

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, November 7, 2011

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Acting Mayor Miller called the meeting to order at 7:03 p.m.

2. ROLL CALL

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

Absent: Mayor Ruehl

Also Present: City Manager Luger, City Attorney Staunton, Public Works Director Wisdorf, City Planner Richards (left the meeting at 9:10 p.m.), City Engineer Dawley (joined the Council at 9:10 p.m.), and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Special City Council Meeting of October 17, 2011

Olson moved, Fulkerson seconded, to approve the Special City Council minutes of the October 17, 2011 meeting. Motion carried 4/0.

b. City Council Work Session of October 17, 2011

Fulkerson moved, Olson seconded, to approve the City Council Work Session Minutes of the October 17, 2011 meeting. Motion carried 4/0.

c. Regular City Council Meeting of October 17, 2011

Fulkerson moved, Olson seconded, to approve the Regular City Council Minutes of the October 17, 2011 meeting. Motion carried 4/0.

d. City Council Work Session of November 1, 2011

Fulkerson moved, Olson seconded, to approve the City Council Work Session Minutes of the November 1, 2011 meeting. Motion carried 4/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Excelsior Fire District Board Work Session was held on November 2nd to discuss the Relief Association's Pension Fund.

Excelsior Fire District Board meeting is scheduled for Wednesday, November 16, 2011 at 6:00 p.m.

South Lake Minnetonka Police Coordinating Committee meeting is scheduled for Tuesday, November 15, 2011 at 5:00 p.m.

6. AGENDA APPROVAL

a. Meeting Agenda

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

b. Consent Agenda

Item 6(b)14, Heritage Preservation Commission Minutes for Filing was removed from the Consent Agenda and sent back to the Heritage Preservation Commission for a correction.

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

1. Verified Claims

Action - Approve for Payment in the Amount of \$171,918.56, EFT Checks 465 to 476 and Manual Checks #76546 through #76600

2. 2011 Audit Proposal – Abdo, Eick & Meyers LLP

Action – Accept 2011 Audit Proposal from Abdo, Eick & Meyers LLP

3. Payment Request for Excelsior Parkland Soil Cover Project – Frattalone Companies, Inc.

Action – Approve Payment Request to Frattalone Companies Inc. in the Amount of \$9,262.50

4. Construction Pay Voucher #1 for Sanitary Sewer Lining Project – Insituform Technologies, USA, Inc.

Action – Approve Construction Pay Voucher #1 to Insituform Technologies, USA, Inc. in the Amount of \$121,352.02

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

5. Resolution No. 2011-45 - A Resolution Approving Assessment for 122 Second Street

Action – Adopt Resolution No. 2011-45 - A Resolution Approving Assessment for 122 Second Street

6. Resolution No. 2011-46 - A Resolution Approving Assessment for 300 Water Street

Action – Adopt Resolution No. 2011-46 - A Resolution Approving Assessment for 300 Water Street

7. Construction Pay Voucher #7 for 2010 Street Improvement Project- Northwest Asphalt, Inc.

Action – Approve Construction Pay Voucher #7 to Northwest Asphalt, Inc. in the Amount of \$41,809.48

8. Construction Pay Voucher #5 for 2011 Street Improvement Project – Northwest Asphalt, Inc.

Action – Approve Construction Pay Voucher #5 to Northwest Asphalt, Inc. in the Amount of \$116,682.10

9. Payment Request for Third Avenue Lift Station Pump – Quality Flow Systems, Inc.

Action – Approve Payment Request to Quality Flow Systems, Inc. in the Amount of \$5,885.63

10. Payment Request for ¾ Ton Pickup Truck – Midway Ford

Action – Approve Payment Request to Midway Ford in the Amount of \$22,847.02

11. Third Street Fire Lane Landscape Proposals

Action – Award Contract to Van Buren Landscape for a Not-to-Exceed Amount of \$3,300.00

12. Third Quarter Financial Reports

Action – Accept for Filing

13. Monthly Building Permit Report – October 2011

Action – Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

14. Heritage Preservation Commission Minutes for Filing – September 20, 2011

Action – Item Removed from the Consent Agenda

7. PUBLIC HEARINGS

a. Public Hearing on Assessment for Delinquent Utilities, Parking Maintenance, and Other Miscellaneous Charges

Acting Mayor Miller opened the public hearing at 7:11 p.m.

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

Acting Mayor Miller closed the public hearing at 7:17 p.m.

Caron moved, Olson seconded, to adopt Resolution No. 2011-47 - A Resolution Levying Assessment for Costs Incurred by the City for Delinquent Utilities and Other Charges as amended, and continue the discussion on the charges for 351 George Street in the amount of \$2,757.91 to the November 21, 2011 Council meeting. Motion carried 4/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Special Event Permit for Christkindlsmarkt, November 25-27, 2011

Caron moved, Olson seconded, to establish the permit fee at \$350.00 for 2011 and require the full fee in 2012, waive the requirement for burying the electrical service, and approve the Special Event Permit for the Christkindlsmarkt Event with the conditions outlined in the staff memo and the conditions that East Drive remain during the event and that the electrical pole and service be removed upon notice from the City at the event organizer's expense. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

a. 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

Olson moved, Caron seconded, to waive the second reading and adopt 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. Motion carried 3/1 with Fulkerson voting nay.

9. ORDINANCES and RESOLUTIONS

- b. Second Reading and Adoption of Ordinance No. 477 – An Ordinance to Amend Chapter 32, Sections 32-49 and 32-50 of the Excelsior City Code to Establish Parking Regulations (No Parking and Fire Lanes)

Caron moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 477 – An Ordinance to Amend Chapter 32, Sections 32-49 and 32-50 of the Excelsior City Code to Establish Parking Regulations (No Parking and Fire Lanes). Motion carried 4/0.

- c. Second Reading and Adoption of Ordinance No. 478 – An Ordinance to Amend Article 19, Section 19-10, Joint Facilities, of Appendix E of the Excelsior City Code Pertaining to Shared Parking

Caron moved, Olson seconded, to waive the second reading and adopt Ordinance No. 478 – An Ordinance to Amend Article 19, Section 19-10, Joint Facilities, of Appendix E of the Excelsior City Code Pertaining to Shared Parking. Motion carried 4/0.

- d. First Reading of An Ordinance Regulating Special Event Permits

Caron moved, Olson seconded, to waive the first reading of An Ordinance to Amend Chapter 10, Article XIV, Division 2, Section 10-541 of the Excelsior Code of Ordinances Pertaining to Special Event Permits. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Proposed Ordinance to Amend Article 42, R-2, Single and Two Family Residential District Pertaining to Impervious Surface Coverage for Schools

Dan Wallace, Planning Commission Liaison, addressed the City Council.

Caron moved, Fulkerson seconded, to waive the first reading of proposed ordinance to amend Article 42, R-2, Single and Two Family Residential District pertaining to impervious surface coverage for schools with direction to staff to look at whether private schools should also be included and schedule the second reading and adoption for November 21, 2011 Council meeting. Motion carried 4/0.

2. Interim Use Permit for Temporary Access Road from Morse Avenue to Excelsior Elementary, 441 Oak Street, P.I.D. #34-117-23-14-0032 and 34-117-23-14-0073

Dan Wallace, Planning Commission Liaison, addressed the City Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

2. Interim Use Permit for Temporary Access Road from Morse Avenue to Excelsior Elementary, 441 Oak Street, P.I.D. #34-117-23-14-0032 and 34-117-23-14-0073 – (Continued)

Mike Condon, Supervisor of Building and Grounds of Minnetonka Public Schools, addressed the City Council.

Carla Stueve, SRF Consulting Group, Inc., addressed the City Council.

Paul Bourgeois, Executive Director of Finance and Operations, Minnetonka School District, addressed the City Council.

Caron moved, Olson seconded, to adopt Resolution No. 2011-48 - A Resolution Providing Interim Use Permit Approval for a Temporary Access Road from Morse Avenue to Excelsior Elementary, 441 Oak Street. Motion carried 4/0.

11. UNFINISHED BUSINESS

- a. None

12. NEW BUSINESS

- a. Proposal to Provide Services for Compliance with MS4 Requirements for 2012 – WSB & Associates, Inc.

Caron moved, Olson seconded to accept a proposal from WSB & Associates, Inc. for MS4 Stormwater Management Program for a not-to-exceed cost of \$3,900 to be funded from the Surface Water Quality Management Fund. Motion carried 4/0.

- b. Amendment to Excelsior Fire District Joint Powers Agreement

Caron moved, Fulkerson seconded, to approve Amendment #3 to the Excelsior Fire District Joint Powers Agreement. Motion carried 4/0.

- c. Nuisance Abatement Agreement for 243 Third Street

Caron moved, Fulkerson seconded, to approve Nuisance Abatement Agreement for 243 Third Street and authorize the City Manager to execute the Agreement. Motion carried 4/0.

12. NEW BUSINESS

d. Appointment to the Heritage Preservation Commission

Olson moved, Fulkerson seconded, to appoint Mark Macpherson to serve on the Heritage Preservation Commission to fulfill the remainder of a term which expires February 28, 2013, contingent on the Chair of the Heritage Preservation Commission's approval of the appointment. Motion carried 4/0.

13. ADJOURNMENT

Fulkerson moved, Caron seconded to adjourn at 9:38 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk