

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, December 17, 2012

Southshore Community Center
5735 Country Club Road, Shorewood

7:00 p.m.

1. CALL TO ORDER

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

2. ROLL CALL

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

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 December 3, 2012

Beattie moved, Fulkerson seconded, to approve the Minutes of the City Council Work Session Meeting of December 3, 2012. Motion carried 5/0.

b. Regular City Council Meeting of December 3, 2012

Fulkerson moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of December 3, 2012. Motion carried 5/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

Wisdorf reported on the City's snow emergency regulations.

6. AGENDA APPROVAL

a. Meeting Agenda

Caron moved, Fulkerson seconded, to approve the meeting agenda. Motion carried 5/0.

6. AGENDA APPROVAL

b. Consent Agenda

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

1. Verified Claims

Action - Approve for Payment in the Amount of \$941,385.12, EFT Checks 645 to 655 and Manual Checks #77974 to 78035

2. Resolution No. 2012-66 - A Resolution Expressing Intent to Move City Council Chambers

Action - Adopt Resolution No. 2012-66 - A Resolution Expressing Intent to Move City Council Chambers

3. Disposal of Surplus Goods

Action - Authorize Staff to Dispose of the Surplus Goods Outlined in Staff Memo

4. Payment Request #1 for Third Street Fire Lane Project

Action - Approve Payment Request #1 to G. L. Contracting, Inc. in the Amount of \$204,089.79

5. 2013 Theater License - Five Star Cinemas LLC

Action - Approve Issuance of 2013 Theater License to Five Star Cinemas LLC, d.b.a. Excelsior Dock Cinema

6. 2013 Tobacco Licenses

Action - Approve Issuance of 2013 Tobacco Licenses to Haskell's, Haskell's Port of Excelsior, Southshore Investments, Inc., and TRBK for Bayside Grille

7. 2013 Refuse Licenses

Action - Approve Issuance of 2013 Refuse License to Allied Waste Services, Aspen Waste Systems, Inc., Atomic Recycling, Blackowiak & Son, Inc., JME of Monticello, Inc., Le Page & Sons, Lloyds Construction Services, Inc., Randy Sanitation, Inc., Viet Container co., Waconia Roll-Off Service, and Waste Management

6. AGENDA APPROVAL

b. Consent Agenda – (Continued)

8. 2013 Marina Licenses

Action – Approve Issuance of 2013 Marina License to BayView Event Center, Excelsior Bay Gables Association, Maynard’s Restaurant, Tonka Bay Marina East, and Tonka Bay Marina – St. Alban’s Bay

9. Monthly Financial Report – November 2012

Action – Accept for Filing

10. Special Event Permit for Arctic Fever 2013 – January 19 & 20, 2013

Action – Approve Issuance of Special Event Permit for Arctic Fever 2013

11. Planning Commission Minutes for Filing – November 7, 2012

Action – Accept for Filing

12. Park and Recreation Commission Minutes for Filing – November 13 and 27, 2012

Action – Accept for Filing

7. PUBLIC HEARINGS

a. 2013 Liquor License for Lago Taco, 30 Water Street – Roger Burks, Water Street Restaurants Group, LLC

Roger Burk, Water Street Restaurants Group, LLC, the applicant, addressed the City Council.

Mayor Ruehl opened the public hearing at 7:09 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Beattie moved, Miller seconded, to adopt Resolution No. 2012- A Resolution Granting an On-Sale Intoxicating Liquor License and Sunday Liquor License to Water Street Restaurants, LLC for the 2013 Calendar Year at 30 Water Street, conditioned on staff finding no disclosable issues with the driver’s license records of the applicants. Motion carried 5/0.

b. 2013 Liquor License Expansion for Excelsior Brewery, 421 Third Street – John Klick, Excelsior Brewing Company, LLC

Patrick Foss, Excelsior Brewing Company, LLC, addressed the City Council.

7. PUBLIC HEARINGS

- b. 2013 Liquor License Expansion for Excelsior Brewery, 421 Third Street – John Klick, Excelsior Brewing Company, LLC – (Continued)

Jon Lewin, Excelsior Brewing Company, LLC, addressed the City Council.

Mayor Ruehl opened the public hearing at 7:20 p.m.

Roberta Herron, 130 Lake Street, addressed the City Council.

Hearing no further comments, Mayor Ruehl closed the public hearing at 7:21 p.m.

Fulkerson moved, Beattie seconded, to approve the 2013 Brewer Off-Sale and Taproom/Sunday Brewer Liquor License to Excelsior Brewing Company and continue this agenda item to the January 7, 2013 Council meeting, with direction to staff to update the parking requirements to include the expansion area and provide dimensions for expansion area and how area will be fenced off and secured from parking area. 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. General and Final Plan, Planned Unit Development District, Design Standards, and Site Plan Review to Construct a Hotel at 10 Water Street, P.I.D. 34-117-23-11-0059 - Thomas F. James Properties, LLC

Charlie James, Thomas F. James Properties, LLC, the applicant, addressed the City Council.

Neil Weber, architect for the project, addressed the City Council.

Mayor Ruehl opened the public hearing at 8:21 p.m.

Erin Bean, Greenwood Marina, 21945 Minnetonka Boulevard, addressed the City Council.

Dave Wahlsted, 371 Water Street, addressed the City Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. General and Final Plan, PUD, Design Standards, and Site Plan Review to Construct a Hotel at 10 Water Street – (Continued)

Glenn Baird, Excelsior Dock Cinema, 26 Water Street, addressed the City Council.

Peter Hartwich, 186 George Street, addressed the City Council.

Rick Meyer, 600 Pleasant Street, addressed the City Council.

Michael Sluis, Boardmember, South Lake Excelsior Chamber of Commerce, addressed the City Council.

Catherine Honzl, 540 William Street, addressed the City Council.

Adam Honzl, 540 William Street, addressed the City Council.

Don Anderson, 654 Second Avenue, addressed the City Council.

A. J. Wilson, 231 Second Street, addressed the City Council.

Jon Monson, 202 Water Street, addressed the City Council.

Elmer Schoon, 181 George Street, addressed the City Council.

Susan Valo, 2 Third Street, addressed the City Council.

Tim Howard, 48 Center Street, addressed the City Council.

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

Lucille Crow, 221 Bell Street, addressed the City Council.

Monica Frederick, 603 Lake Street, addressed the City Council.

Mark Brabec, 185 West Lake Street, addressed the City Council.

Andy Marine, 186 West Lake Street, addressed the City Council.

Linda Putnam, 152 Third Street, addressed the City Council.

Steve Bubb, 174 West Lake Street, addressed the City Council.

Thom Lofquist, 740 Pleasant Street, addressed the City Council.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

a. Planning Commission

1. General and Final Plan, PUD, Design Standards, and Site Plan Review to Construct a Hotel at 10 Water Street – (Continued)

Roberta Herron, 130 Lake Street, addressed the City Council.

Doug Schmidt, 220 Second Street, addressed the City Council.

Bob Koens, 2 Bell Street, addressed the City Council.

Becca Sanders, Heritage Preservation Commission liaison, addressed the City Council.

Mark Macpherson, Heritage Preservation Commission liaison, addressed the City Council.

Cindy Busch, Planning Commission liaison, addressed the City Council.

Nicki Craig, Planning Commission liaison, addressed the City Council.

Miller moved, Beattie seconded, to continue this agenda item to the January 7, 2013 Council meeting, direct staff to prepare a resolution giving General Planned Unit Development approval and add the conditions identified by the Council, and establish a subcommittee consisting of Mayor Ruehl, Councilmember Caron, and a member from the Heritage Preservation Commission to meet with the applicant and his architect and to look at the design and discuss possible changes. Motion carried 5/0.

11. UNFINISHED BUSINESS

- a. None

12. NEW BUSINESS

- a. 2013 Liquor Licenses

Beattie moved, Fulkerson seconded, to approve 2013 liquor license renewals for the following:

Biella LLC, d.b.a. Biella, 227 Water Street, for Intoxicating On-Sale, Sunday On-Sale Liquor License

Haskell's, Inc. (Port of Excelsior) 1 Water Street, for Intoxicating On-Sale; Sunday On-Sale; Off-Sale Liquor License

12. NEW BUSINESS

a. 2013 Liquor License Renewals – (Continued)

Irish Pubs LLC, d.b.a. Jake O'Connor's Public House, 200 Water Street, for Intoxicating On-Sale; Sunday On-Sale Liquor License

Southshore Investments Inc., d.b.a. Maynard's Restaurant, 685 Excelsior Boulevard, for Intoxicating On-Sale; Sunday On-Sale Liquor License

TRBK, Inc., d.b.a. BayView Event Center, 687 Excelsior Boulevard, for Intoxicating On-Sale; Sunday On-Sale Liquor License

TRBK, Inc., d.b.a. Bayside Grille, 691 Excelsior Boulevard, for Intoxicating On-Sale; Sunday On-Sale; Off-Sale Liquor License (Combination On-Sale/Off-Sale Liquor License)

Lake Point Partners LLC, d.b.a. Dunn Bros. Café of Excelsior, 11 Water Street for On-Sale Wine and Intoxicating Malt Liquor

Myoung Hee Kim, d.b.a. Yumi's Waterfront Café & Sushi Bar, 217 Water Street for On-Sale Wine and Intoxicating Malt Liquor

O.P. Restaurants LLC, d.b.a. 318, The Mill Café, 318 Water Street for On-Sale Wine and Intoxicating Malt Liquor

Excelsior Vintage Inc., d.b.a. Excelsior Vintage, 400 Highway Seven, for Off-Sale Liquor License

Motion carried 5/0.

13. ADJOURNMENT

Beattie moved, Caron seconded, to adjourn at 12:30 a.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk