

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, August 15, 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: Councilmembers Caron, Fulkerson, Miller, Olson, and Mayor Ruehl

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Wisdorf, Finance Director Carlson (left the meeting at 9:00 p.m.), City Planner Richards (arrived at 8:50 p.m.), and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Regular City Council Meeting of August 1, 2011

Fulkerson moved, Olson seconded, to approve the Minutes of the Regular City Council meeting of August 1, 2011 as presented. Motion carried 5/0.

b. City Council Work Session Meeting of August 8, 2011

Caron moved, Miller seconded, to approve the Minutes of the Regular City Council meeting of August 8, 2011 as presented. Motion carried 5/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Excelsior Fire District Board met on Wednesday, August 10, 2011, at which time the Board approved the 2012 Budget.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 6(b)10 – Street Closure for Neighborhood Square Dance at Bell and Elm Streets on September 4, 2011, and Item 12(a) was moved up on the agenda to follow Item 11(b). Fulkerson moved, Caron seconded, to approve the meeting agenda as amended. Motion carried 5/0.

6. AGENDA APPROVAL

b. Consent Agenda

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

1. Verified Claims

Action – Approve for Payment in the Amount of \$427,797.72, EFT Checks 419 to 424 and Manual Checks #76287 through #76343

2. Resolution Renaming Excelsior Parkland to Excelsior Studer Park

Action – Adopted Resolution No. 2011- A Resolution Renaming Excelsior Parkland to Excelsior Studer Park

3. Construction Pay Voucher #6 for 2010 Street Improvement Project

Action – Approved Construction Pay Voucher #6 for the 2010 Street Improvement Project to Northwest Asphalt, Inc. in the amount of \$122,838.57

4. Construction Pay Voucher #3 for 2011 Street Improvement Project

Action – Approved Construction Pay Voucher #3 for the 2011 Street Improvement Project to Northwest Asphalt, Inc. in the amount of \$135,225.35

5. Approve Winter Use of LRT Trail System

Action – Approve Winter Use of LRT Trail System for Walking Snowshoeing, and Jogging During the Winter Months

6. 2011 Parking Lot Maintenance Budget and Charges to Property Owners

Action – Adopt Resolution No. 2011-26 - A Resolution to Establish Parking Surcharge Fee for Use of Municipal Parking by Commercial Boats

7. Financial Reports - July 2011

Action – Accept for Filing

8. Planning Commission Minutes for Filing – July 6, 2011

Action – Accept for Filing

9. Park and Recreation Commission Minutes for Filing – July 12, 2011

Action – Accept for Filing

10. Street Closure for Neighborhood Square Dance at Bell and Elm Streets on September 4, 2011

Action – Approve Street Closure for Neighborhood Square Dance

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Proposed Charter Amendment

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

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

Kevin DiLorenzo, 209 George Street, addressed the City Council.

Linda Putnam, 152 Third Street, addressed the City Council.

Thom Lofquist, 740 Pleasant Street, addressed the City Council.

Miller moved, Olson seconded, that the Council has made the determination that the proposed amendment is unconstitutional so the proposed charter amendment will not be placed on a ballot. The Council directed the City Attorney to prepare a resolution outlining the findings-of-fact that the Council identified in determining that the proposed amendment was unconstitutional to be placed on the City Council's September 6, 2011 Consent Agenda for approval. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. None

11. UNFINISHED BUSINESS

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

Mayor Ruehl recused himself and passed the gavel to Acting Mayor Miller at 9:12 p.m.

11. UNFINISHED BUSINESS

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

Norm Larson, 603 Lake Street, addressed the City Council.

Diane Battig, 603 Lake Street, addressed the City Council.

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

Jan Gray, 5170 Meadville, Greenwood, addressed the City Council.

Bob Ziton, Bayside Grille, addressed the City Council.

Beth Maloney, Maynard’s Restaurant, addressed the City Council.

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

Fulkerson moved, Olson seconded, to continue this agenda item to the September 6, 2011 Council meeting so Maynard’s Restaurant can finish installing a sound system to help them address the noise levels. The Council requested that all parties continue to work together on a solution, that Maynard’s and Excelsior Bay Gable residents continue to take decibel levels of the sound, and that staff contact the Minnesota Pollution Control Agency to see if they will set up equipment and take some decibel meter readings after the new sound system is in place. Motion carried 5/0.

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

Caron moved, Fulkerson seconded, to continue this agenda item to the September 6 2011 Council meeting. Motion carried 5/0.

12. NEW BUSINESS

- a. Third Street Fire Lane

Dave Pierson, Lieutenant, South Lake Minnetonka Police Department, addressed the City Council.

Cindy Olson, 1 Third Street, addressed the City Council.

Bob Koens, 2 Bell Street, addressed the City Council.

Helen Thorkelson, 2 Third Street, addressed the City Council.

12. NEW BUSINESS

a. Third Street Fire Lane

The Council directed staff to look into putting up a fence short-term, determine what can be done at the fire lane based on the City's ordinances, and begin discussions with the City's Engineer, landscape engineer, and the Minnehaha Creek Watershed District on a long-term solution.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Conditional Use Permit - Annual Parking Impact Fee Review at 28-30 Water Street – Joe Paetzel, Properties of Excelsior, LLC

Jon Monson, 202 Water Street, Properties of Excelsior, LLC, addressed the City Council.

Fulkerson moved, Caron seconded, to adopt Resolution No. 2011-27 - A Resolution Providing Conditional Use Permit Approval for Additional Parking Under the Parking Impact Fee Process at 28-30 Water Street, with Condition #5 amended to reflect that the Conditional Use Permit will expire six months from the date of adoption of the resolution if not acted upon because the applicant had not determined whether to move forward with the expansion. Motion carried 5/0.

2. Variance from Setbacks for Accessory Structure at 224 George Street - Jacqueline Veretta

Fulkerson moved, Olson seconded, to adopt Resolution No. 2011-28 – A Resolution Granting Variances from the City's Setback Requirements for 224 George Street. Motion carried 5/0.

3. Ordinance to Amend Article 24, Signs, Pertaining to Informational and Directional Signage, Sandwich, or Portable Signs and Noncommercial Temporary Signs

Miller moved, Olson seconded, to waive the first reading of An Ordinance to Amend Article 24, Signs, Pertaining to Informational and Directional Signage, Sandwich, or Portable Signs and Noncommercial Temporary Signs and schedule the second reading and adoption for the September 6, 2011 Council meeting. Motion carried 5/0.

Miller moved, Fulkerson seconded, to adopt Resolution No. 2011-30 - A Resolution Amending the Design Standards Related to Portable Sign Regulations. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

4. Design Standards Review for 278 Water Street

Caron moved, Olson seconded, to adopt Resolution No. 2011-29 - A Resolution Providing Design Standards and Site Plan Approval for Façade Improvements and Second Story Offices at 278 Water Street, with the addition of a condition that this approval excludes the request to apply stucco on the southwest side of the building and at the rear above the second story porch. The Council requested that the applicant provide justification from a restoration expert on options for brick restoration and a determination whether the only option is a stucco coating for the September 6, 2011 Council meeting. Motion carried 5/0.

5. Tree and Shrub Planting and Protection Standards

Fulkerson moved, Miller seconded, to approve the revisions to the Tree and Shrub Planting and Protection Standards as presented. Motion carried 5/0.

12. NEW BUSINESS

a. Third Street Fire Lane

This item was moved up on the agenda to follow Item 11(b).

b. Schedule City Council Work Session(s)

Miller moved, Olson seconded, to schedule a City Council Work Session for Tuesday, August 23, 2011 at 8:00 a.m. Motion carried 5/0.

Miller moved, Olson seconded, to schedule a City Council Work Session for Tuesday, September 6, 2011 at 6:00 p.m. Motion carried 5/0.

13. ADJOURNMENT

Caron moved, Fulkerson seconded, to adjourn the meeting at 11:50 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk