

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

APRIL 6, 2015

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:07 p.m.

2. ROLL CALL

Present: Councilmembers Caron, Miller, and Mayor Gaylord

Absent: Councilmembers Beattie and Fulkerson

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 March 16, 2015

Miller moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of March 16, 2015. Motion carried 3/0.

(b) Regular City Council Meeting of March 16, 2015

Miller moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of March 16, 2015. Motion carried 3/0.

4. OPEN FORUM

Mayor Gaylord presented a Plaque of Appreciation to outgoing Advisory Commissioner Patty Norman. Commissioner Wilson was unable to attend the meeting to receive his Plaque.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) 2014-15 Met Council Sanitary Sewer Forcemain Project Update

Wisdorf gave an update on the 2014-15 Met Council Sanitary Sewer Forcemain Project.

6. AGENDA APPROVAL

(a) Meeting Agenda

Caron moved, Miller seconded, to continue Item 8, Resolution No. 2015-27, and Item 10(a)1, Planned Unit Development (PUD) 400 Water Street, Resolution No. 2015-25, to the April 20, 2015 City Council meeting and approve the Meeting Agenda, as amended. Motion carried 3/0.

6. AGENDA APPROVAL

(b) Consent Agenda

Caron moved, Miller seconded, to amend Item 7, Surplus Equipment and Materials, and approve the Consent Agenda, as amended. Motion carried 3/0.

1. Verified Claims

Action - Approved for Payment Manual Checks 80604-80661 and EFT Checks 1074E-1087E.

2. February 2015 Building Permit Report

Action - Accepted for filing.

3. Heritage Preservation Commission Meeting Minutes of January 27, 2015

Action - Accepted for filing.

4. Heritage Preservation Commission Meeting Minutes of February 24, 2015

Action - Accepted for filing.

5. Proposal for Engineering Services, 2015 Sanitary Sewer Lining Project

Action - Authorized Mayor Gaylord to execute the Proposal.

6. 2015 Capital Improvement Plan

Action - Authorized Public Works to have Renner Well Company rehab well #1 for an amount not to exceed \$14,952.00.

7. Surplus Equipment and Materials

Action - Authorized Public Works to dispose of surplus City equipment and materials by scrapping or selling as deemed the most financially prudent for the City.

8. Resolution No. 2015-27 - A Resolution Recalling Councilmember Jennifer Caron and Reappointing Jeff Morris to the Lake Minnetonka Conservation District (LMCD) Board of Directors

Action - *Item continued to the April 20, 2015 City Council meeting.*

9. Permit(s) for Approval:

a. Special Event Permit, 10,000 Lakes Concours d'Elegance, June 7, 2015

Action - Approved the Special Event Permit for 10,000 Lakes Concours d'Elegance, June 7, 2015

6. AGENDA APPROVAL

(b) Consent Agenda

9. Permit(s) for Approval – *Continued*

b. Special Event Permit, Art on the Lake, June 13-14, 2015

Action - Approved the Special Event Permit, Art on the Lake, June 13-14, 2015.

c. Permit to Conduct Off-Site Gambling, NW Tonka Lions, April 25, 2015; Resolution No. 2015-28

Action - Approved the Permit to Conduct Off-Site Gambling for NW Tonka Lions and adopted Resolution No. 2015-28 - A Resolution Approving Issuance of an Off-Site Premise Permit by the State of Minnesota Gambling Authority.

7. PUBLIC HEARINGS

(a) Public Hearing for an Off Sale Intoxicating Liquor License for Kowalski's Excelsior Market, Inc., dba Kowalski's Excelsior Market, located at 440 Water Street; Resolution No. 2015-29

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

Caron moved, Miller seconded, to approve the Off Sale Intoxicating Liquor License and adopt Resolution No. 2015-29 - A Resolution Granting an Off Sale Liquor License to Kowalski's Excelsior Market, Inc., dba Kowalski's Excelsior Market, 440 Water Street, for the Remainder of the 2015 Calendar Year. Motion carried 3/0.

(b) Public Hearing for an On Sale Wine Liquor License for Tonka Java, LLC, dba Dunn Brothers Coffee Excelsior, located at 11 Water Street; Resolution No. 2015-30

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 approve the On Sale Wine Liquor License and adopt Resolution No. 2015-30 - A Resolution Granting an On Sale Wine and Intoxicating Malt Liquor License to Tonka Java, LLC, dba Dunn Brothers Coffee Excelsior, 11 Water Street, for the Remainder of the 2015 Calendar Year. Motion carried 3/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) Special Event Permit, Firecracker Run, July 4, 2015; Resolution No. 2015-31

Tim Litfin, Minnetonka Community Education, addressed the Council.

Caron moved, Miller seconded, to approve the Special Event Permit and adopt Resolution No. 2015-31 - A Resolution Imposing Temporary Parking Restrictions for July 4, 2015. Motion carried 3/0.

- (c) Special Event Permit, Lake Minnetonka 4th of July Event

Jennifer Morris, Excelsior-Lake Minnetonka Chamber of Commerce, addressed the Council.

The Council discussed the possibility of donating an additional \$1,000 towards the fireworks.

Caron moved, Miller seconded, to approve the Special Event Permit, with amplified sound until 10:00 p.m. Motion carried 3/0.

- (c) Request from the Lake Minnetonka Excelsior Rotary Club to Extend the Time for Amplified Sound at the Bingo and Burgers by the Bay Event, May 2, 2015

David Petroske, Excelsior-Lake Minnetonka Rotary Club, addressed the Council.

Miller moved, Caron seconded, to approve amplified sound until 10:00 p.m. Motion carried 3/0.

9. ORDINANCES AND RESOLUTIONS

- (a) Municipal Separate Storm Sewer System (MS4) Permit Ordinance Update

Megan Litsey, WSB & Associates, Inc., addressed the Council.

Miller moved, Caron seconded, to waive the first reading and scheduled the second reading of Ordinance No. 522 - An Ordinance to Amend Chapters 30 and 34 and Appendix E of the Excelsior City Code to Modify Stormwater Management Regulations for the April 20, 2015 City Council meeting. Motion carried 3/0.

- (b) Third Street Parking Ordinance

Miller moved, Caron seconded, to waive the first reading and scheduled the second reading of Ordinance No. 201 - An Ordinance to Amend Chapter 32 of the Excelsior City Code to Modify Parking Regulations for the April 20, 2015 City Council meeting. Motion carried 3/0.

9. ORDINANCES AND RESOLUTIONS

(c) Mobile Food Vehicles (Food Trucks)

Miller moved, Caron seconded, to waive the first reading and scheduled the second reading of Ordinance No. 525 - An Ordinance to Amend the City of Excelsior Code of Ordinances to Add Chapter 10, Article XXI. Mobile Food Trucks for the April 20, 2015 City Council meeting. Motion carried 3/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Planning Commission

- 1) Planned Unit Development (PUD) Amendment, 400 Water Street, Oppidan; Resolution No. 2015-25 (a) - *Item continued to the April 20, 2015 City Council Meeting*

(b) Heritage Preservation Commission

- 1) Design Standards Review Amendment, 421 Third Street, Excelsior Brewing Company; Resolution No. 2015-26

John Klick, Excelsior Brewing Company, addressed the Council.

Patrick Foss, Excelsior Brewing Company, addressed the Council.

Caron moved, Miller seconded, to add to Findings of Fact a condition that brick and mortar is not conducive to removal of the stucco, approve the Design Standards Review Amendment and adopt Resolution No. 2015-26 - A Resolution Approving an Amendment to the Design Standards Review, 421 Third Street, Excelsior Brewing Company. Motion carried 3/0.

11. UNFINISHED BUSINESS

(a) Appoint St. Alban's Bay Lake Improvement District Board Members

Miller moved, Caron seconded, to appoint Craig Hall as a Board Member to the St. Alban's Bay Lake Improvement District Board and leave the remaining Board Member and ex-officio positions open. Motion carried 3/0.

(b) Review Fiduciary Agent Request for Proposals (RFP)

Caron moved, Miller seconded, to approve the proposal, the RFP, appointed Heidi Tumberg, Finance Director as the fiscal agent to the St. Alban's Bay Lake Improvement District, and directed staff to forward the proposal to the City of Greenwood for consideration. Motion carried 3/0.

12. NEW BUSINESS

- (a) Excelsior Marketplace, Appeal of Zoning Interpretation at 400 and 440 Water Street

Joe Ryan, President, Oppidan Investment Company, addressed the Council.

Mike Oase, Kowalski's Companies, addressed the Council.

The Council separated the two appeals as 400 Water Street and 440 Water Street:

400 Water Street, Oppidan

The Council found that, although the window height on the George Street **façade of the 400 Water Street building deviated from the elevation approved** in the Planned Unit Development (PUD), it was consistent with approved section plans and, therefore, was not a material change from the approved plans. Accordingly, Miller moved, Caron seconded, to approve the Applicant's appeal of staff's determination. Motion carried 3/0.

440 Water Street, Kowalski's

Caron moved, Miller seconded, that though the Council may support permitting Kowalski's to leave the jumbo brick inadvertently used on the back side of the structure, the use of jumbo brick on any portion of the building is a material change from the approved design and, as such, can only be approved by an amendment of the Planned Unit Development through the amendment process provided in the City's zoning code and directing that the Applicant file an application requesting an amendment to the PUD. Motion carried 3/0.

- (b) Contract for Lifeguard Services – Minnetonka Community Education

Miller moved, Caron seconded, to approve a two-year contract with Minnetonka Community Education for Lifeguard Services at a cost not-to-exceed \$20,463 in 2015 and 2016 and authorized the City Manager to execute the contract. Motion carried 3/0.

- (c) 2015 Sewer Main

Miller moved, Caron seconded, authorizing Public Works to have the Metropolitan Council Environmental Services Contractor, S. R. Weidema, install new sanitary materials along a segment of Excelsior Boulevard as part of their contract on a time and material basis, for an estimated cost not to exceed \$27,100.00. Motion carried 3/0.

13. ADJOURNMENT

Caron moved, Miller seconded, to adjourn at 8:51 p.m. Motion carried 3/0.

Respectfully submitted,

Shirley Johnson  
City Clerk