

CITY OF APPLEVALLEY  
Dakota County, Minnesota  
August 11, 2011

Minutes of the regular meeting of the City Council of Apple Valley, Dakota County, Minnesota, held August 11, 2011, at 8:00 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, Public Works Director Blomstrom, Associate City Planner Dykes, Assistant City Administrator Grawe, Finance Director Hedberg, Parks and Recreation Director Johnson, Police Chief Johnson, City Planner Lovelace, City Engineer Manson, Community Development Director Nordquist, Police Captain Rehtzigel, and Fire Chief Thompson.

Acting Mayor Goodwin called the meeting to order at 8:01 p.m. Everyone took part in the Pledge of Allegiance to the flag.

#### APPROVAL OF AGENDA

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

#### CONSENT AGENDA ITEMS

MOTION: of Bergman, seconded by Grendahl, approving the minutes of the regular meeting of July 28, 2011, as written. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving a change in manager for Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits, in connection with the On-Sale Intoxicating Liquor License and Special License for Sunday Liquor Sales at 15660 Cedar Avenue, naming David Kieth Ohlsen as

General Manager; as described in the City Clerk's memo dated August 8, 2011.  
Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, authorizing a North AirCare helicopter to land at and take off from Quarry Point Park during the hours of 7:00 a.m. and 1:00 p.m. on August 13, 2011, as part of a public safety emergency response exercise.  
Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-114** approving the City's 2011- 2015 Capital Improvements Program (CIP). Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-115** authorizing application for Federal Transportation Enhancement Funds for construction of North Creek Greenway Trail. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-116** establishing parking restrictions for American Legion Post 1776 "Four Corners Party". Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-117** approving the Natural Resources Management Permit, with conditions, for Outlot B, Eastwood Ridge 2nd Addition. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, adopting **Resolution No. 2011-118** approving the Final Plat and Waiver of Subdivision Agreement for Eastwood Ridge 4th Addition, waiving the requirement for a subdivision agreement, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Police Liaison Services Agreement with Independent School District 196, for the 2011-2012 school year, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Professional Services Agreement with Automatic Systems Company for Supervisory Control and Acquisition (SCADA) technical consultation and repairs, as attached to the Public Works Utilities Superintendent's memo dated August 11, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Encroachment Agreement with Xcel Energy, in connection with AV Project 2009-102, Whitney Pond Storm Water Improvements, as attached to the City Engineer's memo dated August 11, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the License Agreement with Joseph Gutenkauf and Peggy Sherman for easement encroachment at 948 Cortland Drive,

as attached to the Associate City Planner's memo dated August 11, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the 36-Month Lease Agreement with Loffler Companies for multi-function copier services, as attached to the IT Manager's memo dated August 5, 2011, and authorizing the City Administrator to sign the necessary documents. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Agreement with Mary Natterstad and Jeff Wilderding and Brueggers Enterprises, Inc., for Installing Storm Sewer, Repairing Intersection, and Adjusting Grade of Driveway on Pennock Avenue, as attached to the Public Works Director's memo dated August 11, 2011, and authorizing the Mayor and City Clerk to sign the same. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 1 to the contract with Max Steininger, Inc., for AV Project 2010-134, Galaxie Pond Storm Water Improvements, in the amount of an additional \$20,658.98. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving Change Order No. 1 to the contract with Killmer Electric Company, Inc., for AV Project 2011-135, Traffic Control Signal System Repairs, in the amount of an additional \$41,718.50. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2011-121, 2011 Traffic Control Signal System Painting, as complete and authorizing final payment on the contract with Budget Sandblasting & Painting, Inc., in the amount of \$3,995.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2011-118, 2011 Reconditioning and Painting of Steel Fence Sections, Fence Support Posts, and Decorative Light Poles, as complete and authorizing final payment on the contract with Champion Coatings, Inc., in the amount of \$58,476.00. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, accepting AV Project 2011-124, 2011 Reconditioning and Painting of Hydrants, as complete and authorizing final payment on the contract with OLS Restoration, Inc., in the amount of \$19,382.10. Ayes - 4 - Nays - 0.

END OF CONSENT AGENDA

ABANDONED AND IMPOUNDED VEHICLE ORDINANCE AMENDMENT AND POLICY

Ms. Gackstetter gave the second reading of an ordinance amending Chapter 90 of the City Code regulating abandoned vehicles and impoundment of vehicles. The recommended changes will reduce costs and improve efficiencies and accountability. The three main changes being proposed

are allowing first notices of impoundment to be sent by regular mail, eliminating the requirement for vehicles to be sold prior to a time when towing charges equal the value of the vehicle, and adding a requirement that the towing contractor implement and comply with all City ordinances and policies regulating abandoned vehicles and impoundment of vehicles. The ordinance amendment was prepared by the City Attorney. No comments have been received following the first reading.

Ms. Gackstetter said staff is also seeking Council approval of the Disposal of Impounded Vehicles Policy. The ordinance references a requirement for the towing contractor to comply with the regulations set forth in a policy duly adopted by the City. The procedures were reviewed by the City Attorney, and are in conformance with State Statute.

MOTION: of Grendahl, seconded by Hooppaw, passing **Ordinance No. 923** amending Chapter 90 of the City Code regulating abandoned vehicles and impoundment of vehicles. Ayes - 4 - Nays - 0.

MOTION: of Bergman, seconded by Grendahl, approving the Disposal of Impounded Vehicles Policy. Ayes - 4 - Nays - 0.

#### ELECTRONIC SOUND EQUIPMENT ORDINANCE AMENDMENT

Mr. Lovelace gave the second reading of an ordinance amending Chapter 130 of the City Code regulating electronic sound system or audio equipment. The amendment provides clarification for the City's enforcement officials. In early July, staff sent a letter to all restaurants in the City with outdoor dining areas to make them aware of the proposed changes. The City received one call asking for clarification. Mr. Lovelace stated the ordinance applies to all properties. The ordinance amendment was prepared by the City Attorney. No comments have been received following the first reading.

MOTION: of Grendahl, seconded by Bergman, passing **Ordinance No. 924** amending Chapter 130 of the City Code regulating electronic sound system or audio equipment. Ayes - 4 - Nays - 0.

#### APPOINT PARKS AND RECREATION ADVISORY COMMITTEE YOUTH REP

Mr. Randy Johnson said a vacancy currently exists for the Youth Representative on the Parks and Recreation Advisory Committee. An application was received from Ms. Katherine Wright. Mr. Johnson said Ms. Wright would be an excellent candidate. She is qualified and is very interested in serving on the Parks and Recreation Advisory Committee.

MOTION: of Hooppaw, seconded by Bergman, adopting **Resolution No. 2011-119** appointing Katherine Wright Youth Representative to the Parks and Recreation Advisory Committee for a term expiring March 1, 2013. Ayes - 4 - Nays - 0.

STAFF COMMUNICATION

Mr. Blomstrom provided an update on the Cedar Avenue transitway construction project.

Fire Chief Thompson provided details regarding a public safety emergency response exercise scheduled for August 13, 2011.

COUNCIL COMMUNICATIONS

Councilmember Grendahl commented on the good participation in "Night to Unite" and thanked everyone involved.

CALENDAR OF UPCOMING EVENTS

MOTION: of Grendahl, seconded by Hooppaw, approving the calendar of upcoming events as included in the City Clerk's memo dated August 8, 2011, and noting that each event listed is hereby deemed a Special Meeting of the City Council. Ayes - 4 - Nays - 0.

CLAIMS AND BILLS

MOTION: of Bergman, seconded by Grendahl, to pay the claims and bills, check registers dated August 3, 2011, in the amount of \$300,583.48; and August 10, 2011, in the amount of \$2,280,972.28. Ayes - 4 - Nays - 0.

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

The meeting was adjourned at 8:28 o'clock p.m.

Respectfully Submitted,

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

Approved by the Apple Valley City Council on 8-25-11.