

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Tuesday, September 17, 2012

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:06 p.m.

2. ROLL CALL

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

Absent: Councilmember Fulkerson

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Wisdorf, City Planner Richards, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Special City Council Meeting of September 4, 2012

Olson moved, Caron seconded, to approve the Minutes of the Special City Council Meeting of September 4, 2012. Motion carried 4/0.

b. City Council Work Session Meeting of September 4, 2012

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

c. Regular City Council Meeting of September 4, 2012

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

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

None

6. AGENDA APPROVAL

a. Meeting Agenda

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

6. AGENDA APPROVAL

b. Consent Agenda

Caron moved, Olson seconded, to approve the consent agenda. Motion carried 4/0.

1. Verified Claims

Action - Approve for Payment in the Amount of \$151,528.25, EFT Checks 608 to 612 and Manual Checks #77624 - 77675

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

Action - Approve Issuance of Special Event Permit for Oktoberfest, October 13, 2012 with Conditions

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

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

4. Award Contract for Plantings for Third Street Fire Lane Improvement Project

Action - Award Contract to Hartman Landscaping of Victoria, MN in the Amount of \$3,000.00 for Plantings for the Third Street Fire Lane Improvement Project

5. Monthly Building Permit Report - August 2012

Action - Accept for Filing

6. Monthly Financial Report - August 2012

Action - Accept for Filing

7. Planning Commission Minutes for Filing - August 13, 2012

Action - Accept for Filing

8. Park and Recreation Commission Minutes for Filing - August 15, 2012

Action - Accept for Filing

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Update on Bandshell Feasibility Study

Wendy Berghorst, President, Committee for a Better Lake Minnetonka Bandshell, addressed the City Council.

Kim Snyder, Excelsior Bay Group, LLC, presented an overview of the Bandshell Feasibility Study.

Terry Roeser, Secretary, Committee for a Better Lake Minnetonka Bandshell Committee, addressed the City Council.

b. 2013 Budget – Lake Minnetonka Communications Commission

Miller moved, Olson seconded, to adopt Resolution No. 2012-46 – Resolution Approving the 2013 Budget for the Lake Minnetonka Communications Commission. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

a. First Reading of An Ordinance to Amend Chapter 4, Section 4-63 to Increase the Number of Liquor Licenses

Olson moved, Miller seconded, to waive the first reading of An Ordinance Amending Chapter 4, Article II, Division 2, Section 4-63 of the Excelsior City Code as amended, and schedule the second reading and adoption for the October 1, 2012 Council meeting. The Council directed staff to put the number of liquor licenses on the list of topics for the Council to discuss after January 1, 2013.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Design Standards Review and Conditional Use Permit to Allow More Than One Principal Building on Base Lot in the B-1, Central Business District and the B-3, Office/Residential District on Property Located at 352 Third Street - Mike Seifert, Excelsior 3rd Street Station

Mike Seifert, Excelsior 3rd Street Station, the applicant, addressed the City Council.

Mayor Ruehl opened the public hearing at 8:37 p.m.

Bob Bolles, 340 Water Street, addressed the City Council.

Hearing no further comments, Mayor Ruehl closed the public hearing at 8:38 p.m.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Design Standards Review and CUP on Property Located at 352 Third Street - Mike Seifert, Excelsior 3rd Street Station – (Continued)

Miller moved, Olson seconded, to adopt Resolution No. 2012-47 – A Resolution Providing Design Standards/Site Plan and Conditional Use Permit Approval for a Building Remodel at 352 Third Street as amended. Motion carried 4/0.

2. Variance from Rear Setback Requirement in Appendix E, Article 43, Sec. 43-7 of the Excelsior City Code, to Build Two-Car Attached Garage at 531 Third Street - MTK Properties II, LLC

Mayor Ruehl opened the public hearing at 8:48 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Olson moved, Miller seconded, to adopt Resolution No. 2012-48 – A Resolution Granting a Variance from the Rear Yard Setback at 531 Third Street. Motion carried 4/0.

3. Proposed Ordinance to Amend Article 15, Non-conforming Buildings, Structures, and Uses of Appendix E of the Excelsior City Code of Ordinances Related to Non-Conforming Uses and Structures

Sara Gibson, City Intern, gave a PowerPoint presentation on the proposed ordinance.

Mayor Ruehl opened the public hearing at 9:22 p.m.

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

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

Miller moved, Olson seconded, to waive the first reading on the Proposed Ordinance to Amend Article 15, Non-conforming Buildings, Structures, and Uses of Appendix E of the Excelsior City Code of Ordinances Related to Non-Conforming Uses and Structures, and schedule the second reading and adoption for the October 1, 2012 Council meeting. Motion carried 4/0.

4. Design Standards Review for 21 Water Street – Jon Monson

Miller moved, Olson seconded, to adopt Resolution No. 2012-49 – A Resolution Providing Design Standards and Site Plan Approval for Minor Changes to the Appearance of the Water Street and South West Facades at 21 Water Street. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

5. Parking Options – 287-289 Water Street

The Council directed that this item be remanded back to the Planning Commission for further discussion.

11. UNFINISHED BUSINESS

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

The Council directed staff to publish the proposed charter amendment in the official newspaper on October 18 and October 25, 2012, and in the next City Newsletter.

b. Hourly Restrictions on Construction Activity

Caron moved, Olson seconded, to continue this agenda item to the October 1, 2012 Council meeting. Motion carried 4/0.

12. NEW BUSINESS

a. Charter Amendment by Ordinance

Caron moved, Olson seconded, to schedule a public hearing for the October 1, 2012 Council meeting for the proposed Charter Amendment by Ordinance that was forwarded to the Council from the Charter Commission.

b. Reschedule Special City Council Meeting and Schedule Work Session

Miller moved, Olson seconded, to cancel the Special City Council meeting for September 24, 2012, schedule a City Council Work Session for September 24, 2012 at 6:30 p.m., schedule a Special City Council meeting for October 5, 2012 at 4:00 p.m., schedule a Special City Council meeting for October 12, 2012 at 11:45 a.m., and continue the second reading of An Ordinance for Financial Reporting to the October 1, 2012 Council Meeting. Motion carried 4/0.

13. ADJOURNMENT

Olson moved, Caron seconded, to adjourn the meeting at 10:17 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk