

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, March 4, 2013

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:05 p.m.

2. ROLL CALL

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

Absent: Fulkerson

Also Present: City Manager Luger, City Attorney Staunton, City Engineer Dawley, Public Works Superintendent Wisdorf, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of February 19, 2013

Beattie moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of February 19, 2013. Motion carried 4/0.

b. Regular City Council Meeting of February 19, 2013

Beattie moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of February 19, 2013. Motion carried 4/0.

4. OPEN FORUM

a. Presentation of Plaques of Appreciation to Outgoing Advisory Commissioners

Mayor Gaylord presented plaques to outgoing Heritage Preservation Commissioner Rick Meyer and Planning Commissioner Chris Jensen.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Miller reported that he had attended an Excelsior Fire District Relief Association meeting.

6. AGENDA APPROVAL

a. Meeting Agenda

Item 12(d) was moved up on the agenda to follow Item 9(b). Beattie moved, Miller seconded, to approve the meeting agenda as amended. Motion carried 4/0.

6. AGENDA APPROVAL

b. Consent Agenda

Beattie moved, Miller seconded, to approve the consent agenda. Motion carried 4/0.

1. Verified Claims

Action - Approve for Payment in the Amount of \$57,714.97, EFT Checks 675-678 and Manual Checks 78238 to 78269

2. Special Event/Park Use Permit for Half Marathon, May 5, 2013 – Podium Sports Marketing

Action – Approve Issuance of Special Event/Park Use Permit for Half Marathon

3. Park Use Permit for Community Easter Egg Hunt, March 30, 2013 – Our Savior Lutheran Church

Action – Approve Issuance of Park Use Permit for Community Easter Egg Hunt

4. Resolution No. 2013-14 - A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for 2013 MCES Force Main Improvements Project

Action – Adopt Resolution No. 2013-14 - A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for 2013 MCES Force Main Improvements Project

5. Resolution No. 2013-15 - A Resolution Imposing Temporary Parking Restrictions for Luck O' the Lake 5K Run, March 16, 2013

Action – Adopt Resolution No. 2013-15 - A Resolution Imposing Temporary Parking Restrictions for Luck O' the Lake 5K Run, March 16, 2013

6. Resolution No. 2013-16 - A Resolution Imposing Temporary Parking Restrictions for Memorial Day Parade - May 27, 2013

Action – Adopt Resolution No. 2013-16 - A Resolution Imposing Temporary Parking Restrictions for Memorial Day Parade - May 27, 2013

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

7. Resolution No. 2013-17 - A Resolution Imposing Temporary Parking Restrictions for Fourth of July Event

Action – Adopt Resolution No. 2013-17 - A Resolution Imposing Temporary Parking Restrictions for Fourth of July Event

8. Heritage Preservation Commission Minutes for Filing – January 29, 2013

Action – Accept for Filing

7. PUBLIC HEARINGS

- a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Boat Slip Donation Request – Kris Solie-Johnson

Kris Solie-Johnson, Excelsior Elementary Parent’s Night Out representative, addressed the City Council.

Caron moved, Miller seconded, to approve the request from Excelsior Elementary Parent’s Night Out for the use of one of the City’s transient boat slips on July 4, 2013 as a raffle item for their fundraiser. Motion carried 4/0.

- b. Minnehaha Creek Watershed District Update – Eric Evenson

Eric Evenson, District Administrator, Minnehaha Creek Watershed District, addressed the City Council.

- c. Excelsior Airbrush Caricature Proposal – Riley Nelson

Riley Nelson, Minnetonka High School, addressed the City Council.

Beattie moved, Miller seconded, to direct the City Attorney to draft an agreement authorizing Riley Nelson to provide Airbrush Caricatures in a location between the ticket booth at the Port and Tommy’s Tonka Trolley as determined by staff during the summer of 2013 per the proposal presented, with a check-in between Nelson and staff mid season. Motion carried 4/0.

9. ORDINANCES and RESOLUTIONS

- a. First Reading of An Ordinance to Add Chapter 32, Article IV to the Excelsior City Code of Ordinances Pertaining to Pedicab Regulations

Colin Mccarty, Twin Town Pedicabs, addressed the City Council.

9. ORDINANCES and RESOLUTIONS

- a. First Reading of An Ordinance to Add Chapter 32, Article IV to the Excelsior City Code of Ordinances Pertaining to Pedicab Regulations – (Continued)

Steve Mccarty, Twin Town Pedicabs, addressed the City Council.

Miller moved, Beattie seconded, to waive the first reading of An Ordinance to Add Chapter 32, Article IV to the Excelsior City Code of Ordinances Pertaining to Pedicab Regulations and schedule the second reading for the March 18, 2013 Council meeting, as amended. The Council identified that pedicabs could operate until 2:00 a.m., a total of 8 units could be licensed, and include the flexibility to add a trailer. The Council also requested that a check-in to see how the operation is working be placed on the July 1, 2013 Council agenda. Motion carried 4/0.

- b. A Resolution in Support of Exclusive Representation by the Lake Minnetonka Communications Commission in Cable TV Franchise Negotiations

Beattie moved, Caron seconded, to continue this agenda item to the March 18, 2013 Council meeting, with direction to staff to contact the Lake Minnetonka Communications Commission to have the questions answered that the Council identified. Motion carried 4/0.

12. NEW BUSINESS

- d. Bow Fishing Regulations on Lake Minnetonka – Lake Minnetonka Conservation District

Jeff Morris, the City's representative on the Lake Minnetonka Conservation District (LMCD) Board of Directors, addressed the City Council.

Caron moved, Beattie seconded, to forward the recommendation to the LMCD Board of Directors, that the City of Excelsior would prioritize the options for regulating bow fishing in the following order: (1) continue to operate as we currently do; (2) per state law and local ordinances; prohibit bow-fishing entirely on Lake Minnetonka; and (3) consider an ordinance more restrictive than state law, but less than a prohibition. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. None

11. UNFINISHED BUSINESS

- a. Annual Appointments to Advisory Commissions

Beattie moved, Miller seconded, to appoint Connie Brabec to the Heritage Preservation Commission to fulfill the remainder of a term, which expires on February 28, 2014. Motion carried 4/0.

11. UNFINISHED BUSINESS

a. Annual Appointments to Advisory Commissions – (Continued)

Miller moved, Beattie seconded, to reappoint Tom Wolfe and appoint Scott Craig to the Park and Recreation Commission to serve a three year term expiring February 28, 2016 and appoint Adam Honzl to fulfill the remainder of a term which expires February 28, 2014. Motion carried 4/0.

12. NEW BUSINESS

a. Excelsior-Greenwood Water Service Expansion and Water Service Agreements

Beattie moved, Miller seconded, to approve the Excelsior-Greenwood Water Service Expansion and Water Service Agreements, with the deletion of the 20.1% cap listed in Section 7 of the Water Service Agreement, give staff the authority to make corrections to the agreements provided the changes are not material in substance, and authorize the Mayor and City Manager to execute the agreements. Motion carried 3/1, with Caron voting nay.

b. Land Acquisition, Design, and Construction Cooperative Agreement – Excelsior Improvements Project with Metropolitan Council

Beattie moved, Caron seconded, to adopt Resolution No. 2013-18 - A Resolution Authorizing Agreement with Metropolitan Council Regarding Forcemain Construction Project. Motion carried 4/0.

c. Unlawful Detainer Action Against Renewable Energy South Dakota

Beattie moved, Miller seconded, to authorize the City Manager to execute the unlawful detainer action against Renewable Energy South Dakota. Motion carried 4/0.

d. Bow Fishing Regulations on Lake Minnetonka – Lake Minnetonka Conservation District

This item was moved up on the agenda to follow 9(b).

13. ADJOURNMENT

Beattie moved, Miller seconded, to adjourn at 10:33 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson  
City Clerk