

**CITY OF EXCELSIOR
Hennepin County, Minnesota**

MINUTES

City Council Work Session

Monday, February 6, 2012

1. Call to Order/Roll Call

Mayor Ruehl called the meeting to order at 5:37 p.m.

Councilmembers present: Caron, Fulkerson, Miller (arrived at 5:50 p.m.), Olson (arrived at 5:42 p.m.), and Mayor Ruehl

Also Present: City Manager Luger, City Attorney Staunton, and City Clerk Johnson

2. Agenda Approval

Fulkerson moved, Caron seconded, to approve the agenda as presented. Motion carried 3/0.

3. Proposed Draft Financial Reporting Document from Charter Commission

Staunton said that at the January 17, 2012 Work Session, the Council discussed a draft financial reporting document by the City's Charter Commission. The discussion included a review of analysis by staff of the document including the propriety of including the proposed document in the Charter. The Council raised concerns regarding the issues that might be created by having a document of such detail in the Charter. It was noted that the Charter Commission had suggested prior to the Council's Work Session that the proposed document might be more appropriately adopted as an ordinance or a city policy.

The Council asked staff to draft language that would capture the general themes included in the Charter Commission's document but in a format that would be more appropriate to the general guidance typically included in the Charter. A draft was included in the agenda packet.

Mayor Ruehl asked if there are any other reporting requirements that are statutory or is the City already doing more than is required. Staunton said that the City is doing more than it is required to do. He noted that laws can change and the draft language would not preclude the City from having to comply with State law. The language in the draft was taken directly out of the proposed financial document; the Council can determine if that language is appropriate.

Fulkerson said the first chapter in the City's Charter addresses that the City needs to comply with State Statutes.

3. Proposed Draft Financial Reporting Document from Charter Commission – (Continued)

Mayor Ruehl said the draft appears to identify the overarching issues and does not seem to be overly burdensome to administer.

Caron said she likes the draft. It includes some of the language that was in the financial document and still covers the main issues that the Charter Commission was concerned about. Fulkerson agreed.

The Council directed staff to include this draft in the agenda packet for the Work Session with the Charter Commission. Staff was also directed to invite Mark Bowers.

4. Third Street Fire Lane Proposed Landscape Plan

Luger said that at the November 7th City Council meeting the Council awarded the landscape design contract for the Third Street Fire Lane to Van Buren Landscape. The contract called for three designs of varying price points which were reviewed by Councilmembers Caron and Olson. The landscape plan that was in the Council's agenda packet was created based on the feedback from the first three designs.

Most of the plants that are depicted in the plan are on the Minnehaha Creek Watershed District's (MCWD) list of approved plants and are eligible for a cost share program with the MCWD. Since the plants are native to the area they should thrive and require minimum maintenance.

The plan for the Pump House would be to restore its original industrial look. The recommendation is to remove the paint on the structure. If any improvements are needed to the fence, the improvements would match the current fence materials and style as closely as possible.

The landscape plan shows a brick pathway but Councilmembers Caron and Olson would recommend installing a more natural pathway such as limestone.

The material of the retaining wall is not shown in the landscape plan, but the wall will either be a boulder retaining wall or a cement retaining wall with boulders impended into it. The selected retaining wall material needs to be difficult to climb to deter crime.

Currently there is a streetlight at the end of Third Street which is emitting more light than what is needed for the area. Councilmembers Caron and Olson would recommend removing the streetlight and installing landscape lighting along the pathway to the Pump House. Staff is researching whether additional lighting is needed for safety.

4. Third Street Fire Lane Proposed Landscape Plan – (Continued)

Olson said that he believes that rod iron fences should be incorporated into the budget for this project.

Mayor Ruehl asked Caron and Olson to describe what alternatives were looked at and some thoughts behind the design.

Olson said the other options were less elaborate and ornate. This plan included restoring the Pump House, which is one of the most natural features on Lake Minnetonka shoreline. He wanted something where people felt they were a part of nature.

Caron said the plan has Minnesota native plants so they are hardy and can handle the climate and they won't need a lot of watering.

Fulkerson asked how tall the plants will get. Olson said they will get to be about 4 to 6 feet tall and there will be a better view than has existed.

Mayor Ruehl asked what accommodations there are for drainage and maintenance. Dawley said that portion of the project is being dealt with separately. The drainage and landscape plans work together and will be constructed at the same time. He noted that there will be two main culverts that will drain into Lake Minnetonka. In cooperation with the MCWD, there is some opportunity for water quality improvements to collect and treat the storm water before it enters into Lake Minnetonka. There are a couple of options that are being considered. The improvements will be in the street not the landscaping, and the MCWD will fund up to 50% of the improvements.

Mayor Ruehl asked what work will be done to the Pump House. Dawley said that it has some graffiti on it that will be removed and the structure will be painted. The structure itself appears to be stable and in sound shape.

Mayor Ruehl asked if the plaster would be removed and a coating applied over the entire building. Dawley said that is one option that is being considered.

Olson said there are a couple of issues that still need to be worked out with regard to the fencing and the Pump House.

Luger said the contract was for a retaining wall and landscaping, it did not include the building or the fence. There will need to be a separate contract for those items.

Mayor Ruehl said with this plan the stairs go away and there will not be any access to the water from that fire lane.

Miller asked if the City knows for certain that the Pump House is sturdy. Dawley said that a structural engineer will look at the structure when a plan moves forward.

4. Third Street Fire Lane Proposed Landscape Plan – (Continued)

Fulkerson asked if the fencing needs to be a specific height. Mayor Ruehl said the fence needs to be at least 42 inches in height and the openings can't be any wider than 4 inches.

Olson said the City also needs to discuss funding. Luger said the Council will look at costs when there is a plan in place.

Morgan said that the City's grant proposal will be on the MCWD February's agenda. Luger said that the MCWD thinks it's a great project and may want to use it as a catalyst for other projects.

Miller asked if it would be possible to smooth the hill and not put in a retaining wall and then there would still be access to the lake just like all of the other fire lanes with slides. Olson said the grade is different at this fire lane. If the area is graded, people will not be visible from the street and there would continue to be illegal activities going on. Mayor Ruehl said the hill would need to be cut way back and there would need to be retaining walls down both sides of the streets.

Luger said this fire lane is unique and that is why the retaining wall is a good option. Miller said he is just trying to decide if there are other options rather than spending one quarter of the City's savings at the end of one street.

Dawley said that the Pump House would need to be removed. Olson said the problem with grading the hill is that people will not be visible from the street and there would continue to be illegal activities going on.

Mayor Ruehl said that this needs to be explored more to know if this plan will keep people from going down to the water. If the Pump House was removed there could probably be a better job of security.

Miller said that kids and others will figure out a way to get down to the water from the fire lane and the area will be more secluded. Mayor Ruehl said it would be good to have the police weigh in on the security aspect.

Jim Norman, 148 West Lake Street, suggested that if there is a concern about cost and wanting to keep people from going down to the water, the City could install thorny or thistle plants. Luger said the first plan had thorny bushes and those can always be placed back in the plan.

Olson said that 95% of the use of this fire lane is for sunset viewing. Caron said that the Pump House was viewed as a cool lookout that should be retained.

The Council directed staff to look at options for the retaining wall and fence, address lighting, and request that the South Lake Minnetonka Police Department review the plan and provide comments regarding the security aspect.

5. St. Alban's Bay Bridge

Luger said that the rating of the St. Alban's Bay Bridge has not fallen below structurally deficient levels, but it has deteriorated. The state bridge bond funding levels are currently favorable so it would be ideal to get the bridge on the waiting list as soon as possible, and the City of Greenwood would like to begin working with the City on planning for the bridge.

Dawley provided a brief update on some of the challenges associated with the bridge and some options for the Council on how to proceed. He noted that now is the time for the Council to get plans started and funding paperwork submitted. Adopting a resolution will get the City on the list for possible funding.

Mayor Ruehl said that the City has learned that the bridge is eligible for historic designation. Is the bridge historic? If it is historic, what are the cost implications? Dawley said it is not listed as an historic bridge, but the bridge meets the criteria for historic status. If federal funds are used or a federal permit is required, that triggers the historical review. If that occurs, there will need to be data to prove the bridge cannot be rehabilitated from a structural standpoint. It would not matter if rehabilitation costs were more than replacement costs. There are thresholds for the different types of funding and at this point the bridge is eligible for either state or federal funds.

The City Council directed staff to contact the City of Greenwood to coordinate a joint work session.

6. Linwood Avenue/Third Street Fire Lanes

Staunton said this is a long range issue related to the Linwood Avenue and Third Street fire lanes. The City has had an ongoing conversation with Jim Norman, 146 West Lake Street, regarding the Linwood Avenue fire lane. The Norman's have a stairway and access to their driveway/garage off of the City's right-of-way. The Norman's have voiced concern regarding the saleability of the property because there is no guarantee for access. The Norman's have given the City a proposal for an easement. Staff cannot have a discussion with the Norman's on this until the Council states that they are comfortable redrawing the lines so the property owner and future owners know they can have access. He noted that there is a similar issue on Third Street where Olson has a fence that is on the City's right-of-way within the fire lane.

Staunton said he envisions the assumption would be that the City would maintain enough of the fire lane to keep adequate width to maintain access to the lake and other activities. Before he starts the conversations with the property owners he wanted to know what the Council thought.

6. Linwood Avenue/Third Street Fire Lanes – (Continued)

Mayor Ruehl said he has issues with redrawing the lines, but he wouldn't have issues where someone needed access off of the fire lane to utilize their property. This would be adjusting the anomalies and accommodating the existing needs and respecting the historical aspect.

Caron said she would like to understand what changed; the lines have been like this forever. Why is this an issue now? Staunton said staff has been having conversations with the Norman's for a couple of years. The Norman's have proposed a nature of an easement that would be recorded in the chain of title against the property.

Olson said part of the reason is these things have been there forever. When the fire lanes were conveyed to the City there is no way to know why the lines were drawn the way they were. He would suggest that the City keep whatever access it needs and then convey the remainder to the neighboring property. He noted that someone may not want to purchase a house if there are items within the City's right-of-way.

Caron said these situations have existed forever. What has created the need to do this, is it because a lot of these properties have changed hands? If the Council is going to discuss this, it needs to be looked at with that perspective. The Council also needs all of the facts when this discussed.

Miller said that the Council talked about the fire lanes and the encroachments. This should be cleaned up and do whatever legally is needed to get those taken off.

The Council agreed to discuss these items on a case-by-case basis.

7. Other

None

8. Adjournment

Olson moved, Fulkerson seconded, to adjourn the Work Session at 7:01 p.m.
Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk