

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, May 17, 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, Caron, Fulkerson, Miller, and Mayor Ruehl

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

3. APPROVAL OF MINUTES

a. Regular City Council Meeting of May 3, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of May 3, 2010 as amended. Motion carried 5/0.

b. City Council Work Session Meeting of May 10, 2010

Miller moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of May 10, 2010 as presented. Motion carried 5/0.

4. OPEN FORUM

a. Presentation of ALARC Ice Dive Presentations to Excelsior Fire District, South Lake Minnetonka Police Department, and Camp Super Kids, Minnesota Lung Association

Harvey Feldman, representative from the ALARC Ice Dive, presented donations to the Excelsior Fire District, South Lake Minnetonka Police Department, and Camp Super Kids, Minnesota Lung Association.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

a. Step To It Challenge - May 17 through June 13, 2010

6. AGENDA APPROVAL

a. Meeting Agenda

City Attorney Staunton asked that the Council amend its agenda to add an Executive Closed Session as Item 12(d). He indicated that the Council would return to open session after the closed session is complete, but that no further business other than adjournment would be conducted. The purpose of the closed meeting is to develop or consider an offer to purchase real property. The property in question is the Lyman Lumber property along the trail just on the other side of Water Street from City Hall. Mr. Staunton indicated that the closed session would be tape recorded and that the tape recording would remain confidential until such time as a purchase is made or efforts to pursue a purchase are abandoned. At that time, the tape recording would be available to the public.

Luger requested that Item 12(b) - Lease Proposal for Upper Level of City Hall Building be removed from the agenda.

Caron moved, Berghorst seconded, to approve the meeting agenda as amended. Motion carried 5/0.

b. Consent Agenda

Caron moved, Miller seconded, to approve the consent agenda as presented. Motion carried 5/0.

1. Verified Claims

Action — Approve for Payment in the amount of \$94,058.27, Checks #74752 to #74809

2. Safe Assure Consultants Contract - May 2009

Action — Approve Safe Assure Consultants, Inc. Contract for \$1,875.00 and Authorize City Manager to Execute Contract

3. Resolution No. 2010 - 08 — A Resolution of the City of Excelsior, Minnesota, Adopting an Identity Theft Prevention Program Red Flag Policy

Action — Adopt Resolution No. 2010-08

4. Media Replacement for #1 Side Zeolite Softeners

Action — Accept Tonka Equipment Company's Bid in the Amount of \$22,078.00 to be Funded from Water Fund #601

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

5. Temporary Sign Permit for Banner Advertising Spring Hill School May Fair — Spring Hill Waldorf School

Action — Approve Issuance of Temporary Sign Permit for Banner Advertising Spring Hill School May Fair

6. Park Use/Special Event Permit for Fourth of July Activities — South Lake Excelsior Chamber of Commerce

Action — Approve Issuance of Park Use/Special Event Permit for Fourth of July Activities with Conditions

7. Excelsior Cruise-In 2010, Saturday Mornings, May 22 through August 28, 2010 at Gary's First Class Car Care and Mason Motors

Action — Approve 2010 Excelsior Cruise-In

8. Special Event Permit for Perennial Exchange and Networking Event at Gary's First Class Car Care, 301 Water Street — BNI South Lake Networking

Action — Approve Issuance of Special Event Permit for Perennial Exchange and Networking Event

9. Special Event Permit for Flea Market in Lyman Park on Saturdays, June through August — Excelsior Downtown Business Group

Action — Approve Special Event Permit for Flea Market

10. Special Event Permit for Customer Event at Maynard's on June 4, 2010 — Marine Max

Action — Approve Issuance of Special Event Permit for Customer Event at Maynard's

11. Construction Pay Voucher #1 - Cemetery Lift Station Improvements

Action — Approve Construction Pay Voucher No. 1 to Kuechle Underground, Inc. in the Amount of \$9,967.87

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

12. Monthly Revenue and Expenditure Reports — April 2010

Action — Accept for Filing

13. Planning Commission Minutes for Filing — April 6, 2010

Action — Accept for Filing

14. Park & Recreation Commission Minutes for Filing — April 13, 2010

Action — Accept for Filing

7. PUBLIC HEARINGS

a. Annual Public Informational Meeting on the City of Excelsior's Storm Water Pollution Prevention Plan (SWPPP)

Ed Youngquist, WSB & Associates, Inc., gave a PowerPoint presentation on the City's Storm Water Pollution Prevention Program (SWPPP).

Mayor Ruehl opened the public hearing at 7:28 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Presentation on 2010 Tour de Tonka Event — Tim Litfin

Tim Litfin, Executive Director, Minnetonka Community Education, gave a PowerPoint presentation with statistics from the 2009 Tour de Tonka Event and highlights on the 2010 Tour de Tonka Event.

b. Installation of Art on the Lake Banners on Downtown Streetlights — Linda Murrell, Executive Director, South Lake Excelsior Chamber of Commerce

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

Berghorst moved, Miller seconded, to approve the request to install brackets and new aerial banners with the Art on the Lake Event logo on the City's downtown streetlights and along The Commons, with the condition that the brackets would need to be removed with the banners after the event if the brackets were not aesthetically pleasing. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- c. Special Event Permit for Minnetonka School All Class Reunion, July 31, 2010 —
Minnetonka Alumni Association

Tad Shaw, Minnetonka Alumni Association representative, addressed the City Council.

Caron moved, Miller seconded, to approve the issuance of the Special Event Permit and Temporary Permit for Dispensing and Consumption of 3.2 Percent Malt Liquor on Public Property to include the closing of the streets identified in the permit and the reduced fee of \$80 for the Temporary Permit for Dispensing and Consumption of 3.2 Percent Malt Liquor on Public Property, with the conditions identified by staff and the added condition that signage be placed on the barricades where the streets are closed letting people know that they can enter the area to access businesses. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. None

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Proposed Ordinance to Amend Article 24, Signs, Appendix E of the City of Excelsior Code of Ordinances, Pertaining to Signage for a State, Local, or Special Election

Mayor Ruehl opened the public hearing at 8:12 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Caron moved, Fulkerson seconded, to waive the first reading of the proposed ordinance to Amend Article 24, Section 24-5(B) of Appendix E of the City of Excelsior Code of Ordinances and schedule the second reading and adoption for the June 7, 2010 City Council meeting. Motion carried 5/0.

11. UNFINISHED BUSINESS

- a. Request for Stop Sign at West Lake Street and Third Street

Miller moved, Berghorst seconded, to continue this agenda item to the June 7, 2010 City Council meeting, with direction to the City Engineer to review all of the intersections at Third and West Lake Streets. Motion carried 4/1, with Fulkerson voting nay.

11. UNFINISHED BUSINESS

b. Pavement Management Plan - Phase I

Caron moved, Miller seconded, to schedule a City Council Work Session for Monday, May 24, 2010 beginning at 6:30 p.m. Motion carried 5/0.

c. Schedule City Manager's Performance Review

Miller moved, Berghorst seconded, to schedule an Executive Session to Conduct the City Manager's Performance Review for Monday, June 7, 2010 beginning at 6:15 p.m. Motion carried 5/0.

12. NEW BUSINESS

a. Lease Proposal for Upper Level of City Hall Building

Mike Randall, Randall Pool and Spa, addressed the City Council.

Fulkerson moved, Caron seconded, to accept the lease proposal from Mike Randall of Randall Pool and Spa to lease the upper leave of the City Hall building as presented. Motion carried 5/0.

b. Lease Proposal from Renewal Energy SD

This item was removed from the agenda when the meeting agenda was approved.

c. Purchase Replacement for Street Sweeper

Berghorst moved, Fulkerson seconded, to accept proposal from Sweeper Services for the purchase of the 2005 Pelican P in the amount of \$47,559.38, which includes credit for the trade-in of the existing sweeper and sales tax, to be funded from the Public Works Equipment Fund #401. Motion carried 5/0.

d. Closed Executive Session — Develop or Consider Offer to Purchase Real Property, Lyman Lumber Property West of Water Street

Miller moved, Caron seconded, to move to Closed Executive Session at 10:05 p.m. Motion carried 5/0.

Berghorst moved, Miller seconded, to adjourn the Closed Executive Session and move back into the Regular meeting. Motion carried 5/0.

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13. ADJOURNMENT

_____ Fulkerson moved, Miller seconded, to adjourn the meeting at 11:01 p.m. Motion carried
5/0.

Respectfully submitted,

Cheri Johnson
City Clerk