

CITY OF BURNSVILLE
Regular Meeting Minutes
May 5, 2008

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 5th day of May, 2008.

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., May 19, 7:00 p.m.
Tues., June 3, 7:00 p.m.
Worksession Meeting: Tues., May 13, 6:30 p.m.
Governance Meeting: CANCELLED - Tues, May 27
Special Worksession: Tues., May 27, 5:00 p.m.

- National Arson Awareness Week Proclamation
- Proclamation Honoring Permac Industries
- Presentation of Public Health Achievement Award by Dakota County.
- Presentation of Waste Management Donation to "I Love Burnsville Week"

2. Citizen Comments.

Tom McCasey, 12845 First Avenue S, appeared before the Council to discuss the Level 3 Sex Offender notice.

3. Additions to the Final Agenda.

There were no additions to the Final Agenda.

CONSENT AGENDA

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

4A. Consider Approval of Minutes.

Approved the City Council minutes of April 21, 2008 and the Special Worksession minutes of April 29, 2008 as submitted.

CONSENT AGENDA (continued)

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$6,689,553.65.

4C. Consider an Ordinance Amending Title 1, Chapter 5 to Change Regular Council Meeting Dates from First and Third Mondays to First and Third Tuesdays After the First Monday.

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

ORDINANCE NO. 1115

AN ORDINANCE OF THE CITY OF BURNSVILLE, MINNESOTA
AMENDING TITLE 1, CHAPTER 5 OF THE BURNSVILLE CITY CODE
CONCERNING REGULAR MEETING DATES

4D. Consider Adopting Revisions to Policy 1.020 – Citizen Boards and Ad Hoc Committees to Amend the Meeting Time for Parks and Natural Resources Commission.

Adopted revisions to Policy 1.020 – Citizen Boards and Ad Hoc Committees to amend the meeting time for Parks and Natural Resources Commission to the first Monday of each month.

4E. Consider Adopting Revisions to City Policy Number 1.180 – No Smoking Policy.

Adopted revisions to Policy 1.180 – No Smoking Policy to comply with the Freedom to Breathe Act.

4F. Consider Approval of Supplemental Agreement #3 with Lund Martin Construction, Inc. for Construction of the Burnsville Performing Arts Center.

Approved Supplement Agreement #3 with Lund Martin Construction., for work orders related to the construction of the Burnsville Performing Arts Center in the amount of \$9,492.00.

D-08-30

4G. Consider Resolution Adopting a Revised Retirement Enhancement and Benefit Alternatives (REBA) Voluntary Employees' Beneficiary Association (VEBA) Basic Plan Adoption Agreement which incorporates Post Employment HRA benefits.

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

RESOLUTION NO. 08-5672

RESOLUTION ADOPTING A REVISED RETIREMENT ENHANCEMENT
AND BENEFIT ALTERNATIVES (REBA) VOLUNTARY
EMPLOYEES' AGREEMENT FOR THE CITY OF BURNSVILLE

CONSENT AGENDA (continued)

- 4H. Consider Approval of a JPA with Apple Valley for In-lake Water Quality Projects on Lake Alimagnet.

Approved the Joint Powers Agreement with the City of Apple Valley for in-lake water quality projects on Alimagnet Lake for an amount not to exceed \$34,000 with the City of Apple Valley reimbursing 50% of the total cost, up to \$17,000.

D-08-31

- 4I. Consider Approval of a Wetland Permit Application and Replacement Plan for the Proposed River South Business Park 2nd Addition, Lot 1 Block 1 Development Application.

Approved a Wetland Permit Application and Replacement Plan for the proposed River South Business Park 2nd Addition, Lot 1 Block 1 development application.

- 4J. Consider Approval of an Application for United Properties for Preliminary and Final Plat Approval of a Subdivision to be Known as RIVER SOUTH BUSINESS PARK 2ND ADDITION to be Located North of the Oliver Avenue Extension and West of the County Road 5 Extension; and Consider Development Contract.

Approved a Development Contract for United Properties, including Preliminary and Final Plat approval of RIVER SOUTH BUSINESS PARK 2ND ADDITION.

D-08-31A

- 4K. Consider an Ordinance Amendment to Title 10, Chapter 7, Section 26 of the Burnsville City Code Pertaining to General Parking and Access Requirements to Modify Standards for Concrete Curbing.

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

ORDINANCE NO. 1116

AN ORDINANCE AMENDMENT TO TITLE 10, CHAPTER 7 OF THE
BURNSVILLE CITY CODE CONCERNING GENERAL PARKING AND ACCESS
REQUIREMENTS TO MODIFY STANDARDS FOR CONCRETE CURBING

- 4L. Consider Approving of City Manager's Letter of Understanding for 2008.

Approved the City Manager's Letter of Understanding for 2008 including a 2.5% increase in annual salary and a 1% increase for market adjustment.

D-08-32

REGULAR AGENDA

5. Public Hearing – Consider Resolution Vacating All Drainage and Utility Easements Dedicated in Outlot A, FISCHER INDUSTRIAL PARK.

A public hearing was conducted regarding the vacation of drainage and utility easements. The public hearing was opened at 7:25 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:25 p.m.

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

RESOLUTION NO. 08-5673

RESOLUTION VACATING ALL DRAINAGE AND UTILITY EASEMENTS
DEDICATED IN OUTLOT A, FISCHER INDUSTRIAL PARK

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

6. Consider Approval of an Application for City of Burnsville for Preliminary and Final Plat Approval of a Subdivision to be Known as NICOLLET COMMONS PARK 3RD ADDITION and a Planned Unit Development Amendment for Construction of a Parking Deck Located South of Travelers Trail, East of Pillsbury Avenue and North of Nicollet Commons Park; and Consider Findings of Fact, Ordinance, Development Contract and Amended Planned Unit Development Agreement.

Council directed staff to add the following conditions:

- The applicant shall pursue a planting plan to screen the cable guard rail or use an alternative ornamental railing design.
- If development does not occur on the westerly end of Lot 1 by May 5, 2013, the Council shall evaluate the need for improvements to the exterior material of the west elevation.
- The applicant shall design the upper level of the deck to deter skateboarding on top of the exterior walls.

Motion by Workman, seconded by Gustafson, to approve a Development Contract and Amended Planned Unit Development Agreement as amended above for City of Burnsville including Final Plat approval of NICOLLET COMMONS PARK 3RD ADDITION to construct a parking deck; 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. 1117

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
CASE FILE NO. 08-12

D-08-33

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

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7. Public Hearing – Consider Resolution Vacating All Drainage and Utility Easements Dedicated in Outlot A, NICOLLET COMMONS PARK 2ND ADDITION.

A public hearing was conducted regarding the vacation of drainage and utility easements. The public hearing was opened at 7:04 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:04 p.m.

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

RESOLUTION NO. 08-5674

RESOLUTION VACATING ALL DRAINAGE AND UTILITY EASEMENTS
DEDICATED IN OUTLOT A, NICOLLET COMMONS PARK 2ND ADDITION

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

8. Consider Approval of an Application for iMetro Property Minneapolis for a Planned Unit Development Amendment to Allow a Religious Assembly and Use as a Funeral Home Within the Existing Building at 1351 Riverwood Drive; and Consider Findings of Fact, Ordinance and Amended Planned Unit Development Agreement.

Motion by Crichton, seconded by Workman, to approve an Amended Planned Unit Development Agreement for iMetro Property Minneapolis to allow a religious assembly and use as a funeral home at 1351 Riverwood Drive; 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. 1118

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE
iMETRO PROPERTY MINNEAPOLIS
CASE FILE NO. 08-10

D-08-34

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

9. Adjournment.

Motion by Kealey, seconded by Gustafson, to adjourn the meeting at 8:27 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 19th day of May, 2008.

Elizabeth B. Kautz, Mayor