

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, August 6, 2012

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 Manager Luger, City Attorney Staunton, City Planner Richards, City Engineer Dawley, Public Works Superintendent Wisdorf, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of July 16, 2012

Fulkerson moved, Olson seconded, to approve the Minutes of the City Council Work Session Meeting of July 16, 2012. Motion carried 5/0.

b. Regular City Council Meeting of July 16, 2012

Caron moved, Fulkerson seconded, to approve the Minutes of the Regular City Council Meeting of July 16, 2012. Motion carried 5/0.

c. City Council Work Session Meeting of July 26, 2012

Olson moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of July 26, 2012 as amended. Motion carried 5/0.

4. OPEN FORUM

Dick Mueller, 401 Lafayette Avenue, commented on the unsightly condition of the City's park and beach area.

Mike Rutherford, 15612 Highway 7, Minnetonka, stated that he is looking for the City's support in fronting a television station for the City of Excelsior.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

None

6. AGENDA APPROVAL

a. Meeting Agenda

Item 6(b)9 – Resolution No. 2012-37 – Resolution Approving State of Minnesota Joint Powers Agreements with the City of Excelsior on Behalf of its City Attorney and Policy Department was added to the agenda. Fulkerson moved, Olson seconded, to approve the meeting agenda as amended. Motion carried 5/0.

b. Consent Agenda

Caron moved, Fulkerson seconded, to approve the consent agenda. Motion carried 5/0.

1. Verified Claims

Action – Approve for Payment in the Amount of \$406,098.92 EFT Checks #593 through #600 and Manual Checks #77465 to #77546

2. Special Event Permit for Apple Day, September 8, 2012 – South Lake Excelsior Chamber of Commerce

Action – Approve Issuance of Special Event Permit for Apple Day

3. Special Event Permit for Minnetonka Homecoming Parade, September 28, 2012 – South Lake Excelsior Chamber of Commerce and MHS Student Government

Action – Approve Issuance of Special Event Permit for Minnetonka Homecoming Parade

4. Truck Body Components and Snowplow Equipment to Outfit Public Works Trucks

Action – Authorize Purchase from Stonebrooke Equipment Inc. in the Amount of \$16,608.55, to be Funded from the Public Works Equipment Fund

5. Replacement and Installation of Furnace, Hot Water Heater, and Air Conditioning Coils for City Offices

Action – Accept Bid Proposal and Authorize Purchase from Abel Onsite in the Amount of \$6,481.00, Funded from General Fund, Repair and Maintenance Building

6. Approve Winter Use of LRT Trail System

Action – Approve Winter Use of LRT Trail System for Walking, Snowshoeing, and Jogging

6. AGENDA APPROVAL

a. Consent Agenda – (Continued)

7. Monthly Building Permit Report

Action – Accept for Filing

8. Heritage Preservation Commission Minutes for Filing – June 19, 2012

Action – Accept for Filing

9. Resolution No. 2012-37 – Resolution Approving State of Minnesota Joint Powers Agreements with the City of Excelsior on Behalf of its City Attorney and Policy Department

Action – Adopt – Resolution No. 2012-37 – Resolution Approving State of Minnesota Joint Powers Agreements with the City of Excelsior on Behalf of its City Attorney and Policy Department

7. PUBLIC HEARINGS

a. Third Street/Fire Lane Drainage Improvement Project, Authorize Plans and Specifications and Bidding Process

Mayor Ruehl opened the public hearing at 7:40 p.m.

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

Dave Pierson, Lieutenant, South Lake Minnetonka Police Department, addressed the City Council.

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

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

Hearing no further comments, Mayor Ruehl closed the public hearing at 8:19 p.m.

Miller moved, Caron seconded, to adopt Resolution No. 2012-38 – A Resolution Ordering the Third Street/Fire Lane Improvements. Motion carried 5/0.

b. Proposal to Adopt Modifications to the City's Street Reconstruction Plan

Mayor Ruehl opened the public hearing at 8:32 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Fulkerson moved, Miller seconded, to Adopt Resolution No. 2012-39 – A Resolution Adopting a Modified Street Reconstruction Plan. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. None

9. ORDINANCES and RESOLUTIONS

a. None

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission – Continued Public Hearings

1. Conditional Use Permit to Install Monument Sign, Design Standards Review and Site Plan Review for New Library at 337 Water Street, Excelsior, MN, P.I.D. #34-117-23-14-0072 - John Wicks, Section Manager, Hennepin County Property Services Division

Lee Anderson, Hennepin County Property Services, addressed the City Council.

Lois Thompson, Hennepin County Library, addressed the City Council.

Stewart MacDonald, Architect, MacDonald & Mack, addressed the City Council.

Cindy Busch, Planning Commission Liaison, addressed the City Council.

Mayor Ruehl opened the public hearing at 9:20 p.m.

Chris Bates, 255 Mill Street, addressed the City Council.

Hearing no further comments, Mayor Ruehl closed the public hearing at 9:21 p.m.

Caron moved, Miller seconded, to adopt Resolution No. 2012-40 – A Resolution Providing Design Standards/Site Plan and Conditional Use Permit for Excelsior Library at 337 Water Street. Motion carried 5/0.

2. Proposed Ordinance to Amend Article 65, Planned Unit Development District, Section 65-6(c)(3) of Appendix E Pertaining to the Notice Period for Concept and General Plans

Sara Gibson, City Intern, addressed the City Council.

Mayor Ruehl opened the public hearing at 9:24 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Miller moved, Olson seconded, to waive the first reading of the proposed ordinance to Amend Article 65, Planned Unit Development District, Section 65-6(c)(3) of Appendix E Pertaining to the Notice Period for Concept and General Plans and schedule the second reading and adoption for the September 4, 2012 Council meeting. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission – Continued Public Hearings

3. Proposed Ordinance to Amend Article 6 – Administration – Variances of Appendix E to Bring the City Code Into Conformity With Minnesota State Statutes

Sara Gibson, City Intern, addressed the City Council.

Cindy Busch, Planning Commission Liaison, addressed the City Council.

Mayor Ruehl opened the public hearing at 9:30 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Miller moved, Fulkerson seconded, to waive the first reading of the proposed ordinance to Amend Article 6 - Administration – Variances of Appendix E to Bring the City Code Into Conformity With Minnesota State Statutes and schedule the second reading and adoption for the September 4, 2012 Council meeting. Motion carried 5/0.

b. 2013 Budget – South Lake Minnetonka Police Department

Bryan Litsey, Police Chief, South Lake Minnetonka Police Department (SLMPD), addressed the City Council.

Miller moved, Fulkerson seconded, to approve the proposed 2013 SLMPD Operating Budget of \$2,089,200 with Excelsior's contribution being \$586,087. Motion carried 5/0.

c. Capital Replacement Fund – South Lake Minnetonka Police Department

Bryan Litsey, Police Chief, South Lake Minnetonka Police Department, addressed the City Council.

Miller moved, Caron seconded, to approve \$10,000 to be placed in a Capital Replacement Fund with each city's contribution to be calculated as outlined in the debt service agreement for the facility. Motion carried 5/0.

11. UNFINISHED BUSINESS

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

The Council decided that the full amendment should be printed on the ballot.

b. Schedule City Manager's Performance Review

Miller moved, Olson seconded, to schedule a Special Council Meeting for an Executive Session to Conduct the City Manager's Performance Review for Tuesday, September 4, 2012 beginning at 6:00 p.m. Motion carried 5/0.

12. NEW BUSINESS

a. None

13. ADJOURNMENT

Fulkerson moved, Olson seconded, to adjourn the meeting at 10:16 p.m.  
Motion carried 5/0.

Respectfully submitted,

Cheri Johnson  
City Clerk