

City of Excelsior  
Regular Council Meeting

MINUTES

Monday, February 1, 2021

6:30 P.M.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 6:37 P.M. This meeting was a remote meeting conducted via Zoom.

2. ROLL CALL

City Council: Mayor Carlson and Councilmembers Caron, Dierking, Hersman, and Kurschner

Absent: None

Also Present: City Manager Luger, City Attorney Staunton, City Engineer Dawley, City Planner Becker, Public Works Superintendent Amundsen, Finance Officer Potter, and City Clerk Williams

Attorney Staunton stated in accordance with the requirements of Minnesota Statutes Section 13D.021, the Mayor, the City Manager and the City Attorney have determined that an in-person meeting is not practical or prudent because of the "COVID-19 Health Pandemic" emergency declared under Chapter 12 of the Minnesota Statutes. All staff and City Council members will be participating by telephone or other electronic means. All actions votes will be recorded as roll call votes.

3. APPROVAL OF MINUTES

(a) January 19, 2021 Work Session Minutes

Hersman moved, Dierking seconded, to approve the January 19, 2021 Work Session Minutes. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

(b) January 19, 2021 City Council Minutes

Caron moved, Kurschner seconded, to approve the January 19, 2021 City Council Minutes. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

4. OPEN FORUM

Peter Hartwich, 186 George Street, addressed the Council about the pavilion and concession stand that will be built at the Commons.

Dan Brattland, 6 Third Street, appeared before the Council with concerns regarding Dock Cinema's preservation. The Council will appoint a Councilmember to the subcommittee under new business.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) Excelsior-Lake Minnetonka Chamber of Commerce Update

Jen Weiss, Excelsior-Lake Minnetonka Chamber of Commerce, gave an update on Q4 business revenues.

6. MEET EXCELSIOR

Kellie and Gary Ringate, Gary's First Class Car Care, 266 Highway 7, addressed the City Council.

7. AGENDA APPROVAL

(a) Meeting Agenda

Kurschner moved, Caron seconded, to approve the February 1, 2021 Meeting Agenda, switching the order of Items 8(b) and 8(d), and with the addition of Dock Cinema Subcommittee to Item 13(a). On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

Kurschner moved, Hersman seconded, to approve the February 1, 2021 Consent Agenda. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

1. Review Verified Claims under \$20,000 and Approve Verified Claims over \$20,000

Action – Reviewed verified claims under \$20,000 and Approve Verified Claims over \$20,000.

2. January 2021 Building Permit Report

Action - Approve January building permit report.

3. Special Event Ordinance Amendment Adding Home Tour Event Ordinance

Action – Waived the first reading of Ordinance No. 623 – An Ordinance to Amend Chapter 10, Article XIV of the Excelsior City Code.

4. Seasonal Load Restrictions

Action – Approve enactment and posting of revised seasonal load restrictions and designated roadways.

5. Extension of Local Emergency Declaration

Action – Adopt Resolution 2021-10 Extending the Local Emergency Declaration.

6. Second Reading of Utility Billing Ordinance Amendment

Action – Waived the second reading and adopt Ordinance No. 624 – An Ordinance to Amend Chapter 34, Article IV, Section 91 of the Excelsior City Code.

7. Approve 2021 Business Licenses Renewals

Action – Approve 2021 Business Licenses Renewals

8. Hiring Smith and Main

Action – Adopt Resolution 2021-11 Authorizing Staff to Apply for Certified Grant Local Government Grant to Hire a Consultant to Study and Evaluate a List of Potential Historic Sites for Local Designation and Hire Smith & Main

9. East Parking Lot Improvement Project – Authorize Advertisement for Bids

Action – Authorize the advertisement for bidding for the East Parking Lot Improvements Project.

8. PUBLIC HEARINGS

- (a) Award Pavilion Bids, Approve GMP, Approve C4C Contract, and Assign Subcontracts to Gardner

Eric Snyder, Community for Commons (C4C), addressed the Council about C4C's contribution to the project.

Peter Hartwich, 186 George Street, addressed the Council about concerns regarding the pavilion project.

Caron moved, Hersman seconded, to adopt Resolution 2021-12 A Guaranteed Maximum Price Addendum and Awarding Contracts for Work to Gardner Builders. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

Hersman moved, Caron seconded, to adopt Resolution 2021-13 Funding Agreement between the City of Excelsior and Community for Commons. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

(b) 366 Oak Street Addition and Porch Variances (Amended)

Tony and Camilla Larson, Applicants, commented regarding the application.

Kurschner moved, Hersman seconded, to adopt Resolution 2021-08 Approving Variances from the Minimum Required Side Yard Setback, Exceeds the Maximum Coverage of all Garage and Accessory Buildings as well as Maximum Wall Height, does not meet the Requirement that a Garage with Non-Street Facing Garage Doors be Recessed at least Six Feet from the Longest Front Wall Plane. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

(c) 678 Pleasant Street Garage Variances

Mark Knapp, Applicant, commented regarding the application.

Caron moved, Kurschner seconded, to continue this item at the February 16<sup>th</sup> meeting. On a roll call vote, Dierking, Caron, Hersman, and Kurschner voted yes; Carlson voted no stating he would be ready to take action but understands the Council's concerns. Motion carried 4/1.

(d) 173 Second Street Minimum Lot Size Variance and Preliminary and Final Plat (Amended)

Bill Stoddard, Applicant, addressed the Council and presented a PowerPoint explaining the proposed variance.

John Gilles, 166 Linwood Ave, addressed the Council with concerns regarding the proposed size of the lot and stormwater run-off.

Bob Bolles, 229 George Street, addressed the Council in support of the applicant and the use of the Good Neighbor Guidelines.

Paul Larson addressed the Council in support of the applicant's proposed variance.

Ned Shugrue, 151 Second Street, addressed the Council in support of the proposed variance.

Peter Hartwich, 186 George Street, addressed the Council with concerns of the proposed variance.

Katie Heffelfinger, 270 Third Street, addressed the Council in support of the proposed variance.

Rennie Piontek, 177 West Lake Street, addressed the Council with concerns regarding the maintenance of green and blue space and stormwater management.

Kurschner moved, Caron seconded, to continue this item to the February 16<sup>th</sup> meeting, and appointing Councilmembers Caron and Kurschner to bring back additional findings. On a roll call vote, Dierking, Caron, Hersman, Kurschner and Carlson voted yes. Motion carried 5/0.

9. PETITIONS, REQUESTS and COMMUNICATIONS

(a) Lakeside Networks Agreement

Caron moved, Kurschner seconded, to approve the Water Tower Site Agreement with Lakeside Networks contingent on them abiding by all recommendations and adjusting the lease term to 1 year with a 3-year extension. On a roll call vote, Dierking, Caron, Hersman, Kurschner and Carlson voted yes. Motion carried 5/0.

10. ORDINANCES and RESOLUTIONS

(a) None

11. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) None

12. UNFINISHED BUSINESS

(a) Commercial District Ordinance Amendment

Hersman moved, Dierking seconded, to continue this item at the February 16<sup>th</sup> meeting. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

13. NEW BUSINESS (Amended)

(a) Dock Cinema Subcommittee

Hersman moved, Dierking seconded, to appoint Councilmember Kurschner to the Dock Cinema Subcommittee. On a roll call vote, Dierking, Caron, Hersman, Kurschner, and Carlson voted yes. Motion carried 5/0.

14. ADJOURNMENT

Hersman moved, Caron seconded, to adjourn the meeting at 10:12 P.M. On a roll call vote, Dierking, Kurschner, Hersman, Caron, and Carlson voted yes. Motion carried 5/0.

Respectfully submitted,  
Nalisha Williams, City Clerk