

**CITY OF BURNSVILLE**

Regular Meeting

April 21, 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 21st day of April 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., May 5, 7:00 p.m.  
Mon., May 19, 7:00 p.m.

Worksession Meeting: Tues., May 13, 6:30 p.m.

Special Worksession: Tues., Apr. 29, 6:00 p.m.

Governance Meeting: Tues., Apr. 29, 7:00 p.m.

Proclamations - National Day of Prayer, May 1, 2003  
Volunteer Recognition Week, April 27 – May 3, 2003  
Earth & Arbor Day, April 26, 2003

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 Mayor Kautz, Item 4I (Authorizing Expenditures for Clean Up and Repair of Damage from Sanitary Sewer Backup) was removed from the Consent Agenda.

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

A. Consider Approval of Minutes.

Approved the Special Meeting minutes of April 1, 2003, the Council minutes of April 7, 2003 and the Worksession minutes of April 15, 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 \$7,904,718.08.

C. Consider Resolution Accepting Bid and Awarding Contract for the 2003 Reconstruction (03-101), 2003 Park Improvements (03-401), 2003 Street Repair of Watermain Breaks and Contract Patching (03-302), Sanitary Sewer Repair (03-304), and Infiltration/Inflow Reduction Program (03-306).

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

RESOLUTION NO. 5158

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR THE 2003 RECONSTRUCTION (03-101), 2003 PARK IMPROVEMENTS (03-401), 2003 STREET REPAIR OF WATERMAIN BREAKS AND CONTRACT PATCHING (03-302), SANITARY SEWER REPAIR (03-304), AND INFILTRATION/INFLOW REDUCTION PROGRAM (03-306)

D. Consider Approving Settlement Agreement between the City of Burnsville and Short Elliott Hendrickson, Inc. (S.E.H.) in Settlement of all Claims Relating to Phase I and II of the Minnesota River Quadrant Box Culvert.

Approved settlement agreement between the City of Burnsville and Short Elliott Hendrickson, Inc. (SEH) in settlement of all claims related to Phase I and II of the Minnesota River Quadrant Box Culvert.  
D-03-19

E. Consider Approving Agreement between the City of Burnsville, Carl Bolander and Sons Co., and Short Elliott Hendrickson, Inc. (S.E.H.) for the Earley Lake Flood Project 01-316.

Approved agreement between the City of Burnsville, Carl Bolander and Sons Co. and SEH for the Earley Lake Flood Control Project (01-316).

D-03-20

F. Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the Street Improvements Including a Signal at Nicollet Avenue/Fairview Drive (00-307, 01-503), and for the Rehabilitation of Nicollet Avenue/Nicollet Blvd. (03-102).

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

RESOLUTION NO. 5159

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE STREET IMPROVEMENTS INCLUDING A SIGNAL AT NICOLLET AVENUE/FAIRVIEW DRIVE (00-307, 01-503), AND FOR THE REHABILITATION OF NICOLLET AVENUE/NICOLLET BLVD. (03-102)

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

G. Consider Resolution Approving Supplemental Agreement No. 2 for Additional Construction on 1<sup>st</sup> Avenue South of 125<sup>th</sup> Street in the HOC Project (01-602).

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

RESOLUTION NO. 5160

RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT NO. 2 FOR  
ADDITIONAL CONSTRUCTION ON 1<sup>ST</sup> AVENUE SOUTH OF 125<sup>TH</sup> STREET  
IN THE HOC PROJECT (01-602)

H. Consider Resolution Approving Plans and Specification and Ordering Advertisement for Bids for the 2003 Rehabilitation Project on Williams Drive (03-102).

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

RESOLUTION NO. 5161

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING  
ADVERTISEMENT FOR BIDS FOR THE 2003 REHABILITATION PROJECT  
ON WILLIAMS DRIVE (03-102)

I. Consider Approval of Annual Maintenance Agreement for the Enterprise Electronic Document Imaging System.

Approved the renewal of a 2003 maintenance agreement for our enterprise electronic document imaging system in the amount of \$16,450.

J. Consider Approval of New Corporate Officers for Chipotle Mexican Grill.

Approved the new corporate officers for Chipotle Mexican Grill Inc., 728 County Rd. 42 W.

K. Consider Approval of the Planning Commission 2003 Work Plan and the Parks and Natural Resources Commission 2003/2004 Work Plan.

Approved the Planning Commission 2003 Work Plan and the Parks and Natural Resources Commission 2003/2004 Work Plan.

L. Consider Approval of Reconveyance of Tax Forfeited Property Located at Dupont Ave. & 126<sup>th</sup> St. to the State of Minnesota.

Approved transfer of this property to the State that will enable the EDA to obtain it in order to accommodate expansion of the Park Jeep facility north of Hwy. 13 and west of I-35W.

5. Consider Authorizing Expenditures for Clean Up and Repair of Damage from Sanitary Sewer Backup.

Motion by Kautz, seconded by Crichton to authorize expenditures of \$53,233.40 for reimbursements to private homeowners for damage done by a sanitary sewer line backup. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

6. Consider Approval of an Application for Manley Land Development, Inc. for Preliminary & Final Plat Approval of a Subdivision to be Known as RIVERS EDGE, 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 Workman, seconded by Daly to approve the Planned Unit Development Agreement as modified (adding two conditions: The developer shall repair any damage to the irrigation system and all plans should be amended to reflect Outlot B as part of Outlot A [building pad removed]) and the Developer's Contract 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. 875

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

D-03-21

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

7. Consider Approval of an Application for Manley Land Development, Inc. for a Rezoning from I-3 (Office & Industrial Park) to I-3, PUD (Office & Industrial Park, Planned Unit Development), Preliminary and Final Plat Approval of a 13 Lot Subdivision to be Known as SUNSET PONDS OFFICE PARK, and Concept and Development Stage Approval of a Planned Unit Development for 12 Office-Condo Units to be Located on the Northwest Corner of Burnsville Parkway and West Preserve Blvd.; and Consider Findings of Fact, Planned Unit Development Agreement, Ordinance, and Developer's Contract.

Motion by Crichton, seconded by Cherney to approve the Planned Unit Development Agreement as amended adding a condition that one real estate sign is allowed on the property for the three buildings and the Developer's Contract 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. 876

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. 03-8

D-03-22

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

COUNCIL MINUTES

Regular Meeting  
April 21, 2003

The Council meeting recessed at 7:49 p.m.

8. Regular Meeting of the Economic Development Authority.

A regular meeting of the Economic Development Authority was held.

The Council meeting reconvened at 8:07 p.m.

9. Adjournment.

Motion by Daly, seconded by Crichton to adjourn the meeting at 8:08 p.m. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

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Susan P. Olesen, City Clerk

Approved by the City Council of the City of Burnsville this 5<sup>th</sup> day of May 2003.

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Elizabeth B. Kautz, Mayor