

City of Excelsior  
Hennepin County, Minnesota

MINUTES  
EXCELSIOR CITY COUNCIL MEETING

SEPTEMBER 2, 2014

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Gaylord called the meeting to order at 7:03 p.m.

2. ROLL CALL

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

Absent: None

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

3. APPROVAL OF MINUTES

(a) City Council Work Session Meeting of August 18, 2014

Beattie moved, Caron seconded, to approve the Minutes of the City Council Work Session Meeting of August 18, 2014. Motion carried 5/0.

(b) Regular City Council Meeting of August 18, 2014

Fulkerson moved, Caron seconded, to approve the Minutes of the Regular City Council Meeting of August 18, 2014. Motion carried 5/0.

4. OPEN FORUM

No one appeared before the Council.

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

(a) 2014 Met Council Sanitary Sewer Forcemain Project Update

Wisdorf gave an update on the 2014 Met Council Sanitary Sewer Forcemain Project.

6. AGENDA APPROVAL

(a) Meeting Agenda

Beattie moved, Caron seconded, to approve the Meeting Agenda. Motion carried 5/0.

6. AGENDA APPROVAL

(b) Consent Agenda

Beattie moved, Caron seconded, to approve the Consent Agenda. Motion carried 5/0.

1. Approve Verified Claims - Approve for Payment Manual Checks 79981-80013 and EFT Checks 965E-968E

Action - Approved for Payment Manual Checks 79981-80013 and EFT Checks 965E-968E

2. Planning Commission Minutes of July 8, 2014

Action - Accepted for Filing

3. Park and Recreation Commission Minutes of July 15, 2014

Action - Accepted for Filing

4. Heritage Preservation Commission Minutes of August 6, 2014

Action - Accepted for Filing

5. Special Event Permits for Approval:

- Hennepin County Library Grand Opening Celebration, September 13, 2014

Action - Approved Special Event Permit, Hennepin County Library Grand Opening Celebration, September 13, 2014

7. PUBLIC HEARINGS

- (a) Off-Sale Liquor License for Copper Beech, Inc., dba Wine Republic, located at 287 Water Street, Suite 110

Mayor Gaylord opened the Public Hearing at 7:09 p.m. Hearing no comments, Mayor Gaylord closed the Public Hearing.

Miller moved, Beattie seconded, to approve the Off-Sale Liquor License for Copper Beech, Inc., dba Wine Republic, located at 287 Water Street, Suite 110. Motion carried 5/0.

8. PETITIONS, REQUESTS and COMMUNICATIONS

- (a) None

9. ORDINANCES AND RESOLUTIONS

- (a) None

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

(a) Planning Commission

1. Review and Recommendation on the Planned Unit Development General/Final Plan, Rezoning to PUD Commercial, Design Standards/Site Plan Review, Final Plat, and Development Contract for Kowalski's and Oppidan Development at 400, 440 and 470 Water Street

Mike Oase, Kowalski's Market, addressed the Council.

Peter Coyle, Attorney on behalf of Oppidan Investment Company and Kowalski's Market, addressed the Council.

Mayor Gaylord opened the Public Hearing at 7:46 p.m. Hearing no comments, Mayor Gaylord closed the Public Hearing.

Joe Ryan, Oppidan Investment Company, addressed the Council.

Nicki Craig, 731 Second Avenue, and Planning Commission Chair, addressed the Council.

Beattie moved, Miller seconded, to adopt Resolution No. 2014-49 – A Resolution Approving a Planned Unit Development (PUD) General and Final Plan Proposal for 400, 440 and 470 Water Street, as amended. Motion carried 5/0.

Beattie moved, Miller seconded, to adopt Resolution No. 2014-48 – A Resolution Providing Design Standards and Site Plan Approval for Redevelopment of the Properties at 400, 440 and 470 Water Street with the Planned Unit Development, General and Final Plan Approval. Motion carried 5/0.

Beattie moved, Miller seconded, to waive the first reading of Ordinance No. 516 - An Ordinance Amending Article 40, Section 40-3, Appendix E of the Excelsior City Code Pertaining to the Zoning Map and schedule the second reading for September 15, 2014. Motion carried 5/0.

Beattie moved, Miller seconded, to adopt Resolution No. 2014-50 – A Resolution for Approval of the Final Plat for Snells 2<sup>nd</sup> Addition. Motion carried 5/0.

Beattie moved, Miller seconded, to approve the Developer's Agreement for 400/440/470 Water Street with KTJ 207, LLC. Motion carried 5/0.

11. UNFINISHED BUSINESS

- (a) Reconsideration/Rescission of Appeal of Site Alteration Permit for a Second Story Addition, 212 Water Street

Fulkerson moved to rescind the action of the City Council's August 18, 2014 decision on the Appeal of the Site Alteration Permit for a Second Story Addition, 212 Water Street. Motion failed for lack of a second.

Larry Martin, 212 Water Street, addressed the Council.

Jon Monson, 202 Water Street and 635 Glencoe Road, addressed the Council.

Beattie moved, Miller seconded, to continue both Item 11(a), Reconsideration/Rescission of Appeal of Site Alteration Permit for a Second Story Addition, 212 Water Street, and Item 12(b), Moratorium on Rooftop Additions, to the September 15, 2014 City Council meeting. Motion carried 4/1-Caron opposed.

- (b) Excelsior Brewing Company - Status Update

Patrick Foss, Excelsior Brewing Company, 421 Third Street and 456 Lafayette Avenue, addressed the Council.

John Klick, Excelsior Brewing Company, 421 Third Street, addressed the Council.

Bob Bolles, 229 George Street and 340 Water Street, addressed the Council.

Beattie moved, Miller seconded, to:

- Expand the days and hours of operation for Excelsior Brewing Company to conform with State Statute, with the exception of outside hours ending at 11:00 p.m.; and
- Provide for an additional 20 seats in the alley (48 total seats in the alley); and
- Provide for an additional 20 seats inside (52 total seats inside); and
- Direct staff to work with the Applicant on a seating drawing for both the alley and inside; and
- Direct staff to amend the current resolution and draft an ordinance to include a Sunday On-Sale Taproom Liquor License and bring back to the Council for review and a first reading of the ordinance at their September 15, 2014 meeting.

Motion carried 4/1-Fulkerson opposed.

12. NEW BUSINESS

- (a) Special Event Permit, Excelsior Brewing Company, Oktoberfest, October 10-11, 2014

Patrick Foss, Excelsior Brewing Company, 421 Third Street and 456 Lafayette Avenue, addressed the Council.

John Klick, Excelsior Brewing Company, 421 Third Street, addressed the Council.

Beattie moved, Miller seconded, to approve the Special Event Permit, Excelsior Brewing Company, Oktoberfest, October 10-11, 2014. Motion carried 5/0.

- (b) Moratorium on Rooftop Additions

This item was continued to the September 15, 2014 City Council meeting.

13. ADJOURNMENT

Beattie moved, Miller seconded, to adjourn at 10:40 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Johnson  
City Clerk