

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, July 16, 2012

Council Chambers

7:00 p.m.

1. CALL TO ORDER

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

2. ROLL CALL

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

Absent: Councilmember Olson

Also Present: City Attorney Staunton, City Planner Richards, City Engineer Dawley, Public Works Superintendent Wisdorf, City Planner Braaten, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of July 2, 2012

Fulkerson moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of July 2, 2012. Motion carried 4/0.

b. Regular City Council Meeting of July 2, 2012

Fulkerson moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of July 2, 2012. Motion carried 4/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Miller reported that the City Manager and he had met with the owners of Maynard's and BayView Event Center and Police Chief Litsey to work on solutions to the noise issues.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 9(a) was relabeled to read First Reading and Adoption of Emergency Ordinance to Adopt Electric Franchise Agreement, and Item 9(b) First Reading and Adoption of Emergency Ordinance to Implement Electric Franchise Fee and Item 12(c) Schedule Work Session for July 26, 2012 were added to the agenda.

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

b. Consent Agenda

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

1. Verified Claims

Action – Approve for Payment in the Amount of \$239,954.53 EFT Checks #585 through #592 and Manual Checks #77407 to #77464

2. 2013 Assessment Contract

Action – Approve 2013 Assessment Contract with Rolf Erickson Enterprises, Inc. in the Amount of \$21,060.00 and Authorize the Mayor and City Manager to Execute Contract

3. Monthly Budget Report – June, 2012

Action – Accept for Filing

4. Resolution No. 2012-34 - A Resolution Calling a Public Hearing on the Proposal to Adopt a Modified Street Reconstruction Plan

Action – Adopt Resolution No. 2012-34 - A Resolution Calling a Public Hearing on the Proposal to Adopt a Modified Street Reconstruction Plan

5. Planning Commission Minutes for Filing – June 5 and June 21, 2012

Action – Accept for Filing

6. Park and Recreation Commission Minutes for Filing – June 12, 2012

Action – Accept for Filing

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Appeal Heritage Preservation Commission's Decision for Canopy/Awning at 234 Water Street – Caper's, Bart and Wendy Baker

Becca Sanders, Chair, Heritage Preservation Commission, addressed the City Council.

Bart Baker, Caper's, 234 Water Street, the applicant, addressed the City Council.

The applicant stated that he wished to withdraw his appeal.

9. ORDINANCES and RESOLUTIONS

- a. First Reading and Adoption of An Emergency Ordinance Adopting Electric Franchise Agreement

Fulkerson moved, Caron seconded, to waive the first reading and adopt Ordinance No. 485 – An Emergency Ordinance Granting to Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy, its Successors and Assigns, Permission to Construct, Operate, Repair, and Maintain in the City of Excelsior, Minnesota, an Electric Distribution System and Transmission Lines, Including Necessary Poles, Lines, Fixtures, and Appurtenances, for the Furnishing Electric Energy to the City, its Inhabitants, and Others, and to Use the Public Grounds and Public Ways of the City for Such Purposes. Motion carried 4/0.

- b. First Reading and Adoption of An Emergency Ordinance Implementing Electric Franchise Fee

Fulkerson moved, Miller seconded, to waive the first reading and adopt Ordinance No. 486 – An Emergency Ordinance Implementing an Electric Franchise Fee on Northern States Power, d/b/a Xcel Energy for Providing Electric Service Within the City of Excelsior. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission – Continued Public Hearings

1. Planned Unit Development Concept Plan to Construct Hotel at 10 Water Street, P.I.D. 34-117-23-11-0059 - Thomas F. James Properties, LLC – Continued Public Hearing

Charlie James, Thomas F. James Properties, LLC, the applicant, addressed the City Council.

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

Nicki Craig, Planning Commission liaison, addressed the City Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission – Continued Public Hearings

1. Planned Unit Development Concept Plan to Construct Hotel at 10 Water Street, P.I.D. 34-117-23-11-0059 - Thomas F. James Properties, LLC – Continued Public Hearing – (Continued)

Mayor Ruehl opened the public hearing at 9:00 p.m.

Linda Putnam, 152 Third Street, addressed the City Council.

Heather Johnson, 227 Center Street, addressed the City Council.

Susan Valo, 2 Third Street, addressed the City Council.

Eric Snyder, 25 Center Street, addressed the City Council.

Lucille Crow, 221 Bell Street, addressed the City Council.

Jon Monson, 202 Water Street, addressed the City Council.

Bob Koens, 2 Bell Street, addressed the City Council.

Elmer Schoon, 181 George Street, addressed the City Council.

Mayor Ruehl closed the public hearing at 9:21 p.m.

Miller moved, Fulkerson seconded, to adopt Resolution No. 2012-35 – A Resolution Approving a PUD Concept Plan Proposal for 10 Water Street as amended. Motion carried 4/0.

2. Variance from Article 60, Section 60-4(d)(2)d.7 of Appendix E to Allow Finished Slope 30% or Greater Between End of Third Street and Lake Minnetonka to Accommodate Storm Water Drainage and Landscaping Improvements – City of Excelsior

Mayor Ruehl opened the public hearing at 10:44 p.m.

Linda Putnam, 152 Third Street, addressed the City Council.

Hearing no further comments, Mayor Ruehl closed the public hearing at 10:45 p.m.

Miller moved, Caron seconded, to adopt Resolution 2012-36 – A Resolution Granting a Variance To Allow a Finished Slope 30% or Greater Between the End of Third Street and Lake Minnetonka. Motion carried 4/0.

11. UNFINISHED BUSINESS

- a. None

12. NEW BUSINESS

- a. Petition for Proposed Amendments to the City of Excelsior Charter

Caron moved, Fulkerson seconded, to accept the Petition for Proposed Amendments to the City of Excelsior Charter. Motion carried 4/0.

- b. Proposal to Provide Professional Engineering Services for Water Treatment Plant Backwash Discharge Improvements Facility Plan – WSB & Associates, Inc.

Miller moved, Caron seconded, to accept proposal from WSB & Associates, Inc. to Provide Professional Engineering Services for Water Treatment Plant Backwash Discharge Improvements Facility Plan for a not-to-exceed amount of \$12,000 plus the optional services as outlined in the report. Motion carried 4/0.

- c. Schedule City Council Work Session for July 26, 2012

Caron moved, Miller seconded, to schedule a City Council Work Session for Thursday, July 26, 2012 at 6:30 p.m. Motion carried 4/0.

13. ADJOURNMENT

Caron moved, Miller seconded, to adjourn the meeting at 10:55 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson  
City Clerk