

CITY OF BURNSVILLE
Regular Meeting Minutes
April 20, 2010

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 20th day of April, 2010.

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., May 4, 6:30 p.m. Tues., May 18, 6:30 p.m.
Worksession Meeting:	Tues., May 11, 6:30 p.m.
Governance:	Cancelled (Tues., April 27)

- Earth Day & Arbor Day Proclamation
- Volunteer Recognition Week Proclamation

2. Citizen Comments.

Jim Schmidt, Burnsville Rotary, 35th Annual Charitable Event on Saturday, April 24 at 8:00 p.m. at the Burnsville Performing Arts Center.

Don McCready, 1212 Woodhill Road

3. Additions to the Final Agenda.

There were no additions to the Final Agenda.

CONSENT AGENDA

City Manager Ebeling requested Item 4G (*Supplemental Agreement #1 for the Ice Center Renovation Project*) be removed from Consent Agenda and deleted.

Councilmember Kealey, Item 4C (*Resolution Accepting Donations and Grants to the City*) be removed from Consent Agenda for further discussion.

Councilmember Crichton request Item 4H (*Resolution Declaring Intent to Reimburse Certain Expenditures from the Proceeds of Bond Sales for a Traffic Signal System at Burnhaven Drive*) and Item 4M (*Application for Pinnacle Park 1 LLC for a Preliminary and Final Plat for a one lot subdivision to be known as PINNACLE PARK 4th ADDITION*) be removed from Consent Agenda for further discussion.

CONSENT AGENDA (continued)

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

4A. Consider Approval of Minutes.

Approved the Council minutes of April 6, 2010 and Worksession Minutes of April 13, 2010 as submitted.

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$2,595,862.17.

4C. *Item removed for discussion.*

4D. Consider Amending Policy 2.085 – Campaign Signs to Conform with State Statutes.

Adopted Policy 2.085 as amended.

4E. Consider a Resolution to Participate in Dakota County All-Hazard Mitigation Plan Update.

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

RESOLUTION NO. 10-5855

RESOLUTION TO PARTICIPATE IN DAKOTA COUNTY
ALL-HAZARD MITIGATION PLAN

4F. Consider Approval of a Contract with Randy’s Sanitation, Inc. for the 2010 “I Love Burnsville” Bulky Item Collection Event.

Approved a contract with Randy’s Sanitation, Inc. for the 2010 “I Love Burnsville” Bulky Item Collection Event.

D-10-29

4G. DELETE – Consider Approval of Supplemental Agreement #1 for the Ice Center Renovation Project (09-321).

4H. *Item removed for discussion.*

CONSENT AGENDA (continued)

- 4I. Consider Approval of an Application for the City of Burnsville for a Conditional Use Permit to allow an essential service structure in the GIM zoning district for construction of a carbon injection building located at 12200 Dupont Avenue; and Consider Findings of Fact, and Conditional Use Permit.

Approved the Conditional Use Permit for the City of Burnsville for construction of a carbon injection building located at 12200 Dupont Avenue and adopted Findings of Fact.

D-10-30

- 4J. Consider Authorizing Purchase and Construction of the Carbon Injection Building through Supplemental Agreement with Gridor Construction Inc.

Approved a Supplemental Agreement with Gridor Construction Inc. (07-325) to authorize purchase and construction of the carbon injection building for an amount not to exceed \$350,000.

- 4K. Consider Approving Seasonal Position in the Utilities Department.

Approved a seasonal position in the Utilities Department to assist with the Unidirectional Flushing Program at an estimated cost of \$8,000.

- 4L. Consider Authorizing Expenditure and Awarding Contract for Repair to the HOC Parking Ramp.

Authorized expenditure and awarded contract for Repair to the HOC Parking Ramp to Met-Con Construction, Inc. in the amount of \$19,250.00.

D-10-31

- 4M. *Item removed for discussion.*

- 4N. Consider Ordinance Amendments to Title 4, Chapter 8, Relating to Property Maintenance and Title 7, Chapter 1, Relating to Health Nuisances.

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

ORDINANCE NO. 1197

AN ORDINANCE AMENDMENT TO TITLE 4, CHAPTER 8 OF THE
BURNSVILLE CITY CODE TO AMEND DEFINITIONS AND FOR
RESPONSIBILITY OF MAINTAINING RIGHT-OF-WAYS AND BOULEVARDS

ORDINANCE NO. 1198

AN ORDINANCE AMENDMENT TO TITLE 7, CHAPTER 1 OF THE BURNSVILLE CITY
CODE TO REMOVE SECTION 7-1-13.C, PLANNING COMMISSION APPEAL AND HEARING

CONSENT AGENDA (continued)

- 4O. Consider Approval of Supplemental Agreement #12 with Lund Martin for the Burnsville Performing Arts Center.

Approved Supplemental Agreement #12 with Lund Martin for a deduction of \$2,000 for ventilation grates on the second floor.

ITEM(S) REMOVED CONSENT AGENDA

- 4C. Consider Resolution Accepting Donations and Grants to the City.

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

RESOLUTION NO. 10-5856

RESOLUTION ACCEPTING DONATIONS AND GRANTS TO THE CITY

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

- 4G: DELETE – Consider Approval of Supplemental Agreement #1 for the Ice Center Renovation Project (09-321).

Motion by Kealey, seconded by Crichton to delete Item 4G from the Agenda. Ayes: Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays: None. Motion carried.

- 4H. Consider Resolution Declaring Intent to Reimburse Certain Expenditures from the Proceeds of Bond Sales for a Traffic Signal System at Burnhaven Drive and 141st Street and Emergency Vehicle Warning Signs.

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

RESOLUTION NO. 10-5857

RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF
BURNSVILLE TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS
OF BONDS FOR BURNHAVEN TRAFFIC SIGNAL SYSTEM IMPROVEMENTS

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

- 4M. Consider Approval of an Application for Pinnacle Park 1 LLC for a Preliminary and Final Plat for a one lot subdivision to be known as PINNACLE PARK 4th ADDITION located at 1901 West 143rd Street; and Consider Development Contract.

Motion by Crichton seconded by Sherry, to approve the Plat and Development Contract for the above reference location. Ayes – Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays – None. Motion carried.

REGULAR AGENDA

5. Consider Approval of the 2010/2011 Parks and Natural Resources Commission (PNRC) Work Plan.

Steve Steuber, Parks & Natural Resources Commission Chair, presented the 2010/2011 Work Plan for Council consideration.

Motion by Kealey, seconded by Sherry, to approve the 2010/2011 Parks and Natural Resources Commission (PNRC) Work Plan. Ayes – Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays – None. Motion carried.

D-10-33

6. Public Hearing for Municipal Consent for the MnPASS Express Lane Project, State Project No. 1981-120.

A public hearing was conducted. The public hearing was opened at 7:17 p.m.

The following person(s) appeared before the Council:

Gary Manty, 801 Leisure Lane
Dexter Sydney, 508 Woodland Drive

The Mayor declared the public hearing closed at 7:20 p.m.

7. Comcast “World of More” Presentation.

Kathi Donnelly-Cohen, Comcast Director of Government Affairs, presented information on changes to Comcast services including their “World of More” initiative.

8. Consider Resolution Accepting Bid and Awarding Contract for the 2010 Burnsville Parkway Reconstruction Project (10-101A), 2010 Park Improvements (10-400) and 2010 Street Repair of Watermain and Contract Patching (10-302).

Motion by Crichton, seconded by Kealey, to adopt the following resolution with no alternates but noting a supplemental agreement for fencing may be considered at a later date, which will become part of the official records:

RESOLUTION NO. 10- 5858

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR
2010 STREET RECONSTRUCTION PROJECT - BURNSVILLE PARKWAY (10-101A)
2010 STREET REPAIR OF WATERMAIN BREAKS AND CONTRACT PATCHING (10-302)
2010 PARK IMPROVEMENTS (10-400)

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

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9. Consider Resolution Accepting Bid and Awarding Contract for the 2010 River Ridge Area Reconstruction Project (10-101B).

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

RESOLUTION NO. 10- 5859

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR
2010 STREET RECONSTRUCTION PROJECT - RIVER RIDGE AREA (10-101B)

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

10. Consider Resolution Calling a Public Hearing for Street Reconstruction of Timberland Area (10-101C).

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

RESOLUTION NO. 10-5860

RESOLUTION CALLING PUBLIC HEARING FOR THE
RECONSTRUCTION OF THE TIMBERLAND AREA (10-101C)

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

11. Consider Approval of an Application for David and Caroline Kennedy for a Variance to allow construction of a new single family home at 13813 Frontier Lane, and Consider Findings of Fact and Variance.

Motion by Crichton, seconded by Kealey, to approve a Variance to allow construction of a new single family home at 13813 Frontier Lane and adopt the Findings of Fact. Ayes – Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays – None. Motion carried.

D-10-34

12. Adjournment

Motion by Kealey, seconded by Crichton, to adjourn the meeting at 8:13 p.m. Ayes – Crichton, Gustafson, Kautz, Kealey, Sherry. Nays – None. Motion carried.

Macheal Brooks, City Clerk

Approved by the City Council of the City of Burnsville this 4th day of May, 2010.

Elizabeth B. Kautz, Mayor