

## CITY OF BURNSVILLE

Regular Meeting

July 7, 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 7th day of July 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., July 21, 7:00 p.m.  
Mon., Aug. 4, 7:00 p.m.

Worksession Meeting: Tues., July 15, 6:30 p.m. - CANCELED

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

Special Worksession: Tues., July 21, 5:30 p.m.  
Tues., July 29, 7:30 p.m.  
(following Governance meeting)

### Presentations: Garden & Landscape Contest Winners

#### Business Category:

1. 13901 Aldrich Ave. S. - Burnsville Marketplace - \$150
2. 3450 W. Burnsville Pkwy - Data Sales Co. - \$100
3. 14101 W. Southcross Drive - Asset Marketing, - \$50

#### Apartment/Condo Balcony/Patio Category:

1. 13007 County Road 5 – Antonielli Family - \$150
2. 11751 River Hills Dr. #208 – Verna Jensen - \$100
3. 13401 Morgan Ave. S. #133 - Diane Dorn - \$50

#### Townhome/Condo Category:

1. 11111 River Hills Drive - The Rivers - \$150
2. East Travelers Trail & Stratford Lane - Stratford Green Townhomes - \$100
3. 12914 Morgan Avenue -- Lois Husom - \$50

#### Neighborhood Category:

1. Krestwood Drive Cul-de-sac (13709 – 13719) - Donna Revak and neighbors - \$150
2. Hillside Court Cul-de-sac – Melinda Peck & neighbors - \$100
3. Girard Avenue (130<sup>th</sup> block) Cul-de-sac – Nancy Abicht and neighbors - \$50

#### Single Family Category:

1. 14024 Frontier Lane - Jackie & Tim Overom - \$150
2. 1300 W. 140<sup>th</sup> St. - Ron and Pauline Mayer - \$100
3. 15220 Timber Ridge Dr. – Jeff & Tracy Reiland - \$50

#### WOW!

- 2307 River Hills Drive – Chuck Simon - \$50

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 Workman, Item 4E (Consider Resolution Accepting Bid & Awarding Contract for the 2003 Rehabilitation Project on Williams Dr.) was removed from the Consent Agenda.

Motion by Cherney, seconded by Crichton that the following Consent Agenda items (listed as A-H) 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 June 16, 2003, the Worksession minutes of June 24, 2003, the Special Meeting minutes of June 24, 2003 and the Special Worksession minutes of July 2, 2003 as submitted.

B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$10,803,450.99.

C. Consider Approval of Findings of Fact for Denial for Stonebridge Development and Acquisition, LLC for a Rezoning From B-1 (Office Business) to B-1, PUD (Office Business, Planned Unit Development), Preliminary and Final Plat Approval of a Two Lot Subdivision to be Known as GRANDVIEW COMMONS, and a Planned Unit Development for Concept and Development Stage Approval of a Mixed Use Development Consisting of an Office Building and an 86 Unit Condominium Building to be Located South of County Road 42, West of Good Shepherd Evangelical Lutheran Church, East of Grand Avenue, and North of 145<sup>th</sup> Street.

Approved the Findings of Fact for Denial

D-03-36

D. Consider Resolution Accepting Bid and Awarding Contract for the Rehabilitation of Southcross Drive (03-103), Traffic Signal at Burnhaven/Southcross Drive (03-501), Twin Lakes Outlet Improvements (03-311).

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

RESOLUTION NO. 5175

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR THE  
REHABILITATION OF SOUTHCROSS DRIVE (03-103), TRAFFIC SIGNAL AT  
BURNHAVEN/SOUTHCROSS DRIVE (03-501), TWIN LAKES OUTLET IMPROVEMENTS  
(03-311)

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

E. Consider Approval of Change in Operating Manager for Dakota County Steak House.

Approved Todd Benner as operating manager for Dakota County Steakhouse, 14201 Nicollet Ave. S.

F. Consider Approval of Temporary Wine License for Burnsville Convention & Visitors Bureau.

Approved the issuance of a Temporary Wine License to the Burnsville Convention & Visitors Bureau for the "Canvas & Vines 2003" event on Friday, August 15, 2003.

G. Consider Approval of Consultant Services Agreement Between the City of Burnsville and the Ludwig Group LLC for Analyzing Fire and EMS Services.

Approved the contract with Ludwig Group LLC for preparing a study of Fire Department/EMS response times.

H. Consider Adopting an Amendment to City Policy Number 1.220 Procedure for Paying City Claims.

Approved the amendment to City Policy No. 1.220 for paying city claims, effectively delegating the authority of the City Council to review claims before payment to the City Manager and Treasurer, subject to contractual, budgetary and statutory controls on administrative authority in the City of Burnsville.

5. Consider Resolution Accepting Bid and Awarding Contract for the 2003 Rehabilitation Project on Williams Drive (03-102).

Motion by Crichton, seconded by Daly to direct staff to maintain detailed performance log on the performance of Valley Paving and report to the Council prior to the Assessment Hearing and then determine if they will accept further bids from Valley Paving and adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 5176

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR THE 2003  
REHABILITATION PROJECT ON WILLIAMS DRIVE (03-102)

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

- 6. Continued - Consider Approval of an Application for Metro Development Corp. for a Comprehensive Plan Amendment from GC (Golf Course) to RR (Rural Residential), and Preliminary and Final Plat Approval of a 28 Lot Single Family Subdivision to be Known as CHATEAU HIGHLANDS to be Located East of County Road 5, North and South of 155<sup>th</sup> Street W.; and Consider Development Contract.

The following persons appeared before the Council:

Tom Simonsen -	Developer/Applicant
Larry Borgen -	1201 W. 156 <sup>th</sup> St.
Hayley Lundquist -	905 Kaymar Ln.
Doug Daniels -	13011 Girard Ave.
Connie Morrison -	909 W. 155 <sup>th</sup> St.
Scott Lundquist -	905 Kaymar Ln.
Chuck Wolfe -	1216 Circle High Dr.

Motion by Workman, to approve the Comprehensive Plan Amendment. Motion fails for lack of second.

Motion by Crichton, seconded by Cherney to approve the Preliminary and Final Plat, and Development Contract as amended and adopt the Findings of Fact. Council directed staff to explore the possibility of "Right of First Refusal" on acquisition of the land from Metro Development Corp. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

D-03-37

- 7. Continued - Consider Resolution Vacating a Portion of the Drainage and Utility Easements Located Along the Southerly Property Line at Lot 2, Block 4, CIRCLE HIGH ADDITION, and Along the Northerly and Westerly Property Lines at Lot 13, Block 2, ORCHARD GARDENS COUNTY CLUB ADDITION.

The public hearing was opened at 9:45 p.m.

The Mayor declared the public hearing closed at 9:45 p.m.

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

RESOLUTION NO. 5177

VACATION OF THE DRAINAGE AND UTILITY EASEMENT RUNNING ALONG THE SOUTH PROPERTY LINE AT LOT 2, BLOCK 4, CIRCLE HIGH ADDITION AND ALONG THE NORTH AND WEST PROPERTY LINES AT LOT 13, BLOCK 2, ORCHARD GARDENS COUNTRY CLUB ADDITION

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

8. Consider Resolution Authorizing the Issuance of Variable Rate Demand Multifamily Housing Revenue Refunding Bonds (Bridgeway Apartments Project), Series 2003, in an Aggregate Principal Amount not to Exceed \$5,125,000.

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

RESOLUTION NO. 5178

RESOLUTION AUTHORIZING THE ISSUANCE OF VARIABLE RATE DEMAND  
MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (BRIDGEWAY  
APARTMENTS PROJECT), SERIES 2003, IN AN AGGREGATE PRINCIPAL AMOUNT  
NOT TO EXCEED \$5,125,000

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

9. Hearings – Consider Alleged Liquor Violations.

Motion by Crichton, seconded by Daly to approve the following:

- Birnamwood Golf Course, 12424 Parkwood Dr – adopt the Findings of Fact imposing a 3-day suspension from July 11-13, 2003.
- Byerly’s Burnsville, 401 County Road 42 E. – approve the Stipulation of Facts and Civil Sanction and adopt the Findings of Fact imposing a \$500 fine.
- Speedway SuperAmerica #4201, 1900 County Road 42 W. – approved the Stipulation of Facts and Civil Sanction and adopt the Findings of Fact imposing a \$500 fine.

Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

Motion by Workman, seconded by Cherney to adopt the Stipulation of Facts and Civil Sanction for Kwik Trip #309, 501 Crystal Lake Road W., including \$1,000 fine and a 6-day suspension that is stayed for one year. Findings of Fact will be considered on the Consent Agenda at the July 21 meeting. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

10. Public Hearing - Consider Approval of On-Sale/Sunday On-Sale Liquor License for CJJC, Inc. d.b.a. Grumpy’s Sports Tavern, 3120 W. Highway 13.

The public hearing was opened at 10:02 p.m.  
The Mayor declared the public hearing closed at 10:02 p.m.

Motion by Cherney, seconded by Daly to approve the On-Sale/Sunday On-Sale Liquor License for CJJC, Inc. d.b.a. Grumpy’s Sports Tavern, 3120 W. Hwy. 13. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

11. Public Hearing - Consider Approval of On-Sale/Sunday On-Sale Liquor License for EMR, Inc. d.b.a. Southside Music Café, 3809 W. Highway 13.

The public hearing was opened at 10:12 p.m.

The following person appeared before the Council:

Julie TeSlaa - Attorney for the applicant – Larkin, Hoffman

The Mayor declared the public hearing closed at 10:12 p.m.

Motion by Workman, seconded by Daly to approve the issuance of an On-Sale/Sunday On-Sale liquor license for EMR, Inc. d.b.a. Southside Music Café, 3809 W. Hwy. 13. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

12. Consider Resolutions Approving the Issuance of Premises Permits for the Burnsville Lions Club and Baseball Association. 191 for the Purpose of Lawful Gambling, Pull-Tabs.

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

RESOLUTION NO. 5179

RESOLUTION APPROVING A PREMISES PERMIT FOR BURNSVILLE  
LIONS CLUB FOR THE PURPOSE OF LAWFUL GAMBLING,  
PULL-TABS AT GRUMPY'S SPORTS TAVERN

RESOLUTION NO. 5180

RESOLUTION APPROVING A PREMISES PERMIT FOR BURNSVILLE  
ASSOCIATION #191 FOR THE PURPOSE OF LAWFUL GAMBLING,  
PULL-TABS SOUTHSIDE MUSIC CAFÉ

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

13. Adjournment.

Motion by Workman, seconded by Daly to adjourn the meeting at 10:17 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 21<sup>st</sup> day of July 2003.

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Elizabeth B. Kautz, Mayor