

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, April 19, 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 Berghorst, Fulkerson, Miller, and Mayor Ruehl

Absent: Caron

Also Present: City Manager Luger, City Attorney Staunton, City Engineer Kawlewski, City Planner Fuchs, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of April 5, 2010

Fulkerson moved, Berghorst seconded, to approve the Minutes of the City Council Work Session Meeting of April 5, 2010 as presented. Motion carried 4/0.

b. Regular City Council Meeting of April 5, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of April 5, 2010 as presented. Motion carried 4/0.

c. Board of Review Meeting of April 15, 2010

Miller moved, Berghorst seconded, to approve the Minutes of the Board of Review Meeting of April 15, 2010 as presented. Motion carried 3/1. as presented 3/1, with Fulkerson abstained.

4. OPEN FORUM

a. Presentations

Mayor Ruehl presented a proclamation to Susie Overvold, Mrs. Minnesota, proclaiming April 19, 2010 as Mrs. Minnesota Day in Excelsior.

Mayor Ruehl presented a certificate of appreciation to Denise Watts for her service on the Park and Recreation Commission.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Residents who have not returned their 2010 Census forms should do so right away or a Census worker will be stopping by their home to complete the form.

The City's Spring Clean Up Day is scheduled for Saturday, May 15, 2010.

6. AGENDA APPROVAL

a. Meeting Agenda

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

b. Consent Agenda

Miller moved, Berghorst seconded, to approve the consent agenda as presented. Motion carried 4/0.

1. Park Use Permit for Wells Fargo Half Marathon, May 2, 2010 — Podium Sports Marketing

Action — Approve Issuance of Park Use Permit for Half Marathon

2. First Quarter Code Complaint Report

Action — Accept for Filing

3. Proposal to Survey Residential and Commercial Dock Areas — WSB & Associates, Inc.

Action — Accept Proposal from WSB & Associates, Inc. for a Not-to-Exceed Amount of \$8,540

4. Response to Minnehaha Creek Watershed District Regarding Proposed Rule Changes

Action — Approve Response to Minnehaha Creek Watershed District Regarding Proposed Rule Changes

5. First Quarter Revenue and Expenditure Reports

Action — Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

6. Liquor License Violation Agreement — Excelsior Vintage

Action — Approve Liquor License Violation Agreement and Authorize Mayor and City Manager to Execute Said Agreement

7. Planning Commission Minutes for Filing — March 2 and March 22, 2010

Action — Accept for Filing

8. Park and Recreation Commission Minutes for Filing — February 16, 2010

Action — Accept for Filing

9. Verified Claims

Action — Approve for Payment in the amount of \$91,204.70, Checks #74657 to #74697

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Special Event Permit for Community Easter Egg Hunt — Our Savior Lutheran Church & School

Frances Paap, member of Our Savior Lutheran Church and School, addressed the City Council.

The Council agreed to look at the park use rates during the 2011 budget process.

b. Step To It Challenge

Excelsior is among 18 suburbs that will be competing in the 2010 Step-To-It Challenge. The Hopkins City Council has challenged the Excelsior City Council to see which Council can walk the most steps.

9. ORDINANCES and RESOLUTIONS

- a. Second Reading and Adoption of Ordinance No. 455 — An Ordinance to Delete Chapter 17, Administrative Penalties and Move Contents to Chapter 3 of the Code of Ordinances, City of Excelsior, Minnesota

Berghorst moved, Miller seconded, to waive the second reading and adopt Ordinance No. 455 — An Ordinance to Delete Chapter 17, Administrative Penalties and Move Contents to Chapter 3 of the Code of Ordinances, City of Excelsior, Minnesota. Motion carried 4/0.

- b. Second Reading and Adoption of Ordinance No. 456 — An Ordinance to Amend Chapter 32, Article II, Division I, Parking Regulations of the Excelsior City Code to Amend Section 32-62 — Police Parking Only – Tow Away Zone

Berghorst moved, Miller seconded, to waive the second reading and adopt Ordinance No. 456 — An Ordinance to Amend Chapter 32, Article II, Division I, Parking Regulations of the Excelsior City Code to Amend Section 32-62 — Police Parking Only – Tow Away Zone. Motion carried 4/0.

- c. Second Reading and Adoption of Ordinance No. 457 — An Ordinance to Amend Articles 2, 18 and 55 of Appendix E of the Excelsior City Code of Ordinances Pertaining to the Dry Storage and Stacking of Boats

Fulkerson moved, Miller seconded, to waive the second reading and adopt Ordinance No. 457 — An Ordinance to Amend Articles 2, 18 and 55 of Appendix E. Motion carried 4/0.

- d. A Resolution Finding the Building Located at 10 Water Street Substandard

Berghorst moved, Fulkerson seconded, to adopt Resolution No. 2010 - 06 — A Resolution Finding the Building Located at 10 Water Street Substandard. Motion carried 4/0.

Miller moved, Berghorst seconded, to approve a Development Agreement between Thomas F James Properties, LLC and the City of Excelsior, and authorize Mayor and City Manager to execute said Agreement. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Variance from Minimum Lot Area, Yard Setback, and Impervious Surface Standard Requirements for 200 Bell Street — Daniel and Anne Vogel

Mayor Ruehl opened the public hearing at 8:02 p.m.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Variance from Minimum Lot Area, Yard Setback, and Impervious Surface Standard Requirements for 200 Bell Street — Daniel and Anne Vogel - (Continued)

Anne Vogel, 200 Bell Street, addressed the City Council.

Dan Wallace, Planning Commission Liaison, addressed the City Council.

Linda Putnam, 152 Third Street, addressed the City Council.

Mayor Ruehl closed the public hearing at 8:32 p.m.

Miller moved, Fulkerson seconded, to approve the variance from the minimum lot area, the rear yard setback, and impervious surface area requirements and direct the City Attorney to prepare a resolution granting the variances to be placed on the May 3, 2010 Consent Agenda. Motion carried 4/0.

2. Proposed Ordinance to Amend Article 19, Section 19-4, General Provisions, Pertaining to Off-Street Parking Requirements for Stall, Aisle, and Driveway Design

Dan Wallace, Planning Commission Liaison, addressed the City Council.

Mayor Ruehl opened the public hearing at 8:46 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Miller moved, Berghorst seconded, to waive the first reading of the proposed ordinance to amend Article 19, Section 19-4, General Provisions, pertaining to off-street parking requirements for stall, aisle, and driveway design as amended. Motion carried 4/0.

11. UNFINISHED BUSINESS

a. Amendment to Proposal for Feasibility Study for Pavement Management Plan

Miller moved, Fulkerson seconded, to accept amendment to proposal for feasibility study for Pavement Management Plan for a not-to-exceed amount of \$5,058.00. Motion carried 4/0.

12. NEW BUSINESS

a. Schedule City Manager's Performance Review

The Council directed the City Manager to outline an internal performance review process and also contact Lynn & Associates to request a proposal for conducting the performance review.

b. Schedule City Council Work Session

Miller moved, Fulkerson seconded, to schedule a City Council Work Session for Monday, May 10, 2010, beginning at 6:30 p.m. Motion carried 4/0.

13. ADJOURNMENT

_____ Fulkerson moved, Berghorst seconded, to adjourn the meeting at 9:00 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk