

**CITY OF BURNSVILLE**  
**Regular Meeting Minutes**  
**June 8, 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 8th day of June 8, 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., June 22, 6:30 p.m. Tues., July 6, 6:30 p.m.
Worksession Meeting:	Tues., June 15, 6:30 p.m.
Special Worksession:	Tues., June 15, 5:30 p.m.
Governance Meetings:	Cancelled (Tues., June 29)

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***

Mayor Kautz requested Item 4E (*New Community Development Software Suite*) and Item 4H (*Fee Policy 2.100 for Fixed Building Permit Fees*) be removed from the Consent Agenda for further discussion.

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

4A. Consider Approval of Minutes.

Approved the Worksession Minutes of May 11, 2010, the Regular Minutes of May 18, 2010, the Special Worksession minutes of May 20, 2010, and the Special Worksession minutes of May 27 2010 as submitted.

**CONSENT AGENDA (continued)**

4B. Consider Approval of Claims Listing.

Approved the listing of claims in the submitted amount of \$10,996,044.89.

4C. Consider Accepting Proposals and Awarding Contract to Trans-Alarm for Security Access System Upgrade to City Hall, City Garage/Youth Center and the Water Treatment Plant.

Accepted the proposals and awarded the contract to Trans-Alarm for security access system upgrade to City Hall, City Garage/Youth Center and the Water Treatment Plant in the amount of \$39,015.

D-10-43

4D. Consider Accepting Proposals and Awarding Contract to All State Communications for the Fire Alarm System Replacement at City Hall.

Accepted the proposals and awarded the contract to All State Communications for the Fire Alarm System Replacement at City Hall in the amount of \$30,535.

D-10-44

4E. *Item was removed for discussion.*

4F. Consider Accepting Bid and Awarding Contract for the Keller Lake Lift Station Improvements (10-308).

Accepted the bid and awarded the contract for the Keller Lake Lift Station Improvements (10-308) project to Penn Contracting, Inc. in the amount of \$163,175.00.

4G. Consider Approval of an Application for T-L Burnsville LLC for a PUD Amendment to allow a liquor store at the existing Cub Foods located at 1750 County Road 42 West; and Consider Findings of Fact, Ordinance, and Amendment Planned Unit Development Agreement.

D-10-45

Approved the Amended Planned Unit Development Agreement for T-L Burnsville LLC to allow a liquor store at the Cub Foods, 1750 County Road 42 W and adopted the Findings of Fact and an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1203

AN ORDINANCE AMENDING TITLE 10 OF THE BURNSVILLE CITY CODE,  
BEING THE ZONING TITLE OF THE CITY OF BURNSVILLE  
T-L BURNSVILLE LLC  
CASE FILE NO. 10-11

D-10-45

4H. *Item was removed for discussion.*



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7. Public Hearing – Consider Approval of a 3.2 Percent On-Sale Liquor License for Inger Dilly d.b.a. J’s Family Restaurant & Catering at 2913 E. Cliff Road.

A public hearing was conducted. The public hearing was opened at 7:14 p.m. No one appeared before the Council. The Mayor declared the public hearing closed at 7:14 p.m.

Motion by Kealey, seconded by Crichton, to approve a 3.2 On-Sale Liquor License for Inger Dilly d.b.a. J’s Family Restaurant & Catering at 2913 E. Cliff Road. Ayes – Crichton, Gustafson, Kautz, Kealey and Sherry. Nays – None. Motion carried.

Councilmember Kealey recused himself from discussion of Item 8 and Item 9 due to a conflict of interest.

8. Consider an Ordinance amending Burnsville City Code, Title 3, Chapter 24 regulating Pawnshops, Secondhand Goods, and Precious Metals Dealers.

Motion by Gustafson, seconded by Crichton, to adopt an Ordinance that will be published in the legal newspaper and become part of the official records:

ORDINANCE NO. 1204

AN ORDINANCE AMENDING BURNSVILLE CITY CODE TITLE 3,  
CHAPTER 24, REGULATING PAWNSHOPS, SECOND HAND  
GOODS AND PRECIOUS METAL DEALERS

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

9. Consider an Amendment to Policy No. 4.020 revising the 2010 Pawn Shop/Reseller Fee Schedule effective July1, 2010.

Motion by Gustafson, seconded by Sherry to adopt amendment to Policy No. 4.020 – Police and Licensing Fees to amend the pawn shop/reseller fee schedule, effective July 1, 2010. Ayes – Crichton, Gustafson, Kautz, and Sherry. Nays – None. Abstain – Kealey. Motion carried.

10. Consider Award of the Series 2010D and 2010E Bonds.

Motion by Crichton, seconded by Sherry to adopt the following resolutions (2), which will become part of the official records:

RESOLUTION NO. 10-5867

RESOLUTION AWARDING THE SALE OF \$6,340,000 GENERAL OBLIGATION  
TAXABLE IMPROVEMENT BONDS, SERIES 2010D (BUILD AMERICA BONDS–DIRECT PAY)  
FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND  
DELIVERY; AND PROVIDING FOR THEIR PAYMENT

10. Consider Award of the Series 2010D and 2010E Bonds... (continued)

RESOLUTION NO. 10-5868

RESOLUTION AWARDING THE SALE OF \$1,985,000 GENERAL OBLIGATION CROSSOVER REFUNDING BONDS, SERIES 2010E; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; PROVIDING FOR THEIR PAYMENT; PROVIDING FOR THE ESCROWING AND INVESTMENT OF THE PROCEEDS THEREOF; AND PROVIDING FOR THE REDEMPTION OF BONDS REFUNDED THEREBY

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

11. Consider Approval of an Application for Cecelia Denning for a Front Yard and Lakeshore Setback Variance to Allow Construction of a New Single Family Home on a Vacant Lot Located at 377 Maple Island Road, and Consider Findings of Fact and Variance.

Motion by Kealey, seconded by Sherry to adopt the Findings of Fact and approve the Variance. Ayes – Crichton, Gustafson, Kautz, Kealey and Sherry. Nays – None. Motion carried.

D-10-47

12. Consider Approval of an Application for Minnesota Valley Transit Authority for an Interim Use Permit to allow a farmers market located at 100 East Highway 13; and Consider Findings of Fact, Interim Use Permit and Waiving Application Fees.

Motion by Gustafson, seconded by Crichton to approve the Interim Use Permit, waiving application fees; and adopt the Findings of Fact. Ayes – Crichton, Gustafson, Kautz, Kealey and Sherry. Nays – None. Motion carried.

D-10-48

13. Consider Appointments to Committees/Commissions.

Motion by Sherry, seconded by Crichton, to appoint the following applicants to the Economic Development Commission:

Rich VanderLaan – Regular member, term ending 6/2013  
Kevin Stirtz – from Alternate to Regular member, term ending 6/2013  
Ari Silkey – Alternate member, term ending 6/2012

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

Motion by Crichton, seconded by Gustafson to appoint the following applicants to the HOC Design Review Committee:

Sandra Schlaefter – Chamber member, term ending 6/2013  
Rick Lavelle – Architect member, term ending 6/2013

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

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13. Consider Appointments to Committees/Commissions... (continued).

Motion by Kealey, seconded by Sherry to appoint the following applicants to the Parks & Natural Resources Commission:

John Dedzej – Regular member, term ending 6/2013  
Maroof Rauf – from Alternate to Regular member, term ending 6/2013  
Don Matthys - Alternate member, term ending 6/2012

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

Motion by Gustafson, seconded by Crichton to appoint the following applicants to the Planning Commission:

Steve Manhart – Regular member, term ending 6/2013  
DeeDee Currier – Regular member, term ending 6/2011

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

14. Adjournment.

Motion by Kealey, seconded by Sherry to adjourn the meeting at 7:41 p.m. Ayes – Crichton, Gustafson, Kautz, Kealey, and Sherry. Nays – None. Motion carried.

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Macheal Brooks, City Clerk

Approved by the City Council of the City of Burnsville this 22<sup>nd</sup> day of June, 2010.

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Elizabeth B. Kautz, Mayor