

CITY OF BURNSVILLE
Regular Meeting
September 4, 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 4th day of September, 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, Workman
Absent: None

1. Announcements and Proclamations.

Council Meetings: Mon., September 17, 7:00 p.m.
Mon., October 1, 7:00 p.m.
Worksession Meeting: Tues., September 11, 5:30 p.m.
Special Worksession: Thurs., September 6, 4:00 p.m.
Mon., September 10, 6:30 p.m. (Large Community Rm)
Governance Meeting: Tues., September 25, 7:00 p.m.

- Burnsville/Eagan Community Television Volunteer Appreciation Day Proclamation
- Family Day Proclamation A Day to Eat Dinner with Your Children

2. Citizen Comments.

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

Roger Foster 11108 Schoolcraft Road

3. Additions to the Final Agenda.

There were no additions to the Final Agenda.

CONSENT AGENDA

Staff requested item 4D (*Resolution Accepting Bid and Awarding Contract for the T.H. 13 Frontage Road Reconstruction (07-104)*) be removed from the Consent Agenda for discussion.

Councilmember Crichton requested item 4E (*Resolution Approving Plans and Specification and Ordering Advertisement for Bids for the Street Lighting on County Road 42 (07-202)*) be removed from the Consent Agenda for discussion.

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

CONSENT AGENDA (continued)

4A. Consider Approval of Minutes.

Approved the City Council minutes of August 20, 2007 and the Governance minutes of August 28, 2007 as submitted.

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$4,395,747.42.

4C. Consider an Ordinance Amending Title 5, Chapter 1 of the Burnsville City Code adopting the 2006 International Fire Code with Amendments.

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

ORDINANCE NO. 1090

AN ORDINANCE AMENDING TITLE 5, CHAPTER 1 OF THE BURNSVILLE CITY CODE,
ADOPTING THE 2007 MINNESOTA STATE FIRE CODE AND
2006 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS THERETO

4D. *Item removed for discussion.*

4E. *Item removed for discussion*

4F. Consider Approval for an Extension of the Final Plat for HOC PARKING FACILITY to be Located North of Burnsville Parkway, East of Pillsbury Avenue, South of 126th Street..

Approved an extension of the Final Plat for HOC PARKING FACILITY.

ITEM(S) REMOVED FROM CONSENT AGENDA

4D. Continued from August 20, 2007: Consider Resolution Accepting Bid and Awarding Contract for the T.H. 13 Frontage Road Reconstruction (07-104).

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

RESOLUTION NO. 07-5585

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR
T.H. 13 Frontage Road Reconstruction (07-104)

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

Regular Meeting
September 4, 2007

ITEM(S) REMOVED FROM CONSENT AGENDA (continued)

- 4E. Consider Resolution Approving Plans and Specification and Ordering Advertisement for Bids for the Street Lighting on County Road 42 (07-202).

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

RESOLUTION NO. 07-5586

RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS
2 Street Lighting on County Road 42 (07-202)

Poll of Votes: Ayes – Gustafson, Kautz, Workman. Nays – Crichton, Kealey. Motion carried.

REGULAR AGENDA

- 5. Public Hearing – Consider Approval of Pawnbroker License for Pawn America, 181 River Ridge Circle S.

The public hearing was opened at 7:28 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:28 p.m.

Motion by Crichton, seconded by Kealey, to approve a Pawnbroker License to Pawn America, 181 River Ridge Circle S. with the restriction that no retail activity occur at this address. Ayes – Crichton, Gustafson, Kautz, Kealey. Nays – Workman. Motion carried.

- 6. Public Hearing – Consider Resolutions (5) Adopting 2007 Special Assessment Rolls.

A public hearing was conducted to consider assessments for 2007 Reconstruction Project and consolidated projects. The public hearing was opened at 7:57 p.m. The following person(s) appeared before the Council:

No one appeared before the Council. The Mayor declared the public hearing closed at 7:58 p.m.

The following person(s) submitted a written objection:

Geoffrey B. Milliman	Parcel No. 02-73210-140-01
Theodore R. Rilea	Parcel No. 02-73210-150-01
LoriAnn Brockton	Parcel No. 02-73210-030-02

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

RESOLUTION NO. 07-5587

RESOLUTION ADOPTING ASSESSMENTS
ON THE 2007 RECONSTRUCTION PROJECT (07-101)

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

6. Public Hearing – Consider Resolutions (5) Adopting 2007 Special Assessment Rolls (continued).

A public hearing was conducted to consider assessments for 2007 Rehabilitation Project and consolidated projects. The public hearing was opened at 8:11 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 8:12 p.m.

The following person(s) submitted a written objection:

Barry & Maureen Ziegler	Parcel No. 02-71252-060-01
Benjamin & Margaret Brunk	Parcel No. 02-71226-120-03
Betsy Nielsen	Parcel No. 02-40700-190-01
Kyle & Kelly Jefferson	Parcel No. 02-71226-130-03
Michael Oliphant & Andria Harder	Parcel No. 02-71252-050-06
Bill & Mary Morgan	Parcel No. 02-71252-010-06
Sheri Grube	Parcel No. 02-71251-070-03
Kevin & Erin Persons	Parcel No. 02-71252-060-06
Robert & Daphne Connolly	Parcel No. 02-18803-010-02

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

RESOLUTION NO. 07-5588

RESOLUTION ADOPTING ASSESSMENTS
ON THE 2007 REHABILITATION PROJECT (07-102)

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

A public hearing was conducted to consider assessments for the following projects:

- Heart of the City Operations & Maintenance Project.
- Burnsville Parkway/Nicollet Avenue Streetscape Operations & Maintenance Project
- Water / Sewer Miscellaneous Improvements.

The public hearing was opened at 8:17 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 8:17 p.m. There were no written objections.

Motion by Gustafson, seconded by Workman, to adopt the following resolutions (3), which will become part of the official records:

RESOLUTION NO. 07-5589

RESOLUTION ADOPTING ASSESSMENTS
ON THE HEART OF THE CITY OPERATIONS & MAINTENANCE PROJECT

RESOLUTION NO. 07-5590

RESOLUTION ADOPTING ASSESSMENTS ON THE BURNSVILLE PARKWAY/
NICOLLET AVENUE STREETSCAPE OPERATIONS & MAINTENANCE PROJECT

RESOLUTION NO. 07-5591

RESOLUTION ADOPTING ASSESSMENTS
ON MISCELLANEOUS IMPROVEMENTS

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

- 7. Public Hearing – Consider Resolution Vacating a Portion of the Valley View Drive Right of Way Located within the Plat of THIRD ADDITION TO BENHAM INVESTMENT COMPANY’S MINNESOTA ORCHARD GARDENS.

The public hearing was opened at 9:30 p.m. No one appeared before the Council.

Motion by Workman, seconded by Gustafson, to continue the public hearing to Thursday, September 6, 2007 at 4:00 p.m. Ayes – Crichton, Gustafson, Kautz, Kealey, Workman. Nays - None. Motion carried.

- 8. Consider Approving Lot Line Adjustments Consistent with the Roadway Alignment in the Valley View Drive Improvements Project (07-106) Project.

Motion by Kealey, seconded by Crichton, to continue this item to Thursday, September 6, 2007 at 4:00 p.m. Ayes – Crichton, Gustafson, Kautz, Kealey, Workman. Nays - None. Motion carried.

- 9. Consider Resolution Accepting Bid and Awarding Contract for the Judicial Road Improvements (07-105) and Valley View Drive Improvements (07-106).

Staff informed the Council that the necessary documents were not signed by all the Valley View Drive property owners and recommended the Council move forward with just the developer’s portion of the project.

The following person(s) appeared before the Council.

Bruce Schmidt/Darrin Schmidt	Valley View Drive
Jerry Brastad	3001 Valley View Drive
Nels Brastad	2901 Valley View Drive

Motion by Crichton, seconded by Kealey, to continue Valley View Drive Improvements (07-106) project to Thursday, September 6, 2007 at 4:00 p.m. with the condition that all the necessary documents are signed and received by the City before noon on Thursday, September 6, 2007; and adopt the following resolution, which will become part of the official records:

RESOLUTION NO. 07-5592

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT
Judicial Road Improvements (07-105)

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

- 10. Consider Resolution Adopting the Proposed Budget and Certifying the 2008 Proposed Tax Levy to the Dakota County Treasurer-Auditor.

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

RESOLUTION NO. 07-5593

RESOLUTION ADOPTING A PROPOSED BUDGET AND CERTIFYING THE
2008 PROPOSED TAX LEVY TO THE DAKOTA COUNTY TREASURER-AUDITOR

Poll of Votes: Ayes –Gustafson, Kautz, Workman. Nays – Crichton, Kealey. Motion carried.

The Council meeting was recessed at 9:50 p.m.

11. Special Meeting of the Economic Development Authority (EDA).

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

The Council meeting was reconvened at 10:00 p.m.

12. Consider Resolution Adopting the Proposed Budget and Certifying the 2008 Proposed Tax Levy to the Dakota County Treasurer-Auditor.

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

RESOLUTION NO. 07-5594

RESOLUTION APPROVING A PROPOSED TAX LEVY BY THE BURNSVILLE
ECONOMIC DEVELOPMENT AUTHORITY (EDA) FOR TAXES PAYABLE 2008

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

13. Adjournment.

Motion by Kealey, seconded by Crichton, to adjourn the meeting at 10:01 p.m. Ayes – Crichton, Gustafson, Kautz, Kealey, Workman. Nays - None. Motion carried.

Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 17th day of September, 2007.

Elizabeth B. Kautz, Mayor