

1. Agenda And Packet

Documents:

[NOVEMBER 2, 2020 COUNCIL AGENDA.PDF](#)
[NOVEMBER 2, 2020 COUNCIL PACKET.PDF](#)

City of Excelsior
Notice of Regular Meeting
of the Excelsior City Council

NOTICE IS HEREBY GIVEN that the City Council of the City of Excelsior will hold its regular meeting on November 2, 2020 at 6:30 p.m. via a telephonic and/or electronic meeting. The agenda for the meeting is attached hereto.

In accordance with the requirements of Minn. Stat. 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. Due to the measures necessary to contain and mitigate the impacts of the Pandemic Emergency, it has been determined that attendance at the regular meeting location by members of the public is not feasible and that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible. Therefore, all staff and City Council members will be participating by telephone or other electronic means.

Members of the public may attend the meeting by joining via Zoom either online or by telephone at:

Join Zoom Meeting

<https://us02web.zoom.us/j/87384589649>

Meeting ID: 873 8458 9649

Dial by your location

+1 312 626 6799 US

+1 301 715 8592 US (Germantown)

Meeting ID: 873 8458 9649

City of Excelsior
Regular Council Meeting

Agenda

November 2, 2020

6:30 p.m.

(Please Note: Times Listed Are Approximate)

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - (a) October 19, 2020 Work Session Minutes
 - (b) October 19, 2020 City Council Minutes
4. OPEN FORUM

This is the time for the public to speak on non-agenda items. Open Forum will be limited to one-half hour. No person may speak more than five (5) minutes or more than once. Each subject will have a limit of ten (10) minutes. Council members may ask questions of the speaker. With the agreement of the Council, such matters taken up during the "Open Forum" may be scheduled on the current or a future Agenda. Members of the public interested in speaking on an agenda item may direct a request to be recognized to the Mayor.
5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS
 - (a) Excelsior-Lake Minnetonka Chamber of Commerce Update
 - (b) PAC Update (Bandshell)
 - (c) 2019/2020 Project Update
6. AGENDA APPROVAL
 - (a) Meeting Agenda
 - (b) Consent Agenda
 1. Review Verified Claims under \$20,000 and Approve Verified Claims over \$20,000
 2. Street Impact Fee Ordinance
 3. Allowing Accessory Structures as Dwellings on Landmark Properties Ordinance
 4. 181 George Street Variance Extension
 5. October Building Permit Report
 6. Second Reading of Amendment to Special Event Permit Ordinance
7. PUBLIC HEARINGS
 - (a) None
8. PETITIONS, REQUESTS and COMMUNICATIONS
 - (a) None

9. ORDINANCES and RESOLUTIONS

(a) None

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) None

11. UNFINISHED BUSINESS

(a) None

NEW BUSINESS

(a) Shorewood Sewer Agreement (7:15 p.m.)

(b) Set Date for General Election Canvassing Board (7:45 p.m.)

12. (c) Accept Resignation and Declare Vacancy on Heritage Preservation Commission (7:50 p.m.)

13. ADJOURNMENT

Notice: Some items on this agenda are important enough to Commission members that a quorum of Commission members may be present to receive information leading to their future deliberations and eventual decision.

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Regular Council Meeting

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 4. 181 George Street Variance Extension
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 6. Second Reading of Amendment to Special Event Permit Ordinance
7. PUBLIC HEARINGS
 - (a) None
8. PETITIONS, REQUESTS and COMMUNICATIONS
 - (a) None
9. ORDINANCES and RESOLUTIONS
 - (a) None
10. REPORTS of OFFICERS, BOARDS, and COMMITTEES
 - (a) None

Agenda
City Council Meeting
November 2, 2020
Page 2

11. UNFINISHED BUSINESS

(a) None

12. NEW BUSINESS

(a) Shorewood Sewer Agreement (7:15 p.m.)

(b) Set Date for General Election Canvassing Board (7:45 p.m.)

(c) Accept Resignation and Declare Vacancy on Heritage Preservation
Commission (7:50 p.m.)

13. ADJOURNMENT

Notice: Some items on this agenda are important enough to Commission members that a quorum of Commission members may be present to receive information leading to their future deliberations and eventual decision.

City of Excelsior
City Council Work Session

MINUTES

Monday, October 19, 2020

5:30 P.M.

1. CALL TO ORDER/ROLL CALL

Mayor Carlson called the work session to order at 5:33 p.m. This work session was a remote meeting conducted via Zoom.

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

Absent: None

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Amundsen, Finance Officer Potter, Planning Director Becker 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.

2. AGENDA APPROVAL

Dierking moved, Caron seconded, to approve the October 19, 2020 City Council Work Session Agenda. On a roll call vote, Dierking, Caron, Kurschner and Carlson voted yes. Motion carried 4/0.

3. STAFFING STUDY FOLLOW-UP

Manager Luger presented a table that summarizes Consultant Waldron's Staffing Study with suggested follow-up and a timeline.

Minutes

City Council Work Session

October 19, 2020

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4. RECOMMENDATIONS ON DELEGATION PARAMETERS AND MAKING CITY COUNCIL MEETINGS MORE EFFICIENT

Manager Luger presented information on setting some delegation parameters and making meetings more efficient. The Council agreed to let staff make decisions on items they believe are suitable for them to do so with an email to the Council summarizing those actions. The Park and Recreation Commission will handle any minor decisions regarding The Commons and Excelsior-Studer Park that do not have major budget implications. The Planning Commission will make final decisions on variance applications and the City Council will serve as the appeal board. The Council would limit public comment at meetings to a certain amount of time. The Council will conduct the public hearing process and any items that will elicit strong community interest over the course of two meetings. The Council will revisit the Planning Commission making final decisions on variances at a later date.

5. ADJOURNMENT

Kurschner moved, Dierking seconded, to adjourn the work session at 6:31 p.m. On a roll call vote, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 4/0.

Respectfully submitted,

Lynette R. Peterson, City Clerk

City of Excelsior
City Council Meeting

MINUTES

Monday, October 19, 2020

6:30 P.M.

OATH OF OFFICE

Mayor Carlson administered the Oath of Office to Councilmember Ann Hersman.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 6:40 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, Public Works Superintendent Amundsen, Planning Director Becker 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) October 5, 2020 Work Session Minutes

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

Minutes

City Council Minutes

October 19, 2020

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(b) October 5, 2020 City Council Minutes

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

4. OPEN FORUM

Andrew Meyer, 110 Sunrise, Tonka Bay, candidate running for Minnesota House District 33B, appeared before the Council to describe his background as a candidate for Minnesota House District 33B representative.

Dario Anselmo, 6301 South Knoll, Edina, Candidate running for Hennepin County Commissioner District 6, appeared before the Council to describe his background as a candidate for Hennepin County Commissioner District 6.

Petra Cripe, 450 West Lake Street, appeared before the Council with concerns regarding the permanent easement granted to the owner of the dredging property located by her property. The Council discussed looking into this and bringing the issue back to another meeting.

Mark Nessit, 524 Second Street, Apt. 1, appeared before the Council to discuss adding art to the wall by the art store.

Peter Hartwich, 186 George Street, appeared before the Council to comment on the work session item of streamlining Council meetings and making them more efficient.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS and REPORTS

(a) 2019/2020 Project Update

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

(b) Fall Cleanup

Fall Cleanup will be November 7 with leaves and brush being picked up.

(c) Political Signs

Attorney Staunton cited political signs are restricted by state statute and the City cannot regulate the signage.

6. AGENDA APPROVAL

(a) Meeting Agenda

Dierking moved, Kurschner seconded, to approve the October 19, 2020 Meeting Agenda. On a roll call vote, Dierking, Kurschner, Caron, Hersman and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

Caron moved, Dierking seconded, to approve the consent agenda with the removal of Item No. 6 – 181 George Street Variance Extension Request and adding this item to the November 2 meeting.

Kelvin Retterath, Architect for the 181 George Street Variance Extension project, appeared before the Council regarding the variance application.

On a roll call vote, Caron, Dierking, 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 approved verified claims over \$20,000.

2. Council Vacancy and Appointment

Action – Adopted Resolution No. 2020-66 Accepting the Resignation of Councilmember Greg Miller, Declaring a Vacant Council Position, and Appointing Ann Hersman to Fill the Vacancy Effective October 5, 2020.

3. Skating Rinks at The Commons Ballfield

Action – Approved the installation of rinks on The Commons Ballfield for \$1,952.25 utilizing park operating budget funds.

4. Blue Line Ticket Booth Repairs

Action – Approved improvements outlined in the “Port of Excelsior Blue Line Ticket Booth Annual Review Subcommittee Report”.

5. Waiving Heritage Preservation Commission Review of Proposed Downtown Colder Weather Accommodations

Action – Waived the first reading of Ordinance No. 614 and adopted Ordinance No. 614 as an emergency ordinance.

6. 181 George Street Variance Extension Request

Action – This item was moved to the November 2 meeting agenda.

7. Resolution Calling for Public Hearing on Assessment for the 2019 Street and Utility Improvement Project

Action – Adopted Resolution No. 2020-67 – Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for Public Hearing on Assessments for 2019 Street and Utility Improvement project.

8. Environmental Covenant and Easement – Excelsior Parkland (Studer Park)

Action – Authorized the Mayor and City Manager to execute the Environmental Covenant and Easement.

9. Randall Pool and Spa Lease Agreement

Action – Approved the lease agreement with Randall Poll and Spa and authorized the City Manager to execute this agreement.

10. Bandshell Construction Manager

Action – Approved proceeding with a CMr arrangement with one of the two selected Construction Managers and negotiation of a CMr Agreement for approval by the Council. Authorized commencement of preconstruction services by the selected CMr for a not-to-exceed amount of \$10,000.

7. PUBLIC HEARINGS

(a) 6 and 8 Village Lane Easement Vacation

Dierking moved, Kurschner seconded, to adopt Resolution No. 2020-64 approving an easement vacation for the properties located at 6 and 8 Village Lane. On a roll call vote, Dierking, Kurschner, Caron, Hersman and Carlson voted yes. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) Project Advisory Committee – Construction Manager Update and Bandshell 30% Construction Drawings

Dan Johnson and Eric Snyder, Representatives from the Project Advisory Committee (PAC), provided an update on the Construction Manager process and reviewed the 30% construction drawings with the Council.

Kurschner moved, Hersman seconded, to authorize the PAC to proceed to the 60% completion stage. On a roll call vote, Kurschner, Hersman, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

Petra Cripe, 450 West Lake Street, appeared before the Council with concerns regarding acoustics with the design of the bandshell.

(b) Excelsior-Lake Minnetonka Chamber of Commerce Strategic Plan Update

Jen Weiss, Executive Director of the Chamber, presented the Strategic Plan and provided an update on operations of the Chamber.

(c) Special Events During a Pandemic

Dierking moved, Kurschner seconded, to continue to permit special events with the addition that staff may require a COVID-19 Preparedness Plan for

the events. On a roll call vote, Dierking, Kurschner, Caron, Hersman and Carlson voted yes. Motion carried 5/0.

(d) Proposed Amendment to Special Event Permit Ordinance

Dierking moved, Caron seconded, to waive the first reading of Ordinance No. 615 and schedule a second reading for the November 2nd Council meeting. On a roll call vote, Dierking, Caron, Hersman, Kurschner and Carlson voted yes. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

(a) Street Impact Fee Ordinance

Dierking moved, Kurschner seconded, to waive the first reading of Ordinance No. 595 and schedule a second reading for the November 2nd Council meeting with the fees being \$800, \$400 and \$200 based on valuation. On a roll call vote, Dierking, Kurschner, Caron, Hersman and Carlson voted yes. Motion carried 5/0.

(b) Allowing Accessory Structures as Dwellings on Landmark Properties Ordinance

Kurschner moved, Caron seconded, to waive the first reading of Ordinance No. 616 Amending the Landmark Property Ordinance and schedule the second reading for the November 2nd Council meeting with the change of language in Section 1 pertaining to existing accessory structures. On a roll call vote, Kurschner, Caron, Dierking, Hersman and Carlson voted yes. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

(a) Accept Resignations and Declare Vacancies on Planning Commission and Parks and Recreation Commission

Dierking moved, Caron seconded, to accept Hersman and Wahlstedt's resignations, declare vacancies on the Planning Commission and Parks and Recreation Commission, direct staff to advertise for Citizen Inquiry Forms to be submitted no later than Thursday, November 5, 2020 and appoint

Minutes

City Council Minutes

October 19, 2020

Page 7

Councilmember Dierking to conduct the interviews of the applicants for the Planning Commission and Councilmember Caron to conduct interviews for the Parks and Recreation Commission. On a roll call vote, Dierking, Caron, Hersman, Kurschner and Carlson voted yes. Motion carried 5/0.

11. UNFINISHED BUSINESS

(a) None

12. NEW BUSINESS

(a) None

13. ADJOURNMENT

Dierking moved, Hersman seconded, to adjourn the meeting at 8:47 p.m. On a roll call vote, Dierking, Hersman, Caron, Kurschner and Carlson voted yes. Motion carried 5/0.

Respectfully submitted,

Lynette R. Peterson, City Clerk

CITY OF EXCELSIOR

***Check Detail Register©**

Batch: 101920PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 CASH					
86854	10/20/20	AME ELECTRIC INC.			
E 670-45185-404		Repair & Maint - Equip	\$1,374.30	4998	CONDUIT REPAIRS
		Total	\$1,374.30		
86855	10/20/20	DAMON FARBER ASSOCIATES			
E 403-45200-300		Professional Srvc	\$265.50	96227	COMMONS BANDSHELL
		Total	\$265.50		
86856	10/20/20	DAVE AND JAYNE ANDERSON			
R 101-32210		Building Permits	\$9,642.05	100720	REFUND FOR PERMITS 125 FIRST ST
		Total	\$9,642.05		
86857	10/20/20	DPC INDUSTRIES INC			
E 601-49440-216		Chemicals and Chem Pro	\$499.06	827001079-2	K PERMANGANATE & OTHER CHEMICALS
E 601-49440-216		Chemicals and Chem Pro	\$373.78	827001235-2	WTP CHEMICALS
E 601-49440-216		Chemicals and Chem Pro	\$60.00	DE82000096-	CHLORINE
E 601-49440-216		Chemicals and Chem Pro	\$60.00	DE82000112-	CHLORINE
		Total	\$992.84		
86858	10/20/20	EXCELSIOR FIRE DISTRICT			
G 101-20200		Accounts Payable	\$2,500.00	01REISSUE	REISSUE CHECK FOR CENTERPOINT ENERGY GRANT
		Total	\$2,500.00		
86859	10/20/20	EXCELSIOR MENS GARDEN CLUB			
E 101-45200-403		Repair & Maint - Other	\$4,097.12	100120	2020 GARDEN COSTS
		Total	\$4,097.12		
86860	10/20/20	GDS DESIGN & BUILD INC			
E 670-45184-403		Repair & Maint - Other	\$1,491.50	1770	LUMBER FOR DOCK 2 WATER STREET
		Total	\$1,491.50		
86861	10/20/20	GOVERNMENT FINANCE OFFICERS			
E 101-41510-433		Dues and Subscriptions	\$160.00	2091301	GFOA DUES
		Total	\$160.00		
86862	10/20/20	KENNEDY & GRAVEN, CHARTERED			
E 101-41940-304		Legal Fees	\$873.90	156837	GENERAL REAL ESTATE AUGUST
		Total	\$873.90		
86863	10/20/20	KRISTI LUGER			
E 101-41940-200		Supplies	\$8.99	100820	REIMBURSEMENT FOR PLASTIC BIN
		Total	\$8.99		
86864	10/20/20	LYNETTE PETERSON			
E 101-41940-575		Communications & Techn	\$53.92	100920	EXPENSE REIMBURSEMENT
		Total	\$53.92		
86865	10/20/20	METROPOLITAN COUNCIL			
E 610-49490-385		Met Council Sanitary Sew	\$15,573.80	1113900	SEPT WASTEWATER SVCS

CITY OF EXCELSIOR

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***Check Detail Register©**

Batch: 101920PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$15,573.80		
86866	10/20/20	MINNESOTA EQUIPMENT			
E 101-45200-220		Maint Supplies	\$129.76	P97298	MOWER AND WEED WHIP PARTS
Total			\$129.76		
86867	10/20/20	MN POLLUTION CONTROL AGENCY			
E 610-49490-433		Dues and Subscriptions	\$90.00	100520	CLASS SC LIC - FASCHING & PEARSON
Total			\$90.00		
86868	10/20/20	NCPERS GROUP LIFE INS			
G 101-21731		PERA Life Insurance Pre	\$32.00	45580010202	OCT EE LIFE PREMIUMS
Total			\$32.00		
86869	10/20/20	NORTHSTAR COMPANIES			
E 101-41940-200		Supplies	\$599.00	I-1390	CUSTOM MASKS
Total			\$599.00		
86870	10/20/20	REPUBLIC SERVICES			
E 620-49510-312		Refuse & Recycling Collec	\$9,955.79	0894-005265	SEPTEMBER TRASH SERVICES
E 620-49515-312		Refuse & Recycling Collec	\$1,839.60	0894-005265	SEPTEMBER TRASH-RECYCLING SERVICES
Total			\$11,795.39		
86871	10/20/20	ROLF ERICKSON ENTERPRISES INC			
E 101-41940-308		Assessment Services	\$2,005.46	092820	OCT 2020 ASSESSING FEE
Total			\$2,005.46		
86872	10/20/20	THE MULCH STORE			
E 101-45200-220		Maint Supplies	\$56.00	104049772	BRUSH/MIXED MULCH
E 101-45200-220		Maint Supplies	\$56.00	104049772	BRUSH/MIXED MULCH
E 101-45200-220		Maint Supplies	\$64.00	104049783	BRUSH/MIXED MULCH
E 101-45200-220		Maint Supplies	\$64.00	104049802	BRUSH/MIXED MULCH
Total			\$240.00		
86873	10/20/20	TWIN CITY WATER CLINIC INC			
E 601-49440-309		Laboratory Testing	\$60.00	15226	SEPT COLIFORM SAMPLES
Total			\$60.00		
86874	10/20/20	US BANK EQUIP FINANCE			
E 101-41940-413		Office Equipment Rental	\$262.48	424138634	COPIER LEASE 9/10-10/10
Total			\$262.48		
86875	10/20/20	WM MUELLER & SONS INC			
E 101-43100-224		Street Maint Materials	\$2,426.43	258906	27.89 TONS OF SAND
E 101-43100-224		Street Maint Materials	\$92.22	259370	SAND FOR ASPHALT PATCHING
E 101-43100-224		Street Maint Materials	\$214.28	259440	SAND FOR ASPHALT PATCHING
E 101-43100-224		Street Maint Materials	\$2,424.69	259958	SAND FOR ASPHALT PATCHING
E 101-43100-224		Street Maint Materials	\$1,224.96	260037	SAND FOR ASPHALT PATCHING
E 101-43100-224		Street Maint Materials	\$1,041.39	260361	SAND FOR ASPHALT PATCHING
Total			\$7,423.97		

CITY OF EXCELSIOR

***Check Detail Register©**

Batch: 101920PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
		10100 CASH	\$59,671.98		

Fund Summary

10100 CASH	
101 GENERAL FUND	\$28,028.65
403 PARK IMPROVEMENTS	\$265.50
601 WATER	\$1,052.84
610 SEWER	\$15,663.80
620 SOLID WASTE	\$11,795.39
670 LEASED DOCKS	\$2,865.80
	<hr/>
	\$59,671.98

CITY OF EXCELSIOR

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Payments

Current Period: OCTOBER 2020

Payment Batch 102620PAY \$235,095.83

Refer	2971	ABEL HEATING AND COOLING	Ck# 086876	10/28/2020		
Cash Payment	E 101-41940-404	Repair & Maint - Equip	SERVICE CALL			\$205.49
Invoice	I2031	10/22/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$205.49
Refer	2972	NCPERS GROUP LIFE INS	Ck# 086889	10/28/2020		
Cash Payment	G 101-21731	PERA Life Insurance Premiu	NOV EE LIFE PREMIUMS			\$16.00
Invoice	455800112020	10/16/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$16.00
Refer	2973	CULLIGAN WATER	Ck# 086881	10/28/2020		
Cash Payment	E 101-41940-300	Professional Srvc	WATER SERVICE			\$209.26
Invoice	MULTI	10/15/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$209.26
Refer	2974	SOUTH LAKE MTKA POLICE DEPT	Ck# 086893	10/28/2020		
Cash Payment	E 101-42100-317	Park Patrol	AUG 1-SEPT 14 PARK SERVICES			\$6,914.08
Invoice	10212020	10/21/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$6,914.08
Refer	2975	PREFERREDONE INSURANCE CO	Ck# 086890	10/28/2020		
Cash Payment	G 101-21713	Health Insurance Premium	NOV EE HEALTH PREMIUMS			\$3,792.64
Invoice	202900001041	11/1/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$3,792.64
Refer	2976	KENNEDY & GRAVEN, CHARTERE	Ck# 086886	10/28/2020		
Cash Payment	E 101-41940-304	Legal Fees	GENERAL REAL ESTATE SEPT			\$1,769.90
Invoice	102220	10/22/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$1,769.90
Refer	2977	CADY BUILDING MAINTENANCE	Ck# 086879	10/28/2020		
Cash Payment	E 101-41940-313	Janitorial Services	OCTOBER CLEANING			\$193.00
Invoice	4977971BEF	10/1/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$193.00
Refer	2978	WESTSIDE WHOLESALE TIRE	Ck# 086898	10/28/2020		
Cash Payment	E 101-43100-220	Maint Supplies	TIRE REPAIR INSTALL			\$26.55
Invoice	869034	10/7/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$26.55
Refer	2979	WESTSIDE WHOLESALE TIRE	Ck# 086898	10/28/2020		
Cash Payment	E 101-43100-220	Maint Supplies	TIRES AND MOUNTS			\$842.60
Invoice	869229	10/9/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$842.60
Refer	2980	BIFFS INC	Ck# 086877	10/28/2020		
Cash Payment	E 101-45200-300	Professional Srvc	PORTABLE RESTROOMS			\$751.04
Invoice	W782693	10/7/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$751.04
Refer	2981	BIFFS INC	Ck# 086877	10/28/2020		
Cash Payment	E 101-45200-300	Professional Srvc	PORTABLE RESTROOM PLAYGROUND			\$278.00
Invoice	W782694	10/7/2020				

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Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$278.00
Refer	2982	<u>GONYEA HOMES</u>		<u>Ck# 086884</u>	<u>10/28/2020</u>	
Cash Payment	G 820-20642	11 VILLAGE LANE		RELEASE ESCROW		\$1,000.00
Invoice	090920	9/9/2020				
Cash Payment	G 820-20683	1 VILLAGE LANE		RELEASE ESCROW		\$1,000.00
Invoice	090920	9/9/2020				
Cash Payment	G 820-20679	15 VILLAGE LANE		RELEASE ESCROW		\$2,000.00
Invoice	090920	9/9/2020				
Cash Payment	G 820-20684	3 VILLAGE LANE		RELEASE ESCROWS		\$2,000.00
Invoice	090920	9/28/2020				
Cash Payment	G 820-20590	5 VILLAGE LANE		RELEASE ESCROWS		\$2,000.00
Invoice	090920	9/9/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$8,000.00
Refer	2983	<u>CCP INDUSTRIES INC</u>		<u>Ck# 086880</u>	<u>10/28/2020</u>	
Cash Payment	E 101-43100-220	Maint Supplies		WASP KILLER AND BRAKE CLEANER		\$165.40
Invoice	IN02594639	8/25/2020				
Transaction Date	10/26/2020	Due 0	CASH	10100	Total	\$165.40
Refer	2984	<u>THE LANDSCHUTE GROUP INC</u>		<u>Ck# 086896</u>	<u>10/28/2020</u>	
Cash Payment	G 820-20698	630 GLENCOE - STORM		RELEASE ESCROW 630 GLENCOE		\$2,000.00
Invoice	10062020	10/6/2020				
Cash Payment	G 820-20699	630 GLENCOE - CONSTR		RELEASE ESCROW 630 GLENCOE		\$2,000.00
Invoice	10062020	10/6/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$4,000.00
Refer	2985	<u>CCP INDUSTRIES INC</u>		<u>Ck# 086880</u>	<u>10/28/2020</u>	
Cash Payment	E 101-45200-220	Maint Supplies		PO #TIM		\$338.98
Invoice	IN02625614	10/5/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$338.98
Refer	2986	<u>SOUTH LAKE MTKA POLICE DEPT</u>		<u>Ck# 086893</u>	<u>10/28/2020</u>	
Cash Payment	E 101-42100-301	Booking Fees		HENN CTY PROCESSING		\$299.00
Invoice	101520	10/15/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$299.00
Refer	2987	<u>SOUTH LAKE MTKA POLICE DEPT</u>		<u>Ck# 086893</u>	<u>10/28/2020</u>	
Cash Payment	E 101-42100-305	Court Prosecution Fees		Q2 COURT OVERTIME		\$53.38
Invoice	101520	10/15/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$53.38
Refer	2988	<u>JEB SAWYER</u>		<u>Ck# 086885</u>	<u>10/28/2020</u>	
Cash Payment	G 820-20599	ESCROW - POS		LANDSCAPING ESCROW RELEASE		\$15,000.00
Invoice	101920	10/19/2020				
Cash Payment	G 820-20687	411 LINDEN-STORM		STORM SEWER ESCROW RELEASE		\$2,000.00
Invoice	101920	10/19/2020				
Cash Payment	G 820-20688	411 LINDEN-CONST		CONST ESCROW RELEASE		\$2,000.00
Invoice	101920	10/19/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$19,000.00
Refer	2989	<u>SCOTT ZERBY</u>		<u>Ck# 086891</u>	<u>10/28/2020</u>	
Cash Payment	G 820-20599	ESCROW - POS		RELEASE ESCROW 438 WILLIAM ST		\$3,000.00
Invoice	090320	9/3/2020				

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Cash Payment	G 820-20681 438 WILLIAM - CONS MGM	RELEASE ESCROW 438 WILLIAM ST			\$1,731.50
Invoice	090320	9/3/2020			
Cash Payment	G 820-20682 438 WILLIAM - BMP	RELEASE ESCROW 438 WILLIAM ST			\$2,000.00
Invoice	090320	9/3/2020			
Cash Payment	E 420-43101-303 Engineering Fees	RELEASE ESCROW 438 WILLIAM ST			-\$50.00
Invoice	090320	9/3/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,681.50
Refer	2990	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	JANUARY 2020 BILLING			\$6,000.00
Invoice	EXC-99	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2991	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	FEBRUARY 2020			\$6,000.00
Invoice	EXC-100	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2992	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	MARCH 2020			\$6,000.00
Invoice	EXC-101	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2993	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	APRIL 2020			\$6,000.00
Invoice	EXC-102	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2994	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	MAY 2020			\$6,000.00
Invoice	EXC-103	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2995	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	JUNE 2020			\$6,000.00
Invoice	EXC-104	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2996	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	JULY 2020			\$6,000.00
Invoice	EXC-105	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2997	STAUNTON LAW GROUP, PLLC	Ck# 086894	10/28/2020	
Cash Payment	E 101-41940-304 Legal Fees	AUGUST 2020			\$6,000.00
Invoice	EXC-106	9/28/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$6,000.00
Refer	2998	THE WALDRON CO	Ck# 086897	10/28/2020	
Cash Payment	E 101-41110-300 Professional Srvc	2020 STAFFING STUDY			\$3,977.60
Invoice	100820	10/8/2020			
Transaction Date	10/27/2020	Due 0	CASH	10100	Total \$3,977.60
Refer	2999	SORENSEN CONSULTING	Ck# 086892	10/28/2020	

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Cash Payment	E 101-41940-300 Professional Srvc	PT OFFICE CLERK ASSESSMENTS				\$850.00
Invoice	COE:3:20	10/18/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$850.00
Refer	3000	<u>METROPOLITAN COUNCIL</u>		<u>Ck# 086888</u>	<u>10/28/2020</u>	
Cash Payment	E 610-49490-385 Met Council Sanitary Se	NOVEMBER WASTEWATER SVCS				\$15,573.80
Invoice	1114944	10/6/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$15,573.80
Refer	3001	<u>EVENTFULLY YOURS, LLC</u>		<u>Ck# 086883</u>	<u>10/28/2020</u>	
Cash Payment	E 101-41940-300 Professional Srvc	SEPT 2020				\$1,732.50
Invoice	2054	10/7/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$1,732.50
Refer	3002	<u>BRAD PETERSON</u>		<u>Ck# 086878</u>	<u>10/28/2020</u>	
Cash Payment	E 101-41940-300 Professional Srvc	SEPT 2020 IT SVCS				\$160.00
Invoice	1613	10/5/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$160.00
Refer	3003	<u>WSB & ASSOCIATES</u>		<u>Ck# 086899</u>	<u>10/28/2020</u>	
Cash Payment	E 420-43101-303 Engineering Fees	JULY-2019 ST & UTIL IMPS				\$9,893.75
Invoice	073120	8/24/2020				
Cash Payment	E 420-41940-303 Engineering Fees	JULY 2020 CRACK SEALING				\$2,193.00
Invoice	073120	8/24/2020				
Cash Payment	E 420-43103-303 Engineering Fees	JULY 2020 ST & UTIL IMPS				\$26,029.50
Invoice	073120	8/24/2020				
Cash Payment	E 101-43000-303 Engineering Fees	JULY BUILDING PERMIT REVIEW				\$250.00
Invoice	073120	8/24/2020				
Cash Payment	E 205-43110-303 Engineering Fees	EAST PARKING LOT IMPROVEMENTS				\$5,528.25
Invoice	073120	8/24/2020				
Cash Payment	G 820-20609 STODDARD MILL CONCEP	JULY 2020				\$182.00
Invoice	073120	8/24/2020				
Cash Payment	E 101-43000-303 Engineering Fees	GENERAL SERVICES				\$2,400.50
Invoice	073120	8/24/2020				
Cash Payment	E 420-41940-303 Engineering Fees	MCES L20 IMPROVEMENTS				\$1,800.00
Invoice	073120	8/24/2020				
Cash Payment	E 680-43490-303 Engineering Fees	MS4 SVCS				\$336.00
Invoice	073120	8/24/2020				
Cash Payment	E 601-49440-303 Engineering Fees	WATER SUPPLY PLAN				\$60.00
Invoice	073120	8/24/2020				
Cash Payment	E 601-49440-303 Engineering Fees	WELLHEAD PROTECTION PLAN IMPL				\$240.00
Invoice	073120	8/24/2020				
Transaction Date	10/27/2020	Due 0	CASH	10100	Total	\$48,913.00
Refer	3004	<u>WSB & ASSOCIATES</u>		<u>Ck# 086899</u>	<u>10/28/2020</u>	
Cash Payment	E 420-43101-303 Engineering Fees	2019 ST & UTIL IMP				\$16,862.50
Invoice	083120	9/28/2020				
Cash Payment	E 420-41940-303 Engineering Fees	2020 CRACK SEALING				\$1,535.50
Invoice	083120	9/28/2020				
Cash Payment	E 420-43103-303 Engineering Fees	2020 ST & UTIL IMP				\$27,362.25
Invoice	083120	9/28/2020				
Cash Payment	E 680-43490-303 Engineering Fees	2020 DATALINK MAINT				\$300.00
Invoice	083120	9/28/2020				

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Cash Payment	E 610-49490-303 Engineering Fees	2020 DATALINK MAINT				\$300.00
Invoice 083120	9/28/2020					
Cash Payment	E 601-49440-303 Engineering Fees	2020 DATALINK MAINT				\$300.00
Invoice 083120	9/28/2020					
Cash Payment	E 403-45200-303 Engineering Fees	BANDSHELL ENG SVCS				\$7,497.25
Invoice 083120	9/28/2020					
Cash Payment	E 101-43000-303 Engineering Fees	BUILDING PERMIT REVIEW				\$50.00
Invoice 083120	9/28/2020					
Cash Payment	E 205-43110-303 Engineering Fees	EAST PARKING LOT IMP				\$4,883.50
Invoice 083120	9/28/2020					
Cash Payment	E 101-43000-303 Engineering Fees	GENERAL SVCS				\$1,038.00
Invoice 083120	9/28/2020					
Cash Payment	E 420-41940-303 Engineering Fees	MCES L20 IMP				\$450.00
Invoice 083120	9/28/2020					
Cash Payment	E 680-43490-303 Engineering Fees	MS4 SVCS				\$1,282.00
Invoice 083120	9/28/2020					
Transaction Date	10/27/2020	Due 0 CASH	10100		Total	\$61,861.00
Refer	3005 <u>SUN LIFE FINANCIAL</u>		Ck# 086895 10/28/2020			
Cash Payment	G 101-21731 PERA Life Insurance Premiu	SEPT AMOUNT DUE				\$159.60
Invoice 090120	9/1/2020					
Cash Payment	G 101-21731 PERA Life Insurance Premiu	OCT AMOUNT DUE				\$159.60
Invoice 100120	10/1/2020					
Cash Payment	G 101-21731 PERA Life Insurance Premiu	NOV AMOUNT DUE				\$127.40
Invoice 110120	11/1/2020					
Cash Payment	G 101-21731 PERA Life Insurance Premiu	OVERPAYMENT FOR JULY AND AUGUST				-\$56.20
Invoice 102820	10/28/2020					
Transaction Date	10/27/2020	Due 0 CASH	10100		Total	\$390.40
Refer	3006 <u>DPC INDUSTRIES INC</u>		Ck# 086882 10/28/2020			
Cash Payment	E 601-49440-216 Chemicals and Chem Pr	CHLORINE				\$60.00
Invoice DE82000128-20	9/30/2020					
Transaction Date	10/28/2020	Due 0 CASH	10100		Total	\$60.00
Refer	3008 <u>MENARDS-EDEN PRAIRIE</u>		Ck# 086887 10/28/2020			
Cash Payment	E 101-45200-220 Maint Supplies	CHAIN FOR PARKS				\$40.71
Invoice 24837	9/21/2020					
Transaction Date	10/28/2020	Due 0 CASH	10100		Total	\$40.71

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Fund Summary

	10100 CASH	
820 ESCROW FUND		\$37,913.50
680 SURFACE WATER MGMT		\$1,918.00
610 SEWER		\$15,873.80
601 WATER		\$660.00
420 CAPITAL IMPROVEMENT FUND		\$86,076.50
403 PARK IMPROVEMENTS		\$7,497.25
205 PARKING LOT MTC SPECIAL REV		\$10,411.75
101 GENERAL FUND		\$74,745.03
		<hr/>
		\$235,095.83

Pre-Written Checks	\$235,095.83
Checks to be Generated by the Computer	\$0.00
Total	<hr/>
	\$235,095.83



MEMORANDUM

Item 6(b)2– Street Impact Fee

Re: _____

Date: November 2, 2020

To: City Council

From: Emily Becker, Planning Director

SUMMARY

At its last meeting, the City Council waived the first reading and scheduled the second reading of Ordinance No. 595, which sets forth a requirement of a Street Impact Fee for building permits of a certain valuation. The fees were based on a report from the City Engineer explaining the justification for the cost. The Council had asked that the fee be increased from the originally recommended fee as shown in the table below.

Recommendation	Building Permit Related	Type of Fee	Amount
Recommendation presented at October 19 meeting	Street Impact Fee	Building Permits with Valuations more than \$400,000	\$600.00
		Building Permits with Valuations of \$100,000 to \$400,000	\$300.00
		Building Permits with Valuations of \$50,000 to \$100,000	\$150.00
Amended fees per direction of Council at October 19 meeting	Street Impact Fee	Building Permits with Valuations more than \$400,000	\$800.00
		Building Permits with Valuations of \$200,000 to \$400,000	\$400.00
		Building Permits with Valuations of \$100,000 to \$200,000	\$200.00

RECOMMENDED COUNCIL ACTION

“Motion to waive the second reading and adopt Ord. No. 616 requiring a Street Impact Fee for building permits above a valuation of \$100,000 and adopt Resolution 2020-52 setting forth such fees.”

ATTACHMENTS

- 1) Ord. 616
- 2) Resolution 2020-52 Amending Fee Schedule

City of Excelsior
Hennepin County, Minnesota

Ordinance No. 616

An Ordinance to Amend Appendix E, Article 10, Section 10-6 as it Relates to Construction
Management Plan

THE COUNCIL OF THE CITY OF EXCELSIOR HEREBY ORDAINS:

SECTION 1. Amendment. That Article 10, Section 10-6 of the Excelsior City Code of Ordinances pertaining to construction management plan be amended by adding the following:

(c) Street Impact Fee. Due to the impact of vehicles used to transport equipment, materials, supplies or debris to or from a construction site, the City shall charge a street impact fee of an amount set by resolution.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect 30 days after its passage and publication.

Adopted by the Council of the City of Excelsior, Minnesota this 2nd day of November 2020.

Todd R. Carlson, Mayor

ATTEST:

Lynette R. Peterson City Clerk

Kristi Luger, City Manager

First Reading:	October 19, 2020
Second Reading and Adoption:	November 2, 2020
Publication of Ordinance:	November 12, 2020
Effective Date:	December 12, 2020

City of Excelsior

Resolution No. 2020-52

A Resolution Setting

License and Permit Fees and Utility Rates

WHEREAS, Chapter 2, Article V, Division 1, Section 2-192 of the City Code allows for the City Council to change, amend, or revise licensing, permit, business, and application fees or charges from time-to-time by Resolution; and

WHEREAS, the administrative costs for regulating business activities, development activities, and recreational activities in the City should be born by the users;

WHEREAS, the additional administrative costs of renewals of licenses and permits after various dates for regulating business activities, development activities, and recreational activities in the City should be born by the users.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Excelsior, Minnesota, the following fees has been added to the City of Excelsior 2020 fee schedule and is hereby established effective November 2, 2020 upon the passage and adoption of this

Type of Fee	Conditions or Terms	Amount (in dollars)	Renewal Amt. if Paid After 12/15
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Type of Fee	Conditions or Terms	Amount (in dollars)	Renewal Amt. if Paid After 12/15
Building Permit Related	Type of Fee	Amount	
Street Impact Fee	Building Permits with Valuations more than \$400,000	\$800.00	
	Building Permits with Valuations of \$200,000 to \$400,000	\$400.00	
	Building Permits with Valuations of \$100,000 to \$200,000	\$200.00	

Adopted by the City Council of the City of Excelsior, Minnesota this 2nd day of November 2020.

 Todd R. Carlson, Mayor

ATTEST:

 Lynette R. Peterson, City Clerk

 Kristi Luger, City Manager



MEMORANDUM

Item 6(b)3 – Accessory Structure Ord

Re: _____

Date: November 2, 2020

To: Council

From: Emily Becker, Planning Director

BACKGROUND

At its last meeting, the Council waived the first reading of Ordinance No. 617, an ordinance allowing existing accessory structures to have plumbing for kitchen and bathroom facilities and be used as dwellings on landmark properties, and scheduled the second reading for tonight's meeting. The Council wanted the language amended to make it clear that only existing accessory structures could be used for dwelling purposes and that it would not apply to new accessory structures on landmark properties.

RECOMMENDED COUNCIL ACTION

Motion to waive the second reading and adopt Ord. No. 617, an ordinance allowing existing accessory structures to have plumbing for kitchen and bathroom facilities and be used as dwellings on landmark properties.

ATTACHMENTS

- 1) Ord. 617

City of Excelsior
Hennepin County, Minnesota

Ordinance No. 617

An Ordinance to Amend Appendix E, Article 11, Section 11-1 as it Relates to Accessory Structures

THE COUNCIL OF THE CITY OF EXCELSIOR HEREBY ORDAINS:

SECTION 1. Amendment. That Article 11, Section 11-1 of the Excelsior City Code of Ordinances pertaining to accessory structure be amended as follows:

(b)Design.

- (1) Accessory buildings shall be compatible with the principal buildings with respect to building materials and design.
- (2) No plumbing for kitchen or bathroom facilities (including but not limited to toilets and showers) is allowed in any detached garage or other accessory building unless the property on which the accessory building is located is a landmark property and the accessory building existed at the time of adoption of this ordinance. Utility sinks are allowed.
- (3) Accessory buildings shall not be used for dwelling purposes unless the property on which the accessory building is located is a landmark property and the accessory building existed at the time of adoption of this ordinance.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect 30 days after its passage and publication.

Adopted by the Council of the City of Excelsior, Minnesota this 2nd day of November 2020.

Todd R. Carlson, Mayor

ATTEST:

Lynette R. Peterson City Clerk

Kristi Luger, City Manager

First Reading:

October 19, 2020

Second Reading and Adoption:

November 2, 2020

Publication of Ordinance:

November 12, 2020

Effective Date:

December 12, 2020



MEMORANDUM

Item 6(b)4 – 181 George Street Variance

Re: Extension Request

Date: November 2, 2020

To: City Council

From: Emily Becker, Planning Director

APPLICANT: Cara Black
PROPERTY OWNER: Cara Black
LOCATION: 181 George Street
CASE NO.: 19-13
SYNOPSIS: Request to Extend Variance
60/120-DAY REVIEW DEADLINE: N/A

BACKGROUND/SUMMARY

At its last meeting, the Council tabled the request from Cara Black to extend a variance approval for the property located at 181 George Street in order for the Resolution to be amended to be more detailed in its findings, citing why the variance approval was unique. The Resolution 2020-65 has been amended to cite additional findings used from the approval of the variance.

RECOMMENDED COUNCIL ACTION

Motion to adopt Resolution 2020-65 approving a one-year variance extension request for the variances granted by Resolution 2019-57 for the property located at 181 George Street.

Attachments:

1. Resolution 2020-65

City of Excelsior

Resolution No. 2020-65

A Resolution Approving a Timeline Extension for the
Variance Approvals for the Property Located at 181 George Street

WHEREAS, the City Council at its December 2, 2019 meeting, approved a variance request for the property located at 181 George Street in Excelsior; and

WHEREAS, the Applicant's approval includes the parcel currently existing as 181 George Street, PID Number 34-11-72-31-20-031; and

WHEREAS, Resolution 2019-57, which granted approval of the variance requests, conditioned that the approval was to expire one year from the date of adoption of the resolution if not acted upon and that City Council approval would be required for any subsequent extension; and

WHEREAS, Cara Black ("Applicant") has requested a one-year extension for the variance approvals, extending the deadline to commence construction until December 2, 2021; and

WHEREAS, the City Council met on October 19, 2020 and November 2, 2020 at which it reviewed the request for extension; and

NOW, THEREFORE, IT IS RESOLVED that the request for an extension of approval of the variances for the property located at 181 George Street be approved based upon the following:

Findings of Fact

1. The request for extension was received prior to the one-year expiration of approval of the variances.
2. The Applicant has made minor plan modifications in order to stay within budget. The delay is due to delay in the completion of drawings, higher bids

than expected and the subsequent need to amend plans as a result, the contractor's busy schedule, and the desire to avoid high winter construction costs.

3. The variance was approved on the following findings:
 1. The subject property is located in the R-2, Single Family Residential zoning district.
 2. The subject property has a lot area of 6,389 square feet and it is 63.79 feet wide.
 3. The lot is angled in the rear and abuts property owned by the Hennepin County Regional Railroad Authority.
 4. The subject property already has a lot coverage of 44.29%, which is already above the maximum-allowed amount of 42%, and the applicant is proposing an lot coverage of 47.21%, an increase of 2.92%.
 5. The applicant is requesting an 8.5-foot rear yard setback variance, proposing a 16.5-foot rear yard setback where 25 feet is required.
 6. All other required setbacks (except for the front yard, which is legal non-conforming), height, and building coverage are met.
 7. The property will continue to be used for single-family residential purposes.

4. The applicant indicated the following in the narrative of the original variance application:
 1. The lot has a unique shape that angles in the back and is not conducive for a two-car garage anywhere on the property within the setbacks.
 2. The existing tuck-under carport is structurally deteriorating and lacks proper headroom, foundation and width for two vehicles and a garage door.
 3. A two-car garage is common in the area.
 4. The location of the existing carport would not be an ideal location for a garage, as its setback only 2.3 feet from the side yard property line.

5. The applicant has also considered a street side approach, but this would add a curb cut and driveway on George Street, and the lot would be too narrow for a garage to be placed on the side of the existing house.
6. The proposed garage is placed in the least conspicuous location on the property.

Conclusions

1. The applicant considered a number of alternatives for placement of the garage, which were not feasible.
2. The variance was approved on the following conclusions:
 1. The property owner proposes to use the property in a reasonable manner by preserving the existing home and adding on a garage and living space instead of utilizing the existing, structurally deteriorating carport.
 2. There are practical difficulties in meeting the required minimum rear yard setback due to the angle of the lot. Additionally, the applicant is not proposing to significantly increase the impervious surface.
 3. The garage will be inconspicuous from George Street, and the removal of the carport will not have a significant effect on the character of the area. There will not be a significant increase in the footprint of the building.
 4. The requested variances are in harmony with the general purposes and intent of the Zoning Code as it pertains to residential standards.
 5. The lot adjoins Hennepin County Regional Trail in the rear, so mass and scale does not impact adjacent property owners in the rear of the property.

Conditions

1. The extension of the approval of the variances shall be valid until December 2, 2021.
2. The structure shall be built in accordance with the plans approved by the City Council on December 2, 2019 with slight modifications as approved on

November 2, 2020.

Adopted by the Council of the City of Excelsior, Minnesota this 2nd day of November 2020.

Todd R. Carlson, Mayor

ATTEST:

Lynette R. Peterson, City Clerk

Kristi Luger, City Manager

PERMIT NO.	DATE	CONTRACTOR'S NAME	LOCATION	COST ESTIMATE	101-32210	101-34104	101-20801	101-34105	TOTAL
					PERMIT FEE	PLAN CHECK	SURCHARGE	ADMIN FEE	
2020-58	10/6/2020	United Exteriors	400 Mill St (re-roof)	\$20,000.00	\$339.25		\$10.00	\$10.00	\$359.25
2020-59	10/6/2020	Norse Companies	234 Water St (exterior alterations)	\$100,000.00	\$1,056.75	\$686.89	\$50.00	\$200.00	\$1,993.64
2020-60	10/12/2020	United Exteriors	401 Mill St (re-roof)	\$1,500.00	\$28.25		\$0.75	\$7.50	\$36.50
2020-61	10/15/2020	Kevin Nash	550 Wheeler Dr (re-roof)	\$15,000.00	\$265.50		\$7.50	\$75.00	\$348.00
2020-62	10/15/2020	Kevin Nash	621 Lyman Pl (re-roof)	\$15,000.00	\$265.50		\$7.50	\$75.00	\$348.00
2020-63	10/13/2020	Lecy Brothers	6 Third Street (interior demo)		\$200.00		\$1.00		\$201.00
2020-64	9/30/2020	Stonewood, LLC	278 West Lake St (new construction)	\$750,000.00	\$4,706.75	\$3,059.39	\$375.00	\$100.00	\$8,241.14
2020-65	9/30/2020	Stonewood, LLC	278 West Lake St (demo)		\$1,250.00		\$1.00		\$1,251.00
2020-66	10/26/2020	Platinum Builders	746 Second Ave (re-roof)	\$8,000.00	\$162.25		\$4.00	\$40.00	\$206.25
2020-67	10/26/2020	Iron River Construction	209 George St (re-roof)	\$23,560.00	\$391.76		\$11.78	\$100.00	\$503.54

2020-68	10/27/2020	Tonka Decks	328 West Lake (deck)	\$4,000.00	\$103.25	\$67.11	\$2.00	\$20.00	\$192.36
2020-69	10/28/2020	Bill Essel	603 Lake St #101 (interior demo)		\$200.00		\$1.00		\$201.00
				<u>\$937,060.00</u>	<u>\$8,969.26</u>	<u>\$3,813.39</u>	<u>\$471.53</u>	<u>\$627.50</u>	<u>\$13,881.68</u>

STAUNTONLAW MEMORANDUM

5277 lochloy drive
edina, minnesota 55436
(952) 836.1020

TO: Mayor and City Council

FROM: Kevin P. Staunton
City Attorney

RE: Second Reading and Adoption of Amendment to Special Event Permit Ordinance

DATE: October 29, 2020

At your October 5 meeting, Council Member Kurschner proposed an amendment to the City's Special Event Permit Ordinance to facilitate appeals of the required fees during a pandemic or other emergency declared by the Governor under Chapter 12 of the Minnesota Statutes. The council requested the proposed language be incorporated into a draft ordinance to be considered at your October 19 meeting.

At your October 19 meeting, you waived first reading and scheduled second reading and adoption for your November 2nd meeting. Ordinance No. 615 is attached.

RECOMMENDED ACTION: Waive second reading and adopt Ordinance No. 615.

cc: Kristi Luger

City of Excelsior
Hennepin County, Minnesota

Ordinance No. 615

An Ordinance to Amend Chapter 10, Article XIV
of the Excelsior City Code

THE CITY COUNCIL OF EXCELSIOR, MINNESOTA, HEREBY ORDAINS:

SECTION ONE: Amendment. Chapter 10, Article XIV, section 10-542 of the Excelsior City Code is amended as follows:

Sec. 10-542. - Fee.

- a) Except for events taking place during a pandemic or other emergencies declared by the Governor of Minnesota under Chapter 12 of the Minnesota Statutes, the non-refundable fee for each permit shall be as established by resolution of the city council and shall not be subject to the variance or appeal provisions of section 10-547.
- b) Parades or Special Events requiring public safety resources shall pay separate fees to the Excelsior Fire District and/or the South Lake Minnetonka Police Department as determined by those agencies.
- c) Parades or Special Events that require specialized equipment (such as barricades, lights, personalized signage, etc.) shall pay 100 percent of the staff and equipment costs, including any applicable rental fees.

SECTION TWO: Effective Date. This ordinance shall be effective thirty (30) days after its passage and publication.

Adopted by the City Council of the City of Excelsior, Minnesota, this 2nd day of November, 2020.

ATTEST:

Todd Carlson, Mayor

Lynette Peterson, City Clerk

Kristi Luger, City Manager

First Reading of Ordinance:

October 19, 2020

Second Reading and Adoption:

November 2, 2020

Publication of Ordinance:

November 12, 2020

Effective Date:

December 12, 2020



MEMORANDUM

Item 12(a)– Shorewood Sewer Agreement

Re: _____

Date: November 2, 2020

To: City Council

From: Kristi Luger, City Manager

At its work session on October 13, 2020, the Shorewood City Council reviewed a memo from its city administrator (a copy of which is attached) alleging that Excelsior has overcharged Shorewood for sanitary sewer services. Shorewood’s staff estimates the amount of the overcharge to be \$270,000 since 1991 and calculates the present value of the overcharges to be \$329,000. Shorewood staff recommended that the Shorewood City Council authorize cancellation of the sewer services contract between the cities and negotiation of a new agreement with the \$329,000 to be used as a credit against future charges. Although the Shorewood Council did not vote on the recommendation, Mr. Lerud reports that there was “unanimous consensus that Shorewood would be providing cancellation notice . . .” and that a new agreement is needed. Mr. Lerud also reported that the Shorewood Council had asked two of its members (Scott Zerby and Patrick Johnson) to pursue discussions with Excelsior regarding the matter.

I am requesting the council appoint two members to engage in these discussions with the Shorewood officials. I envision that those members (supported by staff) would meet with Shorewood officials to hear their concerns and develop a proposal for addressing those concerns. As is always the case when we ask one or two council members to work with staff on an issue, the members would not have any authority to make any decisions on behalf of the city but would, instead, merely be authorized to develop a proposal that can later be brought back to the full council for its consideration.

While I am recommending that two council members be appointed to work on this issue, I want to be clear about the fact that we dispute Mr. Lerud’s assertion that Excelsior has overcharged Shorewood and should be credited for any amount. Staff members from Excelsior and Shorewood have been working on this issue since late February of this year. There are a number of concerns originally raised by Shorewood staff that have been addressed to the satisfaction of both cities; it is only this final issue that remains unresolved. Without going into all of the details,

you should be aware that Excelsior staff believe it is not appropriate to credit Shorewood \$329,000 because, at a minimum:

- (1) It would be unfair to change the rules after 30 years. We do not have meters to measure the flow of sewage from Shorewood into Excelsior. In order to estimate that flow, we have used the Met Council's annual unmetered flow calculations as a proxy to determine the volume of Shorewood's sewage flow into Excelsior. We have been transparent in sharing that means of calculating Shorewood's flow into our system, providing a copy of the Met Council calculation along with our invoice each year. Until this year, Shorewood had never raised any questions about how their flow was calculated. Now that we have learned that a portion of the flow from Shorewood properties into Excelsior does not travel through Excelsior's sewer system, we will adjust our flow calculations accordingly going forward. To require us to credit Shorewood, however, for a practice that they have participated in (with access to the same information we had) for almost 30 years is entirely unreasonable and unfairly relieves Shorewood from any responsibility for ensuring that the Met Council estimates accurately captured the Shorewood flow using Excelsior's system.
- (2) If we are going to change the rules for the past 30 years, it should result in a credit for Excelsior, not Shorewood. The 1991 agreement provides a formula that determines the amount to be charged per gallon of flow into Excelsior from Shorewood. That per-gallon rate is multiplied by the flow to generate the annual charge for sewage service. As we reviewed this matter in light of the concerns raised by Shorewood, we discovered that we failed to include our full budgeted capital outlays in the per-gallon calculation, using a depreciation figure instead. When we recalculated the per-gallon rate using both (a) the reduced number of parcels Shorewood has discovered, and (b) our actual budgeted capital outlays, we determined that we underbilled Shorewood by \$218,342.37 – over just the past 10 years. Accordingly, if Shorewood insists on recalculating charges over the past 30 years, it is only fair that all parts of the calculation be revisited. If that is done, it will result in them owing us a multiple of that \$200,000 figure (before calculating the present value of that figure).

RECOMMENDED ACTION: Appoint two council members to work to negotiate with Shorewood officials to develop a mutually-acceptable proposed resolution to this matter.



City of Shorewood Council Meeting Item

Title/Subject: Excelsior Sewer Billing

Meeting Date: October 13, 2020

Prepared By: Greg Lerud, City Administrator

Reviewed By: Joe Rigdon, Finance Director; Larry Brown, Director
of Public Works; Tim Keane, City Attorney

3
MEETING TYPE WORK SESSION

Attachments: 1971 Agreement, 1991 Joint Use Sanitary Sewer Service Rental Agreement, Map 1 of 2, Map 2 of 2, Calculation of Charge

Background: Late in 2019, the city of Excelsior sent Shorewood the annual invoice for sewer service charges related to conveyance of sewer from some Shorewood properties through Excelsior sewer mains to the Met Council interceptors or lift stations. Shorewood and Excelsior entered into an agreement in 1991 that contained a formula to determine the cost to Shorewood for the use of Excelsior sewer mains, and Excelsior has invoiced the city annually based on that formula since.

As staff started to investigate these charges, we began to have serious questions about exactly what Shorewood was paying for and the cost for this service. A little history:

In 1971, the two cities entered into an Agreement to share the cost to install a trunk sewer main on Glencoe in Excelsior that would serve properties in both cities. Shorewood paid one-half of the cost for that main installation and for that contribution, Shorewood had the perpetual right to use and convey sewage through that main at no future cost or expense. The Agreement stated Excelsior would be responsible for all future costs to operate and maintain that sewer main.

While the Met Council was building out its collection system in the late 1980s, it was using sewer mains in various cities to make their collection system “whole” and they paid rent to the municipal owner of use of those lines. Around 1990, the Met Council completed installation of its own interceptors and lift stations. The Met Council therefore no longer needed to use local mains, so they stopped paying rent for use of city lines.

As a result, in 1991 Shorewood and Excelsior signed a *Joint Use Sanitary Sewer Service Rental Agreement*. The agreement contained a formula that calculated Shorewood’s cost per million gallons, and then charged that amount against the Met Council’s estimated “unmetered flow” from Shorewood through Excelsior. There is very little in the minutes or other documents that shows the thought process on how the 1991 Joint Use Agreement was developed or rationale for the formula.

Mission Statement: *The City of Shorewood is committed to providing residents quality public services, a healthy environment, a variety of attractive amenities, a sustainable tax base, and sound financial management through effective, efficient, and visionary leadership.*

The unmetered flow is determined by Met Council and it is an estimate of flow that crosses municipal boundaries before it can be metered. This estimate is used to make sure that the treatment costs are appropriately charged to the municipality from where the sewage was generated. For example, Shorewood has unmetered flow that goes into Excelsior, and that amount gets added to Shorewood's bill when Met Council determines the city's annual sewer treatment cost. Likewise, Victoria has unmetered flow that enters Shorewood, and that is deducted, or a credit, against Shorewood's total meter flow. It is important to know that this calculation is only for determining credits and debits to each city's sewer treatment cost and is not the amount of sewage that is conveyed through sewer mains.

The two general areas that convey Shorewood sewage through Excelsior mains are shown on the attached maps and generally described as: the Grant/Academy/Park area, and the other is Wood Duck Circle/CR 19/Shorewood Marian/Lafayette. According to Met Council plans and maps, there are 136 Residential Equivalency Connections (RECs) in these two areas. Since 2005, the farthest year back where we have readily available information, Excelsior has billed Shorewood \$532,200 for conveying sewage from these two areas.

Staff had a meeting with Met Council staff to go over the data and information they had. During this meeting, it was discovered that many of the properties on Wood Duck and associated area, were directly connected to the Met Council mains. These parcels are not connected, nor had they ever been connected, to the Excelsior sewer mains. But these RECs had been included in the 1991 formula as if they are connected. The RECs that have never used Excelsior sewer is 39.3% of the total that have been included in the billing calculations sent to Shorewood, and which Shorewood has paid. As I said, we have readily available numbers going back 2005, but a reasonable estimate going back to 1991 indicates that Shorewood has paid approximately \$270,000 for service that was never needed or provided, and for which Excelsior incurred zero expense. With interest, the present value is estimated to be approximately \$329,000.

We wish to be clear that we do not believe this error was knowingly being done. Shorewood staff has had several conversations and exchanges with Excelsior staff regarding this, and we believe that we have taken those discussions as far as we can. It is now for the city council of each city to determine next steps. There are multiple interpretations of the 1991 agreement because it is so poorly written, and both cities agree that a new agreement is needed. However, setting aside all the other differences of opinion regarding the 1991 Agreement, it is quite clear that Shorewood has been billed, and paid, for something that we did not receive. This is not an example of being charged \$12 for something that costs \$10. It is an example of being charged \$10 for something that costs \$0. It is reasonable to expect to receive that money back, either as a lump sum (with interest) or as a credit against future (accurate charges), along with a credit for accruing interest.

Financial or Budget Considerations: Significant. The annual invoice to the Shorewood represents about eight percent of Shorewood's sewer expenditures.

Options:

1. Take no action on past billings and work to create a new agreement. The fact is some of Shorewood is using Excelsior mains to convey sewage and it is appropriate to pay for that service. While we recommend negotiating a new agreement, staff cannot recommend the city not pursue reimbursement for the amounts paid for which Shorewood did not receive any service.
2. Negotiate a "settlement." This would have to be done by the city councils, likely with assistance from a mediator.
3. Seek a legal remedy. Staff does not recommend this process. It is costly and complicated because both sides would raise various arguments about the 1991 Agreement and lost would be the unambiguous fact that Shorewood paid for a service that it did not receive.
4. The 1991 Agreement has a cancellation provision that allows the city to cancel the agreement with written notice. The city would then use the \$329,000 as a credit against future (accurate) charges, plus interest added to the credit balance until that number reaches zero. Along with this option, staff recommends working on a new Agreement.

Recommended Action: Staff recommends the fourth option.

Next Steps and Timeline: Staff will take council direction from this work session and bring the matter back to the council for formal action at a future council meeting.



MEMORANDUM

Item 12(b) – Set Date for General Election

Re: Canvassing Board

Date: November 2, 2020

To: City Council

From: Lynette Peterson, City Clerk

M.S. 205.185 Subd. 3 states that “the governing body of a city...shall act as the canvassing board ” for city elections. Hennepin County has advised that city canvassing boards cannot meet until Friday, November 13 no earlier than Noon due to 1) additional 7 days after election day that absentee ballots can be received and counted, 2) the Veterans Day holiday on 11/11, and 3) the time it will take for Hennepin County’s office to prepare abstracts and compile voter statistics and then provide them to cities and schools. The City would need enough Council Members present at this meeting to make quorum. With the City Clerk position being vacant at that time, Manager Luger will prepare the results and attend the canvassing meeting.

Council Action: Set General Election Canvassing Board for Friday, November 13 in the afternoon via Zoom.



MEMORANDUM

Item 12(c)– Accept Resignation & Declare

Re: Vacancies on City Commissions

Date: November 2, 2020

To: City Council

From: Emily Becker, Planning Director

The City has received a resignation letter from Wynne Reece from the Heritage Preservation Commission.

The City has historically advertised any vacancies and requested individuals who are interested in serving on the Heritage Preservation Commission to submit a Citizen Inquiry Form. A news release will be placed on the City website and require that Citizen Inquiry Forms be submitted by 5:30 p.m., Thursday, November 19, 2020. The City Council can then make the appointment at a future Council meeting.

Council Action: Accept Reece’s resignation and declare a vacancy on the Heritage Preservation Commission and direct staff to advertise for Citizen Inquiry Forms to be submitted no later than Thursday, November 19, 2020 so the City Council can make the appointment at a future Council meeting. The Council should also appoint someone to conduct the interviews of the applicants..