

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, May 5, 2014

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:03 p.m.

2. ROLL CALL

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

Absent: None

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

3. APPROVAL OF MINUTES

(a) City Council Work Session Meeting of April 7, 2014

Beattie moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of April 7, 2014. Motion carried 4/1-Fulkerson abstained.

(b) Regular City Council Meeting of April 7, 2014

Beattie moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of April 7, 2014. Motion carried 4/1- Fulkerson abstained.

(c) Local Board of Appeal and Equalization of April 2, 2014

Beattie moved, Caron seconded, to approve the Minutes of the Local Board of Appeal and Equalization of April 2, 2014. Motion carried 4/1-Fulkerson abstained.

(d) Local Board of Appeal and Equalization of April 8, 2014

Beattie moved, Miller seconded, to approve the Minutes of the Local Board of Appeal and Equalization of April 8, 2014. Motion carried 4/1-Fulkerson abstained.

(e) City Council Work Session Meeting of April 21, 2014

Fulkerson moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of April 21, 2014. Motion carried 5/0.

3. APPROVAL OF MINUTES - Continued

- (f) Regular City Council Meeting of April 21, 2014

Fulkerson moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of April 21, 2014. Motion carried 5/0.

4. OPEN FORUM

Mayor Gaylord presented a Certificate of Appreciation to former Park and Recreation Commissioner Cathy Rude.

Thom Lofquist, 740 Pleasant Street, addressed the Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

- (a) 2014 Met Council Sanitary Sewer Forcemain Project Update

Wisdorf gave an update on the 2014 Met Council Sanitary Sewer Force Main Project.

- (b) Spring Cleanup Date

- Monday, May 19, 2014 - Yard Waste Only

- (c) Excelsior Named Ice Dive Capital of Minnesota

6. AGENDA APPROVAL

- (a) Meeting Agenda

Luger requested that Item 10(a) be moved to follow Item 6(a).

Beattie moved, Caron seconded, to approve the meeting agenda, as amended. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- (a) Park and Recreation Commission - Resolution Restricting the Use of Motor Vehicles and Food Vendor Traffic on the Diamond and Outfield of the Multi-Use Field

Paul Mullenbach, Park and Recreation Commission, addressed the Council.

Linda Murrell, Event Director, 10,000 Concours d'Elegance, addressed the Council.

Andrew Punch, Park and Recreation Commission, addressed the Council.

Dave Wahlstedt, Park and Recreation Commission, addressed the Council.

The Council discussed a resolution written by the Park and Recreation Commission.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- (a) Park and Recreation Commission - Resolution Restricting the Use of Motor Vehicles and Food Vendor Traffic on the Diamond and Outfield of the Multi-Use Field - *Continued*

Beattie moved, Fulkerson seconded, directing staff to edit the resolution as discussed, and adopt Resolution No. 2014-23 - A Resolution Adopting Policies to Protect the Multi-Use Field in The Commons. Motion carried 5/0.

6. AGENDA APPROVAL

- (b) Consent Agenda

Beattie moved, Fulkerson seconded, to approve the Consent Agenda. Motion carried 5/0.

1. Verified Claims

Action - Approve for Payment Manual Checks 79541-79619 and EFT Checks 901E-904E

2. April 2014 Building Permit Report

Action - Accept for Filing

3. Heritage Preservation Commission Minutes of February 25, 2014

Action - Accept for Filing

4. Heritage Preservation Commission Minutes of March 18, 2014

Action - Accept for Filing

5. First Quarter 2014 Investment Report

Action - Accept for Filing

6. Special Event Permit, Excelsior Brewing Company, Tent Party, May 24, 2014

Action - Approve the Special Event Permit for Excelsior Brewing Company, Tent Party, May 24, 2014

7. Special Event Permit and Temporary Liquor License, Excelsior-Lake Minnetonka Chamber of Commerce, Art on the Lake, June 14-15, 2014

Action - Approve the Special Event Permit and Temporary Liquor License for Excelsior-Lake Minnetonka Chamber of Commerce, Art on the Lake, June 14-15, 2014

8. Special Event Permit, Lake Minnetonka Triathlon, June 21, 2014

Action - Approve the Special Event Permit for Lake Minnetonka Triathlon, June 21, 2014

6. AGENDA APPROVAL

(b) Consent Agenda – *Continued*

9. Request for Proposals for Irrigation in The Commons

Action - Authorize staff to request proposals for an irrigation system for the Excelsior Commons Park.

7. PUBLIC HEARINGS

(a) None

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) Patti Berg Judalena, Request for Off-Sale Liquor License to Include the Sale of Beer

Patti Berg Judalena, Water Street Wine Merchants, addressed the Council and requested that the Council change the ordinance for Off-Sale Liquor License to include the sale of beer.

Miller moved, Beattie seconded, directing staff to draft a modification to the ordinance and adding the sale of beer to the existing Off-Sale Liquor License. Motion carried 4/1-Fulkerson opposed.

(c) Pat Crosby, Crossfit, Park Use Permit, Fundraiser Event, May 26, 2014

Pat Crosby, Crossfit SiSu, addressed the Council.

Isaiah Maring, CRW Demos, Inc., addressed the Council.

Beattie moved, Miller seconded, to approve the Park Use Permit for CrossFit SiSu, Fundraiser Event, May 26, 2014. Motion carried 5/0.

(d) Dave and Gretchen Wahlstedt, Request to Allow Chickens in Excelsior

Dave and Gretchen Wahlstedt, Owners of Bird House Inn, 371 Water Street, addressed the Council.

Miller moved, Beattie seconded, directing staff to draft an ordinance to bring back to the Council for review at a future meeting. Motion carried 4/1-Fulkerson opposed.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(d) Autumn Kaye and Barrie Seifert, Special Event Permit, 2014 Girls Night Out Season and Resolution No. 2014-xx - A Resolution Imposing Temporary Parking Restrictions for June 19, July 10, July 24, and August 7, 2014

Diane Bolles, Volunteer for Girls Night Out, addressed the Council.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (d) Autumn Kaye and Barrie Seifert, Special Event Permit, 2014 Girls Night Out Season and Resolution No. 2014-xx - A Resolution Imposing Temporary Parking Restrictions for June 19, July 10, July 24, and August 7, 2014 - *Continued*

John Klick, Excelsior Brewing Company, addressed the Council.

Beattie moved, Caron seconded, to approve the Special Event Permit for the 2014 Girls Night Out Season and the June 19, 2014 Fashion Show from 4:00 p.m. to 9:00 p.m. only, along with direction to staff to change the resolution to include the closure of Water Street for June 19, 2014 only. Motion carried 4/1- Miller opposed.

- (e) Oppidan, Inc., Extension Request

Beattie moved, Miller seconded, to extend Oppidan, Inc.'s request for six months, including an informal check-in once per month of communication at a staff level, along with an expectation that there is some progress within the six month timeframe. Motion carried 5/0.

Mayor Gaylord recessed the meeting at 8:49 p.m.

Mayor Gaylord reconvened the meeting at 8:56 p.m.

9. ORDINANCES AND RESOLUTIONS

- (a) Expansion of the Premise Area for Excelsior Brewing Company, Resolution No. 2014-21 - A Resolution Granting Approval for the Expansion of the Premise Area for Brewer Off-Sale and Taproom Brewer On-Sale Liquor Licenses to Excelsior Brewing Company, LLC, located at 421 Third Street

Jon Lewin, Excelsior Brewing Company, addressed the Council.

John Klick, Excelsior Brewing Company, addressed the Council.

Patrick Foss, Excelsior Brewing Company, addressed the Council.

Mayor Gaylord opened the meeting to public comment at 9:49 p.m.

Nicki Craig, 731 Second Avenue, addressed the Council.

Diane Bolles, 229 George Street and 310 Water Street, addressed the Council.

Mayor Gaylord closed the meeting to public comment at 9:52 p.m.

9. ORDINANCES AND RESOLUTIONS

- (a) Expansion of the Premise Area for Excelsior Brewing Company, Resolution No. 2014-21 - A Resolution Granting Approval for the Expansion of the Premise Area for Brewer Off-Sale and Taproom Brewer On-Sale Liquor Licenses to Excelsior Brewing Company, LLC, located at 421 Third Street – *Continued*

Eric Paulsen, 2605 Maple Ridge Lane, Orono, addressed the Council.

Miller moved to change the hours in the resolution to: Thursdays until 11:00 p.m., all other hours apply, evacuation time one hour past closing time, and adding Monday and Tuesday hours from Noon until 9:00 p.m. for special catered events, upon notification to City staff. Motion failed for lack of a second.

Beattie moved, Caron seconded, to change paragraph three of the conditions to read as follows: Permitted days and hours of sale and consumption for the taproom operation shall be during the following days and hours: (a) in the indoor portion of the premises from 4:00 p.m. to 10:00 p.m. for food-catered events on Mondays (with notification to the City staff in advance of each event); (b) Tuesdays from 1:00 p.m. to 2:00 p.m.; (c) noon to 10:00 p.m. Wednesdays; and (d) noon to 11:00 p.m. Thursdays, Fridays and Saturdays. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- (a) Park and Recreation Commission - Resolution Restricting the Use of Motor Vehicles and Food Vendor Traffic on the Diamond and Outfield of the Multi-Use Field – *Item was moved to follow Item 6(a)*

11. UNFINISHED BUSINESS

- (a) **Valet Parking and Use of City Streets for Outdoor Café Expansion**

Eric Paulsen, 2605 Maple Ridge Lane, Orono, addressed the Council.

Bob Bolles, 229 George Street, addressed the Council.

Diane Bolles, 229 George Street and 310 Water Street, addressed the Council.

**In regards to outdoor café expansion, the Council requested** feedback from commercial businesses before a decision can be made. Item tabled.

In regards to valet parking, the Council supported the idea of testing one parking spot on Water Street and one parking spot on Second Street, both for Victor's Restaurant. Council directed staff to conduct the test of these two valet parking spaces and provide additional analysis on the fee for these spaces.

12. NEW BUSINESS

- (a) South Lake Minnetonka Police Department Proposed Joint Powers Agreement Amendment

Beattie moved, Fulkerson seconded, not to approve the South Lake Minnetonka Police Department Proposed Joint Powers Agreement Amendment. Motion carried 5/0.

- (b) Fourth of July Parking and Traffic Management Plan

Beattie moved, Caron seconded, to conduct the traffic study and offset the cost by reducing the contribution for the fireworks. Motion carried 5/0.

- (c) Spring Cleanup June 7<sup>th</sup>

The Council chose not to hold another spring cleanup event on June 7<sup>th</sup>.

- (d) Request for Proposals for a Building Space Analysis for 339 Third Street

The Council directed staff to move forward with sending out the Request for Proposals for a Building Space Analysis for 339 Third Street.

13. ADJOURNMENT

Caron moved, Fulkerson seconded, to adjourn at 11:45 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Johnson  
City Clerk