

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, November 21, 2011

Council Chambers

7:00 p.m.

1. CALL TO ORDER

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

2. ROLL CALL

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

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 November 7, 2011

Fulkerson moved, Caron seconded, to approve the City Council Work Session Minutes of the November 7, 2011 meeting. Motion carried 4/0/1, with Mayor Ruehl abstaining.

b. Regular City Council Meeting of November 7, 2011

Fulkerson moved, Caron seconded, to approve the Regular City Council Minutes of the November 7, 2011 meeting. Motion carried 4/0/1, with Mayor Ruehl abstaining.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The City's 2012 Budget will be presented to the public for comment on Monday, November 28, 2011 at 7:00 p.m.

The South Lake Minnetonka Police Department Coordinating Committee is meeting on Tuesday, November 29, 2011 at 5:30 p.m.

The Excelsior Fire District Board met on Wednesday, November 16, 2011 at 6:00 p.m.

The Council thanked the South Lake Excelsior Chamber of Commerce and the Excelsior Downtown Business District for decorating the downtown area for the holidays.

6. AGENDA APPROVAL

a. Meeting Agenda

Olson moved, Fulkerson seconded, to approve the meeting agenda. Motion carried 5/0.

b. Consent Agenda

Fulkerson moved, Olson seconded, to approve the Consent Agenda. Motion carried 5/0.

1. Verified Claims

Action - Approve for Payment in the Amount of \$415,951.35, EFT Checks 477 to 482 and Manual Checks #76601 through #76654

2. Trolley Kayak Rental Agreement

Approve – Amendment to Trolley Kayak Rental Agreement

3. City of Excelsior Fund Balance Policy

Action – Adopt City of Excelsior Fund Balance Policy

4. Resolution No. 2011-49 - A Resolution Committing Fund Balances for Specific Purposes

Action – Adopt Resolution No. 2011-49 - A Resolution Committing Fund Balances for Specific Purposes

5. Resolution No. 2011-50 - A Resolution Committing Special Revenue Sources and Confirming Restrictions for Specified Purposes in Special Revenue Funds

Action – Adopt Resolution No. 2011-50 - A Resolution Committing Special Revenue Sources and Confirming Restrictions for Specified Purposes in Special Revenue Funds

6. Monthly Financial Reports – October 2011

Action – Accept for Filing

7. Quarterly Code Enforcement Log

Action – Accept for Filing

8. Park and Recreation Commission Minutes for Filing –October 11, 2011

Action – Accept for Filing

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Special Event Permit for Hockey Blast – Hockey Day Minnesota, January 21, 2012 and Pond Hockey Tournament, January 20-22, 2012

Denny Loving, Co-Chair for Hockey Blast Event, addressed the City Council.

Jay Lundberg, Co-Chair for Hockey Blast Event, addressed the City Council.

Miller moved, Olson seconded, to approve the Special Event Permit for Hockey Blast Event, which includes Hockey Day Minnesota, January 21, 2012 held in The Commons and the Pond Hockey Tournament, January 20-22, 2012 held on Lake Minnetonka in front of Maynard's Restaurant and BayView Event Center. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. Second Reading and Adoption of Ordinance No. 479 – An Ordinance to Amend Chapter 10, Article XIV, Division 2, Section 10-541 of the Excelsior City Code Pertaining to Special Events

Fulkerson moved, Caron seconded, to waive the second reading and adopt Ordinance No. 479 – An Ordinance to Amend Chapter 10, Article XIV, Division 2, Section 10-541 of the Excelsior City Code Pertaining to Special Events. Motion carried 5/0.

- b. Second Reading and Adoption of Ordinance No. 480 – An Ordinance to Amend Article 42, R-2, Single and Two Family Residential District Pertaining to Impervious Surface Coverage for Schools

Miller moved, Caron seconded, to waive the second reading and adopt Ordinance No. 480 – An Ordinance to Amend Article 42, R-2, Single and Two Family Residential District Pertaining to Impervious Surface Coverage for Schools. Motion carried 5/0.

- c. Resolution Establishing Liquor License Fees for Brewer's License and Taproom License

Fulkerson moved, Olson seconded, to adopt Resolution No. 2011-51 - A Resolution Establishing Annual Fee for Brewer's Off-Sale Malt Liquor License and Brewer Taproom Liquor License. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Variance from the Minimum Lot Size and Conditional Use Permit for Front Yard Setback Requirements for 125 Second Street – James Stark

Dan Wallace, architect for the applicant, addressed the City Council.

James Stark, 3760 Northome Avenue, Wayzata, the applicant, addressed the City Council.

Mayor Ruehl opened the public hearing at 7:52 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Caron moved, Fulkerson seconded, to adopt Resolution No. 2011-52 - Resolution Granting Variance and Conditional Use Permit for 125 Second Street as amended. Motion carried 5/0.

11. UNFINISHED BUSINESS

- a. Assessment for Delinquent Utilities, Parking Maintenance, and Other Miscellaneous Charges – Continued from November 7, 2011 Council Meeting for 355 Beeman Place and 351 George Street

Bob and Diane Bolles, 229 George Street, owners of 355 Beeman Place, addressed the City Council.

Fulkerson moved, Caron seconded, to adopt Resolution No. 2011-53 - A Resolution Levying Assessment for Costs Incurred by the City for Delinquent Utilities and Other Charges, assessing \$2,757.91 to the 355 Beeman Place property for water service line repair. Motion carried 3/1/1, with Miller voting nay and Mayor Ruehl abstaining.

- b. Linwood Avenue Fire Lane

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

Miller moved, Caron seconded, to direct staff to submit an application to the Lake Minnetonka Conservation District to place two individual slides on the Linwood Avenue Fire Lane for the 2012 season. Motion carried 3/2, with Fulkerson and Mayor Ruehl voting nay.

12. NEW BUSINESS

- b. Pocket Park Proposal

Caron moved, Olson seconded, to move item 12(b) ahead of Item 12(a). Motion carried 5/0.

12. NEW BUSINESS

b. Pocket Park Proposal – (Continued)

Caron recused herself and sat in the audience at 9:22 p.m.

Charles Babcock, 369 George Street, addressed the City Council.

Bob Bolles, 355 Beeman Place, addressed the City Council.

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

The consensus of the Council was that the City could not take on the risk for additional maintenance costs at this time. The Council thanked Charles and Mary Babcock for their generous offer to donate land for use as a pocket park or green space.

Caron rejoined the Council at 9:55 p.m.

a. Sandall Marketing Proposal

Miller moved, Caron seconded, to approve the proposal from Sandall Marketing, LLC to conduct a study that would help Excelsior create a better quality of life for its residents and lower taxes by generating revenue from visitors for a cost not-to-exceed \$20,000.00 plus expenses, and authorize the Mayor and City Manager to execute the Master Consulting Agreement after the Mayor, City Manager, and City Attorney work through the details of the Agreement and arrive at a cap on the miscellaneous expenses. Motion carried 4/1, with Fulkerson voting nay.

c. Appointment to the Park and Recreation Commission

Caron moved, Olson seconded, to appoint John Beattie to serve on the Park and Recreation to fulfill the remainder of a term which expires February 28, 2013. Motion carried 5/0.

13. ADJOURNMENT

Fulkerson moved, Olson seconded to adjourn at 10:48 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk