

CITY OF BURNSVILLE

Regular Meeting
December 16, 2002

The City Council of the City of Burnsville met in regular session at the Burnsville City Hall, 100 Civic Center Parkway, Burnsville, Minnesota on the 16th day of December 2002.

The meeting was called to order by Mayor Kautz at 7:00 p.m.

The Pledge of Allegiance was preceded by a moment of silence.

Present: Cherney, Crichton, Kautz, and Workman

Absent: Moran

1. Announcements and Proclamations.

Council Meetings: Mon., Jan. 6, 7:00 p.m.
Tues., Jan. 21, 7:00 p.m. CANCELED

Special Meeting: Mon., Jan. 27, 7:00 p.m.

Governance Meeting: Tues., Jan. 28, 7:00 p.m.

Worksession Meeting: Tues., Jan. 14, 6:30 p.m.

Special All-Day Worksession: Fri., Jan. 31, 9:00 a.m.

Recognition – Greg Konat

Motion by Workman, seconded by Crichton, to adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 5127

RESOLUTION COMMENDING GREGORY KONAT
FOR TWENTY-ONE YEARS OF DEDICATED SERVICE
TO THE CITY OF BURNSVILLE

Poll of Votes: Ayes – Cherney, Crichton, Kautz, and Workman. Nays - None. Absent – Moran.
Motion carried.

Recognition - Leisha Gust, Mrs. Dakota County

Holiday Lighting Contest Winners:

Residential

1 st Place	2709 Dalridge Circle	Paul & Susan Dieseth
2 nd Place	2009 Raymar Court	Mike & Sue Roark
3 rd Place (tie)	1216 Earle Shores Lane	Steve & Sally Dale
3 rd Place (tie)	10809 Clifton Avenue	Dave & Nancy Hendrickson
Honorable Mention	13007 Country Road 5	Kimberly Antonielli

1. Announcements and Proclamations (Continued from Page 1).

Holiday Lighting Contest Winners:

WOW!

1 st Place	1904 E. 123 rd St.	Tague & Mary Moehn
2 nd Place	1120 Aspen Drive	Michael & Shirley Esch
3 rd Place	13412 Walnut Drive	Linda Clarin

Neighborhood

1 st Place	1100 block of Crystal Lake Rd. E.	Dale Anderson & neighbors
2 nd Place	13400 block of Walnut Drive	Roberta Halverson & neigh.
3 rd Place	Emerson Court	Jennifer Harazin & neigh.

Apartment/Condo Balcony/Patio

1 st Place	13401 Morgan Ave. S. #133	Diane Dorn
2 nd Place	13401 Morgan Ave. S. #128	Yvette Silker
3 rd Place	501 E. Burnsville Parkway #106	Jeanne Reynolds

2. Citizen Comments.

There were no citizen comments.

3. Additions to the Final Agenda.

There were no additions to the final agenda.

4. Approval of Consent Agenda.

At the request of Councilmember Crichton, Item 4E (Approving Plans and Specifications and Ordering Advertisement for Bids for Modifying Traffic Signals from Protected Left Turns to Protected/Permitted Left Turns at Various Existing Signalized Intersections) and at the request of staff, Item 4K (Approving Engineering Contract with SRF Consulting Group, Inc. for Heart of the City Ramp Design) were removed from the Consent Agenda.

Motion by Cherney, seconded by Crichton that the following Consent Agenda items (listed as A-L) be approved as presented. Ayes – Cherney (abstained from the December 2 minutes, the December 5 Special Meeting minutes due to absence), Crichton (abstained from the December 5 Special Meeting minutes due to absence), Kautz, and Workman. Nays - None. Absent – Moran. Motion carried.

A. Consider Approval of Minutes.

Approved the City Council minutes of December 2, 2002, the Special Worksession minutes of December 2, 2002, the Special Meeting minutes of December 5, 2002, the Special Worksession minutes of December 8, 2002, and the Worksession minutes of December 10, 2002 as submitted.

4. Approval of Consent Agenda (Continued from Page 2).

B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$12,758,977.83.

C. Continued - Consider Ordinance Amending Title Three of the Burnsville City Code Concerning Noise and Consider Summary Ordinance and Authorize Summary Publication.

This item was continued to the January 28, 2003 Council meeting.

D. Consider Approval of an Application for Avis Rent A Car Systems, Inc. for a Conditional Use Permit Amendment to Allow and Change the Location of Outdoor Storage of Rental Vehicles at the Valley Ridge Shopping Center Located at 2107 West Burnsville Parkway; and Consider Findings of Fact and an Amended Conditional Use Permit.

Approved the Conditional Use Permit as amended and adopted the Findings of Fact for Avis Rent A Car Systems, Inc.

D-02-66

E. Consider Authorizing 2003 Well Repair Improvement Projects (03-307).

Authorized project and preparation of plans and specifications for the 2003 Well Repair and Reservoir Improvements.

F. Consider Approving Plans and Specification and Ordering Advertisement for Bids for Cliff Fen Wetland Restoration Project (02-313).

Approved plans and specifications and order advertisement for bids for the Cliff Fen Wetland Restoration Project.

G. Consider Resolution Adopting 2003 Pay Plan and Benefits for Non-Union Employees

Adopted the following resolution, which will become part of the official records:

RESOLUTION NO. 5128

RESOLUTION ADOPTING THE 2003 PAY AND BENEFIT PLAN FOR THE CITY OF
BURNSVILLE

H. Consider Approval of Contract Settlement with Law Enforcement Labor Services, Inc. (L.E.L.S.) #180 (Police Officers).

Approved the Proposed Contract Settlement.

I. Consider Approval of Contract Settlement with Law Enforcement Labor Services, Inc. (L.E.L.S.) #181 (Dispatchers).

Approved the Proposed Contract Settlement.

4. Approval of Consent Agenda (Continued from Page 3).

J. Consider Resolution Designating Acting City Manager and Resolution Authorizing Use of Facsimile Signature by Public Official.

Adopted the following resolutions, which will become part of the official records:

RESOLUTION NO. 5129

RESOLUTION DESIGNATING THOMAS W. HANSEN
AS ACTING CITY MANAGER

RESOLUTION NO. 5130

RESOLUTION AUTHORIZING USE OF FACSIMILE
SIGNATURE OF PUBLIC OFFICIAL

K. Consider Authorizing Agreement for Professional Consulting Services Between the City of Burnsville and Personnel Decisions International (PDI).

Approved proposed agreement with Executive Search Firm.

L. Consider Approval of Amended Floor Plan for Buca di Beppo, On-Sale Intoxicating Liquor License Holder.

Approved the amended floor plan for Buca di Beppo, 14300 Burnshaven Dr.

5. Consider Approving Plans and Specifications and Ordering Advertisement for Bids for Modifying Traffic Signals from Protected Left Turns to Protected/Permitted Left Turns at Various Existing Signalized Intersections 02-317.

Motion by Crichton, seconded by Cherney to approved the plans and specification and authorized the advertisement for bids to allow the revision of the traffic signals to allow left turns on the green signal indication. Ayes – Cherney, Crichton, Kautz, and Workman. Nays – None. Absent – Moran. Motion carried.

6. Consider Approving Engineering Contract with SRF Consulting Group, Inc. for Heart of the City (HOC) Ramp Design.

Motion by Crichton, seconded by Workman to continue this item indefinitely. Ayes – Cherney, Crichton, Kautz, and Workman. Nays – None. Absent – Moran. Motion carried.

7. Consider Approval of an Application for EFH Realty Advisor's, Inc. - Application for a Planned Unit Development for Concept and Development Stage Approval to Allow Construction of an International House of Pancake Restaurant (IHOP) to be Located on the Southern Portion of the Vacant Lot at 2080 County Road 42; and Consider Findings of Fact, Planned Unit Development Agreement, and an Ordinance.

The following person appeared before the Council:

Steve Scott – International House of Pancakes

7. Consider Approval of an Application for EFH Realty Advisor's, Inc. (Continued from Page 4)

Motion by Crichton, seconded by Cherney to approve the Planned Unit Development Agreement and adopt the Findings of Fact and an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 866

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE
ZONING TITLE OF THE CITY OF BURNSVILLE
EFH REALTY ADVISOR'S, INC.

D-02-67

Poll of Votes: Ayes – Cherney, Crichton, Kautz, and Workman. Nays - None. Absent – Moran.
Motion carried.

8. Public Hearing – Consider Resolution Ordering Improvements and Preparation of Plans and Specifications for the Infrastructure on Newton Avenue from Its Existing Terminus Extending to CSAH 42 and Future 142 ½ Street from Extended Newton Avenue to Morgan Avenue 02-322.

The public hearing was opened at 7:41 p.m.

The following persons appeared before the Council:

William Wendell -

Discount Tire Co.

The Mayor declared the public hearing closed at 7:44 p.m.

Motion by Workman, seconded by Crichton, to adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 5131

RESOLUTION ORDERING IMPROVEMENTS AND PREPARATION OF PLANS AND
SPECIFICATIONS FOR THE INFRASTRUCTURE ON NEWTON AVENUE FROM ITS
EXISTING TERMINUS EXTENDING TO CSAH 42 AND FUTURE 142 ½ STREET FROM
EXTENDED NEWTON AVENUE TO MORGAN AVENUE (02-322)

Poll of Votes: Ayes – Cherney, Crichton, Kautz, Moran, and Workman. Nays - None. Motion carried.

Councilmember Moran arrived at 7:43 p.m.

9. Consider Approval of an Application for Thomas R. and Sarah L. Hanson for Preliminary Plat Approval of a Two Lot Subdivision to be Known as PARTS AMERICA 2ND ADDITION to be Located West of County Road 5, South of County Road 42.

The following person appeared before the Council:

Tom Hanson -

Schlotzsky's Deli

9. Consider Approval of an Application for Thomas R. and Sarah L. Hanson (Continued from Page 5)

Motion by Cherney, seconded by Workman to approve the preliminary and final plat and the Development Contract. Ayes – Cherney, Crichton, Kautz, Moran, and Workman. Nays - None. Motion carried.

10. Public Hearing – Wellhead Protection Plan 99-108.

The public hearing was opened at 8:21 p.m.
The Mayor declared the public hearing closed at 8:21 p.m.

Motion by Moran, seconded by Cherney to approve the Wellhead Protection Plan. Council requested a copy of the DWSMA area map. Ayes – Cherney, Crichton, Kautz, Moran, and Workman. Nays - None. Motion carried.

11. Consider Resolution Accepting Bid and Awarding Contract for Bid Alternates for Nicollet Common Park and Streetscaping for 126th Street.

Motion by Crichton, seconded by Cherney, to approve staff recommendations and adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 5132

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR BID ALTERNATES
FOR NICOLLET COMMON PARK AND STREETSCAPING FOR 126TH STREET.

Poll of Votes: Ayes – Cherney, Crichton, Kautz, Moran, and Workman. Nays - None. Motion carried.

12. Consider Resolutions Adopting the 2003 Property Tax Levy and the 2003 Budget.

Motion by Crichton, seconded by Workman, to adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 5133

RESOLUTION ESTABLISHING THE 2003 TAX LEVY AND AUTHORIZING
CANCELLATION OF CERTAIN DEFERRED
TAX LEVIES

RESOLUTION NO. 5134

RESOLUTION ADOPTING THE 2003 BUDGET

Poll of Votes: Ayes – Cherney, Crichton, Kautz, Moran, and Workman. Nays - None. Motion carried.

The Council meeting recessed at 8:53 p.m.

13. Regular Meeting of the Burnsville Economic Development Authority (EDA).

A regular meeting of the Burnsville Economic Development Authority was held.

The Council meeting reconvened at 8:57 p.m.

14. Consider Resolution Adopting the 2003 Economic Development (EDA) Property Tax Levy.

Motion by Workman, seconded by Moran, to adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 5135

RESOLUTION ADOPTING THE 2002 BURNSVILLE ECONOMIC DEVELOPMENT
AUTHORITY (EDA) 2003 PROPERTY TAX LEVY

Poll of Votes: Ayes – Kautz, Moran, and Workman. Nays – Cherney, Crichton. Motion carried.

15. Recognition of Councilmember Deborah Moran

Motion by Crichton, seconded by Workman to adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 5126

RESOLUTION COMMENDING DEBORAH MORAN FOR DEDICATED
SERVICE TO THE COMMUNITY

Poll of Votes: Ayes – Cherney, Crichton, Kautz, and Workman. Nays – None. Abstained – Moran. Motion carried.

16. Adjournment.

Motion by Moran, seconded by Crichton to adjourn the meeting at 9:05 p.m. Ayes – Cherney, Crichton, Kautz, Moran, and Workman. Nays - None. Motion carried.

Susan P. Olesen, City Clerk

Approved by the City Council of the City of Burnsville this 6th day of January 2002.

Elizabeth B. Kautz, Mayor