

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

OCTOBER 20, 2014

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, Caron, Fulkerson, Miller, and Mayor Gaylord

Absent: None

Also Present: City Manager Luger, City Attorney Staunton, Finance Director Tumberg, City Planner Richards, City Planner Smith, and City Clerk Johnson

3. APPROVAL OF MINUTES

(a) City Council Work Session Meeting of October 6, 2014

Beattie moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of October 6, 2014. Motion carried 4/1-Fulkerson abstained.

(b) Regular City Council Meeting of October 6, 2014

Beattie moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of October 6, 2014. Motion carried 4/1-Fulkerson abstained.

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

Luger provided an update on the 2014 Met Council Sanitary Sewer Forcemain Project.

6. AGENDA APPROVAL

(a) Meeting Agenda

Beattie moved, Miller seconded, to approve the Meeting Agenda. Motion carried 5/0.

6. AGENDA APPROVAL

(b) Consent Agenda

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

1. Approve Verified Claims - Approve for Payment Manual Checks 80120-80170 and EFT Check 992E

Action - Approved for Payment Manual Checks 80120-80170 and EFT Check 992E

2. September 2014 Financial Reports

Action - Accepted for Filing

3. Park and Recreation Commission Minutes of August 13, 2014

Action - Accepted for Filing

4. Park and Recreation Commission Minutes of September 9, 2014

Action - Accepted for Filing

5. Planning Commission Minutes of August 5, 2014

Action - Accepted for Filing

6. Planning Commission Minutes of September 3, 2014

Action - Accepted for Filing

7. Heritage Preservation Commission Minutes of August 19, 2014

Action - Accepted for Filing

7. PUBLIC HEARINGS

(a) Public Input on the City's 2015 Budget

Tumberg presented the City's 2015 Budget. No one spoke from the audience.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) Hennepin County Update; Commissioner Callison

Commissioner Callison, Hennepin County, presented an update on Hennepin County.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (b) Lake Minnetonka Conservation District Update; Jeff Morris

Jeff Morris, Lake Minnetonka Conservation District, provided an update for the Council.

Beattie moved, Caron seconded, to keep Mr. Morris in place and solicit for an alternate during the November 1, 2014 to April 30, 2015 vacancy. Motion carried 5/0.

- (c) Mitten Pond Proposal

Nick Ruehl, 5630 Marsh Point Road, Shorewood, addressed the Council.

Ross McGlasson, 365 Lakeview Ave, Tonka Bay, addressed the Council.

Beattie moved, Miller seconded, to continue forward with the Mitten Pond Proposal and authorize Mayor Gaylord to send the letter to Dr. Dennis Peterson. Motion carried 5/0.

Beattie moved, Caron seconded, to appoint Miller and Fulkerson to the Mitten Pond Task Force. Motion carried 5/0.

- (d) Request from Ron Knutson, 353 Water Street

The Council discussed Mr. Knutson's request but took no action on this item.

9. ORDINANCES AND RESOLUTIONS

- (a) Second Reading of Ordinance No. 517 - An Ordinance to Amend Appendix E of the Excelsior City Code of Ordinances, Article 10, as it Relates to Construction Management

Beattie moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 517 - An Ordinance to Amend Appendix E of the Excelsior City Code of Ordinances, Article 10, as it Relates to Construction Management. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Planning Commission

- 1) Conditional Use Permit for Victor's on Water, 205 Water Street, Parking Impact Fee for Sidewalk Seating; Resolution No. 2014-37

Beattie moved, Caron seconded, to adopt Resolution No. 2014-37 - A Resolution Providing Conditional Use Permit Approval for Additional Parking Under the Parking Impact Fee Process at 205 Water Street, with the following amendments:

- Item 3 of the Findings of Fact – exclude the last two sentences; and
- Item 2 of Conclusions – provide that the parking impact fee will be established by the City Council as of January of each year; and
- Add a condition that the gate must be left open during restaurant hours.

Motion carried 5/0.

- 2) Conditional Use Permit for 420 Eatery, LLC, located at 420 Second Street; Parking Impact Fee (PC No. 14-09); Resolution No. 2014-56

Kay Nguyen, Owner of Excelsior Nails and Spa, 420 Second Street, addressed the Council.

Craig Holtz, 420 Second Street, addressed the Council.

Beattie moved, Caron seconded, to adopt Resolution No. 2014-56 - A Resolution Approving the Conditional Use Permit for Use of the Parking Impact Fee for 420 Second Street, with the following amendments:

- Item 2 of Conclusions – provide that the parking impact fee will be established by the City Council as of January of each year; and
- The last sentence of the 5<sup>th</sup> "Whereas" clause should provide that the City has 34 parking spaces (not 39).

Motion carried 4/1-Fulkerson opposed.

- 3) Design Standards and Site Plan Review, 420 Second Street (PC No. 14-09), Resolution No. 2014-57

Beattie moved, Caron seconded, to adopt Resolution No. 2014-57 - A Resolution Approving the Design Standards Review for Site Improvements and Exterior Changes to the Building Located at 420 Second Street, subject to the conditions listed in the resolution. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Planning Commission

- 4) Design Standards and Site Plan Review, 436 Second Street (PC No. 14-11); Resolution No. 2014-58

Steve Pint, 6750 Brendan Court, Chanhassen, addressed the Council.

Beattie moved, Caron seconded, to adopt Resolution No. 2014-58 - A Resolution Approving the Design Standards Review for Site Improvements and Exterior Changes to the Building Located at 436 Second Street. Motion carried 5/0.

- 5) Design Standards and Site Plan Review for Second Floor Addition, 212 Water Street; Resolution No. 2014-59

Larry Martin, 212 Water Street, addressed the Council.

Beattie moved, Caron seconded, to adopt Resolution No. 2014-59 - A Resolution Denying Approval for Design Standards and Site Plan Review at 212 Water Street. Motion carried 5/0.

11. UNFINISHED BUSINESS

(a) Gifting the Bell to the Excelsior-Lake Minnetonka Historical Society

Beattie moved, Fulkerson seconded, to table this item. Motion carried 5/0.

(b) Special Moratorium Commission

Beattie moved, Fulkerson seconded, to provide the Commission with the opportunity to come back to the Council for up to two more appointees, if needed. Motion carried 5/0.

(c) Southshore Center

Caron moved, Beattie seconded, to schedule a Work Session to discuss the Southshore Center Joint Powers Agreement (JPA) and any actions determined by the Council for Excelsior's position in the JPA. Motion carried 5/0.

(d) Excelsior Fire District 2015 Operating Budget and Capital Improvement Plan

Beattie moved, Miller seconded, to approve the revised 2015 Excelsior Fire District Operating Budget and Capital Improvement Plan. Motion carried 5/0.

(e) Water Tower Antenna Agreement

The Council discussed the option proposed by New Cingular Wireless PCS, LLC, but took no action on this item.

12. NEW BUSINESS

(a) None

13. ADJOURNMENT

Beattie moved, Fulkerson seconded, to adjourn at 9:51 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Johnson  
City Clerk