

**CITY OF BURNSVILLE**

Regular Meeting

April 19, 2004

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 19th day of April 2004.

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 and led by Girl Scout Troop #844.

Present: Cherney, Crichton, Daly, Kautz, and Workman

Absent: None

1. Announcements and Proclamations.

Council Meetings: Mon., May 3, 7:00 p.m.  
Mon., May 17, 7:00 p.m.

Special Worksession: Tues. April 27, 6:00 p.m.

Governance Meeting: Tues., Apr. 27, 7:00 p.m.

Item 9 (Soccer Blast) will be continued.

Proclamations – Volunteer Recognition Week, April 18-24, 2004

Earth & Arbor Day, April 24, 2004

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 staff, Item 4F (Consider Approval of an Application for Arima, LLC) and at the request of Councilmember Crichton, Item 4P (Consider an Ordinance Concerning Water Use Restrictions) were removed from the Consent Agenda.

Motion by Workman, seconded by Cherney that the following Consent Agenda items (listed as A-Q) be approved as presented. Ayes – Cherney (abstained from minutes of April 13, 2004 due to absence), Crichton, Daly (abstained from minutes of April 13, 2004 due to absence), Kautz, and Workman. Nays - None. Motion carried.

A. Consider Approval of Minutes.

Approved the City Council minutes of April 5, 2004, the Special Worksession minutes of April 10, 2004 and the Worksession minutes of April 13, 2004 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 \$3,150,411.82.

C. Consider Resolution Recertifying Assessments for Lot 1, Block 2, HEART OF THE CITY EAST.

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

RESOLUTION NO. 5258

CITY OF BURNSVILLE  
RESOLUTION RECERTIFYING ASSESSMENTS FOR LOT 1, BLOCK 2  
HEART OF THE CITY EAST

D. Consider Approval of an Application for T-Mobile for a Conditional Use Permit to Replace an Existing Light Pole with a Monopole to Hold the Existing Light Fixtures and Antennas at a Hockey Rink Located within Civic Center Park off of Civic Center Parkway; and Consider Findings of Fact and Conditional Use Permit.

Approved the Conditional Use Permit and adopted the Findings of Fact.

D-04-12

E. Consider Approval of an Application for T-Mobile for a Conditional Use Permit to Replace an Existing Light Pole with a Monopole to Hold the Existing Light Fixtures and Antennas at a Hockey Rink Located Within Neill Park off of Upton Avenue; and Consider Findings of Fact and Conditional Use Permit.

Approved the Conditional Use Permit and adopted the Findings of Fact.

D-04-13

F. Consider Resolution Requesting Mn/DOT to Change the Funding Category for TH 13 (TH 169 to I-35W) in Their 2004 Transportation System Plan to Expansion and Participate in a Study to Determine the Improvements Necessary on TH 13 Consistent with the Funding Category.

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

RESOLUTION NO. 5259

A RESOLUTION REQUESTING MN/DOT TO CHANGE THE FUNDING CATEGORY  
FOR TH 13 (TH 169 TO I-35W) IN THEIR 2004 TRANSPORTATION SYSTEM PLAN  
FROM PRESERVATION/MANAGEMENT TO EXPANSION AND  
PARTICIPATE IN A STUDY WITH THE CITY OF SAVAGE TO DETERMINE THE  
IMPROVEMENTS NECESSARY ON TH 13

G. Consider Approving Communications Site Lease Agreement with VoiceStream Minneapolis, Inc. d/b/a T-Mobile for a Monopole to be Located in Civic Center Park.

Approved agreement with VoiceStream for monopole located in Civic Center Park.

D-04-14

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

H. Consider Approving Communications Site Lease Agreement with VoiceStream Minneapolis, Inc. d/b/a T-Mobile for a Monopole to be Located in Neill Park.

Approved agreement with VoiceStream for monopole located in Neill Park.

D-04-15

I. Consider Resolutions (3) Revoking Municipal State Aid Streets: Crystal Lake Road from Chicago Avenue to Lac Lavon Drive; Chicago Avenue from Southcross Dr. to Crystal Lake Road; and Upton Avenue from Highland Drive to Williams Drive.

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

RESOLUTION NO. 5260

RESOLUTION REVOKING MUNICIPAL STATE AID STREET DESIGNATION -  
CRYSTAL LAKE ROAD  
FROM CHICAGO AVENUE TO LAC LAVON DRIVE

RESOLUTION NO. 5261

RESOLUTION REVOKING MUNICIPAL STATE AID STREET DESIGNATION -  
CHICAGO AVENUE FROM SOUTHCROSS DRIVE TO CRYSTAL LAKE ROAD

RESOLUTION NO. 5262

RESOLUTION REVOKING MUNICIPAL STATE AID STREET DESIGNATION -  
UPTON AVENUE FROM HIGHLAND DRIVE TO WILLIAMS DRIVE

J. Consider Resolutions (3) Establishing Municipal State Aid Streets: Buck Hill Road from CSAH 42 to Greenhaven Drive; Greenhaven Drive from Buck Hill Road to Burnhaven Drive; and Nicollet Blvd. from Nicollet Avenue to Portland Avenue.

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

RESOLUTION NO. 5263

RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREET –  
BUCK HILL ROAD FROM GREENHAVEN DRIVE TO CSAH 42

RESOLUTION NO. 5264

RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREET –  
GREENHAVEN DRIVE FROM BUCK HILL ROAD TO BURNHAVEN DRIVE

RESOLUTION NO. 5265

RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREET –  
NICOLLET BLVD. FROM NICOLLET AVENUE TO PORTLAND AVENUE

4. Approval of Consent Agenda (Continued from Page 3).

K. Consider Approving Joint Purchasing Agreement Between the City of Burnsville and Dakota County that Allows the County to Purchase Equipment, Materials, Services and Supplies Jointly with Other Local Units of Government.

Approved the Joint Purchasing Powers Agreement between the City of Burnsville and Dakota County which allows the City to purchase equipment, materials, services and supplies off of County contracts.

L. Consider Burnsville/Eagan Community Television Staff Reorganization and Budget Adjustment.

Approved the Burnsville/Eagan Community Television staffing allocation as presented and accepted the 2004 budget as amended.

M. Consider Joint Powers Agreement Between the Cities of Burnsville and Lakeville for Electrical Inspection Services.

Approved the Mutual Aid Agreement as presented.

N. Consider Approval of Operating Manager for Buca Di Beppo.

Approved Jason Lyons as the operating manager for Buca Di Beppo.

O. Consider Award of Bid for 2004 Type III Advanced Life Support Modular Ambulance.

Approved the purchase of one (1) 2004 Road Rescue Supermedic on a Ford E-450 Chassis in the amount of \$114,772 and trade one (1) 1998 ambulance for \$25,000 for a net total of \$89,772.

P. Consider Authorizing the Purchase of a Trailer Mounted Chipper.

Approved the purchase of a trailer mounted chipper for the Forestry Department from Trenchers Plus in the amount of \$21,087.

Q. Consider Approval of Ninety (90) Day Test Period to Allow Banners on Multi-Family Rental Properties.

Approved the test period.

5. Consider Approval of an Application for Arima, LLC for Preliminary and Final Plat Approval of a Three Lot Subdivision to be Known as RIVERHILLS TOWN OFFICE SECOND ADDITION and a Planned Unit Development Amendment for Construction of Town Offices to be Located at the Southeast Corner of Highway 13 and County Road 11; and Consider Findings of Fact, Amended Planned Unit Development Agreement, Ordinance, and Development Contract.

Motion by Crichton, seconded by Cherney to approve the plat, Amended Planned Unit Development Agreement, and Development 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:

5. Consider Application for Arima, LLC (Continued from Page 4).

ORDINANCE NO. 915

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING  
THE ZONING TITLE OF THE CITY OF BURNSVILLE  
ARIMA, LLC  
CASE FILE NO. 03-5

D-04-16

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

6. Continued – Consider an Ordinance Amending Title 7, Chapter 2, Section 17 of the Burnsville City Code Concerning Water Use Restrictions.

Motion by Crichton, seconded by Cherney to continue this item to May 3, 2004. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

7. Consider Approval of an Application for Stonebridge Development and Acquisition, LLC – Application 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 Concept and Development Stage Approval of a Planned Unit Development for Construction of a Development Consisting of a Mixed Use Office and 71 Unit Condominium Building, and a Separate Office Building to be Located West of Good Shepherd Evangelical Lutheran Church, East of Grand Avenue, and North of 145<sup>th</sup> Street; and Consider Findings of Fact, Planned Unit Development Agreement, Ordinance and Development Contract.

The following persons appeared before the Council:

|               |   |
|---------------|---|
| Peter Coyle - | Attorney representing Stonebridge Development |
| Jim Cady -    | 14502 Chateau Ct.                             |

Motion by Workman, seconded by Daly to approve the Planned Unit Development Agreement and the Development 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. 916

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,  
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE  
STONEBRIDGE DEVELOPMENT ACQUISITION, LLC  
CASE FILE NO. 03-30

D-04-17

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

Motion by Cherney, seconded by Crichton to continue the discussion of the Comprehensive Plan Amendment regarding mixed use developments to a Worksession. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

8. Public Hearing – Consider Resolution Approving the Sale of City Owned Property Located South of Grand Avenue and North of 145<sup>th</sup> Street.

The public hearing was opened at 8:28 p.m.

The following persons appeared before the Council:

Jim Cady - 14502 Chateau Ct.

The Mayor declared the public hearing closed at 8:29 p.m.

Motion by Crichton, seconded by Workman to agree to the terms and conditions outlined in the letter from MnDOT regarding the sale of excess right-of-way to the City to be conveyed to Stonebridge Development and Acquisition LLC. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

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

RESOLUTION NO. 5266

RESOLUTION APPROVING THE SALE OF CITY OWNED PROPERTY LOCATED  
SOUTH OF GRAND AVENUE AND NORTH OF 145TH STREET

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

9. Consider Approval of an Application for Ronel Corporation for a Rezoning from R-3B (High Density Residential) to B-2, PUD (Neighborhood Business, Planned Unit Development), Comprehensive Plan Amendment from High Density Residential to Neighborhood Business, and Concept and Development Stage Approval of a Planned Unit Development for Construction of a Three Unit Office Building to be Located at 2801 Cliff Road; and Consider Findings of Fact, Planned Unit Development Agreement, Ordinance, and Development Contract.

Motion by Crichton, seconded by Daly to approve the Comprehensive Plan Amendment, Planned Unit Development Agreement and the Development 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. 917

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,  
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE  
RONEL CORPORATION  
CASE FILE NO. 03-43

D-04-18

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

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10. Consider Approval of an Application for 12950 Aldrich Avenue South LLC for a Planned Unit Development Amendment to Allow a Hooters Restaurant with Outdoor Seating at 12950 Aldrich Avenue South; and Consider Findings of Fact, Amended Planned Unit Development Agreement and Ordinance.

The following persons appeared before the Council:

|                 |                                    |
|-----------------|------------------------------------|
| Steve Oliver -  | Mohagen Hansen Architectural Group |
| Steve Marseau - | Owner/Applicant                    |

Motion by Workman, seconded by Daly to continue this item to May 3, 2004. Council directed applicant to return with sightlines of the patio, proposed signage with only "HOOTERS" and a fence height of 6 feet. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

11. Consider Approval of an Application for Soccer Blast for a Conditional Use Permit Amendment and Variances to Allow a Fabric Dome Adjacent to the Existing Building at 3601 W. 145<sup>th</sup> Street; and Consider Findings of Fact and Amended Conditional Use Permit.

Motion by Crichton, seconded by Cherney to continue this item to May 3, 2004. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

12. Consider an Application for 2300 Hwy. 13, LLC for a Rezoning from GIH (Gateway Industrial Heavy) to GIH, PUD (Gateway Industrial Heavy, Planned Unit Development), and Concept and Development Stage Approval of a Planned Unit Development to Allow Mini-Storage Condominiums at 2300 West Highway 13; and Consider Findings of Fact for Denial.

The following persons appeared before the Council:

|                 |   |
|-----------------|---|
| M.G. Kamanski - | Applicant   |
| Wayne Tieg -    | Director of Investors, Carlson Companies                |
| Ron Scholder -  | Commercial Real Estate Services, Colliers International |

Motion by Workman, seconded by Crichton to adopt the Findings of Fact for Denial. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

D-04-19

The Council meeting was recessed at 9:55 p.m.

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

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

The Council meeting was reconvened at 10:42 p.m.

14. Consider Approval of an Agreement By and Between Burnsville Economic Development Authority, Arima, LLC and City of Burnsville for the Newton Avenue Street Project.

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

15. Consider Approval of an Application for the City of Burnsville for Preliminary and Final Plat Approval of a Two Lot Subdivision to be Known as PINNACLE PARK 1<sup>ST</sup> ADDITION Located South of County Road 42, West of County Road 5, East of the Soo Line Railroad and North of 143<sup>rd</sup> Street West.

Motion by Cherney, seconded by Workman to approve the preliminary and final plat with the condition that park dedication in the amount of \$14,550 is due prior to issuance of a building permit on Lot 1, Block 1, and park dedication in the amount of \$23,580 is due prior to issuance of a building permit on Lot 1, Block 2. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

16. Consider Approval of Preliminary Development Agreement by and between the Burnsville Economic Development Authority, City of Burnsville, Opus Northwest, L.L.C., and Klingelutz Companies for Proposed Development in the Heart of the City.

Motion by Cherney, seconded by Daly to approve the Preliminary Development Agreement conditioned on adding reference to compliance with the Design Framework Manual. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

17. Adjournment.

Motion by Crichton, seconded by Workman to adjourn the meeting at 10:47 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 3<sup>rd</sup> day of May 2004.

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Elizabeth B. Kautz, Mayor