

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, April 1, 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, Fulkerson, Miller, and Mayor Gaylord

Also Present: City Manager Luger, City Planner Richards, City Engineer Dawley, Public Works Superintendent Wisdorf, Finance Officer Tumberg (left the meeting at 8:00 p.m.), and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of March 18, 2013

Beattie moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of March 18, 2013. Motion carried 5/0.

b. Regular City Council Meeting of March 18, 2013

Fulkerson moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of March 18, 2013. Motion carried 5/0.

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 5/0.

b. Consent Agenda

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

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

1. Verified Claims

Action - Approve for Payment in the Amount of \$71,939.42, EFT Checks 694-701 and Manual Checks 78329 to 78362

2. Performance Permit for Airbrush Caricatures in The Commons

Action – Authorize the City Manager to Execute Performance Permit for Airbrush Caricatures in The Commons

3. 2012 Preliminary Year End Financial Reports

Action – Accept for Filing

4. 2013 First Quarter Financial Report

Action – Accept for Filing

5. Special Event Permit for Cinco de Mayo Event at 30 Water Street, May 4 and 5, 2013 – Water Street Restaurants Group, LLC, d.b.a. Lago Tacos

Action – Approve Special Event Permit for Cinco de Mayo Event

6. Resolution No. 2013-20 - A Resolution Authorizing Interfund Transfer from the 2010/2011 Street Reconstruction Fund to the Capital Improvement Fund Retroactive to December 31, 2012

Action – Adopt Resolution 2013-20 - A Resolution Authorizing Interfund Transfer from the 2010/2011 Street Reconstruction Fund to the Capital Improvement Fund Retroactive to December 31, 2012

7. Resolution No. 2013-21 - A Resolution Authorizing Interfund Transfer from the General Fund to the Capital Improvement Fund Retroactive to December 31, 2012

Action – Adopt Resolution No. 2013-21 - A Resolution Authorizing Interfund Transfer from the General Fund to the Capital Improvement Fund Retroactive to December 31, 2012

8. Temporary Liquor License for Church Function, May 4, 2013 – St. John the Baptist Church

Action – Approve Issuance of Temporary Liquor License to St. John the Baptist Church

9. Heritage Preservation Commission Minutes for Filing – February 26, 2013

Action – Accept for Filing

7. PUBLIC HEARINGS

- a. Proposed Enlargement of Development District No. 1, Modification of the Development Program for Development District No. 1, Proposed Establishment of Tax Increment Financing (Redevelopment) District No. 2 within Development District No. 1, and Proposed Adoption of Tax Increment Financing Plan

Mikaela Huot, Springsted Financial, addressed the City Council.

Mayor Gaylord opened the public hearing at 7:21 p.m.

Lloyd Bratland, 200 West Lake Street, addressed the City Council.

Mark Bowers, 194 West Lake Street, addressed the City Council.

Hearing no further comments, Mayor Gaylord closed the public hearing at 7:26 p.m.

Beattie moved, Miller seconded, to adopt Resolution No. 2013-22 – A Resolution Approving Enlargement to Municipal Development District No. 1, Modification to Development Program for Development District No. 1, Establishing Tax Increment Financing (Redevelopment) District No. 2 Within Development District No. 1 and Approving the Tax Increment Financing Plan Therefor. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- a. Request for Funding for Milfoil Demonstration Projects for Gideon's and St. Albans Bays – Dick Osgood, Lake Minnetonka Association

Dick Osgood, Executive Director, Lake Minnetonka Association, addressed the City Council.

Rob Roy, St. Albans Bay Captain, addressed the City Council.

Judd Brackett, Gideon's Bay Captain, addressed the City Council.

Caron moved, Miller seconded, to approve the request for funding toward the Milfoil Demonstration Project for Gideon's and St. Albans Bays in the amount of \$5,000, to be funded with \$2,500 from the Park Maintenance Fund, \$1,250 from the Leased Docks Fund, and \$1,250 from the Residential Docks Fund. Motion carried 5/0.

- b. Request for Appointment to Lake Minnetonka Communications Commission Committee

The consensus of the Council was not to appoint a representative to serve on the committee as this time.

Miller moved, Caron seconded, to move Items 9(a) and (b) after Item 11(c). Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

c. Resolution Establishing Excursion Boat Permit Fee for Small Charter Boats

Beattie moved, Fulkerson seconded, to adopt Resolution No. 2013-23 – A Resolution Establishing Excursion Boat Permit Fee for Small Charter Boats. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Park and Recreation Commission

1. Options for Handling Refuse in The Commons

Beattie moved, Caron seconded, to direct staff to implement the proposed refuse system at the beach and play areas in The Commons on a trial basis. The Council requested that staff provide an update on the program at the May 20, 2013 Council meeting. Motion carried 4/1, with Fulkerson voting nay.

2. Schedule Clean Up Day for The Commons

Beattie moved, Fulkerson seconded, to schedule a Commons Clean Up Day for Saturday, May 18, 2013, from the hours of 8:30 a.m. to 11:30 a.m. Motion carried 5/0.

11. UNFINISHED BUSINESS

a. Farmers Market – Excelsior Lake Minnetonka Chamber of Commerce

Beattie moved, Caron seconded, to waive the fee during the trial period and schedule a check-in for the June 17th Council meeting, with June 27th being the last day for the Water Street location if the Council determines that the Farmer's Market should be relocated.

Bob Bolles, 229 George Street, addressed the City Council.

Motion carried 5/0.

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

Deb Kind, Mayor of Greenwood, addressed the City Council.

Bill Cook, Greenwood Councilmember, addressed the City Council.

Beattie moved, Miller seconded, to approve the Excelsior-Greenwood Water Service Expansion and Water Service Agreements with the amendments introduced at the meeting, and authorize the Mayor and City Manager to execute said agreements.

11. UNFINISHED BUSINESS

- b. Excelsior-Greenwood Water Service Expansion and Water Service Agreements – (Continued)

Tom Fletcher, Greenwood Councilmember, addressed the City Council.

Beattie and Miller amended their motion to include a change to provision #4 of the water service agreement to exclude "surcharges" in the last sentence.

Motion carried 5/0.

- c. Appointments to Lake Minnetonka Communications Commission

Beattie moved, Caron seconded, to continue this agenda item to the May 6, 2013 Council meeting. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- a. Second Reading and Adoption of Ordinance No. 495 – 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

Beattie moved, Miller seconded, to waive the second reading and adopt Ordinance No. 495 – 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 4/0/1, with Caron abstaining.

- b. First Reading of An Ordinance to Establish a 15-Minute Parking Zone on Water Street

Beattie moved, Miller seconded, to waive the first reading of An Ordinance to Establish a 15-Minute Parking Zone on Water Street, and schedule the second reading an adoption for April 15, 2013. Motion carried 5/0.

12. NEW BUSINESS

- a. Emerald Ash Borer Treatments

Beattie moved, Caron seconded, to continue this agenda item to the April 15, 2013 Council meeting, with direction to staff to contact Bartlett Tree Service to discuss their proposal and warranty provisions. Motion carried 5/0.

13. ADJOURNMENT

Beattie moved, Fulkerson seconded, to adjourn at 9:49 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk