

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, November 18, 2013

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:04 p.m.

2. ROLL CALL

Present: Councilmembers Beattie, Caron, Fulkerson, Miller, and Mayor Gaylord

Absent: None

Also Present: Interim City Manager Johnson, City Attorney Staunton, City Planner Braaten, Public Works Superintendent Wisdorf, and City Clerk Murphy

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of November 4, 2013

Beattie moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of November 4, 2013. Motion carried 5/0.

b. Regular City Council Meeting of November 4, 2013

Beattie moved, Fulkerson seconded, to approve the Minutes of the Regular City Council Meeting of November 4, 2013. Motion carried 5/0.

4. OPEN FORUM

Mayor Gaylord presented a certificate of appreciation to Riley Nelson, Caricature Artist, to thank him for his work and donating all of the proceeds to Children's Surgery International.

Mayor Gaylord presented a certificate of appreciation to David Wright for his service on the Planning Commission from March 2011 to September 2013.

No one appeared before the Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Wisdorf gave an update on the 2013 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

Beattie moved, Caron seconded, to approve the consent agenda. Motion carried 5/0.

1. Verified Claims

Action - Approve for Payment in the Amount of \$121,230.94, EFT Checks 800 to 805 and Manual Checks 79084 to 79128

2. Special Event Permit - Mount Calvary Lutheran Church, Advent Festival/ Hayride, December 1, 2013

Action - Approve Special Event Permit - Mount Calvary Lutheran Church, Advent Festival/ Hayride, December 1, 2013

3. Special Event Permit - DWB Memorial, LLC, North American Pond Hockey Tournament, January 24 - 26, 2014

Action - Approve Special Event Permit - DWB Memorial, LLC, North American Pond Hockey Tournament, January 24 - 26, 2014

4. Resolution No. 2013-56 - A Resolution Approving Execution of MnDOT Agreement No. 04597 with the State of Minnesota

Action - Adopt Resolution No. 2013-56 - A Resolution Approving Execution of MnDOT Agreement No. 04597 with the State of Minnesota

5. 2014 City of Excelsior Property/Liability Insurance Renewal

Action - Approve 2014 City of Excelsior Property/Liability Insurance Renewal and Not Waive the Monetary Limits on Municipal Tort Liability

6. Monthly Building Permit Report - October 2013

Action - Accept for Filing

7. Monthly Financial Report - October 2013

Action - Accept for Filing

8. Planning Commission Minutes for October 8, 2013

Action - Accept for Filing

9. Park and Recreation Commission Minutes for October 15, 2013

Action - Accept for Filing

7. PUBLIC HEARINGS

- (a) Public Hearing on Assessment for Delinquent Utilities, Parking Maintenance, and Other Miscellaneous Charges

Finance Officer Tumberg presented the assessments for delinquent utilities, parking maintenance, and other miscellaneous charges.

Mayor Gaylord opened the public hearing at 7:12 p.m. Hearing no comments, Mayor Gaylord closed the public hearing.

Beattie moved, Caron seconded, to adopt Resolution No. 2013-57 - A Resolution Levying Assessment for Costs Incurred by the City for Delinquent Utilities and Other Charges. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Farmer's Market End of Season Review

Laura Hotvet, Executive Director, Excelsior-Lake Minnetonka Chamber of Commerce, addressed the Council.

Deb Hoen, Manager, Farmer's Market, addressed the Council.

Autumn Kay, Excelsior Lake Minnetonka Chamber of Commerce, addressed the Council.

Fulkerson moved, Beattie seconded, to continue the Farmer's Market on Water Street in 2014 and review this item again at the end of the 2014 season. Motion carried 5/0.

- b. Request for Downtown Decorative Lighting - Excelsior Lake Minnetonka Chamber of Commerce

Beattie moved, Caron seconded, to approve the decorative white lighting for the ticket booth and trees at the Port of Excelsior, with the condition that all decorative lighting be removed by January 21, 2014. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. Second Reading of Ordinance No. 506 - An Ordinance to Amend Chapter 16 to Add Article V, Sections 16-171 through 16-177 - Prohibiting the Sale and Use of Coal Tar Sealant Products Within the City of Excelsior, Minnesota

Beattie moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 506 - An Ordinance to Amend Chapter 16 to Add Article V, Sections 16-171 through 16-177 - Prohibiting the Sale and Use of Coal Tar Sealant Products Within the City of Excelsior, Minnesota. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. Variance from Rear and Side Yard Setback Requirements Per Article 41 of Appendix E, Sec. 41-7 for an Attached Garage Addition at 335 College Avenue, P.I.D.# 34-117-23-13-0043 – Debra Hutchinson and Greg Miller

Miller recused himself and left the Council table to sit in the audience.

Greg Miller, the Applicant, 335 College Avenue, addressed the Council.

Dan Wallace, Planning Commission Liaison, addressed the Council.

Mayor Gaylord opened the public hearing at 7:59 p.m. Hearing no comments, Mayor Gaylord closed the public hearing.

Caron moved, Fulkerson seconded, to adopt Resolution No. 2013-58 - A Resolution Granting a Variance from the Rear Yard and Side Yard Setbacks at 335 College Avenue, with the additional finding pertaining to the five (5) foot side yard setback that is already in existence in the neighborhood across the street. Motion carried 4/0.

Councilmember Miller rejoined the Council.

2. Proposed Ordinance to Amend Article 4, Administration - Conditional Use Permits, Article 5, Administration - Interim Use Permits, Article 6, Administration - Variances, Article 9, Administration - Site Plan Review, and Article 65, PUD, Planned Unit Development District of Appendix E of the Excelsior City Code of Ordinances Related to Administrative Extensions

Beattie moved, Fulkerson seconded, to waive the first reading of the Ordinance to Amend Article 4, Administration - Conditional Use Permits, Article 5, Administration - Interim Use Permits, Article 6, Administration - Variances, Article 9, Administration - Site Plan Review, and Article 65, PUD, Planned Unit Development District of Appendix E of the Excelsior City Code of Ordinances Related to Administrative Extensions, and schedule the second reading and adoption for the December 2, 2013 Council meeting. Motion carried 5/0.

11. UNFINISHED BUSINESS

None

12. NEW BUSINESS

a. Excelsior Fire District Relief Association Funding

Beattie moved, Fulkerson seconded, to direct Councilmember Miller to support a four (4) percent increase for the Excelsior Fire District Relief Association in 2014, and implement the policy that was presented starting in 2015, including a two (2) percent increase at 110 percent coverage, and zero (0) percent increase at less than 110 percent coverage. Motion carried 5/0.

12. NEW BUSINESS

b. Schedule City Council Executive Sessions for Monday, December 2, and Monday, December 16, at 6:00 p.m. for Union Negotiations

Beattie moved, Caron seconded, to schedule City Council Executive Sessions for December 2 and December 16, 2013, at 6:00 p.m. for union negotiations, with the regularly scheduled Work Session meeting to follow the closed Executive Session. Motion carried 5/0.

13. ADJOURNMENT

Beattie moved, Fulkerson seconded, to adjourn at 8:41 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Murphy  
City Clerk