

**CITY OF BURNSVILLE**  
**Regular Meeting**  
**February 21, 2006**

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 21<sup>st</sup> day of February 2006.

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, Kautz, and Workman  
Absent: Gustafson

1. Announcements and Proclamations.

Council Meetings: Mon., March 6, 7:00 p.m.  
Mon., March 20, 7:00 p.m.

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

Special Worksession: Tues., February 28, 6:00 p.m.

Governance Meeting: Tues., February 28, 7:00 p.m.

- Mr. Ed Delmoro, Burnsville Community Foundation, presented a donation for the 2005-06 Holiday Seasonal Mini-Lighting and Snowflakes.

2. Citizen Comments.

There were no citizen comments.

3. Additions to the Final Agenda.

There were no additions to the final agenda.

***CONSENT AGENDA***

At the request of Councilmember Workman, Item 4D (*Ordinance amending Title 10 and 11*) was removed from the Consent Agenda for discussion.

At the request of Councilmember Daly, Item 4G (*2006 Ends & Outcomes*) was removed from the Consent Agenda for discussion.

Motion by Crichton, seconded by Daly, that the following Consent Agenda items (listed as A-J, excepting D and G) be approved as presented. Ayes – Crichton, Daly, Kautz, and Workman. Nays - None. Motion carried.

4A. Consider Approval of Minutes.

Approved the City Council minutes of February 6, 2006, and the Worksession minutes of February 14, 2006, as submitted.

**CONSENT AGENDA (continued)**

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$2,135,563.57.

4C. Consider Revocation of Approvals for Ravia Real Estate, LLC for the Preliminary and Final Plat of THE POND TOWN OFFICE PARK, and Consider Resolution and Ordinance to Rescind Ordinance 911 and the Planned Unit Development Agreement Dated April 5, 2004 for Construction of Town Office Units to be Located at Highway 13 and 121st Street East.

Adopted the following Resolution and Ordinance to Rescind Ordinance 911 and the Planned Unit Development Agreement Dated April 5, 2004.

RESOLUTION NO. 5449

RESOLUTION RESCINDING APPROVAL OF PRELIMINARY AND FINAL PLAT,  
PLANNED UNIT DEVELOPMENT AGREEMENT, AND CONCEPT AND DEVELOPMENT  
STAGE APPROVAL FOR "THE POND TOWN OFFICE PARK"

ORDINANCE NO. 1015

AN ORDINANCE OF THE CITY OF BURNSVILLE, MINNESOTA  
AMENDING TITLE 10 CONCERNING RAVIA REAL ESTATE, LLC  
(CASE FILE NO. 03-42) BY DELETING ORDINANCE NO. 911

D-06-10

4D. Item removed for discussion.

4E. Consider Resolution Approving Memorandum of Understanding with the City of Savage for Construction Contract, Design Service, and Funding for West Preserve Boulevard Connection Construction – County Road 42 Segment 8 (03-805).

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

RESOLUTION NO. 5450

MEMORANDUM OF UNDERSTANDING REGARDING THE  
RESPONSIBILITIES FOR THE CONSTRUCTION CONTRACT AND DESIGN  
SERVICES FOR THE HUNTINGTON AVENUE – SEGMENT 8 PROJECT  
between City of Savage (Project No. 02-06)  
and City of Burnsville (Project No. 03-805)

4F. Consider Authorizing the Purchase of a Mobile Collection Computer Unit for Reading Water Meters.

Authorized the purchase of a mobile collection computer unit.

***CONSENT AGENDA (continued)***

4G. Item removed for discussion.

4H. Consider Amending Policy No. 1.140 to clarify summary publication of ordinances.

Adopted Policy No. 1.140 "Publication of Ordinances" as amended to specify summary ordinances contain certain required information and denote how summary ordinance publication may be authorized

4I. Consider Approval for Portable Toilet Services for City Parks and Recreation Programs for 2006.

Approved portable toilet services for 2006 City Parks and Recreation Programs.

4J. Consider Authorizing Expenditure for the Purchase of Three Utility Carts.

Authorized purchase of three utility carts from Lano Equipment in the amount of \$36,665.83

***ITEM(S) REMOVED FROM CONSENT AGENDA***

4D. Consider an Ordinance Amending Title 10 and 11, of the Burnsville City Code to Make Zoning and Subdivision Housekeeping Changes, and Authorize Summary Ordinance Publication.

Council removed the portion of the proposed ordinance relating to liquor store spacing and sent the issue of "Liquor Store Spacing Parameters" to a future Worksession.

Motion by Workman, seconded by Daly, to adopt the following ordinance as amended, which will become part of the official records and authorize summary ordinance publication:

ORDINANCE NO. 1016

AN ORDINANCE AMENDING TITLE 10 AND TITLE 11 OF THE BURNSVILLE  
CITY CODE TO MAKE ZONING AND SUBDIVISION HOUSEKEEPING CHANGES  
(CASE FILE NO. 06-01)

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

4G. Consider Adoption of the 2006 Ends & Outcomes Statements.

Council restored Suboutcome 5b. from Neighborhoods to the original language.

Motion by Daly, seconded by Crichton, to adopt the 2006 Ends & Outcomes statements as amended. Ayes - Crichton, Daly, Kautz and Workman. Nays - None. Motion carried.

**REGULAR AGENDA**

5. Public Hearing – Consider Resolution Ordering Improvements and Approving Plans and Specifications and Ordering Advertisement for Bids for the 2006 Street Reconstruction/Rehabilitation Program (06-101, 06-102), 2006 Park Improvements (06-401), Street Repair of Watermain & Contract Patching (06-302), 2006 Sanitary Sewer Repair (06-304), 2006 Infiltration/Inflow Reduction Program (06-306), St. Lighting Replacement (06-202), and Intersection Improvements on Buck Hill Road (06-501, 06-502).

Council divided the public hearing into two parts for receiving testimony, one for the Reconstruction portion of the project and one for the Rehabilitation portion of the project.

The public hearing for Reconstruction testimony was opened at 7:28 p.m.

The following person(s) appeared before the Council:

Scott Cretzmeyer, 13704 S. Washburn Avenue  
Robert Richardson, 13632 S. Washburn Avenue  
Bonnie Boberg, 13513 York Avenue S.  
Richard Kukla, 13508 Clinton Place  
Christopher Kemp, 3408 Dana Drive

The Mayor declared the public hearing closed at 7:44 p.m.

The public hearing for Rehabilitation testimony was opened at 7:52 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:54 p.m.

Council requested background for future street hearings to include a breakdown by street and corresponding assessment rates.

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

RESOLUTION NO.5451

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR  
2006 Street Reconstruction/Rehabilitation Program (06-101, 06-102)  
2006 Park Improvements (06-401)  
2006 Street Repair of Watermain & Contract Patching (06-302)  
2006 Sanitary Sewer Repair (06-304)  
2006 Infiltration/Inflow Reduction Program (06-306)  
2006 Street Lighting Replacement (06-202)  
2006 Intersection Improvements on Buck Hill Road (06-501, 06-502).

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

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**REGUALR AGENDA (continued)**

6. Public Hearing – Consider Resolution Ordering Improvements and Preparations of Plans and Specifications for Phase 1 Extension of County Road 5/32 (City Project 05-103).

The public hearing was opened at 8:04 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 8:04 p.m.

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

RESOLUTION NO.5452

ORDERING IMPROVEMENTS AND PREPARATION OF PLANS AND SPECIFICATIONS FOR  
PHASE 1 EXTENTION OF COUNTY ROADS 5/32 (Project No. 05-103 formerly 99-707)

Poll of Votes: Ayes - Daly, Kautz and Workman. Nays - Crichton. **Motion defeated as it requires a 4/5 majority vote of all members of the Council.**

7. Consider Agreement with Fenco Holdings Group, LLC Regarding Right of Way and Ponding Area for City Project 02-322 (Newton Avenue and 142 ½ Street Extension).

Council directed staff to gain Council approval for future waivers of trespass.

Motion by Crichton, seconded by Workman to authorize an agreement with Fenco Holdings Group, LLC regarding City Project 02-322.

D-06-11

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

8. Consider Approval of an Application for the City of Burnsville for a Comprehensive Plan Amendment to Modify the Land Use Designation From GI (General Industry) to IP (Industrial Park), (HC) Highway Commercial and POS (Park/Open Space), and a Rezoning From I-2 (General Industry) to P (Park), B-4 (Highway Commercial), CD (Conservancy), and I-1 (Industrial Park) for Properties Located East of I-35W, North of Highway 13; and Consider Findings of Fact and Ordinance.

Council directed the City Attorney and Community Development Director to communicate with John Allen to clarify effects of zoning changes to his property.

Council discussed amending the Comprehensive Plan changes to reflect parks and trail improvements adjacent to the river. Council requested more information on the city property presently used as a fire training area and Public Works storage yard.

Motion by Workman, seconded by Daly to continue this item at a future Council meeting. Votes: Ayes - Crichton, Daly, Kautz and Workman. Nays - None. Motion carried.

***REGUALR AGENDA (continued)***

9. Consider Approval of an Application for the City of Burnsville for a Comprehensive Plan Amendment to Include the Gateway Study as a Special Study and Incorporate the Gateway Design Guidelines and Vision Statement, Modify the Land Use Plan, and to Amend the Official Zoning Map to Delineate the Area Subject to Gateway Zoning Requirements, and to Amend Title 10, Chapters 22A, 25 and 26A to Provide for Gateway Zoning Requirements; and Consider Findings of Fact and Ordinance.

Council requested this item be continued as it is linked to some issues addressed by Item #8 (above).

Motion by Workman, seconded by Daly to continue this item at a future Council meeting. Ayes - Crichton, Daly, Kautz and Workman. Nays - None. Motion carried.

10. Consider Approval of Planning Commission 2006 Work Plan.

Motion by Crichton, seconded by Daly to approve the Planning Commission 2006 Work Plan as presented by Planning Commission Chairperson, Richard Dusterhoft. Ayes - Crichton, Daly, Kautz and Workman. Nays - None. Motion carried.

11. Adjournment.

Motion by Workman, seconded by Crichton to adjourn the meeting at 8:43 p.m. Ayes – Crichton, Daly, Kautz and Workman. Nays - None. Motion carried.

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Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 6<sup>th</sup> day of March 2006.

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Elizabeth B. Kautz, Mayor