

## CITY OF BURNSVILLE

Regular Meeting

June 21, 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 21st day of June 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.

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

Absent: None

### 1. Announcements and Proclamations.

Council Meetings: Mon., July 6, 7:00 p.m.  
Mon., July 19, 7:00 p.m.

Special Worksession: Wed., June 30, 5:30 p.m.

Governance Meeting: Wed., June 30, 7:00 p.m.

Special Worksession: Thurs., July 1, 5:00 p.m.

Worksession Meeting: Mon., July 12, 6:30 p.m.

Proclamation – National Night Out Drive Food Challenge

Presentation: Burnsville Lion's Club – Funds to Purchase a Thermal Imaging Camera for the Fire Department

The Mayor announced the death of Ralph Clover, the City's first Park Director.

Recognition for Service on Advisory Boards:

John Pierce – Burnsville/Eagan Telecommunications Commission

Mark Bowen – Parks & Natural Resources Commission

Tom Carmen – Parks & Natural Resources Commission

Nancy Nystuen – Planning Commission

### 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 Crichton, Item 4C (Consider Approval of Findings of Fact, Planned Unit Development Agreement and Ordinance for Soccer Blast) and at the request of City Manager C. Ebeling, Item 4D (Consider Approval of Findings of Fact, Planned Unit

Development Agreement and Ordinance for Copy Cow Holdings, LLC) were removed from the Consent Agenda.

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

Motion by Cherney, seconded by Workman that the following Consent Agenda items (listed as A-Q) be approved as presented. Ayes – Cherney (abstained from the June 7, 2004 Special Worksession due to absence), Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

A. Consider Approval of Minutes.

Approved the City Council minutes of June 7, 2004, the Special Worksession minutes of June 7, 2004 and the Worksession minutes of June 15, 2004 as submitted.

B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$2,406,428.90.

C. Consider Resolution Accepting Bid and Awarding Contract for the Infrastructure on Newton Avenue From its Existing Terminus Extending to CSAH 42 and Future 142 ½ Street From Extended Newton Avenue to Morgan Avenue (02-322); and the Addition of a Frontage Road (Corporate Center Dr.) Extending West From Ewing Avenue to the City Limits (03-800A).

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

RESOLUTION NO. 5275

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR THE INFRASTRUCTURE ON NEWTON AVENUE FROM ITS EXISTING TERMINUS EXTENDING TO CSAH 42 AND FUTURE 142 ½ STREET FROM EXTENDED NEWTON AVENUE TO MORGAN AVENUE (02-322); AND THE ADDITION OF A FRONTAGE ROAD (CORPORATE CENTER DR.) EXTENDING WEST FROM EWING AVENUE TO THE CITY LIMITS (03-800A)

D. Consider Resolution Ordering Preliminary Report for the Rehabilitation of Southcross Drive from Chestnut Drive to Lac Lavon Drive (04-103).

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

RESOLUTION NO. 5276

RESOLUTION ORDERING PRELIMINARY REPORT FOR THE REHABILITATION OF SOUTHCROSS DRIVE FROM CHESTNUT DRIVE TO LAC LAVON DRIVE (04-103)

E. Consider Approving Supplemental Agreement Number 1 with McNamara Contracting, Inc. for Intersection Improvements at Cliff Road and Portland Avenue (04-316).

Approved Supplemental Agreement No. 1.

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

F. Consider Approving Amendment to the CIP for the Addition of the Interconnection with Apple Valley and Authorizing Project and Advertisement for Bids (04-315).

Approved the addition to the CIP, the authorization of the project to move forward with the advertisement for bid on the interconnection with Apple Valley.

G. Consider Ordinance Amending Title 1, Chapter 9 of the Burnsville City Code Regarding Deferred Special Assessments.

Adopt an Ordinance and Summary Ordinance and authorize the publication of the Summary Ordinance in the legal newspaper and become part of the official records:

ORDINANCE NO. 926

AN ORDINANCE OF THE CITY OF BURNSVILLE, MINNESOTA AMENDING CITY CODE TITLE 9 CONCERNING THE DEFERRED SPECIAL ASSESSMENTS

H. Consider Resolution Relating to the City of Burnsville's Participation as Grantee in Narcotics Control Program and Approval of the Execution of the 2004 Joint Powers Agreement with Dakota County Drug Task Force Members.

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

RESOLUTION NO. 5277

RESOLUTION RELATING TO THE CITY OF BURNSVILLE'S PARTICIPATION AS GRANTEE IN NARCOTICS CONTROL PROGRAM

I. Consider Approval of a Grant Extension Agreement between the Metropolitan Council and the City of Burnsville for the Crystal Lake Stormwater Study.

Approved a two year grant extension agreement with the Metropolitan Council for the ongoing Crystal Lake Stormwater Study.

J. Consider Approval of a Joint Powers Agreement with Dakota County for the Wetland Health Evaluation Program.

Approved a five year Joint Powers Agreement that will allow the City of Burnsville to participate in the Dakota County Wetland Health Evaluation Program, a citizen volunteer wetland monitoring program.

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

K. Consider Resolution Authorizing a Special Archery Hunting Season for Deer in Specified Parks.

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

RESOLUTION NO. 5278

RESOLUTION AUTHORIZING A SPECIAL  
ARCHERY HUNTING SEASON IN SPECIFIED CITY PARKS

L. Consider Resolution Establishing a New Polling Place for Precinct 14.

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

RESOLUTION NO. 5279

RESOLUTION ESTABLISHING A NEW POLLING PLACE  
FOR PRECINCT FOURTEEN (14)

M. Consider Renewal of Pawnbroker Licenses for Pawn America LLC.

Approved renewal of two (2) pawnbroker licenses for Pawn America Minnesota LLC for the period of July 1, 2004 to June 30, 2005 d.b.a.:

PawnAmerica – 14011 Grand Ave. S.  
Premier Loans – 181 River Ridge Circle S.

N. Consider Adopting Revised Policy No. 1.260 Budget Control and Budget Adjustments.

Adopted the revised policy.

O. Consider Approval of Operating Managers for Liquor License Holders; Cub Foods, Champps, and Davanni's.

Approved the following Operating Managers:

Cub Foods -	William McLaughlin
Champp's -	Jill Lenfestey
Davanni's -	Jennifer Ann Davis

P. Consider Authorizing Replacement of the Radiator for Back-up Generator at the Water Treatment Plant.

Approved the replacement of the radiator for the back-up generator at the Water Treatment Plant for a total of approximately \$43,000.

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

Q. Consider Approval of Interfund Transfers to Construction Fund to Finalize Financing for Completed Projects.

Approved the transfer of funds as intended in project funding approvals.

5. Consider Approval of Findings of Fact, Planned Unit Development Agreement and Ordinance to Allow a Fabric Dome Adjacent to the Existing Building at 3601 W. 145<sup>th</sup> Street for Soccer Blast.

The following person appeared before the Council:

Ron Carter - Applicant

Motion by Cherney, seconded by Workman to approve the Planned Unit Development Agreement as amended including review of all conditions one through five in three (3) years 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. 927

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE  
SOCCER BLAST PROPERTIES MN LLC  
CASE FILE NO. 04-4

D-04-26

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

6. Consider Approval of an Application for Copy Cow Holdings, LLC for a Planned Unit Development Amendment to Allow a Copy Center to be Located at 13775 Frontier Court; and Consider Findings of Fact, Amended Planned Unit Development Agreement, Ordinance.

Motion by Crichton, seconded by Cherney to approve the Amended Planned Unit Development Agreement 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. 928

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE  
COPY COW HOLDINGS, LLC  
CASE FILE NO. 04-21

D-04-27

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

7. Public Hearing – Consider Resolution Vacating a Portion of the Drainage and Utility Easement Located Along the Northerly Property Line at Lot 7, Block 4, SOUTHCROSS HEIGHTS 1<sup>ST</sup> ADDITION.

The public hearing was opened at 7:36 p.m.

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. 5280

VACATION OF PORTION OF THE DRAINAGE AND UTILITY EASEMENT RUNNING  
ALONG THE NORTH LOT LINE OF THE PROPERTY LOCATED AT 14604 HILLSHIRE  
LANE

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

8. Public Hearing – Consider Approval of an On-Sale/Sunday On-Sale Liquor License for San Miguel, Inc. d.b.a. El Loro Mexican Restaurant, 2501 Horizon Dr.

The public hearing was opened at 7:40 p.m.

The Mayor declared the public hearing closed at 7:40 p.m.

Motion by Workman, seconded by Cherney to approve the issuance of an On-Sale/Sunday On-Sale liquor license to San Miguel, Inc. d.b.a. El Loro Mexican Restaurant. Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

9. Consider Approval of an Application for Chateau Ridge Place, LLC for Preliminary and Final Plat Approval of a One Lot Subdivision to be Known as CHATEAU RIDGE PLACE and a Planned Unit Development Amendment for Construction of an Office Building to be Located off of Buck Hill Road; and Consider Findings of Fact, Amended Planned Unit Development Agreement, Ordinance and Development Contract.

The following person appeared before the Council:

Doug Stevens - 350 W. Burnsville Parkway

Motion by Crichton, seconded by Daly to approve the Planned Unit Development Agreement 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. 929

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE  
ZONING TITLE OF THE CITY OF BURNSVILLE  
CHATEAU RIDGE PLACE  
CASE FILE NO. 04-15

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

10. Consider Approval of Reallocation of Community Development Block Grant (CDBG) Funds.

Motion by Crichton, seconded by Cherney to approve reallocation of CDBG funds from the Community Development Agency (CDA). Ayes – Cherney, Crichton, Daly, Kautz, and Workman. Nays – None. Motion carried.

The Council meeting was recessed at 8:04 p.m.

11. Regular Meeting of the Economic Development Authority (EDA).

A regular meeting of the Economic Development Authority was held.

The Council meeting was reconvened at 8:08 p.m.

12. Adjournment.

Motion by Workman, seconded by Crichton to adjourn the meeting at 8:09 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 6<sup>th</sup> day of July 2003.

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Elizabeth B. Kautz, Mayor