

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, March 15, 2010

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Council Members Caron, Fulkerson, Miller, and Mayor Ruehl

Absent: Berghorst

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Wisdorf, City Planner Fuchs, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Regular City Council Meeting of March 1, 2010

Caron moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of March 1, 2010 as presented. Motion carried 3/1, with Fulkerson abstaining.

4. OPEN FORUM

Leon Boyd, 44 First Street, addressed the City Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The 2010 Census forms are being delivered to all households. Residents are encouraged to complete the survey and return it as soon as possible.

A Pavement Management Plan Open House is scheduled for Thursday, March 18 from 7:00 p.m. to 9:00 p.m. with a presentation at 8:00 p.m.

6. AGENDA APPROVAL

a. Meeting Agenda

Caron moved, Fulkerson seconded, to approve the meeting agenda as presented. Motion carried 4/0.

6. AGENDA APPROVAL

b. Consent Agenda

Item 6(b)4 was moved to Item 8(a) and Item 6(b)5 was moved to Item 8(b). Miller moved, Caron seconded, to approve the consent agenda as amended. Motion carried 4/0.

1. Special Event/Park Use Permit for Community Easter Egg Hunt, April 3, 2010 — Our Savior Lutheran Church & School

Action — Approved Issuance of Special Event/Park Use Permit for Community Easter Egg Hunt
2. Temporary Sign Permit for Banner for Community Easter Egg Hunt — Our Savior Lutheran Church & School

Action — Approved Issuance of Temporary Sign Permit
3. Park Use Permit for Lake Minnetonka Triathlon, Saturday, June 20, 2010

Action — Approved Issuance of Park Use Permit for Lake Minnetonka Triathlon
4. Proposal for Vapor Sampling & Analysis for Excelsior Parkland — Barr Engineering

Action — This Item Was Moved From the Consent Agenda to Item 8(a)
5. Proposal for Groundwater Sampling & Analysis for Excelsior Parkland — Barr Engineering

Action — This Item Was Moved From the Consent Agenda to Item 8(b)
6. Award Contract for 2010 Manhole Rehabilitation Project

Action — Approved Contract with Infrastructure Technologies, Inc. for a Not-to-Exceed Amount of \$33,000.00.
7. Monthly Building Permit Report — February 2010

Action — Accept for Filing
8. Monthly Revenue and Expenditure Reports — February 2010

Action — Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

9. Planning Commission Minutes for Filing — February 2, 2010

Action — Accept for Filing

10. Verified Claims

Action — Approve for Payment in the Amount of \$190,841.11, Checks #74544 through #74604

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Proposal for Vapor Sampling & Analysis for Excelsior Parkland — Barr Engineering

Kevin Eisen, Barr Engineering Company, addressed the City Council.

Fulkerson moved, Miller seconded, to approve proposal from Barr Engineering for additional vapor sampling and analysis for Excelsior Parkland for a cost not-to-exceed \$23,000. Motion carried 4/0.

b. Proposal for Groundwater Sampling & Analysis for Excelsior Parkland — Barr Engineering

Kevin Eisen, Barr Engineering Company, addressed the City Council.

Fulkerson moved, Miller seconded, to approve proposal from Barr Engineering for additional groundwater sampling and analysis for Excelsior Parkland for a cost not-to-exceed \$63,500. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

a. A Resolution Establishing Rates for Water and Sewer Utilities, Replacing Resolution No. 2010-03

Nick Dragisich, Executive Vice President, Springsted Incorporated, addressed the City Council.

Bob Ziton, BayView Event Center, 687 Excelsior Boulevard, addressed the City Council.

9. ORDINANCES and RESOLUTIONS

- a. A Resolution Establishing Rates for Water and Sewer Utilities, Replacing Resolution No. 2010-03 - (Continued)

Leon Boyd, 44 First Street, addressed the City Council.

Tom Loftquist, 740 Pleasant Street, addressed the City Council.

Caron moved, Miller seconded, to table item to follow Item 12(b). Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Sketch Plan Review for 287 Water Street — Brian Burdick, Burdick Properties, Inc.

Brian Burdick, Burdick Properties, Inc., addressed the City Council.

Chris Jensen, Planning Commission Liaison, addressed the City Council.

Linda Murrell, Executive Director, South Lake Excelsior Chamber of Commerce, addressed the City Council.

Jean Naylor, member of the Excelsior Downtown Business Group, addressed the City Council.

2. Amendment to Excelsior City Code of Ordinances to Include Zoning Code as Appendix E

Mayor Ruehl opened the public hearing at 9:14 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Caron moved, Miller seconded, to waive the first reading of an ordinance to amend Excelsior City Code of Ordinances to include the Zoning Code as Appendix E and schedule the second reading and adoption for April 5, 2010. Motion carried 4/0.

3. Proposed Ordinance to Amend Article 50 of the City of Excelsior Zoning Code Pertaining to Applicable Percentage of Retail Area Required for Studios Located Off of Water Street

Mayor Ruehl opened the public hearing at 9:16 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Chris Jensen, Planning Commission Liaison, addressed the City Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

3. Proposed Ordinance to Amend Article 50 of the City of Excelsior Zoning Code Pertaining to Applicable Percentage of Retail Area Required for Studios Located Off of Water Street - (Continued)

Miller moved, Fulkerson seconded, to waive the first reading of an ordinance to amend Article 50-3 of the Excelsior Zoning Code pertaining to percentage of retail required for studios off of Water Street. Motion carried 4/0.

b. Park and Recreation Commission

1. Addition of Residential Slide Structure

Caron moved, Miller seconded, to include the addition of two slide structures on the fifth dock application with the Lake Minnetonka Conservation District. Motion carried 4/0.

11. UNFINISHED BUSINESS

a. Planning Commission Appointment

Caron moved, Miller seconded, to reappoint Jules Macaluso to the Planning Commission to complete a term expiring February 28, 2011. Motion failed on a 2/2 vote, with Mayor Ruehl and Fulkerson voting nay.

Caron moved, Miller seconded, to continue this agenda item to the April 5, 2010 City Council meeting. Motion carried 4/0.

12. NEW BUSINESS

a. Schedule Special City Council Meeting for Monday, March 22, 2010

Caron moved, Miller seconded, to schedule a Special City Council meeting for Monday, March 22, 2010 beginning at 5:30 p.m. Motion carried 4/0.

b. Schedule City Council Work Session(s)

Miller moved, Caron seconded, to schedule City Council Work Sessions for Monday, April 5, 2010 beginning at 5:30 p.m. and Monday, April 19, 2010 beginning at 5:30 p.m. Motion carried 4/0.

13. ADJOURNMENT

_____ Caron moved, Berghorst seconded, to adjourn the meeting at 10:00 p.m. Motion carried 4/0.

Caron moved, Miller seconded to reconvene the meeting. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

- a. A Resolution Establishing Rates for Water and Sewer Utilities, Replacing Resolution No. 2010-03

Caron moved, Miller seconded, to bring Item 9(a) back off the table. Motion carried 4/0.

Caron moved, Miller seconded, to continue this agenda item to the March 22, 2010 Special City Council meeting. Motion carried 4/0.

13. ADJOURNMENT

Miller moved, Caron seconded, to adjourn the meeting at 10:02 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk