

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

Monday, March 18, 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, Fulkerson, Miller, and Mayor Gaylord

Absent: Caron

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

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of March 4, 2013

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

b. Regular City Council Meeting of March 4, 2013

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

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

None

6. AGENDA APPROVAL

a. Meeting Agenda

Beattie moved, Fulkerson seconded, to approve the meeting agenda. 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 \$282,953.28, EFT Checks 679-693 and Manual Checks 78270 to 78328

2. Stipulation Agreement with Minnesota Pollution Control Agency

Action – Authorize the City Manager to Execute Stipulation Agreement with Minnesota Pollution Control Agency

3. Sanitary Sewer Maintenance Policy

Action – Adopt Sanitary Sewer Maintenance Policy

4. Settlement Agreement for Liquor Violation – Excelsior Brewing Company, LLC

Action – Approve Settlement Agreement for Liquor Violation with Excelsior Brewing Company, LLC and Authorize the Mayor and City Manager to Execute

5. Bid Proposal to Upgrade Piping for Water Softeners

Action – Accept and Authorize Staff to Accept Bid Proposal from Tonka Equipment Company in the Amount of \$54,984.00 plus sales tax

6. Garden Plot Policy

Action – Adopt Revisions to Garden Plot Policy

7. Special Event Permit and Temporary Liquor License, Bingo Fundraiser for 4<sup>th</sup> of July Fireworks, May 4, 2013 – Lake Minnetonka Excelsior Rotary Club

Action – Approve Issuance of Special Event Permit and Temporary Liquor License to Conduct a Bingo Fundraiser

8. Special Event Permit for Jam for Humanity, Fundraiser for Habitat for Humanity and ICA Foodshelf, April 27, 2013 – Sound Sisters, Inc.

Action – Approve Issuance of Special Event Permit for Jam for Humanity

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

9. Monthly Building Permit Report – February, 2013

Action – Accept for Filing

10. Planning Commission Minutes for Filing – February 5, 2013

Action – Accept for Filing

11. Park and Recreation Commission Minutes for Filing – February 12, 2013

Action – Accept for Filing

7. PUBLIC HEARINGS

a. None

8. PETITIONS, REQUESTS and COMMUNICATIONS

a. Request to Change Fee Structure for Small Charter Boats – Barry Cohen, Tonka Tubing Watersports

Barry Cohen, Tonka Tubing Watersports, addressed the City Council.

Miller moved, Beattie seconded, to continue this agenda item to the April 1, 2013 Council meeting, with direction to staff to bring back a draft ordinance and fee structure to accommodate small charter boats. Motion carried 4/0.

b. Farmers Market, Food Trucks, Update on Luck O' the Lake 5K Run – Excelsior Lake Minnetonka Chamber of Commerce

Laura Hotvet, Executive Director, Excelsior Lake Minnetonka Chamber of Commerce, addressed the City Council.

Deb Haines, Farmers Market Manager, addressed the City Council.

Bill Danberg, Brightwater Clothing, 256 Water Street, addressed the City Council.

Beattie moved, Miller seconded, to continue this agenda item to the April 1, 2013 Council meeting, with direction to staff to bring back a proposal to place the Farmer's Market on Water Street between Second and Third Streets. Motion carried 4/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- c. Request for 30-Minute Parking Zones on Water Street – Excelsior Bay Books and Noah’s Ark Fish and Pet Supply

Fulkerson moved, Beattie seconded, to direct staff to prepare an ordinance to establish one 15-minute parking space along Water Street at the corner in front of Heritage II. Motion carried 4/0.

- d. Request to Sell Tickets for the Minnehaha at Tommy’s Tonka Trolley

Miller moved, Beattie seconded, to allow Tommy’s Tonka Trolley to sell tickets for the Minnehaha at the trolley. Motion carried 3/1, with Fulkerson voting nay.

9. ORDINANCES and RESOLUTIONS

- a. Second Reading and Adoption of Ordinance No. 494 - An Ordinance to Amend Chapter 10 to Add Article XX to the Excelsior City Code of Ordinances Pertaining to Pedicab Regulations

Beattie moved, Miller seconded, to waive the second reading and adopt Ordinance No. 494 - An Ordinance to Amend Chapter 10 to Add Article XX to the Excelsior City Code of Ordinances Pertaining to Pedicab Regulations as amended. Motion carried 4/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Proposed Ordinance to Amend Article 60, Shoreland Management District of Appendix E of the Excelsior City Code of Ordinances Related to Impervious Surface Coverage and Sustainable Building Practices

Cindy Busch, Planning Commissioner, addressed the City Council.

Mayor Gaylord reopened the public hearing at 9:25 p.m. Hearing no comments, Mayor Gaylord closed the public hearing.

Miller moved, Beattie seconded, to waive the first reading of An Ordinance to Amend Article 60, Shoreland Management District of Appendix E of the Excelsior City Code of Ordinances Related to Impervious Surface Coverage and Sustainable Building Practices. Motion carried 4/0.

- b. Park and Recreation Commission

1. Proposal to Use Ballpark at The Commons – South Tonka Baseball

Tom Wolfe, Park and Recreation Commission, addressed the City Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

b. Park and Recreation Commission

1. Proposal to Use Ballpark at The Commons – South Tonka Baseball –  
(Continued)

Beattie moved, Miller seconded, to approve the proposal from South Tonka Baseball and authorize staff to enter into a memorandum of understanding that outlines the details of the proposal. Motion carried 4/0.

2. Proposal to Enhance Electrical Boxes in The Commons

Cindy Busch, 127 Bell Street, addressed the City Council.

Beattie moved, Fulkerson seconded, to authorize staff to accept the proposal from Nessel Architecture to provide the services outlined in the proposal for a cost not-to-exceed \$1,000. Motion carried 4/0.

Miller moved, Fulkerson seconded, to move Item 12(a) up on the agenda to follow item 10(b)1. Motion carried 4/0.

12. NEW BUSINESS

a. Memorandum of Understanding – Minnehaha Creek Watershed District

Erik Cedarleaf Dahl, Minnehaha Creek Watershed District, addressed the City Council.

Beattie moved, Miller seconded, to approve the Memorandum of Understanding between the Minnehaha Creek Watershed District and authorize the City Manager to execute the Memorandum of Understanding. Motion carried 4/0.

11. UNFINISHED BUSINESS

a. Kayak/Paddleboard Agreement Between the City and Tom Drummond

Beattie moved, Miller seconded, to approve the Kayak/Paddleboard Agreement between the City and Tom Drummond and authorize the Mayor and City Manager to execute said agreement. 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, Fulkerson seconded, to adopt Resolution No. 2013-19 – A Resolution in Support of Exclusive Representation by the Lake Minnetonka Communications Commission in Cable TV Franchise Negotiations. Motion carried 4/0.

11. UNFINISHED BUSINESS

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

Miller moved, Beattie seconded, to continue this agenda item to the April 1, 2013 City Council meeting, direct staff not to have the agreements executed, request that Mayor Gaylord and Greenwood's Mayor, Deb Kind meet to work through the concerns that each city has identified with the expansion and water service agreements, and bring back draft documents for the Council to consider at the April 1, 2013 Council meeting. Motion carried 4/0.

12. NEW BUSINESS

- a. Memorandum of Understanding – Minnehaha Creek Watershed District

This item was moved up on the agenda to follow Item 10(b)2.

- b. Accept Bids and Award Contract for Park Lift Station Project

Beattie moved, Miller seconded, to accept the bids and award a construction contract to Penn Contracting, Inc. for the Park Lift Station Improvements Project in the amount of \$136,164.00. Motion carried 4/0.

- c. Handicap Parking in Downtown Excelsior

Miller moved, Beattie seconded, to direct staff to add three handicap spaces with one being van accessible to the East Parking Lot and add one handicap parking space on Lake Street at the corner next to Haskell's. Motion carried 4/0.

13. ADJOURNMENT

Fulkerson moved, Beattie seconded, to adjourn at 11:06 p.m. Motion carried 4/0.

Respectfully submitted,

Cheri Johnson  
City Clerk