

CITY OF APPLE VALLEY  
Dakota County, Minnesota  
June 9, 2016

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held June 9, 2016, at 7:00 o'clock p.m., at Apple Valley Municipal Center.

PRESENT: Councilmembers Bergman, Goodwin, Grendahl, and Hooppaw.

ABSENT: Mayor Hamann-Roland.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, 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, Community Development Director Nordquist, Police Chief Rechtzigel, Public Works Director Saam, 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 led by Boy Scout A. J. Nepl from Troop 293.

#### APPROVAL OF AGENDA

MOTION: of Bergman, seconded by Grendahl, approving the agenda for tonight's meeting, as presented. Ayes - 4 - 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. There were no requests.

MOTION: of Grendahl, seconded by Hooppaw, approving all items on the consent agenda with no exceptions. Ayes - 4 - Nays - 0.

#### CONSENT AGENDA ITEMS

MOTION: of Grendahl, seconded by Hooppaw, approving the minutes of the regular meeting of May 26, 2016, as written. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-100** accepting, with thanks, the donation of six children crossing signs from Safety Signs for Use by the Traffic Safety Advisory Committee and the Parks and Recreation Department. Ayes - 4 - Nays - 0.

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M MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-101** authorizing the City Clerk to appoint Deputy City Clerks for 2016 election administration. Ayes - 4 - Nays - 0.

M MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-102** appointing individuals listed in the resolution to serve as judges for the Primary Election to be held on August 9, 2016, in the City. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-103** approving 2015 interfund transfers. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the 2017 Budget Calendar and setting a special informal City Council meeting, at 5:30 p.m., on August 25, 2016. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, proclaiming June 24, 2016, as “Olympic Day” and urging all citizens to observe such anniversary with appropriate ceremonies and activities. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-104** approving the final plat and Development Agreement for Cobblestone Lake North Shore 2nd Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-105** approving the final plat and Development Agreement for Regent’s Point Second Addition, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approve the Assignment and Assumption of City Development Agreements with K. Hovnanian Homes at Regent’s Point, LLC, and LEN-MN, LLC, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Lease Agreement with Verizon Wireless, LLC, for monopole installation on the Quarry Point water tower site, as attached to the Public Works Superintendent-Utilities memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving the Lease Agreement with New Cingular Wireless PCS, LLS, for antenna lease transfer to CCATT, LLC, for the Central Maintenance Facility site, as attached to the Public Works Superintendent-Utilities memo, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving Change Order No. 1 to the agreement with Structural Glass Products, Inc., for Apple Valley City Hall – 2015 Exterior Repairs Part 1 Project, to repair Municipal Center skylight and window water infiltration, resulting in no change to the contract amount. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, approving hiring the seasonal, full time and part-time employees, resignation of employees, and acting assignment of employee, as listed in the Personnel Report dated June 9, 2016. Ayes - 4 - Nays - 0.

MOTION: of Grendahl, seconded by Hooppaw, to pay the claims and bills, check registers dated May 18, 2016, in the amount of \$1,024,867.43; and May 25, 2016, in the amount of \$524,108.56. Ayes - 4 - Nays - 0.

#### END OF CONSENT AGENDA

#### DONATION OF LITTLE LIBRARY

Mr. Bernstein said the St. Paul Area Association of Realtors (SPAAR), Builders Association of the Twin Cities (BATC), and Girl Scout Troup 54092, has generously offered to donate a Little Library. He then introduced Ms. Patty Zuzek of Coldwell Banker Burnet Realty, Ms. Heather Griffis of the Builders Association of the Twin Cities, Ms. Amy Peterson of Edina Realty, and Mr. Joe McKinley of the Saint Paul Area Association of REALTORS®.

Ms. Amy Peterson spoke about the project and presented drawings.

MOTION: of Grendahl, seconded by Hooppaw, adopting **Resolution No. 2016-106** accepting, with thanks, the donation of a Little Library from St. Paul Area Association of Realtors (SPAAR), Builders Association of the Twin Cities (BATC), and Girl Scout Troup 54092, for use by the Parks and Recreation Department. Ayes - 4 - Nays - 0.

#### 2016 APPLE VALLEY FREEDOM DAYS

Apple Valley Freedom Days Committee Chair Pat Schesso and Mr. Bernstein reviewed the various activities planned for the 50th Annual Apple Valley 4th of July Celebration, which begins on June 27 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, and other local businesses for supporting Apple Valley Freedom Days. She reminded the public that chairs and blankets cannot be placed along the parade route prior to 24 hours before the start of the parade.

The Council thanked Ms. Schesso, the Freedom Days Committee, and many volunteers for their efforts in coordinating this event.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-107** proclaiming July 4, 2016, as “The 50th Annual Apple Valley 4th of July Freedom Days Celebration” and encouraging citizens to support and participate in the community-wide celebration. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, approving a Fireworks Display Agreement with RES Specialty Pyrotechnics, Inc., to provide a fireworks display on July 4, 2016, in the amount of \$20,000.00, as attached to the Parks and Recreation Director’s memo, subject to receipt of a fireworks permit and certificate of insurance, and authorizing the Acting Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing street closures beginning at 11:00 a.m., for the July 4, 2016, Apple Valley Freedom Days parade, as described in the Parks and Recreation Director’s memo. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-108** establishing parking restrictions on or near the parade route for the July 4, 2016, Apple Valley Freedom Days parade, beginning at 11:00 a.m. on July 3, 2016, and ending at 4:00 p.m. on July 4, 2016. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, adopting **Resolution No. 2016-109** approving extended park hours at Johnny Cake Ridge Park-East on July 2, 2016, for Dancin’ and Cruisin’ Event. Ayes - 4 - Nays - 0.

MOTION: of Hooppaw, seconded by Grendahl, authorizing a helicopter landing and lift-off at Johnny Cake Ridge Park on July 3, 2016, between the hours of 5:00 p.m. and 9:00 p.m. Ayes - 4 - Nays - 0.

#### OOAKA ON-SALE WINE AND 3.2% MALT LIQUOR LICENSES

Ms. Gackstetter reviewed the application by Ooka Bistro, Inc., d/b/a Ooka for On-Sale Wine and 3.2 Percent Malt Liquor Licenses, effective July 1, 2016, as described in her memo. The restaurant is located at 6520 150th Street W., Ste. 400. She noted receipt of the affidavit of publication of the hearing notice and stated no comments have been received to date. The Police Department completed the background investigation and found no reason the licenses could not be authorized at this time.

Acting Mayor Goodwin called the public hearing to order at 7:21 p.m. to consider the application by Ooka Bistro, Inc., d/b/a Ooka, for On-Sale Wine and 3.2 Percent Malt Liquor Licenses. The Acting Mayor asked for questions or comments from the Council and the audience.

Mr. Jerry Jiang, representing Ooka, addressed the City Council. He listed the types of ethnic foods they will be serving and invited the public to stop in.

Acting Mayor Goodwin asked if there were any additional questions or comments. There were none and the hearing was declared closed at 7:23 p.m.

MOTION: of Grendahl, seconded by Bergman, adopting **Resolution No. 2016-110** approving issuance of 2016 On-Sale Wine and 3.2 Percent Malt Liquor Licenses to Ooka Bistro, Inc., d/b/a Ooka, for premises located at 6520 150th Street W., Ste. 400, for the period of July 1, 2016, through December 31, 2016. Ayes - 4 - Nays - 0.

Acting Mayor Goodwin welcomed Ooka to Apple Valley.

### COMMUNICATIONS

Mr. Lawell reminded everyone about "Music in Kelley Park" on Friday night and the Farmers' Market which begins on Saturday.

### CALENDAR OF UPCOMING EVENTS

MOTION: of Bergman, seconded by Hooppaw, approving the calendar of upcoming events as included in the Deputy City Clerk's memo dated June 9, 2016, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 - Nays - 0.

### CLOSE MEETING - ATTORNEY-CLIENT PRIVILEGE

Mr. Dougherty asked the City Council to convene in a closed session, under the provisions of M.S. 13D.05, Subd. 3(b) to discuss Palm Realty, Inc., litigation.

MOTION: of Grendahl, seconded by Hooppaw, to close the regular meeting and convene in closed session to discuss with the City Attorney Palm Realty, Inc., litigation. Ayes - 4 - Nays - 0.

The meeting was closed at 7:27 p.m. and Acting Mayor Goodwin and Councilmembers, Grendahl, and Hooppaw convened in the Regent Conference Room, at 7:29 p.m., along with City Attorney Dougherty, City Administrator Lawell, City Clerk Gackstetter, Finance Director Hedberg, and Community Development Director Nordquist. Mr. Dougherty advised the Council that its discussion must be limited to matters for which the meeting was closed and if issues are discussed outside of this meeting the attorney-client privilege will be lost. Discussion followed regarding the Palm Realty, Inc., litigation.

Councilmember Bergman joined the meeting at 7:30 p.m.

Parks and Recreation Director Bernstein joined the meeting at 7:35 p.m.  
The Council reconvened in open session at 7:44 p.m.

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

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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 6-23-16.

/s/ Mary Hamann-Roland  
Mary Hamann-Roland, Mayor