

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
March 26, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held March 26, 2015, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: Councilmember Goodwin.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, Parks Superintendent Adamini, Police Captain Bermel, Public Works Director Blomstrom, Planner Dykes, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Engineer Manson, Community Development Director Nordquist, and Police Chief Rehtzigel.

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 - 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 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 February 26, 2015, as written. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-39** accepting, with thanks, the donation of \$200.00 in gift cards from Rascals Bar & Grill, for use by Parks and Recreation Department. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion Riders, Post 1776, for use on the revised date of July 18, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. 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 Apple Valley Sons of the American Legion, Squadron 1776, for use on July 4, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. 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 Minnesota Zoo Foundation, for use on August 31, 2015, at the Minnesota Zoo, 13000 Zoo Boulevard, and waiving any waiting period for State approval. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of a new 2015 License to Sell Tobacco and Tobacco Products, to VapeHard, LLC, d/b/a E-cig Cafe, at 15050 Cedar Avenue, Suite 117, as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Apple Valley American Legion, Post 1776, by Minnesota Alcohol and Gambling Enforcement Division, for use on July 4, 2015, outdoors at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of a Temporary On-Sale 3.2 Percent Malt Liquor License to Apple Valley American Legion, Post 1776, for use on September 5, 2015, at the American Legion, 14521 Granada Drive, as described in the City Clerk's memo. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, proclaiming April 2015 as "Autism Awareness Month" and April 2, 2015 as "Autism Day" in Apple Valley. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, proclaiming April 2015 as "Safe Digging Month" in Apple Valley and encouraging excavators and homeowners throughout Apple Valley to always call 811 before digging. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, receiving the Parks and Recreation Department's 2014 annual report. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, receiving the Planning Commission's 2014 annual report. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Grendahl, receiving the Telecommunications Advisory Committee's 2014 annual report. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, receiving the Urban Affairs Advisory Committee's 2014 annual report. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving renewal of the City's general liability, property, automobile, workers' compensation, umbrella, and other insurance coverage for March 1, 2015, through March 1, 2016, with the League of Minnesota Cities Insurance Trust at a total premium of \$1,033,102.00, including the non-waiver of statutory liability limits for the City's insurance, as recommended in the Finance Director's memo dated March 19, 2015. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving renewal of the Client Service Agreement with Bill Velin of Wells Fargo Insurance Services USA, Inc., acting as the Agent of Record for 2015-2016, in the amount of \$8,000.00, as recommended in the Finance Director's memo dated March 17, 2015. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Amendment and Extension of Metropolitan Livable Communities Act Livable Communities Demonstration Account (LCDA) Transit Oriented Development Grant Agreement for Central Village West Office Site Assistance (Grant No. SG011-193), and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Livable Communities Demonstration Account (LCDA) Grant Agreement with the Metropolitan Council for Village Pointe Plaza Site Acquisition (Grant No. SG014-110), and authorizing the Mayor and City Clerk to sign the same; and designating signing authority for reimbursement requests to the Community Development Director and Finance Director. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-40** ordering installation of stop signs at side street approaches along Dorchester Trail. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, authorizing from the Park Dedication Fund the expenditure of \$40,000.00 for Quarry Point Park sanitary sewer connection and \$10,000.00 for scout projects throughout the park system, as described in the Parks and Recreation Director's memo. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the reduction of financial guarantees for Rosemount School District Second Addition from \$245,707.00 to \$61,427.00 and Hunter Forrest from \$512,750.00 to \$102,550.00, as listed in the Community

Development Department Assistant's memo dated March 26, 2015. Ayes - 3 - Nays - 0 - Abstain - 1 (Hooppaw).

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-41** setting a public hearing, at 7:00 p.m., on April 23, 2015, to consider vacating a portion of 155th Street West right-of-way, East Family Addition. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the application for no-loss and exempt de minimis wetland impacts for CSAH 42 Pedestrian Trail Project, as summarized in the application attached to the Water Quality Technician's memo dated March 26, 2015. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-42** approving a 3-foot variance, reducing the sign setback from 13' to 10' from the Cedar Avenue right-of-way, on Lot 1, Block 1, Mount Olivet Addition, with conditions as recommended by the Planning Commission. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-43** approving plans and specifications for AV Project 2015-106, 2015 Micro Surfacing, and authorizing advertising for receipt of bids, at 10:00 a.m., on April 30, 2015. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2015-44** awarding the contract for AV Project 2015-115, 2015 Utility Improvements, including alternate 1, to G.F. Jedlicki, Inc., the lowest responsible bidder, in the total amount of \$273,577.50. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, authorizing the award of contracts to the lowest responsible bidders for the Joint Powers Agreement with the City of Burnsville for the 2015 South Metro Cities for Street Maintenance Services, as attached to the Public Works Superintendent's memo dated March 26, 2015. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for AV Project 2015-128, 2015 Cleaning and Sealing of Decorative Concrete, Colored Sidewalks, and Block Retaining Walls, with Budget Sandblasting & Painting, Inc., in the amount of \$17,300.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for AV Project 2015-124, 2015 Sod Replacement Services, with Jirik Sod Farm, Inc., in the amount of \$20,625.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

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MOTION: of Bergman, seconded by Grendahl, approving the Agreement for AV Project 2015-120, Apple Valley Community Center Aggregate Flooring, with SwedeBro, Inc., including alternate 1, in the amount of \$26,310.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 1 to the contract with Keys Well Drilling Company, for AV Project 2014-151, Well Pumps 7, 19, HZP2 and HZP3 Maintenance, in the amount of an additional \$2,610.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 14 to the contract with Magney Construction, for AV Project 2012-108, Water Treatment Plant Expansion, in the amount of an additional \$16,729.65, and authorizing the Public Works Director to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving hiring the seasonal, full time and part time employees, retirement of employees and resignation of employee, as listed in the Personnel Report dated March 26, 2015. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, setting a special informal City Council meeting, at 7:00 p.m., on April 15, 2015, at the Municipal Center, to participate in the Vitalocity! workshop at the Planning Commission Meeting. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, setting a special informal City Council meeting, at 9:00 a.m., on April 17, 2015, at Schaar's Bluff Gathering Center, 8395 127th Street East, Hastings, for the purpose of goal setting. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

ROBOTICS MONTH PROCLAMATION

Mr. Lawell introduced this item.

Members of the Iron Maidens Robotics Team from Apple Valley High School introduced themselves.

Eric Bergquist and Tim Callies, of Eastview High School "Cobalt Catalysts" Robotics Team 3042, and Brenden Groff and Joe Buckland, of Apple Valley High School "Knights of the Valley" Robotics Team 2667, read the proclamation, proclaiming April 2015 as "Robotics Month in the City of Apple Valley".

MOTION: of Grendahl, seconded by Hooppaw, proclaiming April 2015 as "Robotics Month in the City of Apple Valley". Ayes - 4 - Nays - 0.

The “Cobalt Catalysts” Robotics Team 3042 and “Knights of the Valley” then gave a presentation and demonstration.

#### PANINO BROTHERS ON-SALE LIQUOR LICENSE

Ms. Gackstetter reviewed the application by PBAV-Sanders, LLC, d/b/a Panino Brothers for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales as described in her memo. The restaurant is located at 15322 Galaxie Avenue, Ste. 108. She noted receipt of the affidavit of publication of the hearing notice. The Police and Fire Departments completed background and site investigations and found no reason the licenses could not be authorized at this time.

Mayor Hamann-Roland called the public hearing to order at 7:40 p.m. to consider the application by PBAV-Sanders, LLC, d/b/a Panino Brothers, for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:41 p.m.

Mr. Josh Sanders, owner of Panino Brothers, addressed the City Council.

Discussion followed.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-45** approving issuance of a 2015 On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales to PBAV-Sanders, LLC, d/b/a Panino Brothers, for premises located at 15322 Galaxie Avenue, Ste. 108, for the period of April 1, 2015, through December 31, 2015. Ayes - 4 - Nays - 0.

#### ORDINANCES REGULATING LATE FEES FOR UNTIMELY RENEWAL APPLCIATIONS

Ms. Gackstetter gave the second reading of two ordinances amending Chapter 35 entitled “City Policies” and Chapter 123 entitled “Massage Therapy Business and Massage Therapist Licenses” of the City Code regulating late fees for untimely license/permit renewal applications. The ordinances clarify the penalty for a late application is applicable to all licenses and permits as well as other changes. The ordinance was prepared by the City Attorney’s office. No comments from the public have been received since the first readings on February 26, 2015.

MOTION: of Bergman, seconded by Hooppaw, passing **Ordinance No. 985** amending Chapter 35 entitled “City Policies” and **Ordinance No. 986** amending Chapter 123 entitled “Massage Therapy Business and Massage Therapist Licenses”, regulating late fees for untimely license/permit renewal applications. Ayes - 4 - Nays - 0.

#### COMMUNICATIONS

Mr. Lawell announced Mayor Hamann-Roland’s appointment to the Executive Committee of the Transportation Advisory Board (TAB).

CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Grendahl, approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated March 23, 2015, 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 March 5, 2015, in the amount of \$717,698.87, March 12, 2015, in the amount of \$1,058,582.69, March 19, 2015, in the amount of \$759,381.92, and March 25, 2015, in the amount of \$849,651.36. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 7:53 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 4-9-15.