

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

October 17, 2016  
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 Carlson, Miller, Mayor Gaylord

Absent: Councilmembers Beattie and Caron

Also Present: City Manager Luger, City Attorney Staunton, City Engineer Dawley, Finance Officer Malecha, Planning Director Smith, Event Coordinator Edwards and City Clerk Orlofsky

3. APPROVAL OF MINUTES

(a) Work Session Minutes of October 3, 2016

Carlson moved, Miller seconded, to approve the October 3, 2016 Work Session Meeting Minutes. Motion carried 3/0.

(d) Regular Meeting Minutes October 3, 2016

Carlson moved, Miller seconded, to approve the October 3, 2016 City Council Minutes as amended. Motion carried 3/0.

4. OPEN FORUM

(a) South Lake Minnetonka Police Department Coordinating Committee Update

Mayor Gaylord provided a summary of the October 12th meeting.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) None

6. AGENDA APPROVAL

(a) Meeting Agenda

Carlson moved, Miller seconded, to approve the October 17, 2016 City Council Agenda as amended. Motion carried 3/0.

(b) Consent Agenda

Carlson moved, Miller seconded, to add Item 6(b)11– Approve Quote to Repair Catch Basin at 175 Maple Street to the Consent Agenda, and to Approve the October 17, 2016 Consent Agenda as amended. Motion carried 3/0.

1. Approve Verified Claims - Approve for Payment Manual Checks 82326 - 82364 and EFT Checks 1352E -1356E  
  
Action – Approved for Payment Manual Checks 82326-82364 and EFT Checks 1352E – 1356E.
2. September Building Permit Report  
  
Action – Accepted for filing.
3. Park and Recreation Commission Minutes, September 13, 2016  
  
Action – Accepted for filing.
4. City Manager Contract  
  
Action –Approved the City Manager Employment Agreement.
5. Excelsior Fire Department’s Request to Purchase a New Ladder/Aerial Truck  
  
Action – Authorized the EFD Board and the Fire Chief to purchase a new ladder/aerial truck, specifically the Pierce Ascendant 107.
6. Second Reading of Ordinance No. 547 – FEMA Ordinance  
  
Action – Waived the Second Reading and Adopted Ordinance No. 547, amending the Floodplain Ordinance.
7. Second Reading of Ordinance No. 546 – Front and Rear Yard Setbacks  
  
Action – Waived the Second Reading and Adopted Ordinance No. 546, an Ordinance to amend Appendix E, Articles 10 and 43 of the Excelsior City Code regarding front and rear yard setbacks for the R-2 zoning district and construction management.
8. Proposed Lease Agreement for 810 Excelsior Boulevard  
  
Action – Approved the lease agreement with Magney Construction for 810 Excelsior Boulevard.
9. Special Event Permit Amendment for Christkindlsmarkt Fireworks  
  
Action –Approved the addendum to the Christkindlsmarkt Special Event permit to allow fireworks on Saturday, November 26, 2016.
10. Resolution to Appoint Additional Election Judges for 2016 Elections  
  
Action – Adopted Resolution No. 2016-49 – A Resolution Appointing Additional Judges to Serve at the 2016 General Election.

(b) *Consent Agenda – Continued*

11. Approve Quote to Repair Catch Basin at 175 Maple Street

Action –Approved the quote for the repair of the catch basin at 175 Maple Street, from Parrott Contracting, Inc. for the amount of \$5,525.00; with the work to be completed this fall.

7. PUBLIC HEARING

(a) Public Hearing for Waters Tax Increment Financing

Mayor Gaylord opened the Public Hearing at 7:09 p.m.

Todd Frostad, Frostad Development, addressed the City Council.

Carlson moved, Miller seconded, to continue the Public Hearing for the consideration of (a) establishing Municipal Development District No. 2, (b) adopting a Development Program for the Development District, (c) establishing TIF district No. 2-1, and (d) approving and adopting the proposed TIF Plan, and continue the public hearing until a later date when other steps have been taken and approved prior to the TIF District being established, until the November 21, 2016 City Council Meeting. Motion carried 3/0.

(b) Public Hearing for Delinquent Utilities and other City Charges

Mayor Gaylord opened the public hearing at 7:25 p.m.

Hearing no comments from the public. Mayor Gaylord closed the public hearing at 7:26 p.m.

Carlson moved, Miller seconded, to adopt Resolution No. 2016-44 – A Resolution Levying Assessments for Costs Incurred by the City for Delinquent Utilities and Other Charges. Motion carried 3/0.

(c) Public Hearing to consider increasing the fee for the Brewer On Sale License Excelsior Brewery Company, LLC, dba Excelsior Brewing Company, at 421 Third Street

Opened the public hearing at 7:32 p.m.

Patrick Foss, from Excelsior Brewery, addressed the City Council.

Hearing no other comments from the public. Mayor Gaylord closed the public hearing at 7:37 p.m.

Carlson moved, Miller seconded, to amend Resolution 2016-48 – A Resolution Amending the Annual Fee for the Brewer Taproom On Sale License t Excelsior Brewery Company, LLC, dba Excelsior Brewery, to Off – Sale \$240.00 and On-Sale \$1,260.00, for the 2017 Calendar Year. Motion carried 3/0.

7. PUBLIC HEARING - CONTINUED

- (d) Public Hearing On Sale Wine License for Rilly Rilly Productions, LLC dba 318 Café, 318 Water Street

Mayor Gaylord opened the public hearing at 7:41 p.m.  
Hearing no comments from the public. Mayor Gaylord closed the public the public hearing at 7:42 p.m.

Miller moved, Carlson seconded, to approve Resolution No. 2016-43 – A Resolution Granting an On Sale Wine and Intoxicating Malt Liquor License to Rilly-Rilly Productions, LLC, dba 318 Café, for the remainder of the 2016 Calendar year.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) Hazardous Building Order – 101 West Lake Street

Carlson moved, Miller seconded, to extend the Hazardous Building Order until May 1, 2017. Motion carried 3/0.

9. ORDINANCES and RESOLUTIONS

- (a) None

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- (a) None

11. UNFINISHED BUSINESS

- (a) Heritage Preservation Commission Appointment

Carlson moved, Miller seconded, to continue this item to the November 7<sup>th</sup>, City Council meeting. Motion carried 3/0.

- (a) Opportunity to Accept a Shed at 166 Linwood Avenue

John Gillis, 166 Linwood Avenue, addressed the City Council.

Miller moved, Carlson seconded, to let the owners use the property as they see fit. Motion carried 2/1 with Carlson opposed.

12. NEW BUSINESS - CONTINUED

(b) 2017 Street and Utility Improvement Project Feasibility Report

Carlson moved, Miller seconded, to authorize preparation of plans and specifications for the 2017 street and utility improvement project and Adopt Resolution No. 2016-47 – A Resolution Receiving the Feasibility Report and Calling for a Public Hearing Regarding the 2017 Street and Utility Improvement Project. Motion carried 3/0.

(c) Donating and Disposing of Surplus Equipment

Carlson moved, Miller seconded, to adopt the City of Excelsior Donation of Surplus Equipment to a Nonprofit Organization Policy. Motion carried 3/0.

Carlson moved, Miller seconded, to approve the parking meters and old street signs as surplus equipment that are eligible for donation. Motion carried 3/0.

Carlson moved, Miller seconded, to set the fee for purchasing a coin operated parking meter at \$75 per meter and \$25 per old street sign. Motion carried 3/0.

13. ADJOURNMENT

Miller moved, Carlson seconded, to adjourn at 8:28 p.m. Motion carried 3/0.

Respectfully submitted,

Ann Orlofsky  
City Clerk