

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Tuesday, September 7, 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 Planner Richards, Public Works Superintendent Wisdorf, City Engineer Kawlewski, Finance Director Carlson, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Regular City Council Meeting of August 16, 2010

Berghorst moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of August 16, 2010 as amended. Motion carried 5/0.

b. Special City Council Meeting of August 24, 2010

Caron moved, Berghorst seconded, to approve the Minutes of the Special City Council Meeting of August 24, 2010 as presented. Motion carried 5/0.

c. City Council Work Session Meeting of August 24, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the City Council Work Session of August 24, 2010 as presented. Motion carried 5/0.

4. OPEN FORUM

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

Monica Frederick, 603 Lake Street, addressed the City Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Apple Day is Saturday, September 11, 2010 from 8:00 a.m. to 4:00 p.m.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS – (Con't.)

2010 Street Improvement Project - Center Point Energy is installing their gas main and should be finished today or tomorrow. Northwest Asphalt is expected to begin work on Friday, September 10, 2010.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 12(b) Accept Bids and Award Contract for 2010 Sanitary Sewer Lining Project was removed from the agenda. Miller moved, Caron seconded, to approve the meeting agenda as amended. Motion carried 5/0.

b. Consent Agenda

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

1. Verified Claims

Action – Approve for Payment in the Amount of \$218,517.44, Checks #75106 to #75194

2. Special Event Permit for Antique & Classic Boat Show on September 11, 2010 at Maynard's Restaurant – Bob Speltz Land-O-Lakes

Action – Approve Issuance of Special Event Permit for Antique & Classic Boat Show

3. Special Event Permit for Bass Tournament on October 3, 2010 at Maynard's Restaurant – Viking Bassmasters

Action – Approve Issuance of Special Event Permit for Bass Tournament

4. Special Event Permit for Outdoor Music on Tuesdays, Wednesdays, and Thursdays in September – Bayside Grill

Action – Approve Issuance of Special Event Permit for Outdoor Music on Tuesdays, Wednesdays, and Thursdays in September at Bayside Grill

5. Approve Winter Use of LRT Trail System

Action – Approve Winter Use of LRT Trail System for Walking, Snowshoeing, and Jogging

6. AGENDA APPROVAL

a. Consent Agenda - (Continued)

6. Monthly Building Permit Report – August 2010

Action – Accept for Filing

7. Heritage Preservation Commission Minutes for Filing – July 20, 2010

Action – Accept for Filing

8. Design Standards, Site Plan Review, and Subdivision, 287 Water Street – Brian Burdick

Action – Continue to the October 4, 2010 City Council Meeting

9. Contract for Arborist – 2010 Street Improvement Project

Action – Approve Contract with Bartlett Tree Service at \$75.00 Per Hour, Not-to-Exceed \$750.00

10. Accept Letter of Resignation from Heritage Preservation Commissioner Barnard and Declare a Vacancy

Action – Accept Letter of Resignation and Declare a Vacancy

11. Special Event Permit for Minnetonka High School Homecoming Parade, October 1, 2010 – Minnetonka High School Student Government and the South Lake Excelsior Chamber of Commerce

Action – Approve Issuance of Special Event Permit for Homecoming Parade with Conditions Outlined in Staff Memorandum

12. Resolution No. 2010–19 – A Resolution Imposing Temporary Parking Restrictions for Minnetonka Homecoming Parade

Action – Adopt Resolution No. 2010-19

13. Resolution No. 2010–20 – Resolution Electing to Continue Participating in the Local House Incentive Account Program Under the Livable Communities Act

Action – Adopt Resolution No. 2010-20

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Approve 2011 Budget – Lake Minnetonka Communications Commission

Berghorst moved, Caron seconded, to adopt Resolution No. 2010-21 – Resolution Approving the 2011 Budget for the Lake Minnetonka Communications Commission. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. A Resolution Authorizing the Sale of the Bonds

Miller moved, Berghorst seconded, to adopt Resolution No. 2010-22 – A Resolution Providing for the Competitive Negotiated Sale of \$2,795,000 Taxable General Obligations Bonds, Series 2010A (Build America Bonds – Direct Pay) and authorize Springsted Inc. to receive the bids for the bond sale. Motion carried 5/0.

- b. A Resolution Certifying the 2010 Proposed Property Tax Levy Collectible 2011, Proposed General Fund Budget and Dates, Times, and Location for Public Comment on 2011 Budget

Miller moved, Fulkerson seconded, to adopt Resolution No. 2010-23 – A Resolution Certifying the 2010 Proposed Property Tax Levy Collectible 2011, Proposed General Fund Budget, Public Meeting Dates, Times, and Location, and hold the public meeting on Monday, November 29, 2010 and the adoption of the Final Levy and Budget on Monday, December 6, 2010. Motion carried 5/0.

- c. Second Reading of Ordinance No. 460 – An Ordinance to Add Article 19, Section 19-9 to Appendix E of the Excelsior City Code of Ordinances Pertaining to the Parking Impact Fee/Lease Arrangement

Berghorst moved, Caron seconded, to continue this agenda item to the October 4, 2010 meeting. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission – Continued Public Hearings

1. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street, P.I.D. #34-117-23-11-0059 - Thomas F. James Properties

Staff reported that the applicant has submitted a letter withdrawing their applications, so no action is required by the Council at this time.

11. UNFINISHED BUSINESS

a. Management of Trees - 2010 Street Improvement Project

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

Janice Leafer, 175 First Street, addressed the City Council.

Jon Monson, 233 First Street, addressed the City Council.

Miller moved, Berghorst seconded, to go with the staff recommendation to remove the Green Ash located at 247 First Street due to structural damage, remove the Sugar Maple located at 130 First Street due to structural damage, and have the arborist monitor the Sugar Maple at 175 First Street and the Sugar Maple at 217 First Street when the curb is removed and make a determination whether either of these trees can be saved. Motion carried 5/0.

b. Establish 2010 Street Improvement Assessment Criteria

Jon Monson, 233 First Street, addressed the City Council.

Miller moved, Berghorst seconded, to establish that a 15% assessment be charged to the property owners for the street portion of the 2010 Street Improvement Project payable over a 15 year term. Motion carried 4/1, with Fulkerson voting nay.

Miller moved, Caron seconded, to establish an interest rate of 1.5% over the bond rate for the assessments for the 2010 Street Improvement Project. Motion carried 5/0.

12. NEW BUSINESS

a. 2010 Parking Lot Maintenance Budget and Establish 2010 Charges to Property Owners

Miller moved, Caron seconded, to approve parking maintenance budget and cost allocation, and adopt Resolution No. 2010-24 — A Resolution to Establish Parking Surcharge Fee for Use of Municipal Parking by Commercial Boats.

12. NEW BUSINESS

- b. Accept Bids and Award Contract for 2010 Sanitary Sewer Lining Project

This item was removed from the agenda under meeting agenda approval.

- c. Schedule City Council Executive Session and Work Session(s)

Fulkerson moved, Berghorst seconded, to schedule a City Council Executive Session for Monday, September 13, 2010 at 6:00 p.m. to discuss the Parking Valuation Study Preliminary Report and Consider Purchase of Real Property, Lyman Lumber Property East of West Street. Motion carried 5/0.

Miller moved, Caron seconded, to schedule the following City Council Work Sessions: Monday, September 20, 2010 at 6:00 p.m. to discuss the Long Range Financial Plan; Monday, September 27, 2010 at 5:30 p.m. to discuss Heritage Preservation Commission and Advisory Commissions, Special Events, and Streetlight Designs. Motion carried 5/0.

13. ADJOURNMENT

Caron moved, Miller seconded, to adjourn the meeting at 8:55 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk