

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, May 19, 2014

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:02 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 Engineer Dawley, Public Works Superintendent Wisdorf, Finance Director Tumberg, and City Clerk Johnson

3. APPROVAL OF MINUTES

(a) City Council Work Session Meeting of May 5, 2014

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

(b) Regular City Council Meeting of May 5, 2014

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

4. OPEN FORUM

No one appeared before the Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) 2014 Met Council Sanitary Sewer Force Main Project Update

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

6. AGENDA APPROVAL

(a) Meeting Agenda

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

6. AGENDA APPROVAL

(b) Consent Agenda

Fulkerson moved to pull Item 6(b)3, Water Tower Antenna Agreement, with direction to staff to finalize the document and bring back to the Council for approval on the Consent Agenda at a future meeting, and also a correction to Item 6(b)4 that the document should read Morse Avenue, not Morse Street.

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

1. Verified Claims

Action - Approve for Payment Manual Checks 79620-79671 and EFT Checks 905E-916E

2. Sign Retroreflectivity Policy

Action - Implement a sign retroreflectivity policy, as ordered by the Minnesota Commissioner of Transportation, to follow direction given by the U.S. Department of Transportation, Federal Highway Administration.

3. Water Tower Antenna Agreement

Action - Item pulled from agenda

4. Third Street Parking Restrictions

Action - Direct staff to draft an ordinance to establish "No Parking" on Third Street from East Drive to Morse Avenue

5. Special Event Permits for Approval

Action - Approve Special Event Permits for: Excelsior Flea and Outdoor Market and Tonka Cruizers Car Club, June-August and September 20, 2014; The First John Philip Sousa Memorial Band, July 27, 2014; and Viking Bassmasters of Minnesota, October 5, 2014

6. Award Bid for 2014 Sanitary Sewer Improvement Project, WSB Project No. 2073-22 & 1987-32

Action - Award Bid for 2014 Sanitary Sewer Improvement Project, WSB Project No. 2073-22 & 1987-32 to Insituform Technologies USA, LLC, in the amount of \$163,612.10

7. Planning Commission Minutes of April 8, 2014

Action - Accept for Filing

8. Park and Recreation Commission Minutes of April 15, 2014

Action - Accept for Filing

6. AGENDA APPROVAL

(b) Consent Agenda - *Continued*

9. 2014 Park and Dock Patrol Services

Action - Approve the South Lake Minnetonka Police Department 2014 seasonal park and dock patrol services proposal for the City of Excelsior

7. PUBLIC HEARINGS

(a) Public Hearing and Approval of the Long Term Financial Plan

Mayor Gaylord opened the public hearing at 7:09 p.m. Hearing no comments, Mayor Gaylord closed the public hearing.

Beattie moved, Fulkerson seconded, to approve the long term financial plan for 2014 and adopt Resolution No. 2014-22 - A Resolution Approving the City of Excelsior 2014 Comprehensive Long Term Financial Plan. Motion carried 5/0.

(b) Public Hearing and Approval of On-Sale Intoxicating and Sunday On-Sale Intoxicating Liquor License, Coalition Restaurant, LLC, dba Coalition Restaurant, located at 227 Water Street

Caron recused herself from the meeting.

Mayor Gaylord opened the public hearing at 7:13 p.m. Hearing no comments, Mayor Gaylord closed the public hearing.

Beattie moved, Fulkerson seconded, to approve the On-Sale Intoxicating and Sunday On-Sale Intoxicating Liquor License for Coalition Restaurant, LLC, dba Coalition Restaurant, located at 227 Water Street, and adopt Resolution No. 2014-24 - A Resolution Granting An On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License to Coalition Restaurant, LLC, dba Coalition Restaurant, 227 Water Street, for the 2014 Calendar Year. Motion carried 4/0.

(c) Public Hearing and Approval of On-Sale Intoxicating and Sunday On-Sale Intoxicating Liquor License, Compagno Hospitality, LLC, dba Victor's on Water, located at 205 Water Street

Mayor Gaylord opened the public hearing at 7:15 p.m. Hearing no comments, Mayor Gaylord closed the public hearing.

Beattie moved, Caron seconded, to approve the On-Sale Intoxicating and Sunday On-Sale Intoxicating Liquor License for Compagno Hospitality, LLC, dba Victor's on Water, located at 205 Water Street, and adopt Resolution No. 2014-25 - A Resolution Granting An On-Sale Intoxicating Liquor License and Sunday On-Sale Intoxicating Liquor License to Compagno Hospitality, LLC, dba Victor's on Water, 205 Water Street, for the 2014 Calendar Year. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) Girls Night Out Water Street Closure Request

Lorraine Scott, 219-221 Water Street, addressed the Council.

Barrie Seifert, 771 Highway 7, addressed the Council.

Debra Antone, 221 Water Street, addressed the Council.

Connie Frederick, 207 Water Street, addressed the Council.

The Council discussed the request for the Girls Night Out Water Street Closures and agreed to uphold the previous motion of not approving the request.

- (b) 2013 Audit - Andy Berg, Abdo, Eick, & Meyers, LLP

Andy Berg of Abdo, Eick & Meyers, LLP, presented the City of Excelsior 2013 Audit.

Beattie moved, Miller seconded, to accept the 2013 Audit report. Motion carried 5/0.

9. ORDINANCES AND RESOLUTIONS

- (a) First Reading of an Ordinance to Allow the Sale of Beer for Off-Sale Liquor License

Miller moved, Beattie seconded, to waive the first reading, and schedule the second reading of Ordinance No. 511 - An Ordinance Amending Chapter 4, Article II, Division 2, Section 4-63, of the Excelsior City Code, for June 2, 2014. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- (a) Heritage Preservation Commission

- (1) Lake Minnetonka Regional Scenic Byway Concept

Steve Finch, Heritage Preservation Commission Member, addressed the Council.

Beattie moved, Miller seconded, to adopt Resolution No. 2014-26 - A Resolution Authorizing a Feasibility Study for a Lake Minnetonka Scenic Byway Concept. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(b) Planning Commission

(1) Conditional Use Permit, 157 Third Street

Mike Monson, 140 Maple Street, Representative of Landschute,
addressed the Council.

Beattie moved, Miller seconded, to approve Resolution No. 2014-27 - A Resolution Granting a Conditional Use Permit for a Front Porch at 157 Third Street, and gave direction for the Planning Commission to look at the approval process for building permits and conditional use permits. Motion carried 5/0.

11. UNFINISHED BUSINESS

(a) Continued from April 21, 2014 - Order Improvements for the MCES Force Main Improvements Projects, WSB Project No. 1140-97

Beattie moved, Miller seconded, to adopt Resolution No. 2014-19 - A Resolution Ordering Improvements for the MCES Force Main Improvements Project. Motion carried 5/0.

Beattie moved, Caron seconded, to authorize staff to respond in writing to MCES to include additional work as proposed within the Excelsior Force Main Improvements Project - MCES Project 802850, per the Cooperative Agreement between MCES and the City of Excelsior, including a change from four inch (4") to six inch (6") thick concrete sidewalk on Excelsior Boulevard, east of Division Street to the city limits, to accommodate city winter maintenance, at an estimated cost of \$15,000. Motion carried 5/0.

(b) Fourth of July Parking Request

Beattie moved, Miller seconded, that the City contribute \$2,000 for the fireworks, \$1,000 for a traffic study, and that 100 percent of all anticipated future revenue from parking will go to the City of Excelsior. Motion carried 4/1-Caron objected.

12. NEW BUSINESS

(a) Five Corners Roundabout

Beattie moved, Caron seconded, to table the Five Corners Roundabout discussion indefinitely. Motion carried 5/0.

12. NEW BUSINESS

- (b) Metropolitan Council Environmental Services (MCES) Excelsior Force Main Improvements Project, Authorize Easement Agreement with KDK, LLC; WSB Project No. 1140-97, MCES Project 802850

Miller moved, Caron seconded, to authorize staff to execute the Easement Agreement between the City of Excelsior and KDK, LLC, and authorize payment in the amount of \$3,800.00, per the signed Memorandum of Agreement with KDK, LLC. Motion carried 5/0.

13. ADJOURNMENT

Beattie moved, Fulkerson seconded, to adjourn at 9:37 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Johnson
City Clerk