

**CITY OF BURNSVILLE**  
**Regular Meeting Minutes**  
**September 2, 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 2<sup>nd</sup> day of September, 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., September 16, 7:00 p.m.  
Tues., October 7, 7:00 p.m.  
Special Council Mtgs: Mon., September 8, 5:30 p.m. (*Maximum Tax Levy Resolutions*)  
Wed., September 10, 4:30 p.m. (*Conf. Rm D – Canvas Election Results*)  
Governance Meeting: CANCELLED - Tues, September 23  
Worksession Meeting: Mon., Sept 8, 6:30 p.m. (*Sm Community Room*)  
Special Worksession: Tues., September 16, 5:30 p.m.  
(*Conf. Rm D - Advisory Board Interviews*)

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 that Item 4E (*Resolution Approving Cooperative Agreement with Mn/DOT for T.H. #13 Construction of Frontage Road and Soundwall Improvements (09-304)*) and 4H (*Amendments to the Water Restriction Ordinance*) 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 E and H) 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 August 19, 2008 as submitted.

**CONSENT AGENDA (continued)**

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$10,698,391.58.

4C. Consider Resolution Approving a Gambling Permit for the Burnsville Hockey Club to Conduct Off-Site Gambling the Fire Muster - Bingo.

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

RESOLUTION NO. 08-5705

RESOLUTION APPROVING THE CONDUCT OF OFF-SITE GAMBLING  
FOR THE BURNSVILLE HOCKEY CLUB, BINGO  
BURNSVILLE FIRE MUSTER

4D. Consider Resolution Ordering Preparation of Preliminary Report for the 2009 Street Reconstruction/Rehabilitation Projects (09-101 & 09-102), 2009 Park Improvements (09-401), 2009 Street Repair of Watermain and Contract Patching (09-302) and Intersection Improvements (09-501).

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

RESOLUTION NO. 08-5706

RESOLUTION ORDERING PREPARATION OF PRELIMINARY REPORT  
2009 STREET RECONSTRUCTION/REHABILITATION PROJECTS (09-101, 09-102);  
2009 PARK IMPROVEMENTS (09-401); 2009 STREET REPAIR OF WATERMAIN  
AND CONTRACT PATCHING (09-302); INTERSECTION IMPROVEMENTS (09-501)

4E. Item removed for discussion.

4F. Consider Approval of Supplemental Agreement No. 1 for the Heart of the City Parking Deck (08-314).

Approved Supplemental Agreement No. 1 with Lund Martin Construction for the HOC Parking Deck (08-314) in the amount of \$20,776.

4G. Consider Approval of Supplemental Agreement No. 2 for the Heart of the City Parking Deck (08-314).

Approved Supplemental Agreement No. 2 with Lund Martin Construction for the HOC Parking Deck (08-314) in the amount of \$58,716.

4H. Item removed for discussion

***CONSENT AGENDA (continued)***

- 4I. Consider Approval for an Extension of the Final Plat for RIDGES NINTH ADDITION for Prince of Peace Lutheran Church.

Approved an extension of the Final Plat filing deadline to October 1, 2009.

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

- 4E. Consider Resolution Approving Cooperative Agreement with Mn/DOT for T.H. #13 Construction of Frontage Road and Soundwall Improvements (09-304).

Council directed staff to continue researching and seeking out funding solutions to provide noise reduction for the entire residential area for this project, such as temporary extensions where appropriate.

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

RESOLUTION NO. 08-5707

RESOLUTION APPROVING REQUEST FOR MUNICIPAL AGREEMENT  
WITH Mn/DOT FOR THE TH 13 SOUTH FRONTAGE ROAD  
AND NOISE WALL IMPROVEMENTS PROJECT (09-304)

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

- 4H. Consider Amendments to the Water Restriction Ordinance.

Motion by Workman, seconded by Kealey, to adopted an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1133

AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 17  
OF THE BURNSVILLE CITY CODE, CONCERNING WATER USE RESTRICTIONS

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

***REGULAR AGENDA***

5. Consider Approval Resolution and Declaration to Rename Cam Ram Park to Kelleher Park.

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

RESOLUTION NO. 08-5708

RESOLUTION RENAMING CAM RAM PARK AS KELLEHER PARK

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

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6. Public Hearing – Consider Resolution Adopting Assessment for the 2008 Street Reconstruction Project (08-101).

A public hearing for assessments was conducted. The public hearing was opened at 7:50 p.m.

The following person(s) addressed the Council: Robert Boles, 2106 Tamarack Lane

The Mayor declared the public hearing closed at 7:53 p.m.

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

RESOLUTION NO. 08-5709

RESOLUTION ADOPTING ASSESSMENTS  
FOR 2008 STREET RECONSTRUCTION PROJECT (08-101)

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

7. Public Hearing – Consider Resolution Adopting Assessment Roll for Rehabilitation Project (08-102).

A public hearing for assessments was conducted. The public hearing was opened at 8:03 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 8:03 p.m.

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

RESOLUTION NO. 08-5710

RESOLUTION ADOPTING ASSESSMENTS  
FOR 2008 REHABILITATION PROJECT (08-102)

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

8. Public Hearing – Consider Resolution Adopting Assessment Roll for the 2008 Miscellaneous Charges.

A public hearing for assessments was conducted. The public hearing was opened at 8:05 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 8:05 p.m.

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

RESOLUTION NO. 08-5711

RESOLUTION ADOPTING ASSESSMENTS  
FOR 2008 MISCELLANEOUS CHARGES

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

9. Public Hearing – Consider Resolution Adopting Assessment Roll for the 2008 Streetscape Operation and Maintenance.

A public hearing for assessments was conducted. The public hearing was opened at 8:08 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 8:08 p.m.

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

RESOLUTION NO. 08-5712

RESOLUTION ADOPTING ASSESSMENTS  
FOR 2008 STREETSCAPE OPERATION AND MAINTENANCE

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

10. Consider Approval of an Application for Revestors Group 7, LLC for a Planned Unit Development Amendment for Construction of a Retail Building for AAA to be Located at 14300 Nicollet Court; and Consider Findings of Fact, Ordinance, and Amended Planned Unit Development Agreement.

Staff reported that the applicant has already complied with condition #4 and therefore requests that the condition be removed from the Amended Planned Unit Development Agreement. Council amended condition #3 to read as follows:

Due to the third wall sign on the north side of the building a separate freestanding sign or advertizing on the existing freestanding signs is prohibited for the 4,200 sq. ft. building. Should the applicant revise the building signage to be consistent with the ordinance, a freestanding monument sign would be permitted.

Motion by Workman, seconded by Crichton, to approve the Amended Planned Unit Development Agreement for Revestors Group 7, LLC; 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. 1134

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,  
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE  
REVESTORS GROUP 7, LLC  
CASE NO. 08-22

D-08-61

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

11. Consider Approval of the Updated Water Resources Management Plan.

Motion by Kealey, seconded by Workman, to adopt the Updated Water Resources Management Plan. Ayes – Crichton, Kautz, Kealey, Workman. Nays – None. Absent – Gustafson. Motion carried.

D-08-62

12. Consider Approval of the Updated Comprehensive Wetlands Management Plan.

Motion by Kealey, seconded by Crichton, to adopt the Updated Comprehensive Wetlands Management Plan. Ayes – Crichton, Kautz, Kealey, Workman. Nays – None. Absent – Gustafson. Motion carried.

D-08-63

13. Adjournment.

Motion by Kealey, seconded by Workman, to adjourn the meeting at 9:14 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 16<sup>th</sup> day of September, 2008.

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Elizabeth B. Kautz, Mayor