

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, July 18, 2011

Council Chambers

7:00 p.m.

Executive Session — 6:00 p.m. — City Manager Review

Mayor Ruehl called the meeting to order at 6:02 p.m.

Present: Councilmembers Fulkerson, Miller (arrived at 6:10 p.m.), Olson, and Mayor Ruehl.

Absent: Councilmember Caron

Fulkerson moved, Olson seconded, to move into Executive Session. Motion carried 4/0.

Fulkerson moved, Olson seconded, to adjourn the Executive Session at 6:53 p.m. Motion carried 4/0.

1. CALL TO ORDER

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

2. ROLL CALL

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

Absent: Councilmember Caron

Also Present: City Manager Luger, City Attorney Staunton, City Engineer Dawley, City Planner Richards (arrived at 7:50 p.m.), Public Works Superintendent Wisdorf, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of July 5, 2011

Fulkerson moved, Miller seconded, to approve the Minutes of the City Council Work Session meeting of July 5, 2011 as presented. Motion carried 4/0.

3. APPROVAL OF MINUTES

b. Regular City Council Meeting of July 5, 2011

Fulkerson moved, Miller seconded, to approve the Minutes of the Regular City Council meeting of July 5, 2011 as presented. Motion carried 4/0.

5. OPEN FORUM

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

6. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The South Lake Minnetonka Police Department Coordinating Committee will hold a budget meeting on Wednesday, July 20, 2011 at 5:00 p.m.

Mayor Ruehl reported that he and other Mayors had been invited to travel to Fort McCoy to help the organization "Serving our Troops" serve meals to the 2,500 National Guard service members being deployed overseas and their families. Approximately 6,000 meals were served.

7. AGENDA APPROVAL

a. Meeting Agenda

Fulkerson moved, Olson seconded, to approve the meeting agenda as presented. Motion carried 4/0.

b. Consent Agenda

Fulkerson moved, Olson seconded, to approve the consent agenda as presented. Motion carried 4/0.

1. Verified Claims

Action – Approve for Payment in the Amount of \$224,318.93 EFT Checks 405 to 410 and Manual Checks #76187 through #76247

2. 2012 Assessment Contract

Action – Approve 2012 Assessment Contract with Rolf Erickson Enterprises, Inc. in the amount of \$20,448 and Authorize the Mayor and City Manager to Execute Contract

3. 2nd Quarter Financial Report

Action – Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

4. Payment Request for Sand Filter Media – Tonka Equipment Company

Action – Approve Payment Request to Tonka Equipment Company in the amount of \$38,354.03 from Water Fund Account #601-16320

5. Park Use Permit for Worship Service and Picnic, August 14, 2011 – Christ Community Church

Action – Approve Park Use Permit for Worship Service and Picnic

6. Special Event Permit for “Walk for Wellness” Event at Dunn Bros., August 14, 2011 – Park Nicollet Compass Program

Action – Approve Issuance of Special Event Permit for “Walk for Wellness” Event

7. Special Event Permit for Fishing Tournament at Bayside Grille, August 10, 2011 – Northern Wholesale

Action – Approve Issuance of Special Event Permit for Fishing Tournament

8. Minnesota “Night to Unite” Neighborhood Gatherings

Action – Approve Street Closings for Minnesota “Night to Unite” Neighborhood Gatherings

9. Temporary Sign Permit for Banner for Apple Day – South Lake Excelsior Chamber of Commerce

Action – Approve Temporary Sign Permit for Banner for Apple Day

10. Special Event Permit for Apple Day, September 10, 2011 – South Lake Excelsior Chamber of Commerce

Action – Approve Issuance of Special Event Permit for Apple Day

11. Resolution No. 2011-21 – A Resolution Approving Assessment for 271 West Lake Street

Action – Adopt Resolution No. 2011-21 – A Resolution Approving Assessment for 271 West Lake Street

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

12. Construction Pay Voucher #5 for 2010 Street Improvement Project

Action – Approve Construction Pay Voucher #5 to Northwest Asphalt in the amount of \$30,954.56 for the 2010 Street Improvement Project

13. Construction Pay Voucher #2 for 2011 Street Improvement Project

Action – Approve Construction Pay Voucher #2 to Northwest Asphalt in the amount of \$322,177.71 for the 2011 Street Improvement Project

14. Planning Commission Minutes for Filing – June 7, 2011

Action – Accept for Filing

15. Park and Recreation Commission Minutes for Filing – June 14, 2011

Action – Accept for Filing

7. PUBLIC HEARINGS

a. Assessment Hearing – 2011 Street Improvement Project

Mayor Ruehl opened the public hearing at 7:21 p.m.

Lloyd Bratland, 200 West Lake Street, addressed the City Council.

Spencer Lien, 226 Courtland Street, addressed the City Council.

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

Steve Thomas, 164 Bell Street, addressed the City Council.

Cindy Busch, 127 Bell Street, addressed the City Council.

Jim Stark, 125 Second Street, addressed the City Council.

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

Miller moved, Olson seconded, to reduce the assessment for 226 Courtland Street from \$4,489.00 to \$2,244.00 and adopt Resolution No. 2011-22 – A Resolution Adopting Assessment Roll, 2011 Street Improvement Project, as amended. Motion carried 4/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Request for Signage on Third Street Fire Lane

Miller moved, Fulkerson seconded, to direct staff to draft an ordinance to correlate the signage to the City Code so the regulations for the signage that has been in place on the fire lanes can be enforced. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

a. Second Reading and Adoption of Ordinance No. 468 - An Ordinance to Amend Chapter 4, Article 2, Division 2 of the Excelsior City Code to Add Breweries

Miller moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 468 - An Ordinance to Amend Chapter 4, Article 2, Division 2 of the Excelsior City Code to Add Breweries. Motion carried 4/0.

b. First Reading and Adoption of Ordinance No. 469 – An Emergency Ordinance to Add Article IX to Section 8 of the Excelsior City Code Concerning Electrical Regulations

Miller moved, Olson seconded, to waive the first reading and adopt Ordinance No. 469 – An Emergency Ordinance to Add Article IX to Section 8 of the Excelsior City Code Concerning Electrical Regulations. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Ordinance to Amend Articles 2, 50, 51, 52, 53, 54, and 55, Pertaining to Zoning Regulations and Uses Allowing Microbreweries as a Conditional Use in Business Districts

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

Miller moved, Fulkerson seconded, to waive the first reading of the Ordinance to Amend Articles 2, 50, 51, 52, 53, 54, and 55, Pertaining to Zoning Regulations and Uses Allowing Microbreweries as a Conditional Use in Business Districts and schedule the second reading and adoption for the August 1, 2011 Council meeting. Motion carried 4/0.

2. Conditional Use Permit and Site Plan Review for Outdoor Classroom on Property Located at 441 Oak Street – Minnetonka Public Schools

Fulkerson moved, Miller seconded, to adopt Resolution No. 2011- 23 - A Resolution Providing Conditional Use Permit Approval for an Outdoor Classroom at the Excelsior Elementary School, 441 Oak Street. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

3. Planned Unit Development Concept Plan to Construct a Retail Boat Sales Office and Minor Service on Property Located at 712 and 734 Galpin Lake Road, Excelsior, MN – Joe and Pam Mueller, d.b.a. Minnesota Inboard

Joe Mueller, MN Inboard, the applicant, addressed the City Council.

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

Charlie James, architect for the project, addressed the City Council.

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

Fulkerson moved, Miller seconded, to adopt Resolution No. 2011-24 – A Resolution Approving a PUD Concept Plan Proposal for 712 and 734 Galpin Lake Road. Motion carried 4/0.

11. UNFINISHED BUSINESS

a. Extension of Curb on Third Street

Miller moved, Olson seconded, to direct staff to extend the curb along the East Municipal Parking lot and extend the curb and boulevard on both sides of the street on Third Street between Center and Water Streets if the property owners along this stretch are willing to partner with the City and pay 15% of the costs. Motion carried 4/0.

12. NEW BUSINESS

a. Schedule City Council Work Session

Miller moved, Fulkerson seconded, to extend the July 25, 2011 City Council Work Session to 9:00 p.m. and add the microbrewery discussion. Motion carried 4/0.

b. Petition for Proposed Amendments to the City of Excelsior Charter

Miller moved, Olson seconded, acknowledging receipt of the Petition for Proposed Amendments to the City of Excelsior Charter. Motion carried 4/0.

13. ADJOURNMENT

Fulkerson moved, Olson seconded, to adjourn the meeting at 11:32 p.m.
Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk