

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, October 18, 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 Planner Richards, Public Works Superintendent Wisdorf, City Engineer Kawlewski, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of October 4, 2010

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

b. Regular City Council Meeting of October 4, 2010

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

4. OPEN FORUM

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

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

Steve Bauman, 688 Glencoe Road, addressed the City Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The Annual Leaf Pickup will be on Saturday, November 6, 2010.

The General Election will be on Tuesday, November 2, 2010.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS – (Continued)

The South Lake Minnetonka Police Department Coordinating Committee is meeting at 5:30 p.m. on Tuesday, October 19, 2010.

The Charter Commission is scheduled to meet on Wednesday, October 27, 2010 at 6:00 p.m.

The Annual Boo Museum, sponsored by the Excelsior Lake Minnetonka Historical Society will be held on Friday, October 29 and Saturday, October 30, 2010.

6. AGENDA APPROVAL

a. Meeting Agenda

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

b. Consent Agenda

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

1. Verified Claims

Action – Approve for Payment in the Amount of \$324,461.03, Checks #75286 to #75335

2. Special Event Permit for Salon Open House, October 10, 2010 – Cameo Tesserae Salon

Action – Approve Issuance of Special Event Permit for Open House

3. Special Event Permit for Boo Museum Fundraiser, October 29 and 30, 2010 – Excelsior Lake Minnetonka Historical Society

Action – Approve Issuance of Special Event Permit for Fundraiser

4. Special Event Permit for Outdoor Music for Wedding, October 9, 2010 – Bayview Event Center

Action – Approve Issuance of Special Event Permit for Outdoor Music

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

5. Special Event Permit for 5th Annual 29,000 Steps for Children Walking Event, October 24, 2010 – World Vision

Action – Approve Issuance of Special Event Permit for Annual Walking Event

6. Final Payment Request for 2007 Sidewalk Rehabilitation Program

Action – Approve Final Payment Request to Bailey Construction Change in the Amount of \$3,839.01

7. Contract for The Commons Concession Building Roof Replacement

Action – Approve Contract with Incline Exteriors for Roof Replacement of The Commons Concession Building with Timberline Shingles for a Cost Not-to-Exceed \$4,720.00

8. Resolution No. 2010-30 – A Resolution Approving Assessment for 347-351 Second Street

Action – Approve Resolution No. 2010-30

9. Bond Rating Application – Moody’s Investor’s Service

Action – Approve Bond Rating Application and Authorize the City Manager to Execute Agreement

10. Quarterly Code Enforcement Report

Action – Accept for Filing

11. Third Quarter Financial Reports

Action – Accept for Filing

12. Planning Commission Minutes for Filing – September 8, 2010

Action – Accept for Filing

13. Park & Recreation Commission Minutes for Filing – September 14, 2010

Action – Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

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

Action – Continue to the November 1, 2010 Council Meeting

7. PUBLIC HEARINGS

a. 2010 Street Improvement Project Assessment Hearing

Staff reported that letters objecting to the assessment were received from Leon Boyd, 44 First Street, and Keith Wilcox, 14 First Street.

Mayor Ruehl opened the public hearing at 7:55 p.m.

Mark Allen, 37 West Lake Street, addressed the City Council.

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

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

Steve Bauman, 688 Glencoe Road, addressed the City Council.

Mayor Ruehl closed the public hearing at 8:26 p.m.

Miller moved, Caron seconded, to schedule a Special Council Meeting for Monday, October 25, 2010 at 6:30 p.m., continue this agenda item to the Special Meeting, and direct staff to:

1. Revise the mill and overlay assessments to reflect a higher number of equivalent sized lots in The Commons to account for the north half of Lake Street, the west half of West Lake Street north of First Street, and the north half of First Street west of West Lake Street.
2. Calculate what the assessment should have been for the apartment building at 200 First Street and then recalculate the assessments for the properties using the new calculation for the apartment building, and charge the difference in the assessment cost for the apartment building to the City.

Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

None

9. ORDINANCES and RESOLUTIONS

- a. Second Reading and Adoption of Ordinance No. 460 - An Ordinance to Amend Article 10, Sec.10-622 of the Excelsior City Code of Ordinances Pertaining to the Definition of Tobacco Products

Miller moved, Caron seconded, to waive the second reading and adopt Ordinance No. 460 - An Ordinance to Amend Article 10, Sec. 10-622 of the Excelsior City Code of Ordinances Pertaining to the Definition of Tobacco Products. Motion carried 5/0.

- b. A Resolution in Support of New State Legislation Providing for Changes in Distribution of Fine Revenue for Aquatic Invasive Species (AIS) Citations

Berghorst moved, Caron seconded, to adopt Resolution No. 2010-29 - A Resolution in Support of New State Legislation Providing for Changes in Distribution of Fine Revenue for Aquatic Invasive Species (AIS) Citations. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Ordinance to Amend Article 50, B-1, Section 50-2: Street Level Permitted Uses Water Street to Add Libraries as Permitted Use

Miller moved, Berghorst seconded, to waive the first reading of An Ordinance to Amend Article 50, B-1, Section 50-2: Street Level Permitted Uses Water Street to Add Libraries as Permitted Use, and schedule the second reading and adoption for November 1, 2010.

Mayor Ruehl reopened the public hearing at 8:37 p.m.

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

Mayor Ruehl closed the public hearing at 8:40 p.m.

Motion carried 5/0.

11. UNFINISHED BUSINESS

- a. 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 direct staff to contact the applicant and request that he withdraw his text amendment application and then the City will remove the costs associated with this ordinance from the applicant's escrow account. Motion carried 5/0.

Caron moved, Berghorst seconded, to continue this agenda item to the November 1, 2010 Council meeting. Motion carried 5/0.

- b. Water Repair at 355 Beeman Place

Council Member Caron recused herself and left to sit in the audience.

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

Diane Bolles, 229 George Street, addressed the City Council

Berghorst moved, Fulkerson seconded, that the Council has made the determination that this is a service line not a water main, that the property owner shall be responsible for all costs for the initial water service line repair, and direct staff to file a claim with the City's insurance company on Bolles' behalf to determine if the contractor was negligent in their work with regard to the second repair. Motion carried 4/0/1, with Caron recusing herself.

Caron rejoined the Council.

- c. Heritage Preservation Commission Appointment

Miller moved, Berghorst seconded, to appoint Jeffrey Bipes to the Heritage Preservation Commission to fulfill Barnard's term which expires on February 28, 2013. Motion carried 5/0.

12. NEW BUSINESS

- a. Concerts in the Park

The consensus of the Council was to move the Concerts in the Park to Tuesday evenings. The Council directed staff to provide attendance figures for each concert at the end of the season.

12. NEW BUSINESS

- b. Proposal to Provide Engineering Services for 2011 Street Improvement Project – WSB & Associates, Inc.

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

Fulkerson moved, Berghorst seconded, to approve the proposal to Provide Engineering Services for the 2011 Street Improvement Project for a cost not-to-exceed \$59,500.00, with the condition that WSB & Associates, Inc. agrees to assign and dedicate the same person to serve as the Project Inspector throughout the entire project. Motion carried 5/0.

- c. Schedule City Council Work Sessions

Miller moved, Caron seconded, to schedule a City Council Work Session for Monday, October 25, 2010 directly following the Special Council meeting at 6:30 p.m. to discuss the parking impact ordinance. Motion carried 5/0.

Miller moved, Caron seconded, to schedule a Special City Council, Closed Executive Session for Monday, October 25, 2010 directly following the City Council Work Session for labor negotiations. Motion carried 5/0.

Miller moved, Caron seconded, to schedule a City Council Work Session for Monday, November 8, 2010 at 6:30 p.m. to discuss the 2011 Levy and 2011 Utility Rates. Motion carried 5/0.

13. ADJOURNMENT

Caron moved, Berghorst seconded, to adjourn the meeting at 10:15 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk