

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, October 3, 2011

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:00 p.m.

2. ROLL CALL

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

Absent: Councilmember Caron

Also Present: City Manager Luger, City Attorney Staunton, Public Works Director Wisdorf, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session of September 19, 2011

Fulkerson moved, Olson seconded, to approve the Minutes of the City Council Work Session of September 19, 2011 as presented. Motion carried 4/0.

b. Regular City Council Meeting of September 19, 2011

Fulkerson moved, Olson seconded, to approve the Minutes of the Regular City Council Meeting of September 19, 2011 as amended. Motion carried 4/0.

4. OPEN FORUM

Leon Boyd, 44 First Street, requested that if a public hearing is noticed on an agenda and the Council moves it later on the agenda that the Council check to see if there is anyone in attendance who wanted to speak on this item.

Jan Callison, Hennepin County Commissioner, provided information from the 2010 Census, the 2012 budget process, explained the property tax shift regarding the market value homestead credit, and provided an update on the discussions for the new library in Excelsior.

Marsh Gabriel, 162 West Lake Street, spoke about the City's boat slides at the fire lanes on Linwood Avenue and Bell Street and the limited access the slides have created for other users of the fire lanes.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Miller reported that he had attended an Excelsior Fire District (EFD) Board meeting. He noted that the EFD Board will be studying ways to help minimize the impact on the budget for the contributions to the relief association which vary each year.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 12(c), Interim Planning Services Contract was added to the agenda and Item 11(a), Payment Request #2 and Update on Excelsior Studer Park Project to follow Item 7(a).

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

b. Consent Agenda

Fulkerson moved, Miller seconded, to approve the Consent Agenda as amended. Motion carried 4/0.

1. Verified Claims

Action – Approve for Payment in the Amount of \$182,308.30, EFT Checks 444 to 459 and Manual Checks #76458 through #76494

2. Special Event Permit for Fishing Tournament at Maynard’s Restaurant, October 2, 2011 – Vikings Bassmasters

Action – Agenda Item moved to Item 11(b)

3. Special Event Permit for Halloween Parade, October 31, 2011 – Excelsior Elementary School

Action – Approve Special Event Permit for Halloween Parade

4. Special Event Permit for Fishing Tournament Benefiting Breast Cancer Research, October 6, 2011 – Maynard’s Restaurant

Action – Approve Special Event Permit for Fishing Tournament Benefiting Cancer Research

5. Resolution No. 2011-42 - A Resolution of Support for the City Of Tonka Bay’s Grant Application for Basketball Court Improvements

Action – Adopt Resolution No. 2011-42 - A Resolution of Support for the City Of Tonka Bay’s Grant Application for Basketball Court Improvements

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

6. Change Order #1 for 2011 Street Improvement Project

Action – Approve Change Order #1 for 2011 Street Improvement Project to Amend Project Completion Dates

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

Action – Approve Construction Pay Voucher #4 to Northwest Asphalt, Inc. in the Amount of \$230,280.55

8. MnWARN Schedule of Fees – Equipment Rental Rates

Action – Adopt Schedule of Equipment and Rental Fees for Mutual Aid Agreement with MnWARN

9. 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

Action – Continue Agenda Item to the October 17, 2011 Council Meeting

10. Financial Reports - August 2011

Action – Accept for Filing

11. Building Permit Report – September 2011

Action – Accept for Filing

12. Heritage Commission Minutes for Filing – August 16, 2011

Action – Accept for Filing

7. PUBLIC HEARINGS

a. None

11. UNFINISHED BUSINESS

a. Payment Request #2 and Update on Excelsior Studer Park Project

Fulkerson moved, Miller seconded, to approve Payment Request #2 to Frattalone Companies, Inc. in the amount of \$225,872 for the Excelsior Studer Park Soil Cover Project. Motion carried 4/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Request to Install Banners in Downtown Excelsior for Holiday Season – South Lake Excelsior Chamber of Commerce

Linda Murrell, Executive Director, South Lake Minnetonka Chamber of Commerce, addressed the City Council.

Betty Sorenson, President, Excelsior Downtown Business District, addressed the City Council.

Kristin Dowell, 634 Third Avenue, addressed the City Council.

Nicki Craig, 731 Second Avenue, addressed the City Council.

Bill Danberg, 256 Water Street, addressed the City Council.

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

Olson moved, Miller seconded, to approve the request of the South Lake Excelsior Chamber of Commerce and Excelsior Downtown Business Group to install banners in downtown Excelsior for the holiday season as proposed. Motion carried 3/1, with Fulkerson voting nay.

9. ORDINANCES and RESOLUTIONS

- a. First Reading of An Ordinance to Amend Chapter 16 of the Excelsior Code of Ordinances Pertaining to Snow Removal in Residential Areas

Bob Barbarossa, 256 West Lake Street, addressed the City Council.

A.J. Wilson, 231 Second Street, addressed the City Council.

Kristin Dowell, 634 Third Avenue, addressed the City Council.

Nicki Craig, 731 Second Avenue, addressed the City Council.

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

Andy Marine, 186 West Lake Street, addressed the City Council.

David Stahr, 142 First Street, addressed the City Council.

John Gorecki, 541 William Street, addressed the City Council.

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

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

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

9. ORDINANCES and RESOLUTIONS

- a. First Reading of An Ordinance to Amend Chapter 16 of the Excelsior Code of Ordinances Pertaining to Snow Removal in Residential Areas – (Continued)

Janice Leafer, 175 First Street, addressed the City Council.

Tom Wolfe, 122 Second Street, addressed the City Council.

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

Fulkerson moved, Olson seconded, to continue this agenda item to the October 17, 2011 Council meeting with direction to staff to review the State Statutes to see if there is a provision that addresses depositing snow into streets and rights-of-ways and check with other cities with similar sized lots to see how they deal with snow removal. Motion carried 4/0.

- b. Second Reading and Adoption of Ordinance No. 474 - 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 second reading and adopt Ordinance No. 474 - An Ordinance to Amend Chapter 16, Article III, Section 16-102 of the Excelsior City Code Pertaining to Hourly Restrictions. Motion carried 4/0.

- c. Second Reading and Adoption of Ordinance No. 475 - An Ordinance to Amend Chapter 32, Section 32-61 of the Excelsior City Code to Establish Tow-Away Zones in the City

Miller moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 475 - An Ordinance to Amend Chapter 32, Section 32-61 of the Excelsior City Code to Establish Tow-Away Zones in the City. Motion carried 4/0.

- d. Second Reading and Adoption of Ordinance No. 476 - An Ordinance to Amend Chapter 32, Section 32-9 of the Excelsior City Code to Establish Permanent Weight Restrictions

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

Miller moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 476 - An Ordinance to Amend Chapter 32, Section 32-9 of the Excelsior City Code to Establish Permanent Weight Restrictions. Motion carried 4/0.

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

Marsh Gabriel, 162 West Lake Street, addressed the City Council.

9. ORDINANCES and RESOLUTIONS

- e. First Reading of An Ordinance to Amend the Excelsior City Code to Establish Parking Regulations for the Fire Lanes – (Continued)

Olson moved, Fulkerson seconded, to continue this agenda item to the October 17, 2011 Council meeting. Motion carried 4/0.

- f. 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

Olson moved, Fulkerson seconded, to continue this agenda item to the October 17, 2011 Council meeting. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Park and Recreation Commission

1. Request for Proposal to Conduct Feasibility Study for Bandshell

Doug Schmidt, Park and Recreation Commissioner, addressed the City Council.

Kim Snyder, Excelsior Bay Group, LLC, Excelsior resident, addressed the City Council.

Tom Wolfe, Park and Recreation Commissioner, addressed the City Council.

Wendy Berghorst, Chair of the Committee for a Better Lake Minnetonka Band Shell, addressed the City Council.

Terry Roeser, Excelsior Rotary representative, addressed the City Council.

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

Miller moved to accept the proposal from Excelsior Bay Group, LLC, in the amount of \$16,000, and direct the Mayor and City Manager to execute a contract with Excelsior Bay Group, LLC upon receipt of the \$8,000 from the Excelsior Rotary Clubs. Motion died for lack of a second.

Miller moved, Olson seconded, to accept the proposal from Excelsior Bay Group, LLC, in the amount of \$16,000, and direct the Mayor and City Manager to execute a contract with Excelsior Bay Group, LLC upon receipt of the \$8,000 from the Excelsior Rotary Clubs. Motion carried 3/1, with Fulkerson voting nay.

11. UNFINISHED BUSINESS

- a. Payment Request #2 and Update on Excelsior Studer Park Project

This agenda item was moved up on the agenda before Item 8(a).

11. UNFINISHED BUSINESS

- b. Special Event Permit for Fishing Tournament at Maynard's Restaurant, October 2, 2011 – Vikings Bassmasters

Miller moved, Fulkerson seconded, to approve the after-the-fact Special Event Permit for Vikings Bassmasters to hold a fishing tournament at Maynard's Restaurant, October 2, 2011. Motion carried 4/0.

The Council directed staff to add a discussion about after-the-fact permits on the October 17, 2011 Council agenda.

12. NEW BUSINESS

- a. Accept Resignation Letter from Jeffrey Bipes and Declare Vacancy on Heritage Preservation Commission

Fulkerson moved, Olson seconded, to accept Jeffrey Bipes' resignation, declare a vacancy on the Heritage Preservation Commission, and direct staff to advertise for Citizen Inquiry Forms to be submitted no later than Wednesday, October 26, 2011 so the City Council can make the appointment at the November 7, 2011 Council meeting. Motion carried 4/0.

- b. City Council Work Session Topics

The Council agreed to begin meeting at 5:30 a.m. with an Executive Session to discuss the 2012 Union Contract followed with the Work Session to discuss the Bell Street and Linwood Avenue Fire Lanes.

- c. Interim Planning Service Contract

Miller moved, Fulkerson seconded, to approve an Interim Planning Service Contract with the City of Shorewood, as negotiated by the City Manager and City Attorney. Motion carried 4/0.

13. ADJOURNMENT

Miller moved, Olson seconded, to adjourn the meeting at 11:04 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk