

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

September 15, 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, Fulkerson, Miller, and Mayor Gaylord

Absent: Councilmember Caron

Also Present: City Attorney Staunton, City Engineer Dawley, City Planner Richards, City Planner Smith, Public Works Superintendent Wisdorf, Finance Director Tumberg, and City Clerk Johnson

3. APPROVAL OF MINUTES

(a) City Council Work Session Meeting of September 2, 2014

Beattie moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of September 2, 2014. Motion carried 4/0.

(b) Regular City Council Meeting of September 2, 2014

Beattie moved, Fulkerson seconded, to approve the Minutes of the Regular City Council Meeting of September 2, 2014. Motion carried 4/0.

(c) City Council Special Work Session Meeting of September 8, 2014

Beattie moved, Fulkerson seconded, to approve the Minutes of the City Council Special Work Session Meeting of September 8, 2014. Motion carried 4/0.

4. OPEN FORUM

No one appeared before the Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) 2014 Met Council Sanitary Sewer Forcemain Project Update

Superintendent Wisdorf and Engineer Dawley gave updates on the 2014 Met Council Sanitary Sewer Forcemain Project.

6. AGENDA APPROVAL

(a) Meeting Agenda

Beattie moved, Fulkerson seconded, to approve the Meeting Agenda. Motion carried 4/0.

6. AGENDA APPROVAL

(b) Consent Agenda

Beattie moved, Fulkerson seconded, to approve the Consent Agenda. Motion carried 4/0.

1. Approve Verified Claims – Approve for Payment Manual Checks 80014-80063 and EFT Checks 969E-976E

Action - Approved for Payment Manual Checks 80014-80063 and EFT Checks 969E-976E

2. August 2014 Financial Reports

Action – Accepted for Filing

3. August 2014 Building Permit Report

Action – Accepted for Filing

4. Special Event Permits for Approval:

- BayView Event Center (9)

Action – Approved Special Event Permits for BayView Event Center (9)

7. PUBLIC HEARINGS

- (a) None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) None

9. ORDINANCES AND RESOLUTIONS

- (a) 2015 General Fund Budget and Tax Levy; Resolution No. 2014-51 – A Resolution Certifying 2014 Preliminary Tax Levy Collectible 2015, Proposed General Fund Budget, Public Meeting Dates, Times and Location

Beattie moved, Fulkerson seconded, to adopt Resolution No. 2014-51 – A Resolution Certifying 2014 Preliminary Tax Levy Collectible 2015, Proposed General Fund Budget, Public Meeting Dates, Times and Location. Motion carried 4/0.

- (b) Second Reading and Adoption of Ordinance No. 515 – An Ordinance Amending Article 40, Section 40-3, Appendix E of the Excelsior City Code Pertaining to the Zoning Map

Beattie moved, Miller seconded, to correct the date of adoption to September 15, 2014 and waive the second reading of Ordinance No. 515 – An Ordinance Amending Article 40, Section 40-3, Appendix E of the Excelsior City Code Pertaining to the Zoning Map, as amended. Motion carried 4/0.

9. ORDINANCES AND RESOLUTIONS

- (c) Excelsior Brewing Company, Resolution No. 2014-55 - A Resolution Amending Approval for the Expansion of the Premise Area for a Brewer Taproom Liquor License for Excelsior Brewing Company, LLC, located at 421 Third Street

Beattie moved, Fulkerson seconded, to delete paragraph 13 and adopt Resolution No. 2014-55 - A Resolution Amending Approval for the Expansion of the Premise Area for a Brewer Taproom Liquor License for Excelsior Brewing Company, LLC, located at 421 Third Street, as amended. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Planning Commission

1. Design Standards Review, Variance and Administrative Subdivision for 478 Second Street (PC No. 14-08)

Todd Jones, 478 Second Street, addressed the Council.

Beattie moved, Fulkerson seconded, to adopt Resolution No. 2014-54 – A Resolution Approving a Minor Subdivision, Variance and Design Standards Review for 478 Second Street, PC No. 14-08/Todd Jones, subject to the conditions included in the resolution. Motion carried 4/0.

11. UNFINISHED BUSINESS

- (a) Reconsideration/Rescission of Appeal of Site Alteration Permit for a Second Story Addition, 212 Water Street

Mayor Gaylord opened the meeting for public comment at 7:54 p.m. to discuss (only) the Reconsideration/Rescission of Appeal of Site Alteration Permit for a Second Story Addition, 212 Water Street. There were no comments from the public.

Fulkerson moved, Beattie seconded, to rescind the action of the City Council from the August 18, 2014 City Council meeting. Motion carried 3/1-Miller opposed.

Mayor Gaylord opened the meeting for public comment at 7:55 p.m. to discuss the Site Alteration Permit for 212 Water Street.

Erik Hansen, Attorney Representing 200 Water Street, LLC, addressed the Council.

Aaron Thompson, Excelsior Real Estate, addressed the Council.

Bob Bolles, 229 George Street and 340 Water Street, addressed the Council.

Kellie Murphy-Ringate, 525 Third Street, addressed the Council.

11. UNFINISHED BUSINESS

- (a) Reconsideration/Rescission of Appeal of Site Alteration Permit for a Second Story Addition, 212 Water Street – *Continued*

Nancy Middleton, 203 Mill Street, No. 201, addressed the Council.

Larry Martin, Applicant, 212 Water Street, addressed the Council.

Tammy Magney, Architect for the 212 Water Street project and 540 Lake Street, addressed the Council.

Beattie moved, Miller seconded, to reconsider the vote on rescinding the August 18, 2014 City Council action. Motion carried 3/1-Fulkerson opposed.

- (b) Moratorium on Rooftop Additions

Beattie moved, Miller seconded, to amend Section 8 of the ordinance to state that the effective date is 30 days after publication, limit the effective period/duration of the ordinance to nine months, and adopt Ordinance No. 516 - An Interim Ordinance Adopting a Moratorium Suspending the Issuance of Site Alteration Permits for Roof Top Additions to Buildings in the Downtown Historic District, as amended. Motion carried 4/0.

Beattie moved, Fulkerson seconded, to create a Special Moratorium Commission of five members, consisting of two Commissioners each from the Heritage Preservation and Planning Commissions (to be recommended by Mayor Gaylord and staff), and chaired by Mayor Gaylord. Motion carried 4/0.

12. NEW BUSINESS

- (a) Approval of the Lake Minnetonka Communications Commission Budget

Miller moved, Fulkerson seconded, to approve the 2015 Lake Minnetonka Communications Commission Budget and adopt Resolution No. 2014-52 – A Resolution Approving the 2015 Budget for the Lake Minnetonka Communications Commission. Motion carried 4/0.

- (b) Approval of Lake Minnetonka Communications Commission Joint Powers Agreement

Beattie moved, Miller seconded, to approve the Lake Minnetonka Communications Commission Joint Powers Agreement and adopt Resolution No. 2014-53 – A Resolution Approving Amendments to the Lake Minnetonka Communications Commission Joint Powers Agreement. Motion carried 4/0.

- (c) Emergency Lift Station Repair and Upgrade

Beattie moved, Fulkerson seconded, to approve the Emergency Lift Station Repair and Upgrade. Motion carried 4/0.

13. ADJOURNMENT

Fulkerson moved, Beattie seconded, to adjourn at 9:09 p.m. Motion carried 4/0.

Respectfully submitted,

Shirley Johnson
City Clerk