

CITY OF BURNSVILLE
Regular Meeting Minutes
September 22, 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 22nd day of September 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, and Sherry
Absent: None

1. Announcements and Proclamations.

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|-----------------------|---------------------------------|
| Council Meetings: | Tues., October 6, 6:30 p.m. |
| | Tues., October 20, 6:30 p.m. |
| Worksession Meetings: | Tues., October 13, 6:30 p.m. |
| Governance Meeting: | Cancelled (Tues., September 29) |

Truth in Taxation Meeting Schedule for Taxes Payable in 2010:

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|-------------------------------------|-------------------------------|
| 1 st Budget Worksession: | Tues., November 10, 6:30 p.m. |
| 2 nd Budget Worksession: | Mon., November 16, 6:30 p.m. |
| Adopt Budget/Final Tax Levy: | Tues., December 8, 6:30 p.m. |

* *The public will be allowed to comment at all TNT meetings.*

- Family Day Proclamation
- National Arts & Humanities Month Proclamation

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 Items 4D (*Transaction to Acquire the Burnsville Performing Arts Center (BPAC) Marquee Sign*) and 4E (*Authorizing Staff to Advertise Bids for Purchase of an Orchestra Shell for the Burnsville Performing Arts Center and Authority to Purchase in an Amount not to Exceed \$140,000*) be removed from Consent Agenda for discussion.

Councilmember Sherry requested Items 4J (*Improvement, Approving Plans and Specifications and Ordering Advertisement for Bids for Cliff Road Drainage Improvement (09-323)*) be removed from Consent Agenda for discussion.

CONSENT AGENDA (continued)

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

4A. Consider Approval of Minutes.

Approved the City Council minutes of September 8, 2009 and the Worksession minutes of September 15, 2009 as submitted.

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$4,463,109.62.

4C. Consider Authorizing Payment of Membership Dues to the League of Minnesota Cities for September 2009/2010.

Authorized payment of membership dues to the League of Minnesota Cities in the amount of \$25,795.00.

4D. *Item removed for discussion.*

4E. *Item removed for discussion.*

4F. Consider Resolution Authorizing Burnsville to Enter into a Grant Agreement with the Dakota County Traffic Safety Group.

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

RESOLUTION NO. 09-5801

RESOLUTION AUTHORIZING BURNSVILLE TO ENTER INTO A
GRANT AGREEMENT WITH THE DAKOTA COUNTY TRAFFIC SAFETY GROUP

4G. Consider Approval of an Encroachment Agreement with Magellan Pipeline Company, L.P. for Woodhill Road and Circle Drive Encroachments into Magellan Pipeline Company, L.P. Pipeline Easements.

Approved an Encroachment Agreement with Magellan Pipeline Company, L.P. for the city facility encroachments at Woodhill Road and Circle Drive.

CONSENT AGENDA (continued)

- 4H. Consider Resolution Ordering Preparation of Preliminary Report for the 2010 Street Reconstruction/Rehabilitation Projects (10-101 & 10-102), 2010 Park Improvements (10-401), 2010 Street Repair of Watermain and Contract Patching (10-302).

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

RESOLUTION NO. 09-5802

RESOLUTION ORDERING PREPARATION OF PRELIMINARY REPORT FOR THE 2010 STREET RECONSTRUCTION/REHABILITATION PROJECTS (10-101 & 10-102), 2010 PARK IMPROVEMENTS (10-401), 2010 STREET REPAIR OF WATERMAIN AND CONTRACT PATCHING (10-302).

- 4I. Consider Resolutions Declaring Costs to be Assessed and Approving Proposed Assessments and Calling for Two (2) Public Hearings for City Projects - Burnsville Center Area Ponding (07-103) and Judicial Road /155th Street Improvement (09-103)

Adopted the following two (2) resolutions, which will become part of the official records:

RESOLUTION NO. 09-5803

RESOLUTION DECLARING COST TO BE ASSESSED, APPROVING PROPERTY ASSESSMENTS, AND CALLING FOR PUBLIC HEARING ON JUDICIAL ROAD/155TH STREET (09-103)

RESOLUTION NO. 09-5804

RESOLUTION DECLARING COST TO BE ASSESSED, APPROVING PROPERTY ASSESSMENTS, AND CALLING FOR PUBLIC HEARING ON BURNSVILLE CENTER AREA PONDING (07-103)

- 4J. *Item removed for discussion.*

- 4K. Consider Resolution Supporting Dakota County's Proposed 2010–2014 Capital Improvements Plan (CIP).

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

RESOLUTION NO. 09-5805

RESOLUTION SUPPORTING DAKOTA COUNTY'S PROPOSED 2010-2014 CAPITAL IMPROVEMENTS PLAN

- 4L. Consider Approval of an Application for TIGER Grant Funding for the TH 13/CH 5 Interchange Project.

Authorized staff to proceed with the TH 13/CR 5 Interchange project application for TIGER grant funding.

ITEM(S) REMOVED FROM CONSENT AGENDA

- 4D. Consider Approval of Transaction to Acquire the Burnsville Performing Arts Center (BPAC) Marquee Sign, Sponsored by Frontier Communications.

Motion by Crichton, seconded by Sherry, to approve the transaction to acquire the Burnsville Performing Arts Center (BPAC) marquee sign and direct staff and the City Attorney to prepare the necessary transfer and assignment documents for execution by the Mayor and City Manager. Ayes: Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays: None. Motion carried.

- 4E. Consider Authorizing Staff to Advertise Bids for Purchase of an Orchestra Shell for the Burnsville Performing Arts Center and Authority to Purchase in an Amount not to Exceed \$140,000.

Motion by Gustafson, seconded by Sherry, to authorize advertisement of bids to purchase of an orchestra shell for the Burnsville Performing Arts Center and to authorize the subsequent purchase for an amount not to exceed \$140,000. Ayes: Gustafson, Kautz, Kealey, and Sherry. Nays: Crichton. Motion carried.

- 4J. Consider Authorizing Improvement, Approving Plans and Specifications and Ordering Advertisement for Bids for Cliff Road Drainage Improvement (09-323).

Motion by Sherry, seconded by Gustafson, to authorize improvements, approved plans and specifications, and ordered advertisement for bids for Cliff Road Drainage Improvements Project (09-323). Ayes: Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays: None. Motion carried.

REGULAR AGENDA

5. Consider an Application for Midland Atlantic Development Co., LLC for a Preliminary and Final Plat for a one lot subdivision to be known as MIDLAND ADDITION and a Variance for parking setback and drive aisle width located at 560 County Road 42; and Consider Findings of Fact, Variance to Record and Development Agreement.

Motion by Crichton, seconded by Sherry, to approve the Development Contract and Variance to Record for Midland Atlantic Development Co. LLC, including final plat approval of MIDLAND ADDITION; and adopt the Findings of Fact. Ayes: Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays: None. Motion carried.

D-09-58

6. Consider Authorizing the Purchase of Audio Visual Equipment, Window Treatments, and Arbor Spacers for the Burnsville Performing Arts Center

Motion by Crichton, seconded by Sherry, to authorize purchase of audio visual equipment, window treatments, and arbor spacers for the Burnsville Performing Arts Center (BPAC) in an amount not to exceed \$97,000. Ayes: Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays: None. Motion carried.

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7. Consider an Ordinance Amending Burnsville City Code Title 3, Chapter 1 Regarding Off-Sale Intoxicating Liquor Licensing.

Councilmember Kealey recused himself from this discussion and left the dais.

Motion by Crichton, seconded by Sherry, to approve a revision to Policy 1.028 – Off-Sale Liquor Licenses to conform with the outlined changes as presented and adopt an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1179

AN ORDINANCE AMENDING BURNSVILLE CITY CODE TITLE 3, CHAPTER 1,
SECTION 3 REGARDING OFF-SALE INTOXICATING LIQUOR LICENSES

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

8. Adjournment

Motion by Sherry, seconded by Crichton, to adjourn the meeting at 7:32 p.m. Ayes – Crichton, Gustafson, Kautz, and Sherry. Nays - None. Absent: Kealey. Motion carried.

Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 6th day of October, 2009.

Elizabeth B. Kautz, Mayor