

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, September 19, 2011

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:05 p.m.

2. ROLL CALL

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

Also Present: City Attorney Staunton, City Planner Richards, and Public Works Director Wisdorf

3. APPROVAL OF MINUTES

a. City Council Work Session of September 5, 2011

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

b. Regular City Council Meeting of September 5, 2011

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

c. City Council Work Session Meeting of September 12, 2011

Caron moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of September 12, 2011 as presented. Motion carried 5/0.

d. Emergency City Council Meeting of September 14, 2011

Miller moved, Caron seconded, to approve the Minutes of the Emergency City Council Meeting of September 14, 2011 as presented. Motion carried 4/0/1, with Fulkerson abstaining.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Olson reported that the committee working on the Bandshell wants the City to contract for a feasibility study for financing the Bandshell. He believes the City should consider an overall plan that encompasses all of The Commons.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 12(a) - Request to Add Pink Lights Downtown was added to the agenda. Caron moved, Fulkerson seconded, to approve the meeting agenda as amended. Motion carried 5/0.

b. Consent Agenda

It was noted that Item 6(b)2 should be continued to the October 17, 2011 Council meeting.

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 \$244,787.17, EFT Checks 440 to 443 and Manual Checks #76401 through #76457

2. Proposal for Dog Park - Excelsior Studer Park

Action – Continue to the October 17, 2011 Council meeting.

3. Second Reading and Adoption of Ordinance No. 472 – 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

Action – Continue to the October 3, 2011 Council meeting.

4. Special Event Permits for Outdoor Music for Wedding Ceremonies and Receptions, September 17, October 1, and October 8, 2011 – BayView Event Center

Action – Approved Special Event Permits for Outdoor Music for September 17, October 1, and October 8, 2011

5. Planning Commission Minutes for Filing – August 2, 2011

Action – Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

6. Park and Recreation Commission Minutes for Filing – August 9, 2011
Action – Accept for Filing

7. PUBLIC HEARINGS

a. Street Vacation – Item 10(a)1.a.

Olson moved, Fulkerson seconded, to table this item until Item 10(a)1.a.
Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Lake Minnetonka Conservation District Board Update – Jeff Morris

Jeff Morris, City of Excelsior representative to the Lake Minnetonka Conservation District, addressed the City Council.

Greg Nybeck, Executive Director, Lake Minnetonka Conservation District, addressed the City Council.

b. Hockey Day MN – Saturday, January 21, 2012

Mayor Ruehl and Wisdorf provided an update to the City Council.

The Council directed staff to provide a list of trees that will need to be taken down or relocated in The Commons for Hockey Day MN.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. General and Final Plan for Planned Unit Development to Construct a Retail Boat Sales Office and Minor Service on Property Located at 712 and 734 Galpin Lake Road – Joe and Pam Mueller, d.b.a. Minnesota Inboard – *Continued from September 6, 2011 Council Meeting*

Beth Duyvejonck, Planning Commission Liaison, addressed the City Council.

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

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

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. General and Final Plan for PUD on Property Located at 712 and 734 Galpin Lake Road – Minnesota Inboard – (Continued)

a. Vacation of a Portion of Galpin Lake Road Abutting 712 and 734 Galpin Lake Road – P.I.D. Nos. 34-117-23-42-0026 and 34-117-23-43-0044

Caron moved, Miller seconded, to bring Item 7(a) back off the table. Motion carried 5/0.

Mayor Ruehl opened the public hearing at 9:31 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Miller moved, Caron seconded, to adopt Resolution No. 2011-40 - A Resolution for Approval of the Preliminary and Final Plat for Minnesota Inboard Marine Addition as amended. Motion carried 5/0.

b. Development Agreement

Fulkerson moved, Olson seconded, to approve the Developer's Agreement for 712/734 Galpin Lake Road between the City of Excelsior and JP Excelsior, LLC as amended. Motion carried 5/0.

c. Subdivision – Preliminary and Final Plat of Minnesota Inboard Water Sports

Caron moved, Olson seconded, to adopt Resolution No. 2011-40 - A Resolution for Approval of the Preliminary and Final Plat for Minnesota Inboard Marine Addition as amended. Motion carried 5/0.

d. Design Standards and Site Plan Review

Approval of the Design Standards and Site Plan Review are handled within the resolution approving the General and Final Plan for the Planned Unit Development.

e. Planned Unit Development – General and Final Plan

Fulkerson moved, Caron seconded, to adopt Resolution No. 2011-41 - A Resolution Approving a PUD General/Final Plan for Redevelopment at 712 and 734 Galpin Lake Road as amended. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. General and Final Plan for PUD on Property Located at 712 and 734 Galpin Lake Road – Minnesota Inboard – (Continued)
 - f. Second Reading and Adoption of Ordinance No. 473 - An Ordinance Amending Article 40, Section 40-3, Appendix E of the Excelsior City Code Pertaining to the Zoning Map

Fulkerson moved, Olson seconded, to waive the second reading and adopt Ordinance No. 473 - An Ordinance Amending Article 40, Section 40-3, Appendix E of the Excelsior City Code Pertaining to the Zoning Map as amended. Motion carried 5/0.

2. Proposed Ordinance to Amend Article 19, Section 19-10, Joint Facilities, Pertaining to Shared Parking – ***Continued Public Hearing***

Caron moved, Fulkerson seconded, to continue this agenda item to the October 17, 2011 Council meeting, with direction to staff to review the language in the proposed ordinance to address the concerns raised by the Council.

9. ORDINANCES and RESOLUTIONS

- a. First Reading of An Ordinance to Amend Chapter 16, Article III, Section 16-102 of the Excelsior City Code Pertaining to Hourly Restrictions

Miller moved, Olson seconded, to waive the first reading of An Ordinance to Amend Chapter 16, Article III, Section 16-102 of the Excelsior City Code Pertaining to Hourly Restrictions, and schedule the second reading and adoption for the October 3, 2011 Council meeting. Motion carried 5/0.

Caron requested that the hourly restrictions for construction activities be placed on a future Council agenda for discussion.

- b. First Reading of An Ordinance to Amend Chapter 32, Section 32-61 of the Excelsior City Code to Establish Tow-Away Zones in the City

Caron moved, Fulkerson seconded, to waive the first reading of An Ordinance to Amend Chapter 32, Section 32-61 of the Excelsior City Code to Establish Tow-Away Zones in the City as amended, and schedule the second reading and adoption for the October 3, 2011 Council meeting. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- c. First Reading of An Ordinance to Amend Chapter 32, Section 32-9 of the Excelsior City Code to Establish Permanent Weight Restrictions

Fulkerson moved, Miller seconded, to waive the first reading of An Ordinance to Amend Chapter 32, Section 32-9 of the Excelsior City Code to Establish Permanent Weight Restrictions and schedule the second reading and adoption for the October 3, 2011 Council meeting. Motion carried 5/0.

- d. First Reading of An Ordinance to Amend the Excelsior City Code to Establish Parking Regulations for the Fire Lanes

Olson moved, Fulkerson seconded, to continue this agenda item to the October 3, 2011 Council meeting. Motion carried 5/0.

- e. First Reading of An Ordinance to Amend Chapter 32, Sections 32-49 and 32-50 of the Excelsior City Code to Establish No Parking Areas

Miller moved, Olson seconded, to continue this agenda item to the October 3, 2011 Council meeting. Motion carried 5/0.

11. UNFINISHED BUSINESS

- a. None

12. NEW BUSINESS

- a. Appoint Council Liaison to Bandshell Subcommittee

Fulkerson moved, Olson seconded, to appoint John Olson to serve as the Council Liaison to the Bandshell Subcommittee. Motion carried 5/0.

- b. Schedule City Council Work Session(s)

Miller moved, Olson seconded, to schedule City Council Work Sessions for 6:00 p.m. on Monday, October 3, 2011 and Monday, October 17, 2011. Motion carried 5/0.

13. ADJOURNMENT

Caron moved, Olson seconded, to adjourn the meeting at 10:56 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk