

City of Excelsior  
City Council Meeting

MINUTES

Monday, August 3, 2020

6:30 P.M.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 6:53 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 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) July 6, 2020 City Council Minutes

Miller moved, Kurschner seconded, to approve the July 6, 2020 City Council Minutes with the addition of "5-foot" on the bulleted item for Water Street amending it to read "Install a 5-foot asphalt trail on the west (lake) side of Water Street from Academy Avenue to College Avenue" and amending the motion to state "to approve the project as described above". On a roll call vote, Miller, Kurschner, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

Minutes

City Council Minutes

August 3, 2020

Page 2

(b) July 20, 2020 Work Session Minutes

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

(c) July 20, 2020 City Council Minutes

Caron moved, Kurschner seconded, to approve the July 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

(a) 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 Update

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

(c) SLMPD Update

Mayor Carlson presented an update on the SLMPD.

(d) PAC Update

Councilmember Caron presented an update on the Project Advisory Committee and design of the bandshell.

(e) Masking Ordinance Update

Attorney Staunton presented an update on the masking ordinance stating it has expired due to the Executive Order issued by Governor Walz.

(f) 2019/2020 Project Update

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

(g) Filing period – July 28, 2020 through August 11, 2020

City Clerk Peterson presented an overview of the process for filing as a candidate for Mayor or City Council. She also noted the dates of direct balloting and that the Primary Election is on Tuesday, August 11 with polls being open 7 a.m. to 8 p.m.

6. AGENDA APPROVAL

(a) Meeting Agenda

Kurschner moved, Dierking seconded, to approve the August 3, 2020 Meeting Agenda. On a roll call vote, Kurschner, Dierking, Caron, Miller and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

Caron moved, Kurschner seconded, to approve the consent agenda pulling items 6(b)4 Approve Contract with the City of Greenwood and 6(b)5 Approve the 2021 Excelsior Fire District Budget and Capital Improvement Plan. 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 #086642 – #086663

Action – Approved for payment manual checks #086642 – #086663.

2. Approve Pay Voucher No. 3 – 2020 Street and Utility Improvement Project

Action – Approved Construction Pay Voucher No. 3 for the 2020 Street and Utility Improvement Project and authorized payment in the amount of \$292,177.38 to Northdale Construction Co., Inc.

3. Approve Tobacco Licenses

Action – Approved tobacco licenses for July 1, 2020 through June 30, 2021.

6. July Building Permit Report

Action – Accepted July building permit report.

4. Approve Contract with the City of Greenwood

Action – Kurschner moved, Caron seconded, to authorize the Mayor and City Manager to execute the Agreement with Greenwood. On a roll call vote, Kurschner, Caron, Dierking and Carlson voted yes; Miller voted no stating he would like to see a positive budget impact by signing this agreement. Motion carried 4/1.

5. Approve the 2021 Excelsior Fire District Budget and Capital Improvement Plan

Action – Caron moved, Kurschner seconded, to approve the 2021 Excelsior Fire District operating budget and capital improvement plan. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

7. PUBLIC HEARINGS

(a) 246 West Lake Street Conditional Use Permit

Mike Randall, applicant, commented regarding the application.

Jeanna French, 220 West Lake Street, addressed the City Council with concerns regarding the process for adding the pool to the property and the clear cutting of trees for making room for the pool.

With no one else from the public appearing to speak at the public hearing, Mayor Carlson closed the public hearing.

Kurschner moved, Dierking seconded, to adopt Resolution No. 2020-47 approving a conditional use permit to allow a pool on the property located at 246 West Lake Street with the condition added to provide arborvitae at 8 feet in height and the Council work on updating the tree ordinance and light and noise ordinance. On a roll call vote, Kurschner, Dierking, Caron and

Carlson voted yes; Miller voted no stating he would like to see the pool moved over 4 feet and additional screening in the plan. Motion carried 4/1.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) Excelsior-Lake Minnetonka Chamber of Commerce Request

Jen Weiss, Excelsior-Lake Minnetonka Chamber of Commerce, addressed the City Council regarding the issues with Chamber funding.

Miller moved, Caron seconded, to fund two months (\$20,000) of operating expenses for the Chamber now with the condition if the Chamber receives an additional four months of funding from sister cities that Excelsior will fund another two months of operating expenses and offer the use of City Hall to house Chamber operations in the interim with the chamber looking into their budget and cutting any additional spending, working on a long-term plan to sustain themselves and to work on focusing efforts into Excelsior's business district. On a roll call vote, Miller, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 5/0.

(b) 511 Second Street Design Standards Review Amendment

Kurschner moved, Miller seconded to adopt Resolution No. 2020-44 approving the proposed Design Standards Amendment for 511 Second Street. On a roll call vote, Kurschner, Miller, Dierking and Carlson voted yes; Caron voted no. Motion carried 4/1.

9. ORDINANCES and RESOLUTIONS

(a) Residential Review Process and Good Neighbor Guidelines

Caron moved, Kurschner seconded, to waive a first reading of Ordinance No. 610 and schedule the second reading for August 17, 2020 with changes to the ordinance to reflect all new projects go through review at the staff level by the City Planner, Architect and applicant to ensure they meet the Good Neighbor Guidelines; those projects that do not meet the Good Neighbor Guidelines will go through the Planning Commission and remodels will be defined by a work group that will tighten up the Good Neighbor Guidelines and Floor to Area Ratio; remove clause 42-7(h)1 and 2 of the ordinance and the work group bring back draft changes to the second

reading of the ordinance with the entire process being set up as a one-year trial period. On a roll call vote, Caron, Kurschner, Dierking and Carlson voted yes; Miller voted no stating he feels being overly restricted will increase City costs substantially. Motion carried 4/1.

Caron moved, Dierking seconded, to appoint Councilmembers Caron and Kurschner and have Planning Commission Chair Wallace appoint two members of the Planning Commission to be on a work group to discuss and draft changes to the Residential Review Process ordinance, Good Neighbor Guidelines and Floor Area Ratio to be considered by the Council at the second reading of the ordinance. On a roll call vote, Caron, Dierking, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

- (a) None

11. UNFINISHED BUSINESS

- (a) 221 Third Street Variances – Resolution No. 2020-42

Councilmember Kurschner recused himself from the discussion and vote on this item.

Caron moved, Dierking seconded, to adopt Resolution No. 2020-42 Approving variances for property located at 221 Third Street. On a roll call vote, Caron, Dierking, Miller and Carlson voted yes. Motion carried 4/0.

- (b) Motion to Rescind the City's Mask Purchase

Caron moved, Kurschner seconded, to rescind the motion to purchase 3,000 masks at a cost not-to-exceed \$15,000. On a roll call vote, Caron, Kurschner, Dierking, Kurschner and Carlson voted yes; Miller voted no. Motion carried 4/1.

Miller moved to purchase 1,000 masks not to exceed \$5,000. This motion failed for lack of a second.

12. NEW BUSINESS

Minutes

City Council Minutes

August 3, 2020

Page 7

(a) None

13. ADJOURNMENT

Dierking moved, Kurschner seconded, to adjourn the meeting at 11:08 p.m. On a roll call vote, Miller, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 5/0.

Respectfully submitted,  
Lynette R. Peterson, City Clerk