

City of Excelsior
City Council Meeting

MINUTES

Monday, June 15, 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, City Engineer Dawley, 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) May 28, 2020 Council Strategy Session Minutes

Kurschner moved, Dierking seconded, to approve the May 28, 2020 Council Strategy Session Minutes. On a roll call vote, Kurschner, Dierking, Caron, Miller and Carlson voted yes. Motion carried 5/0.

(b) June 1, 2020 Emergency City Council Minutes

Caron moved, Dierking seconded to approve the June 1, 2020 Emergency City Council Minutes. On a roll call vote, Caron, Dierking, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

Minutes

City Council Minutes

June 15, 2020

Page 2

(c) June 1, 2020 Work Session Minutes

Dierking moved, Kurschner seconded, to approve the June 1, 2020 Work Session Minutes. On a roll call vote, Dierking, Kurschner, Caron, Miller and Carlson voted yes. Motion carried 5/0.

(d) June 1, 2020 City Council Minutes

Caron moved, Kurschner seconded, to approve the June 1, 2020 City Council Minutes with clarification that the February 3, 2020 City Council meeting was guidance versus a vote pertaining to the College Lake Project. On a roll call vote, Caron, Kurschner, Dierking and Carlson voted yes; Miller vote no. Motion carried 4/1.

4. OPEN FORUM

Ann Hersman, 823 Hidden Lane, addressed the City Council inquiring about the status of the Excelsior Dock Cinema.

Councilmember Dierking asked to add the staffing survey for discussion on the June 29 Work Session or the July 6 Council Meeting.

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) Project Advisory Committee Update (Bandshell)

Councilmember Caron presented an update on the Project Advisory Committee.

(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) Mayor Carlson thanked Minnetonka High School, staff and everyone involved in the efforts to honor seniors in The Commons.

(g) The Council thanked Republic Services for their services in helping with spring cleanup. Staff will contact Republic Services regarding Grathwol Lane being missed.

6. AGENDA APPROVAL

(a) Meeting Agenda

Dierking moved, Kurschner seconded, to approve the June 15, 2020 Meeting Agenda removing Item 12(a) Request to Serve Alcohol from Paradise Cruises and adding item 7(a) Award Bid for Sale of \$2,775,000 General Obligation Bonds, Series 2020A. On a roll call vote, Dierking, Kurschner, Caron, Miller and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

Kurschner moved, Caron seconded, to approve the consent agenda items 1, 2, 3, 4, 5, 7 and 9. On a roll call vote, Kurschner, Caron, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

1. Approve Verified Claims – Approve for Payment Manual Checks #086527 – #086552

Action – Approved for payment manual checks #086527 – #086552.

2. Approve Pay Voucher No. 9 – 2019 Street and Utility Improvement Project

Action – Approved Construction pay Voucher No. 9 for the 2019 Street and Utility Improvement Project and authorized payment in the amount of \$411,172.25 to Northdale Construction Co., Inc.

3. Expansion of Licensed Liquor Establishments

Action – Ratified amendments to expand licensed premises for Coalition Restaurant, Red Sauce Rebellion, Olive’s Fresh and 318 Café for on-sale liquor licenses.

4. Commons Master Plan Implementation Liaisons Resolution

Action – Adopted Resolution No. 2020-37 Creating Council Liaisons to Commons Master Plan Implementation Efforts.

5. Emergency Declaration

Action – Adopted Resolution No. 2020-36 Extending the Period of a Local Emergency.

7. Donation Yoga 2020

Action – Waived the Level 1 permit fee for 2020 for Donation Yoga.

9. Minnesota Historical and Cultural Grant Agreement

Action – Approved the Minnesota Historical and Cultural Heritage Grant Agreement with the Minnesota Historical Society.

Caron moved, Dierking seconded, to approve consent agenda items 6 and 8 amending the date in the item 6 memo from August 28 to February 28 and removing the banner permit in item 8 as it does not pertain to the request. On a roll call vote, Caron, Dierking, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

6. Ordinance Amending Commission Membership and Quorum Requirements

Action – Waived the first reading of the ordinance and scheduled the second reading for July 6, 2020.

8. Excelsior Flea Market 2020

Action – Approved the 2020 Excelsior Flea Market permit.

7. PUBLIC HEARINGS

- (a) Award Bid for Sale of \$2,775,000 General Obligation Bonds, Series 2020A

Doug Green, Director, BakerTilly Municipal Advisors, presented information on the sale of \$2,775,000 General Obligation Bonds, Series 2020A.

Dierking moved, Caron seconded, to adopt Resolution 2020-39 Providing for the Issuance and Sale of \$2,775,000 General Obligation Bonds, Series 2020A. On a roll call vote, Dierking, Caron, Kurschner and Carlson voted yes; Miller abstained due to being in favor of a smaller project. Motion carried 4/1.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) None.

9. ORDINANCES and RESOLUTIONS

- (a) Residential Review Board, Good Neighbor Guidelines and Floor Area Ratio

Jodi Noll, 242 First Street, addressed the Council in support of the Good Neighbor Guidelines.

Jules Macaluso-Harrison, 240 Center Street, addressed the Council representing the Planning Commission in support of the Good Neighbor Guidelines.

Peter Hartwich, 186 George Street, addressed the Council regarding the Good Neighbor Guidelines.

Anne Mark, 236 Lake Street, addressed the Council in support of the Good Neighbor Guidelines.

Bruce Noll, 242 First Street, addressed the Council in support of the Good Neighbor Guidelines.

Ann Hersman, 823 Hidden Lane, addressed the Council in support of the Good Neighbor Guidelines, Residential Review Board and the Floor Area Ratio.

The Council agreed that the Planning Commission should be the reviewing body in the residential review process and directed staff to consult with the Planning Commission to define the review process and triggers for the review process and finalize the Good Neighbor Guidelines to be incorporated in Appendix E and guidance on the Floor Area Ratio. Staff will then bring recommendations from the Planning Commission to the Council sub-committee consisting of Councilmember Dierking and Kurschner to review and present final comments to the Council for final approval.

(b) Food Truck Regulations

Jack Stevens, Maynards, 685 Excelsior Boulevard, addressed the Council expressing concerns regarding food trucks.

Dean and Becky Salita, Tommy's Tonka Trolley, addressed the Council expressing concerns regarding food trucks.

Patrick Foss, Excelsior Brewery, 421 Third Street, addressed the Council in support of food trucks.

Kurschner moved, Miller seconded, to cap the amount of food trucks to four and direct Councilmember Dierking to work with the Chamber on additional recommendations. On a roll call vote, Kurschner, Miller, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

(c) Liquor License Fees

Kurschner moved, Miller seconded, to adopt Resolution No. 2020-35 Refunding a Portion of Liquor License Fees for 2020. On a roll call vote, Kurschner, Miller and Carlson voted yes; Caron and Dierking voted no stating they feel the Council is moving too fast on this refund and more information should be obtained. Motion carried 3/2.

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

(a) None

11. UNFINISHED BUSINESS

(a) Concerts in The Commons Agreement

Caron moved, Miller seconded, to authorize execution of the Amended Program Agreement – The Commons Concert Series. On a roll call vote, Caron, Miller, Dierking and Carlson voted yes; Kurschner voted no. Motion carried 4/1.

12. NEW BUSINESS

(a) Request to Serve Alcohol from Paradise Cruises

This item was removed by the request of Paradise Cruises.

(b) Greenwood Proposal

Dierking moved, Kurschner seconded, to forward the recommended proposal to Greenwood with the understanding that the City will need to expend at least \$7,000 in 2021 to make the arrangement work checking in at six months to make sure the agreement is working. On a roll call vote, Dierking, Kurschner, Caron, and Carlson voted yes; Miller voted no stating he would like to see more specifics. Motion carried 4/1.

(c) July 4 Fireworks Special Event Permit Application

Miller moved, Caron seconded to adopt Resolution 2020-38 Denying Special Events Permit Application for July 4 Fireworks. On a roll call vote, Miller, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 5/0.

13. ADJOURNMENT

Dierking moved, Caron seconded, to adjourn the meeting at 10:52 p.m. On a roll call vote, Dierking, Caron, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

Respectfully submitted,
Lynette R. Peterson, City Clerk