

CITY OF BURNSVILLE
Regular Meeting
August 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 21st day of August 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, Gustafson, Kautz, and Workman
Absent: None

1. Announcements and Proclamations.

Council Meetings: Tues., September 5, 7:00 p.m.
Mon., September 18, 7:00 p.m.
Worksession Meeting: Mon., September 11, 6:30 p.m.
Special Worksession: Tues., August 29, 5:30 p.m.
Wed., September 13, 5:30 p.m.
Governance Meeting: Tues., August 29, 7:00 p.m.

- Announce National Night Out Photo Contest Winner.
- Announce National Night Out Food Drive Winner.

2. Citizen Comments.

There were no citizen comments.

3. Additions to the Final Agenda.

There were no additions to the final agenda.

CONSENT AGENDA

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

4A. Consider Approval of Minutes.

Approved the City Council minutes of August 7, 2006, and the Special Council minutes of August 15, 2006, as submitted.

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$1,950,781.17.

CONSENT AGENDA (continued)

- 4C. Consider Approval of a Community Festival Permit to Burnsville Fire Muster for September 7 – September 10, 2006.

Approved the application of Burnsville Fire Muster for recognition as a Community Festival for September 7 through September 10, 2006.

- 4D. Consider Approving Antenna Site Lease Agreement between the City of Burnsville and Dakota County for the Buck Hill Water Tower/Antenna site.

Approved the 25 year lease agreement with Dakota County for the Buck Hill water tower/antenna site, effective September 15, 2006.

D-06-40

- 4E. Consider Resolution Ordering Preparation of Preliminary Report for 2007 Reconstruction/Rehabilitation Projects (07-101 & 07-102), 2007 Street Repair of Watermain and Contract Patching (07-302), 2007 Park Improvement (07-401), Infiltration/Inflow Reduction Program (07-307), 2007 Street Lighting Project (07-201), and Intersection Improvements at 150th Street/Burnhaven (06-503) and at Lac Lavon/Southcross (07-501).

Adopted the following resolution ordering the preparation of the Preliminary Report for stated city projects, which will become part of the official records:

RESOLUTION NO. 5478

ORDERING PREPARATION OF PRELIMINARY REPORT
 2007 Reconstruction/Rehabilitation Projects (07-101 & 07-102)
 2007 Street Repair of Watermain and Contract Patching (07-302)
 2007 Park Improvement (07-401)
 Infiltration/Inflow Reduction Program (07-307)
 2007 Street Lighting Project (07-201)
 Intersection Improvements at 150th Street/Burnhaven (06-503)
 and at Lac Lavon/Southcross (07-501)

- 4F. Consider Approval of a Final Plat for a One Lot Subdivision to be Known as BURNHAVEN MALL 5th DIVISION for Target Corporation at 840 County Road 42 West.

Approved the BURNHAVEN MALL 5TH DIVISION Final Plat for Target Corporation at 840 County Road 42 West.

- 4G. Consider Approval for an Extension of the Final Plat for HOC PARKING FACILITY for Construction of a 39 Unit Condominium Building with Underground Parking to be Located at 151 W. 126th Street – CONTINUED.

This item was continued.

- 4H. Consider Ordinance Amending 2006 Fees and Charges and Approval of Revisions to Policy No. 5.065 Average Land Cost per Acre by Zoning district and 5.250 Public Works Fees and Charges.

Adopted revisions to Policy No. 5.065 Average Land Cost per Acre by Zoning District and Policy No. 5.250 Public Works Fees and Charges to provide for a Commercial Recreation Business category and adopt an Ordinance amending 2006 Fees and Charges that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1041

AN ORDINANCE OF THE CITY OF BURNSVILLE, MINNESOTA
REVISING ESTABLISHED 2006 CITY FEES AND CHARGES

- 4I. Consider Findings of Fact for Denial for an Extension of the Conditional Use Permit for the Burnsville Bowl Located at 1200 East Highway 13 for Robert Hatten.

Approved the Findings of Fact for Denial for an extension of the Conditional Use Permit for the Burnsville Bowl Located at 1200 East Highway 13 for Robert Hatten.

D-06-41

- 4J. Consider Ordinance Authorizing a Salary Adjustment for the City Council to be Effective January 1, 2007.

Adopted an Ordinance adjusting the Mayor's salary to \$1,000 per month and City Councilmember's salary to \$700 per month to be effective January 1, 2006, that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1042

ORDINANCE AMENDING TITLE 1, CHAPTER 5, SECTION 11
OF THE BURNSVILLE CITY CODE ESTABLISHING THE
SALARIES OF THE MAYOR AND CITY COUNCILMEMBERS

- 4K. Consider Resolution Approving Request for Municipal Agreement with Mn/DOT for the CSAH 5 Extension Project, City Improvement Project 05-103.

Adopted the following resolution approving of support and authorize submittal for the Livable Communities Demonstration Account, which will become part of the official records:

RESOLUTION NO. 5479

RESOLUTION REQUEST FOR FUNDING FROM THE
LOCAL ROAD IMPROVEMENT PROGRAM – ROUTES OF REGIONAL
SIGNIFICANCE WITH Mn/DOT FOR CSAH 5 EXTENSION PROJECT
CITY IMPROVEMENT PROJECT 05-103

REGULAR AGENDA

5. Public Hearing – Consider Resolution Vacating a Portion of Two Drainage and Utility Easements Located Within Lot 3, Block 1, BURNHAVEN MALL 3RD DIVISION.

A public hearing was conducted to consider the vacation.

The public hearing was opened at 7:13 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:13 p.m.

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

RESOLUTION NO. 5480

VACATION OF PORTIONS OF TWO DRAINAGE & UTILITY EASEMENTS
LOCATED WITHIN LOT 3, BLOCK 1, BURNHAVEN MALL 3RD DIVISION

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

6. Consider Approval of an Application for EFH Realty Advisors, Inc. for Development Stage Approval of a Planned Unit Development Amendment for Construction of a Two Story Office Building for Southcross Commerce V and to Address Overall Signage for Property Located at the Northwest Corner of County Road 42 and Judicial Road; and Consider Findings of Fact, Ordinance and Amended Planned Unit Development Agreement.

Motion by Workman, seconded by Crichton, to approve the Amended Planned Unit Development Agreement for EFH Realty Advisors, Inc. 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. 1043

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
EFH REALTY ADVISORS, INC.
CASE NO. 06-33

D-06-42

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

7. Consider Approval of an Application for Dakota County Community Development Agency for Preliminary and Final Plat Approval of a Two Lot Subdivision to be Known as GMHC ADDITION for Property Located at the Southwest Corner of Judicial Road and Judicial Loop; and Consider Development Contract.

The Council received a petition from the residents of Judicial Loop requesting denial of the Development Contract for GMHC ADDITION, due to stormwater drainage problems in the area. Staff reported that the new development would slightly aid in stormwater drainage for the area. Council directed staff to research the drainage issues and report back.

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Motion by Daly, seconded by Workman, to approve the Development Contract including the Final Plat to be known as GMHC ADDITION. Ayes – Crichton, Daly, Gustafson, Kautz and Workman. Nays – None. Motion carried.

D-06-43

8. Consider an Ordinance Amending Title 10, Chapter 7 and 27 of the Burnsville City Code to Modify Parking Requirements and Standards and the Use of Pervious Paver Systems.

Council directed staff to prepare an ordinance to include pervious pavers into the Shoreland Ordinance.

Motion by Gustafson, seconded by Crichton, to adopt an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1044

AN ORDINANCE AMENDING TITLE 10, CHAPTER 7, SECTION 26 OF THE
BURNSVILLE CITY CODE PERTAINING TO GENERAL PARKING AND ACCESS REQUIREMENTS
AND AMENDING TITLE 10, CHAPTER 27 RELATING TO PLANNED UNIT DEVELOPMENTS
TO INCORPORATE REVISED PARKING STANDARDS AND REQUIREMENTS
FOR PERVIOUS PAVING/PAVER SYSTEMS
CASE FILE NO. 06-31

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

9. Regular Meeting of the Burnsville Economic Development Authority (EDA).

A regular meeting of the Burnsville Economic Development Authority (EDA) was held.

The Council meeting was reconvened at 8:03 p.m.

10. Minneapolis/St. Paul International Airport Runway 17 Update.

Tom Hansen, Deputy City Manager of Operations, provided an update on the issues arising from MSP Runway 17 and the subsequent effects of air traffic over Burnsville.

Issue: The FAA implemented a heading restriction of 190 degrees in August 2005 for Runway 17 departures when the airport is in an easterly flow.

Effect: Two to three times as many airplanes are concentrated over northeast Burnsville instead of fanning out over the Minnesota River Valley. Only one third of the projected departures now utilize the River Valley.

Council directed staff to continue enlisting support of the local, state, and federal elected representatives and make a formal request from the FAA for documents regarding heading restrictions for Runway 17. Also, directed staff to update the city's website to include contact information for residents with air traffic complaints. Senator Belanger noted the credibility issues arising from the unexpected heading restriction and offered support to the City of Burnsville regarding air traffic issues created by Runway 17.

11. Adjournment.

Motion by Workman, seconded by Daly to adjourn the meeting at 8:52 p.m. Ayes – Crichton, Daly, Gustafson, Kautz and Workman. Nays - None. Motion carried.

Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 5th day of September 2006.

Elizabeth B. Kautz, Mayor