

**CITY OF BURNSVILLE**  
**Regular Meeting Minutes**  
**June 3, 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 3<sup>rd</sup> day of June, 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, Kautz, Kealey, Workman  
Absent: Gustafson

1. Announcements and Proclamations.

Council Meetings: Tues., June 17, 7:00 p.m.  
Tues., July 8, 7:00 p.m.  
Worksession Meeting: Tues., June 10, 6:30 p.m.  
Governance Meeting: CANCELLED - Tues, June 24  
Special Worksession: Tues., June 10, 5:00 p.m. (Conf. Rm B/C)  
Tues., July 1, 4:00 p.m.

- "I Love Burnsville" Essay Contest Winner
- Recognition for Service on Advisory Boards.

2. Citizen Comments.

No one appeared before the Council.

3. Additions to the Final Agenda.

There were no additions to the Final Agenda.

**CONSENT AGENDA**

Councilmember Crichton requested Item C (*Budget Amendments*) and Item D (*Amending Policy 3.100, City of Burnsville Recreation Fees and Charges, to include Fees for "Promotion Bag"*) be removed from the Consent Agenda for discussion.

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

4A. Consider Approval of Minutes.

Approved the City Council minutes of May 19, 2008 and the Special Worksession minutes of May 19, 2008 and May 27, 2008 as submitted.

***CONSENT AGENDA (continued)***

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$3,096,700.50.

4C. Removed for discussion.

4D. Removed for discussion.

4E. Consider Approval of a Joint Powers Agreement with Dakota County for the 2008 Household Hazardous Waste Collection.

Approved a Joint Powers Agreement with Dakota County for the 2008 Household Hazardous Waste Collection to be held on October 11, 2008.

D-08-37

4F. Consider Approval of Infiltration Basin Management Agreement with Blakeley Properties, LLC.

Approved the Infiltration Basin Management Agreement with Blakeley Properties, LLC for maintenance of the infiltration basin being constructed on their property in conjunction with Burnsville Center Area Stormwater Project (07-103).

4G. Consider an Ordinance Amending Title 10, Chapter 5 of the Burnsville City Code Relating to 60 Day Application Review

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

ORDINANCE NO. 1122

AN ORDINANCE AMENDING TITLE 10, CHAPTER 5 OF THE BURNSVILLE  
CITY CODE RELATING TO 60 DAY APPLICATION REVIEW

4H. Consider an Ordinance Amendment to Add Exemption Criteria to Interim Ordinance No. 1114 Concerning Temporarily Prohibiting the Issuance of Building Permits, Subdivision Approvals, and Zoning Approvals.

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

ORDINANCE NO. 1123

AN INTERIM ORDINANCE TEMPORARILY PROHIBITING  
THE ISSUANCE OF BUILDING PERMITS, SUBDIVISION APPROVALS,  
AND ZONING APPROVALS IN A DESIGNATED AREA OF COMMERCIAL  
OR INDUSTRIAL ZONED PROPERTIES (B AND I DISTRICTS)

***CONSENT AGENDA (continued)***

4I. Consider Approval of Change in Operating Managers and Officers for Liquor License Holders.

Approved the Operating Managers and Officers for liquor license holders as follows:

Kwik Trip – Christopher Malaney  
Aldi Foods – Victoria Lind  
Target Store T2340 – Scott Johnson  
Timberlodge Steakhouse – Donald Gronlund  
Chipotle Mexican Grill – Brian Larson  
Famous Dave’s – Leon Agami

4J. Consider Awarding Contract for Theater Seating in the Performing Arts Center to Secoa.

Awarded the contract for theater seating in the Performing Arts Center project (07-425) to Secoa in the amount of \$243,576.00.

***ITEM(S) REMOVED FROM THE CONSENT AGENDA***

4C. Consider Approval of Budget Amendments.

Council Member Crichton noted that the \$40,000 from fund balance reserves for Planning is due to a study being conducted related to the moratorium, not the moratorium directly as may be implied from the background material.

Motion by Crichton, seconded by Workman, to approve budget amendments for the 2008 budget in the General Fund, Cable Franchise Fee Fund, Vehicle Equipment & Facilities Replacement Fund, and Debt Service Funds. Ayes – Crichton, Kautz, Kealey, Workman. Nays – None. Absent – Gustafson.

4D. Consider Amending Policy 3.100, City of Burnsville Recreation Fees and Charges, to include Fees for “Promotion Bag”, Food/Beverage distribution booth, and Non-Profit solicitation booth at the Annual Winter Lighting Ceremony.

Council Member Crichton inquired as to who established the “Holiday Lighting Committee” to which City Manager Ebeling responded it was a committee created and appointed by the City Manager (staff) to assist staff in carrying out the Council’s Ends and Outcomes per policy. Mr. Ebeling offered to review the policy regarding committees at a future Worksession, Council concurred.

Motion by Crichton, seconded by Workman, to adopt amended Policy 3.100 – City of Burnsville Recreation Fees and Charges as revised to include fees for Promotion Bag, food/beverage distribution booth, and non-profit solicitation booth at the Annual Winter Lighting Ceremony. Ayes – Crichton, Kautz, Kealey, Workman. Nays – None. Absent – Gustafson. Motion carried.

**REGULAR AGENDA**

5. Public Hearing – Consider the Adoption of an Amendment to the Five-year Capital Improvement Plan; the Issuance of General Obligation Bonds to Acquire the City’s Maintenance Center from the Burnsville Economic Development Authority and Refund the Outstanding Lease-revenue Bonds Issued by the EDA to Finance that Facility, and to Finance Certain Improvements to the Maintenance Facility.

A public hearing was conducted. The public hearing was opened at 7:35 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:35 p.m.

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

RESOLUTION NO. 08-5677

RESOLUTION ADOPTING AMENDMENT NO. 1 TO CAPITAL IMPROVEMENT  
PLAN, GIVING PRELIMINARY APPROVAL TO ISSUANCE OF BONDS

D-08-38

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

6. Public Hearing – Consider Approval of a Wine On-Sale Liquor License for Alex Awada d.b.a. Giuseppe’s Restaurant, 14600 Wood Park Shoppes, 10th Ave., Suite 400

A public hearing was conducted. The public hearing was opened at 7:38 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:38 p.m.

Motion by Workman, seconded by Crichton, to approve a Wine On-Sale Liquor License through June 30, 2009 for Alex Awada d.b.a. Giuseppe’s Restaurant at 14600 Wood Park Shoppes, 10<sup>th</sup> Avenue Suite 400. Ayes – Crichton, Kautz, Kealey, Workman. Nays – None. Absent – Gustafson. Motion carried.

7. Public Hearing – Consider Renewal of Off-Sale, On-Sale, Sunday On-Sale, Wine, 3.2 Percent On-Sale, and 3.2 Percent Off-Sale Liquor Licenses.

A public hearing was conducted. The public hearing was opened at 7:40 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:40 p.m.

Motion by Kealey, seconded by Crichton, to renew the annual applications for Off-Sale, On-Sale, Sunday On-Sale, Wine, 3.2% On-Sale, and 3.2% Off-Sale Liquor Licenses with the condition that the all necessary documentation has been received. Ayes – Crichton, Kautz, Kealey, Workman. Nays – None. Absent – Gustafson. Motion carried.

8. Consider 2008 Appointments for Commissions and Committees.

Motion by Crichton, seconded by Workman, to make the following appointments to the HOC Design Review Committee:

Mary Sherry – Regular member, term ending 6/2011  
Ed Delmoro – Regular member, term ending 6/2011  
Richard Thomas – Regular member, term ending 6/2011

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

Motion by Kealey, seconded by Crichton, to make the following appointments to the Parks & Natural Resources Commission:

Len Nachman – Regular member, term ending 6/2011  
Nelson Fitchett – Regular member, term ending 6/2011  
Emma Martin – Youth member, term ending 6/2009  
Matthew Kalmes – Youth member, term ending 6/2009

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

Motion by Crichton, seconded by Kealey, to make the following appointments to the Planning Commission:

Vicky Turner – Regular member, term ending 6/2011  
Christopher Teiken – Alternate member, term ending 6/2011

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

Motion by Kealey, seconded by Workman, to make the following appointments to the Black Dog Watershed Management Organization:

Michael Hughes – Alternate member, term ending 11/2008

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

Motion by Workman, seconded by Crichton, to make the following appointments to the Economic Development Commission:

Gale Aaroe – Alternate member, term ending 6/2011  
Kenneth Gay – Alternate member, term ending 6/2011

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

9. Adjournment.

Motion by Kealey, seconded by Workman, to adjourn the meeting at 7:45 p.m. Ayes – Crichton, Kautz, Kealey, Workman. Nays – None. Absent – Gustafson. Motion carried.

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Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 17<sup>th</sup> day of June, 2008.

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Elizabeth B. Kautz, Mayor