

CITY OF APPLE VALLEY
Dakota County, Minnesota
February 25, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held February 25, 2016, 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, City Engineer Anderson, Parks and Recreation Director Bernstein, Police Captain Francis, Assistant City Administrator Grawe, Human Resources Manager Haas, Finance Director Hedberg, City Planner Lovelace, Police Chief Rehtzigel, Public Works Director Saam, 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 Hooppaw, seconded by Goodwin, 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 Grendahl, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Grendahl, approving the minutes of the regular meeting of February 11, 2016, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to Minnesota Section American Water Works Association, for use on April 30, 2016, at Bogart's/Apple Place Bowl, 14917 Garrett Avenue, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Grendahl, authorizing issuance of a 1 to 4 Day Temporary On-Sale Liquor License to Mary Moon Foundation, by Minnesota Alcohol and Gambling Enforcement Division, for use from 1:00 p.m. on July 16, 2016, to 1:00 a.m. on July 17, 2016, in the parking lot at Bogart's/Apple Place Bowl, 14917 Garrett Avenue, as described in the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-25** setting a public hearing, at 7:00 p.m., on March 24, 2016, on the application for a new On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales by LSP Ventures, Inc., d/b/a Rascals Apple Valley Bar & Grill, 7721 147th Street W. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the 2016 excavation permit for commercial sand and gravel mining operations by Fischer Sand & Aggregate, LLP, as described in the City Planner's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Data Practices Policies for Members of the Public and Data Subjects, as attached to the City Clerk's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Information Technology Policy, as attached to the Assistant City Administrator's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving extension of the Agreement with the Apple Valley Chamber of Commerce, for provision of Convention and Visitors Bureau services, through December 31, 2016, as attached to the Assistant City Administrator's memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Apple Valley Convention and Visitors Bureau 2016 budget and marketing plan, as attached to the Assistant City Administrator's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the reduction of financial guarantees for Embury Place from \$226,555.64 to \$13,000.00, Regent's Point (CC 52873) from \$41,000.00 to \$34,000.00, and Regent's Point (LOC #69601387) from \$712,224.00 to \$167,932.00, as listed in the Community Development Department Assistant's memo. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-26** authorizing issuance of a building permit for a four-unit townhome, located in Trey Point, on Lots 11-14, Block 1, Cobblestone Lake 7th Addition, with conditions, as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

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MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-27** amending the building setback variance of 16 ft. to 17 ft. from the required 50 ft. from Cedar Avenue, for a 7,512-sq ft. retail building on Lot 4, Block 3, Valley Commercial Park 1st Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-28** amending the building setback variance of 16 ft. to 45 ft. from the required 50 ft. from Cedar Avenue for the south 5 feet of the east elevation, for a 7,512-sq ft. retail building on Lot 4, Block 3, Valley Commercial Park 1st Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-29** amending the building setback variance of 10 ft. to 25 ft. from the required 40 ft. from 147th Street West, for a 7,512-sq ft. retail building on Lot 4, Block 3, Valley Commercial Park 1st Addition, with conditions as recommended by the Planning Commission. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-30** approving plans and specifications for Project 2016-104, 2016 Street and Utility Improvements, and authorizing advertising for receipt of bids, at 10:00 a.m., on March 24, 2016, via a posting on the City's website and Quest Construction Data Network. Ayes - 5 - Nays - 0

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2016-31** awarding the agreement for Project 2016-110, Apple Valley Community Center Fire Alarm System, to Viking Automatic Sprinkler Company, the lowest responsible bidder, in the amount of \$170,000.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Second Amendment to Lease Agreement with New Cingular Wireless PCS, LLC, for AT&T's LTE2C antenna upgrade including three antennas and related equipment at Valleywood Reservoir, as attached to the Public Works Superintendent - Utilities memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for City of Apple Valley Data Center Cooling Project with Horwitz, Inc., in the amount of \$33,520.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement for On-Call Loss Control Services with Integrated Loss Control, Inc., in the amount of \$1,320.00 annually, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving hiring the seasonal and part time employees, termination of employee, resignation of employee, and acting assignment of employee, as listed in the Personnel Report dated February 25, 2016. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated February 3, 2016, in the amount of \$348,586.81, and February 10, 2016, in the amount of \$956,198.03. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

DARBAR INDIA GRILL ON-SALE WINE AND 3.2% MALT LIQUOR LICENSES

Ms. Gackstetter reviewed the application by Darbar India Grill Apple Valley, Inc., d/b/a Darbar India Grill for On-Sale Wine and 3.2 Percent Malt Liquor Licenses as described in her memo. The restaurant is located at 14871 Granada Avenue. 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 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 7:04 p.m. to consider the application by Darbar India Grill Apple Valley, Inc., d/b/a Darbar India Grill, for On-Sale Wine and 3.2 Percent Malt Liquor Licenses. The Mayor asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 7:05 p.m.

MOTION: of Grendahl, seconded by Goodwin, adopting **Resolution No. 2016-32** approving issuance of a 2016 On-Sale Wine and 3.2 Percent Malt Liquor Licenses to Darbar India Grill Apple Valley, Inc., d/b/a Darbar India Grill, for premises located at 14871 Granada Avenue, for the period of April 1, 2016, through December 31, 2016. Ayes - 5 - Nays - 0.

Mr. Lakhvir Padda, owner of Darbar India Grill, addressed the City Council.

Mayor Hamann-Roland welcomed Darbar India Grill to Apple Valley.

ORDINANCE SETTING MAYOR AND COUNCILMEMBERS SALARIES

Mr. Lawell gave the first reading of an ordinance increasing the salaries of the Mayor and Councilmembers for 2017 and 2018 and authorizing payment of a monthly technology stipend beginning January 1, 2017. He presented data from the League of Minnesota Cities comparing the compensation of elected officials in comparable cities. Both the Mayor's and Councilmembers' salaries are below average compared to the surveyed cities.

Discussion followed.

MOTION: of Hooppaw, seconded by Goodwin, waiving the provision for a second reading and passing **Ordinance No. 1005** amending City Code Section 30.05 of the City Code increasing the salary of the mayor councilmembers effective January 1, 2017, and January 1, 2018, and authorizing payment of a monthly technology stipend effective January 1, 2017. Ayes - 5 - Nays - 0.

REAPPOINT COMMISSION & COMMITTEE MEMBERS

Ms. Gackstetter reviewed her memo regarding the reappointment of Commissioners and Committee Members with terms expiring March 1, 2016. She noted all members have indicated their interest in serving an additional term.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-33** reappointing Tanya Grawe and Jay Hoekstra to the Cemetery Advisory Committee for a term expiring March 1, 2019; **No. 2016-34** reappointing Noel Hammill and Jessica Montgomery to the Parks and Recreation Advisory Committee for a term expiring March 1, 2019; **No. 2016-35** reappointing Tim Burke and Paul Scanlan to the Planning Commission for a term expiring March 1, 2019; **No. 2016-36** reappointing Rollin Bible and Jerry Brown to the Telecommunications Advisory Committee for a term expiring March 1, 2019; **No. 2016-37** reappointing Linda Dolan, Matt Saam, and Joe Shaw to the Traffic Safety Advisory Committee for a term expiring March 1, 2019; and **No. 2016-38** reappointing Barry Berg, Sandy Breuer, and Walton Mahlum to the Urban Affairs Advisory Committee for a term expiring March 1, 2019.

The Council congratulated the reappointees and extended thanks to all Commissioners and Committee Members for their valuable services.

Vote was taken on the motion: Ayes - 5 - Nays - 0.

COMMUNICATIONS

Mr. Lawell congratulated Councilmember Grendahl on being reappointed to the Grant Evaluation and Ranking System (GEARS) Committee. He then announced the last Apple Valley Arts Foundation 2016 Frozen Apple concert will be held on March 12, 2016, from 6:00 p.m. to 9:00 p.m. at Valleywood Clubhouse.

Mayor Hamann-Roland and Councilmember Goodwin commented on Remington Cove Apartments and the recent ribbon cutting ceremony.

CALENDAR OF UPCOMING EVENTS

MOTION: of Bergman, seconded by Goodwin, approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated February 25, 2016, and noting that

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

CLOSE MEETING, LABOR NEGOTIATIONS

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 AFSCME union labor negotiations. Ayes - 5 - Nays - 0.

The Council convened in the Regent Conference Room at 7:45 p.m. In attendance were Mayor Hamann-Roland; Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw; City Administrator Lawell; City Clerk Gackstetter; Parks and Recreation Director Bernstein; Human Resources Manager Haas; Finance Director Hedberg; and Public Works Director Saam. 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 Hooppaw, to adjourn. Ayes - 5 - Nays - 0.

The meeting was adjourned at 8:02 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 3-24-16.