

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, October 15, 2012

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:08 p.m.

2. ROLL CALL

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

Absent: Councilmember Olson

Also Present: City Attorney Staunton, Public Works Superintendent Wisdorf, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of October 1, 2012

Fulkerson moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of October 1, 2012. Motion carried 4/0.

b. Regular City Council Meeting of October 1, 2012

Miller moved, Fulkerson seconded, to approve the Minutes of the Regular City Council Meeting of October 1, 2012. Motion carried 4/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Mayor Ruehl congratulated Miller on his accomplishment for coming in 3rd in the nation for his class in the National Road Skate Pro Race that was held in Atlanta, Georgia.

6. AGENDA APPROVAL

a. Meeting Agenda

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

6. AGENDA APPROVAL

b. Consent Agenda

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

1. Verified Claims

Action - Approve for Payment in the Amount of \$177,831.99, EFT Checks 617 to 625 and Manual Checks #77719 - 77778

2. Special Event Permit for Boo Museum – Excelsior Lake Minnetonka Historical Society, October 26 and 27, 2012

Action – Approve Issuance of Special Event Permit for Boo Museum

3. Special Event Permit for Chriskindsmarkt Event - November 23, 24, and 25, 2012

Action – Approve Issuance of Special Event Permit for Chriskindsmarkt Event

4. Resolution No. 2012-53 - A Resolution Appointing Election Judges for November 6, 2012 General Election

Action – Adopt Resolution No. 2012-53 - A Resolution Appointing Election Judges for November 6, 2012 General Election

5. Resolution No. 2012-54 - A Resolution Appointing Kenneth N. Potts as City Prosecuting Attorney from January 1, 2013 through December 31, 2015

Action – Adopt Resolution No. 2012-54 - A Resolution Appointing Kenneth N. Potts as City Prosecuting Attorney from January 1, 2013 through December 31, 2015

6. Temporary Intoxicating Liquor License for School Parenting Gathering, November 16, 2012 – St. John the Baptist School

Action – Approve Temporary Intoxicating Liquor License for School Parenting Gathering, November 16, 2012 – St. John the Baptist School

7. Lease Agreement with Randall Pool and Spa for Upper Area of City Hall

Action – Approve Lease Agreement with Randall Pool and Spa and Authorize City Manager to Execute Agreement

8. Donation of Non-Operable Fire Hydrant for Excelsior Downtown Business Group Fundraiser

Action – Approve Donation of Non-Operable Fire Hydrant for Fundraiser

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

9. Monthly Building Permit Report – September 2012

Action – Accept for Filing

10. Monthly Financial Report – September 2012

Action – Accept for Filing

11. Planning Commission Minutes for Filing – September 5, 2012

Action – Accept for Filing

12. Park & Recreation Commission Minutes for Filing – September 11, 2012

Action – Accept for Filing

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Request to Modify City Hall Roof Siren – David Evans

The Council decided not to make any changes to the siren at this time.

9. ORDINANCES and RESOLUTIONS

a. None

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Revised Plans for Two-Car Garage at 531 Third Street - MTK Properties II, LLC

Mark Kozikowski, the applicant, addressed the City Council.

Miller moved, Caron seconded, to adopt Resolution No. 2012-55 - A Resolution Granting a Variance from the Rear Yard Setback at 531 Third Street (Replaces Resolution No. 2012-48). Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

2. Conditional Use Permit to Utilize Annual Parking Impact Fee Per Article 19 of Appendix E for a Proposed Restaurant at 28-30 Water Street, P.I.D. #34-117-23-11-0057 – Roger Burks, Lago Tacos

Roger Burks, Lago Tacos, the applicant, addressed the City Council.

Mayor Ruehl opened the public hearing at 7:24 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Miller moved, Fulkerson seconded, to adopt Resolution No. 2012-56 - A Resolution Providing Conditional Use Permit Approval for Additional Parking Under the Parking Impact Fee Process at 28-30 Water Street. Motion carried 4/0.

3. Conditional Use Permit and Site Plan Review to Allow for Construction of Kitchen and Multipurpose Room at 441 Oak Street, P.I.D. # 34-117-23-14-0032 – Minnetonka Public Schools

Mike Condon, Supervisor of Buildings and Grounds, Minnetonka School District, addressed the City Council.

Mayor Ruehl opened the public hearing at 7:31 p.m.

Roger Henkelman, 696 Glencoe Road, addressed the City Council.

Hearing no further comments, Mayor Ruehl closed the public hearing at 7:39 p.m.

Miller moved, Caron seconded, to adopt Resolution No. 2012-57 - A Resolution Providing Conditional Use Permit and Site Plan Review Approval to Allow for a Kitchen and Multipurpose Room Addition at Excelsior Elementary Located at 441 Oak Street. Motion carried 4/0.

b. Park and Recreation Commission

1. Trail and Sidewalk Grant Applications

The Council directed staff to move forward with the submittal of the trail and sidewalk grant applications that are available through the Hennepin County Transportation Department.

11. UNFINISHED BUSINESS

a. Easement Agreement for 148 West Lake Street

Jim Norman, 148 West Lake Street, addressed the City Council.

11. UNFINISHED BUSINESS

a. Easement Agreement for 148 West Lake Street – (Continued)

The Council directed staff to work with the City Assessor to come up with the appropriate value for the land and bring back a recommendation to the Council on the value of the land along with a final survey and final version of the agreement.

b. Hourly Restrictions on Construction Activity

The Council directed staff to draft an ordinance utilizing the construction equipment option.

12. NEW BUSINESS

a. Schedule City Council Work Sessions

Miller moved, Caron seconded, to schedule City Council Work Sessions at 6:00 p.m. on Monday, November 5, Monday, November 19, and Monday, December 3, 2012. Motion carried 4/0.

13. ADJOURNMENT

Fulkerson moved, Miller seconded, to adjourn the meeting at 8:25 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk