

City of Excelsior
City Council Meeting

MINUTES

Monday, May 4, 2020

6:30 P.M.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 6:35 p.m. This meeting was a remote meeting conducted via Zoom.

2. ROLL CALL

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

Absent: None

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Amundsen, Planning Director Becker, Finance Director Horn and City Clerk Peterson

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) April 20, 2020 Closed Session Minutes

Dierking moved, Kurschner seconded, to approve the April 20, 2020 Closed Session Minutes. On a roll call vote, Dierking, Kurschner, Miller and Caron voted yes; Carlson abstained. Motion carried 4/1.

(b) April 20, 2020 Work Session Minutes

Caron moved, Dierking seconded, to approve the April 20, 2020 Work Session Minutes. On a roll call vote, Caron, Dierking, Kurschner and Miller voted yes; Carlson voted yes; Carlson abstained. Motion carried 4/1.

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- (c) April 20, 2020 City Council Minutes

Caron moved, Kurschner seconded, to approve the April 20, 2020 City Council Minutes. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

4. OPEN FORUM

None

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 the operations of the Chamber.

- (b) Excelsior Fire District Board Meeting Update

Councilmember Dierking presented an update on the Excelsior Fire District Board Meeting.

- (c) 2019/2020 Project Update

Public Works Superintendent Amundsen gave an update on the 2019 and 2020 Street and Utility Projects.

- (d) Public Works Update

Public Works Superintendent Amundsen gave an update on departmental operations.

- (e) City Hall Update

City Manager Luger gave an update on City Hall operations.

- (f) Project Advisory Committee Update (Bandshell)

Councilmember Caron presented an update on the Project Advisory Committee regarding the bandshell.

6. AGENDA APPROVAL

(a) Meeting Agenda

Kurschner moved, Caron seconded, to approve the May 4, 2020 Meeting Agenda. On a roll call vote, Kurschner, Caron, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

Kurschner moved, Miller seconded to approve the consent agenda. On a roll call vote, Kurschner, Miller, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

1. Approve Verified Claims – Approve for Payment Manual Checks #086384 – #086415 and Electronic Checks #2128-2145

Action – Approved for payment manual checks #086384 – #086415 and Electronic Checks #2128-2145.

2. April Building Permit Report

Action – Accepted April building permit report.

3. Amendment of Purchase Agreement for 810 Excelsior Boulevard

Action – Approved the first amendment to the purchase agreement for 810 Excelsior Boulevard.

4. Commission Review Table for The Commons and Port

Action – Approved the Commission Review Table for The Commons and Port.

5. Local Emergency Declaration

Action – Information only - no action needed.

6. Accept Donation of Homemade Masks for Excelsior Fire District

Action – Adopted Resolution No. 2020-25 Accepting In-Kind Donations of homemade masks by the Excelsior Fire Department.

7. April Financial Report

Action – Accepted April financial report for filing.

7. PUBLIC HEARINGS

- (a) Finance Director Horn presented background information on the Street Reconstruction Bonds for the 2020 Street and Utility Improvement Project.

Mayor Carlson opened the public hearing. With no one appearing before the Council, Mayor Carlson closed the public hearing.

Doug Green, Bond Consultant with Baker Tilly, presented information regarding the issuance of street reconstruction bonds for the 2020 Street and Utility Improvement project.

Caron moved, Kurschner seconded, to adopt Resolution No. 2020-27 Adopting a Street Reconstruction Plan and Approving the Issuance of General Obligation Street Reconstruction Bonds. On a roll call vote, Caron, Kurschner, Dierking and Carlson voted yes; Miller voted no being in favor of a lesser project. Motion carried 4/1.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) Utilizing The Commons during COVID-19

City Manager Luger summarized various aspects of The Commons with COVID-19 asking for direction on events, beaches, restrooms, docks and playgrounds.

The Council directed staff to charge a \$50 use fee for events/classes for Excelsior businesses and organizations through the end of June with a plan that is consistent with Governor Walz's order and CDC guidelines and garbage disposal, as appropriate.

Kurschner moved, Miller seconded to keep the beach open for the summer. On a roll call vote, Kurschner, Miller, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

Dierking moved, Caron seconded, to not staff lifeguards at the beach and post "Swim at Your Own Risk" signs. On a roll call vote, Dierking, Caron and Carlson voted yes, Kurschner and Miller voted no. Motion carried 3/2.

Dierking moved, Kurschner seconded, to close the restrooms at The Commons revisiting this decision at the first meeting of June. Dierking, Kurschner, Miller and Carlson voted yes; Caron voted no stating she prefers to open our restrooms and staff clean them noting one person in restroom at a time. Motion carried 4/1.

Kurschner moved, Miller seconded to rent one ADA porta-potty cleaned three times a week. On a roll call vote, Kurschner, Miller, Dierking and Carlson voted yes; Caron voted no for the same reasons as priorly stated. Motion carried 4/1.

The Council will not close docks at this time but will revisit if complaints of large gatherings by dock users and dock users not complying with social distancing are received.

The Council will continue to have the playground at The Commons closed. This will be revisited the first meeting of June.

(b) Request to Extend the Charter Dock

Jack Lynch, Paradise Charter Boat Captain, addressed the City Council to explain the request.

Dave Lawrence, Paradise Charter Cruises, addressed the City Council to explain the request.

Lance Black, 274 Lake Street, addressed the City Council, expressing his concerns regarding the request stating he is not in support of it.

Miller moved, Kurschner seconded, to approve extending the Charter Dock with spaces C3 and C4 by twelve feet with the funding coming from the Dock Fund. On a roll call vote, Miller, Kurschner, Caron and Carlson voted yes; Dierking voted no. Motion carried 4/1.

(c) Honoring Minnetonka Graduates

Angie Lindberg, Minnetonka High School Class of 2020 Senior Party Committee, addressed the City Council explaining the request to install 800 signs and a banner in Excelsior from June 6th through June 13th to honor Minnetonka graduates.

Andrea Arabanos, Minnetonka High School Class of 2020 Senior Party Committee, addressed the City Council to answer questions regarding the request.

Miller moved, Kurschner seconded, to grant the Minnetonka High School Class of 2020 Senior Party Committee permission to install 800 signs and a banner in Excelsior from June 6th to June 13th to honor Minnetonka graduates with requests from other schools only being considered for the month of June. On a roll call vote, Miller, Kurschner and Carlson voted yes; Caron voted no; and Dierking abstained. Motion carried 3/1/1.

9. ORDINANCES and RESOLUTIONS

(a) Business Support

Temporary To-Go Parking Reservation

Duff Smith, Olives, addressed the City Council regarding temporary parking for restaurants.

Miller moved, Caron seconded to allocate ten parking spots in both the East and West Parking Lots with numbered spots for retail/restaurant pickup and two spots on the East and West side of Water Street. On a roll call vote, Miller, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 5/0.

Expanded Sidewalk Seating in Front of Other Store Fronts, either Occupied or Vacant and Expanding Sidewalks into Parking Areas

Duff Smith, Olives, addressed the City Council in support of expanding outdoor seating and sidewalk café requirements.

Miller moved, Kurschner seconded, to allow restaurants expanded seating capacity in front of store fronts to adjacent sidewalk frontage based on

signed agreements between the parties of both properties; to allow individual restaurants to expand their seating areas in the back specifically for their establishment on their property; to waive the sidewalk café fees, to waive HPC review of the sidewalk café permits and to waive the first reading of Ordinance No. 606. On a roll call vote, Miller, Kurschner, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

Water Street Closure

Jen Weiss, Excelsior-Lake Minnetonka Chamber of Commerce, addressed the City Council regarding the reasons behind retailers being in favor of closing Water Street.

This item will be brought back to the May 18 City Council meeting for further discussion

Liquor License Amendments

Staff will bring back more information regarding amendment of liquor licenses to the May 18 City Council meeting. The Council would like staff to research the possibility of restaurants selling hard liquor.

Parking Impact/Parking Maintenance Fees Reduction/Cancellation

Miller moved, Kurschner seconded, to refund 100% of the last year's parking impact fee to restaurants paid in August 2019 and 50% of parking maintenance fees to businesses paid in August 2019. On a roll call vote, Kurschner, Miller and Carlson voted yes; Caron, Dierking voted no. Motion carried 3/2.

Liquor License Fee Proration

Caron moved, Kurschner seconded, to prorate the liquor license fee to refund for the dates the restaurants were closed per the Governor's order for the one-month period. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson yes. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

1. Parks and Recreation Commission
 - (a) Water/Oak Street Gateway Master Plan Concepts
2. Historic Preservation Commission
 - (b) Landmark Incentives

Miller moved, Caron seconded, to continue items 10(a) Water/Oak Street Gateway Master Plan Concepts and 10(b) Landmark Incentives. On a roll call vote, Miller, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 5/0.

11. UNFINISHED BUSINESS

(a) Unresolved Items

City Manager Luger presented a summary of unresolved items.

The Council directed staff to go ahead with the following topics, as time permits, via remote meetings:

- College Lake (Met Council Project)
- Heritage Preservation Ordinance

- Residential Review Board, Good Neighbor Guidelines and Floor Area Ratio (FAR) – This item will be on the May 18 Council Meeting agenda for Council discussion to give Planning Commission direction. Public comment will not be taken at the Council Meeting regarding this topic. The Council will take public input on this item at a future meeting which will be publicized on the City website.

12. NEW BUSINESS

(a) None

13. ADJOURNMENT

Miller moved, Dierking seconded, to adjourn the meeting at 11:42 p.m. On a roll call vote, Miller, Dierking, Caron, Miller and Carlson voted yes. Motion carried 5/0.

Respectfully submitted,
Lynette R. Peterson, City Clerk