

CITY OF BURNSVILLE
Regular Meeting
June 5, 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 5th day of June 2006.

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

The Pledge of Allegiance was preceded by a moment of silence.

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

1. Announcements and Proclamations.

Council Meetings:	Mon., June 19, 7:00 p.m.
Worksession Meeting:	Tues., June 13, 6:30 p.m.
Special Worksession:	Tues., June 13, 5:00 p.m.
Governance Meeting:	Tues., May 23, 7:00 p.m.

Motion by Gustafson, seconded by Crichton, to change the regularly scheduled Council meeting from Monday, July 3, 2006 to Wednesday, July 5, 2006.

Motion by Crichton, seconded by Gustafson, to schedule a closed Economic Development Authority executive session meeting to discuss a potential property sale in the Heart of the City area.

- Burnsville for the 21st Century Visioning Kickoff Meeting will be held on Thursday, June 15th from 6:30 p.m. to 9:30 p.m.
- Donation Presentation of Meth Awareness Concert Proceeds to Anthony Louis Rehab Center.
- Paula O'Keefe – Recognition for Service on Parks & Natural Resources Commission.

2. Citizen Comments.

The following citizens appeared before the Council:

Raj and Seema Maddali, Eagan residents, requested Council to base policy decisions on equal rights and equal access, not historical relationships.

Tom Benda, Apple Valley Hockey Association President, reported that inaccurate information was previously relayed to Council regarding negotiations meetings and requested Council to consider rescinding the May 15th ratification of 2000 agreement rates and reconsider the negotiated contract.

Betsy Breckner, 14725 Insbrook Circle, requested Council reconsider current policy guidelines for allocation of ice time.

Debra Burrell, 501 E Burnsville Parkway, Burnsville Minnesota Valley Skating Club Co-President, reported support for the Council's decision regarding ice allocation and fiscal responsibility

Council discussed the May 15, 2006 action to reaffirm current ice allocation agreements. Council consensus was to add this item to next year's agenda at the all-day Worksession in January.

Susan Lundberg, 801 Gramsey Place, requested information on placing items on the Governance agenda.

3. Additions to the Final Agenda.

No additions to the Final Agenda.

CONSENT AGENDA

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

4A. Consider Approval of Minutes.

Approved the City Council minutes of May 15, 2006, the Special Worksession minutes of May 15, 2006, May 19, 2006, May 23, 2006, May 25, 2006 and the Governance minutes of May 23, 2006 as submitted.

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$1,774,195.49.

4C. Consider Approval of an Amendment to the Dakota County Mutual Aid Fire Service Agreement.

Approved Amendment No. 1 to the Dakota County Mutual Aid Fire Services Agreement recognizing the consolidations of West St. Paul and South St. Paul Fire Departments becoming a single integrated department to be known as South Metro Fire Department.

4D. Consider Approval of a Wetland Permit Application and Assessment Agreement (substitute for Letter of Credit) for the Proposed Expansion of the Burnsville Sanitary Landfill – West Development Area.

Approved a Wetland Permit Application and an Assessment Agreement in the amount of \$80,000 to cover the costs of the wetland restoration for Burnsville Sanitary Landfill, Inc. for the West Development Area expansion of the Burnsville Sanitary Landfill.

D-06-24

4E. Consider Approval of an Application for Burnsville Sanitary Landfill for a Planned Unit Development Amendment for a Temporary Office/Trailer, and a Conditional Use Permit Amendment to Allow Fill in the Flood Fringe District of the Minnesota River for the Construction of a Levee Around the Proposed West Development Area (WDA) of the Future Landfill Expansion Area Located at 2650 West Cliff Road; and Consider Findings of Fact, Ordinance, Amended Planned Unit Development Agreement, and Amended Conditional Use Permit.

Approved the Planned Unit Development Amendment and Conditional Use Permit Amendment for Burnsville Sanitary Landfill, Inc. and adopted Findings of Fact and an Ordinance that will be published in the legal newspaper and become part of the official records:

CONSENT AGENDA (continued)

ORDINANCE NO. 1031

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
BURNSVILLE SANITARY LANDFILL, INC.
CASE FILE NO. 06-05

D-06-25

- 4F. Consider Approval of an Application for Aurora Investments, LLC for a Minor Planned Unit Development Amendment for a Transient Merchant License to Allow Renaissance Fireworks, Inc. to Sell Fireworks at the Northwest Corner of the Aurora Village Parking Lot, North of Rainbow Foods Located at 1607 County Road 42; and Consider Findings of Fact, Ordinance, and Amended PUD Agreement.

Approved the Minor Planned Unit Development Amendment for Aurora Investments, LLC and adopted Findings of Fact and an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1032

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
AURORA INVESTMENTS, LLC.
CASE FILE NO. 06-21

D-06-26

REGULAR AGENDA

5. Consider Approval of an Application for Todd Severson for a Conditional Use Permit to Allow the Sale and Outdoor Storage of Building Materials in the GIH (Gateway Industrial Heavy) District Located at 3200 West Highway 13; and Consider Findings of Fact and Conditional Use Permit.

Council requested adding additional language to remind future owners of required redevelopment fees and a condition to patch the parking lot as needed.

Motion by Workman, seconded by Crichton, to approve a Conditional Use Permit for Todd Severson allowing the sale and outdoor storage of building materials at 3200 West Highway 13; and adopt Findings of Fact with additional language added for notification of required redevelopment fees and a condition to patch the parking lot as needed. Ayes - Crichton, Daly, Gustafson, and Workman. Nays - None. Motion carried.

D-06-27

6. Consider Request for Variances to Allow a 28 Foot South Front Yard Setback and 10 Foot North Rear Yard Setback as Opposed to the 30 Foot Setback Requirements for Construction of a Single-Family Home at 2024 Big Oak Drive for Ronald Knutson; and Consider Findings of Fact and Variance.

Councilmember Crichton noted that he was neighboring property owner and would abstain from the vote to avoid any conflict of interest.

Motion by Gustafson, seconded by Workman, to approve a variance for Ronald Knutson at 2024 Big Oak Drive allowing a 28' south front yard setback and 10' north rear yard setback and adopt Findings of Fact. Poll of Votes: Ayes – Daly, Gustafson, and Workman. Nays – None. Abstained – Crichton. Motion carried.

D-06-28

7. Consider Approval of an Application for Plowshares Development, Inc. for a Comprehensive Plan Amendment from NB (Neighborhood Business) to HDR (High Density Residential), and a Rezoning from B-2 (Neighborhood Business) to R-3B (High Density Residential) for Property Located at the Northwest Corner of the Intersection of Burnhaven Drive and Greenhaven Drive; and Consider Findings of Fact and Ordinance.

Motion by Workman, seconded by Gustafson, to approve the Comprehensive Plan Amendment and Rezoning for Plowshares Development Inc. and adopt Findings of Fact and an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1033

AN ORDINANCE AMENDING TITLE 10
OF THE BURNSVILLE CITY CODE TO INCORPORATE
REQUIRED LANDSCAPE PLANT DIVERSITY
CASE FILE NO. 06-22

D-06-29

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

8. Consider Appointments for Committees and Commissions.

Motion by Workman, seconded by Crichton, to make the following appointments to the Economic Growth Committee:

Vicki Roy – Education member, term ending 6/2009
Michael Carney – Developer member, term ending 6/2009

Ayes – Crichton, Daly, Gustafson, and Workman. Nays – None. Motion carried.

Motion by Crichton, seconded by Gustafson, to make the following appointments to the HOC Design Review Committee:

Wayne Huelskoetter – Resident member, term ending 6/2009
Tim Ivers – Planning member, term ending 6/2009

Ayes – Crichton, Daly, Gustafson, and Workman. Nays – None. Motion carried.

Motion by Crichton, seconded by Workman, to make the following appointments to the Parks and Natural Resources Commission:

Steve Stueber – Regular member, term ending 6/2009

John Wallace – Regular member, term ending 6/2009

Eric Spieler – Alternate member, term ending 6/2009

Ayes – Crichton, Daly, Gustafson, and Workman. Nays – None. Motion carried.

Motion by Gustafson, seconded by Crichton, to make the following appointments to the Planning Commission:

Richard Dusterhoft – Regular member, term ending 6/2009

Michael Esch – Regular member, term ending 6/2009

Ayes – Crichton, Daly, Gustafson, and Workman. Nays – None. Motion carried.

9. Adjournment.

Motion by Workman, seconded by Gustafson, to adjourn the meeting at 8:31 p.m. Ayes – Crichton, Daly, Gustafson and Kautz. Nays - None. Motion carried.

Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 19th day of June 2006.

Elizabeth B. Kautz, Mayor