

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL WORK SESSION

AUGUST 18, 2014

1. CALL TO ORDER/ROLL CALL

Mayor Gaylord called the meeting to order at 6:06 p.m.

Present: Councilmembers Beattie, Caron, Fulkerson, Miller, and Mayor Gaylord

Absent: None

Also Present: City Manager Luger, City Attorney Staunton (arrived at 6:09 p.m.), City Planner Richards, City Planner Smith, Public Works Superintendent Wisdorf and City Clerk Johnson

2. AGENDA APPROVAL

Caron moved, Fulkerson seconded, to approve the agenda. Motion carried 5/0.

3. POTENTIAL REFERENDUM QUESTIONS

At the July 21<sup>st</sup> Work Session, the City Council indicated that they were interested in including referendum questions on the General Election ballot. At that time, the City Council asked whether the referendum questions had to be yes or no questions. According to the League of Minnesota Cities (LMC) Information Memo on City Special Elections, a concise statement of the question must be printed on the ballot with the words "YES" and "NO" as close to their corresponding vote targets as possible. The section pertaining to City Questions in the LMC Information Memo was included in the August 18, 2014 City Council packet for reference.

The LMC Information Memo also states that there must be a title with no more than ten words for each question and that the titles must be approved by the City Attorney.

Caron stated that these questions appear to be similar to a poll. Luger agreed and said that asking these questions on the ballot is similar to a survey, which will provide insight for the Council as to whether the residents want improvements made to The Commons and whether or not these improvements should be funded through a food and beverage tax, a general sales tax, or raising the property tax levy. Luger said that staff is looking for direction from the Council on how to proceed and that, if the Council is interested in including referendum questions on the ballot, the submittal deadline is Thursday, August 21<sup>st</sup>.

Beattie said Question #1 should state the words "funding improvements" in the title and likes the way that Questions #2, 3 and 4 begin with the words, "improving The Commons." Luger asked if the Council likes the word "imposed" in the questions or

3. POTENTIAL REFERENDUM QUESTIONS – Continued

if this word should be changed. The Council agreed to keep the word “imposed” in the questions. The Council agreed to move forward with the following questions on the General Election ballot:

CITY QUESTION #1 – FUNDING IMPROVEMENTS TO THE COMMONS

Should the City of Excelsior fund improvements to The Commons? YES or NO

CITY QUESTION #2 – IMPROVING THE COMMONS BY IMPOSING A FOOD AND BEVERAGE TAX

Should a food and beverage tax be imposed in the City of Excelsior at a rate of up to 1% for the purpose of improving The Commons? YES or NO

CITY QUESTION #3 – IMPROVING THE COMMONS BY IMPOSING A GENERAL SALES TAX

Should a general sales tax be imposed in the City of Excelsior at a rate of up to 1% for the purpose of improving The Commons? YES or NO

CITY QUESTION #4 – IMPROVING THE COMMONS BY RAISING THE PROPERTY TAX LEVY

Should the City of Excelsior raise the City’s property tax levy for the purpose of improving The Commons? YES or NO

4. TREES IMPACTED BY THE FORCEMAIN IMPROVEMENTS PROJECT

Wisdorf said this is an informational item to make the Council aware of a request to keep some trees that are impacted by the Forcemain Improvements Project. He said this request is similar to a request the City received in 2010 or 2011. At that time, the property owner requested that trees not be removed from the boulevard; however, the City now needs to remove a tree and the cost is significantly higher.

The trees mentioned in the current request are healthy and have been injected to protect against emerald ash bore disease; however, they are in the right-of-way. Wisdorf said he wanted to make the Council aware that the cost to remove these trees sometime in the future will be higher if not removed now as part of the construction project.

Wisdorf said the sidewalk and curb will be further from these trees but they are still in the right-of-way. He said one family was insistent on keeping all of the trees, even those that are not on their own property. Wisdorf said the Met Council changed their construction design to allow those trees to remain. Fulkerson asked if there is any cost to the City to change these plans; Wisdorf said no.

The Council discussed the issue and agreed to leave the trees. Wisdorf said these trees will be treated again next year.

Caron asked if property owners are informed that planting trees in the right-of-way is not advised. Wisdorf said the City tries to explain to property owners where other suitable sites would be for planting trees.

4. TREES IMPACTED BY THE FORCEMAIN IMPROVEMENTS PROJECT - *Continued*

Mayor Gaylord asked if there is a list of trees that are better suited for planting in the boulevard. Wisdorf said there is a list. Luger said if a new tree is planted in the right-of-way, the property owner must sign a Right-of-Way Agreement, in which the property owner agrees to maintain the tree.

Beattie asked if the boulevard tree is an Ash tree, would the City take it down at the City's expense? Wisdorf said yes. Wisdorf reiterated that if the property owner wanted a new tree planted in the right-of-way and paid for the tree to be planted there, the property owner would have to sign a Right-of-Way Agreement indicating that they are responsible for all costs associated with that tree.

5. INFILL DEVELOPMENT IN SINGLE-FAMILY DISTRICTS

Smith said he has noticed many new homes being built since he started with the City. Smith said that staff compared Excelsior's current construction management plan to the cities of Minneapolis and Edina. Smith said staff is working with the Planning Commission to create a construction management plan so that all homeowners will be aware of the project ahead of time and that it would also require the developer to submit escrow. Smith also said that in regards to the design of new homes, a number of residents have contacted him regarding the size of these homes to verify whether they require a variance.

Mayor Gaylord questioned when streets are torn up for sewer and water connections. He said the Planning Commission had a document outlining the developer's responsibility to repave within a specific timeframe. Mayor Gaylord asked if this was laid out in the construction management plan. Smith said it will be outlined. Wisdorf said, currently, the developer must take out a permit for sewer and water connections and said that the developer must put the street back in similar or better condition than before the work. Mayor Gaylord said there is no ordinance on this. Richards said this was worked into the policy but that there is no timeframe for follow-through. Mayor Gaylord said a timeframe should be specified in the plan.

Fulkerson asked about height differences in homes from one side of a lot versus the other. Smith said the maximum height is taken at the lowest grade, from the rear walkout side or the lowest part of the property.

Caron said she was also surprised at the height of some properties and questioned how they can be correct. Caron said there is a home on the trail side of George Street that is shown on the plans to meet Excelsior's standards, which means the standards allow this height.

Mayor Gaylord said from the front of his house on Second Street, it appears quite small but, from the back side, he said it is three stories and looks large. He said the height of his home is 28 feet and well within the guidelines.

5. INFILL DEVELOPMENT IN SINGLE-FAMILY DISTRICTS - *Continued*

Caron said the surprising thing is these big homes are what we allow and that they look taller than we think would be allowed. Caron also mentioned the issue of building large homes next door to or near much smaller homes.

Richards talked about how, in previous years, staff would take a block by block view to try and form proper building heights. However, Richards said the problem was that they needed some baseline data but it became so cumbersome that they gave up on developing it. Richards said there is a lot of difficulty in doing this.

Mayor Gaylord said the map the Planning Commission had used when he was a part of the Commission was color-coded so building heights could be viewed visually block by block. Mayor Gaylord said that keeping a block of homes all one-story makes it difficult for property owners to expand their homes.

Caron said this is more about what type of community our residents want for Excelsior. Caron said there are a lot of starter homes but, if those starter homes are torn down and replaced with newer, bigger homes, it will change the type of community we have. She said the trend towards bigger homes is something we need to be aware of because it can impact our community moving forward. Caron said a lot of people are not happy with this change to our community.

Beattie said the size of the lot dictates the height of the home.

Miller said he discussed this issue with a Councilmember from Greenwood who said Greenwood completed a project with mass but that the volume of the structure was simply calculated based on lot size.

Staunton referenced the city of Edina where they measure the average of the front of the house. He said the backyard isn't counted towards the height, so the homes in Edina may have some severe-looking heights. Staunton said one idea in regards to mass that was used in Edina was to determine where the finished first floor is. He said a floor could only be raised a foot above the original height. Staunton said one notion was, would these homes be ramblers forever and was that fair to the property owner. Staunton said changes to setbacks were made for smaller lots, but then that changed the type of design. He said they dropped the ridgeline to 30 feet to get rid of the second story pitch. Staunton said construction was the other issue and that Edina had approximately 130 building permits last year. He said construction management helped them a lot.

Caron said that bigger homes put pressure on the other properties. She said that the closer the walls get, the more they impact the adjacent owner. Caron is concerned that Excelsior will lose the starter homes and that newer homes will look out of scale compared to existing homes.

Beattie said that he thinks the market will dictate whether Excelsior will have starter homes or not. Beattie doesn't think we can preserve our starter homes unless we subsidize. Beattie said the zoning ordinance chart that Smith put together is pretty

5. INFILL DEVELOPMENT IN SINGLE-FAMILY DISTRICTS - *Continued*

consistent with first ring suburban areas and that Excelsior is not too restrictive, yet there are some restrictions for height and hardcover.

Richards said Minneapolis is considering lower their numbers. He said the easiest way is to look at building height again. Richards said Minneapolis is lowering their height to 28 feet and 30 feet. Staunton said we should find out where they measure from. Staunton said Edina is taller because they only measure from the front.

Caron said communities have the authority to put control mechanisms in so as to create the environment they want. She said this has an impact on where the market can go. Caron said we need to ask what the community is looking for here and why people want to live here. Mayor Gaylord said there are some people who want to see no changes and, yet, there are others who welcome changes to the housing stock. Miller said there is a middle-ground approach and asked if the Planning Commission has looked at what Greenwood did regarding volume. Miller thnks that if Excelsior looked at volume, it would allow single structures to add on. Richards said that the Planning Commission as looked at examples in California, but these examples were all in a specific neighborhood with a lot of bungalows that were pretty identical. Richards questioned where we can begin looking in Excelsior in order to start establishing the envelope. Miller suggested giving direction to the Planning Commission to look at what Greenwood did. Mayor Gaylord said this is a good topic to pursue, with building height as a starting point. Mayor Gaylord pointed out, however, that the challenge is to get everyone to agree on the residential guildelines. Fulkerson agreed that this needs to be looked at.

Caron said she doesn't think the Planning Commission should revisit all of the analysis they did before but that looking at Minneapolis and Greenwood is where they should focus. Miller agreed with looking at Greenwood. Caron said she is hearing from residents that the concern is less about design and more about size and scale.

Fulkerson said many people have commented to her that homes in Excelsior are getting too big and too close to each other.

Beattie said the setbacks are pretty generous, compared to other cities. Smith said five feet is pretty common for side setbacks. Caron said five feet is really close and should be looked at.

Mayor Gaylord said his house on Second Street is pretty typical of what can be expected on a small lot. He said it's part of the design and that he told his architect to make sure his home blended in to the neighborhood.

Caron said a large structure at the five foot setback is going to appear much taller and can feel closer than the five feet.

Mayor Gaylord said if we squeeze in the setbacks, it can make some lots unbuildable.

5. INFILL DEVELOPMENT IN SINGLE-FAMILY DISTRICTS - *Continued*

Smith asked about the history between the nine foot and five foot setback. Beattie said an existing building could be grandfathered in at the nine foot setback. Richards said Minneapolis has five feet on each side because they have alleys.

Mayor Gaylord said overall to keep it simple.

6. ADJOURNMENT

Beattie moved, Fulkerson seconded, to adjourn at 6:50 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Johnson  
City Clerk