

City of Excelsior
City Council Meeting

MINUTES

Monday, November 4, 2019

6:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

City Council: Councilmembers Caron, Dierking, Kurschner, Miller and Mayor Carlson

Absent: None

Also Present: Interim City Manager Wisdorf, Public Works Superintendent Amundsen, City Planner Becker, Event Planner Edwards, Finance Director Horn and City Clerk Peterson

Mayor Carlson read a tribute of Mary Jo Fulkerson, former Council Member of the City of Excelsior.

3. APPROVAL OF MINUTES

(a) October 21, 2019 Work Session Minutes

Caron moved, Dierking seconded, to approve the October 21, 2019 Work Session Minutes. Motion carried 5/0.

(b) October 21, 2019 City Council Minutes

Caron moved, Dierking seconded, to approve the October 21, 2019 City Council Minutes. Motion carried 5/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) Update from Senator Osmek

Senator Osmek provided an update on the Legislative Session.

Petra Cripe, 450 West Lake Street, addressed the City Council voicing concerns about the Excelsior Sales and Use Tax.

(b) 2019 Street and Utility Improvements Project Update

Amundsen provided an update on the 2019 Street and Utility Improvement Project.

(c) Residential Review Board Research Committee

Becker gave an update on the Residential Review Board Research Committee.

(d) Halloween 2019

Mayor Carlson thanked the residents of the City of Excelsior for making Halloween a great holiday.

(e) December 2 Meeting at The Waters

Carlson stated the December 2nd Council meeting will be held at The Waters, 723 Water Street, with a Social at 5:30 p.m., Council Workshop at 6:00 p.m. and Council Meeting at 6:30 p.m.

(f) Dedication of Picnic Table for Deb and Rick Rodgers

Carlson stated a picnic table has been dedicated in The Commons in honor of Deb and Rick Rodgers' work on Community for The Commons.

(g) Preliminary Levy

Mayor Carlson explained the preliminary levy stating it is preliminary and will be reduced. When the preliminary levy is set it cannot go up, however can be reduced before the final levy is certified.

6. MEET EXCELSIOR

Brian and Maude Duggan, Union Place, 361 George Street, addressed the City Council.

7. AGENDA APPROVAL

(a) Meeting Agenda

Kurschner moved, Dierking seconded, to approve the November 4, 2019 Meeting Agenda. Motion carried 5/0.

(b) Consent Agenda

Caron moved, Dierking seconded, to approve the Consent Agenda for November 4, 2019. Motion carried 5/0.

1. Approve Verified Claims – Approve for Payment Manual Checks
085808 – 085852

Action - Approved for payment manual checks 085808 - 085852.

2. Resolution Designating Annual Polling Place

Action – Adopted Resolution No. 2019-53 Designating Annual Polling Place.

3. Continuation of City/Chamber Memorandum of Understanding

Action – Continued discussion of City/Chamber Memorandum of Understanding to the November 18, 2019 Council Meeting.

4. Well No. 3 Rehabilitation

Action – Approved the quotation from Bergerson Caswell Inc. for \$38,360 for the maintenance and rehabilitation of Well No. 3.

5. October Building Permit Report

Action – Accepted the October Building Permit Report.

8. PUBLIC HEARING

- (a) 200 Lake Street Landmark Designation

Becker presented information regarding the application for a historic designation for 200 Lake Street, which the applicant does not own but rents. Becker stated it should be noted that Section 20-7 of the Historic Preservation Ordinance outlines that the nomination of historic landmarks and landmark sites may be submitted by any person or organization. The property owner has not provided a letter of support in this case. Becker explained the process indicating without the owners' support, the designation would require a 4/5 City Council vote to approve.

City Attorney Staunton reviewed the background of Excelsior's Historic Preservation Ordinance and the process for designating historic sites including the Authority to Engage in Preservation; Legislative History; Who Gets to Petition; Votes Required for Designation; Designation over Property Owner Objection and Structures of Merit.

Mayor Carlson opened the public hearing at 7:43 p.m.

Jon Breyer, Kutak Rock, LLP, Attorney representing Owners Carrie and Gregory Larson, addressed the City Council explaining the purchase of the property and the intent of the purchase.

Carrie and Gregory Larson, owner of 200 Lake Street, addressed the City Council explaining the purchase of the property and the intent of the purchase.

John Gilles, 166 Linwood Avenue, addressed the City Council in support of denying the historic preservation landmark designation.

Dan Brattland, 6 Third Street, addressed the City Council in support of denying the historic preservation landmark designation.

Regina Wilhelm, 224 Lake Street, addressed the City Council in support of denying the historic preservation landmark designation.

Rick Atherton, 614 Pleasant Street, addressed the City Council in support of denying the historic preservation landmark designation.

Peter Hartwich, 186 George Street, addressed the City Council regarding the historic preservation landmark designation.

Lance Black, 274 Lake Street, addressed the City Council in support of denying the historic preservation landmark designation.

Scott McGinnis, 2605 Christian Parkway, Chaska, addressed the City Council to clarify the findings on the report and in support of denying the historic preservation landmark designation.

Marsh Gabriel, 162 West Lake Street, addressed the City Council in support of denying the historic preservation landmark designation.

Bernard Hanson, 365 College Avenue, addressed the City Council in support of denying the historic preservation landmark designation.

Lisa Kopas-Lane, 166 Maple Street, addressed the City Council in support of denying the historic preservation landmark designation.

Hearing no additional comments from the public, Mayor Carlson closed the public hearing at 8:30 p.m.

Kurschner moved, Dierking seconded, to not designate the property located at 200 Lake Street as a historic preservation landmark. Motion carried 5/0. Council directed staff to add discussion of the historic preservation ordinance to a future meeting.

(b) 301 Third Street Variance Requests

Becker presented information regarding the variance requests for 301 Third Street.

Mayor Carlson opened the public hearing at 9:28 p.m.

Mark Williams, 332 Second Street, Builder for 301 Third Street, addressed the City Council to explain the variance applications.

Megan Wallace, 311 Third Street, addressed the City Council voicing concerns about mass and scale in general in the City.

Dan Wallace, 311 Third Street, addressed the City Council voicing concerns regarding water runoff in the area of the project.

Peter Hartwich, 186 George Street, addressed the City Council voicing concerns regarding the size of the house at 301 Third Street and the direction of Excelsior.

Bruce Noll, 242 First Street, addressed the City Council voicing concerns regarding the size of the proposed house at 301 Third Street.

Mark Williams, 332 Second Street, Builder of 301 Third Street, addressed the City Council to answer questions raised during public comment.

Hearing no additional comments from the public, Mayor Carlson closed the public hearing at 9:51 p.m.

Miller moved, Kurschner seconded, to concur with the Planning Commission's recommendation and adopt Resolution 2019-55 approving a corner side yard setback variance for the property located at 301 Third Street. Carried 4/1 with Carlson opposed.

9. PETITIONS, REQUEST and COMMUNICATIONS

(a) Christkindlsmarkt 2019

Caron recused herself from the discussion.

Myrle Makenzie, 810 Excelsior Boulevard, Organizer of Christkindlsmarkt, addressed the City Council explaining the history of the event.

Miller moved, Kurschner seconded, to approve the Special Event Permit for the 2019 Christkindlsmarkt Event and approve the special rate of \$1,000 for 2019, increasing the fee 20 percent for the 2020 event, with the Public Works Department supplying in stock equipment for the 2019 event and adopt Resolution No. 2019-54 – A Resolution Imposing Temporary Street Closure on Friday, November 29 and Saturday November 30 with conditions as outlined. Motion carried 3/1 with Dierking opposed.

(b) Klondike Dog Derby 2020

Kurschner recused himself from the discussion.

Bill Damberg, Brightwater Clothing and Gear, 256 Water Street, owner of Klondike LLC, addressed the City Council explaining the event.

Jen Weiss, Community Relations and Membership Director, Excelsior-Lake Minnetonka Chamber of Commerce, addressed the City Council explaining the parking plan for the event.

Miller moved, Caron seconded, to approve the Special Event Permit for the 2020 Klondike Dog Derby. Motion carried 4/0.

(c) Commons Master Plan Implementation

Eric Snyder, 25 Center Street, Community for The Commons, addressed the City Council voicing Community for The Commons support for Commons Master Plan Implementation.

Miller moved, Kurschner, seconded to adopt Resolution No. 2019-56 Establishing Phase One of the Implementation of the Commons Conceptual Guide Plan ("The Commons Master Plan") and Authorizing Commencement of a Bandshell Design Process appointing Eric Snyder and Dan Johnson, Community for The Commons; Tom Wolfe, Parks and Recreation Commission; Mark McPherson, Historic Preservation Commission; Jennifer Caron, Excelsior Councilmember; Kristi Luger, Excelsior City Manager; Eric Paulson, Resident; and Larry Lembrich to the Project Advisory Committee to lead the design stage of Phase One. Motion carried 5/0.

10. ORDINANCES AND RESOLUTIONS

(a) None

11. REPORTS OF OFFICERS, BOARDS, and COMMITTEES

(a) None

12. UNFINISHED BUSINESS

(a) Consider Execution of Letter of Intent for 810 Excelsior Boulevard

Kurschner moved, Caron seconded, to authorize execution of the Letter of Intent for 810 Excelsior Boulevard for \$1.2 million with closing contingent upon the City approving the proposed use (a daycare center) of the property and the Council bringing the sub-area plan of the eastside along with the comprehensive plan back for discussion within the next three months. Motion carried 5/0.

13. NEW BUSINESS

(a) None

14. ADJOURNMENT

Caron moved, Dierking seconded, to adjourn the meeting at 11:21 p.m.
Motion carried 5/0.

Respectfully submitted,
Lynette R. Peterson, City Clerk