

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

May 18, 2015

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:12 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, Finance Director Tumberg, City Planner Smith, Planning Consultant Richards, City Engineer Dawley

3. APPROVAL OF MINUTES

(a) Local Board of Appeal and Equalization Meeting of April 7, 2015

Caron moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of April 7, 2015. Motion carried 5/0.

(b) City Council Work Session Meeting of May 4, 2015

Fulkerson moved, Beattie seconded, to approve the Minutes of the City Council Work Session Meeting of May 4, 2015. Motion carried 5/0.

(c) Regular City Council Meeting of May 4, 2015

Fulkerson moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of May 4, 2015. Motion carried 5/0.

4. OPEN FORUM

(a) Presentation of Plaques of Appreciation to Outgoing Advisory Commissioner A.J. Wilson – Mayor Gaylord presented a plaque of appreciation to A.J. Wilson for his service as a Planning Commissioner.

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

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

(b) Consent Agenda

1. Approve Verified Claims - Approve for Payment Manual Checks 80739-80787 and EFT Checks 1095E-1110E

2. April 2015 Building Permit Report

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

7. PUBLIC HEARINGS

(a) Public Hearing and Approval of the 2015 Long Term Financial Plan
Finance Director Tumberg presented the 2015 Long Term Financial Plan. Mayor Gaylord opened the public hearing. No one spoke. Public hearing was closed.

Beattie moved to adopt resolution 2015-36, approving the 2015 Comprehensive Long Term Financial Plan. Miller seconded. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) Special Event Permit, Girls Night Out –
City Manager Luger present the staff report. Debra Anton, 221 Water St, representing Girls Night Out Committee, addressed the Council. Girls Night Out Committee is requesting the closure of Water Street for a variety of events. Gary Ezell, 5655 Manitou Rd., Joey Novas, addressed the Council. David Kayski, Mound, addressed the Council. Mayor Gaylord asked where people would park. Mr. Kayski responded that they would have to come up with a plan. Requesting closure of Water Street from Second Street to Third Street. Caron suggests separating the event applications and getting additional information on the events before the Council makes a decision. Beattie recommended any additional public safety fees be added to the application fee.

Caron motioned to approve the girls night out event, minus the July 30 and August 13 events. Beattie seconded. Motion carried 5/0.

(b) Request for Funding for Milfoil Demonstration Projects for Gideon's and St. Alban's Bays – Judd Bracket and Rob Roy, Lake Minnetonka Association
Rob Roy 21270 Excelsior Boulevard, Greenwood, addressed the Council. Greenwood contributed \$5000. Caron moved to support the Milfoil Demonstration Project with \$5000. Beattie seconded. Motioned passed 5/0.

(c) Liquor License Requests –

City Manager Luger presented the staff report. Currently there is no liquor licenses available. Miller would like staff to look at regulating businesses that bring in wine and food on the weekends without paying a liquor license fee.

Council suggests that staff says there's a cap but the Council would need to amend the ordinance, which would not be easy. No action needed.

9. ORDINANCES AND RESOLUTIONS

- (a) First Reading of Ordinance No. 462 - An Ordinance Amending the Liquor License Regulations Regarding Sundays

City Attorney Staunton presented the staff report. Legislature adopted new liquor statutes allowing tap rules to sell growlers on Sundays, permitting on-sale intoxicating liquor establishments to sell alcohol at 8am on Sundays instead of 10 am, and distilleries. The statute does not require a city to change its liquor laws. Staff is looking for direction on proceeding with these options. If Council expanded hours now, they could restrict them later if the City found reason to restrict the hours of selling alcohol.

Beth Maloney, Maynard's restaurant, addressed the City Council.

John Klick, Excelsior Brewery Company, 421 Third Street, addressed the City Council. Just started opening up on Sundays at noon.

Patrick Foss, Excelsior Brewery Company, 421 Third Street, addressed the City Council.

Bob Ziton, Bay View Event Center, 687 Excelsior Boulevard, addressed the City Council. Beattie moved the first reading of Ordinance 462 An Ordinance Amending the Liquor License Regulations Regarding Sundays . Miller seconded. Motion carried. 5/0.

- (b) Second Reading of Ordinance No. 523 - An Ordinance Amending the Zoning Ordinance of the Excelsior City Code to Amend Articles 18, 41, and 43 — Outside Storage of Recreational Vehicles (PC No. 14-07)

City Planner Smith presented the staff report. Beattie motioned to adopt ordinance No. 523, Fulkerson seconded. Motioned passed 4/1. Caron voted nay.

- (c) Second Reading of Ordinance No. 528 – An Ordinance to Amend Chapter 3 of the Excelsior City Code to Modify the Process for Issuing Citations for Administrative Penalties

Staunton presented the staff report. JB moved the second reading of Ordinance No. 528 – An Ordinance to Amend Chapter 3 of the Excelsior City Code to Modify the Process for Issuing Citations for Administrative Penalties. Caron second. Motioned carried 5/0.

- (d) Second Reading of Ordinance No. 527 – An Ordinance to Amend Article 19, Section 19-9 of Appendix E of the Excelsior City Code of Ordinances Pertaining to Parking Counts for Determining an Available Capacity for Parking
Planning Consultant Richards presented the staff report. Beattie moved to waive second reading and to adopt Ord No. 527 an Ordinance to Amend Article 19, Section 19-9 of Appendix E of the Excelsior City Code of Ordinances Pertaining to Parking Counts for Determining an Available Capacity for Parking. Caron seconded. Motioned carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Heritage Preservation Commission

- 1) First Reading of Ordinance No. 529 – Revising the Excelsior Downtown Historic District Boundaries (HPC No. 15-02)

Smith presented the staff report.

Kelsey Page, attorney for Burdick Cleaners located at 426 Lake Street, addressed the Council. Mr. Burdick, owner of 426 Lake Street, does not wish to be included in the Excelsior Downtown Historic District. Mr. Page does not believe the building meets the criteria to be included in the historic district.

Caron suggests the building at 426 Lake Street meets criteria #4 as an example of mid-century modern architecture. Beattie does not believe it makes sense to include the building located at 426 Lake Street because the Heritage Preservation Commission (HPC) recommended not including it.

Planning Commissioner, Cynthia Busch, 127 Bell Street, addressed the Council. Majority opinion of the Planning Commission was to include 426 Lake Street because the Comprehensive Plan supports the preservation of historic sites.

Natalie Wilson, 231 Second Street, stated that Commissioner Wallace believed the wording adopted by the Planning Commission was going against the HPC recommendation and voted against the motion.

Mr. Page again addressed the Council.

Beattie motioned to continue to second meeting in July 6th with HPC representative at the Council meeting. Caron seconded. Motion carried 5/0.

(b) Planning Commission

- 1) Amend Planned Unit Development for Kowalski's at 440 Water Street (PC No. 15-05)

Richards presented the staff report.

Mike Oase, Kowalski's, 440 Water Street, addressed the Council.

Staunton recommended adding a paragraph to the resolution stating that the installation of the jumbo brick was a mistake and that Kowalski's rectified the mistake at a substantial cost. Beattie motioned to adopt Resolution No. 2015-35 a resolution for a Planned Unit Development amendment and amended Design Standards approval at 440 Water Street. Miller seconded. Motion carried 5/0.

- 2) General Planned Unit Development (PUD), Design Standards Review, Preliminary Plat, 340 Water Street (PC No. 14-19)

Smith introduced the item.

Bill Stoddard, 420 Third Street, addressed the City Council.

Caron motioned to approve the General Plan with all parking be located on site and rooftop decks be eliminated. Fulkerson seconded. Motion failed 2/3. Fulkerson and Caron voting in affirmative and Mayor Gaylord, Beattie and Miller voting in opposition.

Bill Stoddard again addressed the City Council.

Miller motioned to approve the General Plan with the rooftop decks without a staircase going up and all parking located on site. Beattie seconded. Motion failed 3/2. Mayor Gaylord, Miller, Beattie voted in affirmative and Fulkerson and Caron voted in opposition.

Miller motioned for staff to draft a resolution approving the General Plan with 18 units, all parking on the site, no roof top decks, and a height not to exceed 34 feet. Beattie seconded. Motion carried 5/0.

11. UNFINISHED BUSINESS

- (a) Stop Signs at the Intersection of West Lake Street and Maple Street
Luger presented the item.
Jean Mueller, 401 Lafayette Avenue, addressed the Council.
Beattie motioned to remove the two stops signs on West Lake Street. Caron seconded. Motion carried 4/1. Miller voting nay.

12. NEW BUSINESS

- (a) Award Bid for Lafayette Lift Station Repairs
City Engineer Dawley presented the staff report. Beattie motioned to award the contract to Minger Construction, Fulkerson seconded. Motioned carried 5/0.

13. ADJOURNMENT

Beattie moved, Miller seconded, to adjourn at 10:32p.m. Motion carried 5/0.

Respectfully submitted,

Patrick Smith
Acting City Clerk