

CITY OF BURNSVILLE
Regular Meeting
March 19, 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 19th day of March, 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., April 2, 7:00 p.m.
Mon., April 16, 7:00 p.m.
Worksession Meeting: Tues., April 10, 6:30 p.m.
Governance Meeting: Tues., Mar. 27, 7:00 p.m. - CANCELLED
Special Worksession: Tues., Mar. 27, 6:30 p.m.

- Recognition of James Galbrecht for Service on Planning Commission.

2. Citizen Comments.

The following person(s) appeared before the Council to comment on the proposed Performing Arts Center:

Elwood Narum, 367 Upper Wood Way

3. Additions to the Final Agenda.

There were no additions to the Final Agenda.

CONSENT AGENDA

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

4A. Consider Approval of Minutes.

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

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$2,037,463.37.

CONSENT AGENDA (continued)

4C. Consider Award of Bid for the 2007-2008 Street Maintenance Materials (07-303).

Accepted the bids and awarded construction contracts to the following contractors under the Joint Powers Agreement as follows:

	<u>Burnsville's Portions</u>
Sealcoating – Pearson Bros., Inc. in the amount of \$1,705,927.86	\$300,000
Traffic Marking – United Rental in the amount of \$255,673.00	\$ 90,000
Sweeping – Astech Corp. in the amount of \$9,600.00	\$ 0
Cracksealing – American Pavement Solutions, Inc. in the amount of \$439,386.96	\$120,000
Screening – Astech Corp. in the amount of \$4,200.00	\$ 1,000

4D. Consider Approving a License Agreement with Dakota Electric Association to Extend Power Transmission Lines through Neill Park.

Approved the License Agreement with Dakota Electric Association.

D-07-16

4E. Consider Approval of Contract Continuation with Digitech, inc. for EMS Billing Services.

Approved the contract continuation with Digitech, Inc. for EMS billing services for the second and third years of the contract term.

4F. Consider Authorizing the Sale of Surplus Property.

Authorized staff to dispose of surplus City property, police confiscated property, and recovered property at a public auction, tentatively scheduled for May 5, 2007 at the old maintenance facility.

4G. Consider Approval of Agreement with Apex Print Technologies for Utility Bill Printing and Mailing Service.

Authorized staff to enter into an agreement with Apex Print Technologies for printing and mailing services for utility bills.

D-07-17

4H. Consider Resolution Accepting the Limits on the Municipal Tort Liability as Established by Minnesota Statutes for the 2007 LMCIT Insurance Program.

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

RESOLUTION NO. 07-5528

RESOLUTION ACCEPTING THE LIMITS FOR THE MUNICIPAL TORT
LIABILITY AS ESTABLISHED BY MINNESOTA STATUTES
FOR THE 2007 LMCIT INSURANCE PROGRAM

CONSENT AGENDA (continued)

- 4I. Consider Awarding Contract for Application of Fertilizer and Weed Control in City Parks and Boulevards.

Approved and awarded the contract for application of fertilizer and weed control in the City parks and boulevards to TruGreen ChemLawn for an approximate amount of \$23,850.00.

- 4J. Consider Approval of an Application for Independent School District 196 for Preliminary Plat Approval of a One Lot Subdivision to be Known as ECHO PARK ELEMENTARY ADDITION and a Planned Unit Development Amendment for an Addition to the Echo Park Elementary School Located at 14100 County Road 11; and Consider Findings of Fact, Ordinance and Amended Planned Unit Development Agreement.

Approved the Amended Planned Unit Development Agreement for Independent School District 196 for Preliminary Plat approval of ECHO PARK ELEMENTARY ADDITION and a Planned Unit Development Amendment for an addition to the Echo Park Elementary School at 14100 County Road 11 and adopted the Findings of Fact and an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1069

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
INDEPENDENT SCHOOL DISTRICT 196
CASE NO. 07-04

D-07-18

- 4K. Consider Resolution Approving the Grant of Access Easement Located Within the Northwest Quarter of the Southeast Quarter of Section 36, Township 115, Range 21, Dakota County, Minnesota together with Government Lot 2, Section 36, Township 115, Range 21, lying West of the West right of way line of U.S. Interstate Highway #35 (Buck Hill Ski Slope Area).

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

RESOLUTION NO. 07-5529

RESOLUTION APPROVING THE GRANT OF ACCESS EASEMENT LOCATED
WITHIN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 36, TOWNSHIP 115, RANGE 21, DAKOTA COUNTY, MINNESOTA
TOGETHER WITH GOVERNMENT LOT 2, SECTION 36, TOWNSHIP 115, RANGE 21,
LYING WEST OF THE WEST RIGHT OF WAY LINE OF U.S. INTERSTATE HWY 35
(BUCK HILL SKI SLOPE AREA)

CONSENT AGENDA (continued)

- 4L. Consider Resolution Approving Vacation of the Permanent Easement Located Within the Northwest Quarter of the Southeast Quarter of Section 36, Township 115, Range 21, Dakota County, Minnesota together with Government Lot 2, Section 36, Township 115, Range 21, lying West of the West right of way line of U.S. Interstate Highway #35 (Buck Hill Ski Slope Area) and Approve Quit Claim Deed.

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

RESOLUTION NO. 07-5530

VACATION OF THE PERMANENT EASEMENT LOCATED WITHIN
THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 36, TOWNSHIP 115, RANGE 21, DAKOTA COUNTY, MINNESOTA
TOGETHER WITH GOVERNMENT LOT 2, SECTION 36, TOWNSHIP 115, RANGE 21,
LYING WEST OF THE WEST RIGHT OF WAY LINE OF U.S. INTERSTATE HIGHWAY 35
(BUCK HILL SKI SLOPE AREA)

- 4M. Consider Approval for Portable Toilet Services for City Parks and Recreation Programs for 2007.

Authorized portable toilet services from Biff's Inc. for a total expenditure not to exceed \$45,650.

- 4N. Consider Resolution Ratifying the Proposed Issuance and Sale of Dakota Communication Center Public Safety Revenue Bonds, Providing for Allocated Share of Payment.

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

RESOLUTION NO. 07-5531

RESOLUTION RATIFYING THE PROPOSED ISSUANCE AND SALE
OF DAKOTA COMMUNICATIONS CENTER PUBLIC SAFETY REVENUE BONDS,
PROVIDING FOR ALLOCATED SHARE OF THE PAYMENT THEREOF

- 4O. Consider Approval of Additional Ownership for Soccer Blast MN.

Approved Tanis Carter as an additional owner having a 5% or more interest in Soccer Blast MN at 3601 W. 145th Street.

REGULAR AGENDA

5. Consider an Ordinance Amending Title 3 of the Burnsville City Code to Make Housekeeping Changes to Chapters 1; Intoxicating Liquor and 3.2 Percent Malt Liquor, Chapter 14; Motion Picture Theaters, Chapter 18; Dance Halls & Entertainment Centers and Chapter 23; Tobacco Products & Tobacco Related Devices – CONTINUED TO WORKSESSION.

Motion by Workman, seconded by Crichton to continue this item and send to a Worksession for further discussion. Ayes – Crichton, Gustafson, Kautz, Kealey, and Workman. Nays - None. Motion carried.

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6. Consider Approval of an Application for Kami, Inc. for Preliminary Plat Approval of a One Lot Subdivision to be Known as KAMI 2ND ADDITION, Concept and Development Stage Approval of a Planned Unit Development Amendment for Construction of a Retail Center to be Located at the Northwest Corner of Williams Drive and Morgan Avenue, and Concept Stage Approval for an Office Condominium Building at the Southeast Corner of Old County Road 34 Place and Morgan Avenue; and Consider Findings of Fact, Ordinance and Planned Unit Development Amendment.

Staff reported that Kami, Inc. has modified the application and no longer requires the conditions listed in the Council Background as #1, #2, and #3. Council directed staff to amend the Amended Planned Unit Development Agreement and Findings of Fact to reflect the applicant's revised proposal keeping the conditions noted as #4 - #9.

Motion by Gustafson, seconded by Kealey, to approve the Planned Unit Development Amendment for Kami, Inc., including Preliminary Plat approval of KAMI 2ND ADDITION for construction of a retail center at Williams Drive and Morgan Avenue and an office condominium building at old County Rd 34 Place and Morgan Avenue; and adopt the Findings of Fact as amended above and an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1070

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
KAMI, INC.
CASE NO. 07-02

D-07-19

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

7. Consider Approval of an Application for Peridot Enterprises LLC for Rezoning from I-3 (Office & Industrial Park) to I-3, PUD (Office & Industrial Park, Planned Unit Development) and Concept and Development Stage Approval of a Planned Unit Development for a Building Addition Located at 14401 Ewing Avenue; and Consider Findings of Fact, Ordinance and Planned Unit Development Agreement.

Council directed staff to strike conditions #1 and #4 of the Planning Commission from the Planned Unit Development Agreement because the deviation requested was minor (4%) and the benefits of the expansion, including additional jobs and expanding the medical technology industry in Burnsville, outweighed the deviations requested.

Motion by Crichton, seconded by Gustafson, to approve the Planned Unit Development Agreement for Peridot Enterprises LLC, for a building addition at 14401 Ewing Avenue, striking conditions #1 and #4 from the Planning Commission; 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. 1071

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
PERIDOT ENTERPRISES LLC
CASE NO. 07-07

D-07-20

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

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8. Consider Approval of an Application for MN Theaters 2006 LLC for Development Stage Approval of a Planned Unit Development Amendment for Construction of a 15 Screen Multiplex Theater to be located at the Southeast Corner of the Burnsville Center; and Consider Findings of Fact, Ordinance and Amended Planned Unit Development Agreement.

Staff reported that the applicant has revised the plans to include 4,700 S. F. of pervious pavers reducing the green space deviation to 4%. Council directed staff to eliminate conditions #3, #7, #8, and #10 from the Amended Planned Unit Development Agreement because the applicant presented the revised plan addressing the Planning Commission's concerns with the pedestrian crossing and adding pervious pavers.

Motion by Kealey, seconded by Workman, to approve the Planned Unit Development Amendment for MN Theaters 2006 LLC, for construction of a theater located in the southeast corner of the Burnsville Center; and adopt the Findings of Fact as amended above and an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1072

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
MN THEATERS 2006 LLC
CASE NO. 07-05

D-07-21

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

The Council meeting was recessed at 8:22 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 8:44 p.m.

10. Public Hearing – Consider Offer for Sale of Land Located at the Southeast Corner of Cliff Road and River Ridge Blvd.

The public hearing to consider an offer for sale of land was opened at 8:48 p.m.

The following person(s) appeared before the Council:

Mike Whalen EFH Realty Advisors

The Mayor declared the public hearing closed at 8:52 p.m.

Motion by Crichton, seconded by Gustafson, to reject the RFP for Sale of Land submitted by EFH Realty Advisors, direct staff to solicit proposals to fix the soil and bring back to Council. Ayes – Crichton, Gustafson, Kautz, Kealey, and Workman. Nays – None. Absent – None. Motion carried.

11. Adjournment.

Motion by Kealey, seconded by Workman to adjourn the meeting at 8:55 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 16th day of April, 2007.

Elizabeth B. Kautz, Mayor