

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, May 3, 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, Public Works Superintendent Wisdorf, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of April 19, 2010

Berghorst moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of April 19, 2010 as presented. Motion carried 3/0/1, with Fulkerson abstaining.

b. Regular City Council Meeting of April 19, 2010

Fulkerson moved, Berghorst seconded, to approve the Minutes of the Regular City Council Meeting of April 19, 2010 as presented. Motion carried 4/0.

4. OPEN FORUM

a. Presentations

Mayor Ruehl presented certificates of appreciation to Kim Lesinski and Bob Bossert for their service on the Park and Recreation Commission and to Jules Macaluso for her service on the Planning Commission.

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

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

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

The City Council and Park and Recreation Commission are sponsoring a Cleanup of The Commons on Saturday, May 22, 2010 between the hours of 8:30 a.m. to 11:30 a.m. Everyone is encouraged to come and participate.

The Step To It Challenge is May 17 through June 13, 2010. Excelsior is among 18 suburbs that will be competing in the 2010 Step-To-It Challenge. Residents are encouraged to sign up and participate in the event.

6. AGENDA APPROVAL

a. Meeting Agenda

Miller moved, Fulkerson 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 amended. Motion carried 4/0.

1. Special Event Permits for Outdoor Music at BayView Event Center on April 24, May 1, May 22, May 28, May 29, and May 30, 2010

Action — Approve Issuance of Special Event Permits to BayView Event Center for Outdoor Music on April 24, May 1, May 22, May 28, May 29, and May 30, 2010

2. Park Use Permit for Earth Day Concert on April 30, 2010 — Minnetonka Earth Club

Action — Approve Issuance of Park Use Permit for Earth Day Concert

3. Special Event Permit for Lake Clean Up Event, June 12, 2010 — Lake Minnetonka Association

Action — Approve Special Event Permit for Lake Clean Up Event

4. Amendment to Refuse Contract with Allied Waste to Add Yard Waste Containers

Action — Approve Amendment to Refuse Contract With Allied Waste for Yard Waste Containers

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

5. Resolution No. 2010 - 06 — A Resolution Granting a Variance from Minimum Lot Area, Yard Setback, and Impervious Surface Standard Requirements for 200 Bell Street

Action — Adopt Resolution No. 2010-06

6. Resolution No. 2010 - 07 — A Resolution Regarding the Lake Minnetonka LRT Trail Operated by Three Rivers Park District

Action — This item was removed from the Consent Agenda and moved to Item 9(b)

7. Monthly Building Permit Report — April 2010

Action — Accept for Filing

8. Heritage Preservation Commission Minutes for Filing — March 16, 2010

Action — Accept for Filing

9. Verified Claims

Action — Approve for Payment in the amount of \$151,651.44, Checks #74698 to #74751

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Special Event Permit for Fashion Show “Ex in the City”, Girl’s Night Out Event — Excelsior Downtown Business Group

Cynthia Rae, Girl’s Night Out Subcommittee, addressed the City Council.

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

Berghorst moved, Miller seconded, to approve the issuance of the Special Event Permit to hold the fashion show “Ex in the City” on Thursday, July 8th as presented, with the conditions that all requirements identified by the police and fire departments are met, the applicant shall be responsible for any costs incurred for police and/or fire services, and a \$500.00 permit fee is paid. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. 2009 Audit — Andy Berg, Abdo, Eick & Meyers, LLP

Miller moved, Fulkerson seconded, to move Item 10(a) up on the agenda. Motion carried 4/0.

Andy Berg, Abdo, Eick & Meyers, LLP, presented the 2009 Audit and answered questions.

Miller moved, Fulkerson seconded, to accept the 2009 Audit as presented. Motion carried 4/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- b. Request for Council to Adopt Moratorium to Study Fence Ordinance — Leigh Harrod

Leigh Harrod, 220 Bell Street, addressed the City Council.

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

Miller moved to send this to the Planning Commission to discuss the need for buffering when there is a dispute between neighbors regarding the placement of a fence, establishing criteria for protection of tree roots when placing a fence, and looking at the need to create an incentive for neighbors to work together on a location for a fence when there is a dispute. Motion died for lack of a second.

It was the consensus of the Council that the Planning Commission had studied the fence ordinance within the last two years so it was not necessary to restudy it at this time.

9. ORDINANCES and RESOLUTIONS

- a. Second Reading and Adoption of Ordinance No. 458 — An Ordinance to Amend Article 19, Section 19-4, General Provisions, Pertaining to Off-Street Parking Requirements for Stall, Aisle, and Driveway Design

Berghorst moved, Miller seconded, to waive the second reading and adopt Ordinance No. 458 — An Ordinance to Amend Article 19, Section 19-4H.2. of Appendix E of the Excelsior City Code of Ordinances Pertaining to Parking Space Size in Municipal Parking Lots. Motion carried 4/0.

- b. Resolution No. 2010 - 07 — A Resolution Regarding the Lake Minnetonka LRT Trail Operated by Three Rivers Park District

Fulkerson moved, Miller seconded, to adopt Resolution No. 2010 - 07 — A Resolution Regarding the Lake Minnetonka LRT Trail Operated by Three Rivers Park District, as amended. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. 2009 Audit — Andy Berg, Abdo, Eick & Meyers, LLP

This item was moved up on the agenda to follow 8(a).

- b. Park and Recreation Commission

1. Bench Design for Parks

Miller moved, Berghorst seconded, to establish a policy requiring the Victor Stanley Class C bench style as the only style bench that can be installed in The Commons. The Council requested that a park bench package be developed that would include the style of bench, the base, type of memorial plaque, and a map with locations that the benches can be placed. Motion carried 4/0.

11. UNFINISHED BUSINESS

- a. Kayak Agreement Between the City and Tommy's Tonka Trolley

Tom Drummond, Tommy's Tonka Trolley and kayak operator, addressed the City Council.

Berghorst moved, Fulkerson seconded, to approve the Kayak Agreement as amended and authorize the Mayor and City Manager to execute said agreement. Motion carried 4/0.

- b. Dredging for Residential Docks

The Council directed staff to only dredge those areas that did not jeopardize the use of the slides for docks 1 through 4, and to dredge slips one and two of dock 5.

11. UNFINISHED BUSINESS

- c. Schedule City Manager's Performance Review

Fulkerson moved, Miller seconded, to hire Lynn and Associates to conduct the City Manager's performance review to include interviewing of staff members per their proposal. Motion carried 4/0.

12. NEW BUSINESS

- a. Feasibility Study for Phase I of Pavement Management Plan

Fulkerson moved, Berghorst seconded, to accept the Feasibility Study for Phase I of the Pavement Management Plan and call for a public hearing for the June 7, 2010 City Council meeting to consider whether to order the improvement project. Motion carried 4/0.

12. NEW BUSINESS

b. Landscaping for Entryway Signs

Fulkerson moved, Miller seconded, to accept proposal from Van Buren Landscaping to provide materials, labor, and equipment for landscaping around the City's monument signs location on Highway 7 adjacent to Oak Hill Cemetery and at the corner of Highway 7 and County Road 19 per their proposal for a cost not-to-exceed \$3,398.78, and authorize the City Manager to execute said Service Agreement. Motion carried 4/0.

c. 2010 Park and Dock Patrol Proposal

Miller moved, Berghorst seconded, to approve the South Lake Minnetonka Police Department providing seasonal park and dock patrol services for the City of Excelsior as stipulated in the 2010 proposal. Motion carried 4/0.

d. Seasonal Hours for City Offices

Miller moved, Fulkerson seconded, to establish seasonal hours for the City Offices as follows: Monday, 7:30 a.m. to 6:00 p.m.; Tuesday - Thursday, 7:30 a.m. to 5:00 p.m.; and, Friday, 7:30 a.m. to 11:30 a.m. Motion carried 4/0.

e. Schedule City Council Work Session

Miller moved, Berghorst seconded, to schedule a City Council Work Session for Monday, May 17, 2010 at 6:00 p.m. Motion carried 4/0.

13. ADJOURNMENT

_____ Berghorst moved, Fulkerson seconded, to adjourn the meeting at 10:25 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk