

CITY OF BURNSVILLE

Regular Meeting

October 3, 2005

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 3rd day of October 2005.

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

The Pledge of Allegiance was led by Boy Scout Troop #445.

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

Absent: None

1. Announcements and Proclamations.

Council Meetings: Mon., Oct. 17, 7:00 p.m.
Mon., Nov. 7, 7:00 p.m.

Worksession Meeting: Tues., Oct. 11, 6:30 p.m.

Governance Meeting: Tues., Oct. 25, 7:00 p.m.

Eric Werner, Police Captain gave background on the Methamphetamine drug problem. He reported that the Police Department will provide three events over the next twelve months to educate the public. The first event "Meth – Facing the Threat" Community Forum will take place on Thursday, October 20, 2005 from 7:00 – 9:00 p.m. at the Burnsville High School Mraz Center.

Proclamation – Toastmasters Month
Proclamation -Fire Prevention Week

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 4F (Resolution Authorizing Burnsville to Enter into a Grant Agreement with the Dakota County Traffic Safety Group for the Safe & Sober Communities and Dakota Impaired Driving Projects) and Item 4H (Approval of Submitting Dakota County Natural Areas Grant Application and Authorizing Letter of Support) were removed from the Consent Agenda.

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

Motion by Gustafson, seconded by Crichton that the following Consent Agenda items (listed as A-G) be approved as presented. Ayes – Crichton, Daly (abstained from September 19th Council minutes due to absence), Gustafson (abstained from September 27th Governance minutes due to absence), Kautz, and Workman. Nays - None. Motion carried.

A. Consider Approval of Minutes.

Approved the City Council minutes of September 19, 2005, and the Governance minutes of September 27, 2005 as submitted.

B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$7,743,881.36.

C. Consider Adoption of New Policy, CITIZEN BOARDS AND AD HOC COMMITTEES Replacing Policy No 1.020.

Adopted the new policy replacing Policy No. 1.020.

D. Consider Resolutions (3) Approving Premises Permits for Lawful Gambling for BA 191 – Pull Tabs.

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

RESOLUTION NO. 5415

RESOLUTION APPROVING A PREMISES PERMIT FOR BURNSVILLE ASSOCIATION #191 FOR THE PURPOSE OF LAWFUL GAMBLING, PULL-TABS PRIMETIME SPORTS BAR & GRILL

RESOLUTION NO. 5416

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

RESOLUTION NO. 5417

RESOLUTION APPROVING A PREMISES PERMIT FOR BURNSVILLE ASSOCIATION #191 FOR THE PURPOSE OF LAWFUL GAMBLING, PULL-TABS RENEGADES BAR & GRILL

E. Consider Award of Bid for Neill and Alimagnet Parks Fencing Renovations.

Awarded the bid and three bid alternates for the Neill and Alimagnet Park fencing renovations to Fenc-Co., Inc. in the amount of \$148,301.33.

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

F. Consider Issuance of Pawn Broker License for Relocation of Pawn America, 14011 Grand Ave. S. to 13959-61 Grand Ave. So.

Approved the issuance of a pawn broker license to Pawn America for the location of 13959-61 Grand Ave. S. contingent upon the surrender of the license for the location of 14011 Grand Ave.

G. Consider Authorizing Expenditure for Rental of Snow Removal Equipment

Approved the expenditure of \$23,722.88 for the rental of a motor grader from Ziegler Inc. for the Snow & Ice Control Program.

5. Consider Resolution Authorizing Burnsville to Enter into a Grant Agreement with the Dakota County Traffic Safety Group for the Safe & Sober Communities and Dakota Impaired Driving Projects.

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

RESOLUTION NO. 5418

RESOLUTION AUTHORIZING BURNSVILLE TO ENTER INTO A GRANT AGREEMENT WITH THE DAKOTA COUNTY TRAFFIC SAFETY GROUP FOR THE SAFE & SOBER COMMUNITIES AND DAKOTA IMPAIRED DRIVING PROJECTS

Council requested a progress report on the “safe & sober” events.

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

6. Consider Approval of Submitting Dakota County Natural Areas Grant Application and Authorizing Letter of Support.

Motion by Crichton, seconded by Daly to approve submittal of grant and authorize letter of support. Ayes – Crichton, Daly, Gustafson, Kautz, and Workman. Nays - None. Motion carried.

7. Continued - Application for Titus Construction, Inc. for a Rezoning From I-3 (Office & Industrial Park) to R-2, PUD (Two Family Residential, Planned Unit Development), a Comprehensive Plan Amendment to Change the Land Use from General Industry to Two Family Residential, Preliminary and Final Plat Approval of a Subdivision to be Known as OAK HOLLOW OF BURNSVILLE, and Concept and Development Stage Approval of a Planned Unit Development for Construction of 19 Townhome Units to be Located Southeast of the Intersection of Burnsville Parkway and Judicial Road; and Consider Findings of Fact, Ordinance and Development Contract and Planned Unit Development Agreement.

The following persons appeared before the Council:

Todd Johnson -	President, Titus Construction
Ray Brandt -	Brandt Engineering

7. Continued - Application for Titus Construction, Inc. (Continued from Page 3)

Motion by Crichton, seconded by Gustafson to approve the 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:

ORDINANCE NO. 994

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE
ZONING TITLE OF THE CITY OF BURNSVILLE
TITUS CONSTRUCTION, INC.

CASE FILE NO. 05-20

D-05-48

The conditions were amended as follows:

- o A berm will be added abutting Burnsville Parkway and new Judicial Rd.
- o Remove the condition limiting the amount of vinyl to a maximum of 50% on each side of the buildings
- o New elevations for the rear of the buildings will be added to the records

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

8. Consider Approval of an Application for Michael Grossman for Preliminary Plat Approval of a One Lot Subdivision, and Concept and Development Stage Approval of a Planned Unit Development Amendment to Construct an Outdoor Storage Lot for Motor Vehicles at 1200 West 141st Street for Grossman Chevrolet; and Consider Findings of Fact, Ordinance and Development Contract and Amended Planned Unit Development Agreement.

The following person appeared before the Council:

Rick LaVelle - Reprise Design representing Grossman Chevrolet

Motion by Gustafson, seconded by Daly to continue this item to October 17, 2005. The following issues were identified:

- o Add a condition that the berm on the east and west side of the emergency entrance to the pond shall be 6 feet on both the street and parking lot
- o No pylon sign; support for a monument sign
- o Add more landscaping on McAndrews and Burnhaven including 50% winter green
- o 6 foot wrought iron fences with square posts on McAndrews and 6 foot vinyl-coated chain link on Burnhaven Dr. and the south side of the property

9. Consider Approval of an Application for Burnsville Surgical Properties, L.L.C. for Preliminary and Final Plat Approval of a One Lot Subdivision to be Known as BURNSVILLE SURGICAL, and Concept and Development Stage Approval of a Planned Unit Development Amendment for Construction of a Two-Story Medical Office Building with a Surgical Center to be Located at the Southeast Corner of Burnhaven Drive and McAndrews Road; and Consider Findings of Fact, Ordinance and Development Contract and Amended Planned Unit Development Agreement.

9. Consider Application for Burnsville Surgical Properties, L.L.C. (Continued from Page 4)

Motion by Daly, seconded by Crichton to approve the Amended Planned Unit Development Agreement subject to the eight conditions recommended by the Planning Commission and reducing the number of juniper plants to 33% 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:

ORDINANCE NO. 995

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE
ZONING TITLE OF THE CITY OF BURNSVILLE
BURNSVILLE SURGICAL PROPERTIES L.L.C.
CASE FILE NO. 05-20

D-05-49

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

10. Adjournment.

Motion by Workman, seconded by Gustafson to adjourn the meeting at 9:00 p.m. Ayes – Crichton, Daly, Gustafson, Kautz, and Workman. Nays - None. Motion carried.

Susan P. Olesen, City Clerk

Approved by the City Council of the City of Burnsville this 17th day of October 2005.

Elizabeth B. Kautz, Mayor