

CITY OF BURNSVILLE
Regular Meeting Minutes
June 2, 2009

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 2nd day of June, 2009.

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

The Pledge of Allegiance was preceded by a moment of silence.

Present: Crichton, Gustafson, Kautz, Kealey, Sherry
Absent: None

1. Announcements and Proclamations.

Council Meetings: Tues., June 16, 6:30 p.m.
Tues., July 7, 6:30 p.m.
Worksession Meeting: Tues., June 9, 6:30 p.m.
Special Worksessions: Tues, June 9, 5:30 p.m. (Audit Committee Meeting)
Governance Meeting: Tues. June 23, 6:30 p.m.

- Proclamation Recognizing Vietnam Veterans Reunion
- Recognition of Service on the Planning Commission – Michael Esch
- Recognition of 3rd grade Winners of the second annual “I Love Burnsville” Essay contest. Winners will read their essays and receive cash awards courtesy of Highland Bank

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 Kealey requested Item C (*Supplemental Agreement No. 11 for the Burnsville Performing Arts Center*) be removed from the Consent Agenda for further discussion.

Councilmember Crichton requested the following items be removed from the Consent Agenda for further discussion:

- Item F (*Resolution Accepting Bid and Awarding Contract for Bids for Judicial Road and 155th Street Roadway Improvement (09-103) and 150th Street Watermain Improvements (09-307)*)
- Item G (*Resolution Approving Agreement with Dakota County and Mn/DOT for Removal of the Existing Traffic Control Signal and Install New Traffic Control Signal with St. Lights, Emergency Vehicle Pre-emption, and Signing on T.H. 13 at CSAH 30 Diffley Rd/Cedarbridge Avenue and at River Hills Drive. (09-503).*)

CONSENT AGENDA (continued)

Motion by Kealey, seconded by Sherry, that the following Consent Agenda items (listed as A–J, excepting C, F and G) be approved as presented. Ayes – Crichton, Gustafson, Kautz, Kealey and Sherry. Nays – None. Motion carried.

4A. Consider Approval of Minutes.

Approved the Special Worksession minutes of May 14, 2009, Closed Special Worksession meeting of May 19, 2009, City Council minutes of May 19, 2009 and Special Worksession minutes of May 26, 2009 as submitted.

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$8,213,665.05.

4C. *Item removed for discussion.*

4D. Consider Approval of a Change in Operating Managers and Corporate Officers for Liquor License Holders.

Approved the following Operating Managers and Corporate Officers:

3.2 Percent Off-Sale

Super America #4201 – Mark Westphal
Super America #4460 – Michael Hussung
Aldi Foods – Scott Mattern

Super America #4211 – Mary Sanna
Super America #4383 – Melissa Contrella

3.2 On-Sale/Wine

Chipotle Mexican Grill – Aaron Goode

On-Sale A

Buca de Beppo – Dennis Goetz and Thomas Avallone

4E. Consider Authorization To Purchase Holmatro Hydraulic Rescue Tool.

Approved the purchase of one (1) Holmatro Hydraulic Rescue Tool from Jefferson Fire & Safety, Inc. in the amount of \$26,933.24.

4F. *Item removed for discussion*

4G. *Item removed for discussion*

CONSENT AGENDA (continued)

- 4H. Consider an Ordinance Amendment to Title 10, Chapter 19, Section 3A of the Burnsville City Code Relating to Outside Storage at Motor Fuel Stations.

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

ORDINANCE NO. 1165

AN ORDINANCE AMENDMENT TO TITLE 10, CHAPTER 19, SECTION 3A
OF THE BURNSVILLE CITY CODE TO ALLOW ICE MACHINES
TO BE LOCATED OUTSIDE OF MOTOR FUEL STATIONS

- 4I. Consider Approval of an Application for The Goodman Group for a Building Permit to Rebuild the Burnsliff Apartment Building Located at 12312 Parkwood Drive; and Consider Finding of Fact.

Approved a building permit to rebuild the Burnsliff Apartment Building located at 12312 Parkwood Drive; and adopted Findings of Fact.

D-09-35

- 4J. Consider Waiving Fees for Development Review Application for Southwest Burnsville (Dan Callahan).

Approved the request to waive fees for the Development Review Application for Southwest Burnsville, with the condition that staff time be limited to \$5,000 or less.

- 4K. Consider Authorizing Letter of Support for Federal Funding for Truck Hwy 13 / CSAH 5 Project.

Authorized a Letter of Support for SAFETEA-LU Federal Transportation Funding for the TH 13/CH5 Interchange project for Dakota County's application.

ITEM(S) REMOVED FROM CONSENT AGENDA

- 4C. Consider Approval of Supplemental Agreement No. 11 for the Burnsville Performing Arts Center.

Motion by Kealey, seconded by Sherry, to approve Supplemental Agreement No. 11 with Lund Martin for the Burnsville Performing Arts Center in the amount of \$139,116. Ayes – Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays – none. Motion carried.

- 4F. Consider Resolution Accepting Bid and Awarding Contract for Bids for Judicial Road and 155th Street Roadway Improvement (09-103) and 150th Street Watermain Improvements (09-307).

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

RESOLUTION NO. 09- 5762

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR
THE JUDICIAL ROAD AND 155TH STREET ROADWAY IMPROVEMENTS (09-103)
AND THE 150TH STREET WATERMAIN IMPROVEMENTS (09-307)

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

ITEM(S) REMOVED FROM CONSENT AGENDA (continued)

- 4G. Consider Resolution Approving Agreement with Dakota County and Mn/DOT for Removal of the Existing Traffic Control Signal and Install New Traffic Control Signal with St. Lights, Emergency Vehicle Pre-emption, and Signing on T.H. 13 at CSAH 30 Diffley Rd/Cedarbridge Avenue and at River Hills Drive. (09-503)

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

RESOLUTION NO. 09- 5763

RESOLUTION APPROVING AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION (Mn/DOT), DAKOTA COUNTY FOR REMOVING THE EXISTING TRAFFICCONTROL SIGNALS AND INSTALL NEW TRAFFIC CONTROL SIGNALS ON TRUNK HIGHWAY 13 AT COUNTY STATE AID HIGHWAY NO. 30 (DIFFLEY RD.) /CEDARBRIDGE AVENUE, AND AT RIVER HILLS DRIVE (09-503)

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

REGULAR AGENDA

5. Public Update on New Departure Procedure from Mpls/St. Paul IAP Presented by Bert McKasy MAC Commissioner.

Bert McKasy presented an update to the City Council regarding new department procedures from the MSP Airport.

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

A public hearing was conducted. The public hearing was opened at 7:34 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:34 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, Gustafson, Kautz, Kealey, Workman. Nays – None. Motion carried.

7. Public Hearing - Consider Resolution Ordering Improvements and Approving Plans and Specifications and Ordering Advertisement for Bids for Street Rehabilitation of Southcross Drive, Burnhaven Drive, Burkards Drive, and Crystal Lake Road (09-106) and Intersection Improvements at Burnhaven Drive and Crystal Lake Road (09-501).

A public hearing for roadway improvements was conducted. The public hearing was opened at 7:44 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:44 p.m.

Les Boeckman, 15001 Burnhaven Drive #119, appeared before the Council to speak in favor of the roundabout after the public hearing was closed.

7. Public Hearing - Consider Resolution Ordering Improvements... (continued).

Motion by Crichton, seconded by Kealey, to omit the intersection improvements (roundabout) at Burnhaven Drive and Crystal Lake Road (09-501) from the proposed resolution. Ayes – Crichton and Kealey. Nays – Gustafson, Kautz, and Sherry. Motion failed.

Council directed staff to format the bids for this project to specify the intersection improvements (roundabout) portion – Burnhaven Drive and Crystal Lake Road (09-501) – as an alternate. Council will have the authority to award the project bid with or without the alternate bid for the intersection improvements.

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

RESOLUTION NO. 09-5764

RESOLUTION ORDERING IMPROVEMENTS, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR SOUTHCROSS DRIVE, BURNHAVEN DRIVE, BURKARDS DRIVE, AND CRYSTAL LAKE ROAD (09-106) AND INTERSECTION IMPROVEMENTS AT BURNHAVEN DRIVE AND CRYSTAL LAKE ROAD (09-501)

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

8. Public Hearing – Consider Resolution Adopting Assessment Roll for the CSAH 42 Street Lighting (07-202).

A public hearing to adopt the assessment roll was conducted. The public hearing was opened at 8:15 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 8:15 p.m.

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

RESOLUTION NO. 09-5765

RESOLUTION ADOPTING ASSESSMENTS ON
COUNTY STATE AID HIGHWAY (CSAH) 42 STREET LIGHTING (07-202)

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

9. Consider Authorizing a Transportation Enhancement Funding Grant Application for Construction of a Bicycle/Pedestrian Trail Along Black Dog Road.

Motion by Kealey, seconded by Gustafson, to authorize staff to submit a Transportation Enhancement (TE) Funding Grant Application to the Metropolitan Council for construction of a bicycle/pedestrian trail along Black Dog Road. Ayes – Crichton, Kautz, Kealey, and Sherry. Nays – None. Motion carried.

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10. Consider Ordinance Amendments to Title 10 and 8, of the Burnsville City Code to Modify Requirements for Bus Benches and Transit Shelters and Policy Changes to Adopt Revised Bus Bench License Fees and Removal of the RFP Process.

Motion by Kealey, seconded by Crichton, to rescind Policy 5.246 (*Bus Bench RFP Policy*), and adopt two (2) Ordinances, including an amendment to the duration of the bus bench contracts from 6 months to 12 months, that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1166

AN ORDINANCE AMENDING TITLE 10, CHAPTER 7, 12, 12B, 13, 18, 20, 22A, 22A1, 22B, 24, 26, 26A, 26B, and 30 OF THE BURNSVILLE CITY CODE TO MODIFY STANDARDS FOR BUS BENCHES AND TRANSIT

ORDINANCE NO. 1167

AN ORDINANCE AMENDING TITLE 8, CHAPTER 14 OF THE BURNSVILLE CITY CODE TO MODIFY STANDARDS FOR BUS BENCHES AND TRANSIT SHELTERS

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

11. Consider Appointments to Advisory Boards for 2009.

Motion by Crichton, seconded by Sherry to appoint the following individuals to the Planning Commission:

Chris Teiken – from Alternate to Regular member, term ending 6/2012
Ram Singh – Regular member, term ending 6/2012
Patrick Julik – Alternate member, term ending 6/2011

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

Motion by Sherry, seconded by Crichton to appoint the following individual to the HOC Design Review Committee:

Wayne Huelskoetter – Regular member, term ending 6/2012

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

Motion by Kealey, seconded by Crichton to appoint the following individuals to the Parks & Natural Resources Commission

Steve Steuber – Regular member, term ending 6/2012
John Wallace – Regular member, term ending 6/2012
Deborah Haqq – Alternate member, term ending 6/2012

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

Motion by Gustafson, seconded by Kealey to appoint the following individuals to the Economic Development Commission

Ken Slipka – Regular member, term ending 6/2012
Kenneth Gay – from Alternate to Regular member, term ending 6/2012
Kevin Stirtz – Alternate member, term ending 6/2011

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

12. Adjournment.

Motion by Kealey, seconded by Crichton, to adjourn the meeting at 8:46 p.m. Ayes – Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays – None. Motion carried.

Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 16th day of June, 2009.

Elizabeth B. Kautz, Mayor