

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Tuesday, September 4, 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, Olson, and Mayor Ruehl

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Wisdorf, City Planner Richards, City Engineer Dawley, Finance Officer Tumberg, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of August 20, 2012

Fulkerson moved, Olson seconded, to approve the Minutes of the City Council Work Session meeting of August 20, 2012 as presented. Motion carried 5/0.

b. Regular City Council Meeting of August 20, 2012

Caron moved, Fulkerson seconded, to approve the Minutes of the Regular City Council meeting of August 20, 2012 as presented. Motion carried 5/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Miller reported that he had attended the Lake Minnetonka Communication Commission (LMCC) meeting on August 21, 2012. He noted that the LMCC is working on the franchise renewal process and that the 2013 LMCC Budget will have a slight increase.

6. AGENDA APPROVAL

a. Meeting Agenda

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

6. AGENDA APPROVAL

b. Consent Agenda

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

1. Verified Claims

Action – Approve for Payment in the Amount of \$38,179.93, EFT Checks 604 to 607 and Manual Checks #77593 – 77623

2. Ratify Resolution No. 2012-42 – A Resolution Setting the Form of the Ballot for a Proposed Amendment to the Excelsior City Charter

3. Action - Ratify Resolution No. 2012-42 – A Resolution Setting the Form of the Ballot for a Proposed Amendment to the Excelsior City Charter

4. First Reading of An Ordinance to Amend Appendix E – Residential Design Standards – Continue to November 5, 2012

Action – Continue First Reading of An Ordinance to Amend Appendix E, Residential Design Standards to the November 5, 2012 City Council Meeting

5. Second Reading of An Ordinance for Financial Reporting – Continue to September 24, 2012 Special Council Meeting

Action – Continue Second Reading of An Ordinance for Financial Reporting to the September 24, 2012 Special Council Meeting

6. Heritage Preservation Commission Minutes for Filing – July 17, 2012

Action – Accept for Filing

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Update on Lake Minnetonka Conservation District Activities – Jeff Morris, Excelsior’s Representative

Jeff Morris, Excelsior’s Representative, Lake Minnetonka Conversation District Board of Directors, addressed the City Council.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- b. Milfoil Demonstration Projects – Dick Osgood, Lake Minnetonka Association

Dick Osgood, Executive Director, Lake Minnetonka Association, addressed the City Council.

Olson moved, Miller seconded, to approve a \$2,500 payment to the Lake Minnetonka Association toward the Milfoil Eradication Project for Gideon's Bay. Motion carried 5/0.

- c. Special Event Permit for Oktoberfest, October 13, 2012 – Excelsior Brewing Company

John Klick, Excelsior Brewing Company, addressed the City Council.

Patrick Foss, Excelsior Brewing Company, addressed the City Council.

Olson moved, Caron seconded, to approve the Special Event Permit conceptually with the placement of the final approval of the permit on the September 17, 2012 Consent Agenda. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. A Resolution Certifying 2012 Proposed Property Tax Levy Collectible 2013, Proposed General Fund Budget and Dates, Times, and Location for Public Comment on 2013 Budget

Miller moved, Fulkerson seconded, to adopt Resolution No. 2012-43 - A Resolution Certifying 2012 Proposed Property Tax Levy Collectible 2013, Proposed General Fund Budget and Dates, Times, and Location for Public Comment on 2013 Budget. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Design Standards Review and Conditional Use Permit to Utilize Annual Parking Impact Fee and Joint Parking per Article 19 of Appendix E, City of Excelsior Code of Ordinances for Expansion of Restaurant at 205-207 Water Street, P.I.D. #34-117-23-11-0126 - Tim Brandow, Brandow Properties, LLC

Tim Brandow, Brandow Properties, LLC, the owner of the property and applicant, addressed the City Council.

Mark Nazigian, X Steak House, addressed the City Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Design Standards Review and Conditional Use Permit for Expansion of Restaurant at 205-207 Water Street - (Continued)

Mayor Ruehl opened the public hearing at 8:49 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Miller moved, Olson seconded, to adopt Resolution No. 2012-44 – A Resolution Providing Conditional Use Permit Approval for Additional Parking Under the Parking Impact Fee Process and for the use of Joint Facilities Parking at 205-207 Water Street as amended. Motion carried 5/0.

Miller moved, Caron seconded, to adopt Resolution No. 2012-45 – A Resolution Providing Design Standards Approval for Façade Improvements at 205-207 Water Street and 400 Second Street as amended. Motion carried 5/0.

12. NEW BUSINESS

c. Easement Agreement for 148 West Lake Street

Olson moved, Miller seconded, to move Item 12(c) up on the agenda to follow Item 10(a)1. Motion carried 5/0.

Miller moved, Olson seconded, to direct staff to move forward with conducting the survey and finalizing the easement agreement. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

2. Formula Business Regulations (Franchises)

The consensus of the Council was to have the Planning Commission look at formula business regulations in conjunction with their review of the design standards.

11. UNFINISHED BUSINESS

a. Petition for Proposed Amendments to the City of Excelsior Charter – Charter Amendment Publication Requirements

The Council directed staff to put together costs and possible dates for publication of the Charter Amendment for the September 17th Council meeting. The Council also directed staff to draft an informational piece that

11. UNFINISHED BUSINESS

- a. Petition for Proposed Amendments to the City of Excelsior Charter – Charter Amendment Publication Requirements – (Continued)

can be mailed to voters regarding the charter amendment, contact the League of Women Voters to see if they would conduct a public forum for the charter amendment, and identify any other possible options for informing the voters about the charter amendment.

12. NEW BUSINESS

- a. Accept Bids and Award Contract for Third Street Fire Lane Project

Caron moved, Fulkerson seconded, to accept the bids and award a contract to GL Contracting, Inc. for the Third Street Fire Lane Improvements Street, Utility, and Landscaping Improvements Project in the amount of \$215,693.70, and award a contract to Kilmer Electric, Inc. for the Third Street Fire Lane Electrical and Lighting Improvements in the amount of \$16,100.00. Motion carried 4/1, with Mayor Ruehl voting nay.

- b. Hourly Restrictions on Construction Activity

Fulkerson moved, Olson seconded, to continue this agenda item to the September 17, 2012 Council meeting. Motion carried 5/0.

- c. Easement Agreement for 148 West Lake Street

This item was moved up on the agenda to follow Item 10(a)1.

13. ADJOURNMENT

Fulkerson moved, Olson seconded, to adjourn the meeting at 11:03 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk