

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, June 20, 2011

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:03 p.m.

2. ROLL CALL

Present: Councilmembers Caron, Fulkerson, Miller, and Mayor Ruehl

Also Present: City Manager Luger, City Attorney Staunton, City Planner Fuchs, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Regular City Council Meeting of June 13, 2011

Caron moved, Fulkerson seconded, to approve the Minutes of the Regular City Council meeting of June 13, 2011 as presented. Motion carried 4/0.

4. OPEN FORUM

a. Certificate of Appreciation to Outgoing Councilmember Berghorst

Mayor Ruehl presented a Certificate of Appreciation to Outgoing Councilmember Berghorst.

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

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The South Lake Minnetonka Police Department Coordinating Committee will hold a Work Session on Monday, June 27, 2011 at 8:30 a.m. to discuss the 2012 budget.

Mayor Ruehl attended the League of Minnesota Cities Annual Conference. He noted that there were a lot of good sessions and good information provided.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 6(b)14 – Special Event Permit for Outdoor Music for Wedding, July 2, 2011, Item 6(b)15 – Sanitary Sewer Replacement on Bell Street, and 12(c) – Excelsior Parkland Retaining Wall were added to the agenda.

Caron moved, Fulkerson seconded, to approve the meeting agenda as amended.

b. Consent Agenda

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

1. Verified Claims

Action – Approve for Payment in the Amount of \$85,029.29, EFT Checks 386 to 397 and Manual Checks #76107 through #76147

2. 2010 Fee Study

Action - Accept Proposal from Abdo, Eick & Meyers LLP to Conduct 2010 Fee Study for \$7,000.00, With Funding From the Revolving Fund

3. Resolution Calling for Public Hearing on the Assessments for the 2011 Street Improvement Project

Action – Adopt Resolution No. 2011-17 – A Resolution Calling for Public Hearing on the Assessments for the 2011 Street Improvement Project

4. Monthly Budget Report – May 2011

Action – Accept for Filing

5. 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 agenda item to the August 1, 2011 City Council meeting.

6. Planning Commission Minutes for Filing – April 28, 2011 and May 3, 2011

Action – Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

7. Park and Recreation Commission Minutes for Filing – May 10, 2011
Action – Accept for Filing
8. Special Event Permit for Crazy Days, July 21, 22, and 23, 2011 –
Excelsior Downtown Business Group
Action – Approve Special Event Permit for Crazy Days
9. Special Event Permit for Outdoor Music for Wedding, June 18, 2011 –
BayView Event Center
Action – Approve Special Event Permit for Outdoor Music for Wedding
10. Special Event Permit for Outdoor Music for Wedding, June 18, 2011 –
BayView Event Center
Action – Approve Special Event Permit for Outdoor Music for Wedding
11. Special Event Permit for Outdoor Music for Wedding, June 25, 2011 –
BayView Event Center
Action – Approve Special Event Permit for Outdoor Music for Wedding
12. Special Event Permit for Outdoor Music for Wedding, June 25, 2011 –
BayView Event Center
Action – Approve Special Event Permit for Outdoor Music for Wedding
13. Special Event Permit for Outdoor Music for Fundraiser, June 26, 2011 –
BayView Event Center
Action – Approve Special Event Permit for Outdoor Music for
Fundraiser
14. Special Event Permit for Outdoor Music for Wedding, July 2, 2011 –
BayView Event Center
Action – Approve Special Event Permit for Outdoor Music for Wedding
15. Sanitary Sewer Replacement on Bell Street
Action – Approve Change Order for Replacing Sanitary Sewer Line on
Bell Street for a Cost-Not-To-Exceed \$12,867 and Authorize the Mayor
and City Manager to Execute Change Order

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Bandshell Subcommittee Update – Wendy Berghorst

Wendy Berghorst, Chair of the Bandshell Subcommittee, addressed the City Council.

9. ORDINANCES and RESOLUTIONS

- a. First Reading and Adoption of An Emergency Ordinance to Amend Chapters 26 and 10 of the Excelsior City Code Relating to Criminal History Background for Applicants for City Employment and City Licenses

Fulkerson moved, Miller seconded, to waive the first reading and adopt Ordinance No. 467 - An Emergency Ordinance to Amend Chapters 26 and 10 of the Excelsior City Code Relating to Criminal History Background for Applicants for City Employment and City Licenses. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Variance from Setbacks for Principal Structure and Accessory Structure for 153 West Lake Street – Charles P. Kampen and Pamela J. Rajala

Nicki Craig, Planning Commission Liaison, addressed the City Council.

Mayor Ruehl reopened the public hearing at 7:47 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Caron moved, Miller seconded, to adopt Resolution No. 2011-18 - A Resolution Granting Variances from the City's Setback Requirements for 153 West Lake Street. Motion carried 4/0.

11. UNFINISHED BUSINESS

- a. Outdoor Music Permits – Jack Stevens, Maynard's Restaurant and Bob Ziton, Bayside Grille

Tom Stevens, Maynard's Restaurant, addressed the City Council.

Bob Ziton, BayView Event Center/Bayside Grille, addressed the City Council.

11. UNFINISHED BUSINESS

- a. Outdoor Music Permits – Jack Stevens, Maynard’s Restaurant and Bob Ziton, Bayside Grille – (Continued)

Paulette Tollefson, President of the Excelsior Bay Gables Association, addressed the City Council.

Alice McCormick, 603 Lake Street, addressed the City Council.

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

Miller moved, Caron seconded, to continue this agenda item to the July 18, 2011 City Council meeting. Motion carried 4/0.

- b. First Reading of An Ordinance Amending Chapters 4 and 10 of the Excelsior City Code Pertaining to Outdoor Music

Caron moved, Miller seconded, to continue this agenda item to the July 18, 2011 City Council meeting. Motion carried 4/0.

- c. Request to Submit Planned Unit Development Application Without Payment of Past Due Fees for Galpin Lake Properties – Bill Wolfson

Bill Wolfson, Coldwell Banker Burnet, Real Estate Agent for 712 and 734 Galpin Lake Road, representing MN Inboard, addressed the City Council.

Miller moved, Fulkerson seconded, to allow the application to proceed without the satisfaction of the lien. In the event the application is approved, a condition of approval would be satisfaction of the lien prior to the issuance of a building permit. Motion carried 4/0.

12. NEW BUSINESS

- a. Forming a Library Advisory Committee

Miller moved, Fulkerson seconded, to create a library advisory committee and appoint the following individuals to serve on the committee: Warren Blechert, Councilmember Caron, Mark Gaylord, Teri Haugland, Kimberly Lesinski, Myrle Mackenzie, Dan Roden, Mayor Ruehl, Becca Sanders, Dan Wallace, and Howard Young. Motion carried 4/0.

- b. Performance Measurement Program

The City Council decided not to have the City participate in the Performance Measurement Program.

12. NEW BUSINESS

c. Excelsior Parkland Retaining Wall

Miller moved, Caron seconded, to approve the use of boulders for extending the existing retaining wall in Excelsior Boulevard and authorize the Mayor and City Manager to execute the Change Order with Frattalone for the work to be completed. Motion carried 3/1, with Fulkerson voting nay.

13. ADJOURNMENT

Fulkerson moved, Miller seconded, to adjourn the meeting at 9:38 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk