

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, June 7, 2010

Council Chambers

7:00 p.m.

**EXECUTIVE SESSION — 6:15 p.m. — City Manager Review**

Mayor Ruehl called the meeting to order at 6:15 p.m.

Council Members present: Berghorst, Fulkerson, Miller, and Mayor Ruehl. Council Members absent: Caron

Also present: Jim Lynn and Lisa Lynn, Lynn & Associates, and City Manager Luger.

Berghorst moved, Fulkerson seconded, to move into Executive Session. Motion carried 4/0.

Fulkerson moved, Berghorst seconded, to adjourn the Executive Session at 6:50 p.m. Motion carried 4/0.

1. **CALL TO ORDER**

Mayor Ruehl called the meeting to order at 7:01 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, Finance Director Carlson, and City Clerk Johnson

3. **APPROVAL OF MINUTES**

a. City Council Work Session Meeting of May 17, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of May 17, 2010 as presented. Motion carried 4/0.

b. Regular City Council Meeting of May 17, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of May 17, 2010 as presented. Motion carried 4/0.

3. APPROVAL OF MINUTES

c. City Council Work Session Meeting of May 18, 2010

Berghorst moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of May 18, 2010 as presented. Motion carried 3/0/1 with Fulkerson abstaining.

d. City Council Work Session Meeting of May 24, 2010

Miller moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of May 24, 2010 as presented. Motion carried 4/0.

4. OPEN FORUM

a. Recognition for 31 Years of Service Welcoming Residents to Excelsior and Surrounding Communities — Nina Stark

Mayor Ruehl presented a certificate of appreciation to Nina Stark for her 31 years of service welcoming residents to Excelsior and surrounding communities.

Diane Bolles, 229 George Street, addressed the City Council.

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

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The Step To It Challenge runs from May 17 through June 13, 2010. Excelsior is among 18 suburbs competing in the Step To It Challenge.

There is an Excelsior Fire District budget meeting for the member city councils scheduled for Wednesday, June 16, 2010 at 6:00 p.m.

The City's new website will be launched at 5:00 p.m. on Friday, June 11, 2010.

The Art on the Lake event is this weekend on Saturday, June 12 and Sunday, 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(b). 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

6. AGENDA APPROVAL

a. Meeting Agenda - (Continued)

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.

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

b. Consent Agenda

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

1. Verified Claims

Action — Approve for Payment in the amount of \$215,140.02, Checks #74810 to #74880

2. Special Event Permit for Fundraiser on May 21, 2010 — BayView Event Center

Action — Approve Issuance of Special Event Permit for Fundraiser

3. Special Event Permit for Fishing Derby for Armed Forces Families at Maynard's on June 25, 2010 — Fishing for Life

Action — Approve Issuance of Special Event Permit for Fishing Derby

4. Special Event Permit for Outdoor Music at Bayside Grille on Tuesdays, Wednesdays, and Thursdays During the Month of June

Action — Approve Issuance of Special Event Permit for Outdoor Music

5. Special Event Permit for Outdoor Music at Bayside Grille on Tuesdays, Wednesdays, and Thursdays During the Month of July

Action — Approve Issuance of Special Event Permit for Outdoor Music

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

Action — Approve Issuance of Special Event Permit for Customer Event

6. AGENDA APPROVAL

a. Consent Agenda - (Continued)

7. Temporary Sign Permit for Banner Announcing Charity Golf Tournament on August 23, 2010 — Rotary Club of Lake Minnetonka and Excelsior  
  
Action — Approve Issuance of Temporary Sign Permit for Banner
8. 2010 License for Trolley, Street Car, or Street Railway  
  
Action — Approve 2010 License for Trolley, Street Car, or Street Railway
9. Resolution No. 2010-09 — A Resolution Imposing Temporary Parking Restrictions for July 4, 2010  
  
Action — Adopt Resolution No. 2010-09
10. Resolution No. 2010-10 — A Resolution Imposing Temporary Parking Restrictions for Community Celebration on July 31, 2010  
  
Action — Adopt Resolution No. 2010-10
11. Certification of Polling Place  
  
Action — Approve Excelsior Elementary School as Polling Place for Primary and General Elections
12. Resolution No. 2010-11 — A Resolution Appointing 2010 Primary and General Election Judges and Establishing an Absentee Ballot Board  
  
Action — Adopt Resolution No. 2010-11
13. 2010 Interim Commercial Pier Leases for Lady of the Lake, Paradise Charter Cruises, Queen of Excelsior, and Queen of Excelsior II  
  
Action — Approve 2010 Interim Commercial Pier Leases and Authorize Mayor and City Manager to Execute
14. Request for Stop Sign at West Lake Street and Third Street  
  
Action — Continued to the June 21, 2010 City Council Meeting
15. Resolution No. 2010-12 — A Resolution Setting Fees for Licenses and Permits to Correct Water and Sewer Availability Charges  
  
Action — Adopt Resolution No. 2010-12

6. AGENDA APPROVAL

a. Consent Agenda - (Continued)

16. Monthly Building Permit Report — May 2010

Action — Accept for Filing

17. Heritage Preservation Commission Minutes for Filing — April 20, 2010

Action — Accept for Filing

7. PUBLIC HEARINGS

a. 2010 and 2011 Street Improvement Projects

Mayor Ruehl opened the public hearing at 7:32 p.m.

Mike Rude, 176 Linwood Avenue, addressed the City Council.

John Kelliher, 163 Bell Street, addressed the City Council.

Leon Jacobs, 201 First Street, addressed the City Council.

Lois Anselman, 124 West Lake Street, addressed the City Council.

Steve Thomas, 164 Bell Street, addressed the City Council.

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

Dan Frederick, 1 Bell Street, addressed the City Council.

Catherine Judd, 192 Second Street, addressed the City Council.

Cindy Busch, 127 Bell Street, addressed the City Council.

Andrew Judd, 192 Second Street, addressed the City Council.

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

Charlie Thomson, 217 First Street, addressed the City Council.

Mark Brabec, 185 West Lake Street, addressed the City Council.

Jim Bowers, 220 West Lake Street, addressed the City Council.

Bob Bolles, 229 George Street, addressed the City Council.

Mike Rude, 176 Linwood Avenue, addressed the City Council.

7. PUBLIC HEARINGS

- a. 2010 and 2011 Street Improvement Projects - (Continued)

Steve Thomas, 164 Bell Street, addressed the City Council.

Jim Bowers, 220 West Lake Street, addressed the City Council.

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

David James, 161 Bell Street, addressed the City Council.

Miller moved, Berghorst seconded, to continue the public hearing to the June 21, 2010 meeting with the condition that the public comment period be limited to 30 minutes to provide new information not already provided at the June 7, 2010 meeting. Staff was directed to note these conditions on the June 21, 2010 agenda. The Council also directed staff to prepare a resolution for the Council's consideration if it decided to move forward with the improvement. Motion carried 4/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Request for Special Fee Arrangement for Outdoor Music at Bayside Grille

Bob Ziton, owner of Bayside Grille, addressed the City Council.

The Council directed staff to look at a cost analysis for the issuance of a special event permit for this type of event.

- b. Park Use Permit for Music Festival on August 7, 2010 — 318 Café

Mick Sterling, organizer of the By the Bay Music Festival for 318 Café, addressed the City Council.

Miller moved, Fulkerson seconded, to approve the Park Use Permit for the By the Bay Music Event for 318 Café contingent on working out arrangements with the Tour de Tonka event and the payment of the park use permit fee to be based on the estimated number of attendees which will be determined closed to the event. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

- a. Ordinance No. 459 — An 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

Berghorst moved, Miller seconded, to waive the second reading and adopt Ordinance No. 459 — An Ordinance to Amend Article 24, Signs, Appendix E of the City Code of Ordinances Pertaining to Signage for a State, Local, or Special Election. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. None

11. UNFINISHED BUSINESS

- a. None

12. NEW BUSINESS

- a. Permits Permit Application for Lawful Gambling — Minnesota/USA Wrestling, Inc.

Miller moved, Fulkerson seconded, to adopt Resolution No. 2010-13 — A Resolution Approving Issuance of Premise Permit by State of Minnesota Gambling Authority, with direction to staff to submit a request for funding to the Minnesota/USA Wrestling, Inc. for proceeds to be used toward cemetery improvements and refuse/recycling containers for the parks. Motion carried 4/0.

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

Miller moved, Berghorst seconded, to move to Closed Executive Session at 11:01 p.m. Motion carried 4/0.

Berghorst moved, Fulkerson seconded, to adjourn the Closed Executive Session and move back into the Regular meeting. Motion carried 4/0.

13. ADJOURNMENT

Berghorst moved, Fulkerson seconded, to adjourn the meeting at 11:35 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson  
City Clerk