

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

DECEMBER 15, 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, City Planner Richards, City Engineer Dawley, Public Works Superintendent Wisdorf, Finance Director Tumberg, and City Clerk Johnson

3. APPROVAL OF MINUTES

(a) City Council Work Session Meeting of December 1, 2014

Fulkerson moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of December 1, 2014. Motion carried 5/0.

(b) Regular City Council Meeting of December 1, 2014

Fulkerson moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of December 1, 2014. Motion carried 5/0.

4. OPEN FORUM

Leon Boyd, 44 First Street, addressed the Council regarding moving the Council Chambers to the old library space.

Mayor Gaylord directed staff to schedule a Work Session to discuss this topic further.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) 2014 Met Council Sanitary Sewer Forcemain Project Update

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

6. AGENDA APPROVAL

(a) Meeting Agenda

Mayor Gaylord suggested moving Item 11(a), Excelsior Hotel, to Item 8(b). Beattie moved, Caron seconded, to approve the Meeting Agenda, as amended. Motion carried 5/0.

(b) Consent Agenda

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

1. Approve Verified Claims - Approve for Payment Manual Checks 80300-80350 and EFT Checks 1018E-1030E

Action - Approved for Payment Manual Checks 80300-80350 and EFT Checks 1018E-1030E.

2. November 2014 Financial Reports

Action - Accepted for filing.

3. November 2014 Building Permit Report

Action - Accepted for filing.

4. Paint Striper

Action - Approved purchase of a new paint striper from Painters Gear, Inc., for \$5,850.00 plus any applicable tax.

5. Permit(s) for Approval

- North American Pond Hockey Championship Tournament, DWB Memorial Foundation, January 23-25, 2015

Action - Approved Special Event Permit(s) as presented.

6. Heritage Preservation Commission Minutes of October 21, 2014

Action - Accepted for filing.

7. Planning Commission Minutes of November 5, 2014

Action - Accepted for filing.

8. Food Trucks - *Item Continued to the January 20, 2015 City Council Meeting*

Action - No action taken; item continued to January 20, 2015.

6. AGENDA APPROVAL

(c) Consent Agenda – *Continued*

9. Approve Consulting Contract with Thomas Zahn, Thomas R. Zahn & Associates, LLC - Revising Excelsior Historic Preservation Ordinance and Developing Design Guidelines

Action - Approved the contract with Thomas R. Zahn & Associates and authorized staff to apply for a Minnesota Historical & Cultural Heritage Grant.

10. 2015 Business License Renewals - Marina, Refuse Hauler, and Tobacco Licenses

Action - Approved the Business License renewals, as presented.

11. Park and Recreation Commission Minutes of November 12, 2014

Action - Accepted for filing.

7. PUBLIC HEARINGS

- (a) On Sale Intoxicating and Sunday On Sale Intoxicating Liquor License, 420 Eatery, Inc., 420 Second Street

Mayor Gaylord opened the Public Hearing at 7:08 p.m. Hearing no comments, Mayor Gaylord closed the Public Hearing.

Beattie moved, Miller seconded, to approve the On Sale Intoxicating and Sunday On Sale Intoxicating Liquor License for Kay Nguyen and Craig Holtz dba 420 Eatery, Inc., and to adopt Resolution No. 2014-62 – A Resolution Granting an On Sale Intoxicating and Sunday On Sale Intoxicating Liquor License to Kay Nguyen and Craig Holtz dba 420 Eatery, Inc., located at 420 Second Street, for Calendar Year 2015. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) Stop Sign Request

Ben Stedman, 10 George Street, addressed the Council.

Suzy Thiss, 336 West Lake Street, addressed the Council.

Leon Boyd, 44 First Street, addressed the Council.

The Council directed staff to review the location of the stop signs at George Street and Lafayette Avenue and bring back to Council for review.

8. PETITIONS, REQUEST and COMMUNICATIONS

- (b) Excelsior Hotel

Charlie James, 10 Water Street, addressed the Council.

Jay Lindgren, Partner - Dorsey & Whitney Law Firm, addressed the Council.

Carl Kaeding, Kaeding Management Group, LLC, addressed the Council.

The Council scheduled a Work Session to discuss this item further on Wednesday, January 21, 2015 at 5:30 p.m.

9. ORDINANCES AND RESOLUTIONS

- (a) Resolution No. 2014-70 - A Resolution Certifying 2014 Property Tax Levy Collectible 2015

Caron moved, Fulkerson seconded, to adopt Resolution No. 2014-70 – A Resolution Certifying 2014 Property Tax Levy Collectible 2015. Motion carried 5/0.

- (b) Resolution No. 2014-71 - A Resolution of the Excelsior City Council Setting the 2015 Budget

Caron moved, Beattie seconded, to adopt Resolution No. 2014-71 – A Resolution of the Excelsior City Council Setting the 2015 Budget. Motion carried 5/0.

- (c) Resolution No. 2014-72 - A Resolution Setting License and Permit Fees and Utility Rates

Beattie moved, Caron seconded, to adopt Resolution No. 2014-72 – A Resolution Setting License and Permit Fees and Utility Rates. Motion carried 5/0.

Councilmember Fulkerson excused herself from the meeting at 8:58 p.m.

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 Lower Level (PC No. 14-16)

Beattie moved, Miller seconded, to direct the Planning Commission to look at the issue of the number of seats that should be assigned to the space and also look at the issue of a formula that could be applied for relief of utilizing private parking for valet. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Planning Commission

- 2) Amend Appendix E to Add Section 51-7, Design Standards, Within the B-2 District for a 50 Foot Setback on Water Street

Caron moved, Miller seconded, to waive the first reading of Ordinance No. 520 - An Ordinance to Amend Appendix E of the Excelsior City Code of Ordinances, Article 51, B-2 General Business District, Section 51-8, Design Standards, and schedule the second reading for the January 5, 2015 City Council meeting. Motion carried 4/0.

11. UNFINISHED BUSINESS

(a) Excelsior Hotel – *Item moved to 8(b)*

Caron moved, Beattie seconded, to extend the final application deadline for the hotel project to March 2, 2015. Motion carried 4/0.

(b) Southshore Center

Karen Schott, 320 Oak Street, addressed the Council.

Beattie moved, Miller seconded, to approve that Mayor Gaylord send the letter to Mayor Zerby regarding Southshore Center. Motion carried 4/0.

(c) Oak Street Sidewalk - Receive Bids

Bob Bolles, 229 George Street and 320 Water Street, addressed the Council.

Beattie moved, Miller seconded, to adopt Resolution No. 2014-74 - A Resolution Accepting Bid for Oak Street Sidewalk Improvement Project. Motion carried 4/0.

(d) Special Event Policy

Myrle MacKenzie, 180 George, addressed the Council.

Beattie moved, Miller seconded, to approve the Special Event Policy, as presented. Motion carried 4/0.

12. NEW BUSINESS

(a) 2015 Liquor License Renewals

Beattie moved, Miller seconded, to approve the 2015 Liquor License renewals, as presented. Motion carried 3/1 – Caron recused.

12. NEW BUSINESS

(b) 2015 Residential Dock Rates

Andrew Punch, Park and Recreation Commissioner, addressed the Council.

Beattie moved to adopt a flat dock rate of \$2,000 and eliminate the senior dock rate. Motion failed for lack of a second.

Miller moved, Caron seconded, to increase dock rates overall by two percent, eliminate the senior rate, establish a two-tier rate structure based on a 20 foot and a 24 foot rate, and phase in the elimination of senior rates, the two-tier rate structure and increase over four years. Motion failed 2/2.

Beattie moved to eliminate the senior rate, adopt Option 1 with a three percent increase, all in year one. Motion failed for lack of a second.

Miller moved to adopt a one tier rate structure of \$2,400 and eliminate the senior rates, both phased in over four years. Miller withdrew the motion.

Miller moved, Caron seconded, to increase the current rate structure by two percent and keep the senior rates. Motion failed 2/2.

Beattie moved, Miller seconded, to adopt Option 1 with a three percent increase. Motion carried 4/0.

13. ADJOURNMENT

Caron moved, Beattie seconded, to adjourn at 10:55 p.m. Motion carried 4/0.

Respectfully submitted,

Shirley Johnson  
City Clerk