

City of Excelsior
City Council Meeting

MINUTES

Monday, October 5, 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, 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) September 21, 2020 Work Session Minutes

Kurschner moved, Dierking seconded, to approve the September 21, 2020 Work Session Minutes. On a roll call vote, Caron, Dierking, Kurschner and Carlson voted yes; Miller abstained. Motion carried 4/0/1.

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(b) September 21, 2020 City Council Minutes

Dierking moved, Caron seconded, to approve the September 21, 2020 City Council Minutes. On a roll call vote, Caron, Kurschner, Dierking and Carlson voted yes; Miller abstained. Motion carried 4/0/1.

(c) September 28, 2020 Special Council Minutes

Dierking moved, Kurschner seconded, to approve the September 28, 2020 Special Council Minutes. On a roll call vote, Dierking, Kurschner, Caron and Carlson voted yes; Miller abstained. Motion carried 4/0/1.

4. OPEN FORUM

Dan Brattland, 6 Third Street, appeared before the Council to commend Councilmember Miller for his 17 years of service on the City Council. He encouraged the Council to recognize members of the community that volunteer on Boards and Commissions with a plaque when their term is finished.

Councilmember Kurschner recused himself as a Councilmember at this time.

Dale Kurschner, 221 Third Street, addressed the Council in support of allowing Christkindlsmarkt to occur in 2020. He asked for the Council to consider a proposed amendment to the Special Event ordinance for the event fee to be considered on a case-by-case basis during a pandemic or other emergencies.

Myrle Mackenzie, Christkindlsmarkt organizer, addressed the Council regarding the need for timeliness decisions as Christkindlsmarkt is in the process of planning their 2020 event.

Councilmember Kurschner joined the meeting again as a Councilmember.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS and REPORTS

(a) Commissioner Callison Update

Jan Callison, Hennepin County Commissioner, gave an update on COVID-19, the Minneapolis unrest and the 2021 Budget.

(b) Excelsior-Lake Minnetonka Chamber of Commerce Update

Jen Weiss, Excelsior-Lake Minnetonka Chamber of Commerce, gave an update on the operations of the Chamber.

(c) 2019/2020 Project Update

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

(d) Councilmember Miller's Resignation

Councilmember Miller read a letter of resignation from the City Council effective immediately. Mayor Carlson and the Councilmembers thanked Councilmember Miller for 17 years of service on the Excelsior City Council.

Councilmember Miller left the meeting at 7:23 p.m.

6. AGENDA APPROVAL

(a) Meeting Agenda

Dierking moved, Kurschner seconded, to approve the October 5, 2020 Meeting Agenda with the addition of 12(c) Moving Forward with Councilmember Vacancy. On a roll call vote, Kurschner, Dierking, Caron and Carlson voted yes. Motion carried 4/0.

(b) Consent Agenda

Caron moved, Dierking seconded, to approve the consent agenda with the removal of item 6(b)5 Approve Contract for City Architect. On a roll call vote, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 4/0.

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. Resolution Appointing 2020 General Election Judges

Action – Adopted Resolution No. 2020-62 Appointing 2020 General Election Judges.
3. September Building Permit Report

Action – Accepted September building permit report.
4. Resolution Amending Legal Description for Landmark Property 635 Glencoe Road

Action – Adopted Resolution No. 2020-61 Amending Legal Description for Landmark Property at 635 Glencoe Road.
5. Approve Contract for City Architect

Action – This item was removed from the consent agenda.
6. Extension of Local Emergency Declaration

Action – Adopted Resolution No. 2020-63 Extending the Local Emergency Declaration.
7. Approve Pay Voucher No. 5 – 2020 Street and Utility Improvement Project

Action – Approved Construction Pay Voucher No. 5 for the 2020 Street and Utility Improvement Project and authorized payment in the amount of \$298,007.01 to Northdale Construction Co., Inc.
8. Approve Pay Voucher No. 12 – 2019 Street and Utility Improvement Project

Action – Approved Construction Pay Voucher No. 12 for the 2019 Street and Utility Improvement Project and authorized payment in the amount of \$62,571.47 to Northdale Construction Co., Inc.

9. Renewing Commercial Pier Lease for Winter Storage

Action – Approved the Commercial Pier Lease with Paradise Charter Cruises.

7. PUBLIC HEARINGS

(a) 630 Glencoe Road Stormwater Management Variance

Peter Hartwich, 186 George Street, addressed the Council regarding the meaning of BMP and asked if the applicant has looked at all options prior to the option of taking away the natural vegetation.

Caron moved, Kurschner seconded, to adopt Resolution No. 2020-60 approving a variance from the BMP requirements outlined in the Stormwater Management ordinance for the property located at 630 Glencoe Road with changes previously mentioned. On a roll call vote, Caron, Kurschner, Dierking and Carlson voted yes. Motion carried 4/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) 200 Lake Street to 7 George Street Agreement and Approvals

Dan Brattland, Developer, addressed the Council regarding questions on the house move and tree removal.

Caron moved, Dierking seconded, to approve the Developer Agreement to move the house currently located at 200 Lake Street to 7 George Street, tree trimming and removal, as applicable, of trees on public property and remove and replace the hedges (at a height of eight feet) on the corner of Lake and Courtland Streets. On a roll call vote, Caron, Dierking, Kurschner and Carlson voted yes. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

(a) None

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

(a) 685 Excelsior Boulevard Parking Lot Expansion Sketch Plan

Jack Stevens, owner of Maynards, addressed the Council explaining the need for more parking at Maynards.

The Council reviewed the sketch plan for the 685 Excelsior Boulevard parking lot expansion and provided feedback to the applicant.

Peter Hartwich, 186 George Street, addressed the Council regarding the sketch plan.

(b) 810 Excelsior Boulevard Day Care Facility Sketch Plan

The Council reviewed the sketch plan for the daycare facility at the property located at 810 Excelsior Boulevard and provided feedback to the applicant.

11. UNFINISHED BUSINESS

(a) None

12. NEW BUSINESS

(a) Special Events During a Pandemic

The Council discussed the City allowing events in Excelsior during the pandemic. This item will be on the October 19, 2020 Council Meeting agenda.

Joan Maher, 905 Excelsior Boulevard, addressed the Council in support of resuming special events in Excelsior.

Myrle Mackenzie, Christkindlsmarkt organizer, addressed the Council regarding the Christkindlsmarkt event stating whatever precautions are set forth by the Council they will adhere to.

(b) Proposed Extension of Purchase Agreement Deadline – 45 North Group

Dierking moved, Caron seconded, to approve the extension of the Purchase Agreement Deadline for 810 Excelsior Boulevard to January 15, 2021. Vote on the motion: Dierking, Caron, Kurschner and Carlson voted yes. Motion carried 4/0.

(c) Moving Forward with Councilmember Vacancy

Attorney Staunton explained the State Statute regarding filling a Council vacancy.

Dierking moved, Caron seconded, to appoint Ann Hersman to the open seat that has been vacated by Councilmember Miller. On a roll call vote, Dierking, Caron, Kurschner and Carlson voted yes. Motion carried 4/0.

13. ADJOURNMENT

Dierking moved, Caron seconded, to adjourn the meeting at 9:32 p.m. On a roll call vote, Dierking, Caron, Kurschner and Carlson voted yes. Motion carried 4/0.

Respectfully submitted,
Lynette R. Peterson, City Clerk