

CITY OF BURNSVILLE
Regular Meeting
March 3, 2003

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 3rd day of March 2003.

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, Daly, Kautz, and Workman

Absent: None

1. Announcements and Proclamations

Council Meetings: Mon., Mar. 17, 7:00 p.m.
Mon., Apr. 7, 7:00 p.m.

Worksession: Tues., Mar. 11, 6:30 p.m.

Special Worksession: Thurs., Mar. 13, 6:30 p.m.
Tues., Mar. 17, 5:30 p.m.

Governance Meeting: Tues., Mar. 25, 7:00 p.m.

Jillian Groen, 2219 Friendship Lane was recognized for winning two gold medals and a silver medal in roller skating events at the Special Olympics.

2. Citizen Comments

There were no citizen comments.

3. Additions to the Final Agenda

Motion by Cherney, seconded by Crichton to add a miscellaneous item to the agenda per Tom Hansen, Acting City Manager. Ayes - Cherney, Crichton, Daly, Kautz and Workman. Nays - None. Motion carried.

4. Approval of Consent Agenda.

Motion by Crichton, seconded by Daly that the following Consent Agenda Items (listed as A-M) be approved as presented. Ayes - Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

A. Consider Approval of Minutes.

Approved the City Council minutes of February 18, 2003, Special Worksession minutes of February 18 and 25, 2003 and the Governance minutes of February 25, 2003.

B. Consider Approval of Claims Listing.

Approved the listing of claims in the amount of \$7,963,425.86.

4. Approval of Consent Agenda (Continued from Page 1).

C. Consider Resolution and Release of Planned Unit Development Agreement for Chateau Place Located South of County Road 42 and East of Grand Avenue.

Approved the release of the Planned Unit Development Agreement and adopted the following resolution which will become part of the official records:

RESOLUTION NO. 5144

A RESOLUTION OF THE CITY OF BURNSVILLE, MINNESOTA RELEASING
CERTAIN LAND FROM PLANNED UNIT DEVELOPMENT AGREEMENT
WITH RESPECT TO CHATEAU PLACE.

D-03-10

D. Consider Approval of an Application for Sjoquist Properties, LLC for a Conditional Use Permit Amendment to Allow Construction of an Auto Dealership Building with Sales, Service, and Outdoor Storage and Display of Motor Vehicles to be Located South of Southcross Drive and West of Burnhaven Drive; and Consider Findings of Fact and an Amended Conditional Use Permit.

Approved the Conditional Use Permit Amendment and adopted the Findings of Fact.

D-03-11

E. Consider Approval of an Application for Therapeutic Massage Works for a Conditional Use Permit to Allow a Therapeutic Massage Business at 14569 Grand Avenue S; and Consider Findings of Fact and an Amended Conditional Use Permit.

Approved the Conditional Use Permit and adopted the Findings of Fact.

D-03-12

F. Consider Authorizing Entering into a Contract with SRF for Design Services for the HOC Ramp (01-602).

Approved authorizing entering into a Contract with SRF in the amount of \$242,000.

G. Consider Award of Bids for the 2003 Well Rehabilitation Program. (03-307)'

Approved the award for bid for the 2003 well rehabilitation program to Keys Well Drilling Company in the amount of \$60,440.

H. Consider Authorizing the Purchase of the City's 2003 Insurance Policies.

Authorized the purchase of the City's 2003 Insurance Policies with LMCIT.

I. Consider Resolution Regarding Waiver on Tort Liability Limits for the LMCIT Insurance Program.

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

RESOLUTION NO. 5145

RESOLUTION REGARDING WAIVER ON TORT LIABILITY LIMITS
FOR LMCIT INSURANCE PROGRAM.

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

J. Consider Appointments to the Black Dog Watershed Management Organization.

Approved appointments to the Black Dog Watershed Management Organization:

Commissioners – Roger Baldwin, John Oravis, Loren Knott
Alternate – Tom Harmening

K. Consider Approval of Purchase for Year Two of a Three Year Microsoft Office Suite Enterprise Agreement.

Approved purchase for year two of a three year Microsoft Office Suite Enterprise Agreement in the amount of \$51,216.

L. Consider Transfer of Land from the City of Burnsville to the State of Minnesota.

Approved transfer of land from the City of Burnsville to the State of Minnesota that will enable the EDA to obtain it in order to facilitate the redevelopment of the vacant K-Mart property.

M. Consider Approval of a Contract to Harvest Nuisance Aquatic Plants on Crystal Lake.

Approved the contract with J&N Weed Harvesting in the amount of \$20,000.

D-03-13

5. Consider Approving the Sale of Engraved Pavers Bricks by the Burnsville Foundation for Placement in Nicollet Commons.

Motion by Workman and seconded by Daly to approve the sale of engraved paver bricks by the Burnsville Foundation. Ayes - Cherney, Crichton, Daly, Kautz, Workman. Nays - None. Motion carried.

6. Receive the Convention & Visitor's Bureau Annual Report to the City Council.

Bill Von Bank, Executive Director and Bob Paul, Chair of the Convention and Visitor's Bureau recapped 2002 activities and gave a preview of 2003 activities. Mayor Kautz presented the CVB 2002 marketing awards to the Executive Director and Board Chair.

7. Continued Public Hearing – To Consider Adoption of an Official Map, Pursuant to Minn. Stat. § 462.359 for the Following Described Future Street: A Parcel of Land in PIN# 02-03300-010-75 and 02-03300-010-80 Lying 150 Feet Northerly of, and Parallel With, the Northerly Right of Way Line of the Union Pacific Railroad on Section 33, Township 27, Range 24, Dakota County, Minnesota; and Consider Ordinance, Summary Ordinance and Authorize Summary Publication.

Motion by Cherney, seconded by Crichton to continue to a future Council meeting in April. Ayes - Cherney, Crichton, Daly, Kautz, Workman. Nays - None. Motion carried.

8. Consider Approval of an Application for Burnsville Volkswagen for Approval of an Interim Use Permit for Construction of an Auto Dealership with Outdoor Storage of Motor Vehicles to be Located at 801 & 901 West Cliff Road; and Consider Findings of Fact and an Interim Use Permit.

Motion by Crichton, seconded by Workman to continue to the April 21, 2003 Council meeting. Ayes - Cherney, Crichton, Daly, Kautz, Workman. Nays - None. Motion carried.

Regular Meeting
March 3, 2003

9. Consider Resolution Receiving Preliminary Report and Calling Public Hearing for Phase I of the Extension of County Road 5 (99-707).

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

RESOLUTION NO. 5146

RESOLUTION RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING FOR PHASE I OF THE EXTENSION OF COUNTRY ROAD 5 (99-707).

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

10. Consider Approval of an Application for EFH Realty Advisor's, Inc. for a Planned Unit Development Amendment for Concept and Development Stage Approval to Allow Construction of an Office Warehouse Building on the Northern Portion of the Vacant Lot at 2080 County Road 42; and Consider Findings of Fact, Amended Planned Unit Development Agreement, and Ordinance.

Motion by Cherney, seconded by Daly to continue to the March 17, 2003 Council meeting. Ayes - Cherney, Crichton, Daly, Kautz and Workman. Nays - None. Motion Carried.

11. Consider Approval of an Application for Manley Land Development, Inc. for a Comprehensive Plan Amendment from OB (Office Business) to SF (Single Family Residential), a Rezoning from B-1, PUD (Office Business, Planned Unit Development) to R-1, PUD (Single Family Residential, Planned Unit Development), Preliminary and Final Plat Approval of a Subdivision to be Known as RIVERS EDGE, and Concept and Development Stage Approval of a Planned Unit Development Amendment for Construction of 55 Single-Family Homes to be Located East of Cedarbridge Avenue, North of Highway 13, South of the Minnesota River and West of Cedar Avenue; and Consider Findings of Fact, Amended Planned Unit Development Agreement, and Ordinance.

Public Comment opened at 8:10 p.m.

The following persons appeared before the Council:

Ron Kraemer -	3001 Chandler Court, Burnsville
Jim Lodeon -	3005 Chandler Court, Burnsville
Mark Zipper -	3108 Chandler Court, Burnsville
Linda Kraemer -	3001 Chandler Court, Burnsville
Mark Gregory -	10816 Cedarbridge Avenue, Burnsville
Linelle Johnson -	10804 Clifton Avenue, Burnsville
Dick Lundquist -	3112 Chandler Court, Burnsville
Frank Blundetto -	Vice President Manley Land Development, Inc.
Kurt Manley -	Applicant, Manley Development, Inc.
Jim Steilen -	Briggs and Morgan P.A., Naas' Attorney.

Public Comment closed at 8:45 p.m.

Motion by Cherney, seconded by Daly to continue to the March 17, 2003 Council meeting to allow Councilmember Crichton to contact Mn/Dot regarding allowing the frontage road in Mn/Dot's right-of-way and for staff to explore eminent domain. Ayes - Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

The Council meeting recessed at 9:28 p.m.

12. Special Meeting of the Burnsville Economic Development Authority (EDA).

A special meeting of the Economic Development Authority was held.

The Council meeting reconvened at 9:29 p.m.

13. Consider Approval of a Business Subsidy Agreement for Granite Properties, L.L.C.

Motion by Crichton, seconded by Workman to continue to the March 17, 2003 Council meeting. Ayes - Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion Carried.

14. Miscellaneous.

Matt Brokl, City Attorney, was recognized for his missionary hiatus to Honduras for Peace Reform Church, Apple Valley.

15. Adjournment.

Motion by Crichton, seconded by Workman to adjourn the meeting at 9:33 p.m. Ayes - Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion Carried.

Susan P. Olesen, City Clerk

Approved by the City Council of the City of Burnsville this 17th day of March 2003.

Elizabeth B. Kautz, Mayor