

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
June 11, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 11, 2015, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Councilmembers Bergman, Goodwin, and Hooppaw.

ABSENT: Mayor Hamann-Roland and Councilmember Grendahl.

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

Acting Mayor Goodwin 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 Hooppaw, seconded by Bergman, approving the agenda for tonight's meeting, as presented. Ayes - 3 - 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.

Councilmember Bergman requested item 4.L be moved to the regular agenda.

MOTION: of Hooppaw, seconded by Bergman, moving consideration of item 4.L – Approve Joint Powers Agreement with Dakota County for North Creek Greenway to the regular agenda and approving all items on the consent agenda, as amended. Ayes - 3 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Bergman, approving the minutes of the regular meeting of May 28, 2015, as written. Ayes - 3 - Nays - 0.

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MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-85** accepting, with thanks, the donation of \$1,000.00 from Magellan Midstream Partners, L.P., for use by the Fire Department. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Apple Valley Rotary Scholarship Foundation, for use on October 24, 2015, at Apple Valley Ford Lincoln, 7200 150th Street W., and waiving any waiting period for State approval. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-86** approving issuance of a Gambling Premises Permit to Eastview Hockey Association for premises at Celts Craft House, 7083 153rd Street W., Suite 1, and waiving any waiting period for Minnesota Gambling Control Board approval. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to H.O.O.A.H. (Helping Out Our American Heroes), Inc., by Minnesota Alcohol and Gambling Enforcement Division, for use on July 25, 2015, from 10:00 a.m. to midnight, in the north parking lot at Bogart's/Apple Place Bowl, 14917 Garret Avenue, as described in the City Clerk's memo. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, approving the 2016 Budget Calendar and setting a special informal City Council meeting, at 5:30 p.m., on August 27, 2015. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-87** setting a public hearing, at 7:00 p.m., on July 23, 2015, to consider vacating Evendale Way excess right-of-way. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-88** approving the final plat and Development Agreement for Apple Valley East Commercial, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-89** approving the final plat and Development Agreement for Quarry Ponds Second Addition, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, passing **Ordinance No. 990** rezoning Outlot C, Valley Business Park, and 5751 150th Street W., from "A" (Agricultural) to "BP" (Business Park), as recommended by the Planning Commission. Ayes - 3 - Nays - 0.

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- MOTION: of Hooppaw, seconded by Bergman, authorizing an extension of Conditional Use Permit 2008-107, for an outdoor café/seating area at Grandstay Hotel, on Lot 2, Block 2, Village at Founders Circle (7083 153rd Street W.). Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Travis and Stephanie Thiede for raingarden and native garden at 926 Cortland Drive S., in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with David R. and Suzanne Kirtz for native garden at 14628 Harrington Place, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the Water Quality Improvement Cost Share Program Agreement with Shannon L. and Erin L. Adams for raingarden at 269 Pinewood Drive, in an amount not to exceed \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for AV Project 2015-148, Traffic Signal and Street Light Maintenance, with Egan Company, in the amount of \$15,134.30, and authorizing the Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for AV Project 2015-154, Quarry Point Park Soccer Field #7 Lighting - Supplies, with Graybar Electric Company, Inc., in the amount of \$124,767.00, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the Agreement for AV Project 2015-154, Quarry Point Park Soccer Field #7 Lighting - Installation, with Sports Technology, Inc., in the amount of \$37,063.00, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving Change Order No. 1 to the Agreement with Killmer Electric Company, Inc., in the amount of an additional \$2,188.36; and accepting AV Project 2014-147, Well 2 Electrical, as complete and authorizing final payment in the amount of \$33,688.36. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving the proposal dated June 3, 2015, from Huelife for recruitment of Public Works Director, for Phase I and II services, at a cost not to exceed \$8,500.00 plus expenses. Ayes - 3 - Nays - 0.
- MOTION: of Hooppaw, seconded by Bergman, approving hiring the seasonal and part time employees, as listed in the Personnel Report dated June 11, 2015. Ayes - 3 - Nays - 0.

END OF CONSENT AGENDA

2015 APPLE VALLEY FREEDOM DAYS

Mr. Bernstein and Apple Valley Freedom Days Committee Chair Pat Schesso reviewed the various activities planned for the 49th Annual Apple Valley 4th of July Celebration, which begins on June 26 and concludes on July 4. The parade begins at 1:00 p.m. on July 4 and the fireworks will begin at 10:00 p.m. that evening. Everyone is invited to enjoy the fun and participate in the various events. Ms. Schesso thanked the City, the Apple Valley American Legion, Wild Bill's, and other local businesses for supporting Apple Valley Freedom Days.

Acting Mayor Goodwin thanked the Freedom Days Committee and many volunteers for their efforts in coordinating all the activities.

MOTION: of Bergman, seconded by Hooppaw, adopting **Resolution No. 2015-90** proclaiming July 4, 2015, as "The 49th Annual Apple Valley 4th of July Freedom Days Celebration" and encouraging citizens to support and participate in the community-wide celebration. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing street closures beginning at 11:00 a.m., for the July 4, 2015, Apple Valley Freedom Days parade, as described in the Recreation Superintendent's memo. Ayes - 3 - Nays - 0.

MOTION: of Bergman, seconded by Hooppaw, approving temporary event licenses in connection with a community festival to Apple Valley Grill, LLC, d/b/a Wild Bill's Sports Saloon for four outdoor special events: for intoxicating liquor at Wild Bill's Sports Saloon located at 15020 Glazier Avenue on June 26, 2015, from 5:00 p.m. to 1:00 a.m., June 27, 2015, and on June 27, 2015, from 5:00 p.m. to 1:00 a.m., June 28, 2015, and for wine and beer at Johnny Cake Ridge Park East located at 5800 140th Street W., on June 27, 2015, from 4:00 p.m. to 8:00 p.m., and on July 4, 2015, from 5:00 p.m. to 11:00 p.m. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, authorizing a helicopter landing and lift-off at Johnny Cake Ridge Park on July 4, 2015, between the hours of 5:00 p.m. and 9:00 p.m. Ayes - 3 - Nays - 0.

Ms. Schesso reminded the public that chairs and blankets cannot be placed along the parade route prior to 24 hours before the start of the parade.

MASU SUSHI AND NOODLE ON-SALE LIQUOR LICENSE

Ms. Gackstetter reviewed the application by M, S & R, III, LLC, d/b/a Masu Sushi and Noodle for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales as described in her memo. The restaurant is located at 14638 Cedar Avenue, Suite C. She noted receipt of the Affidavit of Publication of the hearing notice and stated no comments have been received to date. The Police

and Fire Departments completed the necessary background and site investigations and find no reason the license could not be authorized at this time.

Acting Mayor Goodwin called the public hearing to order at 7:20 p.m. to consider the application by M, S & R, III, LLC, d/b/a Masu Sushi and Noodle, for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales. The Acting Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:21 p.m.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2015-91** approving issuance of a 2015 On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales to M, S & R, III, LLC, d/b/a Masu Sushi and Noodle, for premises located at 14638 Cedar Avenue, Suite C. Ayes - 3 - Nays - 0.

Mr. Nay Hla, owner, said they are excited to be in Apple Valley and invited the public to stop in.

#### ORDINANCE AMENDING CHAPTER 111 REGULATING RETAIL ALCOHOL LICENSES

Ms. Gackstetter gave the first reading of an ordinance amending Chapter 111 of the City Code entitled "Alcoholic Beverages" regulating retail alcohol licenses regarding Sunday sale hours and eligibility for licenses. The proposed ordinance is consistent with new legislation permitting on-sale intoxicating liquor sales beginning at 8:00 a.m. on Sunday provided the licensee holds a Special License for Sunday Liquor Sales. The Police Department does not have any objections to the proposed amendment. Staff recommends waiving the second reading.

MOTION: of Bergman, seconded by Hooppaw, waiving the procedure for a second reading of the ordinance amending Chapter 111. Ayes - 3 - Nays - 0.

MOTION: of Goodwin, seconded by Bergman, passing **Ordinance No. 991** amending Chapter 111 of the City Code entitled "Alcoholic Beverages" regulating retail alcohol licenses regarding Sunday sale hours and eligibility for licenses. Ayes - 3 - Nays - 0.

#### NORTH CREEK GREENWAY JOINT POWERS AGREEMENT

Councilmember Bergman clarified that the Joint Powers Agreement for the North Creek Greenway is not an indication of support of this section of trail, but rather identifies Dakota County as the agency that will maintain the trail for the short and long-term lifespan. He added that he is not in favor of the bridge.

Discussion followed.

MOTION: of Hooppaw, seconded by Bergman, approving the Joint Powers Agreement with Dakota County for construction of the North Creek Greenway, as attached to the Parks and Recreation Director's memo, and authorizing the Acting Mayor and City Clerk to sign the same.

Discussion continued.

Vote was taken on the motion. Ayes - 3 - Nays - 0.

#### COMMUNICATIONS

Mr. Lawell announced the first monthly Beyond the Yellow Ribbon veteran dinner will be held on June 18, 2015, at 5:30 p.m., at the Apple Valley American Legion, Post 1776.

Mr. Bernstein and Mr. Lawell commented on the “Music in Kelley Park” and “Shakespeare Under the Stars” events.

#### CALENDAR OF UPCOMING EVENTS

MOTION: of Hooppaw, seconded by Bergman, approving the calendar of upcoming events as included in the Deputy City Clerk’s memo dated June 8, 2015, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 3 - Nays - 0.

#### CLAIMS AND BILLS

MOTION: of Bergman, seconded by Hooppaw, to pay the claims and bills, check registers dated June 4, 2015, in the amount of \$1,509,303.55; and June 11, 2015, in the amount of \$1,611,811.65. Ayes - 3 - Nays - 0.

MOTION: of Hooppaw, seconded by Bergman, to adjourn. Ayes - 3 - Nays - 0.

The meeting was adjourned at 8:32 o’clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 7-9-15.