

## CITY OF BURNSVILLE

Regular Meeting  
October 17, 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 17th day of October 2005.

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: Crichton, Daly, Gustafson, and Kautz

Absent: Workman

### 1. Announcements and Proclamations.

Council Meetings: Mon., Nov. 7, 7:00 p.m.  
Mon., Nov. 21, 7:00 p.m.

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

Special Worksession: Tues., Oct. 25, 7:30 p.m.

Worksession Meeting: Tues., Nov. 15, 6:30 p.m.

Proclamations – Manufacturing & Technology Week, Oct.24-28  
Make a Difference Day, October 22, 2005

Presentation – National Night Out Photo Contest Winner – Elena Gabor

Presentation – 2005 Community Builders Awards

- o Bill Johnson – Community Service
- o Rebecca Nyberg – Community Service
- o Clare Haugen – Election Judge
- o Wally Koch – Election Judge
- o Vicki Roy – Election Judge
- o Ted Olson – Community Involvement

Recognition of the Burnsville Lions Club – Richard Bonin, representative of the Lions announced their Halloween Event on October 30 at 1:00 p.m.

### 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.

Motion by Crichton, seconded by Daly that the following Consent Agenda items (listed as A-I) be approved as presented. Ayes – Crichton, Daly, Gustafson, and Kautz (abstained from Worksession minutes of October 11, 2005 due to absence). Nays - None. Absent – Workman. Motion carried.

A. Consider Approval of Minutes.

Approved the City Council minutes of October 3, 2005, the Special Worksession minutes of October 3, 2005, and the Worksession minutes of October 11, 2005 as submitted.

B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$4,752,036.18.

C. Consider Adoption of Revised City Records Retention Schedule.

Adopted the revised City Records Retention Schedule as approved by the state.

D. Consider Resolution Accepting Donations to the City.

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

RESOLUTION NO. 5419

RESOLUTION ACCEPTING DONATIONS TO THE CITY

E. Consider Facility Naming in Accordance with Park and Facility Naming Policy.

Approved the naming of the football field in Black Dog Park in honor of Mel Larson.

F. Consider Ordinance Establishing a Municipal Primary Election.

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

ORDINANCE NO. 996

AN ORDINANCE AMENDING TITLE 1 OF THE BURNSVILLE CITY CODE  
ESTABLISHING A PRIMARY ELECTION

G. Consider Approval of Award of RFP for EMS Billing Services.

Award contract for EMS billing services to Digitech, Inc.

H. Consider Approval of Investment Policy.

Approved an updated investment policy.

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

I. Consider Accepting Bid for the 2005 Well Rehabilitation Improvements (05-311).

Accepted the bids and awarded construction contract to Keys Well Drilling Company in the amount of \$84,440 and authorized the expenditure of up to an additional \$10,775 within the contract for the bid alternates if inspection indicates that they are necessary.

5. Consider Approval of Burnsville Convention & Visitors Bureau 2006 Budget and Work Plan.

Melissa Flach, Executive Director of the Burnsville Convention and Visitors Bureau presented the CVB 2006 Budget and work plan highlights. She also updated the Council on progress of meeting the 2005 goals and presented a PowerPoint on the purpose of a convention and visitors bureau and a strategy for the future including a regional CVB (i.e. Minneapolis South)

Motion by Gustafson, seconded by Crichton to continue this item to receive more details on the 2006 Budget. Ayes – Crichton, Daly, Gustafson, and Kautz. Nays - None. Absent – Workman. Motion carried.

6. Continued - 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 141<sup>st</sup> Street for Grossman Chevrolet; and Consider Findings of Fact, Ordinance and Development Contract and Amended Planned Unit Development Agreement.

The following person(s) appeared before the Council.

Tim Kelly - Leonard Street & Deinard Attorney representing Mr. Grossman

Motion by Daly, seconded by Crichton to approve the Development Contract and Planned Unit Development Agreement including the conditions recommended by the Planning Commission excluding the fence and directing the staff to work with the applicant on additional berming on the Southeast corner and adding more coniferous trees on McAndrews Road 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. 997

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE  
ZONING TITLE OF THE CITY OF BURNSVILLE  
MICHAEL GROSSMAN  
CASE FILE NO. 05-23

D-05-50

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

7. Consider Approval of an Application for Commercial Property Development Corporation for a Rezoning from B-3 (General Business) to B-3, PUD (General Business, Planned Unit Development), Preliminary and Final Approval of a Five Lot Subdivision to be Known as SOUTH HAVEN, a Conditional Use Permit to Allow Impervious Surface to Exceed 25%, and Concept and Development Stage Approval of a Planned Unit Development for Construction of Eleven 3,200 S.F. Town-Office Suites Within Four Buildings to be Located on the Northwest Corner of Southcross and Burnhaven Drive; and Consider Findings of Fact, Ordinance, Conditional Use Permit, and Development Contract and Planned Unit Development Agreement.

Motion by Crichton, seconded by Gustafson to approve the Conditional Use Permit including the conditions recommended by the Planning Commission 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. 998

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE  
ZONING TITLE OF THE CITY OF BURNSVILLE  
COMMERCIAL PROPERTY DEVELOPMENT CORPORATION  
CASE FILE NO. 05-30

D-05-51

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

8. Reconsider Application from Amcon for a Rezoning from I-2 (General Industry) to I-2, PUD (General Industry), Planned Unit Development), Concept and Development Stage Approval of a Planned Unit Development to Allow the Use Of Corrugated Metal Exterior Materials, and to Allow for an Outdoor Merchandise Display Area in Excess of 600 S.F. to be Located at the South Side of the Northern Tool & Equipment Company Building Located at 12205 River Ridge Road and Consider Findings of Fact, Ordinance, CUP Release Form and PUD Agreement.

Motion by Gustafson, seconded by Daly to approve the Conditional Use Permit Release Form and 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. 999

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE, BEING THE  
ZONING TITLE OF THE CITY OF BURNSVILLE  
AMCON  
CASE FILE NO. 05-27

D-05-52

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

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9. Public Hearing – Consider Resolution Vacating a Portion of the Judicial Road Right of Way Dedicated in the VERNON HEATH ADDITION PLAT East of Rosemount Drive in Association With CR 42 Segment 8 Frontage Road Construction.

The public hearing was opened at 9:17 p.m.

The Mayor declared the public hearing closed at 9:17 p.m.

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

RESOLUTION NO. 5420

VACATION OF A PORTION OF THE JUDICIAL ROAD RIGHT OF WAY LOCATED  
WITHIN THE VERNON HEATH ADDITION PLAT, RETAINING AN EASEMENT FOR  
DRAINAGE AND UTILITY PURPOSES

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

10. Consider Ordinance Amending Title 2, Chapter 2 of the Burnsville City Code Concerning Emergency Management.

Motion by Gustafson, seconded by Crichton to adopt an Ordinance as amended, summary ordinance and authorize summary publication in the legal newspaper and become part of the official records:

ORDINANCE NO. 1000

AN ORDINANCE OF THE CITY OF BURNSVILLE, MINNESOTA AMENDING  
CITY CODE TITLE 2, CHAPTER 2 CONCERNING EMERGENCY MANAGEMENT

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

11. Adjournment.

Motion by Daly, seconded by Gustafson to adjourn the meeting at 9:33 p.m. Ayes – Crichton, Daly, Gustafson, and Kautz. Nays - None. Absent – Workman. Motion carried.

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Susan P. Olesen, City Clerk

Approved by the City Council of the City of Burnsville this 7th day of November 2005.

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Elizabeth B. Kautz, Mayor