

CITY OF BURNSVILLE
Regular Meeting
February 20, 2007

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 20th day of February, 2007.

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, Gustafson, Kautz, Kealey, and Workman
Absent: None

1. Announcements and Proclamations.

Council Meetings: Mon., Mar. 5, 7:00 p.m.
Mon., Mar. 19, 7:00 p.m.
Worksession Meeting: Tues., Mar. 13, 6:30 p.m.
Governance Meeting: Tues., Feb. 27, 7:00 p.m. - CANCELLED
Special Worksession: Tues., Feb. 27, 5:30 p.m.
Tues., Feb. 27, 6:30 p.m.

- Red Cross Get Ready! Proclamation.
- Recognition of John Oravis for Service on Parks and Natural Resources Committee and Black Dog Water Management Organization.
- Presentation of National Night Out Award.

2. Citizen Comments.

The following persons appeared before the Council to comment on the proposed Performing Arts Center:

Dave Erickson, 3204 Skyview Drive
Len Nachman, 3004 Wind Cave Court
Nigel Linden, 40 Carriage Lane
Jake Englund 15016 First Avenue S
Jim Eilers, 120 Carriage Lane
Vicki Loher, 300 E 152nd Street

3. Additions to the Final Agenda.

There were no additions to the Final Agenda.

CONSENT AGENDA

Councilmember Kealey requested Item # 4D (*Resolution Approving a Premise Permit for the Burnsville Hockey Club for the Purpose of Lawful Gambling, Pull-Tabs*) be removed from Consent Agenda for discussion.

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

CONSENT AGENDA (continued)

4A. Consider Approval of Minutes.

Approved the City Council minutes of February 5, 2007 and Worksession minutes of February 13, 2007, as submitted.

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$3,914,090.37.

4C. Consider Approval of 2006 and 2007 Budget Amendments.

Authorized budget amendments for the 2006 and 2007 budgets in the General Fund, 911 Fund, Vehicle, Equipment & Facilities Replacement Fund, IT Capital Fund, Debt Service Funds, Water & Sewer Fund, and the Storm Drainage Fund as submitted.

4D. Item removed for discussion.

4E. Consider Authorizing Expenditure for the Overhaul of the Natural Gas Engine at Well #8.

Authorized the expenditure of funds for the overhaul of the natural gas engine at well #8 by Ziegler Cat.

4F. Consider Authorizing Expenditure for Replacement of Pump and Motor #5 and Installation of Variable Frequency Drive at the Water Treatment Plant (06-311).

Authorized preparation of specifications and solicitation of bids for the replacement of pump and motor #5, installation of variable frequency drive and other improvements at the Water Treatment Plant.

4G. Consider Authorizing Expenditure for the Watermain Valving System Improvements for Connecting Pressure Zones (06-313).

Authorized preparation of specifications and solicitation of bids for the improvements to the watermain valving system for connecting pressure zones.

4H. Consider an Ordinance Amendment to Title 10, Chapter 30 of the Burnsville City Code Concerning Signage and Billboards.

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

ORDINANCE NO. 1065

AN ORDINANCE AMENDMENT TO TITLE 10, CHAPTER 30 OF
THE BURNSVILLE CITY CODE, CONCERNING SIGNAGE AND BILLBOARDS
CASE NO. 07-03

CONSENT AGENDA (continued)

- 4I. Consider Approving Blanket Partnership Agreement with MnDOT for Technical Services Provided on City Construction Projects.

Approved the Partnership Agreement with MnDOT for Technical Services and authorized the Mayor and City Manager to execute the same.

D-07-08

ITEM(S) REMOVED FROM CONSENT AGENDA

- 4D. Consider a Resolution Approving a Premise Permit for the Burnsville Hockey Club for the Purpose of Lawful Gambling, Pull-Tabs.

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

RESOLUTION NO. 07-5523

RESOLUTION APPROVING A PREMISES PERMIT FOR THE
BURNSVILLE HOCKEY CLUB FOR THE PURPOSE OF LAWFUL GAMBLING, PULL-TABS
ORIGINAL ROADHOUSE GRILL

Poll of Votes: Ayes – Crichton, Gustafson, Kautz, Kealey, 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 on the 2007 Street Reconstruction/Rehabilitation Program (07-101, 07-102), and Consolidating Certain Projects: (2007 St. Repair of Watermain Breaks & Contract Patching 07-302, Sanitary Sewer Repair 07-304, Infiltration/Inflow Reduction Program 07-306, Parks Capital Improvement Program, and Intersection Improvement 07-501).

The public hearing to consider the 2007 Reconstruction improvements was opened at 7:40 p.m. The following person(s) appeared before the Council:

Robert Kump 13713 Judicial Road
Brent Edward, 13501 York Avenue S

The Mayor declared the public hearing closed at 7:50 p.m.

The public hearing to consider the 2007 Rehabilitation improvements was opened at 8:00 p.m. The following person(s) appeared before the Council:

MaryAnn Mortenson, 15612 Lac Lavon Drive
Louis Griben 1200 Keller Lane

The Mayor declared the public hearing closed at 8:09 p.m.

Council directed staff to bring a review the special assessment policy, including affects on collector streets and residential streets to Worksession.

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5. Public Hearing – (continued)

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

RESOLUTION NO. 07-5524

APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS

2007 Street Reconstruction/Rehabilitation Program (07-101, 07-102)

2007 Street Repair of Watermain Breaks and Contract Patching (07-302)

2007 Sanitary Sewer Repair (07-304)

2007 Infiltration/Inflow Reduction Program (07-306)

Burnhaven Sewer Lining (07-322)

2007 Parks Capital Improvement

Intersection Improvement at Lac Lavon/Southcross Drive (07-501)

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

6. Consider Approval of an Application for Dan Maus and Joseph and Roberta Modjeski – Application for Preliminary and Final Plat Approval of a Four Lot Subdivision to be Known as WOOD HILL ESTATES for Construction of Two Single Family Homes to be Located at the Northwest Corner of County Road 42 and Parson Hill Drive; and Consider Development Contract.

The following person(s) appeared before the Council:

| | |
|-----------------|------------------------|
| Joseph Modjeski | Co-Applicant |
| Dan Maus | Co-Applicant |
| Chris Baddeley | 1524 Parson Hill Drive |

Council requested the applicant consider alternative land plans or the Planned Unit Development process to recognize concerns raised by the neighbors. Mr. Maus declined citing that current plat as submitted exceeds current ordinance requirements. Council discussed the neighborhood petition requesting a moratorium on development of infill lots and the rights of property owners. Council conceded that the current ordinance does not address the special circumstances created by this development proposal, however Council consensus was that it would not be appropriate to adopt a moratorium at this time. Council directed staff to amend the Development Contract to restrict Lot 4 of the plat from future subdivision.

Motion by Crichton, seconded by Gustafson, to approve the Development Contract as amended above for Dan Maus and Joseph and Roberta Modjeski including Final Plat approval of WOOD HILL ESTATES located at the northwest corner of County Road 42 and Parson Hill Drive. Ayes – Crichton, Gustafson, Kealey, and Workman. Nays - Kautz. Motion carried.

7. Consider Approval of an Application for M-M Burnsville Associates Limited Partnership, LLP for Concept and Development Stage Approval of a Planned Unit Development Amendment for Construction of a TCF Bank, and Concept Stage Approval for Construction of a Future Building to be Located at 1400 County Road 42; and Consider Findings of Fact, Ordinance and Amended Planned Unit Development Agreement.

Motion by Kealey, seconded by Gustafson, to approve the Amended Planned Unit Development Agreement for M-M Burnsville Associates Limited Partnership, LLP and adopt the Findings of Fact and an Ordinance that will be published in the legal newspaper and become part of the official records:

7. Consider Approval of an Application for M-M Burnsville Associates Limited Partnership, LLP (continued)

ORDINANCE NO. 1066

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
M-M BURNSVILLE ASSOCIATES LIMITED PARTNERSHIP, LLP
CASE NO. 06-57

D-07-09

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

8. Consider Approval of an Application for Rupp Industries Inc. for Preliminary and Final Plat Approval to Replat Lot 1, Block 1, DRD Rupp Plaza into Three Single Family Lots and One Industrial Lot to be Known as DRD RUPP PLAZA 2ND ADDITION, a Comprehensive Plan Amendment to Change the Land Use Designation of Land Located North of Preserve Boulevard West from Office and Industrial Park to Single Family Residential, a Rezoning from I-3, PUD (Office and Industrial Park, Planned Unit Development) to R-1 (Single Family Residential), and a Planned Unit Development Amendment for Rupp Industries Located at 3700 West Preserve Boulevard; and Consider Findings of Fact, Ordinance, Development Contract and Amended Planned Unit Development Agreement.

Motion by Crichton, seconded by Workman, to approve the Development Contract and Amended Planned Unit Development Agreement for Rupp Industries, Inc., including Final Plat approval of DRD RUPP PLAZA 2ND ADDITION and a Comprehensive Plan amendment to change the land use designation to R-1 (Single Family Residential); 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. 1067

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
RUPP INDUSTRIES, INC.
CASE NO. 06-62

D-07-10

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

The Council meeting was recessed at 9:20 p.m.

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

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

The Council meeting was reconvened at 9:27 p.m.

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- 10. Public Hearing – Consider Approval of an Application for KSH Development, Inc, for a Planned Unit Development Amendment to Allow for Alternative Financing Options for Condominium and Town-home Sales at Nicollet Plaza; and Consider Findings of Fact, Ordinance, and Amended Planned Unit Development Agreement.

The public hearing to consider the application was opened at 9:29 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 9:29 p.m.

Motion by Crichton, seconded by Gustafson, to approve the Amended Planned Unit Development Agreement for KSH Development, 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. 1068

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
KSH DEVELOPMENT, INC.
CASE NO. 07-06

D-07-11

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

- 11. Consider Resolution Approving Termination of The Contract For Private Redevelopment Between The City Of Burnsville And The Burnsville Economic Development Authority and Mortenson Development, Inc.

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

RESOLUTION NO. 07-5525

RESOLUTION APPROVING TERMINATION OF THE CONTRACT FOR
PRIVATE REDEVELOPMENT BETWEEN THE CITY OF BURNSVILLE AND
THE BURNSVILLE ECONOMIC DEVELOPMENT AUTHORITY
AND MORTENSON DEVELOPMENT, INC.

D-07-12

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

- 12. Adjournment.

Motion by Kealey, seconded by Gustafson to adjourn the meeting at 9:30 p.m. Ayes – Crichton, Gustafson, Kautz, Kealey, 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 March, 2007.

Elizabeth B. Kautz, Mayor