

CITY OF APPLE VALLEY
Dakota County, Minnesota
October 8, 2015

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 8, 2015, 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 Hills, Acting City Engineer Anderson, Police Captain Bermel, Parks and Recreation Director Bernstein, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, Acting Public Works Director Blommel Johnson, City Planner Lovelace, Police Chief Rechtzigel, 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 Bergman, seconded by Goodwin, moving consideration of item 4.D – Proclaim October 24, 2015, as “World Polio Day”, to the regular agenda, and approving the agenda for tonight’s meeting, as amended. 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.

Mr. Mark Matijasevich, 13688 Dunbar Way, requested the Summerfield Park trail be plowed in the winter.

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 Hooppaw, seconded by Goodwin, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Hooppaw, seconded by Goodwin, approving the minutes of the regular meeting of September 24, 2015, as written. Ayes - 5 - Nays - 0.

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- MOTION: of Hooppaw, seconded by Goodwin, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Sons of the American Legion, Squadron 1776, for use on November 11, 2015, at the Apple Valley American Legion, 14521 Granada Drive, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, approving a change in owner for Vivo Restaurants, LLC, d/b/a Vivo, in connection with the On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales licenses, at 15435 Founders Lane, naming Kimberly Ann Thompson as owner, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, approving temporary parking on the north side of Greenleaf Elementary School for school events during the 2015-2016 school year, as listed in the attachment to the Police Captain's memo. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2015-128** amending The Springs at Apple Valley construction hours, and attaching conditions thereto. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2015-129** directing preparation of plans and specifications for Project 2013-125, Pond EVR-P12 Filter Bench Improvements. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2015-130** directing preparation of plans and specifications for Project 2016-104, 2016 Street and Utility Improvements. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2015-131** directing preparation of plans and specifications for Project 2016-105, 2016 Street Improvements. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution No. 2015-132** directing preparation of plans and specifications for Project 2016-106, 2016 Micro Surfacing. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, approving Change Order No. 1 to the agreement with Geislinger and Sons, Inc., for Project 2014-129, Sanitary Lift Station 3 Replacement, in the amount of an additional \$5,645.00. Ayes - 5 - Nays - 0.
- MOTION: of Hooppaw, seconded by Goodwin, accepting 2015 Redwood Wading Pool Repair, as complete and authorizing final payment on the agreement with Horizon

Chemical Company, Inc., d/b/a Horizon Commercial Pool Supply, in the amount of \$12,750.00. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the Memorandum of Agreement with LELS Local No. 243, for contribution to post-employment health reimbursement arrangement (PEHRA) upon promotion out of bargaining unit, as attached to the Human Resources Manager's memo. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, adopting **Resolution 2015-133** approving the City's contributions towards employee health/dental/life insurances for benefit-eligible non-union employees and elected officials covered by the Pay and Benefit Plan effective January 1, 2016. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving hiring the part time, and paid on call volunteer employees, and retirement of employee, as listed in the Personnel Report dated October 8, 2015. Ayes - 5 - Nays - 0.

MOTION: of Hooppaw, seconded by Goodwin, approving the claims and bills, check registers dated September 16, 2015, in the amount of \$1,703,393.03, and September 23, 2015, in the amount of \$1,462,551.92. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

WORLD POLIO DAY PROCLAMATION

Mr. Bill Tschohl, of Apple Valley Rotary Club, said this is the 30th anniversary of Rotary International's campaign to eradicate Polio worldwide. He also commented on the fund raising necessary to support this effort.

Mayor Hamann-Roland read the proclamation and presented it to the attendees present to promote World Polio Day.

MOTION: of Goodwin, seconded by Hooppaw, proclaiming October 24, 2015 as "World Polio Day". Ayes - 5 - Nays - 0.

ORDINANCE FOR BREWPUBS, BREWER TAPROOMS, & MICRODISTILLERIES

Ms. Gackstetter gave the first reading of an ordinance amending Chapter 111 of the City Code entitled "Alcoholic Beverages", regulating on-sale and off-sale of alcohol at brewpubs, brewer taprooms, small brewers, microdistilleries, and cocktail rooms. The ordinance was prepared by the City Attorney's office. The second reading is tentatively scheduled for October 22, 2015.

Discussion followed.

Councilmember Goodwin requested an opinion from the City Attorney regarding liability.

Councilmember Bergman requested the Police Department provide information regarding consumption and intoxication.

Discussion continued.

The City Council accepted the first reading.

ORDINANCE AMENDING FEES CONTAINED IN CITY CODE

Ms. Gackstetter reviewed proposed amendments to the Fee Schedule Appendix of Title III of the City Code. Fees in connection with the licensing of brewpubs, brewer taprooms, small brewers, microdistilleries, and cocktail rooms are being added. She noted the Affidavit of Publication for the public hearing is on file. The second reading is tentatively scheduled for October 22, 2015.

Mayor Hamann-Roland called the public hearing to order, at 7:40 p.m., on amendments to the fee ordinance. 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.

The City Council accepted the first reading.

COMMUNICATIONS

Councilmember Goodwin commented on discussions with the Speaker of the House at the Municipal Legislative Commission (MLC) meeting this morning.

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

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

The meeting was adjourned at 7:45 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 10-22-15.