

**CITY OF BURNSVILLE**

Regular Meeting  
September 2, 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 2<sup>nd</sup> day of September 2003.

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

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

Present: Cherney, Crichton, Daly, and Workman

Absent: Kautz

1. Announcements and Proclamations.

Council Meetings: Mon., Sept. 15, 7:00 p.m.  
Mon., Oct. 6, 7:00 p.m.

Worksession Meeting: Tues., Sept. 9, 6:30 p.m.

Governance Meeting: Tues., Sept. 30, 7:00 p.m.

The GFOA 2003 Budget Award was presented to the Finance Department.

2. Citizen Comments.

There were no citizen comments.

3. Additions to the Final Agenda.

The City Manager advised the Council that Item 7 (Public Hearing – Consider Approval of Wine & 3.2 Percent On-Sale Liquor License for Twenty-Eight Inc.) will be continued.

4. Approval of Consent Agenda.

At the request of Councilmember Crichton, Item 4F (Consider Accepting Bid and Awarding Contract for the 2003 Lateral Drainage Modifications) was removed from the Consent Agenda.

Motion by Crichton, seconded by Daly that the following Consent Agenda items (listed as A-K) be approved as presented. Ayes – Cherney, Crichton, Daly (abstained from Worksession minutes of August 12, the Governance minutes of August 26 and the Special Worksession minutes of August 26 due to absence), and Workman. Nays - None. Absent – Kautz. Motion carried.

A. Consider Approval of Minutes.

Approved the Worksession minutes of August 12, 2003, the Special Worksession minutes of August 18, 2003, the Closed Executive Session minutes of August 18, 2003, the Governance minutes of August 26, 2003 and the Special Worksession minutes of August 26, 2003 as submitted.

B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$3,930,647.78.

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

C. Consider Resolution Receiving Report and Calling for Public Hearing for Operation and Maintenance in the Heart of the City East and West (03-105).

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

RESOLUTION NO. 5194

RESOLUTION RECEIVING REPORT AND CALLING FOR PUBLIC HEARING FOR  
OPERATION AND MAINTENANCE IN THE HEART OF THE CITY EAST AND WEST  
(03-105)

D. Consider Approving Agreement with Dakota County for Traffic Signal Maintenance at Nicollet Avenue/Fairview Drive and Southcross/Burnhaven.

This item was continued to the September 15, 2003 Council meeting.

E. Consider Resolution Concurring with Dakota County in Award of Bid for the County Road 42/Southcross Intersection Improvements.

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

RESOLUTION NO. 5195

RESOLUTION CONCURRING WITH DAKOTA COUNTY IN AWARD OF BID FOR THE  
COUNTY ROAD 42/SOUTHCROSS INTERSECTION IMPROVEMENTS

F. Consider Letter of Understanding Regarding Investigation of Long Term Lease/Leaseback Financing Program.

Approved Letter of Agreement with Allco Finance Corporation.

G. Consider Resolution Authorizing Approval of 800mgz Study in Conjunction with Dakota County Cities.

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

RESOLUTION NO. 5196

RESOLUTION AUTHORIZING AGREEMENT TO STUDY PUBLIC SAFETY  
COMMUNICATION SERVICES IN DAKOTA COUNTY

H. Continued - Consider Awarding the Rainwater Garden Landscaping Contract for the Crystal Lake Stormwater Study.

Awarded the rainwater garden landscaping contract to Mike's Lawn and Landscaping for the Crystal Lake Stormwater Study.

I. Consider Policy Regarding Severance Pay for Laid Off City Employees.

Adopted the policy regarding severance pay for laid off City employees.

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

J. Consider Approval of Temporary On-Sale Liquor License for the Burnsville Chamber of Commerce.

Approved the issuance of a Temporary On-Sale liquor license to the Burnsville Chamber of Commerce for their Business After Hours event on October 2, 2003.

K. Consider Resolution Receiving Petition, Ordering Improvements and Authorizing Construction of Residential Lights for the Ridges Campus Area. (03-203).

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

RESOLUTION NO. 5197

RESOLUTION RECEIVING PETITION, ORDERING IMPROVEMENTS AND AUTHORIZING CONSTRUCTION OF RESIDENTIAL LIGHTS FOR THE RIDGES CAMPUS AREA. (03-203)

5. Consider Accepting Bid and Awarding Contract for the 2003 Lateral Drainage Modifications (03-301).

Motion by Crichton, seconded by Cherney to accept the bid and award the contract for the 2003 Lateral Drainage Modifications in the amount of \$91,331.50 to Sunram Construction, Inc. Ayes – Cherney, Crichton, Daly, and Workman. Nays – None. Absent – Kautz. Motion carried.

6. Consider Resolutions Adopting the Proposed Budget and Certifying the Proposed Tax Levies to the Dakota County Treasurer-Auditor.

Motion by Crichton, seconded by Cherney, to set the maximum tax levy at the level for a \$230,000 increase in the budget. Ayes – Crichton, Nays – Cherney, Daly, and Workman. Absent – Kautz. Motion failed.

Motion by Cherney, seconded by Daly to adopt the following resolution which will become part of the official records setting the 2004 max tax levy at a 5.6% increase:

RESOLUTION NO. 5198

RESOLUTION ADOPTING A PROPOSED BUDGET AND CERTIFYING THE 2004 PROPOSED TAX LEVY TO THE DAKOTA COUNTY TREASURER-AUDITOR

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

Motion by Crichton to have a zero EDA levy. Motion failed due to lack of second.

Motion by Daly, seconded by Workman to adopt the resolution approving a proposed EDA Tax Levy. Ayes – Daly and Workman. Nays – Cherney and Crichton. Absent – Kautz. Motion failed.

Motion by Cherney, seconded by Crichton to continue discussion of the EDA Levy to a Special Meeting on September 9, 2003. Ayes – Cherney, Crichton, Daly, and Workman. Nays – None. Absent – Kautz. Motion carried.

7. Public Hearing – Consider Approval of Off-Sale Liquor License for Bimla Brar d.b.a. Redhawk Liquor & Wine, 2900 E. Cliff Road.

The public hearing was opened at 8:13 p.m.  
The Acting Mayor declared the public hearing closed at 8:13 p.m.

Motion by Crichton, seconded by Daly to approve the issuance of the Off-Sale liquor license. Ayes – Cherney, Crichton, Daly, and Workman. Nays - None. Absent – Kautz. Motion carried.

8. Public Hearing - Consider Approval of Wine and 3.2 Percent On-Sale Liquor License for Twenty-Eight, Inc. d.b.a. Q-Sharks Billiards, 1927 W. Burnsville Parkway.

Motion by Cherney, seconded by Crichton to continue this item to a future meeting. Ayes – Cherney, Crichton, Daly, and Workman. Nays - None. Absent – Kautz. Motion carried.

9. Public Hearing -- Consider Resolutions (5) Adopting 2003 Assessment Rolls.

Project 1. Improvement No. 03-101A, 01-101B, 01-101C, 03-101D Reconstruction/Rehabilitation and Consolidated Projects

The public hearing was opened at 8:20 p.m.

The following persons appeared before the Council:

- |                |                               |
|----------------|-------------------------------|
| Jack Metzger - | 2907 McLeod St.               |
| Steve Boruff - | 2040 So. Skyline Dr.          |
| Nancy Hebel -  | 11402 Keating Ave.            |
| Mike Larson -  | 3301 126 <sup>th</sup> St. E. |

The Acting Mayor declared the public hearing closed at 8:31 p.m.

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

RESOLUTION NO. 5199

IMPROVEMENT NO. 03-101A, 01-101B, 01-101C, 03-101D:  
RECONSTRUCTION/REHABILITATION AND CONSOLIDATED PROJECTS

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

Project 2. Improvement No. 03-102 Williams Drive Rehabilitation

The public hearing was opened at 8:33 p.m.  
The Acting Mayor declared the public hearing closed at 8:33 p.m.

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

RESOLUTION NO. 5200

IMPROVEMENT NO. 03-102 WILLIAMS DRIVE REHABILITATION

9. Public Hearing -- Consider Resolutions Adopting 2003 Assessment Rolls (Continued from Page 4).

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

Project 3. Improvement No. 03-103 Southcross Drive Rehabilitation

The public hearing was opened at 8:35 p.m.  
The Acting Mayor declared the public hearing closed at 8:35 p.m.

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

RESOLUTION NO. 5201

IMPROVEMENT NO. 03-103 SOUTHCROSS DRIVE REHABILITATION

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

Project 4. Improvement – Nicollet/Burnsville Parkway Operation & Maintenance

The public hearing was opened at 8:37 p.m.  
The Acting Mayor declared the public hearing closed at 8:37 p.m.

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

RESOLUTION NO. 5202

NICOLLET/BURNSVILLE PARKWAY OPERATION & MAINTENANCE

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

Project 5. Improvement No. 01-601 & 01-602 Heart of the City

The public hearing was opened at 8:42 p.m.

The following person appeared before the Council:

Marjorie Earl - 115 E. Burnsville Pkwy., Burnsville Pkwy Coop.

The following persons submitted written objections:

TLM Realty Corp. – Parcel No. 02-41000-010-01  
Emmitt & Ruth Zweber – Parcel No. 02-14801-011-02

The Acting Mayor declared the public hearing closed at 8:48 p.m.

9. Public Hearing -- Consider Resolutions Adopting 2003 Assessment Rolls (Continued from Page 5).

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

RESOLUTION NO. 5203

IMPROVEMENT NO. 01-601 & 01-602 HEART OF THE CITY

Staff will work with Xcel Energy to have street lighting in the Burnsville Parkway Coop area turned on and report back to the Council.

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

D-03-41

10. Public Hearing - Consider Resolution Consenting to the Application of the Proceeds of Revenue Bonds of the City of St. Louis Park to Finance a Project Located in Part in the City of Burnsville and Authorize the Execution of a Joint Powers Agreement.

The public hearing was opened at 8:53 p.m.

The Acting Mayor declared the public hearing closed at 8:53 p.m.

Motion by Crichton, seconded by Cherney, to adopt the following resolution, which will become part of the official records and authorize execution of the joint powers agreement:

RESOLUTION NO. 5204

RESOLUTION CONSENTING TO THE APPLICATION OF THE PROCEEDS OF REVENUE BONDS OF THE CITY OF ST. LOUIS PARK TO FINANCE A PROJECT LOCATED IN PART IN THE CITY OF BURNSVILLE; AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT POWERS AGREEMENT; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO

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

11. Consider Accepting Base Bid and Bid Alternates for the HOC Park and Ride Parking Ramp 01-604.

The following persons appeared before the Council:

Ed Delmoro -	2101 W. Manor Blvd. (HOC Steering Committee)
Ron Achterkirch -	13835 Frontier Lane (Grande Market Place Owner)
George Sherman -	Sherman Associates (Developer)
Mary Sherry -	1504 Chateaulin Lane (Planning Commission Member)
Ken Slipka -	13410 Washburn Dr.
Mike Monahan-	SRF Consulting Group

Motion by Cherney, seconded by Daly to accept base bid and all alternatives except alternate 6.  
Ayes – Cherney, Daly, and Workman. Nays – Crichton. Absent – Kautz. Motion carried.

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12. Consider Adoption of Policy Prohibiting Tobacco Use at City of Burnsville Outdoor Facilities and Venues During Scheduled Youth Activities.

Motion by Crichton, seconded by Cherney to reject the Policy Prohibiting Tobacco Use at City of Burnsville Outdoor Facilities and Venues During Scheduled Youth Activities. Ayes – Cherney, Crichton, Daly, and Workman. Nays – None. Absent – Kautz. Motion carried.

The Council meeting was recessed at 9:58 p.m.

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

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

The Council meeting was reconvened at 10:02 p.m.

Councilmember Cherney announced the Fire Muster Community Celebration is being held on September 5-7, 2003 and invited everyone to attend.

Steve O'Malley was recognized and thanked for his years of service and given best wishes for his new position as LaCrosse County Administrator.

14. Adjournment.

Motion by Crichton, seconded by Daly to adjourn the meeting at 10:05 p.m. Ayes – Cherney, Crichton, Daly, and Workman. Nays - None. Absent – Kautz. Motion carried.

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Susan P. Olesen, City Clerk

Approved by the City Council of the City of Burnsville this 15th day of September 2003.

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Elizabeth B. Kautz, Mayor