

City of Excelsior  
Regular Council Meeting

Agenda

Monday, April 4, 2011

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:02 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 March 21, 2011

Berghorst moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of March 21, 2011 as presented. Motion carried 3/0/2, with Caron and Fulkerson abstaining.

4. OPEN FORUM

Lee Webster, 7750 Halstead Drive, Minnetrista, addressed the City Council.

Jeff Jarvis, Pastor, Christ Community Church, 897 Third Avenue, addressed the City Council.

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

Leigh Harrod, 220 Bell Street, addressed the City Council.

Rick Meyer, 600 Pleasant Street, addressed the City Council.

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

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The Excelsior Fire District Board is holding a 2012 Budget Work Session on Wednesday, April 6, 2011 at 6:00 pm.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 6(b)2 – Position Description and Starting Wage for Part-Time Public Works Maintenance Position was moved to Item 12(f) and Item 11(a) – Appointment to Lake Minnetonka Conservation District Board was moved up on the agenda to follow Item 10(a)1. Berghorst 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 amended. 5/0.

1. Verified Claims

Action – Approve for Payment in the Amount of \$150,137.23, EFT Checks 354 to 359 and Manual Checks #75846 through #75875

2. Position Description and Starting Wage for Part-Time Public Works Maintenance Position

Action – Item moved to Item 12(f)

3. Park Use Permit for Earth Day Concert, April 15, 2011 – Minnetonka Earth Club

Action – Approved Park Use Permit for Earth Day Concert

4. Special Event Permit for Easter Egg Hunt, April 23, 2011 – Our Savior Lutheran Church

Action – Approved Special Event Permit for Easter Egg Hunt

5. Temporary Sign Permit for Banner for Easter Egg Hunt - Our Savior Lutheran Church

Action – Approved Temporary Sign Permit for Banner for Easter Egg Hunt

6. Approval of Permit for Excelsior Cruise-In on Saturday Mornings at Mason Motors from May 21, 2011 through August 27, 2011

Action – Approved Permit for Excelsior Cruise-In on Saturday Mornings from May 21 through August 27, 2011

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

7. Special Event Permit for Triathlon, June 18, 2011 – Lake Minnetonka Triathlon

Action – Approved Special Event Permit for Lake Minnetonka Triathlon

8. Payment Request #2 for Residential Dock Project to THN Enterprises Incorporated

Action – Approved Payment Request #2 to THN Enterprises Incorporated in the Amount of \$17,709 from Dock Fund #670

9. Approve Change Order #1 for Residential Dock Project

Action – Approve Change Order #1 in Amount of \$2,500 for Residential Dock Project for Reconfiguring Hidden Lane Docks

10. First Reading of An Ordinance to Amend Section 16-40 – Deposits of Snow or Ice from Private Property onto Public Right-of-Way

Action – Continue First Reading of Ordinance to Amend Section 16-40 to May 2, 2011 City Council Meeting

11. Monthly Building Permit Report – March 2011

Action – Accept for Filing

12. Heritage Preservation Commission Minutes for Filing – February 23, 2011

Action – Accept for Filing

13. Special Event/Park Use Permit for Half Marathon, May 1, 2011 – Podium Sports Marketing

Action – Approve Special Event/Park Use Permit for Half Marathon

14. Seasonal Hours

Action – Approve Seasonal Hours for City Hall, May 31 to September 2, 2011, 7:30 a.m. to 5:00 p.m., Monday – Thursday and 7:30 a.m. to 11:30 a.m. on Friday

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Request to Hold Easter Global Dance in Excelsior - Christ Community Church

Jeff Jarvis, Pastor, Christ Community Church, 897 Third Avenue, addressed the City Council.

Berghorst moved, Caron seconded, to approve a photo shoot permit for Christ Community Church to close Water Street between Second and Third Streets at 9:00 a.m. on Easter Sunday, April 24, 2011 for 15 minutes to videotape an Easter Global Dance on Water Street. Motion carried 4/1, with Fulkerson voting nay.

- b. Charter Commission Update

Lloyd Bratland, Chair of Charter Commission, 200 West Lake Street, addressed the City Council.

- c. Proclamation for Health Decisions Day

Berghorst moved, Miller seconded, to approve a Proclamation to declare Saturday, April 16, 2011 as "Healthcare Decisions Day" in the City of Excelsior. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. None

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Site Plan Review and Design Standards Review for 229 Water Street, P.I.D. #34-117-23-11-0121, Michael and Brittany Reger

Caron moved, Berghorst seconded, to adopt Resolution No. 2011-07 – A Resolution Providing Design Standards and Site Plan Approval for Façade Improvements at 229 Water Street. Motion carried 5/0.

11. UNFINISHED BUSINESS

- a. Appointment to Lake Minnetonka Conservation District Board

Peter Hartwich, 186 George Street, addressed the City Council.

11. UNFINISHED BUSINESS

- a. Appointment to Lake Minnetonka Conservation District Board – (Continued)

Fulkerson moved, Caron seconded, to recall Peter Hartwich's appointment as the City's representative to the Lake Minnetonka Conservation District Board and declare a vacancy with direction to staff to advertise for applications to fill the vacancy. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- b. Park and Recreation Commission

1. Garden Plot Policy

Caron moved, Fulkerson seconded, to adopt the Garden Plot Policy for the 2011 season as recommended by the Park and Recreation Commission, with the condition that the final Garden Plot Policy be reviewed and adopted prior to the 2012 season. Motion carried 5/0.

11. UNFINISHED BUSINESS

- a. Appointment to Lake Minnetonka Conservation District Board

This agenda item was moved up on the agenda following Item 10(a) 1.

- b. Appointments to Park and Recreation Commission

Miller moved, Caron seconded, to appoint Mike Filippi to the Park and Recreation Commission to serve a three year term expiring February 28, 2014. Motion carried 5/0.

12. NEW BUSINESS

- a. Accept Bids and Award Contract for Soil Cover Project at Excelsior Parkland

Berghorst moved, Fulkerson seconded, to accept the bids and award the contract to the second lowest bidder, Frattalone Companies, Inc. for a cost not-to-exceed \$528,210.00, noting that the Council concluded that the lowest bidder was determined not to be a responsible bidder by the City's consulting engineer because of the level of experience the contractor has had with this type of environmental cleanup activity. Motion carried 5/0.

- b. Accept Bids and Award Contract for 2011 Street Improvement Project

Fulkerson moved. Berghorst seconded, to accept the bids and award the contract for the 2011 Street Improvement Project to Northwest Asphalt, Inc., Shakopee, Minnesota, in the amount of \$989,459.08. Motion carried 5/0.

12. NEW BUSINESS

- c. Proposal for Geographic Information System Education Program Implementation Recommendation – WSB & Associates, Inc.

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

Miller moved, Fulkerson seconded, to approve proposal from WSB & Associates to update the City of Excelsior base map, set up ArcGIS at the City offices and Public Works, provide training for City staff, and purchase the necessary hardware and software at a cost not-to-exceed \$4,204.00. Motion carried 5/0.

- d. Joint Public Safety Facility Financing

Miller moved, Caron seconded, to forward the recommendation that the unspent bond proceeds for police and fire be placed in a building maintenance fund. Motion carried 5/0.

- e. Schedule City Council Work Sessions

Miller moved, Caron seconded, to schedule a City Council Work Session for Monday, April 18, 2011 at 5:30 p.m. Motion carried 5/0.

- f. Public Works Part-Time Position

Fulkerson moved, Berghorst seconded, to approve the Public Works Maintenance Worker job description and starting wage of \$14.00 per hour. Motion carried 5/0.

13. ADJOURNMENT

Fulkerson moved, Miller seconded, to adjourn at 10:29 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson  
City Clerk