

CITY OF BURNSVILLE
Regular Meeting
March 17, 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 17th 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., Apr. 7, 7:00 p.m.
Mon., Apr. 21, 7:00 p.m.

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

Worksession Meeting: Tues., Apr. 15, 6:30 p.m.

Proclamation – Burnsville/Eagan Community Television Volunteer Appreciation Day.

GFOA Certificate of Achievement for Excellence in Financial Reporting for the Year 2001. The Finance Department was recognized for their fine work.

The City was presented a State Farm Good Neighbor Award for the CERT Program by Sam Delard who is a member of the City's first CERT Team.

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 4 M (Consider Awarding Contract for Maintenance of Burnsville Parkway and Nicollet Avenue Streetscapes) was removed from the Consent Agenda.

Motion by Cherney, seconded by Crichton 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 Special Worksession Minutes of March 3, 2003, the City Council minutes of March 3, 2003, the Worksession minutes of March 11, 2003 as submitted.

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

B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$3,943,722.19.

C. Consider Resolution Ordering Preparation of Preliminary Report for the Rehabilitation of Southcross Drive (03-103) and Authorizing a Signal Justification Report and Financing for Traffic Signal at Burnhaven/Southcross Drive (03-501) and Ordering Preparation of Plans and Specifications for Twin Lake Outlet Improvement (03-311).

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

RESOLUTION NO. 5147

RESOLUTION ORDERING PREPARATION OF PRELIMINARY REPORT FOR THE REHABILITATION OF SOUTHCROSS DRIVE (03-103) AND AUTHORIZING A SIGNAL JUSTIFICATION REPORT AND FINANCING FOR TRAFFIC SIGNAL AT BURNHAVEN/SOUTHCROSS DRIVE (03-501) AND ORDERING PREPARATION OF PLANS AND SPECIFICATIONS FOR TWIN LAKE OUTLET IMPROVEMENT (03-311)

D. Consider Resolution Receiving Preliminary Report and Calling for Public Hearing for the 2003 Rehabilitation Project of Williams Drive (03-102).

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

RESOLUTION NO. 5148

RESOLUTION RECEIVING PRELIMINARY REPORT AND CALLING FOR PUBLIC HEARING FOR THE 2003 REHABILITATION PROJECT OF WILLIAMS DRIVE (03-102)

E. Consider Award of Bids for the 2003-2004 Street Maintenance Materials (03-303).

Accepted bids and awarded contracts to the following under the Joint Powers Agreement:

Sealcoating – Allied Blacktop Company in the amount of \$814,152.01
Traffic Marking – Traffic Marking Services in the amount of \$248,971.24
Sweeping – Allied Blacktop Company in the amount of \$10,042.50
Cracksealing – Daffinson Asphalt in the amount of \$197,982.00
Screening – Astech Corporation in the amount of \$3,888.00

F. Consider Resolution Authorizing Advanced Financing for Municipal State Aid Street Account.

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

RESOLUTION NO. 5149

AUTHORIZING ADVANCED FINANCING FOR MUNICIPAL STATE AID STREET ACCOUNT

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

G. Consider Resolution Accepting a Grant from the Minnesota Office of Environmental Assistance.

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

RESOLUTION NO. 5150

RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA STATE OFFICE OF ENVIRONMENTAL ASSISTANCE GRANT

H. Consider Ordinance Amending Title 7 Chapter 7 of the Burnsville City Code Regulating Mixed Municipal Solid Waste and Recyclables.

Adopted an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 870

AN ORDINANCE AMENDING TITLE 7, CHAPTER 7 OF THE BURNSVILLE CITY CODE CONCERNING RECYCLING

I. Consider Award of Bid for Carpet Replacement in Police Wing.

Approved the bid of St. Paul Linoleum and Carpet Company in the amount of \$38,440 for carpet replacement in the Police Wing.

J. Consider Authorizing the Sale of Surplus Property.

Authorized the sale of surplus City property, police confiscated property, and recovered property.

K. Consider Adopting Revised City Records Retention Schedule.

Adopted the revised City Records Retention Schedule.

D-03-14

L. Consider Approval of Operating Managers for Buca di Beppo and Chili's Southwest Bar & Grill.

Approved the following Operating Managers:

Buca di Beppo – Jude Villifana
Chili's Southwest Grill & Bar – Aaron Keske

M. Consider Authorizing Expenditure for the Engraving of Paver Bricks for Nicollet Commons Park.

Approved the expenditure of funds for the engraving of the paver bricks for Nicollet Commons Park by Hedberg Aggregates.

5. Consider Awarding Contract for Maintenance of Burnsville Parkway and Nicollet Avenue Streetscapes.

Motion by Crichton, seconded by Workman to award the contract for maintenance of Burnsville Parkway and Nicollet Ave. in the amount of \$31,772 to TruGreen LandCare. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

6. Public Hearing - Consider Approval of Wine and 3.2 Percent On-Sale Liquor License for Cam Ranh Bay Restaurant of Burnsville, 1006 West County Road 42.

The public hearing was opened at 7:15 p.m.
The Mayor declared the public hearing closed at 7:15 p.m.

Motion by Workman, seconded by Cherney to approve the issuance of a Wine and 3.2. Percent On-Sale Liquor License for Cam Ranh Bay. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

7. Public Hearing - Consider Approval of On-Sale/Sunday On-Sale Liquor License for ORG Restaurants, LLC, 50 West County Road 42.

The public hearing was opened at 7:17 p.m.
The Mayor declared the public hearing closed at 7:17 p.m.

Motion by Crichton, seconded by Workman to approve the issuance of the On-Sale/Sunday On-Sale Liquor License to O.R.G. Restaurants LLC d.b.a. Original Roadhouse Grill. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

8. Continued - 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 56 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, Ordinance and Developer's Contract.

Motion by Crichton, seconded by Workman approving the Comprehensive Plan Amendment, rezoning to R-1 PUD and Concept Stage PUD and to 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. 871

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE
ZONING TITLE OF THE CITY OF BURNSVILLE
MANLEY LAND DEVELOPMENT, INC.
CASE FILE NO. 02-51

8. Consider Approval of an Application for Manley Land Development, Inc. (Continued from Page 4)

The Council clarified that if the frontage road is built the other safety mitigation projects will not need to be installed. The Preliminary and Final Plat and Development Stage PUD will be considered at a later date pending input from Mn/DOT. Poll of Votes: Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

9. Consider Approval of an Application for the City of Burnsville for an Amendment to the Ridges Planned Unit Development for Subject Properties Within the Campus Located South of McAndrews Road, East of Nicollet Avenue, West of Portland Avenue and North of Interstate 35E; and Consider Findings of Fact, An Amended Planned Unit Development Agreement, and Ordinance.

The following persons appeared before the Council:

Bruce Larson - BWBR, Consultant

Motion by Daly, seconded by Crichton to approve the Amended Planned Unit Development Agreement as modified 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. 872

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE
ZONING TITLE OF THE CITY OF BURNSVILLE
RIDGES CAMPUS
CASE FILE NO. 03-6

D-03-16

The Amended Planned Unit Development Agreement was modified deleting Item 2C regarding implementing the trail system. Council asked staff to work with the owners to ensure the installation of the trail system. Poll of Votes: Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

10. Consider Resolution Accepting State of Minnesota Community Emergency Response Team Grant and the Establishment of a Citizen Corps Council.

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

RESOLUTION NO. 5151

RESOLUTION AUTHORIZING ACCEPTANCE OF A MINNESOTA DEPARTMENT OF
PUBLIC SAFETY COMMUNITY EMERGENCY RESPONSE TEAM (CERT) GRANT AND
ESTABLISHMENT OF A CITIZEN CORPS COUNCIL

Councilmember Crichton will serve as the Council representative on the Citizen Corp. Council. Poll of Votes: Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

The Council meeting recessed at 8:23 p.m.

11. 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 8:34 p.m.

12. 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.

The following persons appeared before the Council:

Gene Happe - E.F.H. Realty Advisors, Inc.

Motion by Crichton, seconded by Workman to approve the Amended 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. 873

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE
ZONING TITLE OF THE CITY OF BURNSVILLE
EFH REALTY ADVISOR'S, INC.
CASE FILE NO. 02-50

D-03-17

Staff was asked to review definition of commercial outdoor storage (i.e. vehicle parking) and schedule discussion at a Worksession. Poll of Votes: Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

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

Motion by Workman, seconded by Cherney to approve the Business Subsidy Agreement. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

14. Consider Resolution Calling Upon the Legislature and Governor to Preserve Local Control.

Motion by Cherney, seconded by Daly, to adopt the following resolution with the addition of a first “Whereas” as submitted by Councilmember Cherney, which will become part of the official records:

RESOLUTION NO. 5152

RESOLUTION CALLED UPON THE LEGISLATURE AND GOVERNOR TO PRESERVE
LOCAL CONTROL

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

15. Adjournment.

Motion by Crichton, seconded by Daly to adjourn the meeting at 8:57 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 7th day of April 2003.

Elizabeth B. Kautz, Mayor