

City of Excelsior  
City Council Meeting

MINUTES

Wednesday, September 9, 2020

6:30 P.M.

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, Kurschner and Miller

Absent: None

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Amundsen, 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) August 17, 2020 Work Session Minutes

Dierking moved, Caron seconded, to approve the August 17, 2020 Work Session Minutes. On a roll call vote, Dierking, Caron, Kurschner, Miller and Carlson voted yes. Motion carried 5/0.

(b) August 17, 2020 City Council Minutes

Dierking moved, Caron seconded, to approve the August 17, 2020 City Council Minutes. On a roll call vote, Dierking, Caron, Kurschner, 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 and explained the Hennepin County Business District Recovery Program Grant.

- (b) Reporting a Violation of the Construction Ordinance

Planning Director Becker explained the process of reporting a violation of the construction ordinance.

- (c) Mill Street Multi-Use Trail Project Update

Engineer Dawley gave an update on the Mill Street Multi-Use Trail Project.

- (d) 2019/2020 Project Update

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

6. AGENDA APPROVAL

- (a) Meeting Agenda

Caron moved, Kurschner seconded, to approve the September 9, 2020 Meeting Agenda with the addition of item 12(a) Schedule Special Meeting to Discuss Budget. On a roll call vote, Caron, Kurschner, Dierking, Miller and Carlson voted yes. Motion carried 5/0.

- (b) Consent Agenda

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

1. Approve Verified Claims – Approve for Payment Manual Checks #086760 – #086807

Action – Approved for payment manual checks #086760 – #086807.

2. Increase the City Manager’s Spending Authority to \$20,000

Action – Adopted Resolution No. 2020-54 Resolution Increasing the City Manager’s Spending Authorization to \$20,000.

3. Lake Minnetonka Communications Commission Budget

Action – Approved the 2021 Budget for the Lake Minnetonka Communications Commission.

4. August Building Permit Report

Action – Accepted August building permit report.

5. Adopt-a-Garden Proposal

Action – Approved the proposal to install a new perennial garden along the Lake Street sloped area by Community for The Commons and Colleen Lockovitch along with assistance from volunteers and City staff.

6. Approve Pay Voucher No. 1 & Final – 2020 Crack Sealing Project

Action – Approved the Final Construction Pay Voucher No. 1 & Final for the 2020 Crack Sealing Project and authorized payment in the amount of \$15,833.25 to KAMCO Inc.

7. Approve Pay Voucher No. 4 – 2020 Street & Utility Improvement Project

Action – Approved Construction Pay Voucher No. 4 for the 2020 Street and Utility Improvement Project and authorized payment in the amount of \$310,894.14 to Northdale Construction Co., Inc.

8. Extension of the Local Emergency Declaration

Action – Adopted Resolution No. 2020-53 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) Proposed Design for the Bandshell

Dan Johnson and Eric Snyder from the Project Advisory Committee (PAC) presented a proposed design for the bandshell.

Bruce Noll, 242 First Street, addressed the Council agreeing with incorporating some type of storm protection into the bandshell design.

Bob Bolles, 229 George Street, addressed the Council expressing concerns regarding design decisions and the short design timeline.

Peter Hartwich, 186 George Street, addressed the Council expressing concerns regarding the design and encouraging halting the spending on the construction of the bandshell.

Miller moved, Caron seconded, to approve resolution 20-55 with changes as discussed to include revising the resolution to read:

1. The proposed design of the bandshell is approved by the City Council subject to the following conditions:
  - a. That the construction drawings and bid documents are returned to the council for review at the 30% and 60% completion stages; and
  - b. That the council shall approve the final construction drawings and bid documents before the final design is approved; and
  - c. A funding agreement between the City and C4C shall be approved before the City awards bids for construction.

3. Amend to add a Community for the Commons representative to the Project Management Team; and

Amend the 4<sup>th</sup> to the last Whereas clause to insert the word “concept” before “design”.

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

9. ORDINANCES and RESOLUTIONS

- (a) Residential Review Process and Good Neighbor Guidelines

Caron moved, Dierking seconded, to continue this item to the September 21 meeting and to appoint Councilmembers Caron and Dierking to work with the Planning Director and City Attorney to finalize language. On a roll call vote, Caron, Dierking and Carlson voted yes; Miller and Kurschner voted no with Miller stating he disagrees with the Council ignoring the recommendation from Planning Commission to use triggers. Motion carried 3/2.

- (b) Landmark Ordinances and Incentives

Dierking moved, Caron seconded, to waive the first reading of Ordinance No. 611 (Councilmember Caron’s version) with amendments and schedule the second reading for September 21, 2020. On a roll call vote, Caron, Dierking, Kurschner and Carlson voted yes; Miller voted no, noting he feels changes in reference to the 45-day “check-in” do not respect the homeowner’s rights. Motion carried 4/1.

Caron moved, Kurschner seconded, to allow accessory structures to have plumbing for kitchen and/or bathroom facilities and be used for dwelling purposes. This would need to go to the Planning Commission for a public hearing and return to a future meeting. On a roll call vote, Caron, Dierking, Kurschner and Carlson voted yes; Miller voted no. Motion carried 4/1.

Miller moved, Kurschner seconded to adopt Resolution No. 2020-48, as amended, to provide a one-time financial reward of \$1,000 and a plaque to any newly designated residential landmark property in the City of

Excelsior. On a roll call vote, Miller, Kurschner and Carlson voted yes; Caron and Dierking voted no. Motion carried 3/2.

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

- (a) None

11. UNFINISHED BUSINESS

- (a) Glencoe Road Striping

Kate Holste, 696 Glencoe Road, addressed the Council with concerns regarding the striping on Glencoe Road.

Kurschner moved, Dierking seconded, to withdraw the striping on Glencoe Road and allow residents to park on the west side of the street with no parking on the east side. On a roll call vote, Kurschner, Dierking, Caron, and Carlson voted yes; Miller voted no stating the comprehensive plan will need to be amended taking out the walking trail and he supports the sidewalk that was originally recommended by staff. Councilmember Caron noted she did not get an opportunity to speak on this matter. Motion carried 4/1.

- (b) East Parking Lot Improvements

Dierking moved, Kurschner seconded, to continue this item to the September 21 meeting. On a roll call vote, Dierking, Kurschner, Caron, Miller and Carlson voted yes. Motion carried 5/0.

12. NEW BUSINESS

- (a) Special Meeting to Discuss Budget

Kurschner moved, Dierking seconded, to set a special meeting to discuss the budget on Monday, September 28 at 5:00 p.m. via zoom. On a roll call vote, Kurschner, Dierking, Caron, Miller and Carlson voted yes. Motion carried 5/0.

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13.     ADJOURNMENT

Dierking moved, Kurschner seconded, to adjourn the meeting at 10:44 p.m. On a roll call vote, Dierking, Kurschner, Caron, Miller and Carlson voted yes. Motion carried 5/0.

Respectfully submitted,

Lynette R. Peterson, City Clerk