

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, September 6, 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, Olson, and Mayor Ruehl

Also Present: City Attorney Staunton, City Planner Richards, City Engineer Dawley (arrived at 8:50 p.m.), Public Works Director Wisdorf, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session of August 15, 2011

Fulkerson moved, Olson seconded, to approve the Minutes of the City Council Work Session of August 15, 2011 as presented. Motion carried 5/0.

b. Regular City Council Meeting of August 15, 2011

Fulkerson moved, Olson seconded, to approve the Minutes of the Regular City Council Meeting of August 15, 2011 as presented. Motion carried 5/0.

c. Regular City Council Meeting of August 23, 2011

Caron moved, Fulkerson seconded, to approve the Minutes of the Regular City Council Meeting of August 23, 2011 as presented. Motion carried 5/0.

4. OPEN FORUM

Leon Boyd, 44 First Street, suggested that the City charge for the parking meters adjacent to The Commons 24/7. He also suggested that language be added to the snow removal ordinance requiring residents to maintain an area on the boulevard to place their refuse/recycling containers for pickup rather than place them in the street.

Beth Maloney, 231 Third Street, requested that the City Council require that 241 Third Street complete the exterior work on their home. She reported that work began in 2005 and the property owner still has not completed the work on the exterior of the house. She also questioned if this property owner should be allowed to continue to serve on the Planning Commission when they are in violation of the City's Code.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Public Works Superintendent Wisdorf reported that the contractor is working on the punch list for completion of the project at Excelsior Studer Park.

Mayor Ruehl reported that there will be a program held at Grace Lutheran Church in Eden Prairie on Sunday, September 11th for the 10th Anniversary of 9/11.

Apple Day is scheduled for Saturday, September 10, 2011.

6. AGENDA APPROVAL

a. Meeting Agenda

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

b. Consent Agenda

Item 6(b)10 was moved to Item 12(b). Caron moved, Fulkerson seconded, to approve the Consent Agenda as amended. Motion carried 5/0.

1. Verified Claims

Action – Approve for Payment in the Amount of \$355,926.58, EFT Checks 425 to 439 and Manual Checks #76344 through #76400

2. Special Event Permit for Antique & Classic Boat Show, September 11, 2011 at Maynard's Restaurant – Bob Speltz Land-O-Lakes

Action – Approve Special Event Permit for Antique & Classic Boat Show

3. Special Event Permits for Outdoor Music for Wedding Ceremonies and Receptions, August 20, 21, 26, and 27, 2011 – BayView Event Center

Action – Approve Special Event Permits for Outdoor Music

4. Special Event Permit for Minnetonka High School Homecoming Parade, September 23, 2011 – Minnetonka High School Student Government and the South Lake Excelsior Chamber of Commerce

Action – Approve Special Event Permit for Homecoming Parade with Conditions

5. Resolution No. 2011-31 – A Resolution Imposing Temporary Parking Restrictions for Minnetonka Homecoming Parade

Action – Approve Resolution No. 2011-31 - A Resolution Imposing Temporary Parking Restrictions for Minnetonka Homecoming Parade

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

6. Payment Request for 2011 Sealcoating Project

Action – Approve Payment Request to Allied Blacktop in the Amount of \$35,513.50 from Public Works Capital Fund #402-43100-402

7. Purchase Replacement Asphalt Roller

Action – Approve Purchase of 1988 Rosco Stapac Asphalt Roller with Trade-In of 1989 Beuthling Asphalt Roller from Ruffridge Johnson for \$1,816.87 from Public Works Equipment Fund #401

8. Special Event Permit for Dash for Cash Fundraiser – Excelsior Elementary School

Action – Approve Special Event Permit for Dash for Cash Fundraiser with Conditions

9. Resolution No. 2011-32 – Charter Commission Petition Resolution

Action – Adopt Resolution No. 2011-32 – A Resolution Rejecting a Proposed Petition to Amend the Excelsior City Charter

10. Appoint Council Liaisons for Third Street Fire Lane Design - pulled off Consent Agenda to Item 12(b)

Action – This Item was moved to 12(b)

11. Monthly Building Permit Report – August 2011

Action – Accept for Filing

12. Heritage Preservation Commission Minutes for Filing – July 19, 2011

Action – Accept for Filing

7. PUBLIC HEARINGS

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.

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.

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

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

Mike Filippi, 521 Linden Street, addressed the City Council.

Tom Stevens, Beth Maloney, and Jack Stevens, Maynard’s Restaurant, addressed the City Council.

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

The Council directed staff to establish an effective methodology for measuring noise levels, establish a plan for handling violations, research what other cities are doing with regard to crowd noise, inquire with police on whether the officers on site should become more involved with the boats if music is too loud, and ask the Lake Minnetonka Conservation District about possible controls regarding noise on Lake Minnetonka.

- 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 discontinue the first reading of the ordinance until more information is gathered regarding outdoor music. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Request to Change Address to Grove Street – Don and Barbara Shelby

Mayor Ruehl returned to the table and Acting Mayor returned the gavel to Mayor Ruehl at 8:41 p.m.

Caron moved, Fulkerson seconded, to adopt Resolution No. 2011-33 – A Resolution Changing the Address for a Property in the City of Excelsior (130 First Street to 110 Grove Street). Motion carried 5/0.

- b. Approve 2012 Budget – Lake Minnetonka Communications Commission

Miller moved, Fulkerson seconded, to adopt Resolution No. 2011-34 - Resolution Approving the 2012 Budget for the Lake Minnetonka Communications Commission. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. A Resolution Certifying 2011 Proposed Property Tax Levy Collectible 2012, Proposed General Fund Budget and Dates, Times, and Location for Public Comment on 2012 Budget

Miller moved, Olson seconded, to adopt Resolution No. 2011-35 - A Resolution Certifying 2011 Preliminary Property Tax Levy Collectible 2012, Proposed General Fund Budget, Public Meeting Dates, Times, and Location as amended. The preliminary tax levy is set at \$1,383,206, which is a 5% increase over the 2011 level, and schedule public meetings on the budget for Monday, October 17, 2011 and Monday, November 28, 2011, at 7:00 p.m. Motion carried 5/0.

- b. Second Reading and Adoption of Ordinance No. 471 – An Ordinance to Amend Article 24, Signs, Pertaining to Informational and Directional Signage, Sandwich, or Portable Signs and Noncommercial Temporary Signs

Caron moved Fulkerson seconded, to waive the second reading and adopt Ordinance No. 471 – An Ordinance to Amend Article 24, Signs, Pertaining to Informational and Directional Signage, Sandwich, or Portable Signs and Noncommercial Temporary Signs. Motion carried 5/0.

- c. First Reading of An Ordinance Amending Chapter 4, Article II, Division 2, Sections 4-62, 4-63, and 4-72 of the Excelsior City Code to Allow Issuance of Brewer Taproom License

Miller moved, Olson seconded, to waive the first reading of An Ordinance Amending Chapter 4, Article II, Division 2, Sections 4-62, 4-63, and 4-72 of the Excelsior City Code to Allow Issuance of Brewer Taproom License and schedule the second reading and adoption for the September 19, 2011 Council meeting. Motion carried 5/0.

- d. A Resolution in Support of the Minnehaha Creek Watershed District (MCWD) to Manage the Aquatic Invasive Species (AIS) Efforts in the Region

Miller moved, Fulkerson seconded, to adopt Resolution No. 2011-36 - A Resolution in Support of the Minnehaha Creek Watershed District (MCWD) to Manage the Aquatic Invasive Species (AIS) Efforts in the Region. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Excelsior Fire District

1. 2012 Capital Improvement and Operating Budget

Miller moved, Fulkerson seconded, to approve the proposed 2012 Capital Improvement Plan and the 2012 EFD Operating Budget of \$1,516,291 with Excelsior's contribution being \$155,931. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

b. Planning Commission

1. Design Standards Review for 278 Water Street

Miller moved, Olson seconded, to adopt Resolution No. 2011- 37 - A Resolution Providing Design Standards and Site Plan Approval for Façade Improvements and Second Story Offices at 278 Water Street (Replacing Resolution No. 2011-29). Motion carried 5/0.

2. General and Final Plan for Planned Unit Development to Construct Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Joe and Pam Mueller, d.b.a. Minnesota Inboard

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

Mayor Ruehl opened the public hearing at 10:20 p.m.

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

Neil Weber, architect for the project, addressed the City Council.

Mayor Ruehl closed the public hearing at 10:28 p.m.

Miller moved, Olson seconded, to waive the first reading of An Ordinance Amending Article 40, Section 40-3, Appendix E of the Excelsior City Code Pertaining to the Zoning Map. Motion carried 5/0.

Miller moved, Olson seconded to continue this agenda item to the September 19, 2011 Council meeting. Motion carried 5/0/.

c. Park and Recreation Commission

1. Proposal for Dog Park - Excelsior Studer Park

The Council directed staff to phone other cities or counties that have dog parks and ask if they charge to use their dog park, what maintenance is required, and what the costs are for maintenance.

Caron moved, Olson seconded, to continue this agenda item to the September 19, 2011 Council meeting. Motion carried 5/0.

12. NEW BUSINESS

a. Schedule City Council Work Session(s)

Miller moved, Olson seconded, to schedule City Council Work Sessions for 6:00 p.m. on Monday, September 12, 2011 at 6:00 p.m. and Monday, September 19, 2011. Motion carried 5/0.

b. Appoint Council Liaisons for Third Street Fire Lane Design

Miller moved, Caron seconded, to appoint Councilmembers Caron, Fulkerson, and Olson to be the Council liaisons for the Third Street Fire Lane Design Committee. Motion carried 5/0.

13. ADJOURNMENT

Olson moved, Caron seconded, to adjourn the meeting at 11:10 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk