

CITY OF APPLE VALLEY
Dakota County, Minnesota
October 14, 2010

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held October 14, 2010, at 8:00 o'clock p.m., at Apple Valley Municipal Center.

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

ABSENT: None.

City staff members present were: City Administrator Lawell, City Clerk Gackstetter, City Attorney Dougherty, City Engineer Manson, Public Works Director Blomstrom, Assistant City Administrator Grawe, Finance Director Hedberg, Police Chief Johnson, Police Captain Marben, Community Development Director Nordquist, Human Resources Manager Pearson, Sports Arena Manager Pietig, Police Captain Rehtzigel, and Fire Chief Thompson.

Mayor Hamann-Roland called the meeting to order at 8:00 p.m. Everyone took part in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

MOTION: of Goodwin, seconded by LaComb, removing item 4.M – STDEA Readers, Inc., for AV Project 2011-103, 2011-2012 Water Meter Reading Services, 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. 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 LaComb, approving all items on the consent agenda with no exceptions. Ayes - 5 - Nays - 0.

CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by LaComb, approving the minutes of the regular meeting of September 23, 2010, as written. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving issuance of a lawful gambling exempt permit, by the State Gambling Control Board, to American Legion

CITY OF APPLE VALLEY

Dakota County, Minnesota

October 14, 2010

Page 2

Auxiliary, Unit 1776, for use on November 13, 2010, and waiving any waiting period for State approval. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving a change in manager for The Noodle Shop Co. – Colorado, Inc., d/b/a Noodles & Company in connection with the On-Sale 3.2 Malt Liquor and Wine Licenses at 14879 Florence Trail, naming Matthew Egan as General Manager; as described in the City Clerk's memo dated October 11, 2010. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving issuance of a new 2010 License to Collect Refuse, to Veolia Environmental Services, as described in the City Clerk's memo dated October 11, 2010. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-170** restricting parking along County State Aid Highway 23, Cedar Avenue, from 160th Street W. to 138th Street W., and ordering installation of the necessary signage. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-171** establishing 4-way stop sign and parking restrictions at 153rd Street W. and Foliage Avenue, and ordering installation of the necessary signage. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-172** consenting to Economic Development Authority Resolution authorizing final payment to Fischer Market Place, LLP. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-173** supporting City of Prior Lake as member of Suburban Transit Association (STA). Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving Amendment of Lease Agreement for office space, with Bonestroo, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution No. 2010-174** authorizing execution of Agreement with Dakota County Traffic Safety Group, and authorizing the Chief of Police to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Joint Powers Agreement with Dakota County, in connection with AV Project 2010-131, Lebanon Hills Campground Water Main Extension, as attached to the Assistant City Engineer's memo dated October 6, 2010, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

CITY OF APPLE VALLEY

Dakota County, Minnesota

October 14, 2010

Page 3

MOTION: of Bergman, seconded by LaComb, approving the Beverage Agreement for Parks and Recreation Facilities, with Coca-Cola Enterprises, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Agreement for AV Project 2010-133, Well Pump 8, 12, & LZP1 Maintenance, with Keys Well Drilling Company, in the amount of \$80,575.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Fleet Print Management Service Agreement, with Matrix Laser Care, Inc., and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Water Quality Improvement Cost Share Program Agreement with David and Karla McKenzie for raingarden at 6403 131st Street Court, in the amount of \$86.40, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving the Water Quality Improvement Cost Share Program Agreement with Emerald point Homeowners' Association for raingarden at Lot 1, Block 1, Emerald Point First Addition, in the amount of \$500.00, and authorizing the Mayor and City Clerk to sign the same. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, accepting AV Project 2010-127, 2010 Traffic Control Signal System Painting, as complete and authorizing final payment on the agreement with Budget Sandblasting & Painting, Inc., in the amount of \$12,850.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, accepting AV Project 2010-107, LED Street Light Pilot Project, as complete and authorizing final payment on the agreement with LPD Electric, Inc., in the amount of \$2,074.06. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, accepting Quarry Point Park Athletic Complex Tournament Baseball Backstop Extension as complete and authorizing final payment on the agreement with Midwest Fence & Mfg., in the amount of \$16,985.00. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, accepting AV Project 2010-130, Bituminous Trail Fog Sealing, as complete and authorizing final payment on the agreement with Minnesota Roadway Company, in the amount of \$35,719.32. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, adopting **Resolution 2010-175** 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, 2011, as described in the Human Resources Manager's memo dated October 8, 2010. Ayes - 5 - Nays - 0.

MOTION: of Bergman, seconded by LaComb, approving hiring the part-time and seasonal employees listed in the Personnel Report and Addendum dated October 14, 2010. Ayes - 5 - Nays - 0.

END OF CONSENT AGENDA

APPLEBEE'S 2010 ON-SALE AND SUNDAY LIQUOR LICENSES

Ms. Gackstetter reviewed the application by Apple Minnesota, LLC, d/b/a Applebee's Neighborhood Grill & Bar for On-Sale Intoxicating Liquor and Special License for Sunday Liquor Sales as described in her memo dated October 11, 2010, and noted receipt of the affidavit of publication of the hearing notice. She stated all the Applebee's in Minnesota are being sold to a new company. The change in corporation necessitates the new license. There are no anticipated changes to the interior of the restaurant and the general manager and staff will remain the same. If approved, the license would be effective October 21, 2010. She further stated the Police Department completed the necessary background investigation and found no reason the licenses could not be authorized.

Mayor Hamann-Roland called the public hearing to order at 8:06 p.m. to consider the application by Apple Minnesota, LLC, d/b/a Applebee's Neighborhood Grill & Bar, for On-Sale 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 8:07 p.m.

MOTION: of Grendahl, seconded by LaComb, adopting **Resolution No. 2010-176** approving issuance of 2010 "On-Sale Liquor" and "Special License for Sunday Liquor Sales" to Apple Minnesota, LLC, d/b/a Applebee's Neighborhood Grill & Bar, for premises located at 14678 Cedar Avenue. Ayes - 5 - Nays - 0.

2010 SPECIAL ASSESSMENT ROLL 594

Mr. Hedberg described Special Assessment Roll 594, totaling \$14,814.68, for delinquent mowing charges for properties that do not have a current utility bill account. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. The City has received one written objection and it relates to eight properties. A copy of the objection is included in the packet and is summarized by property on Exhibit C of the resolution. Because staff would like additional time to review the objection, staff is recommending tabling the hearing on the eight parcels. The revised total following the adjustment, tabled amounts, and prepayments is \$10,190.25.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 594, at 8:09 p.m. She asked for questions or comments from the Council and the audience. There were

none and the hearing was declared closed, except for parcels 01-18054-010-01, 01-18054-020-01, 01-18054-030-01, 01-18054-040-01, 01-18054-010-02, 01-18054-020-02, 01-18054-030-02, and 01-18054-040-02, at 8:10 p.m.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-177** tabling the public hearing on the assessments for 01-18054-010-01, 01-18054-020-01, 01-18054-030-01, 01-18054-040-01, 01-18054-010-02, 01-18054-020-02, 01-18054-030-02, and 01-18054-040-02 to October 28, 2010; and approving and levying the remaining assessments on 2010 Special Assessment Roll No. 594, for delinquent mowing charges, in the total amount of \$10,190.25. Ayes - 5 - Nays - 0.

Councilmember Grendahl questioned whether the City seeks competitive bids for its contracted mowing services.

Mr. Nordquist said no. The City uses area mowers to provide the type of mowing abatement needed. The primary contractor the City uses is reasonably priced compared to other contractors and provides on-call, 24-hour service.

2010 SPECIAL ASSESSMENT ROLL 595

Mr. Hedberg described Special Assessment Roll 595, totaling \$80,699.81, for delinquent utility and mowing charges. He noted the hearing notice was published according to law and confirmed receipt of the Affidavit of Publication. No written objections have been received. The revised total following an adjustment and prepayments is \$73,210.85.

Mayor Hamann-Roland called to order the public hearing on Special Assessment Roll No. 595, at 8:14 p.m. She asked for questions or comments from the Council and the audience. There were none and the hearing was declared closed at 8:15 p.m.

MOTION: of Bergman, seconded by Goodwin, adopting **Resolution No. 2010-178** approving and levying 2010 Special Assessment Roll No. 595, for delinquent utility and mowing charges, in the total amount of \$73,210.85. Ayes - 5 - Nays - 0.

TRAFFIC SAFETY ADVISORY COMMITTEE VACANCY

Ms. Gackstetter reviewed her memo dated October 11, 2010, regarding a vacancy on the Traffic Safety Advisory Committee with a term expiring March 1, 2013. She said Council may wish to extend an invitation to individuals interested in serving on this Committee to submit an application to the City Clerk by November 30, 2010. An appointment could then be made in December, which is prior to the Committee's next scheduled meeting in January 2011.

MOTION: of Grendahl, seconded by LaComb, directing staff to post the Traffic Safety Advisory Committee vacancy and inviting individuals interested in serving on the

Committee to submit an application to the City Clerk by November 30, 2010. Ayes
- 5 - Nays - 0.

STAFF ITEMS

Mr. Grawe invited residents to attend the Better Energy (Be) Workshop at the Hayes Community and Senior Center this Saturday, October 16, 2010, at 10:00 a.m.

COUNCIL COMMUNICATION

Councilmember Bergman asked if staff found out whether the cable-median barrier will be installed all the way up to the Cedar Avenue bridge. He also asked why the median is being placed along Trunk Highway 77. He questioned if it was because there are a lot of accidents in that area. He stated he has received comments regarding the narrow space between the road and the barrier if someone had to get off the road.

Mr. Blomstrom explained one of the main criteria for the installation is having a divided highway with a higher speed and a fairly narrow median. Those conditions are much more susceptible to crossover head-on collisions. He has not yet received information from MnDOT regarding the barrier installation up to the bridge.

Councilmember Grendahl said she hopes the cable-median barrier was tested in areas with snow and ice. She wonders if cars that leave the road and hit the barrier will come back into traffic.

Mayor Hamann-Roland questioned if there is enough room for a vehicle to pull off the road in an emergency situation.

Mr. Blomstrom said the narrow median does create a challenge for space for emergency pull offs. He described how the posts are designed to snap away and how the cable redirects the vehicles.

The Council asked for additional information.

Mr. Blomstrom said he will collect the requested data.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Goodwin, approving the calendar of upcoming events as included in the City Clerk's memo dated October 11, 2010, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 5 - Nays - 0.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Goodwin, to pay the claims and bills, check registers dated September 30, 2010, in the amount of \$287,250.07; October 7, 2010, in the amount of \$1,224,589.74; and October 14, 2010, in the amount of \$883,490.45.
Ayes - 5 - Nays - 0.

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

The meeting was adjourned at 8:27 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 10-28-10.