

CITY OF EXCELSIOR
Hennepin County, Minnesota

MINUTES

City Council Work Session
Monday, October 17, 2011

6:00 p.m.

1. Call to Order/Roll Call

Mayor Ruehl called the meeting to order at 6:09 p.m.

Present: Councilmembers Caron, Fulkerson, Miller, Olson, and Mayor Ruehl

Also Present: City Manager Luger, City Attorney Staunton, Public Work Superintendent Wisdorf, and City Clerk Johnson

2. Agenda Approval

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

3. Bell Street and Linwood Avenue Fire Lanes

Wisdorf reported that the fire lanes at the end of Bell Street and Linwood Avenue changed when the City's 2010–2011 Pavement Management Projects were completed. In both instances, the storm water discharge pipe is placed in the area where the slides were previous positioned. If the City reinstalls the slides, it has to comply with the setbacks established by the Lake Minnetonka Conservation District (LMCD).

Wisdorf said that the topography and setback requirements make it impossible to have any slides at the Bell Street fire lane unless the encroachments from the adjacent property to the east are redesigned. The sloped rock wall along the shoreline east of the discharge pipe would also need to be changed. It is possible to install up to three slides at the Linwood Avenue fire lane. One slide can be placed on the west side of the discharge pipe and two slides on the east side of the pipe.

Fulkerson said that she doesn't think that either site is conducive for slides. There are open slides at The Commons and people can be moved there instead of putting slides in where they don't work. There are slides reserved for the sailboat buoys and not all of those slides were leased out this past year.

Olson stated that the slides will get in the way of people carrying their kayaks down to the lake. Wisdorf said it would be a problem at the Bell Street fire lane. The reason why the LMCD has the 10-foot setback in place for permanent structures is so that there is enough space for people to access the lake.

Caron asked how many slides the City had previously at the Bell Street and Linwood Avenue fire lanes. Wisdorf said that there were four slides at each fire lane.

3. Bell Street and Linwood Avenue Fire Lanes – (Continued)

Caron asked if all the slides were rented at the Bell Street and Linwood Avenue fire lanes. Wisdorf said at Bell Street the neighboring property owner rented two of the four spaces and the other two remained open. At Linwood Avenue, three of the four slides have had continued use.

Miller asked where the people live who rent the Linwood Avenue fire lane slides. Wisdorf said that two people live on Linwood Avenue and the other person lives on Lake Street. Miller said it would be an inconvenience for those individuals if they were moved to The Commons.

Caron said the configuration on Bell Street makes it difficult to put in slides, but there is a possibility to still have three slides on Linwood Avenue. The people who have rented slides on Linwood Avenue would be able to stay where they were and the individuals who rented the slides on Bell Street would need to go elsewhere.

Wisdorf said that the City has 16 slides at The Commons, but 12 of the slides are assigned to the sailboat buoys. This year he believes there were 9 buoys rented, but he's not sure how many of those rented buoy/slide combinations. He said that one person who rented a slide at Linwood Avenue moved down to The Commons.

Olson asked if there was room for more slides at The Commons. Wisdorf said yes, but only if the City did not use the first slip in of the residential docks.

Mayor Ruehl asked when the lake level goes down whether the slides by the boat docks still reach the water. Wisdorf said yes. The topography along the lakeshore allows the slides to move up and down with the water. That is not the case with the slides on the fire lanes, because they are directly on shore.

Mayor Ruehl said given the location of the outflow on Linwood Avenue, it might be possible to get two slides there but not three. It might make more sense to have the slides at The Commons and leave the access at the fire lanes for others to have access to the lake.

Caron asked if it would be tight because of the setback requirements or because of the neighboring encroachments. Wisdorf said it is mostly due to the change in the drainage outlet.

Caron asked if there was another way to configure the drainage so the City could have retained the slides. Wisdorf said the outlet may have been able to be shifted one way, which could have accommodated two slides with the setback. Caron said this might be a good thing to consider for future projects so the City doesn't lose more slides.

Miller said if there is a way for the City to install three slides on Linwood Avenue to accommodate the individuals who have historically leased slides at his location the City should install three slides.

3. Bell Street and Linwood Avenue Fire Lanes – (Continued)

Olson said he likes the idea of having the ability for people to hand carry their vessels down to the lake. There is also a maintenance issue and expense to the City if the slides are put back.

Caron said if the City has had slides and can still have them, the City should put them back. The City has already gone through the issues with encroachments on the fire lanes and the City isn't going to require anyone to move a retaining wall. However, if the neighboring property has a dock that encroaches, then maybe the dock should be moved.

Wisdorf clarified that once the slides are installed, the City does not move the slides as the water level changes. Instead, the renters use a wench to pull their boats up.

Miller asked if the individuals who leased slides on Linwood Avenue still want a slide on Linwood Avenue. Dave said yes, that is his understanding.

Fulkerson and Olson said it would be better to have the space for people to hand carry boats down to the lake.

Miller asked the City Attorney to clarify the language in the City Code pertaining to the fire lanes. Staunton said that 15 years ago there was some litigation and as a result, the "passive use" language was removed. Now the ordinance just says historical pedestrian access to the lake, city boat slides, and launching of hand carried water vessels are allowed. Passive use was removed from the language to take away the availability to use the fire lanes like you would The Commons.

Miller asked if fishing would be allowed at the fire lanes. Staunton said the language is unclear, but it is something that can be clarified.

Olson said he's heard that this issue comes up every so often. Passive use seemed to imply that you could use the fire lanes recreationally. If it doesn't specifically state a use, then the fire lane can't be used in that manner.

Mayor Ruehl said he wouldn't want the fire lanes used for swimming; the beach should be used for swimming. Basically, boat slides, the launching of a hand-carried boat, or to watch the sunset would be a reasonable use of the fire lane, but to be there for long periods of times picnicking doesn't seem like that would be an appropriate use. Olson said there is specific legal language in the City's Code.

Jim Norman, 148 West Lake Street, said he is concerned with the maintainability of the fire lane. Towards the end of the season the lake level goes down so much that people can't get their boats on the slides, which makes it difficult to maintain the beach area. Norman showed the Council pictures of what the fire lane looks like when he doesn't maintain the beach area. Norman also showed pictures of the Linwood Avenue fire lane before the drainage outlet was installed and with the outlet.

3. Bell Street and Linwood Avenue Fire Lanes – (Continued)

Olson said he would like to keep the fire lanes safe for people to launch hand-carried vessels.

Miller said this would be a change in policy and if the policy is changed eventually the City won't have any slides. People will ask why the City is putting slides back in the fire lane next to their property if the City doesn't put slides back at other locations. He likes the idea of people being able to have the feature to hand carry a boat down, but it is also good for others who want to have a slide there.

Caron asked if the part-time public works person assisted with cleanup of the fire lanes this season. Wisdorf said yes.

Mayor Ruehl said the maintenance issue is one item; he has some concerns with regard to safety and access; it is imperative that people are able to get their boats up on the slides.

Miller said he agrees that they should be required to pull their boats up on the slide. Caron said that this should be communicated and reinforced with the people who rent slides.

Caron said that the slides are a revenue source, so the City should reinstall them if at all possible. She suggested that the City put them in, document any issues that come up, and revisit this topic in another year.

Olson said that maybe the regulations should be changed so only smaller boats are allowed on the slides at the fire lanes. Staff stated that there are boats on the fire lanes currently that probably would not meet the new regulation.

The Council directed staff to submit the Multiple Dock Application to the LMCD for 2012 to include two single slides at Linwood Avenue and no slides at Bell Street.

4. Public Comments at City Council Meetings

There was not time to discuss this item, so it will be placed on a future Work Session agenda.

5. Other

None

6. Adjournment

Caron moved, Olson seconded, to adjourn the meeting at 7:00 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk