

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, December 6, 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
(arrived at 7:03 p.m.), and Mayor Ruehl

Also Present: City Manager Luger, Public Works Superintendent
Wisdorf, City Attorney Staunton, Finance Director
Carlson, City Planner Richards, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of November 15, 2010

Caron moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of November 15, 2010 as presented. Motion carried 4/0.

b. Regular City Council Meeting of November 15, 2010

Berghorst moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of November 15, 2010 as presented. Motion carried 4/0.

c. Special City Council Meeting of November 29, 2010

Fulkerson moved, Caron seconded, to approve the Minutes of the Special City Council Meeting of November 29, 2010 as presented. Motion carried 4/0.

d. City Council Executive Session Meeting of November 29, 2010

Berghorst moved, Fulkerson seconded, to approve the Minutes of the City Council Executive Session Meeting of November 29, 2010 as presented. Motion carried 4/0.

4. OPEN FORUM

- a. Presentation of Plaques – Lynn Johnson, Minnetonka Community Services, Tim McKinney and Taylor Stemler, Eagle Scout Projects

Mayor Ruehl presented Certificates of Appreciation to Lynn Johnson, Tim McKinney, and Taylor Stemler.

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

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The Excelsior Fire District Board looked into whether it would be better to purchase or lease breathing apparatus equipment and the Board determined it was best to lease the equipment.

The next Charter Commission meeting is December 15, 2010 at 6:00 p.m. in the Council Chambers.

6. AGENDA APPROVAL

- a. Meeting Agenda

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

- b. Consent Agenda

The Council removed Item 17 and continued it to the December 20, 2010 Council meeting. Berghorst moved, Caron seconded, to approve the consent agenda as amended. Motion carried 5/0.

1. Verified Claims

Action – Approve for Payment in the Amount of \$654,289.02, Checks #75433 to #75487

2. Special Event Permit for Pond Hockey Tournament – January 22 through January 23 and January 28 through January 30, 2011

Action – Approve Special Event Permit for Pond Hockey Tournament

3. Special Event Permit for Arctic Fever 2011 – January 15 & 16, 2011

Action – Approve Special Event Permit for Arctic Fever 2011

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

4. Resolution No. 2010-35 – A Resolution Approving Amendment 1 to Contract No. A081277, 2008-2010 Residential Recycling Grant Agreement Between Hennepin County and the City of Excelsior

Action – Adopt Resolution No. 2010-35
5. 2011 Insurance – Monetary Limits on Municipal Tort Liability

Action – City Elects Not to Waive Municipal Tort Liability
6. Joint Powers Agreement for City Code Violation Administrative Services

Action – Approve Joint Powers Agreement with the City of Minnetonka and Authorize Mayor and City Manager to Execute the Agreement
7. First Reading of An Ordinance to Amend Article 10, Administration – General, Pertaining to Timeframe on Building Permits for Completing Exterior Improvements

Action – Continue Agenda Item to December 20, 2010 Council Meeting
8. Resolution No. 2010 - 36 – A Resolution Establishing Rates for the Surface Water Quality Management Utility

Action – Adopt Resolution No. 2010-36
9. Resolution No. 2010-37 – A Resolution Approving Execution of License Agreement with Hennepin County

Action – Adopt Resolution No. 2010-37
10. 2010 Audit Proposal – Abdo, Eick, & Meyers, LLP

Action – Approve Letter of Engagement with Abdo, Eick & Meyers LLP for 2010 Audit for a Not-to-Exceed Amount of \$20,250 and Authorize City Manager to Execute Letter of Engagement
11. Monthly Building Permit Report – November 2010

Action – Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

12. Special Event Permit for Christmas Festivities in Downtown Excelsior, December, 2010 – Excelsior Downtown Business Group and South Lake Excelsior Chamber of Commerce

Action – Approve Special Event Permit for Christmas Festivities in Downtown Excelsior

13. 2011 Theater License – Five Star Cinemas LLC

Action – Approve 2011 Theater License for Five Star Cinemas LLC

14. 2011 Tobacco Licenses

Action – Approve Issuance of 2011 Tobacco Licenses to: Southshore Investments, Inc. - Maynard's Restaurant, Haskell's, TRBK – Bayside Grille, and Haskell's - Port of Excelsior

15. 2011 Refuse Licenses

Action – Approve Issuance of 2011 Refuse Licenses to: Aspen Waste Systems, Inc., JME of Monticello, Inc., Lloyds Construction Services, Inc., Randy's Sanitation, Inc., Veolia Environmental Services, and Waste Management

16. A Resolution Appointing Kenneth N. Potts as City Prosecuting Attorney from January 1, 2011 through December 31, 2012

Action – Agenda Item Removed and Continued to the December 20, 2010 Council Meeting

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. City of Excelsior's LMCD Residential Dock Application - Peter Hartwich, City's LMCD Board Representative

Peter Hartwich, City of Excelsior LMCD Board Representative, addressed the City Council.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. City of Excelsior's LMCD Residential Dock Application - Peter Hartwich, City's LMCD Board Representative - (Continued)

The City Council expressed to Hartwich that as the City's LMCD Board Representative the expectation would be that he would vote in favor of the City's Dock Application.

9. ORDINANCES and RESOLUTIONS

- a. Resolution Certifying the 2010 Property Tax Levy Collectable 2011

Berghorst moved, Caron seconded, to adopt Resolution No. 2010-38 - A Resolution Certifying the 2010 Property Tax Levy Collectable 2011 as presented. Motion carried 5/0.

- b. Resolution of the Excelsior City Council Setting the 2011 Budget

Caron moved, Fulkerson seconded, to adopt Resolution No. 2010-39 - Resolution of the Excelsior City Council Setting the 2011 Budget as amended. Motion carried 5/0.

- c. Approve Long Term Financial Plan Model and 2011 Long Term Financial Plan

Miller moved, Fulkerson seconded, to approve Springsted's Small City Long Term Financial Plan Model as the City of Excelsior's Long Term Financial Plan tool. Motion carried 5/0.

Miller moved, Berghorst seconded, to approve the General Fund portion of the Long Term Financial Plan as presented on December 6, 2010. Motion carried 5/0.

- d. Resolution Authorizing the Application for Metropolitan Council Municipal Publically Owned Infrastructure Inflow/Infiltration Grant Program

Berghorst moved, Caron seconded, to adopt Resolution No. 2010-40 - A Resolution Authorizing the Application for Metropolitan Council Municipal Publically Owned Infrastructure Inflow/Infiltration Grant Program. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Park and Recreation Commission

1. Memorial Plaque Policy

Tom Wolfe, Park and Recreation Commissioner, addressed the City Council.

Berghorst moved, Caron seconded, to adopt the Memorial Plaque Policy as recommended by the Park and Recreation Commission. Motion carried 5/0.

2. Bandshell Project

Tom Wolfe, Park and Recreation Commissioner, addressed the City Council.

Councilmember Berghorst was appointed by the City Council to serve on the Bandshell Subcommittee.

3. Reinstall Raft at Beach for 2011 Summer Season

Tom Wolfe, Park and Recreation Commissioner, addressed the City Council.

The Council reiterated that there is not funding for the additional lifeguard that would be required if the swim raft was reinstalled.

11. UNFINISHED BUSINESS

a. Second Reading of Ordinance No. 462 — 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

Joe Froehling, 34 Water Street property owner, addressed the City Council.

Bob Bolles, 340 Water Street property owner, addressed the City Council.

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

Berghorst moved, Miller seconded, to waive the second reading and adopt Ordinance No. 462 — 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 as presented. Motion carried 5/0.

Miller moved, Fulkerson seconded, to adopt Resolution No. 2010-41 – A Resolution Establishing An Annual Parking Impact Fee as amended, with setting the parking impact fee at \$1,500.00 for 2011. Motion carried 5/0.

12. NEW BUSINESS

a. Approve Contracts for Residential/Commercial Dock Dredging Project

Berghorst moved, Caron seconded, to authorize the City Manager to execute contracts for the Residential/Commercial Dock Dredging Project with Minnetonka Portable Dredging for sediment removal at a cost not-to-exceed \$30,000.00 with the condition that dredging for the 5th dock does not occur until the City receives approval from the LMCD for the 5th dock, and with Braun Intertec for the testing of sediment material at a cost not-to-exceed \$3,000.00. Motion carried 5/0.

13. ADJOURNMENT

Fulkerson moved, Berghorst seconded, to adjourn the meeting at 10:28 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk