

**CITY OF BURNSVILLE  
WORKSESSION MINUTES  
SEPTEMBER 8, 2008**

The City Council of the City of Burnsville met for a Worksession at the Burnsville City Hall, 100 Civic Center Parkway, Burnsville, Minnesota on the 8<sup>th</sup> day of September, 2008.

The meeting was called to order at 6:30 p.m. by Mayor Kautz.

Council Present: *C. Crichton, D. Gustafson, E. Kautz, D. Kealey, L. Workman*  
Council Absent: *None*  
Staff Present: *C. Ebeling, T. Omdal, T. Hansen, M. Brooks, T. Schultz, B. Osmundson, S. Bast, S. McGowan, J. Faulkner, D. Garross*  
Others Present: *S. Briggs, J. Gessner*

**ITEM 1. UPDATE ON SUSTAINABILITY GUIDE PLAN DEVELOPMENT**

Tom Hansen, Deputy City Manager, Terry Schultz, Director of Parks & Natural Resources, Sue Bast, Environmental Specialist, and Deb Garross, Planner, presented information on the development of a draft Sustainability Guide Plan. Staff and Emmons and Olivier Resources, Inc. (EOR) are continuing to work on the final draft Sustainability Guide Plan covering the 14 Best Practices Areas (BPA's) identified by the City Council through the 2007 governance process. A final product should be ready for Council review before the end of the year. When completed, the Guide Plan will include a comprehensive set of short and longer term strategy options for the Council in each of the 14 BPA's. Staff discussed progress to date on the plan and shared several initial action steps that the City is already doing and steps that could be started in 2008/2009 at no to low cost and integrated into existing operations.

**INITIAL ACTION STEPS FOR SUSTAINABILITY**

Steps to Date

- Governance Agenda
- Consultant: EOR
- Multiple meetings with staff
- Draft Sustainability Guide Plan

Tonight's Goal

- Update Council on Sustainability Guide Plan
- Share initial action steps

Things to Consider

- Sustainability is a new area for cities to consider
- Guide Plan vs. Statutory Plan
- Low hanging fruit
- Council control

Guiding Principle

- The City of Burnsville will promote development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainability meets the needs of the present without compromising the ability of future generations to meet their own needs.

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**ITEM 1. UPDATE ON SUSTAINABILITY GUIDE PLAN DEVELOPMENT (continued)**

14 Best Practices Area's

1. Environmentally Preferable Purchasing
  - Increase the use of State and National Cooperative Purchasing Contracts.
  - Annually train Burnsville city staff responsible for purchasing on current EPP best practices
  - Develop a list of environmentally preferred local vendors for city departments to choose from
2. Product Stewardship
  - Review current city vendors/suppliers using sustainable criteria
3. Greenhouse Gas Reductions
  - Establish CO2 emission tracking procedure with annual reporting to gather baseline data
4. Sustainable Land Use
  - Develop and apply a sustainable land use checklist.
  - Promote continuing education on sustainable land use practices for pertinent city staff
  - Publish articles on sustainable land use practices in the Burnsville Bulletin
5. Sustainable Transportation
  - Promote use of transit options
6. Renewable Energy
  - Explore the possibility of incorporating geothermal technology in the Ice Center as a part of the scheduled ice plant replacement in 2010
7. Energy Efficiency
  - Implement recommendations of city Hall Energy Audit ( retrofit lighting already accomplished in all city facilities)
8. Sustainable Building Practices
  - Establish city policy to evaluate all renovation projects for sustainable opportunities
  - Partner with local retail venues on ways to educate the public at point-of-sale
9. Community Health
  - Continue involvement in the Healthy Cities initiatives
  - Work with partners to promote and provide program/ incentives for biking and walking
10. Recycling and Waste Reduction
  - Standardize Recycling Containers and Signage
  - Employee orientation/ongoing recycling training
11. Healthy Urban Forests
  - Implement the Urban Forestry components of the Natural Resource Master Plan identified for 2009
  - Implement Boulevard Tree Planting Permit Program for residents
12. Sustainability Education
  - Develop city sustainability website
  - Select a city building/property (e.g. Ice Center) as a city model of sustainability
  - Use current community events to promote sustainability messages

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**ITEM 1. UPDATE ON SUSTAINABILITY GUIDE PLAN DEVELOPMENT (continued)**

## 13. Surface &amp; Groundwater Resources

- Complete surface water treatment facility
- Educate homeowners, associations, and businesses that have responsibility for stormwater facility maintenance

## 14. Innovative Opportunities

- Leverage active volunteers in Burnsville to provide support for sustainability initiatives
- Network with businesses, congregations, schools, neighborhood groups and community groups

Council directed staff to address working with local recycling companies to provide recycling services for special events and throughout the park system. Council discussed aquatic plant management versus water clarity issues on Keller Lake and requested that staff report back to them on how the city could address the aquatic plant management issues at Keller Lake. Council was receptive to the idea proposed by staff that some money from existing funds dedicated to environmental purposes be used to free up some of Sue Bast's time to begin coordination of the initial action steps. Council consensus to move forward with the Sustainability Guide Plan Initial Action Steps as proposed by staff.

**ITEM 2. DRIVEWAY REQUIREMENTS ORDINANCE**

Jenni Faulkner, Community Development Director, reviewed a draft ordinance which addresses driveway width at the curb and maximum coverage.

Driveway Width: The current ordinance maximum is 24 feet as measured at the property line. Staff proposed language to change the driveway width to 22 feet at the property line.

Driveway Coverage: There currently is no requirement for lot coverage in single family residential area. In R-3A and R-3B the landscaping ordinance requires 50% green area which is typically distributed between front and rear yards. The shoreland ordinance requires a maximum impervious surface of 25% for residential areas which results in overall less lot coverage. Staff recommends no less than a 35% front yard coverage maximum, with the front yard being define as the area from the house footprint forward to the edge of the r-o-w line. The majority of homes would still be conforming, while allowing slightly more coverage to accommodate homes with a 3 car garage or for lots that may be pie or irregular shaped. Also, if the garage is at the 30 foot setback and the living portion of the home is setback further, then there would be a bit larger front yard that would allow for slightly more pavement in the front yard.

Council discussed whether a change in the driveway width requirements from 24 to 22 feet would be a significant reduction of impervious surface and discussed the proposed 35% front yard coverage maximum. Council consensus to maintain the width requirement at 24 feet and establish a front yard coverage maximum at 35% for R-1, R-1A, and R-2 districts of the City.

**ITEM 3. FORECLOSURES FOLLOW UP DISCUSSION**

Jenni Faulkner, Community Development Director, presented a draft Foreclosure Handout and reviewed possible policy and/or ordinance amendments related to vacated and foreclosed properties.

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**ITEM 3. FORECLOSURES FOLLOW UP DISCUSSION (continued)**

Council discussed the following issues:

- Could Habitat for Humanity fix up foreclosed homes for its projects?
- Foreclosure assistance programs (CDA administrates).
- Allocation of HUD funds.
- Consider establishing a program for those that don't meet income restrictions but can't afford reasonable housing maintenance.
- Develop a registration program for foreclosed homes

Council directed staff to report on the allocation of HUD funds and options for using it. Consensus to move forward with distribution of the handout and a registration program to keep track of homes in foreclosure similar to our rental licensing program.

**ITEM 4. ENCROACHMENT AGREEMENTS FOR LAND OTHER THAN ROW**

Jenni Faulkner, Community Development Director, reviewed options for encroachments agreement on city land other than rights of way, such as park land. Staff has done some research and found several options for Council to consider:

1. Leave the encroachment alone – not recommended by City Attorney.
2. Require the encroachment to be removed – this could result in a cost to the homeowner; however, for newer homeowners, title insurance typically covers the cost of the removal of unidentified encroachments to the new homeowner. Additionally, the City could assist with the cost as done with other property maintenance issues and assess the property for the cost to assist in removal of the encroachment (provide financing for compliance). This would require an amendment to the existing policy to clarify this intended purpose.
3. Consider selling the land- this would have to be handled on a case by case basis and could result in issues with title work depending on how the city acquired the property and perhaps issues with the public in reducing the amount of parkland in the city. This could be done with an amendment to land sale policy.
4. Consider a permit for the encroachment- this could be an administrative process and if permanent difficult to ever remove the encroachment. Ordinance would need to be amended to provide the permit option and procedures.
5. Consider an encroachment agreement – this would be approved by Council and recorded against the property and contain provisions regarding the removal of the encroachment. Provisions for the agreement could be by ordinance or in a policy. Council could establish a fee for processing and recording, similar to processing a vacation or license.

Council discussed encroachments on city land, noting most cases are from fences on park property, and how the issue needs to be handled on a case by case basis. Council consensus to proceed with Option #5 above reviewing each property on a case by case basis for approval of an encroachment agreement. There will be no fee associated with the encroachment agreements but they will include a clause that the property can be removed at the owner's expense at any time, for any reason. Council directed staff to develop a policy outlining this process and return to Council for adoption at a regular meeting.

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**ITEM 5. COMMUNITY BUILDERS NOMINATIONS**

Council reviewed the nominations for Community Builder awards in preparation for presentations at the October 21<sup>st</sup> Council Meeting. Council consensus to present four awards this year.

**ITEM 6. ROUNDTABLE**

➤ **Comprehensive Plan Process Update**

Jenni Faulkner, CDD, advised the Council that staff would need to receive any changes, additions, clarifications on the Comp Plan by October 15, 2008. Thursday, October 23<sup>rd</sup> is the Public Open House.

➤ **Reports on Advisory Boards & External Organizations**

**Mayor Kautz**

- Minnesota Valley Transit Authority
  - Continue working with Met Council to retain our ‘opt out’ status and take back ownership of our assets.
- UPA Open House – Wednesday, September 10<sup>th</sup> at 6:30 p.m. in the Council Chambers regarding I-35W lane additions, soundwalls, etc.– local legislators will be attending.

The meeting was adjourned at 7:56 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 August, 2008.

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Elizabeth B. Kautz, Mayor