

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, April 15, 2013

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:05 p.m.

2. ROLL CALL

Present: Councilmembers Beattie, Fulkerson, Miller, and Mayor Gaylord

Absent: Caron

Also Present: City Manager Luger, 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 April 1, 2013

Beattie moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of April 1, 2013. Motion carried 4/0.

b. Regular City Council Meeting of April 1, 2013

Beattie moved, Fulkerson seconded, to approve the Minutes of the Regular City Council Meeting of April 1, 2013. Motion carried 4/0.

4. OPEN FORUM

Myrle Mackenzie reported that the long time business owner of Artworks, Debbie Hart, had passed away.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

None

6. AGENDA APPROVAL

a. Meeting Agenda

Beattie moved, Miller seconded, to approve the meeting agenda. Motion carried 4/0.

6. AGENDA APPROVAL

b. Consent Agenda

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

1. Verified Claims

Action - Approve for Payment in the Amount of \$178,836.13, EFT Checks 702-706 and Manual Checks 78363 to 78410

2. Contract for Lifeguard Services – Minnetonka Community Services

Action – Approve Contract with Minnetonka Community Services for \$19,500 and Authorize City Manager to Execute Agreement

3. Contract to Provide Required Safety Training – SafeAssure Consultants

Action – Approve Contract with SafeAssure Consultants for \$2,031 and Authorize the City Manager to Execute Contract

4. Permission for 2013 Excelsior Cruise-In at 440 Water Street

Action – Approve Request for 2013 Cruise-In at 440 Water Street from May 25 through August 31, 2013

5. Resolution No. 2013-24 – A Resolution Approving Issuance of an Off-Site Premise Permit by the State of Minnesota Gambling Authority

Action – Adopt Resolution No. 2013-24 – A Resolution Approving Issuance of an Off-Site Premise Permit by the State of Minnesota Gambling Authority

6. Resolution No. 2013-25 – A Resolution Imposing Temporary Parking Restrictions on Water Street on Thursdays from May 2nd through October 31, 2013

Action – Adopt Resolution No. 2013-25 – A Resolution Imposing Temporary Parking Restrictions on Water Street on Thursdays from May 2nd through October 31, 2013

7. First Quarter 2013 Investment Report

Action – Accept for Filing

8. Award Contract for Emerald Ash Borer Treatments

Action – Award Contract to Bartlett Tree Expert Company for \$12,712.50

9. Planning Commission Minutes for Filing – March 5 2013

Action – Accept for Filing

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

10. Park and Recreation Commission Minutes for Filing – March 12, 2013

Action – Accept for Filing

11. Resolution No. 2013-26 – A Resolution Approving Issuance of an Off-Site Premise Permit by the State of Minnesota Gambling Authority

Action – Adopt Resolution No. 2013-26 – A Resolution Approving Issuance of an Off-Site Premise Permit by the State of Minnesota Gambling Authority

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Request for Council Appointment to Art Selection Committee for Excelsior Library

Beattie moved, Miller seconded, to appoint Councilmember Fulkerson to serve on the Art Selection Committee for the Excelsior Library. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

a. Second Reading and Adoption of Ordinance No. 496 – An Ordinance to Amend Chapter 32, Article II, Division I, Section 32-58 of the Excelsior City Code to Establish a 15-Minute Parking Zone on Water Street

Fulkerson moved, Beattie seconded, to continue this agenda item to the May 6, 2013 Council meeting. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Variances from Minimum Front Yard Setback, Maximum Impervious Surface Coverage, and Minimum Green Space Requirement Per Appendix E, Article 43, Sec. 43-7 for Additions to the Existing Home at 243 Third Street, P.I.D. #34-117-23-12-0064 –The Chuba Company

Mayor Gaylord opened the public hearing at 7:40 p.m. Hearing no comments, Mayor Gaylord closed the public hearing.

Beattie moved, Miller seconded, to continue this agenda item to the May 6, 2013 Council meeting. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

2. Design Standards Review for 340 Highway 7 – Anytime Fitness, Scott Karo

Scott Karo, Anytime Fitness, the applicant, addressed the City Council.

Beattie moved, Fulkerson seconded, to adopt Resolution No. 2013-27 – A Resolution Providing Design Standards Approval for 340 Highway 7. Motion carried 4/0.

3. Proposed Ordinance to Amend Article 19, Off-Street Parking Requirements of Appendix E of the Excelsior City Code of Ordinances Related to Joint Parking Facilities

Mayor Gaylord opened the public hearing at 8:22 p.m.

Beth Duyvejonck, Planning Commission liaison, addressed the City Council.

Hearing no further comments, Mayor Gaylord closed the public hearing at 8:24 p.m.

Miller moved, Beattie seconded, to waive the first reading of the Ordinance to Amend Article 19, Off-Street Parking Requirements of Appendix E of the Excelsior City Code of Ordinances Related to Joint Parking Facilities and schedule the second reading and adoption for May 6, 2013. Motion carried 4/0.

11. UNFINISHED BUSINESS

a. Excelsior-Greenwood Water Service Expansion and Water Service Agreements

Deb Kind, Mayor of Greenwood, addressed the City Council.

Bill Cook, Greenwood Councilmember, addressed the City Council.

Beattie moved, Fulkerson seconded, to rescind the previous approval of the Water Service Agreement and approve the Water Service Agreement with the revision to sentence 4 of Item #15 as submitted by Councilmember Beattie, subject to the approval of the City Attorney as to form. Motion carried 4/0.

12. NEW BUSINESS

a. Accept Bids and Award Contract for 2013 Sewer Lining Project

Miller moved, Fulkerson seconded, to accept the bids and award a contract to Visu-Sewer, Inc. for the 2013 Sewer Lining Project in the amount of \$439,027.15, with Excelsior's cost being \$192,904.00, contingent on the City of Tonka Bay approving the contract. Motion carried 4/0.

12. NEW BUSINESS

b. Stormwater Proposal – WSB & Associates, Inc.

Beattie moved, Miller seconded, to accept the proposal from WSB & Associates, Inc. to prepare the Downtown Excelsior BMP Plan per its proposal dated April 10, 2013, for an estimated cost of \$9,400.00. Motion carried 4/0.

c. Proposal to Address Minnesota Pollution Control Agency Mandated Improvements – WSB & Associates, Inc.

Fulkerson moved, Beattie seconded, to accept the proposal from WSB & Associates, Inc. for Professional Engineering Services for Water Treatment Plant Discharge Improvements per its proposal dated April 1, 2013, for an estimated cost of \$95,413.00. Motion carried 4/0.

d. Leasing Agent Proposals for 810 Excelsior Boulevard

Beattie moved, Fulkerson seconded, to accept the leasing agreement from Bill Wolfson, contingent on the following changes to the agreement: there is a 5 year cap on the payout, the payout is spread out over the five years, and there is a clause inserted into the Agreement that protects the City if the tenant defaults. Motion carried 4/0.

13. ADJOURNMENT

Fulkerson moved, Beattie seconded, to adjourn at 8:45 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson
City Clerk