements, in the amount of an additional \$25,680.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving Change Order No. 3 to the contract with Magney Construction, Inc., for AV Project 2012-108, Water Treatment Plant Expansion, in the amount of an additional \$12,643.20. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, accepting AV Project 2013-128, 2013 Concrete Raising and Leveling Services, as complete and authorizing final payment

on the contract with Northstar Mudjacking Specialists, in the amount of \$4,163.97.
Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving the 2014-2015 Labor Agreement with AFSCME Council 5, Local No. 479, Maintenance Employees, as attached to the Human Resources Manager's memo dated October 21, 2013, and authorizing execution of the necessary documents. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Goodwin, approving hiring the seasonal and part time employees, as listed in the Personnel Report dated October 24, 2013. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

LARRY SEVERSON RECOGNITION

On behalf of the City Council, Mayor Hamann-Roland and Councilmember Goodwin presented past Economic Development Authority (EDA) President Larry Severson with a commemorative plaque and marble apple for 18 years of volunteer service on the Apple Valley EDA.

CAROL BLOMMEL JOHNSON RECOGNITION

American Water Works Association (AWWA) representatives Steve Schneider, Bert Tracy, and Uma Vempati presented past AWWA Minnesota Section Chair Carol Blommel Johnson with a recognition award for her leadership and service to their organization.

APPLE VALLEY EAST FAMILY 2ND ADDITION

Mr. Lovelace reviewed the request by South Shore Development, Inc., for approval of an ordinance amending Planned Development No 856, a Planned Development Agreement, and a final plat and subdivision agreement for Apple Valley East Family 2nd Addition.

Discussion followed.

MOTION: of Goodwin, seconded by Bergman, waiving the procedure for a second reading and passing **Ordinance No. 951** amending PD-856. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Planned Development Agreement with the South Shore Development, Inc., for Apple Valley East Family 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, adopting **Resolution No. 2013-148** approving the final plat and Development Agreement for Apple Valley East Family 2nd

Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 -
Nays - 0.

STAFF COMMUNICATION

Councilmember Grendahl stated she was disappointed to read the article in the *StarTribune* that stated the Minnesota Department of Transportation is postponing improvements to Cedar Avenue until I-494 can handle the additional traffic.

Discussion followed.

The City Council directed staff to prepare a letter to County Commissioner Gerlach regarding this matter.

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 October 21 2013, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 -
Nays - 0.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Goodwin, to pay the claims and bills, check registers dated October 17, 2013, in the amount of \$568,776.81; and October 24, 2013, in the amount of \$1,433.510.84. Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 7:30 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 11-7-13.