

**CITY OF BURNSVILLE  
SPECIAL WORKSESSION MINUTES  
MARCH 27, 2007**

The City Council of the City of Burnsville met for a Special Worksession at the Burnsville City Hall, 100 Civic Center Parkway, Burnsville, Minnesota on the 27<sup>th</sup> day of March, 2007.

The meeting was called to order at 6:35 p.m. by Mayor Kautz.

Council Present: *C. Crichton, D. Gustafson, E. Kautz, D. Kealey, L. Workman*  
Council Absent: *D. Gustafson*  
Staff Present: *C. Ebeling, T. Omdal, M. Brooks, B. Dalrymple, J. Faulkner, B. Osmundson  
G. Harker, M. Brokl*  
Others Present: *H. Voohees, J. Gessner, D. Edmunds, D. Von Heldon, M. Wentzell,  
P. Anderson, L. Nachman, G. Dietze*

The Mayor called the meeting to order at 6:35 p.m.

**ITEM 1. CONVENTION & VISITORS BUREAU (CVB) AGREEMENT REVIEW**

The CVB agreement review was continued.

**ITEM 2. EDWARD KRAEMER & SONS (EKS) PLANNED UNIT DEVELOPMENT REVIEW**

Jenni Faulkner, Community Development Director, reviewed the Planned Unit Development (PUD) agreement.

- History
  - CUP for mining approved 1968.
  - EKS land included the landfill to the west.
  - Several CUP Amendments prior to 1991.
  - 1991-1994 PUD negotiated and approved.
  - 1998- landfill sold to US Waste- then Waste Management.
  - 2001 & 2006 PUD for landfill expansion approved, BSLI a separate PUD.
  - 2003 CUP for filling in flood fringe approved along 40 acre site adjacent to I-35W.
  - Approved soils work continues today.
- 1994 PUD Agreement
  - Focused on:
    - Landfill Issues- environmental reviews, agency permits, assistance from county/state on community impacts of the land use
    - Quarry Issues- defining ancillary uses, future lake/water issues, defining the quarry edge
    - End Use Plan- future uses, road improvements, connection to river
  - Objectives of the PUD
    - Identify and document all operation on site and protect and plan for their orderly evolution.
    - Establish a framework for the City and EKS to progress towards common goals.
    - Define and agree to an end use plan oriented to the river, I-35W and TH 13 that includes river access, public and private mixed uses and incorporate themes from Vision for Tomorrow.
    - Develop a long-tem operation and implementation plan for facilities, infrastructure, waste management, the quarry, and future end uses.
    - Allow the opportunity for progress review every 5 years and flexibility for PUD amendments as necessary.

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**ITEM 2. EDWARD KRAEMER & SONS (EKS) PUD REVIEW (continued)**

- Approved Plans in PUD- recognized existing uses
    - Landfill, quarry, yard waste, methane gas recovery, etc.
  - Approved future operations and timelines
  - Recognized long term end use plan
  - Preliminary Plat approved
    - Final plat never applied for, preliminary plat is expired.
  - Conceptual mitigation plan approved (EIS in 1992)
    - Wetland filling from landfill activities
    - Rudy Kraemer Nature Center dedicated
    - Box culvert extended and perm. Easements granted
  - Recognized future road improvements
  - Recognized final edge treatment areas to be determined in the future.
- Major PUD Elements
    1. Concept and Development Stage PUD granted - any changes require a PUD amendment
    2. Incorporation of existing and proposed current uses approved
    3. Approval of the plans for the property were documented in Exhibits A-K
    4. PUD is subject to progress reviews at least every 5 years initiated by EKS - City “may” initiate a review if the Developer fails to do so
    5. PUD articulates requirement for wetland mitigation/nature center
    6. PUD defers a requirement for specific plans for treatment of final edges of the quarry with the expectation that future approvals would be granted with a PUD Amendment given plans are consistent with the original PUD
    7. PUD identifies a final edge decision line - 300’ from the edge of the unmined area (Exhibit K) with no mining occurring beyond this point until a final plan has been submitted and approved for the final edge condition – PUD establishes the size of the area to be mined at 340 acres, with the actual footprint of the quarry open for future review
    8. PUD includes a conceptual end use plan (Exhibit E) and consideration for current uses to not render the end uses impossible or impractical
    9. PUD delineates the nature and timing of various roadway improvements related to the property (plans shown in Exhibits H and I)
    10. PUD addresses drainage - the phasing, easements, and payments for the construction of the Box Culvert Road were articulated (completed).
  - Current Status
    - Landfill expansion separated and approved.
    - PUD included:
      - EAW, EIS
      - End Use articulated (golf course)
      - Plat approved and recorded
      - Dedication and construction of public ways provided
      - Dedication of riverfront park land
      - Construction of
      - Host Agreement (use impacts mitigated)
      - Wetland mitigation provided
    - EKS
      - No requested a PUD review
      - Prepared end-use sketch plans in 2003- no formal approval by the City
      - Close to 300’ decision line
      - PUD Amendment is needed now

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**ITEM 2. EDWARD KRAEMER & SONS (EKS) PUD REVIEW (continued)**

- MRQ
  - Gateway Guidelines adopted
  - MRQ Concept Plan approved
  - Transportation improvements slowly continue to move forward
  - City wide goal to move towards eventual redevelopment of the area
  - Special legislation needed for implementation
- Next steps:
  - Discussion and direction on how/when to proceed
  - Any specific elements to be considered when PUD review or amendment is submitted-similar to landfill?

EKS recognized that they are at or close to the western decision line on the north side and have moved operations to the south with an estimated 2 years mining before they reach the limits of the entire western boundary line. Council discussed the need to begin the process of a PUD Amendment

Council directed staff to work with the applicant to begin the process of a PUD Amendment for the redevelopment of the area, which includes clarification of issues such as the 300 foot decision line and a final plat approval, as well as articulation of mutually agreeable issues. The Amendment should follow the same process used for the recent landfill PUD Amendment.

**ITEM 3. PERFORMING ARTS CENTER PLAN CONCEPT DESIGN**

Mark Wentzell, Ankeny Kell Architects, presented a concept design for the Performing Arts Center (PAC), including the following:

- Located on the west side of the park.
- The main theatre portion of the building will be approximately 80 feet tall – neighboring buildings are approx 60 feet tall.
- Curved façade that embraces the park.

Council discussed the following issues:

- Different proposed uses of the black box, rehearsal rooms, multi-purpose rooms, reception room, and lobby areas.
- Acoustics issues.
- Length to back of house and the maximum sightline.
- Catering kitchen, but no food preparation on site.
- Banquet/convention facility - market demand for up to 600 seated.
  - Current design allows for a 300-seated event if speaker driven– 600 standing.

Council thanked Mr. Wentzell for his presentation.

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### **ITEM 4. ROUNDTABLE**

➤ **Request for Community Gardens**

Mayor Kautz reported that Community Gardens has requested the City to identify a park area where they could rent plots for gardens. Bud Osmundson reported that one area with the appropriate criteria would be in Neill Park near Baseball Field No. 1. Council consensus to direct staff to prepare a report on costs for the proposed area and what other cities do and bring back to Council for review.

- Mayor Kautz reported that Senator Coleman successfully voted to increase COPS funding by \$1.15 billion and first responder grants by \$731 million. However, he was unable to win on an amendment he offered to extend \$3.1 billion in renewable energy tax incentives.
- The City Manager's Annual Review will be scheduled for Saturday, May 5, 2007 at 9:30 a.m.
- Matt Brokl, City Attorney, announced that he is leaving. The Council will need to discuss his replacement.

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

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Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 16<sup>th</sup> day of April, 2007.

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Elizabeth B. Kautz, Mayor