

City of Excelsior  
City Council Meeting

MINUTES

Monday, October 19, 2020

6:30 P.M.

OATH OF OFFICE

Mayor Carlson administered the Oath of Office to Councilmember Ann Hersman.

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, Hersman and Kurschner

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) October 5, 2020 Work Session Minutes

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

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(b) October 5, 2020 City Council Minutes

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

4. OPEN FORUM

Andrew Meyer, 110 Sunrise, Tonka Bay, candidate running for Minnesota House District 33B, appeared before the Council to describe his background as a candidate for Minnesota House District 33B representative.

Dario Anselmo, 6301 South Knoll, Edina, Candidate running for Hennepin County Commissioner District 6, appeared before the Council to describe his background as a candidate for Hennepin County Commissioner District 6.

Petra Cripe, 450 West Lake Street, appeared before the Council with concerns regarding the permanent easement granted to the owner of the dredging property located by her property. The Council discussed looking into this and bringing the issue back to another meeting.

Mark Nessit, 524 Second Street, Apt. 1, appeared before the Council to discuss adding art to the wall by the art store.

Peter Hartwich, 186 George Street, appeared before the Council to comment on the work session item of streamlining Council meetings and making them more efficient.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS and REPORTS

(a) 2019/2020 Project Update

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

(b) Fall Cleanup

Fall Cleanup will be November 7 with leaves and brush being picked up.

(c) Political Signs

Attorney Staunton cited political signs are restricted by state statute and the City cannot regulate the signage.

6. AGENDA APPROVAL

(a) Meeting Agenda

Dierking moved, Kurschner seconded, to approve the October 19, 2020 Meeting Agenda. On a roll call vote, Dierking, Kurschner, Caron, Hersman and Carlson voted yes. Motion carried 5/0.

(b) Consent Agenda

Caron moved, Dierking seconded, to approve the consent agenda with the removal of Item No. 6 – 181 George Street Variance Extension Request and adding this item to the November 2 meeting.

Kelvin Retterath, Architect for the 181 George Street Variance Extension project, appeared before the Council regarding the variance application.

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

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. Council Vacancy and Appointment

Action – Adopted Resolution No. 2020-66 Accepting the Resignation of Councilmember Greg Miller, Declaring a Vacant Council Position, and Appointing Ann Hersman to Fill the Vacancy Effective October 5, 2020.

3. Skating Rinks at The Commons Ballfield

Action – Approved the installation of rinks on The Commons Ballfield for \$1,952.25 utilizing park operating budget funds.

4. Blue Line Ticket Booth Repairs

Action – Approved improvements outlined in the “Port of Excelsior Blue Line Ticket Booth Annual Review Subcommittee Report”.

5. Waiving Heritage Preservation Commission Review of Proposed Downtown Colder Weather Accommodations

Action – Waived the first reading of Ordinance No. 614 and adopted Ordinance No. 614 as an emergency ordinance.

6. 181 George Street Variance Extension Request

Action – This item was moved to the November 2 meeting agenda.

7. Resolution Calling for Public Hearing on Assessment for the 2019 Street and Utility Improvement Project

Action – Adopted Resolution No. 2020-67 – Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for Public Hearing on Assessments for 2019 Street and Utility Improvement project.

8. Environmental Covenant and Easement – Excelsior Parkland (Studer Park)

Action – Authorized the Mayor and City Manager to execute the Environmental Covenant and Easement.

9. Randall Pool and Spa Lease Agreement

Action – Approved the lease agreement with Randall Poll and Spa and authorized the City Manager to execute this agreement.

10. Bandshell Construction Manager

Action – Approved proceeding with a CMr arrangement with one of the two selected Construction Managers and negotiation of a CMr Agreement for approval by the Council. Authorized commencement of preconstruction services by the selected CMr for a not-to-exceed amount of \$10,000.

7. PUBLIC HEARINGS

(a) 6 and 8 Village Lane Easement Vacation

Dierking moved, Kurschner seconded, to adopt Resolution No. 2020-64 approving an easement vacation for the properties located at 6 and 8 Village Lane. On a roll call vote, Dierking, Kurschner, Caron, Hersman and Carlson voted yes. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

(a) Project Advisory Committee – Construction Manager Update and Bandshell 30% Construction Drawings

Dan Johnson and Eric Snyder, Representatives from the Project Advisory Committee (PAC), provided an update on the Construction Manager process and reviewed the 30% construction drawings with the Council.

Kurschner moved, Hersman seconded, to authorize the PAC to proceed to the 60% completion stage. On a roll call vote, Kurschner, Hersman, Caron, Dierking and Carlson voted yes. Motion carried 5/0.

Petra Cripe, 450 West Lake Street, appeared before the Council with concerns regarding acoustics with the design of the bandshell.

(b) Excelsior-Lake Minnetonka Chamber of Commerce Strategic Plan Update

Jen Weiss, Executive Director of the Chamber, presented the Strategic Plan and provided an update on operations of the Chamber.

(c) Special Events During a Pandemic

Dierking moved, Kurschner seconded, to continue to permit special events with the addition that staff may require a COVID-19 Preparedness Plan for

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

(d) Proposed Amendment to Special Event Permit Ordinance

Dierking moved, Caron seconded, to waive the first reading of Ordinance No. 615 and schedule a second reading for the November 2<sup>nd</sup> Council meeting. On a roll call vote, Dierking, Caron, Hersman, Kurschner and Carlson voted yes. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

(a) Street Impact Fee Ordinance

Dierking moved, Kurschner seconded, to waive the first reading of Ordinance No. 595 and schedule a second reading for the November 2<sup>nd</sup> Council meeting with the fees being \$800, \$400 and \$200 based on valuation. On a roll call vote, Dierking, Kurschner, Caron, Hersman and Carlson voted yes. Motion carried 5/0.

(b) Allowing Accessory Structures as Dwellings on Landmark Properties Ordinance

Kurschner moved, Caron seconded, to waive the first reading of Ordinance No. 616 Amending the Landmark Property Ordinance and schedule the second reading for the November 2<sup>nd</sup> Council meeting with the change of language in Section 1 pertaining to existing accessory structures. On a roll call vote, Kurschner, Caron, Dierking, Hersman and Carlson voted yes. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS and COMMITTEES

(a) Accept Resignations and Declare Vacancies on Planning Commission and Parks and Recreation Commission

Dierking moved, Caron seconded, to accept Hersman and Wahlstedt's resignations, declare vacancies on the Planning Commission and Parks and Recreation Commission, direct staff to advertise for Citizen Inquiry Forms to be submitted no later than Thursday, November 5, 2020 and appoint

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Councilmember Dierking to conduct the interviews of the applicants for the Planning Commission and Councilmember Caron to conduct interviews for the Parks and Recreation Commission. On a roll call vote, Dierking, Caron, Hersman, Kurschner and Carlson voted yes. Motion carried 5/0.

11. UNFINISHED BUSINESS

(a) None

12. NEW BUSINESS

(a) None

13. ADJOURNMENT

Dierking moved, Hersman seconded, to adjourn the meeting at 8:47 p.m. On a roll call vote, Dierking, Hersman, Caron, Kurschner and Carlson voted yes. Motion carried 5/0.

Respectfully submitted,

Lynette R. Peterson, City Clerk