

City of Excelsior
City Council Meeting

MINUTES

Monday, May 18, 2020

6:30 P.M.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 6:41 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

(b) May 4, 2020 Work Session Minutes

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

(c) May 4, 2020 City Council Minutes

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

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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) Minnehaha Update

Mayor Carlson presented an update on the Minnehaha.

(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. The Council requested the College/Water Street Project be an agenda item at Council Strategy Session on May 28.

(e) City Hall Update

City Manager Luger gave an update on City Hall operations.

(f) Recognition of Finance Director

Mayor Carlson read a Certificate of Appreciation for Finance Director Kelly Horn.

(g) Lake Minnetonka Cable Commission (LMCC)

Councilmember Kurschner gave an update on the Lake Minnetonka Cable Commission (LMCC).

6. AGENDA APPROVAL

(a) Meeting Agenda

Caron moved, Dierking seconded, to approve the May 18, 2020 Meeting Agenda. On a roll call vote, Caron, Dierking, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

Caron moved, Kurschner seconded, to approve the consent agenda removing Item 4 - Authorize the Sale of Bond and Item 7 - Approve Pay Voucher No. 1 – 2020 Street and Utility Improvement Project for a separate vote. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

1. Approve Verified Claims – Approve for Payment Manual Checks #086417 – #086465

Action – Approved for payment manual checks #086417 – #086465.

2. Monetary Limits on Municipal Tort Liability

Action – Elected to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

3. MCWD Maintenance Agreement for 2020 Project

Action – Authorized signatures and return of the Maintenance Agreement with Minnehaha Creek Watershed District (MCWD) in accordance with MCWD rules and conditions of Permit 20-087, subject to City Attorney review.

5. Local Emergency Declaration

Action – Adopted Resolution No. 2020-31 Extending the Local Emergency and directed staff to continue remote meetings until further notice.

6. Approve Pay Voucher No. 8 – 2019 Street and Utility Improvement Project

Action – Approved Construction Pay Voucher No. 8 for the 2019 Street and Utility Improvement Project and authorized payment in the amount of \$475,992.13 to Northdale Construction Co., Inc.

7. Accept Donation of Council Stipend

Action – Accepted donation of Council stipend from Councilmember Dierking and adopted Resolution No. 2020-28 Accepting the Donation.

8. Authorize the Sale of Bond

9. Approve Pay Voucher No. 1 – 2020 Street and Utility Improvement Project

Action – Caron moved, Kurschner seconded, to adopt Resolution No. 2020-30 – A resolution Providing for the Competitive Negotiated Sale of \$3,040,000 General Obligation Street Reconstruction Bonds, Series 2020; Approve Construction Pay Voucher No. 1 for the 2020 Street and Utility Improvement Project and authorize payment in the amount of \$41,032.25 to Northdale Construction Co., Inc. On a roll call vote, Caron, Kurschner, Dierking and Carlson voted yes; Miller abstained. Motion carried 4/1.

7. PUBLIC HEARINGS

(a) 7 George Street Variances and Conditional Use Permit Requests

Planning Director Becker presented background information on the 7 George Street variances and condition use permit requests.

Dan Brattland, 7 George Street, applicant of the variance and condition use permit requests, addressed the Council explaining his variance requests.

Amy Schweitzer, 45 George Street, addressed the Council regarding concerns about the variance and conditional use permit requests.

Susy Thiss, 336 West Lake Street, addressed the Council in support of the variance and conditional use permit requests.

Ben Stedman, 10 George Street, addressed the Council in support of the variance and conditional use permit requests.

Peter Hartwick, 186 George Street, addressed the Council in support of the variance and conditional use permit requests.

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

The Council added to the Findings of Fact as per their discussion.

Miller moved, Caron seconded, to approve the 7 George Street variance with the removal of the landmark tree. On a roll call vote, Miller, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 5/0.

Caron moved, Kurschner seconded, to approve the 7 George Street variance maximum front wall plane length. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

Dierking moved, Miller seconded, to approve the 7 George Street variance front and rear yard setbacks. On a roll call vote, Dierking, Miller, Caron, Kurschner and Carlson voted yes. Motion carried 5/0.

Miller moved, Kurschner seconded, to approve the 7 George Street variance from the requirement that a side loaded garage be recessed at least 6 feet from the front wall plane, adding the condition that if applicant does add a two car garage that single stall garage needs to be converted to living space. On a roll call vote, Miller, Kurschner, Caron, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

Miller moved, Caron seconded, to approve the 7 George Street Conditional Use Permit requests and adopt Resolution No. 2020-24 Approving the Variances and Conditional Use Permit requests at 7 George Street. On a roll call vote, Miller, Caron, Dierking, Kurschner, Dierking and Carlson voted yes. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) 2019 Audit Report and Presentation

Finance Director Horn introduced Bonnie Schwieger, Audit Manager, and Zach Hecksel-Shauer, Senior Accountant, of Abdo, Eick & Meyers, LLP, who presented the 2019 Audit Report.

Dierking moved, Kurschner seconded, to accept the 2019 Audit Report for filing. On a roll call vote, Dierking, Kurschner, Caron, Miller and Carlson voted yes. Motion carried 5/0.

(b) Business Support

Planning Director Becker presented information on how the City can support businesses affected by temporary closures due to COVID-19.

Temporary To-Go Parking/Curbside Pickup Reservation

The Council agreed to move forward as previously discussed at the May 4, 2020 Council Meeting with one parking spot on each side of Water Street and 10 spots in the east and west parking lots.

Expanding Sidewalk Seating in Front of Other Store Fronts, either Occupied or Vacant

The Council agreed businesses will need to work individually with neighboring businesses for this.

Liquor License Amendments

The Council agreed with their previous discussion on this item as per the May 4, 2020 Council Meeting. Businesses would need to submit their amendments and updated Liquor Liability Insurance to include the additional areas to the City Clerk prior to use.

Liquor License Fee Proration

The Council agreed to either credit businesses for one month on next year's license or refund for the one month as per businesses request.

Water Street Closure

The Council agreed to leave Water Street open and receive input from the Chamber with a formal recommendation for Council to consider and gather input from Public Safety on the closure.

Parking Impact/Parking Maintenance Fees Reduction/Refund

A majority of the Council still supports the refund for the parking impact/parking maintenance fees. Staff will send a letter to see if property owners would like a refund check or a credit on their next payment.

Mobile Food Vendor License Fee Reduction/Cancellation

The Council decided not to act on this item.

Miller moved, Kurschner seconded, to waive the second reading and adopt Ordinance No. 606. On a roll call vote, Miller, Kurschner, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

Miller moved, Kurschner seconded, to adopt Resolution No. 2020-29 Refunding Parking Impact Fees for 2019, a Portion of Parking Maintenance Fees for 2019 and a Portion of Liquor License Fees for 2020. On a roll call vote, Miller, Kurschner and Carlson voted yes; Caron and Dierking voted no. Motion carried 3/2.

9. ORDINANCES and RESOLUTIONS

(a) None

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

(a) None

11. UNFINISHED BUSINESS

(a) Direction to Planning Commission on Residential Review Board and Good Neighbor Guidelines

Planning Director Becker requested the Council give specific direction to the Planning Commission regarding the Residential Review Board and Good Neighbor Guidelines and how they would like the Planning Commission to proceed.

The Council directed staff to have the Planning Commission review the Good Neighbor Guidelines and Residential Review Board Ordinance at a public hearing and bring back recommendations to the Council.

12. NEW BUSINESS

- (a) Appoint Councilmembers to Interview Advisory Commission Applicants

Council discussed and decided not to re-advertise for the LMCD representative at this time.

Dierking moved, Caron seconded, to reappoint Connie Brabec and Steve Finch to the Historical Preservation Commission; Ross Rogney to the Park and Recreation Commission and Jules Harrison to the Planning Commission. On a roll call vote, Dierking, Caron, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

The Council directed staff to add the number of Commissioners on Commissions as a discussion item for the Council Strategy Session on May 28.

13. ADJOURNMENT

Caron moved, Dierking seconded, to adjourn the meeting at 10:36 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