

**CITY OF EXCELSIOR  
Hennepin County, Minnesota**

**MINUTES**

**City Council Work Session  
Monday, September 12, 2011  
6:00 p.m.**

**1. Call to Order/Roll Call**

Mayor Ruehl called the meeting to order at 6:03 p.m.

Councilmembers present: Caron, Fulkerson, Miller (arrived at 6:17 p.m.), Olson, and Mayor Ruehl. Also Present: City Manager Luger, City Attorney Staunton, and City Clerk Johnson.

**2. Agenda Approval**

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

**3. Options for Leasing Space – Excelsior Brewing Company**

John Klick, Excelsior Brewing Company, said that he and his partners have looked at a lot of different sites to locate their brewery. He said the best site that would work for the brewery would be the old fire station. He said that they have approached the current tenant and made several proposals to buy out the lease but have been unsuccessful. He was here this evening to ask the Council if they would entertain ending the lease with the current tenant.

Mayor Ruehl said that the rent is based on the current usage. If the use changes, the entire building needs to be brought up to code. The building is old and chopped up. At what point should the City lease the building long term? The Council needs to have a discussion on what to do long term with this building.

Fulkerson said that she has a problem terminating a lease.

Olson said he would be interested in rebuilding long term, but he would need to know more before answering about terminating the lease.

Caron said she agrees that it would be difficult to give an answer this evening on terminating the lease. She doesn't have a problem terminating a lease; that's a normal business practice. She thinks there is potential to reuse the existing building and she thinks a brewery would work well.

Klick outlined Excelsior Brewing Company's goals with regard to the brewery, tours, and brewer's taproom liquor license.

**3. Options for Leasing Space – Excelsior Brewing Company –  
(Continued)**

Miller said that he believes the existing building is underutilized and needs improvement. He can see the City partnering with someone on a long term basis and having the necessary improvements made.

The Council requested that Excelsior Brewing Company put together a proposal that includes things like activities, hours of business, improvements that would be needed to the interior and exterior of the building, etc.

Bob Bolles, 229 George Street, said that the City should review the plans that were developed when the City was looking at redoing the building with the Library. He said there is potential to reuse the existing building.

**4. Compliance with City Code by Appointed Officials**

Caron said that she had asked staff to put together a list of events that happened with regard to the building permits for the one advisory commissioner who is not in compliance with City Code.

The Council discussed the events that had occurred over the last six years, beginning with the issuance of the building permits, the exterior work not being completed, the expiration of the building permits, the adoption of an ordinance requiring exterior work for a building permit to be completed within 180 days, and finally the issuance of an administrative penalty citation.

The Council discussed whether an appointed official should be allowed to continue to serve on an advisory commission if they are in violation of City Code.

The Council agreed to have a conversation with the advisory commissioner. Councilmembers Fulkerson and Olson and City Manager Luger will meet with the individual and bring back a recommendation to the City Council.

**5. Code Enforcement**

Caron said that she had asked to have this item placed on the agenda. She would like to see the City staff be more proactive with code enforcement. She does not think that individuals should have to file a complaint before a violation of the City Code is investigated and handled.

Luger said that if the City does proactive code enforcement it is important to do the entire City and not just certain areas. She said that once the Planner position becomes full-time there will be more time to be proactive with code enforcement.

**5. Code Enforcement – (Continued)**

The Council asked staff to put together an estimate on what it would cost to do proactive code enforcement, taking into consideration the revenue that could be received from fines.

**6. Proposed Financial Reporting Charter Amendment, Excelsior, MN – Charter Commission Draft 9.8.11**

Steve Finch, Chair of the Charter Commission Task Force, presented the Proposed Financial Reporting Charter Amendment to the City Council. He provided background on how the amendment got to where it is today. He said that in October 2010, the Charter Commission discussed their role when a resident brought forward a possible amendment to the City Charter. In November 2010, there was a discussion with the League of Minnesota Cities that confirmed there were three other charter cities in the State of Minnesota that had a similar provision in their charter. In December 2010 and January 2011, a small group of the Charter Commission met with members from these three cities to discuss the provision in their city charter. There have been a total of 14 Charter Commission meetings and 8 Charter Commission Task Force meetings to develop the document that is before the Council this evening.

Olson asked if the amendment is fixing a problem. Finch said a proposed petition came forth to the Charter Commission with concerns, which this amendment deals with. The main concerns are a long term plan and a limitation on the City with regard to raising taxes.

Olson asked if there is a problem with the financial reporting or the process. Finch said that the majority of what is in the amendment memorializes what is already being done.

Olson said so the intent is to simplify the financial reporting so people can have a better understanding of the City's finances. Finch said yes.

Finch briefly went through the provisions in the document for the Council. In areas where special reporting was required, the Council asked Finch to provide some sample reports from other cities. The Council asked for clarification with regard to a few of the provisions.

Finch said that the Charter Commission would like to find out from the Council on how long they think they'll need to review the document and provide feedback to the Commission. The Council said they will discuss it at their next regular meeting and get an answer back to the Charter Commission. It will depend on the availability of the Councilmembers for scheduling Work Sessions. Legal counsel will need to review the document and the City will also need to find a financial person to review the document with the Finance Director position vacant.

**7. Other**

**a. Schedule Emergency Council Meeting**

Johnson explained that the resolution approving the preliminary tax levy needs to be amended to reflect a portion of the tax levy being allocated for debt service. She asked that the Council schedule an emergency meeting for Wednesday, September 14, 2011 to approve a new resolution so the resolution can be submitted to the County by the September 15<sup>th</sup> deadline.

The Council agreed to schedule an emergency meeting for Wednesday, September 14, 2011 at 8:15 a.m.

**8. Adjournment**

Caron moved, Fulkerson seconded, to adjourn the Work Session meeting at 8:47 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson  
City Clerk