

**CITY OF BURNSVILLE  
WORKSESSION MINUTES  
OCTOBER 13, 2009**

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 13<sup>th</sup> day of October, 2009.

The meeting was called to order at 6:40 p.m. by Mayor Kautz.

Council Present: *C. Crichton, D. Gustafson, E. Kautz, D. Kealey, M. Sherry*  
Council Absent: *None*  
Staff Present: *C. Ebeling, T. Omdal, M. Brooks, T. Hansen, T. Schultz, J. Faulkner, R. Peterson, D. Garros, E. Werner, D. Jacobson*  
Others Present: *J. Gessner, J. Palmersheim, E. Delmoro, R. Vanderlaan, D. VonHeldon, D. Finley, B. Rixmann, T. Blomstrom*

**ITEM 1. PAWN SHOP/RESELLER REGULATIONS**

Councilmember Kealey recused himself from this discussion due to a conflict of interest.

Tom Hansen, Deputy City Manager, and Eric Werner, Police Captain, presented information on the review of the Leads on Line (LoL) software system and the Automated Pawn System (APS).

APS:

- Provides regional Interagency Data Sharing
- Comprehensive Standards Based
- Extensive Security (L.E. & business data protected/withstand external scrutiny as other L.E. systems have)
- Further review – 90 Day LoL Trial Period

Council discussed the following issues:

- Costs associated with both systems
- The number of annual transactions
- Advantages and disadvantages of each, i.e. regional information and internet monitoring.
- LoL trial period length may need to extend past 90 days

Brad Rixmann, PawnAmerica, reported that there were approximately 150 transactions confiscated in 2008.

Dave Finley, LoL, reported that approximately 300 new police jurisdictions will begin using LoL this year, which increases the cross-jurisdictional advantages.

Staff also reported on the status of updating the current ordinance regulating pawnbrokers to include regulation of other property resellers. A meeting was held with local resellers to get stakeholder input.

The following concerns were raised by local resellers:

- Cost (fees/registration/transaction)
- Documentation Requirements (time)
- Effectiveness (internet unregulated)
- Fairness – include all resellers
- Confidentiality (business data protected?)
- Excessive requirements = out-of-business

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**ITEM 1. PAWN SHOP/RESELLER REGULATIONS (continued)**

Council discussed issues associated with the proposed ordinance amendment such as, neighborhood sales, leased spaces, coin sales, and a similar ordinance in effect in the City of Bloomington. Council directed staff to prepare a draft ordinance for review at a future Worksession reflecting fair and equitable treatment of resellers within the City and addressing stakeholder and public safety concerns.

Mr. Rixmann requested the Council consider an immediate ordinance amendment reducing the 60 day hold requirement for 'sold' items to 30 days as discussed at the previous Worksession. Council agreed and directed staff to bring back an ordinance reducing the hold time for 'sold' items to 30 days.

**ITEM 2. REVIEW RESIDENTIAL AND COMMERCIAL WIND ENERGY SYSTEMS**

Jenni Faulkner, Community Development Director, and Deb Garros, Planner, presented information on our current regulations for residential and commercial wind energy systems and request direction on amending the zoning ordinance to update standards.

**Residential & Commercial Wind Energy Systems**

- Background
  - Current ordinance provisions date back prior to 1982
  - 10-7-30: Electrical Customer Generation and Cogeneration Systems:
    - Wind-powered generators utilizing towers shall be sited so that the tower is located a distance equal to its height from the nearest property line.
    - Noise incidental to wind generators and similar equipment shall meet Minnesota Pollution Control Agency standards.
    - Prior to the issuance of a building permit for a customer generation system or a cogeneration system, the applicant shall provide proof of liability insurance coverage and a letter from the utility company providing service stating that the system plan has been reviewed and approved for construction and contains the property safety features so as not to create a hazard.
- Need for Ordinance Change
  - 1982 regulations are out of date with current technology
  - Increased public interest to install wind energy systems
  - Inquiries to staff about local regulations
  - Identified as implementation item in Sustainability Plan & 2030 Comp Plan
  - Without update – consider these similar to cell towers which may not adequately address wind technology or local impacts
- Purpose tonight
  - Provide brief overview of current wind energy technology
  - Obtain Council direction for further action
    - More research – topics identified by Council
    - Draft ordinance
    - Future review process (bring back to WS or proceed with standard planning review process)

**Overview of Zoning and Permitting Standards for Urban Turbines****Trends**

- Greater interest in renewable/domestic energy sources
  - Public
  - Media
  - Policymakers

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**ITEM 2. REVIEW RESIDENTIAL AND COMMERCIAL WIND ENERGY... (continued)**

- Technology advances:
  - Quieter
  - More consumer choice, availability
  - Sold in every state, 120+ countries
  - Professionally engineered

Small Wind Systems: a subset of the wind energy system – relates to individual turbines used for onsite power

- A wind turbine you can own
- On-site power for a single home, farm, school, or small business
- 100% clean, emission-free
- Less than 100kW – most under 10kW
- On- or off-grid
- Different scale, impacts, market, policy needs...

System Types

- Off-grid (battery charging)
- On-grid
- Hybrid (wind & solar)
- Applications: Residential, Commercial, Agricultural, Institutional, Industrial, Military, or Urban

Urban Small Wind

- Urban Wind – small turbines in densely built areas
- Often rooftops, by default
- Same market drivers
  - Economics
  - Practicality
  - Values-based
  - Green building complements

Challenges, Pitfalls & Potential of Urban Turbines

- Tremendous interest
- Very different: Physics – Economics
- U.K. taking the lead
- Maturity
  - Industry as a whole: 100 years
  - Urban: bulk of new start-up companies in US

Energy in the Wind

- Energy (kWh) ~ wind speed is important
  - Wind speed comes from height
  - Height comes from good zoning
- Turbines must be tall and unobstructed or functionality will be compromised
- People will see them
- Urban areas have more structures and turbulent winds that impact energy production
- Micro-siting with professional assistance required to identify area for maximum energy capture

Importance of Zoning

- Micro Siting
  - Wind quantity vs. quality: access to fuel (#1 factor in payback)
- Directly tied to cost-effectiveness
  - Wind quality determines a project's feasibility and siting determines wind quality
- Not Do-It-Yourself projects – requires professional installation
- Costly – these systems are intricate and thousands of dollars - similar to HVAC etc.
- Typically combined with solar energy systems

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**ITEM 2. REVIEW RESIDENTIAL AND COMMERCIAL WIND ENERGY... (continued)**

## Potential Land Use Impacts

- Regulators should consider:
  - Property rights
  - Community benefits of renewable energy
  - Measures available to mitigate impacts
- Sound Impacts
  - Usually masked by ambient sounds (i.e. wind in trees)
    - Except during severe storms or power outages
    - But short-term and solved by shutting down turbine
  - Modern turbines much quieter
  - Exponentially quieter with distance
  - Less tonal than clasp on a flagpole
  - A 50 ft (vertical or horizontal) modern small turbine quieter than kitchen refrigerator
- Visual Impacts
  - Must have access to wind
    - Tall, unobstructed, probably visible
  - Many issues are similar to cellular tower siting
- Safety Impacts
  - Are engineered structures
    - Just like lamp posts, which are allowed in parking lots near cars & people
    - Setback distances
  - Attractive nuisance (climbing)
    - Depends on tower style
    - Utilities require access
  - Breaking redundancies
  - Underground power lines
- Property Value Impacts
  - No formal study of small wind's impact
    - Anecdotal evidence that values increase
    - Sign of progressive community
    - Indicates potential to install
  - Infer from large-wind studies
    - No evidence that being within view of turbines depresses value over the long-term

## Why Should Planners Address Small Wind?

- Site- specific permitting is a local matter
- Keep local autonomy vs. state regulation
- Smart planning
  - Don't be caught by surprise
  - Head off NIMBY-ism
  - Conserve public resources spent on review, hearings
  - Response to local interest in sustainability

## Zoning &amp; Permitting Standards

- Define by size (typically 100 kW or less)
- Don't use model standards for large wind
- Treat as similar uses (flag poles, cell towers, etc)
- Protect against impacts
- Allow for various approaches rather than prescribing a solution

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**ITEM 2. REVIEW RESIDENTIAL AND COMMERCIAL WIND ENERGY... (continued)**

## Standards &amp; Considerations

- Sound – Noise Considerations
  - Nuisance noise typically defined as > 65 dB
  - Local ambient noise levels affect perception
  - Differences in turbine design, size
  - At 50' or less, modern small turbines are quieter than a refrigerator
- Height Considerations
  - Wind access, quantity/quality
  - Ground clearance
  - Higher = more visible (except on rooftops)
  - Vertical distance reduces noise at ground level
  - Impact on cost-effectiveness
  - Ideal to have turbines at least twice as high as structures & trees (120' fairly standard)
- Setback Considerations
  - Structural failure – unlikely but likely concern of neighbors
  - Vertical distance reduces noise at ground level
  - Setbacks vs. minimum lot size
  - Power lines
  - Rooftop
- Visual Impact – Aesthetic Considerations
  - Visibility (location)
  - Appearance
  - Character of the area
  - Maintenance
- Safety Standards
  - Climbing
  - Engineering
  - Structural
  - Underground power lines
- Energy Output Standards
  - Size, wind access/quality
  - Number of turbines per lot
  - Grid connection/net-metering
  - Public investment
  - Clean energy benefits

Council discussed the need for restrictions on minimum heights, zoning districts, setback distances, and addressing issues with abandoned towers. Vertical access systems can be aesthetically more appealing. Residential neighborhoods would not allow for adequate fall lines and would likely have more visual and sound impacts. Council directed staff to return to Worksession with a draft ordinance to regulate wind towers using a conditional use permitting process, restricting installation in residential neighborhoods and addressing the issues as discussed above.

**ITEM 3. CONSIDER MODIFICATIONS TO POLICY 2.075 – PROPERTY REPAIR EXPENSES**

Jenni Faulkner, Community Development Director, reviewed the Property Repair Expenses policy regarding the financing of certain improvements for property owners. The improvements are intended to assist in resolving property maintenance violations, however the language in the policy is written very generally and modification may be needed in order to meet the intent of the Council.

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**ITEM 3. CONSIDER MODIFICATIONS TO POLICY 2.075 – PROPERTY... (continued)**

The policy allows for the city and a homeowner to enter into an agreement which allows the city to assess the cost of the improvements. The policy does not address the financial need of an applicant or what type or repairs or dollar limits are allowed. Also, the policy is unclear of who gets the bids, which bids are approved, and who is overseeing the work.

Staff suggested changes be made to the policy that provide more direction on how this policy is to be used. The red-line policy attached includes changes that:

1. Specify the financing is for property maintenance, building, fire code violations.
2. Requiring a written agreement that outlines which parties will do what to get the project completed.
3. Require a demonstrated financial need (such as bank reject letters).
4. Require Council Approval of the assessment.
5. Establish a fee to cover city cost in processing the agreement/financing.
6. Allows for financing to be optional and dependent on city resources available per the CFO.

Council directed staff to revise the Property Repair Expense policy as suggested, including limiting it to residential properties and proposing an appropriate fee.

**ITEM 4. SIDEWALK SNOW PLOWING**

Ryan Peterson, Assistant City Engineer, updated the Council on issues of sidewalk snowplowing and reviewed assessment vs. utility billing options.

History

- April 2009 – Proposed 2010 budget includes elimination of purchase of two sidewalk snowplows, contract sidewalk plowing
- 100% of costs were to be assessed to property owners adjacent to sidewalks
- September 2009 – Bids opened, low bid of \$33,650 for 150 hrs

Estimated Snowplowing Costs

- Lowest bid based on 150 hrs - \$33,650
- Administrative Costs (28%) - \$9,450
  - Total - \$43,100

Snowplowing Assessment Analysis

- There are approximately 2,600 properties adjacent to sidewalks to be plowed
- These parcels front approximately 106 miles (560,500 feet) of sidewalk.
- Assessment Rate = 560,500 ft. divide by \$43,072 = \$0.08/lineal foot

Publicly Owned Land – 12%

<b>Agency</b>	<b>Parcels</b>	<b>Footage</b>	<b>Cost</b>
City of Burnsville	150	61,715	\$4,937
Dakota County	11	1,706	\$136
State of MN	3	217	\$17
<b>Total</b>	<b>164</b>	<b>63,638</b>	<b>\$5,091</b>

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**ITEM 4. SIDEWALK SNOW PLOWING (continued)**

## Sidewalk Assessment Analysis

- Average Residential Property (90'):  $90 \text{ lf} \times \$0.08/\text{lf} = \$7.20/\text{lot}$
- Average Commercial/Industrial Property (200'):  $200 \text{ lf} \times \$0.08/\text{lf} = \$16.00/\text{lot}$

## Multi Owners

Properties having multi owners: 116

- Example 1) Ridgeview Condominiums – 401 condos own 567 ft.  $\times \$0.08/\text{ft} = \$45.36$  divide by 401 units =  $\$0.11/\text{condo}$
- Example 2) Highland Five Estates Townhomes – 30 Townhomes own 842 feet  $\times \$0.08/\text{ft} = \$67.36$  divided by 30 units =  $\$2.25/\text{townhome}$
- Past assessment results show 60% of condos allow assessment to go to taxes (not pay directly)

## Assessment Certification and Collection Costs

- Postage (2 mailings) - \$0.88
- County charge per assessment - \$3.50
- Verify owners, Dakota County mainframe - \$0.08
  - Total \$4.33 – per assessment plus staff time

## Another Option - Collect Fee via Utility Billing

- Advantages
  - No Dakota County Assessment Costs (\$4.33/unit) – save approximately \$11,000
  - Staff to set up one time as opposed to cumbersome yearly process, no yearly public hearing
  - Monthly collections – Very low monthly charge – residential \$0.60/month
- Disadvantages
  - More work/questions for utility billing staff
  - Public view of shifting costs to fees instead of taxes

## Requirements to Collect Via Utility Billing

- Approval of an ordinance authorizing billing for sidewalk snowplowing
- Creation of a separate fund to pay sidewalk snowplowing contractor and collect sidewalk snowplowing fees
- Internal financial modifications of utility billing software

## Utility Billing Questions

- Residential properties by lot, not foot?
- Reduced rate for residential multiples?
- Industrial/Commercial rate based upon footage of parcel adjacent to sidewalk?
- Notification via Utility Bill Insert?
- Start collection in January, 2010?

## Sidewalk Snowplowing Summary

- City to save money by not buying new equipment and contracting snowplowing.
- Original thought was to assess adjacent owners for plowing costs through special assessment process.
- After receiving bids, assessment process viewed inefficient financially and procedurally.
- Staff recommends charging a fee on utility bills to reduce administration costs and prevent cumbersome yearly assessment process.

Staff reported that a fund would be established to administrate a sidewalk snowplowing program and that the billed fees would change relative to the bids received and number of snow events each year.

Council directed staff to move forward with the proposed utility billing option for sidewalk snowplowing and bring the proposed ordinance and policy amendments to a future Council meeting for approval.

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**ITEM 5. PROPOSED WHITNEY POND PROJECT IN LAC LAVON PARK**

Terry Schultz, Parks, Recreation, & Natural Resources Director, and Todd Blomstrom, Apple Valley Public Works Director, presented information to the Council regarding the proposed Whitney Pond Stormwater Management Project in Lac Lavon Park

Crystal & Keller Lake Management Plan

- 2003 Lake Study Completed by BDWMO
- Projects Identified to Improve Water Quality
- Partnership Approach to Complete Projects

Original Pond Layout Concept

- General concept consists of diversion and treatment of Apple Valley’s existing storm water flow
- Requires construction of a bypass pipe to redirect storm water
- Pond provides treatment through nutrient removal
- Construction of a new outlet allows for discharge of flow to Keller Lake

Proposed Pond Layout Concept

- Approximately 1.9 acre pond
- Maintain minimum 360 feet open space from Lac Lavon Park shelter building
- Ensure trail connectivity
- Preserve existing tree line
- Meet treatment requirements in conjunction with other tools

Total Phosphorous Removal

Improvement Proposed	UAA Total Phosphorus Reduction Goals (lbs/yr)	Proposed Phosphorus (lbs/yr)	Total Reduction
Whitney Pond	63	53	
K-Mart Pond	0.1	1.1	
Other BMP's	0.0	9.0	
<b>Total</b>	<b>63.1</b>	<b>63.1</b>	

Other BMPs - To Be Determined During TMDL Process

Additional BMPs	Annual TP Load Reduction (TP lbs./yr)	Comment
Increased Street Sweeping	2.6	Assume 3% effectiveness for TP removal from extra sweeping.
Public Education and Involvement	0.6	Assume 0.5% TP load reduction of the load coming into Whitney Pond.
School Infiltration Area	8.1	From TMDL – No. 6 Infiltration Area Project
Raingardens	5.8	Assume 24 raingardens at 0.24 lbs of TP removed per 300 ft <sup>3</sup> raingarden feature per year.

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**ITEM 5. PROPOSED WHITNEY POND PROJECT IN LAC LAVON PARK (continued)**

Council discussed the importance of reduced phosphorous in Keller & Crystal Lakes and the need to establish assurances that the City of Apple Valley will follow through with the agreed upon terms. Council directed staff to proceed with the proposed Whitney Pond project.

**ITEM 6. ROUNDTABLE**

➤ **Storm Drainage Fee Computations**

Item was continued to a future Worksession.

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

Councilmember Crichton

- Fire muster was very successful

Councilmember Sherry

- LMC – Improving Local Economies
  - Notification by group homes to the cities
  - Restricting concentration of licensed group homes
- Burnsville Community Foundation
  - Fundraising started for new Snowflake Program
  - Studying proposed ice rink for Nicollet Commons Park for feasibility
  - Website will be available soon
  - Partnering with BA191 for Tops in Blue concert on December 5<sup>th</sup>
- Convention & Visitors B
  - Present 2010 Budget & Workplan at next Council meeting
  - Hotel occupancy down overall
  - Coordinating with PAC to support activities
- Burnsville Medical Alliance
  - 2010 Workplan established
  - Trends
  - Tracking new and departing companies
  - Marketing

Councilmember Kealey

- AMM Policy Committee
  - Reviewing SAC charges
- LMC – Improving Service Deliveries
  - Federal Weatherization Money
    - \$108M received so far for Minnesota
    - Issues with enforcement
  - Funding challenges of the court system
    - 1.2M of 2M cases are traffic violations
    - Considering e-citations – increase automation
    - Collection challenges
  - Private registrar’s office – funding issues
    - State is taking away their business with online renewals
    - Asked committee to support a fee increase
- Black Dog Watershed/Parks & Natural Resources Commission
  - Whitney Pond Proposal

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### ITEM 6. ROUNDTABLE (continued)

#### Dan Gustafson

- 35W Solutions
  - I35W & 494 Interchange
  - Bloomington requested resolution supporting CTIB funding for 35W BRT through Met Council
    - **Council consensus that City should not support the proposed resolution**

#### Mayor Kautz

- MVTA
  - Opening ceremony of MnPASS and Park N Ride in Lakeville.
  - Cedar Avenue overpass is in place – Apple Valley
  - Concerned about Met Council’s decision regarding DARTS service
    - Seniors cannot have door service without ADA certification
  - Working on getting services from Rosemount to downtown Minneapolis/St Paul
- Suburban Transit Authority
  - Working with lobbyist to focus on Met Council and legislative action
- Regional Council of Mayors
  - Making headway with Itasca Work Growth Task Force
  - Job retention, creation, and innovation in our region
  - Working with industry clusters
- Cedar Avenue Corridor Advisory Committee
  - Updates on progress
  - Moving forward toward Lakeville and Apple Valley
  - Progressing on Cedar Grove transit building
- Dakota Communication Center Board of Directors
  - Community notifications – cell phone, email, text, etc.
  - Evaluation of Executive Director at next meeting
- The GARAGE Advisory Committee
  - Annual Report from Stakeholders Meeting

Councilmember Gustafson addressed the Council on the need to maintain open, courteous communication among each other.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

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Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 20<sup>th</sup> day of October, 2009.

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Elizabeth B. Kautz, Mayor