

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, July 21, 2014

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:00 p.m.

2. ROLL CALL

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

Absent: None

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

3. APPROVAL OF MINUTES

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

Beattie moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of July 7, 2014. Motion carried 5/0.

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

Fulkerson moved, Beattie seconded, to approve the Minutes of the Regular City Council Meeting of July 7, 2014. Motion carried 5/0.

(c) City Council Special Meeting of July 7, 2014

Beattie moved, Caron seconded, to approve the Minutes of the City Council Special Meeting of July 7, 2014. Motion carried 5/0.

4. OPEN FORUM

Rob Roy, 21270 Excelsior Boulevard, Greenwood, addressed the Council on behalf of the Lake Improvement District and presented petitions from citizens for City record.

Leon Boyd, 44 First Street, addressed the Council regarding start and stop times on the parking meters.

Janel Novachis, 2605 Maple Ridge Lane, Orono, addressed the Council with a request for installation of a stop sign on West Lake Street and George Street.

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.

(b) South Lake Minnetonka Police Department Update

Mayor Gaylord gave an update on crime rates and the budget for the South Lake Minnetonka Police Department.

6. AGENDA APPROVAL

(a) Meeting Agenda

Luger requested that Item 12(a), Turn Lane at Intersection of County Road 19 and Highway 7, be added to the agenda.

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

Beattie moved to place Item 10(b), Site Alteration Permit for a Second Story Addition, 212 Water Street, Notice of Appeal, ahead of Item 10(a). Motion failed for lack of a second.

(b) Consent Agenda

Luger requested that Item 6(b)5 be removed from the Consent Agenda, as the Applicant has not yet signed the lease for the business.

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

1. Approve Verified Claims - Approve for Payment Manual Checks 79840 - 79885 and EFT Checks 945E - 949E

Action - Approved for Payment

2. June 2014 Financial Reports

Action - Accepted for Filing

3. Adopt Resolution No. 2014-35 - A Resolution Appointing Additional Election Judges to Serve at the 2014 Primary and General Elections

Action - Adopted Resolution No. 2014-35 - A Resolution Appointing Additional Election Judges to Serve at the 2014 Primary and General Elections

6. AGENDA APPROVAL

(c) Consent Agenda – *Continued*

4. Authorize Execution of the Traffic Control Signal Maintenance Agreement between Minnesota Department of Transportation, City of Shorewood, and City of Excelsior

Action - Authorized Execution of the Traffic Control Signal Maintenance Agreement between Minnesota Department of Transportation, City of Shorewood, and City of Excelsior

5. Adopt Resolution No. 2014-34 - A Resolution Granting an Off-Sale Liquor License to Copper Beech, Inc., 287 Water Street, Suite 110, for the Remainder of the 2014 Calendar Year

Action – *Item removed from Consent Agenda.*

7. PUBLIC HEARINGS

- (a) Public Hearing, On-Sale Wine Liquor License, Olive’s Fresh-Excelsior, 287 Water Street; Resolution No. 2014-36

Mayor Gaylord opened the Public Hearing at 7:16 p.m. Hearing no comments, Mayor Gaylord closed the Public Hearing.

Miller moved, Caron seconded, to adopt Resolution No. 2014-36 – Granting an On-Sale Wine and Intoxicating Malt Liquor License to Aguazula Holdings, LLC, for the Remainder of the 2014 Calendar Year. Motion carried 4/1-Fulkerson opposed.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) Excelsior-Lake Minnetonka Chamber of Commerce, Special Event Permit for Apple Day, and Special Event Permit for Apple of the Lake 5K Fun Run, September 20, 2014

Bill Damberg, President of Excelsior-Lake Minnetonka Chamber of Commerce, addressed the Council.

Caron moved, Beattie seconded, with direction to the Chamber that they resubmit the application with all of their requests and bring back to the Council for discussion at the August 4, 2014 Council meeting. Motion carried 5/0.

9. ORDINANCES AND RESOLUTIONS

- (a) Second Reading of Ordinance No. 514 - An Ordinance to Amend Chapter 28 of the Excelsior City Code to Add Article V. Valet Parking

Beattie moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 514 – An Ordinance to Amend Chapter 28 of the Excelsior City Code to Add Article V. Valet Parking. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Planning Commission

1. Conditional Use Permit, Victor's on Water, 205 Water Street;  
Resolution No. 2014-37

Beattie moved, Miller seconded, to continue this item to the August 18, 2014 Council meeting, with discussion that the parking impact fee will remain at \$1,200 but prorated at \$200 per month per parking space for 2014. Motion carried 5/0.

2. Conditional Use Permit, Olive's Fresh-Excelsior, 287 Water Street;  
Resolution No. 2014-38

Beattie moved, Miller seconded, to adopt Resolution No. 2014-38 – A Resolution Providing Conditional Use Permit Approval for Additional Parking Under the Parking Impact Fee Process at 287 Water Street. Motion carried 5/0.

3. Front Yard Setback Variance, 161 West Lake Street;  
Resolution No. 2014-39

Beattie moved, Miller seconded, to adopt Resolution No. 2014-39 – A Resolution Granting a Variance from the Front Yard Setback at 161 West Lake Street. Motion carried 5/0.

(b) Heritage Preservation Commission

Site Alteration Permit for a Second Story Addition, 212 Water Street, Notice of Appeal

Pat Smith, City Planner, addressed the Council.

Larry Martin, 212 Water Street, addressed the Council.

Tammy Magney, Magney Architecture, addressed the Council.

Peter Coyle, Larker-Hoffman Law Firm, addressed the Council.

Steve Finch, Heritage Preservation Commissioner representing the Heritage Preservation Commission's minority decision, addressed the Council.

Doug Schmidt, Heritage Preservation Commission Chair representing the Heritage Preservation Commission's majority decision, addressed the Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(b) Heritage Preservation Commission

Site Alteration Permit for a Second Story Addition, 212 Water Street, Notice of Appeal - *Continued*

Linda Putnam, 152 Third Street, addressed the Council.

Melinda Nelson, 526 Williams Street, addressed the Council.

Miller moved, Caron seconded, to continue this item to the August 18, 2014 Council meeting. Motion carried 5/0.

11. UNFINISHED BUSINESS

(a) Southshore Center

Beattie moved, Caron seconded, to continue this item to the August 18, 2014 Council meeting. Motion carried 5/0.

12. NEW BUSINESS

(a) Turn Lane at Intersection of County Road 19 and Highway 7

Luger said MnDOT is able to pave the second turn lane at County Road 19 and Highway 7 on Saturday, July 26, 2014. Council directed staff to schedule the paving for Saturday, July 26, 2014.

13. ADJOURNMENT

Beattie moved, Miller seconded, to adjourn at 11:21 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Johnson  
City Clerk