

City of Excelsior  
City Council Meeting

MINUTES

Monday, August 17, 2020

6:30 P.M.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 6:39 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, 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.

3. APPROVAL OF MINUTES

(a) August 3, 2020 Work Session Minutes

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

(b) August 3, 2020 City Council Minutes

Caron moved, Kurschner seconded, to approve the August 3, 2020 City Council Minutes with changes to 8(a) Excelsior-Lake Minnetonka Chamber of Commerce Request adding to the end of the motion "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, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

4. OPEN FORUM

- (a) Finance Officer Oath of Office – Finance Officer Marian Potter

Mayor Carlson administered the Oath of Office for Finance Officer Marian Potter.

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) PAC Update (Bandshell)

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

- (c) 2019/2020 Project Update

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

- (d) Third Avenue and Division Art

Mayor Carlson commented on the Third Avenue and Division Street Art. He would like the Council to consider setting up a committee to start an art walk in Excelsior.

6. AGENDA APPROVAL

- (a) Meeting Agenda

Caron moved, Dierking seconded, to approve the August 17, 2020 Meeting Agenda with the addition of 12(b) Conditional Use Permit Process Discussion. On a roll call vote, Caron, Dierking, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

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

1. Approve Verified Claims – Approve for Payment Manual Checks #086664 – #086667 and #086685 – #086759

Action – Approved for payment manual checks #086664 – #086667 and #086685 – #086759.

2. Approve Pay Voucher No. 11 – 2019 Street and Utility Improvement Project

Action – Approved Construction Pay Voucher No. 11 for the 2019 Street and Utility Improvement Project and authorized payment in the amount of \$268,178.71 to Northdale Construction Co., Inc.

3. Extension of Local Emergency Declaration

Action – Adopted Resolution No. 2020-50 Extending the Local Emergency and directed staff to continue remote meetings until further notice.

7. PUBLIC HEARINGS

- (a) None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) Tour de Tonka Appeal of Refund Policy

Tim Litfin, Minnetonka Community Education, addressed the Council requesting a 100% refund of the special event permit fees for the 2020 Tour de Tonka Event.

Caron moved, Dierking seconded, to deny Minnetonka Community Education's request for a full refund of the special event permit fees for the 2020 Tour de Tonka event. On a roll call vote, Caron, Dierking, Kurschner and Carlson voted yes; Miller voted no. Motion carried 4/1.

(b) The Excelsior Festival of Wheels Appeal

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

Myrle Mackenzie and Gary Ezell, Excelsior Festival of Wheels, addressed the Council on behalf of the event.

Patrick Foss, 421 Third Street, Excelsior Brewing Co., addressed the Council regarding the festival.

Miller moved, Dierking seconded, to approve the Excelsior Festival of Wheels event permit contingent on approval by the SLMPD, the event being held in two parking lots only to be determined by staff and the event coordinators, the event not to exceed 250 people and being in compliance with the Governor's recommendations on social distancing and size limits. On a roll call vote, Caron, Dierking, Miller and Carlson voted yes. Motion carried 4/0.

(c) LMCD Update

Mark Kroll, Excelsior's representative on the Lake Minnetonka Conservation District (LMCD) Board, presented an update on the LMCD's activities.

9. ORDINANCES and RESOLUTIONS

(a) Residential Review Process and Good Neighbor Guidelines

Peter Hartwich, 186 George Street, addressed the Council stating he feels every project should be examined in the Residential Review Process.

Bruce Noll, 242 1<sup>st</sup> Street, addressed the Council in support of FAR triggers for new construction and compliance with Good Neighbor Guidelines.

Miller moved, Kurschner seconded, to establish a limit to trigger a variance of .47 for 7,000 square feet or less with a linear relationship down to .37 for 14,000 square feet or greater. Kurschner rescinded his second to the motion and the motion died for lack of a second.

Kurschner moved, Miller seconded, to establish the upper limit at .45 with a linear scale down to .32. On a roll call vote, Kurschner, Miller, and Dierking voted yes; Caron and Carlson voted no noting they would like to see lower numbers. Motion carried 3/2.

Caron moved, Kurschner seconded, to approve the Good Neighbor Guidelines as amended in the council packet moving 4, 9 and 10 to the notes section, as recommended by the Planning Commission. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

Kurschner moved, Miller seconded, to bring back Ordinance 610 for a final reading at the first meeting in September. On a roll call vote, Kurschner, Miller, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

(b) Landmark Ordinances and Incentives

Dierking moved, Caron seconded, to send the Landmark Ordinances and Incentives to the Historic Preservation Commission for review and individual commissioner feedback and continue this item to the first meeting in September. 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) None

12. NEW BUSINESS

(a) September 8 Council Meeting Date Change

Caron moved, Kurschner seconded, to change the September 8 City Council meeting to September 9. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

(b) Conditional Use Permit Process

Mayor Carlson explained the process for the Conditional Use Permit for 246 West Lake Street.

13. ADJOURNMENT

Dierking moved, Kurschner seconded, to adjourn the meeting at 10:06 p.m. On a roll call vote, Dierking, Kurschner, Caron, Miller, and Carlson voted yes. Motion carried 5/0.

Mark Bowers, 194 West Lake Street, addressed the Council regarding the letter from his wife Susan regarding the 246 West Lake Street Conditional Use Permit and the response time from staff and councilmembers.

Respectfully submitted,  
Lynette R. Peterson, City Clerk