

City of Excelsior
Notice of Regular Meeting
of the Excelsior City Council

NOTICE IS HEREBY GIVEN that the City Council of the City of Excelsior will hold its regular meeting on Monday, January 6, 2025, at 6:30 P.M. in-person at 106 Center Street, Excelsior, MN 55331– Entrance located on Center Street. The agenda for the meeting is attached hereto.

Members of the public may attend the meeting in person or by joining via Zoom either online or by telephone at:

Join Zoom Meeting

<https://us02web.zoom.us/j/88526566715>

Meeting ID: 885 2656 6715

One tap mobile

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Dial by your location

- +1 305 224 1968 US

City of Excelsior
Regular Council Meeting

Agenda

Monday, January 6, 2025

106 Center Street, Excelsior, MN 55331 – Entrance located on Center Street

6:30 P.M.

(Please Note: Times Listed Are Approximate)

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - (a) December 16, 2024, City Council Meeting Minutes
4. OPEN FORUM

This is the time for the public to speak on non-agenda items. Open Forum will be limited to one-half hour. No person may speak more than five (5) minutes or more than once. Each subject will have a limit of ten (10) minutes. Council members may ask questions of the speaker. With the agreement of the Council, such matters taken up during the “Open Forum” may be scheduled on the current or a future Agenda. Members of the public interested in speaking on an agenda item may direct a request to be recognized to the Mayor.
5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS
 - (a) Parks and Recreation Commission Update
6. MEET EXCELSIOR
 - (a) Commissioner Heather Edelson, Hennepin County District 6
7. AGENDA APPROVAL
 - (a) Meeting Agenda
 - (b) Consent Agenda
 1. Review Verified Claims under \$20,000 and Approve Verified Claims over \$20,000
 2. November Financials
 3. Designate Official Newspaper, Resolution 2025-01
 4. Approve Official Depositories and Securities Pledge as Collateral, Resolution 2025-02
 5. Appointment of Assistant Weed Inspector, Resolution 2025-03
 6. Designate Compliance Officer and Responsible Authority for Data Privacy Requests, Resolution 2025-04
 7. Approve 2025 Meeting Calendar
 8. Short Term Rental Licensing Update, 2nd Reading Ordinance 675 Amending Chapter 10, Sect. 10-1302
 9. 217 First Street HPC Site Alteration Permit Appeal, Rev. Resolution 2025-05
 10. Approve Prosecution Legal Services Agreement, Resolution 2025-06

11. Support of 2025 Bonding Bill, Resolution 2025-08

8. ANNUAL ACTIVITIES 7:15 PM
- (a) Choose Acting Mayor
 - (b) Review City Council By-laws
 - (c) Appointments to Lake Minnetonka Communications Commission
 - (d) Appointment of Alternate to SLMPD Coordinating Committee
 - (e) Appointment of Representative and Alternate to Excelsior Fire District Board
 - (f) Appointment of Representative to St. Alban's Bay Bridge Committee
 - (g) Appointment of Liaison to Community for The Commons
 - (h) Appointment of Representatives to 106 Center Street Working Group
 - (i) Appointment of Representatives for Commission Interviews
 - (j) Appointment of Representatives for Lobbying Efforts
9. PUBLIC HEARINGS
- (a) None
10. PETITIONS, REQUESTS and COMMUNICATIONS
- (a) None
11. ORDINANCES and RESOLUTIONS
- (a) None
12. REPORTS of OFFICERS, BOARDS, and COMMITTEES
- (a) None
13. UNFINISHED BUSINESS
- (a) Historic Wastewater Treatment Plant Building Bid Results 7:35 PM
 - (b) Authorize Advertisement for Bids for Ballfield, Resolution 2024-07 7:55 PM
14. NEW BUSINESS
- (a) None
15. ADJOURNMENT

Notice: Some items on this agenda are important enough to Commission members that a quorum of Commission members may be present to receive information leading to their future deliberations and eventual decision.

City of Excelsior
Regular Council Meeting

MINUTES

Monday, December 16, 2024

106 Center Street, Excelsior, MN 55331 – Entrance located on Center Street
6:30 P.M.

1. CALL TO ORDER

Mayor Carlson called the regular December 16, 2024, council meeting to order at 6:30 P.M.

2. ROLL CALL

Present: Mayor Carlson and Councilmembers Caron, Dierking, and Hersman.

Absent: Councilmember Tyler

Also Present: City Manager Luger, Planning Director Mullin, Assistant City Manager/City Attorney Staunton, Finance Director Palmer, Public Works Director Amundsen, City Clerk Bajda, and City Engineer Dawley

3. APPROVAL OF MINUTES

(a) December 2, 2024, City Council Work Session Minutes

(b) December 2, 2024, City Council Meeting Minutes

Dierking moved, Hersman seconded to approve the December 2, 2024 City Council Work Session and December 2, 2024 City Council Meeting minutes. Motion carried 4/0.

4. OPEN FORUM

This is the time for the public to speak on non-agenda items. Open Forum will be limited to one-half hour. No person may speak more than five (5) minutes or more than once. Each subject will have a limit of ten (10) minutes. Council members may ask questions of the speaker. With the agreement of the Council, such matters taken up during the “Open Forum” may be scheduled on the current or a future Agenda. Members of the public interested in speaking on an agenda item may direct a request to be recognized to the Mayor.

Bruce Kelly, 165 Maple Street, addressed the Council and expressed concerns about not allowing overnight parking in the new parking ramp.

Bob Bolles 229, George Street, addressed the Council and encouraged them not to sell 106 Center Street until paid by a buyer.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) Planning Commission Update

Planning Director Mullin provided an update of recent Planning Commission meetings.

(b) Certificate of Appreciation, Tim Bildsoe Planning Commission
Mayor Carlson thanked Tim Bildsoe for his service on the Planning Commission and presented a Certificate of Appreciation to him.

(c) Christmas Tree Collection Republic Services, January 6th and 13th
Mayor Carlson reminded residents of Christmas Tree Collection dates in January.

6. MEET EXCELSIOR

(a) Appreciation of Service: T. Carlson, L. Dierking, A. Hersman, K. Staunton
Mayor Carlson recited certificates of appreciation to Kevin Staunton, Lou Dierking, and Ann Hersman.

Fire Chief Mackey thanked Councilmember Dierking for her service to the Fire District and City of Excelsior and presented her with a plaque.

Councilmember Caron recited and presented a certificate of appreciation to Mayor Carlson.

7. AGENDA APPROVAL

(a) Meeting Agenda
Hersman requested consideration from Councilmembers whether 11(b) and 13(b) could be pushed to a later Council meeting.

Dierking moved, Hersman seconded to approve December 16, 2024 regular meeting agenda. Motion carried 4/0.

1. Review Verified Claims under \$20,000 and Approve Verified Claims over \$20,000
2. 2025 Fee Schedule Adoption, Resolution 2024-51
3. Adoption of final 2025 budget and levy, Resolution 2024-52
4. Certification of Property Tax Levy Collectible 2025, Resolution 2024-53
5. 2025 Liquor License Renewals, Resolution 2024-54
6. Approve Agreement for Legal Services, Resolution 2024-58
7. Shorewood Sewer Agreement, Resolution 2024-59
8. Greenwood 2025 Agreement, Resolution 2024-56
9. Hennepin County Hazard Mitigation Plan, Resolution 2024-57
10. Ordinance 673 Amending Chapter 32 to Restrict Overnight Parking in Municipal Parking Garage, Second Reading and Approval
11. 151 Bell Street Appeal, Resolution 2024-55
12. Style Guide Adoption
13. Short Term Rental Licensing Update, 1st Reading Ordinance 675 Amending Chapter 10, Sect. 10-1302
14. Schedule 2025 Goal Setting Meeting, January 6, 2025
15. Lakeside Networks Agreement, Resolution 2024-60
16. Ordinance 674 Amending Chapter 10, Special Events Housekeeping, Second Reading and Approval

Mayor Carlson requested separate vote on 7(b)5 2025 Liquor License Renewals as Councilmember Caron will recuse due to potential conflict of interest.

Caron discussed short term rental license item 7(b)13 and questioned whether certificate of liability insurance, workers compensation compliance certificate and tax identification number form are necessary.

City Clerk Bajda provided context on requirements in state statute for workers compensation certificate and tax identification number.

Dierking moved, Hersman seconded to approve the consent items 7(b)1 through 7(b)6 and 7(b)8 through 7(b)16. Motion carried 4/0.

Dierking moved, Hersman seconded to approve consent item 7(b)7. Motion carried 3/0. Caron recused.

8. PUBLIC HEARINGS

(a) 406 Second Street HPC Site Alteration Permit Appeal, Resolution 2024-61

Planning Director Mullin provided an overview of the HPC Site Alteration Permit Appeal request for 406 Second Street and work and action to date.

Consultant representing applicant provided overview of their appeal request and summarized presentation of conditions proposed by HPC. Expressed applicant's desire and intent to be in conformance with applicable design manual guidelines.

Mayor Carlson opened public hearing and requested public comment before closing the public hearing.

Council discussion.

Hersman moved, Caron seconded to approve Resolution 2024-61 to deny the request to appeal of all three conditions from the HPC with incorporation of council comments. Motion carried 4/0.

(b) 217 First Street HPC Site Alteration Permit Appeal, Resolution 2024-62

Assistant City Manager/City Attorney Staunton provided an overview of request and action to date for this item.

Council discussion.

Kara Tyler, 217 First Street addressed Council and provided paper copy of her presentation which summarized the appeal issues and their proposed adherence to the design manual guidelines and guidance from National Park Service.

Mayor Carlson opened public hearing, called for public comment, and closed public hearing.

Council discussion of two conditions appealed by applicant.

Caron moved, Dierking seconded to remand condition two back to the Heritage Preservation Commission to consider alternatives prior to the February 24, 2025 deadline. Motion carried 4/0.

Dierking moved, Caron seconded to provide guidance to staff to draft a revised resolution that captures

Councils comments on condition one and remands item number two back to the Heritage Preservation Commission for alternatives. Motion carried 4/0.

Dierking moved, Caron seconded to withdraw previous motions and to provide guidance to staff to draft a revised resolution that captures Councils comments on condition one and remands item number two back to the Heritage Preservation Commission for consideration of alternatives. Motion carried 4/0.

9. PETITIONS, REQUESTS and COMMUNICATIONS

(a) None

10. ORDINANCES and RESOLUTIONS

(a) None

11. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) 10 Water Street Sketch Plan Review

Planning Director Mullin provided an overview of 10 Water Street Sketch Plan for proposed development at 10 Water Street and introduced applicant.

Matt Mithun provided an overview of proposed sketch plan and development as applicant. Indicated the initial proposal was for a hotel but has since changed to a three-story mixed-use building that includes residential, restaurant and cinema uses.

Evan Jacobson with Tushie Montgomery Architects provided an overview of property's existing site conditions and the developments commitment to a well-designed building that maintains harmony with the historic streetscape.

Council discussion and feedback to applicant and Development Team.

(b) Small Area Plan

Hersman moved, Dierking seconded to continue discussion of this agenda item at a later Council meeting to be determined by next Council. Motion carried 4/0.

12. UNFINISHED BUSINESS

(a) None

13. NEW BUSINESS

(a) 106 Center Street Purchase Agreement, Resolution 2024-63

City Manager Luger indicated an updated agenda packet was posted online which includes the purchase agreement draft. Provided an overview of said agreement, purchase price and due diligence period.

Council discussion.

Caron moved, Dierking seconded to approve the Purchase Agreement with Minnetonka Center for the Arts and direct staff to facilitate a Council working group to begin coordination with the buyer so a complete and executed PUD is in place within twelve months of Purchase Agreement execution. Motion carried 4/0.

(b) Historic Wastewater Treatment Plant Building Bid Results

Hersman moved, Caron seconded to continue discussion of the agenda item at a later Council meeting as determined by the next Council. Motion carried 4/0.

14. ADJOURNMENT

Dierking moved, Hersman seconded to adjourn the December 16, 2024 meeting at 10:25 P.M. Motion carried 3/0. Carlson abstention.

Notice: Some items on this agenda are important enough to Commission members that a quorum of Commission members may be present to receive information leading to their future deliberations and eventual decision.



Office of Commissioner Heather Edelson

Update to District 6 City Councils



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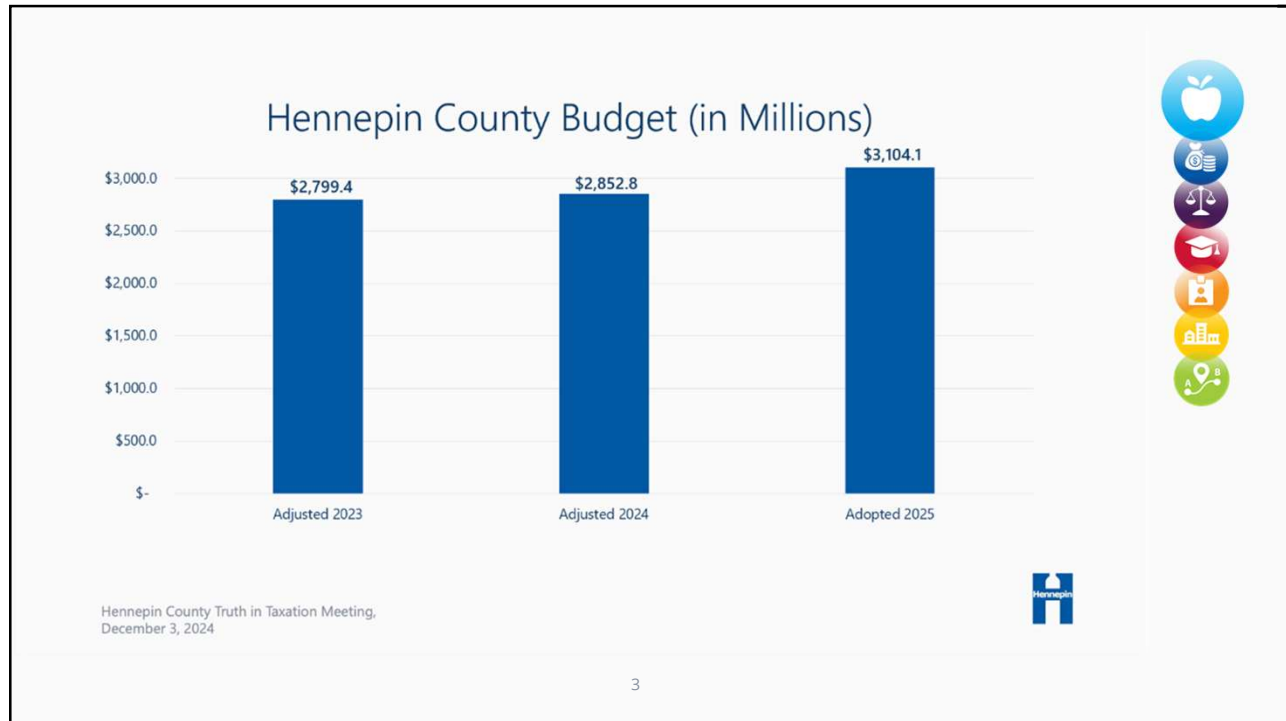


Hennepin County District 6

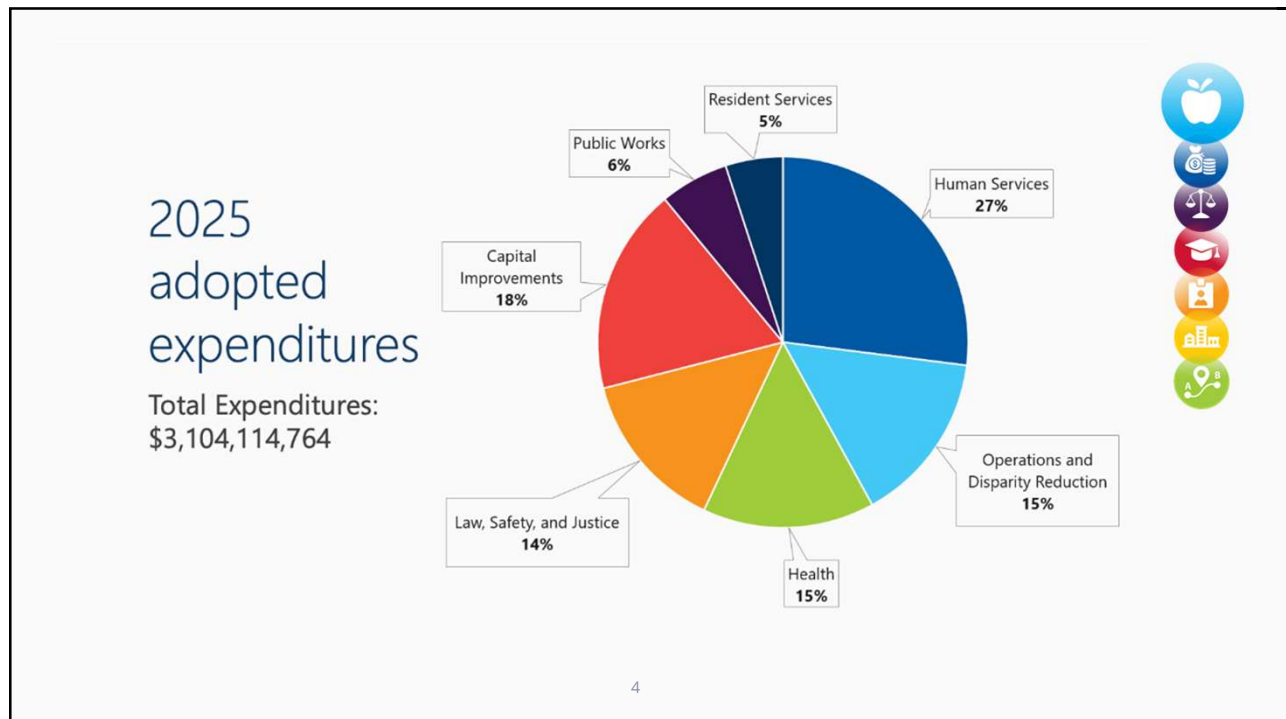
heather.edelson@hennepin.us

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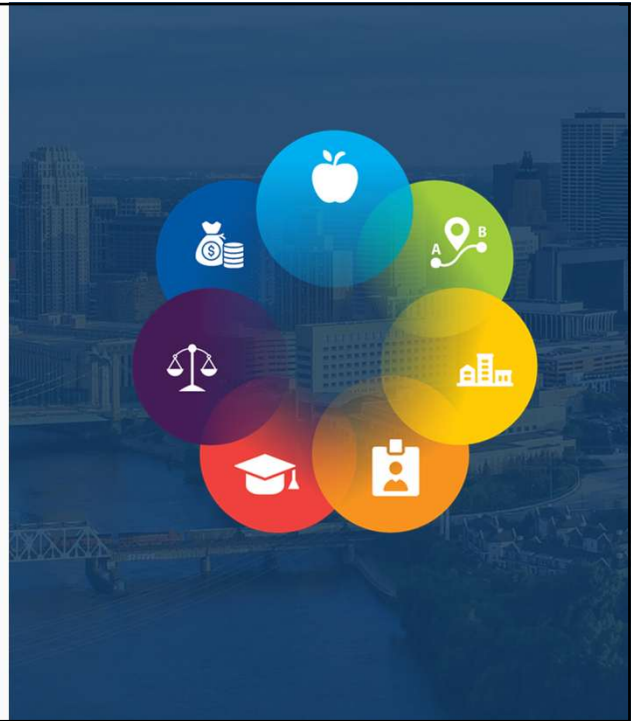
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4

Our commitment to providing quality services

Through policies, services and programs we will drive disparity reduction and work to benefit people's lives in the areas of:



5

Human Services

Access, Aging & Disability Services

- Staff ready to connect residents to services on housing, health services, transportation

Mental Health and Substance use services

- Cope staff ready to respond to mental health crisis for youth and adults 24/7
- Access to care networks

Reports of vulnerable adults & child abuse

- Investigation departments
- Case managers to work to ensure safety of residents

Economic Supports, Child Support and Well-being

- Access to food and cash supports

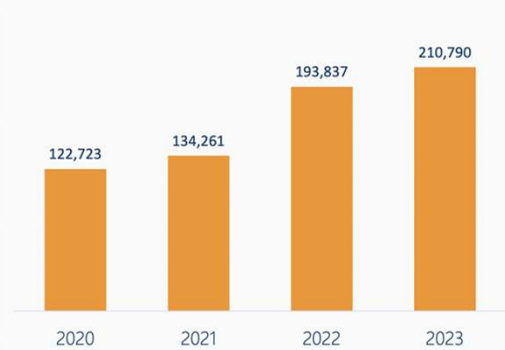


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Human Services

Demand for economic benefits rising Applications received, 2020-2023*



* Cash, SNAP and health care for aged, blind and disabled residents

Improving residents' experiences

- Transitioning staff onsite to bolster resident service
- Continuing to hire dozens of Human Services representatives
- Expediting specialized training to activate new staff more quickly
- Focusing on service bottlenecks
- Streamlining phone processes
- Promoting digital tools
- Advocating for improvements and automation in state systems



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Hennepin County Public Safety

Supporting County Growing Mental Health Needs

- Embedded Social Workers
- Cope, 24/7 county mobile crisis service
- Youth & Family mobile response through partnership Nexus

County Liaisons (10 cities including Edina, Hopkins and Minnetonka)

- Enhance relationships with local law enforcement and cultural communities

Radio Communication - new location in Plymouth

- PSAP: Handles over 600k emergency calls each year for over 50 law enforcement agencies, fire departments, and EMS providers

Department of Community Corrections and Rehabilitation (DOCCR)

- Probation (adult & youth)
- Jails, Adult Correctional Facility and Juvenile Detention Center
- Supervises ~22K adults and juveniles



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Public Safety – Sheriff's Department

Partnership with local law enforcement

- Joint Community Police Partnership
- Water Patrol



HENNEPIN COUNTY
SHERIFF
DAWANNA S. WITT

Sheriff's Hennepin Crime Lab

- 1 of 4 crime labs in MN that provides DNA and forensic services for 35 law enforcement agencies

Violent Crime Reduction

- Special Assignments Unit to focus on auto theft, human trafficking, and financial crimes
- HCSO Violent Offender Task Force named 'Task Force of the Year'

Community Engagement

- Added two community liaisons to the Community Outreach and Public Affairs Division
- Youth Community Advisory Board

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Public Safety - County Attorney



Be@School Program

- Working on expanding partnership with County and School Districts to intervene early with truancy

Auto Theft Early Intervention Pilot

- Expedited legal system intervention for youth who have auto theft-related cases submitted to HCAO
- Creation of an early intervention pathway to offer voluntary services and resources outside of the justice system

Victim Services

- Notifies and assists victims of crimes to fully and safely participate in the adjudication process
- Provides referral services to community and social services agencies that can provide counseling and crisis management support

10



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Housing

Housing Stability

- Prioritizing families entering and exiting shelter
- Eviction and homelessness prevention
- Operating Hennepin Shelter Hotline
- Rapid Rehousing Programming
- Emphasizing Care for Veterans
- Employing housing case managers to guide residents to stable housing solutions



Repair + Grow Program

- \$14 million in one-time funds to affordable housing owners-developers
- Funded by Metro Sales & Use Tax stabilizing 7,959 affordable housing units

11

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Housing Challenges in Hennepin County

- January '24 Shelters at peak family shelters were at 427% of capacity
- Family shelters currently at 230% capacity, down 46% since January '24
- Shelter All Policy - Hennepin County is proud of the policy that no child sleeps outside
- 53,090 households in Hennepin County make below 30% of the area median income, but there are only 18,705 housing units affordable to them.



12

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Hennepin County Health Highlights

Hennepin County Medical Center

- EMS working Group
- Ball Park Sales Tax Extension
- Uncompensated care growing

World-class Medical Examiner's Office (Located in Minnetonka)

- Serves Hennepin, Dakota, and Scott Counties
- Perform death investigative services and forensic autopsy services for all residents that pass away from other than natural causes

Hennepin Opioid Response

- Hennepin has adopted a four-part framework focused on Prevention, Response, Treatment and Recovery, and Eliminating Disparities

Mental Health Response

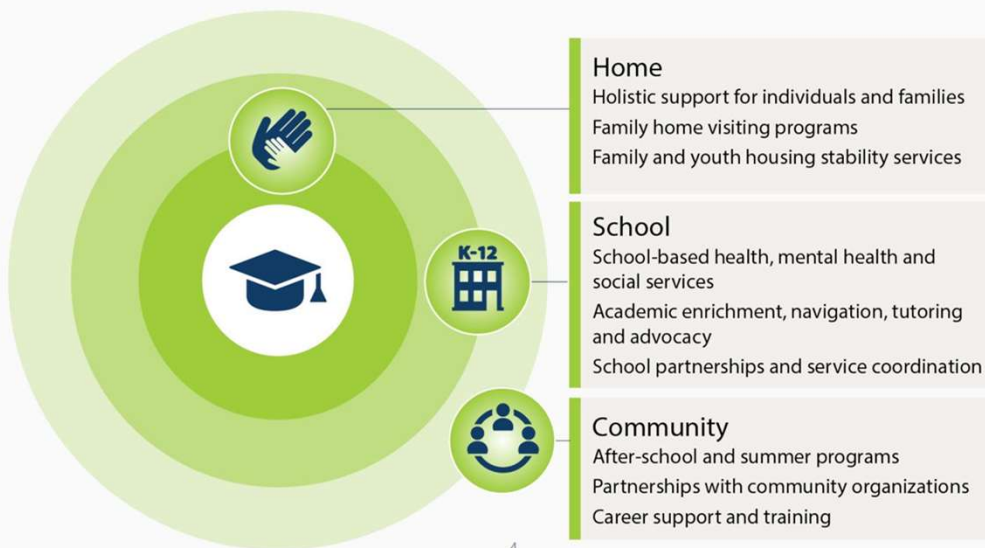
- Crisis mobile response for youth and adults
- \$15M Youth Crisis Stabilization Center (10-15 beds - opening in 2025)



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Education



Education Strategies 2024

4



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Resident Services Highlights

Libraries

- 41 libraries, 10 libraries in District 6
- 2 new D6 Libraries include Edina Southdale and Westonka

Service Centers (drivers licenses/ID, tabs)

- 7 total with Ridgedale and Southdale among the largest

Elections

- Works with Local, State and Federal partners to support voting services for over one million residents

Assessment Services

- Hennepin County now directly assessing for all municipalities with populations under 30,000 & meeting to expand to all 45 cities
- To learn about assessment, including appeal processes, go to www.hennepin.us/residents/property/assessment



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Public Works & Transportation

Transit & Mobility

- Integrated network of roads, bridges, bikeways, sidewalks

Energy & Environment

- Hennepin Energy Recovery Center (HERC) board voted to close between 2028-2040
- Goals to improve recycling, composting and waste reduction
- Partnership with all school districts on composting and recycling

Transportation - Operations & Project Delivery

- Plans, designs & constructs
- Maintains county road infrastructure

Climate & Resiliency

- Zero waste goals – leads climate action plan
- Planted more than 348,000 trees since 2020 to meet our one million tree goal by 2030

Track Current Road Projects:

<https://www.hennepin.us/en/residents/transportation/construction-projects>



16

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Footer

Questions & Discussion



17

01/02/2025				CHECK REGISTER FOR CITY OF EXCELSIOR				
				CHECK DATE 12/13/2024 - 12/31/2024				
Check Date	Check					Amount		
Bank GEN WELLS FARGO								
12/19/2024	3207(E)					1,839.96		
12/19/2024	3208(E)					12,073.08		
12/24/2024	3209(E)					15,350.10		
12/24/2024	3210(E)					900.00		
12/24/2024	3211(E)					7,782.75		
12/24/2024	3212(E)					2,660.78		
12/24/2024	91857					900.00		
12/24/2024	91858					804.83		
12/24/2024	91859					23.40		
12/24/2024	91860					2,500.00		
12/24/2024	91861					6,379.43		
12/24/2024	91862					102.00		
12/24/2024	91863					19,833.75		
12/24/2024	91864					2,325.00		
12/24/2024	91865					1,995.75		
12/24/2024	91866					50.00		
12/24/2024	91867					230.03		
12/24/2024	91868					498.66		
12/24/2024	91869					16.00		
12/24/2024	91870					75.00		
12/24/2024	91871					12.00		
12/24/2024	91872					950.00		
12/24/2024	91873					610.21		
12/24/2024	91875					3,793.53		
12/31/2024	91876					70.05		
12/31/2024	91877					1,230.00		
12/31/2024	91878					234.00		
12/31/2024	91879					191.80		
12/31/2024	91880					308.00		
12/31/2024	91881					610.00		
12/31/2024	91883					150.75		
12/31/2024	91884					39.65		
12/31/2024	91885					500.00		
12/31/2024	91886					54.35		
12/31/2024	91887					851.39		
GEN TOTALS:								
Total of 35 Checks:						85,946.25		
Less 0 Void Checks:						0.00		
Total of 35 Disbursements:						85,946.25		

01/02/2025CHECK REGISTER FOR CITY OF EXCELSIOR						
CHECK DATE 12/13/2024 - 12/31/2024						
Check Date	Check			Amount		
Bank GEN WELLS FARGO						
12/24/2024	91874			55,840.25		
12/31/2024	91882			34,108.99		
GEN TOTALS:						
Total of 2 Checks:				89,949.24		
Less 0 Void Checks:				0.00		
Total of 2 Disbursements:				89,949.24		

MEMORANDUM

Re: Item 7(b)2- November Financials

Date: January 6, 2025

To: City Council

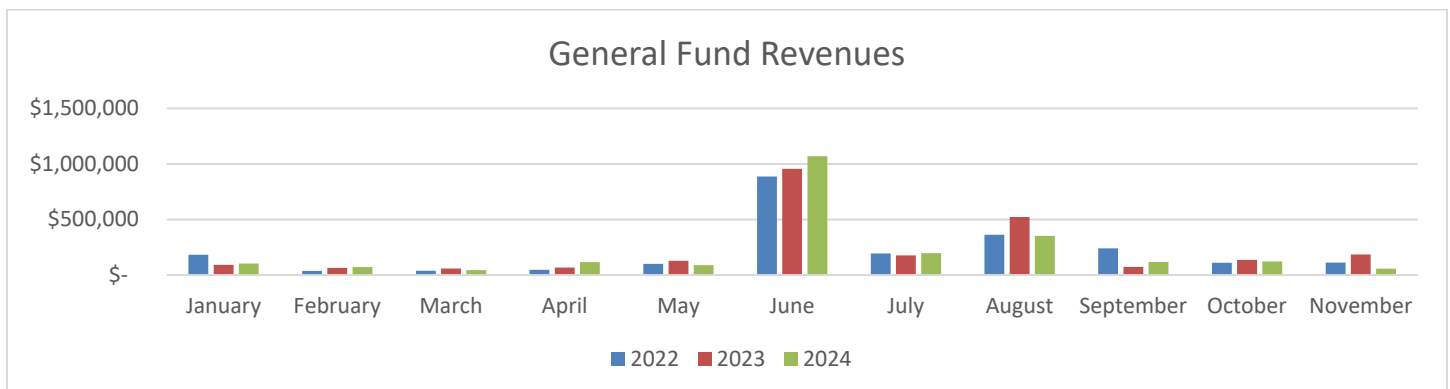
From: Jenny Palmer-Finance Director

General Fund Revenues

The November target budget is 91.67%. The General Fund revenues are at 75.59%, slightly under target budget. Revenues will stabilize by the end of the year with alcoholic beverage licenses and 2nd half of the property taxes coming on December 2nd.

GENERAL FUND	BUDGET	NOVEMBER REVENUE	YTD REVENUE	VARIANCE	PERCENT RECEIVED
Taxes and Franchise Fees	1,885,807	17,857	1,059,662	826,145	56.19%
Business Licenses	107,685	150	6,250	101,435	5.80%
Non-Business Licenses/Permits	268,750	7,776	231,772	36,978	86.24%
Intergovernmental Revenue	50,500	-	97,058	(46,558)	192.20%
Charges for Services	78,000	2,194	73,738	4,262	94.54%
Parking Kiosks	350,000	17,504	491,516	(141,516)	140.43%
Fines	75,000	4,882	75,212	(212)	100.28%
Water Tower and Kayak Rental	43,000	475	50,350	(7,350)	117.09%
Park Vendor and Garden Plots	27,700	2,934	25,282	2,418	91.27%
Transfers from Other Funds	200,000	-	200,000	-	100.00%
Other Revenue	11,000	3,645	30,628	(19,628)	278.44%
GENERAL FUND TOTAL	3,097,442	57,417	2,341,467	755,975	75.59%

		November	Annual	% of Annual
		YTD Revenues	Revenues	Revenues
2022	✓ \$	2,315,503	\$ 2,723,536	85.02%
2023	✓ \$	2,463,105	\$ 2,871,589	85.77%
2024	\$	2,341,467	\$ 3,097,442	75.59%

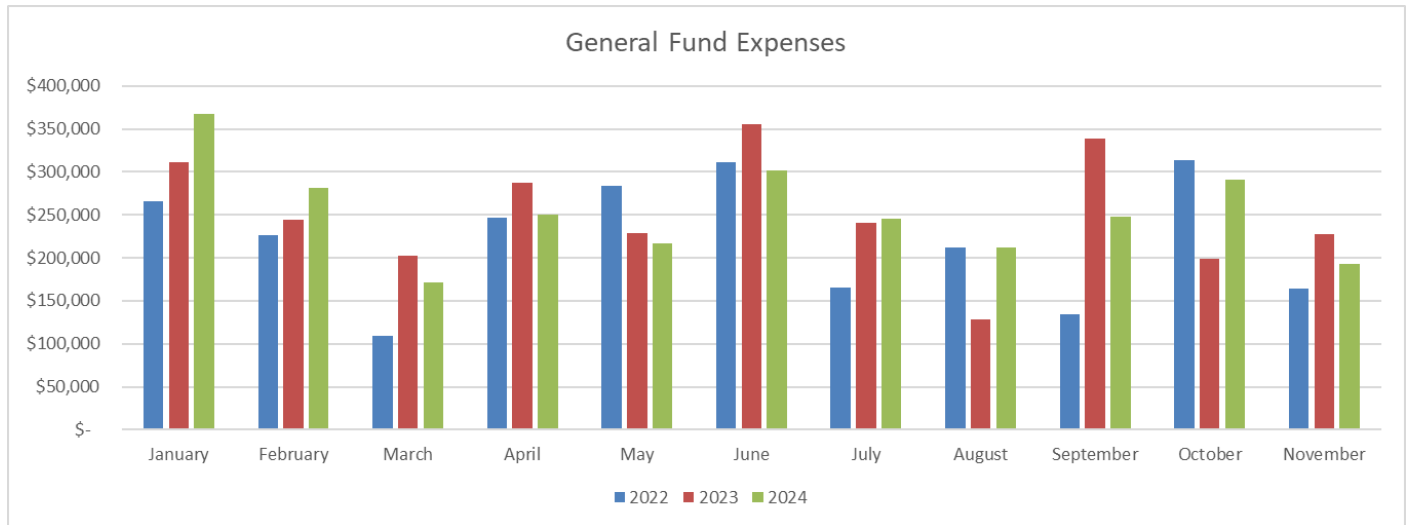


General Fund Expenses

General Fund expenses are slightly under the target budget at 89.67%.

GENERAL FUND	BUDGET	NOVEMBER EXPENSE	YTD EXPENSE	VARIANCE	PERCENT EXPENDED
Council	24,061	190	20,071	3,990	83.42%
City Manager/Clerk	282,512	28,836	266,385	16,127	94.29%
Elections	9,530	1,837	11,436	(1,906)	120.00%
Finance	75,840	5,700	73,604	2,236	97.05%
Planning & Zoning	197,405	23,828	141,187	56,218	71.52%
City Administration	348,538	14,254	343,258	5,280	98.49%
Heritage Preservation	2,800	-	616	2,184	22.01%
Police	903,973	72,081	874,551	29,422	96.75%
Fire	257,874	-	257,874	0	100.00%
Building Inspections	65,000	-	39,620	25,380	60.95%
Engineering	45,000	5,425	63,742	(18,742)	141.65%
Streets	332,130	12,447	231,630	100,500	69.74%
Park Maintenance	474,165	25,454	420,062	54,103	88.59%
Recreation Program	26,000	-	434	25,566	1.67%
Cemetery	52,614	2,458	32,852	19,762	62.44%
GENERAL FUND TOTAL	3,097,442	192,508	2,777,324	320,118	89.67%

		November YTD Expenses	Annual Expenses	% of Annual Expenses
2022	✓ \$	2,431,853	\$ 2,632,920	92.36%
2023	✓ \$	2,764,548	\$ 2,871,589	96.27%
2024	\$	2,777,324	\$ 3,097,442	89.67%

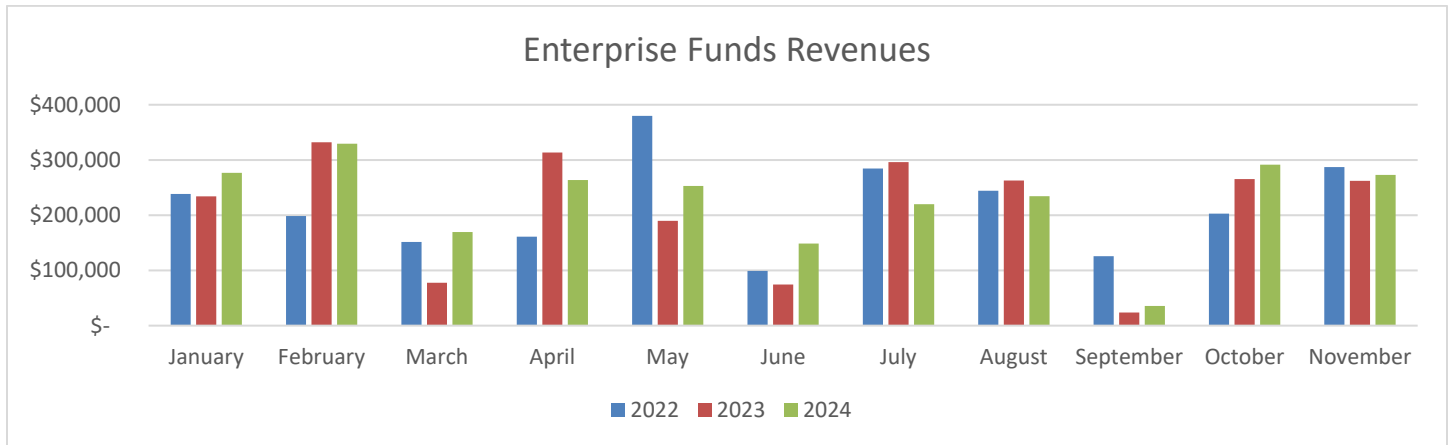


Enterprise Funds Revenue

The Enterprise Funds revenues are 4.87% over the target of 91.67%. This is mainly due to charter boat payments coming into the Dock Fund and third quarter utility billing revenues.

	<u>BUDGET</u>	<u>NOVEMBER REVENUE</u>	<u>YTD REVENUE</u>	<u>VARIANCE</u>	<u>PERCENT RECEIVED</u>
Water Fund	1,084,500	145,250	994,119	90,381	91.67%
Sewer Fund	631,300	82,447	632,222	(922)	100.15%
Street Lighting Fund	74,000	8,721	72,606	1,394	98.12%
Docks Fund	491,750	493	512,733	(20,983)	104.27%
Surface Water Mgmt Fund	303,000	35,923	283,434	19,566	93.54%
ENTERPRISE FUND TOTAL	2,584,550	272,832	2,495,112	89,438	96.54%

		November	Annual	% of Annual
		YTD Revenues	Revenues	Revenues
2022	✓ \$	2,372,878	\$ 2,154,515	110.14%
2023	✓ \$	2,332,322	\$ 2,585,025	90.22%
2024	\$	2,495,112	\$ 2,584,550	96.54%

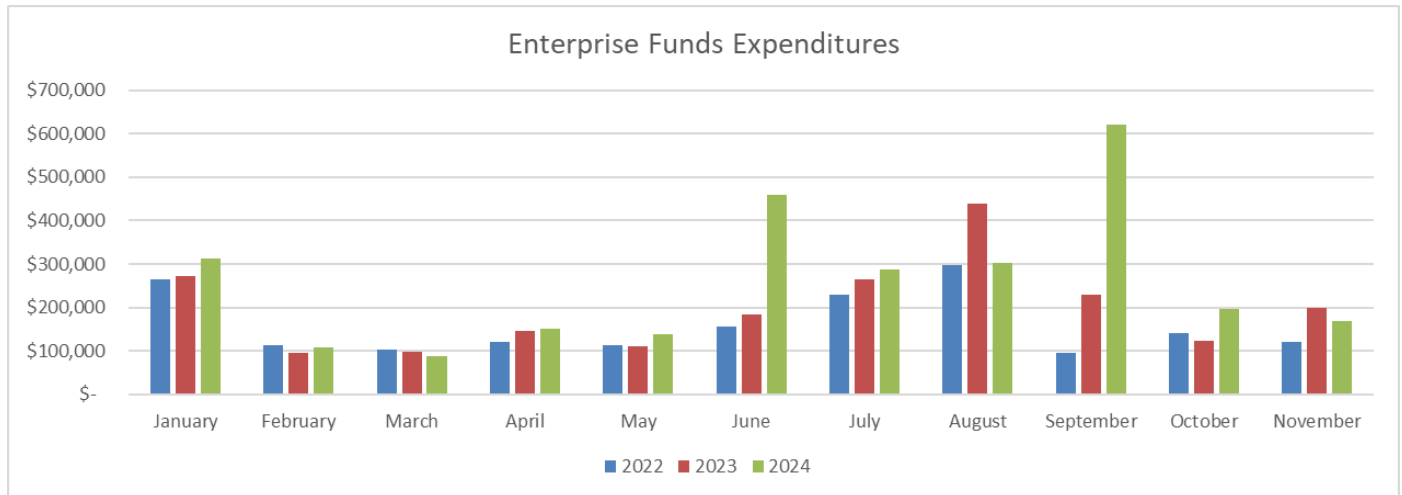


Enterprise Funds Expenditures

Enterprise Funds expenditures are 14.84% over the target budget of 91.67% for November. The Dock Fund transfer to the General Fund was done in August. The Sewer Fund is over target budget because it transferred \$294,524 to the Capital Fund for parking structure cost overruns and, there were \$454,083 in expenses for the lift station in September.

	<u>BUDGET</u>	<u>NOVEMBER EXPENSE</u>	<u>YTD EXPENSE</u>	<u>VARIANCE</u>	<u>PERCENT EXPENDED</u>
Water Fund	915,026	41,615	636,528	278,498	69.56%
Sewer Fund	925,311	83,848	1,497,732	(572,421)	161.86%
Street Lighting Fund	60,871	2,047	27,713	33,158	45.53%
Docks Fund	477,826	26,017	451,123	26,703	94.41%
Surface Water Mgmt Fund	278,344	14,934	217,403	60,941	78.11%
ENTERPRISE FUND TOTAL	2,657,378	168,460	2,830,498	(173,120)	106.51%

		November	Annual	% of Annual
		YTD Expenses	Expenditures	Expenditures
2022	✓ \$	1,748,492	\$ 2,459,321	71.10%
2023	✓ \$	2,160,197	\$ 2,519,792	85.73%
2024	\$	2,830,498	\$ 2,657,378	106.51%



Capital and Special Revenue Funds

Revenues	BUDGET	NOVEMBER ACTIVITY	YTD	VARIANCE	PERCENT EXPENDED
Parking Lot Maint. Fund	75,083	-	83,063	(7,980)	110.63%
Local Sales Tax - The Commons	752,000	71,807	692,049	59,951	92.03%
Debt Service Funds	1,254,697	-	1,005,167	249,530	80.11%
Capital Project Funds	429,482	-	812,965	(383,483)	189.29%
Expenditures					
Parking Lot Maint Fund	61,036	3,857	50,422	10,614	82.61%
Local Sales Tax - The Commons	2,235,000	1,332	788,786	1,446,214	35.29%
Debt Service Funds	1,605,252	-	1,660,638	(55,386)	103.45%
Capital Project Funds	1,042,300	64,402	914,712	127,588	87.76%

Revenues:

- Sales Tax revenues are stabilizing and are slightly over budget.
- Capital Projects Funds revenue mostly consists of revenues received into the Park Capital Fund from Community for the Commons for the 2023 concert series and yoga donations. Also, transfers to the Capital Fund from the Sewer Fund for the loan to cover the overages of the parking structure and the General Fund for excess fund balance.

Expenditures:

- Parking Lot Maintenance expenditures consist mostly of billings from Walker Consultants for the parking study.
- Local Sales Tax expenditures are a transfer to the debt service fund for the bond payment in January.
- Debt Service Funds expenditures consist of principal and interest payments made in January and interest payments in July.
- Capital Project Fund expenditures consist of costs for tree trimming, owners' rep and engineering for the 339 Third Street project and a bi-annual TIF payment to The Waters.

Parking Meter Profit and Loss

2024--West Lot Closed													
Revenue	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD
Meter Revenue	\$1,565	\$2,268	\$4,441	\$12,579	\$54,001	88,360	94,876	90,252	59,746	18,847	2,624		\$ 429,558
Trial Area P1502-1506	\$2,367	\$3,990	\$3,355	\$5,563	\$12,806	20,625	20,490	18,691	10,951	1,550	6,324		\$ 106,711
Dock Meter Revenue P1511 & P1512			\$ 13	\$ 107	\$ 1,844	\$ 3,646	\$ 4,504	\$ 4,039	\$ 2,838	\$ 510	\$ 13		\$ 17,512
Gross Profit	\$3,932	\$6,257	\$7,809	\$18,248	\$68,651	\$112,630	\$119,871	\$112,982	\$73,535	\$20,907	\$8,961	\$0	\$ 553,782
Operation Expenses	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD
Back Office Software (biannual)		6,498						7,866					14,364
Electronic Permitting (annual)													0
Whoosh Transaction Fees Quarterly								9			12		21
Parking Meter Maintenance													0
Meter Fees	1,488	1,582	1,848	2,706	6,666	9,774	10,266	11,601	7,804	3,195	2,243		59,174
Total Operation Expenses	1,488	8,080	1,848	2,706	6,666	9,774	10,266	19,476	7,804	3,195	2,254	-	\$73,558
Net Income	\$2,444	(\$1,823)	\$5,961	\$15,542	\$61,984	\$102,856	\$109,605	\$93,506	\$65,731	\$17,712	\$6,707	\$0	\$ 480,224

Council Action: Accept report for filing.



MEMORANDUM

7(b)3 – Designate Official Newspaper

Re: _____

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

The official newspaper of the city must be designated annually. The Sun-Sailor Newspaper has been historically used and meets requirements of statute Chapter 331A. Their quote for 2025 is as follows:

\$12.25 – per inch for first and subsequent insertions

There are approximately 9 lines and 320 characters per inch. Thursdays are when papers are distributed, which includes legal notices. These legal notices are also posted on their webpage on the Wednesday prior to paper copy distribution.

The purpose in designating an official newspaper is so interested parties wishing to learn about construction bids, zoning notices, purchasing bids, and other legally required notices can look in one newspaper for all official notifications. The official newspaper should try to deliver its paper to each household within the City and routinely cover City news items and Council events.

The Sun-Sailor delivers to all single-family homes and businesses in Excelsior. They also deliver to apartment complexes that allow newspapers to be placed in the entryway, and to City Hall and the Library so its available for residents.

The Sun-Sailor Newspaper publication covers Excelsior's City Council meetings and places news releases in their newspapers when requested by staff. The City has designated the Sun-Sailor Newspaper as the official newspaper for several years.

Council Action: Approve Resolution 2025-01 approving the Sun Sailor as the City of Excelsior's official newspaper for year 2025.

Attachments:

Resolution 2025-01

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-01

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER

BE IT RESOLVED, by the City Council of the City of Excelsior, Minnesota, that the Sun-Sailor Newspaper is hereby designated as the Official Newspaper for the City of Excelsior of the year 2025.

Adopted by the City Council of the City of Excelsior, Minnesota, this 6th day of January 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager



10917 Valley View Road, Eden Prairie, MN 55344

December 23, 2024

City of Excelsior
City Council
339 Third Street
Excelsior, MN 55311

Dear City Council Members:

Please accept the following bid from the **Excelsior/Shorewood Sun Sailor** for legal newspaper designation for the City of Excelsior. This newspaper is qualified by the State of Minnesota as a legal newspaper under Minnesota Statutes Section 331A.02, Subd. 1.

The following rate structure for legal notices is effective January 4, 2025:

First insertion:	\$12.25 per column inch
Characters per inch:	320
Lines per inch:	9

All published legal notices are posted on the **Sun Sailor** and Minnesota Newspaper Association websites at no additional charge. The Sun Sailor website has an average of 50,000 views monthly. The notices are available for the public to view at no cost.

A notarized affidavit will be provided for each notice published. A \$20 charge will be assessed on legal notices that require typing. The **Sun Sailor** is published weekly on Thursdays. The deadline is 2:00 p.m. on Thursday for publication the following Thursday. Early deadlines apply during a holiday week. Please email legal notices to publicnotice@apgecm.com.

Thank you for considering the **Sun Sailor** as the official newspaper for the City of Excelsior for the upcoming year. We appreciate the opportunity to serve the needs of your community.

Sincerely,

A handwritten signature in blue ink that reads 'Tonya Orbeck'.

Tonya Orbeck
Public Notice Manager
Adams Publishing Group
763-691-6001



MEMORANDUM

7(b)4-Approve Official Depositories

Re: _____

Date: January 6, 2025

Jenny Palmer-Finance Director

To: City Council

From: _____

The City of Excelsior maintains cash deposits in one checking account with Wells Fargo Bank and two savings accounts with Old National Bank and Wells Fargo Bank. The amounts of the deposits at Wells Fargo routinely exceed the FDIC limit of \$250,000. Wells Fargo Bank pledges sufficient collateral to guarantee the safety of deposits more than \$250,000, as required by MN State Statute 118A.03.

The City also maintains investments with other financial institutions and licensed securities broker-dealers including Oppenheimer, and Moreton Capital Markets.

Approving the official depositories and securities pledged is an annual housekeeping item that should be approved at the first meeting each year.

Council Action: Adopt Resolution No. 2025-02 A Resolution of the Excelsior City Council Approving Official Depositories and Approving the Selection of Collateral and its Safekeeping Entity.

Attachments:

Resolution 2025-02

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-02

RESOLUTION APPROVING OFFICIAL DEPOSITORIES AND APPROVING SELECTION OF COLLATERAL AND ITS SAFEKEEPING ENTITY

WHEREAS, in addition to \$250,000 in FDIC insurance coverage, Old National Bank and Wells Fargo Bank have presented securities as pledged collateral to the City for funds deposited at the bank in sufficient amounts and held in safekeeping as required by state statutes; and

WHEREAS, it is in the best interest of the City of Excelsior to invest in a blend of long-term and short-term securities in order to receive the greatest benefit from project interest earnings while retaining adequate liquidity to fund the City's ongoing operations; and

WHEREAS, all non-collateralized certificate of deposit investments will be held by individual financial institutions in amounts of \$250,000 or less.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Excelsior, Minnesota, that Old National Bank and Wells Fargo Bank are hereby designated as official depositories for City funds during the year 2025 and that the City's Finance Director is authorized to accept the aforementioned securities as collateral for City funds deposited with said collateral to be held in safekeeping with the Federal Reserve Bank of Minneapolis.

BE IT FURTHER RESOLVED, that Oppenheimer and Moreton Capital Markets are hereby designated as official depositories for the investments of City funds during the year 2025.

Adopted by the City Council of the City of Excelsior, Minnesota, this 6th day of January 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager



MEMORANDUM

7(b)5 – Appointment of Weed Inspector

Re: _____

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

By State Statute, the Mayor is the City's weed inspector. The City may appoint one or more assistants. An Assistant Weed Inspector has the same power, authority, and responsibility of the Mayor in the capacity of weed inspector.

Local weed inspectors examine all lands, including highways, roads, and alleys to determine if the landowner has complied with the rules regarding removal of noxious weeds. Weed inspectors also issue permits for the transportation of materials infested with noxious weed-propagating parts. A claim for the expenses of performing the weed inspector's duties is a charge that the City may legally make.

The Public Works Director should be appointed the Assistant Weed Inspector as they are the one with the expertise and administrative responsibility for these activities. The City is currently working on hiring a Parks Manager and staff may desire to name that position as Assistant Weed Inspector.

Council Action: Appoint Tim Amundsen, Public Works Director, as the Assistant Weed Inspector for 2025.

Attachments:

Resolution 2025-03

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-03

RESOLUTION APPROVING APPOINTMENT OF ASSISTANT WEED INSPECTOR

WHEREAS, Minnesota State Statue 18.80 Subp. 2, requires the Mayor of each city to act as local weed inspector of the municipality; and

WHEREAS, Minnesota State Statue 18.80 Subp. 3, allows a municipality to appoint one or more assistants to act on behalf of the appointing authority as a weed inspector for the municipality.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Excelsior, Minnesota that Tim Amundsen, City of Excelsior Public Works Director be appointed as the Assistant Weed Inspector for the municipality for year 2025.

Adopted by the City Council of the City of Excelsior, Minnesota, this 6th day of January 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager



MEMORANDUM

7(b)6 –Designate Compliance Officer and

Re: Responsible Authority for Administering

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

The City is required to have two officers to administer the responsibilities set forth in the Minnesota Government Data Practices Act. The required officers are the Responsible Authority and the Compliance Officer.

The Responsible Authority is an individual who is designated by the City Council and is responsible for collection, use, and dissemination of any set of data. The Compliance Officer is an individual designated by the Responsible Authority who handles questions or issues with data access. The Compliance Officer can be the same person as the Responsible Authority.

According to the Government Data Practices Act, requests for data are to be directed to the Responsible Authority. The Responsible Authority then determines whether to provide or deny access to the data as requested. If a person believes they have been wrongfully denied access to the data, they can work with the Compliance Officer.

The City Clerk has been serving in the role as Responsible Authority and the City Attorney has been serving in the role of the Compliance Officer.

Council Action: Approve Resolution 2025-04 to appoint City Clerk as Responsible Authority and City Attorney as the Compliance Officer for data privacy requests.

Attachments:

Resolution 2025-04

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-04

**RESOLUTION APPOINTING COMPLIANCE OFFICER AND RESPONSIBLE AUTHORITY PERTAINING TO
GOVERNMENT DATA**

WHEREAS, Minnesota Statue Chapter 13.01, Minnesota Government Data Practices Act, regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities and establishes a presumption that government data are public and accessible by the public for inspection and copying unless there is a federal law, a state statue, or a temporary classification of data that provides that certain data are not public; and

WHEREAS, the statue defines “Responsible Authority” as the individual designated by the government body of that political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law; and

WHEREAS, the statue defines “Compliance Officer” as the designated employee of the government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Excelsior, Minnesota as follows:

The City Council shall appoint City Clerk Theresa Bajda as the Responsible Authority effective January 1, 2025.

The City Council shall appoint City Attorney Mary D. Tietjen as the Compliance Officer effective January 1, 2025.

Adopted by the City Council of the City of Excelsior, Minnesota, this 6th day of January 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager



MEMORANDUM

7(b)7 – Approve 2025 Meeting Calendar

Re: _____

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

City Council has approved a calendar of meeting dates for City Council and the following Commissions: Parks and Recreation, Heritage Preservation, and Planning Commission.

While Council traditionally meets the 1st and 3rd Mondays of each month, this is not always possible due to City recognized holidays. For this reason, some Council meetings are held on a Tuesday. Traditionally, Council has also cancelled the first meeting in July due to its proximity to the 4th of July Holiday. This year's calendar reflects the first July meeting as Monday, July 7th.

The three City Commissions have a regular schedule (as described below) but due to City recognized holidays or Council meetings must be adjusted from time to time.

Parks and Recreation Commission: 2nd Tuesday following the 2nd Monday

Heritage Preservation Commission: 4th Tuesday

Planning Commission: 4th Monday

Council Action: **Approve 2025 Meeting Calendar and inform staff whether to maintain July 7th Council meeting or cancel.**

Attachments: Proposed meeting calendar 2025

Excelsior Meeting Calendar

2025

Council 5:30 PM to 10:00 PM

Planning 6:30 PM to 9:00 PM

HPC 6:30 PM to 9:00 PM

PNR 6:15 PM to 9:00 PM

City Holiday - Office Closed

January

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

MEMORANDUM

7(b)8 – Short Term Rental License, 2nd Read

Re: Ordinance 475

Date: January 6, 2025

Theresa Bajda, City Clerk

To: City Council

From:

Council adopted Ordinance 660 on May 6, 2024, adding short-term rentals to its City Code, and establishing a process for licensing said rentals within city limits. The City waived enforcement of the primary residence requirement set forth in Section 10-1302 and Section 41-2 of Appendix E for properties located in the R-1 and R-2 Zoning Districts through December 31, 2024, allowing short-term rental operators sufficient time and opportunity to come into compliance with the primary residence requirement.

Application Process

At the December 16, 2024 Council Meeting, staff presented an application process for short-term rental licensing which required applications to submit the following:

- Application Form
 - Property information, owner information, property manager/emergency contact (if applicable).
- Minnesota Business Tax Identification Certificate of Compliance
 - Required by State when issuing licenses should Minnesota Commissioner of Revenue request a businesses tax identification number (Minn. Stat. Chapter 502, Article 8, Section 2).
- Certificate of Compliance, Worker's Compensation Law Form
 - Required by State when issuing licenses. Provides evidence that business is following the worker's compensation insurance coverage requirements of Minn. Stat. Chapter 176.
- Affidavit of Primary Residence
 - Required for properties located in R1 or R2 Residential District as proof of primary residence.
- Proof of Liability Insurance
 - Owner shall maintain liability insurance appropriate to cover the short-term rental in use in the aggregate of not less than \$300,000.
- Payment of license fee
 - \$200/per building and \$50 for each additional unit
 - This is consistent with the fee schedule for multi-dwelling licenses

Councilmembers raised questions about the necessity of the Minnesota Business Tax Identification Certificate of Compliance and Workers Compensation Law Form Certificate of Compliance. These items are required by state statute as the City will be issuing a license and the applicant (even in cases where its their primary residence) will be operating a business and receiving payment for their rental.

Pursuant to the Laws of Minnesota, 1984, Chapter 502, Article 8, Section 2 (270.72 Tax Clearance; Issuance of Licenses), the licensing authority is required to provide the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the social security number of each license applicant.

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable

evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176.

Councilmembers also raised questions about liability insurance and requested staff remove this from the required materials when obtaining a short-term rental license.

Proposed Ordinance

The Short-term rental ordinance references Section 10-1302 of the City Code to require certain items as part of the licensing process. Section 10-33, Procedure for issuance stipulates: “the city manager shall cause investigation (including a background check) to be made of the qualifications of the applicant and shall determine whether the applicant has complied with all requirements of this chapter and the part of any ordinance or law which the license is to be issued and which are prerequisites to the issuance of the license.”.

Staff determined conducting a criminal history background investigation as part of the short-term rental license is not necessary. Short-term rental licensing manages where short-term rentals are located in the community and allows the City to identify them. Conducting background checks would require additional staff time, coordination with South Lake Minnetonka Police Department, and could be invasive for owners specifically in R1 and R2 Residential districts. Liquor license applications and renewals for example, do require a criminal background check, but the review of charges or offenses are related to the operation of a safe establishment and serving procedures. Determining which offenses or charges would disqualify an applicant from obtaining a short-term rental license would be challenging and beyond the intent of the short-term rental ordinance.

Staff researched the short-term rental application process for other municipalities in Minnesota and found it’s not uncommon for issuance without a background check. Minnesota State Statue Sec. 299.67-68 requires that a Property Owner shall request a criminal background check on any Residential Property Manager employed by the Property Owner. Staff have included this as an acknowledgement on the short-term rental application form, so applicants certify they understand this requirement for a property manager they may hire.

Staff recommends removal of section 10-33 as it relates to licensing of short-term rentals so criminal history checks are no longer a requirement. If approved by Council, staff will send short-term rental information to property owners in Excelsior and begin processing applications.

Council Action: Waive the second reading and adopt Ordinance 675.

Attachments:

Ordinance 475

Excelsior City Code, Chapter 10, Article II, Sec. 10-33 Procedure for issuance (as reference)

Minnesota Business Tax Identification Certificate of Compliance

Certificate of Compliance, Worker’s Compensation Law Form

City of Excelsior
Hennepin County, Minnesota
Ordinance No. 675

An Ordinance to Amend Chapter 10, Businesses, Article XXIV Short-Term Rentals, Sec. 10-1302. License.

THE COUNCIL OF THE CITY OF EXCELSIOR HEREBY ORDAINS:

SECTION ONE. Amendment. That Section 10-1302 be amended as follows:

Sec. 10-1302. License.

- (d) Issuance and license term. The procedures in sections ~~10-33~~, 10-34, and this article shall govern the issuance, term, and renewal of licenses under this article. The provisions of section 10-35 and this article shall govern the duties of the licensee.

SECTION TWO. EFFECTIVE DATE. This Ordinance shall take effect 30 days from publication.

Adopted by the Council of the City of Excelsior, Minnesota, this 6th day of January 2025.

, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager

First Reading of Ordinance: December 16, 2024

Second Reading and Adoption: January 6, 2025

Publication of Ordinance: January 16, 2025

Effective Date: February 17, 2025

Sec. 10-33. - Procedure for issuance.

(a) On receipt of an application for any license, the city manager shall cause investigation (including a background check pursuant to 10-33(b) below) to be made of the qualifications of the applicant and shall determine whether the applicant has complied with all requirements of this chapter and the part of any ordinance or law under which the license is to be issued and which requirements are prerequisites to the issuance of the license. Unless the part of this chapter, the law, or other ordinance pursuant to which the license is to be issued requires issuance of the license by the council, the city manager shall issue such license upon determination that such prerequisites of such ordinance have been complied with. If he shall have determined that such prerequisites have not been complied with, he shall deny the application for issuance of the license. If any license shall be required to be duly issued by the council, the city manager shall refer the application, together with a report of his investigation and determination with respect to the applicant and his compliance with the such requirements of the ordinance, to the council. The council shall thereupon consider the such report and findings of the city manager and may grant or deny the license. The applicant for any license which has been denied by the city manager may appeal the decision of the city manager to the council by filing with the city manager, within ten days after receipt of notice of such denial, a request for review by the council of such determination. The city manager shall thereupon refer such request to the council at its next regular meeting, at which time the council shall hear the applicant and review the determination of the city manager and may grant or deny such license.

(b) License background checks.

(1) *Applicants for city licenses.*

- a. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non-criminal purposes of licensing background checks.
- b. Criminal history license. The South Lake Minnetonka Police Department (SLMPD) is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for any licenses issued pursuant to this chapter 10 of the Code.
- c. In conducting the criminal history background investigation in order to screen license applicants, the SLMPD is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the SLMPD under the care and custody of the chief law enforcement official or his or her

designee. A summary of the results of the Computerized Criminal History data may be released by the SLMPD to the licensing authority, including the city council, the city manager, city clerk, or other city staff involved the license approval process.

- d. Before the investigation is undertaken, the applicant must authorize the police department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stats. ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minn. Stats. § 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:
 1. The grounds and reasons for the denial.
 2. The applicant complaint and grievance procedure set forth in Minn. Stats. § 364.06.
 3. The earliest date the applicant may reapply for employment.
 4. That all competent evidence of rehabilitation will be considered upon reapplication.

(Code 1982, § 400:10; Ord. No. 467, § 2, 6-20-2011)



350 HIGHWAY 7, SUITE 230
EXCELSIOR, MN 55331
952-474-5233

Minnesota Tax Identification Certificate of Compliance

NOTICE

Pursuant to the Laws of Minnesota, 1984, Chapter 502, Article 8, Section 2 (270.72 Tax Clearance; Issuance of Licenses), the licensing authority is required to provide the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the social security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance or renewal of your license, in the event you owe Minnesota sales, employer's withholding, or motor vehicle excise taxes.
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service.
3. Failure to supply this information may jeopardize or delay the processing of your license issuance or renewal application.

Please supply the following information and return, along with your application, to the licensing authority:

Applicant's Last Name

First Name

Middle Name

Applicant's Address

City

State

Zip

Applicant's Social Security No.

If Applicable:

Business Name

DBA

Business Address

City

State

Zip

Minnesota Tax Identification No.

Signature of Applicant

Print Name

Date

E-mail: dli.license@state.mn.us
Website: www.dli.mn.gov
Phone: (651) 284-5034

Certificate of Compliance Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number
---	---------------------------	----------------------------

Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)

DBA ("doing business as" or "also known as" an assumed name), if applicable

Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent)		
Policy number	Effective date	Expiration date

I am self-insured for workers' compensation. (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce.)

2. I am not required to have workers' compensation insurance because:

I only use independent contractors and do not have employees. (See [Minn. Stat. § 176.043](#) for trucking and messenger courier industries; [Minn. Stat. § 181.723, subd. 4](#), for building construction; and [Minnesota Rules chapter 5224](#) for other industries.)

I do not use independent contractors and have no employees. (See [Minn. Stat. § 176.011, subd. 9](#), for the definition of an employee.)

I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)

I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See [Minn. Stat. § 176.041](#) for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name

Applicant signature (required)	Title	Date
--------------------------------	-------	------

If you have questions about completing this form or to request this form in Braille, large print or audio.



MEMORANDUM

7(b)9 Adopt Resolution 2025-05 Partially

Re: Denying and Partially Remanding Appeal of

Date: Site Alteration Permit at 217 First Street

January 6, 2025

To: City Council

From: Julia Mullin, Community Development Director

At your meeting on December 16, 2024, you considered the applicant's request to appeal two conditions of the site alteration permit at 217 First Street approved by the Heritage Preservation Commission. You voted 4-0 (Council Member Tyler was absent) to deny one appealed condition and to remand to the HPC for further consideration the other appealed condition, and directed staff to bring a resolution confirming this action to your meeting on January 6, 2025. The resolution, for your adoption, is attached.

Recommendation

Staff recommends Council adopt Resolution 2025-05 Partially Denying and Partially Remanding to the HPC the Appeal of the Site Alteration Permit at 217 First Street.

Attachments

Resolution 2025-05 redlined version

Resolution 2025-05 clean version

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 20254-0562

RESOLUTION PARTIALLY DENYING AND PARTIALLY REMANDING TO THE HERITAGE PRESERVATION COMMISSION THE APPEAL OF THE HERITAGE PRESERVATION COMMISSION'S DECISION DENYING THE ADDITION OF ALUMINUM CLAD WINDOWS ON THE LEFT SIDE OF THE HOUSE AND WINDOWS WITH DIVIDED LIGHTS ON THE RIGHT SIDE OF THE HOUSE AT 217 FIRST STREET AS DOCUMENTED IN HERITAGE PRESERVATION COMMISSION RESOLUTION NO. 2024-22

WHEREAS, Rob and Kara Tyler, the owners of 217 First Street, Excelsior, MN 55331, ("Applicants") have applied for a Site Alteration Permit to construct a rear garage, front porch, two windows and remove a brick chimney at 217 First Street; and

WHEREAS, the Heritage Preservation Commission ("HPC") considered Applicant's original application at its meeting on September 24, 2024 and adopted Resolution No. 2024-14 issuing a site alteration permit with conditions; and

WHEREAS, the HPC considered the Applicant's second application on October 29, 2024, for a revised front porch and adopted Resolution 2024-18 issuing a site alteration permit with conditions;

WHEREAS, the HPC considered the Applicant's ~~current~~ third site alteration permit application ~~(which seeks~~ to amend conditions 1-3 of the original Resolution No. 2024-14) at its meeting on November 19, 2024; and

WHEREAS, the HPC met on November 21, 2024, to finalize the documentation ~~(by adoption of this resolution)~~ of the HPC's consideration on November 19th of the Site Alteration Permit application ~~dated November 7, 2024~~ and approved part of the Applicants' application and denied the remainder via adoption of HPC Resolution No. 2024-22; and

WHEREAS, the Applicants appealed the HPC's decision documented in Resolution 2024-22 to the city council per Excelsior City Code § 20-14 within the proper time and the city council held a public hearing regarding the merits of the appeal at its December 16, 2024 meeting.

NOW, THEREFORE, IT IS RESOLVED, that the Applicants' appeal is partially denied and partially remanded to the HPC based on the following:

FINDINGS OF FACT

1. Rob and Kara Tyler, owners of 217 First Street, Excelsior, MN 55331 ("Applicants") have applied for a site alteration permit to construct a two-car attached garage, full-width front porch, removal of a brick chimney, replacement of siding, replacement of windows on the rear and side of the non-historic portion of the house, and install two new windows in their previous location at 217 First Street.

2. The building at 217 First Street is an individually designated Landmark.

3. The City of Excelsior has adopted the *Secretary of the Interior's Guidelines for Rehabilitation* (the "Secretary's Guidelines") and the *City of Excelsior Preservation Design Manual* (the "Design Manual") ~~and the~~ as reference guidelines for HPC review.

~~3.~~ 3. The HPC adopted three resolutions regarding this project, Resolution 2024-14, Resolution 2024-18, and the subject Resolution 2024-22, issuing three site alteration permits with conditions.

4. Resolution 2024-22 includes a Conclusion stating that it shall replace HPC Resolution 2024-14. Resolution 2024-18 shall remain in effect and govern the addition of a front porch to the house.

4. The city council held a public hearing on the Applicants' appeal at its meeting on December 16, 2024, where it heard from the Applicants, staff, and members of the public regarding the appeal.

5. The Applicants seek to reverse the decision of the HPC on two issues both documented in Resolution 2024-22 – (1) the condition that new windows located on the left side of the house near the front façade must be made of wood and may ~~can~~ not have aluminum cladding; and (2) the condition that the doors on the right side of the house near the rear ~~of the house~~ elevation in Resolution No. 2024-22 may not ~~have~~ have divided lights on its windows.

CONCLUSIONS OF LAW

1. The proposed two new windows on the n~~N~~orthwest (left) façade of the house are sufficiently close to the front façade to be seen from the public right-of-way and are proposed to be ~~in~~ clad with aluminum. They are proposed in a location where today there are no windows, however, historically there were window openings. The proposed windows will match the shape and size of the historic windows. ~~Given that~~ the Design Manual strongly discourages the cladding of replacement windows with vinyl or aluminum and ~~that~~ the Secretary of the Interior's Standards for Rehabilitation #6 ~~also~~ requires where possible that replacement of a distinctive feature shall match the old materials. Since it is possible here to use wood windows ~~do so~~, the appeal is not successful.

~~2. The proposed doors~~Three doors with divided lights are proposed at the rear of the right side elevation of the house. The proposed divided lights are square-shaped. Adjacent to the proposed doors on the historic portion of the house, there are windows with a diamond pattern divided light on the upper sash. The proposed divided lights in the new doors do not meet the Secretary of the Interior's Standards for Rehabilitation #9 which requires that new work shall be differentiated from the old and shall be compatible with architectural features to protect the historic integrity of the property. 's Guidelines and the Design Manual especially on the side of the house immediately adjacent to the historic portion of the house where tThe proposed diamond pattern divided lights ~~on the upper sash will~~ not be differentiated from and will conflict with the existing diamond-shaped divided lights and are therefore not acceptable. Doors in this location with no divided lights, as required by the HPC, would be compatible with the existing historic windows.

~~2.3.~~ - The Applicant proposed to the city council an alternative divided light pattern for the doors, a hybrid of squares and diamonds, different from the pattern on existing windows. The council considered the alternative and remanded the appeal of the divided lights to the HPC for resolution. Accordingly, the appeal is unsuccessful.

CONDITIONS

- ~~1. Garage. The garage addition is approved as proposed. Detail/construction drawings for the overhead doors must be submitted for final HPC staff review and approval before construction commences.~~
- ~~2. Front Porch. The front porch as designed is not approved. Applicant shall submit a smaller porch design with detailed drawings (including dimensions) of the columns, railings, stairs and foundation for HPC review and approval before any front porch changes are made. Per the requirements of HPC Resolution No. 2024-18, a modified porch addition has been approved. Conditions in that resolution shall govern any front porch modification/addition.~~

Adopted by the City Council of the City of Excelsior, Minnesota, this day ~~16th~~ day of ~~December~~ January 20254.

Gary Ringate~~Todd Carlson~~, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-05

**RESOLUTION PARTIALLY DENYING AND PARTIALLY REMANDING TO THE HERITAGE
PRESERVATION COMMISSION THE APPEAL OF THE HERITAGE PRESERVATION COMMISSION'S
DECISION DENYING THE ADDITION OF ALUMINUM CLAD WINDOWS ON THE LEFT SIDE OF THE
HOUSE AND WINDOWS WITH DIVIDED LIGHTS ON THE RIGHT SIDE OF THE HOUSE AT 217
FIRST STREET AS DOCUMENTED IN HERITAGE PRESERVATION COMMISSION RESOLUTION NO.
2024-22**

WHEREAS, Rob and Kara Tyler, the owners of 217 First Street, Excelsior, MN 55331, ("Applicants") have applied for a Site Alteration Permit to construct a rear garage, front porch, two windows and remove a brick chimney at 217 First Street; and

WHEREAS, the Heritage Preservation Commission ("HPC") considered Applicant's original application at its meeting on September 24, 2024 and adopted Resolution No. 2024-14 issuing a site alteration permit with conditions; and

WHEREAS, the HPC considered the Applicant's second application on October 29, 2024, for a revised front porch and adopted Resolution 2024-18 issuing a site alteration permit with conditions;

WHEREAS, the HPC considered the Applicant's third site alteration permit application to amend conditions 1-3 of the original Resolution No. 2024-14 at its meeting on November 19, 2024; and

WHEREAS, the HPC met on November 21, 2024, to finalize the documentation of the HPC's consideration on November 19th of the Site Alteration Permit application and approved part of the Applicants' application and denied the remainder via adoption of HPC Resolution No. 2024-22; and

WHEREAS, the Applicants appealed the HPC's decision documented in Resolution 2024-22 to the city council per Excelsior City Code § 20-14 within the proper time and the city council held a public hearing regarding the merits of the appeal at its December 16, 2024 meeting.

NOW, THEREFORE, IT IS RESOLVED, that the Applicants' appeal is partially denied and partially remanded to the HPC based on the following:

FINDINGS OF FACT

1. Rob and Kara Tyler, owners of 217 First Street, Excelsior, MN 55331 ("Applicants") have applied for a site alteration permit to construct a two-car attached garage, full-width front porch, removal of a brick chimney, replacement of siding, replacement of windows on the rear and side of the non-historic portion of the house and install two new windows in their previous location at 217 First Street.

2. The building at 217 First Street is an individually designated Landmark.
3. The City of Excelsior has adopted the *Secretary of the Interior's Guidelines for Rehabilitation* (the "Secretary's Guidelines") and the *City of Excelsior Preservation Design Manual* (the "Design Manual") as reference guidelines for HPC review.
3. The HPC adopted three resolutions regarding this project, Resolution 2024-14, Resolution 2024-18, and the subject Resolution 2024-22, issuing three site alteration permits with conditions.
 4. Resolution 2024-22 includes a Conclusion stating that it shall replace HPC Resolution 2024-14. Resolution 2024-18 shall remain in effect and govern the addition of a front porch to the house.
4. The city council held a public hearing on the Applicants' appeal at its meeting on December 16, 2024, where it heard from the Applicants, staff, and members of the public regarding the appeal.
5. The Applicants seek to reverse the decision of the HPC on two issues both documented in Resolution 2024-22 – (1) the condition that new windows located on the left side of the house near the front façade must be made of wood and may not have aluminum cladding; and (2) the condition that the doors on the right side of the house near the rear elevation may not have divided lights.

CONCLUSIONS OF LAW

1. The proposed two new windows on the northwest (left) façade of the house are sufficiently close to the front façade to be seen from the public right-of-way and are proposed to be clad with aluminum. They are proposed in a location where today there are no windows, however, historically there were window openings. The proposed windows will match the shape and size of the historic windows. The Design Manual strongly discourages the cladding of replacement windows with vinyl or aluminum and the Secretary of the Interior's Standards for Rehabilitation #6 requires where possible that replacement of a distinctive feature shall match the old materials. Since it is possible here to use wood windows, the appeal is not successful.
2. Three doors with divided lights are proposed at the rear of the right side elevation of the house. The proposed divided lights are square-shaped. Adjacent to the proposed doors on the historic portion of the house, there are windows with a diamond pattern

divided light on the upper sash. The proposed divided lights in the new doors do not meet the Secretary of the Interior's Standards for Rehabilitation #9 which requires that new work shall be differentiated from the old and shall be compatible with architectural features to protect the historic integrity of the property. The proposed diamond pattern divided lights will not be differentiated from and will conflict with the existing diamond-shaped divided lights and are therefore not acceptable. Doors in this location with no divided lights, as required by the HPC, would be compatible with the existing historic windows.

3. The Applicant proposed to the city council an alternative divided light pattern for the doors, a hybrid of squares and diamonds, different from the pattern on existing windows. The council considered the alternative and remanded the appeal of the divided lights to the HPC for resolution.

Adopted by the City Council of the City of Excelsior, Minnesota, this day 6th day of January 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager



MEMORANDUM

Item 7(b)10 Approve Prosecution Legal
Services Agreement, Resolution 2025-06

Re:

Date: January 6, 2025

To: City Council

From: Kristi Luger, City Manager

The City's long-time prosecuting attorney, Ken Potts, is retiring on January 7, 2025. To ensure a seamless transition in legal services, a Request for Proposals (RFP) was issued to identify a law firm most qualified to meet the City's needs. The City received five proposals.

Staff interviewed all five firms and assessed their approach, expertise, and compatibility with the community. After thorough evaluation, I am recommending the City contract with Gregerson, Rosow, Johnson, and Nilan Ltd. (GRJN) for prosecution legal services due to their extensive municipal litigation experience and the cost effectiveness of their proposal. The City has been accustomed to a flat fee arrangement with its prosecuting attorney. GRJN has agreed to a flat fee of \$24,000 for 2025 which is comparable to the cost of the previous prosecuting attorney's contract.

Council Action: Approve resolution 2025-06 which authorizes execution of a legal services agreement with Gregerson, Rosow, Johnson & Nolan Ltd. for prosecution services.

Attachments:

Resolution 2025-06

Agreement for Prosecution Legal Services

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-06

**RESOLUTION AUTHORIZING AN AGREEMENT FOR PROSECUTION LEGAL SERVICES WITH GREGERSON,
ROSOW, JOHNSON, AND NILAN LTD.**

WHEREAS, the City of Excelsior (the “City”) has determined the need to retain the services of a contractor to provide ongoing prosecution legal services after the retirement of their prosecuting attorney; and

WHEREAS, the City received five (5) proposals in response to the 2024 Request for Proposals for Legal Services; and

WHEREAS, after examining all proposals and conducting interviews, the City has selected Gregerson, Rosow, Johnson, and Nilan Ltd. based on their proposed services, fees, qualifications and experience working with municipalities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Excelsior, Minnesota, that the proper city officials are hereby authorized to enter into an agreement for prosecution legal services, substantially in the form attached hereto as Exhibit A, with Gregerson, Rosow, Johnson, and Nilan Ltd.

Adopted by the City Council of the City of Excelsior, Minnesota, this 6th day of January 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager

AGREEMENT FOR PROSECUTION LEGAL SERVICES

This Agreement is made this 6th day of January, 2025, by and between the City of Excelsior, a Minnesota municipal corporation (“City”) and Gregerson, Rosow, Johnson, & Nilan, Ltd., a Minnesota corporation (“GRJN”).

RECITALS

WHEREAS, the City solicited proposals for the provision of certain criminal prosecution legal services (the “Services”); and

WHEREAS, on January 6, 2025, the Excelsior City Council selected GRJN to provide the Services;

WHEREAS, the parties desire to enter into this Agreement to more specifically identify the duties and responsibilities of GRJN related to provision of the Services;

NOW, THEREFORE, it is hereby agreed that this document by between the City and GRJN shall be a binding obligation on behalf of the parties named.

1. TERM

This Agreement shall commence on January 6, 2025 and shall continue indefinitely unless and until terminated in accordance with Section 8.

2. SCOPE OF LEGAL SERVICES

The Services required by the City and that will be provided by GRJN include the following:

- City criminal prosecution services, including prosecution of petty misdemeanors, misdemeanors, and gross misdemeanors and providing legal advice pertaining to prosecution. Such services include the review and issuance of complaints and representation of the City in and at arraignments, pre-trials, court trials, jury trials, appeals, and other appearances.
- Represent the City in Court for prosecution of code enforcement, property maintenance, business licensing, and other general prosecution matters normally handled by a municipality.

3. FEES

The City agrees to compensate GRJN for its provision of the Services as follows:

- A. Annual Flat Fee. The flat fee for 2025 shall be \$24,000, paid in monthly increments of \$2,000, which includes all prosecution services listed above, with the exception of appeals.

- B. Hourly Fee – Appeals. For 2025, any appeals (whether initiated by the defense or the state) will be billed at the following hourly rates:
- Attorneys: \$165/hour
 - Paralegals and Law Clerks: \$95/hour
- C. Fee Increases. For 2026 and subsequent years (each a “Renewal Year”), GRJN will give City written notice of any fee or rate increase on or before October 15 of the year prior to the commencement of the upcoming Renewal Year. If the parties cannot reach an agreement on the fee increase, either party may terminate the Agreement as provided in Section 8.
- D. Actual Expenses. Actual expenses incurred as a necessary part of the City’s representation will be billed to the City with an explanation of that expense. Actual expenses include but are not limited to copies, postage, legal research, printing of appellate briefs if necessary, and any costs and expenses associated with electronic transmission of prosecution data from and to the City, the Court, and defendants. Fees and expenses will be billed monthly. City shall make timely payment of GRJN’s invoice as required by state statute.

4. ADMINISTRATIVE ATTORNEY AND LEAD PROSECUTOR

Margaret L. Neuville shall be the primary administrative contact relating to this Agreement with the City. GRJN has assigned David Schinas to be the lead prosecutor, with support from Steven Tallen and Benjamin Scheel. Any change in the lead prosecutor shall be subject to the approval of the City.

5. CONFLICTS OF INTEREST

GRJN will not accept any client or project which knowingly would place it in a conflict of interest with the Services to be provided to the City under this Agreement. If a conflict of interest should develop, GRJN will be responsible for taking the necessary steps to comport its representation of the City with the Minnesota Rules of Professional Conduct. The City will be responsible to pay any costs for outside legal representation if such representation becomes necessary due to a conflict of interest.

6. ASSIGNMENT OF SERVICES AND AGREEMENT

GRJN may not assign any interest or obligation of this Agreement without the prior written consent of the City Manager.

7. INSURANCE

GRJN agrees to maintain a valid policy of Malpractice Insurance for the duration of this Agreement. The value of the policy shall not be less than the cap for municipal tort liability as established by Minnesota Statutes.

8. TERMINATION

The City or GRJN may terminate this Agreement for any reason upon sixty (60) days written notice to the other party. Upon termination of this Agreement, the City will only be responsible for the monthly billings accrued as of the date of termination.

9. STATUTORY PROVISIONS

a. Audit Disclosure. In accordance with Minn. Stat. § 16C.05, subd. 5, the books, records, documents and accounting procedures and practices of GRJN or other parties relevant to this Agreement are subject to examination by the City and either the Legislative Auditor or the State Auditor for a period of six (6) years after the effective date of this Agreement. This provision will survive the completion or termination of this Agreement.

b. Data Practices. Any reports, information, or data in any form given to, or prepared or assembled by GRJN under this Agreement which the City requests to be kept confidential, shall not be made available to any individual or organization without the City's prior written approval. This Agreement is subject to the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 ("MGDPA"). In accordance with Minn. Stat. § 13.05, subd. 11, all government data, as defined in Minn. Stat. § 13.02, subd. 7, which is created, collected, received, stored, used, maintained, or disseminated by GRJN in performing any of the functions of the City during performance of this Agreement is subject to the requirements of the MGDPA and GRJN shall comply with those requirements as if it were a government entity. These obligations will survive the completion or termination of the Agreement.

10. ACCEPTANCE

The terms of this Agreement are hereby accepted and made binding upon and between the City of Excelsior and the law firm of Gregerson, Rosow, Johnson & Nilan, Ltd.

(signatures on following page)

CITY OF EXCELSIOR

**GREGERSON, ROSOW, JOHNSON &
NILAN, LTD.**

By: Gary Ringate
Its: Mayor

By: Daniel R. Gregerson
Its: President

Date: _____

By: Kristi Luger
Its: City Manager

Date: _____

ATTEST

By: Theresa Bajda
Its: City Clerk

Date: _____



MEMORANDUM

7(b)11 –Support for 2025 Bonding Bill

Re: _____

Date: January 6, 2025

To: City Council

From: Kristi Luger, City Manager

The City is requesting bonding support for \$13,287,000 worth of infrastructure projects which would allow the City to address replacement of 100-year old drinking water pipes, sanitary sewer pipes and street replacement.

In order for the City to request inclusion in the 2025 bonding bill, a resolution must be passed by the City Council.

Council Action: Adopt Resolution 2025-08 outlining support for a 2025 bonding bill request.

Attachments: Resolution 2025-08

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-08

**RESOLUTION OUTLINING CITY COUNCIL SUPPORT FOR AN APPLICATION TO THE STATE OF
MINNESOTA CAPITAL BUDGET FOR 2025**

WHEREAS, Excelsior is over 170 years old with infrastructure that is 75-100 years old; and

WHEREAS, the drinking water pipes are lead and do not meet current health and safety standards which has resulted in discolored water and frequent water main breaks; and

WHEREAS, the sanitary sewer pipes are clay tile pipe that are showing signs of cracking and tree root intrusion and are susceptible to inflow and infiltration to groundwater; and

WHEREAS, the stormwater management systems that were designed decades ago do not represent current precipitation patterns and do not provide adequate capacity to address climate change in Minnesota; and

WHEREAS, with Excelsior being less than one square mile and 45% of the property is tax exempt, the City of Excelsior lacks the tax base and the financial resources to continue making the investments necessary to replacing aging infrastructure; and

WHEREAS, the Excelsior median household income is 13% below the Minneapolis/St. Paul area and 17% of the population is below the federal poverty level; and

WHEREAS, 61% of the housing in Excelsior is rental with 56% of the units classified as affordable and 41% of renters in Excelsior are experiencing housing cost burden; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EXCELSIOR, that the City does hereby requests that the State of Minnesota to fund \$13,287,000 in the 2025 Bonding Bill for replacement of 100-year-old drinking water pipes, sanitary sewer, and street replacement.

Adopted by the City Council of the City of Excelsior on this 6th day of January, 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager



MEMORANDUM

8(a) – Choose Acting Mayor

Re: _____

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

The City Council by-laws require that an Acting Mayor be selected among the Councilmembers. Further, State Statute requires, “At its first meeting each year, the Council shall choose an Acting Mayor from the Councilmembers. The Acting Mayor shall perform the duties of Mayor during the disability or absence of the Mayor from the City or, in case of vacancy in the office of Mayor, until a successor has been appointed and qualifies.” (M.S. 412.121).

Councilmember Caron served as Acting Mayor in 2024.

Council Action: Appoint a Councilmember to serve as Acting Mayor for calendar year 2025.



MEMORANDUM

8(b) – Review City Council By-Laws

Re: _____

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

The Council has historically reviewed its By-laws annually at the first meeting in January. The Council should discuss whether they are interested in any additional amendments to the By-laws.

The By-laws state that amendments must be approved by a majority vote of the whole Council after notice has been given at some preceding Council meeting. If the Council desires to make any changes to its By-laws at this time, they must direct staff to make said change(s) and place the amended By-laws on the Council's agenda for the second meeting in January for adoption.

Council Action: If the council wishes to amend its By-laws, a motion should be made to direct staff to make the appropriate change(s) and place the amended By-laws on the January 21st, 2025 meeting agenda for adoption. If no changes are desired, a motion to continue to operate under the present By-laws would be in order.

Attachments: City Council By-laws

APPENDIX A - CITY COUNCIL BYLAWS

Footnotes:

--- (1) ---

Editor's note— *Printed in this appendix A are the bylaws of the city council, as adopted by Resolution No. 99-02 on January 19, 1999. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, citations to state statutes, and expression of numbers in text have been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.*

Cross reference— *Boards, commissions and committees, § 2-111 et seq.*

Section 1. - Meetings.

Subd. 1. Regular meetings of the City Council shall be held on the first and third Mondays of each calendar month at 6:30 p.m. in the Council Room of Excelsior City Hall. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the City Hall unless scheduled elsewhere by the Council.

Subd. 2. In accordance with the Minnesota Open Meeting Law, a special meeting shall have at least three days' posted public notice before the special meeting may be held. Notice must be mailed or delivered to each person (including organizations) who has filed a written request for notice of special meetings of the City Council. Special meetings of the Council may be called by the Mayor, or by any two members of the Council by filing a written request with the City Clerk, who shall provide upon at least 24 hours' notice to each member of the Council. In accordance with State statutes, written notice must be mailed to each member of the Council. However, special meetings may be held without prior written notice when all Councilmembers are present at the special meeting or at a meeting of the Council in which it sets a special meeting, or consent thereto in writing. Such consent shall be filed with the Clerk/Treasurer prior to the beginning of the meeting. When required, written notices shall be delivered personally to each Councilmember or shall be left at his/her usual place of residence with some responsible person, and such delivered notice will be deemed to meet the statutory requirement that notice be mailed. Said written notice shall state the names of the persons calling said meeting, the meeting time, place, agenda, purpose, and statement as to why the meeting is necessary.

Subd. 3. Emergency meetings of the Council may be called by the Mayor, or by any two members of the Council upon at least 24 hours' notice to each member of the Council. Such notice must be written and mailed to each member of the Council; however, when such written notices shall be delivered personally to each Councilmember or left at his/her usual place of residence with some responsible person, such delivered notice will be deemed to meet the statutory requirement that notice be mailed. Such written notice shall state the names of the persons calling said meeting, the meeting time, place, agenda, purpose, and statement as to why the meeting is necessary.

An emergency meeting is one which, in the judgement of the Council, circumstances require immediate consideration by the Council. At the beginning of the emergency meeting, a minimum of three councilmembers must vote to declare that the business under consideration is an emergency. The Council shall limit discussion to the items for which notice has been given.

Notification of communications media and interested parties shall be made in according with appropriate State statutes (e.g., Minnesota Open Meeting Law).

Subd. 4. At the first regular Council meeting of January of each year, the Council shall:

- (1) Designate the depositories of City funds;
- (2) Designate the official newspaper;
- (3) Choose an Acting Mayor from the Councilmembers who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, or in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
- (4) Appoint such officers and employees and such members of Boards, Commissions, and Committees as may be necessary.

Subd. 5. Appointments to terms expiring on the City's advisory boards and commissions shall be made no sooner than January 15. Appointments to vacancies during the terms of appointees will be made as soon as practicable.

Subd. 6. Except as otherwise provided in the Minnesota Open Meeting Law, all Council meetings, including special and adjourned meetings and meetings of all Council Committees shall be open to the public.

(Mo. of 1-28-2019)

Section 2. - Presiding officer.

Subd. 1. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Manager shall call the meeting to order and shall preside until the Councilmembers present at the meeting choose one of their number to act temporarily as Presiding Officer.

Subd. 2. The Presiding Officer shall preserve order, enforce the Rules of Procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by Statute or by these Rules, the proceedings of the Council shall be conducted in accordance with the most recent revision of "Roberts Rules of Order".

Subd. 3. Any member may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member may speak once solely on the question involved and the Presiding Officer may explain his ruling, but no other Councilmember shall participate in the discussion. The appeal shall be

sustained if it is approved by a majority of the members present.

Subd. 4. The Presiding Officer may not make or second motions, but may speak on any question. The Presiding Officer may vacate the Chair and designate a Councilmember to preside temporarily in order to make or second any motion. The Chair may not be retaken until after the matter under consideration has been acted upon by the Council.

Cross reference— Officers and employees, § 2-61 et seq.

Section 3. - Minutes.

Subd. 1. Minutes of each Council meeting shall be reported by the Recording Secretary. If the Recording Secretary is absent, the Presiding Officer shall appoint a Recording Secretary pro tem. Ordinances, Resolutions, and claims need not be recorded in full in the Minutes if they appear in other permanent records of the Clerk/Treasurer and can be accurately identified from the description given in the Minutes.

Subd. 2. The Minutes of each meeting shall be reduced to typewritten form, shall be signed by the Recording Secretary, and copies thereof shall be delivered to each Councilmember as soon as practicable after the meeting. At the next regular meeting following such delivery, the Minutes need not be read aloud, but the Presiding Officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the Minutes shall stand approved.

Subd. 3. The Clerk/Treasurer shall keep the minute books of the Council, and shall mail a summary of the Minutes to interested parties within 30 days of a regular or special meeting which includes a summary of the action on motions, Resolutions, Ordinances, and other official proceedings.

Subd. 4. The video recording of regularly scheduled Council meetings (including telephonic/electronic meetings) shall be the official record of the meeting and all technically practical efforts shall be made to provide indexing of the recordings that allows viewers of the video recording to expeditiously locate portions of the meeting of interest to them. In the event there is no video recording of a meeting, the minutes shall be the official record of the meeting. Closed meetings shall be video or audio recorded per statutory requirements. Minutes and recordings of meetings shall be secured and retained in accordance with statutory record retention requirements.

The minutes shall be the official record of special and emergency meetings.

(Amend. of 1-9-2023)

Section 4. - Order of business.

Subd. 1. Each meeting of the Council shall convene at the time and place appointed therefor. Council business shall be conducted in the following order:

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Minutes
- (4) Open Forum
- (5) Agenda Approval
 - (a) Consent Agenda
 - (b) Meeting Agenda
- (6) Meet Excelsior
- (7) Public Hearings
- (8) Petitions, Requests and Communications
- (9) Ordinances and Resolutions
- (10) Reports of Officers, Boards, and Committees
- (11) Unfinished Business
- (12) New Business
- (13) City Council Communications, Questions, and Reports
- (14) Adjournment

Subd. 2. The order of business may be varied by the Presiding Officer; but all Public Hearings shall be held at the time specified in the Notice of Hearing.

Subd. 3. An agenda of business for each Regular City Council meeting shall be prepared and filed in the office of the City Clerk/Treasurer not later than five days before the meeting. The Agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Councilmember and to the City Attorney as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the Agenda for the meeting, or is approved for addition to the Agenda by a unanimous vote of the Councilmembers present.

Subd. 4. When a copy of printed materials relating to Agenda items is required by the Minnesota Open Meeting Law to be available to the public in the Council meeting room for inspection by the public, the Clerk/Treasurer shall see that at least one copy of such materials is available, while the Council considers their subject matter. The Agenda items shall not be considered unless there is compliance with this provision.

Subd. 5. There will be a brief time early in each regular meeting for the public to speak on non-agenda items. This will be called a "Open Forum" and will be limited in duration to one-half hour. No person may speak more than five minutes or more than once. Each subject will have a time limit of ten minutes. Councilmembers may ask questions of the speaker. With the agreement of the Council, such matters taken up during the "Open Forum" may be scheduled on the current or a future Agenda.

Subd. 6. Some Agenda items are of such a routine, non-controversial nature they need minimal Council deliberation. The Council desires to handle these Agenda items as expeditiously as possible in order to provide more time for major Agenda items. The Clerk/Treasurer is to place the following types of items on a Consent Agenda and forward such to Councilmembers prior to each regular Council meeting:

- (1) Routine financial management actions, such as bills for approval, transfers of funds, sale of surplus property, approving specifications and setting bid openings;
- (2) Licenses and Permits for approval;
- (3) Setting Public Hearing dates for Budgets, Zoning, Subdivisions, etc.;
- (4) Receiving reports of such departments as police, fire, finance;
- (5) Miscellaneous citizen requests such as for street lights, stop or other traffic control signs which meet uniform traffic control regulations.

At the request of any individual Councilmember, during the Agenda approval section of the meeting, an item shall be removed from the Consent Agenda and placed upon the regular Agenda for debate. The Consent Agenda shall only be adopted by a unanimous vote of those Councilmembers present at the meeting. A motion to approve the Consent Agenda shall not be debated.

(Mo. of 1-28-2019)

Section 5. - Quorum and voting.

Subd. 1. At all Council meetings a majority of all the Councilmembers shall constitute a quorum for the transaction of business, but a small number may adjourn from time-to-time.

Subd. 2. The votes of the members on any question pending before the Council may be by voice vote, or in any other manner of voting which signifies the intention of the members. The vote of each member shall be recorded on each appropriation of money, except for payments of judgements, claims, and amounts fixed by Statute. In voting on Ordinances and Resolutions, the names of those voting for and against the question shall be recorded in the Minutes. If any member of the Council is present but does not vote, the Minutes as to their name, shall be marked, "present-not voting".

Subd. 3. A majority vote of all members of the Council shall be necessary for approval of any Ordinance or Resolution unless a larger number is required by Statute or Ordinance. Except as otherwise provided by Statute a majority vote of a quorum shall prevail in all other cases.

Section 6. - Ordinances, resolutions, motions, petitions, and communications.

Subd. 1. Every Ordinance and Resolution shall be presented in writing. Every Ordinance shall receive two readings before the Council prior to final adoption. No Ordinance except an emergency Ordinance shall be passed at the meeting at which it is introduced, and at least seven days shall elapse between the introduction and passage of Ordinance in final form. An Ordinance or Resolution need not be read in full unless a member of the Council requests such a reading. All motions shall be recorded in the Minutes and stated in full before they are submitted to a vote by the Presiding Officer. All petitions and other communications addressed to the Council shall be in writing and shall be read in full upon presentation of the same to the Council. They shall then be recorded in the Minutes by title and filed with the Minutes in the Office of the Clerk/Treasurer.

Subd. 2. Every Ordinance and Resolution passed by the Council shall be signed by the Mayor, and City Manager, attested by the Clerk/Treasurer, and filed by the Clerk/Treasurer in the Ordinance or Resolution Book. Proof of Publication of every Ordinance shall be attached and filed with the Ordinance.

Subd. 3. Every Ordinance or Resolution repealing a previous Ordinance or Resolution or a Section or Subdivision thereof shall give the number, if any, and the title of the Ordinance or code number of the Ordinance or Resolution to be repealed in full or in part. Each Ordinance or Resolution amending an existing Ordinance or Resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

Section 7. - Suspension or amendment of the rules.

These rules, or any part of them may be suspended only by a two-thirds vote of the members present and voting. These Rules shall be repealed and amended only by a majority vote of the whole Council after notice has been given at some preceding Council meeting.

Section 8. - Miscellaneous.

Subd. 1. Conduct. Members of the city council shall conduct themselves in accordance with the city's code of ethics as provided in section 2-35 of the city code.

Subd. 2. Development. New members of the city council are required to attend training provided by the League of Minnesota Cities during their first 15 months of office.

(Mo. of 1-28-2019)



MEMORANDUM

8(c) – Appointment to Lake Minnetonka

Re: Communications Commission

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

In accordance with the Joint Powers Agreement for the Lake Minnetonka Communications Commission (LMCC), the City Council must annually appoint two representatives and one alternate to the LMCC. One of the representatives must be a current Councilmember.

The Commission meets quarterly, typically on the 3rd Tuesday of the middle month of the quarter (February, May, August, November).

The Council liaison in 2024 was former Councilmember Ann Hersman.

Council Action: Appoint a Councilmember as a representative to the Lake Minnetonka Communication Commission for 2025 and direct staff to advertise for the Excelsior resident position at-large.



MEMORANDUM

8(d) – Appointment of Alternate to SLMPD

Re: Coordinating Committee

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

Section 4 of the Joint Powers Agreement for the South Lake Minnetonka Police Department (SLMPD) states that the Mayor of each of the four communities shall be the City's member of the SLMPD Coordinating Committee, the agency's governing board. Subd. 2 states that, annually, the Council can appoint an alternate from the Council to fill the vacancy (or absence) if necessary, at any meeting.

Councilmember Caron served as the City's alternate in 2024.

Council Action: Appoint a Councilmember to serve as the City's 2025 alternate on the SLMPD Coordinating Committee.



MEMORANDUM

8(e) – Appointment of Representative &

Re: Alternate to EFD Board

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

Section 2.2 of the Joint Powers Agreement for the Excelsior Fire District states that the governing body of the District shall be the “Excelsior Fire District Board”. The Board is comprised of one elected official of the City Council of each Member City. Additionally, the City Council of each Member City shall name one elected official of its Council to serve as an Alternate Member in case of absence of the voting member.

The Excelsior Fire District Board meets the 3rd Wednesday of each month at 6:30PM.

In 2024, former Councilmember Dierking served as the City’s representative, and Councilmember Tyler served as the alternate.

Council Action: Appoint a Councilmember to serve as the City’s 2025 representative on the Excelsior Fire District Board of Directors and a Councilmember to serve as an alternate.



MEMORANDUM

8(f) – Appointment of Representative to St.

Re: Alban's Bay Bridge Committee

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

The City of Greenwood has designated a representative from the City Council to work on the St. Alban's Bay Bridge. Staff recommends that the City Council also designate a representative to work with the City of Greenwood and their respective City Engineer.

Former Mayor Carlson served as the Council Representative and Councilmember Caron served as the alternate in 2024.

Council Action: Appoint a Councilmember to work on the St. Alban's Bay Bridge with the City of Greenwood and a Councilmember to serve as the alternate.



MEMORANDUM

8(g) – Appointment of Liaison to Community

Re: for The Commons

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

Since 2015, the City Council has designated a representative to serve as a liaison to the Community for The Commons (C4C). The C4C liaison serves as the City Council representative on projects that the City is partnering with C4C on and attends C4C meetings (when requested).

Former Councilmember Ann Hersman served as the Liaison with Councilmember Tyler serving as the Alternate to the Community for the Commons.

Council Action: Appoint a Councilmember to serve as liaison to Community for The Commons and a Councilmember to serve as the alternate.



MEMORANDUM

8(h) – Appointment of Representative(s) to

Re: 106 Center Street Working Group

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

At the December 16, 2024 Council meeting, Councilmembers motioned to direct staff to establish a working group that would work with staff and Minnetonka Center for the Arts on the sale and establishment of a PUD for 106 Center Street.

Council Action: Appoint a Councilmember or two Councilmembers to serve on a new working group for 106 Center Street.



MEMORANDUM

8(i) – Appointment of Representative(s) to

Re: assist with Commission screening

Date: January 6, 2025

To: City Council

From: Theresa Bajda, City Clerk

Historically, Councilmembers have participated in the interview process for applicants wishing to serve on City Commissions (Planning Commission, HPC, Parks and Recreation).

Staff would ideally forward applications received to Councilmember representatives and Commission Chair to begin the screening process before making a recommendation and bringing a request for appointment before Council.

Council Action: Appoint a Councilmember or two Councilmembers to assist staff with applicant screening for each of the following Commissions: PNR, HPC, PC.



MEMORANDUM

Item 8(j)-Appointment of Representatives
for Lobbying Efforts

Re:

Date: January 6, 2025

To: City Council

From: Kristi Luger, City Manager

The City has retained Lockridge Grindal Nauen to serve as the City's lobbyist for the 2025 session. Councilmembers Caron and Tyler have been serving as the City's representatives with our lobbying efforts at the State level. These representatives participate in regular meetings with our lobbyist and present at the Capitol when it's required.

Council Action: Appoint one or two Councilmembers to serve as the City's representatives with our lobbying efforts at the State.



MEMORANDUM

Item 13(a)-Historic WW Treatment Bldg.
Stabilization – Receive Bids & Award

Re:

Date: January 6, 2025

To: City Council

From: Morgan Dawley, City Engineer

Background:

Council authorized solicitation of bids for a structural stabilization project for the Historic Wastewater Treatment Building on October 7, 2024.

Two bids were received, ranging from \$117,185.00 to \$931,270.00. Discussions with the low bidder after the bid opening revealed that he made an error in his bid. The contractor expressed their belief that the bid price for the 30-year fix stabilization was the sum of the 10-year fix stabilization and the price they entered for the 30-year fix stabilization. The contractor did not withdraw their bid, but indicated they would not perform the full work for the 30-year fix stabilization for the price they entered in the bid form. For this reason, we recommend awarding to Innovative Masonry Restoration, LLC.

New History, the structural engineer of record for this project, is familiar with Innovative Masonry Restoration, LLC and has indicated it is a firm that is capable of completing the work.

The attached letter and Bid Tabulation Summary include a description of the bids received and two recommendations for possible action.

1. Reject all Bids and rebid the project with the hope of receiving more favorable bids.
2. Award a contract to Innovative Masonry Restoration, LLC, the lowest responsive bid for the 30-year fix stabilization plus Upgrade #s 1, 2, and 3 for a total contract amount of \$931,270.00. Staff does not recommend awarding the Winter Conditions Alternate; work would begin this spring. Additionally, establish a budget for the project to include 15% (\$140,000) for contingencies because of the possible scope increases that may be uncovered during construction and \$30,000 (3.2%) for construction observation, inspections, and administration. The final construction budget would be \$1,100,000.

If awarded by Council, staff will work with the contractor to execute contracts and initiate and complete the work beginning this spring. Further updates will be provided to Council once contracts and schedules have been submitted by the contractor and approved by staff.

The structural engineer of record from New History and John Bradford of WSB will provide a brief overview and background at the meeting, as well as be available to answer questions.

At the December 16, 2024 meeting, Councilmembers motioned to approve moving this item to a later council meeting for consideration.

Recommended Council Action:

Receive bids and either:

1. Award a contract for the Historic WW Treatment Building Stabilization 30-year fix stabilization plus Upgrade #s 1, 2, and 3 or,
2. Reject all bids and rebid the project.

Attachments:

Letter of Recommendation WSB

Bid Tabulation Summary



December 12, 2024

Honorable Mayor and City Council
City of Excelsior
350 Highway 7
Suite 230
Excelsior, MN 55331

Re: Excelsior Historic Wastewater Treatment Building Stabilization
City of Excelsior, MN
WSB Project No. 024384-000

Dear Mayor and Council Members:

Bids were received for the above-referenced project on Tuesday, December 10, 2024, and were opened and read aloud. Two bids were received. The bids were checked for mathematical accuracy and tabulated. It should be noted that the project was bid with two Base Bid options, Schedule A. 10-Year Fix Stabilization and Schedule B. 30-Year Fix Stabilization, and a number of Alternates as detailed below:

- C1 Bid Alternate – 10-Year Fix Winter Conditions Construction
- C2 Bid Alternate – 30-Year Fix Winter Conditions Construction
- C3 Upgrade #1
- C4 Upgrade #2
- C5 Upgrade #3

The recommended basis of award is the Schedule B. 30-Year Fix Stabilization Base Bid option plus Alternates C3, C4, and C5. Please find attached the bid tabulation summary for your information. Two bids were received, \$117,185.00 and \$931,270.00. Discussions with the low bidder after the bid opening revealed that he made an error in his bid. The contractor expressed their belief that the bid price for the 30-year fix stabilization was the sum of the 10-year fix stabilization and the price they entered for the 30-year fix stabilization. The contractor did not withdraw their bid, but indicated they would not perform the full work for the 30-year fix stabilization for the price they entered in the bid form. For this reason, we recommend awarding a contract to Innovative Masonry Restoration, LLC.

We recommend that the City Council consider these bids and award a contract for the Schedule B. 30-Year Fix Stabilization Base Bid option plus Alternates C3, C4, and C5 in the amount of \$931,270.00 to Innovative Masonry Restoration, LLC based on the results of the bids received.

Honorable Mayor and City Council

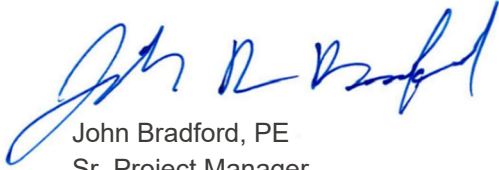
December 12, 2024

Page 2

If you have any questions, please contact me at 952.210.8280.

Sincerely,

WSB

A handwritten signature in blue ink, appearing to read "John Bradford".

John Bradford, PE
Sr. Project Manager

Enclosure

cc: Kristi Luger, City of Excelsior
Theresa Bajda, City of Excelsior
Tim Amundsen, City of Excelsior
Morgan Dawley, WSB
Kirk Davis, New History

srb

BID TABULATION SUMMARY

PROJECT:
Excelsior Historic Wastewater Treatment Building Stabilization

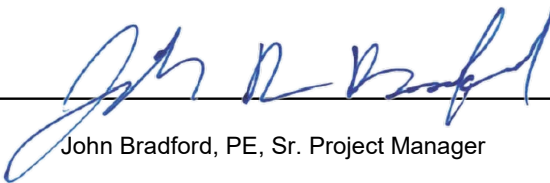
OWNER:
City of Excelsior, MN

WSB PROJECT NO.:
024384-000

BIDS RECEIVED: Tuesday, December 10, 2024, at 10:00 a.m. Local Time

Contractor	Bid Bond (5%)	Add. No. 1 Rec'd.	Schedule A. 10-Year Fix Stabilization	Schedule B. 30-Year Fix Stabilization	C1 - 10-Year Fix Winter Cond. Construction	C2 - 30-Year Fix Winter Cond. Construction	C3 - Upgrade #1	C4 - Upgrade #2	C5 - Upgrade #3
1 Equity Builders & Construction Services, Inc.	N/A	X	\$87,975.00	\$77,625.00	\$1.15	\$1.15	\$8,625.00	\$26,910.00	\$4,025.00
2 Innovative Masonry Restoration, LLC	N/A	X	\$289,340.58	\$868,020.00	\$13,800.00	\$43,700.00	\$17,250.00	\$28,750.00	\$17,250.00

I hereby certify that this is a true and correct tabulation of the bids as received on December 10, 2024.



John Bradford, PE, Sr. Project Manager

 DENOTES CORRECTED FIGURE



MEMORANDUM

Item 13(b)—Commons Ballfield & Shoreline

Re: Restoration Financing

Date: January 6, 2025

Jenny Palmer, Finance Director

To: City Council

From:

City staff recently met with the City's bond counsel Doug Green of Baker Tilly, to discuss funding options for the ballfield upgrades and the shoreline restoration project. Doug confirmed that the City can secure \$3 million through an additional sales tax bond without increasing the annual bond payment. He assured staff that this approach fits well within the City's financial and regulatory framework. Current estimates for both the Ballfield and the Shoreline projects suggest \$3M will be more than adequate to cover the costs.

Doug also confirmed that, if the City sticks to the necessary steps and timelines, the funds would be available by the third quarter of 2025. This gives staff time to prepare for the project, solicit bids, and complete improvements in 2025.

Staff will continue working with Doug to create a long-term bonding strategy given the renewal of the sales tax referendum and will advise and engage the Council on the various options to allow for continued financing of Excelsior Commons master plan projects.

Council Action: Approve resolution 2025-07 which authorizes staff to prepare an advertisement for bids for Phase II of the Excelsior Commons Ballfield improvement project.

Attachment: Resolution 2025-07

CITY OF EXCELSIOR
CITY COUNCIL
RESOLUTION NO. 2025-07

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE EXCELSIOR COMMONS BALLFIELD
IMPROVEMENT PROJECT**

WHEREAS, pursuant to City Council direction, HKGi and City Staff are preparing bidding documents for the Excelsior Commons Ballfield for improvements to the ballfield and adjacent site elements to be constructed in the late summer and fall of 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Excelsior, Minnesota that HKGi and City staff are authorized to prepare an advertisement for bids for the Project to be considered by the City Council once bids are publicly opened and tabulated, at which time any responsible bidder is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility.

BE IT FURTHER RESOLVED, that no bids shall be considered unless sealed and filed with the City Clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the City of Excelsior for five (5) percent of the amount of such bid.

Adopted by the City Council of the City of Excelsior, Minnesota, this 6th day of January 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager