

CITY OF BURNSVILLE

Regular Meeting

October 6, 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 6th day of October 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., Oct. 20, 7:00 p.m.
Mon., Nov. 3, 7:00 p.m.

Special Worksession: Mon., Oct. 6, 8:00 p.m.
(following Council meeting)

Worksession Meeting: Tues., Oct. 14, 6:30 p.m.

2. Citizen Comments.

There were no citizen comments.

3. Additions to the Final Agenda.

The City Manager requested that the following item be added to the Final Agenda: Consider Approving an Addendum to the Chateau Highlands Development Agreement. Motion by Cherney, seconded by Daly to add the above item to the Final Agenda. Ayes – Cherney, Crichton, Daly, Kautz and Workman. Nays – None. Motion carried.

4. Approval of Consent Agenda.

At the request of Councilmember Crichton, Item 4D (Consider Resolution Ordering Preparation of a Preliminary Report for Utility Extension on Circle High Drive) was removed from the Consent Agenda.

Motion by Crichton, seconded by Workman that the following Consent Agenda items (listed as A-J) be approved as presented. Ayes – Cherney (abstained from September 22 Special Worksession minutes due to absence), Crichton, Daly (abstained from September 30 Governance minutes due to absence), Kautz, and Workman. Nays - None. Motion carried.

A. Consider Approval of Minutes.

Approved the City Council minutes of September 15, 2003, the Special Worksession minutes of September 22, 2003 and the Governance minutes of September 30, 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 \$4,798,332.92.

C. Consider Approving Agreement with Imperial Developers Inc. for Final Settlement on the Box Culvert Repairs (98-315).

Approved the agreement with Imperial Development Inc. for final settlement on the Box Culvert Repairs (98-315).

D. Consider Approving Southwest Metro Ground Water Work Group (SMGWG) Memorandum of Agreement (MOA).

Approved the Southwest Metro Ground Water Work Group Memorandum of Agreement.

E. Consider Ordinance Amending City Code Title 6, Chapter 11 Concerning False Alarms.

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

ORDINANCE NO. 893

AN ORDINANCE OF THE CITY OF BURNSVILLE, MINNESOTA AMENDING CITY CODE
TITLE 6, CHAPTER 11 CONCERNING FALSE ALARMS

F. Consider Resolutions (3) Approving Premises Permits for Baseball Association 191 for the Purpose of Lawful Gambling, Pull Tabs.

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

RESOLUTION NO. 5207

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

RESOLUTION NO. 5208

RESOLUTION APPROVING A PREMISES PERMIT FOR BURNSVILLE ASSOCIATION #191
FOR THE PURPOSE OF LAWFUL GAMBLING, PULL-TABS, KRAEMER'S CATERING

RESOLUTION NO. 5209

RESOLUTION APPROVING A PREMISES PERMIT FOR BURNSVILLE ASSOCIATION #191
FOR THE PURPOSE OF LAWFUL GAMBLING, PULL-TABS, J.R.'S FAMILY REUNION

G. Consider Award of Bid for Supplying and Installing Water Meters and Electronic Radio Transmitters for Residential Meters.

Approved the award of bid in the amount of \$2,669,848.45 to Hydro Metering Technology of Burnsville for supply and installation of water meters and electronic radio transmitters.

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

H. Consider Approval of Temporary On-Sale Liquor License for The Episcopal Church of the Nativity.

Approved the issuance of a Temporary On-Sale License to The Episcopal Church of the Nativity for their event on Friday, November 14, 2003.

I. Consider Ordinance Amending Title 4, Chapter 8, Section 3-3 and Title 8, Chapter 5, Section 2 of the Burnsville City Code Concerning the Size of Street Numbers.

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

ORDINANCE NO. 894

ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 3-3 AND TITLE 8, CHAPTER 5, SECTION 2 OF THE BURNSVILLE CITY CODE CONCERNING THE SIZE OF STREET NUMBERS.

J. Consider Approval of Public Works Fees and Charges Policy Amendment.

Approved the fees and charges policy amendment creating a new water usage rate for off-peak seasonal snow making.

5. Consider Resolution Receiving Petition and Ordering Preparation of a Preliminary Report for Utility Extension on Circle High Drive (03-106).

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

RESOLUTION NO. 5210

RESOLUTION RECEIVING PETITION AND ORDERING PREPARATION OF A PRELIMINARY REPORT FOR UTILITY EXTENSION ON CIRCLE HIGH DRIVE (03-106)

Staff was directed to contact the applicant to explain the utility extension process. Council said they would like to review the policy regarding utility extension in the Southwest area at the next Roundtable.

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

6. Public Hearing – Consider Resolution Authorizing the Assessment for the Operation and Maintenance (O & M) in the Heart of the City East and West (03-105).

The public hearing was opened at 7:23 p.m.
The Mayor declared the public hearing closed at 7:23 p.m.

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

6. Consider Resolution for the (O & M) in the Heart of the City (Continued from Page 3)

RESOLUTION NO. 5211

AUTHORIZING THE ASSESSMENT FOR THE OPERATION & MAINTENANCE
IN THE HEART OF THE CITY (HOC) EAST AND WEST (03-105)

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

7. Public Hearing – Consider Resolution to Vacate the Drainage and Utility Easement Located Along the Westerly Property Line at Lot 37, Block 1, SUMMIT OAKS 2ND ADDITION.

The public hearing was opened at 7:34 p.m.

The following persons appeared before the Council:

Lenore Flugum - 1416 Forest Park Lane

The Mayor declared the public hearing closed at 7:36 p.m.

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

RESOLUTION NO. 5212

VACATION OF PORTIONS OF THE DRAINAGE AND UTILITY EASEMENT RUNNING
ALONG THE WEST LOT LINE OF THE PROPERTY LOCATED AT
14608 SUMMIT OAKS DRIVE

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

8. Consider Approval of an Application for Oricchio Grand Seven Properties, LLC for a Planned Unit Development to Allow Construction of an Office Warehouse Building to be Located West of I-35W and West Frontage Road, North of West Burnsville Parkway; and Consider Findings of Fact, Planned Unit Development Agreement and an Ordinance.

The following persons appeared before the Council:

Gene Happe - EFH Company
Jim Oricchio - Coordinated Business Systems

Motion by Crichton, seconded by Cherney to continue this item to a Special Meeting on October 14, 2003. Staff was directed to work with the applicant to develop elevation drawings of the south side. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

9. Public Hearing – Consider Approval of a Resolution and Contract for Private Development (for Tax Abatement) Between the City of Burnsville and Oricchio Grand Seven Properties, LLC.

The public hearing was opened at 9:47 p.m.

The Mayor declared the public hearing closed at 9:47 p.m.

Motion by Workman, seconded by Daly, to adopt the following resolution, which will become part of the official records and approve the contract contingent upon the approval of the application for a Planned Unit Development for Oricchio Grand Seven Properties on October 14, 2004:

RESOLUTION NO. 5213

RESOLUTION APPROVING PROPERTY TAX ABATEMENT FOR CERTAIN PROPERTY IN
THE CITY OF BURNSVILLE

Council requested that staff provide estimates on the impact to Fiscal Disparities in future applications for tax abatement.

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

10. Consider Request for a Variance at 1309 Keller Lake Road for David M. Jarzyna; and Consider Findings of Fact.

Motion by Crichton, seconded by Cherney to approve the variance and adopt the Findings of Fact. Ayes - Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

D-03-43

11. Consider Approving an Addendum to the Chateau Highlands Development Agreement.

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

12. Adjournment.

Motion by Workman, seconded by Crichton 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 20th day of October 2003.

Elizabeth B. Kautz, Mayor