

City of Excelsior  
Hennepin County, Minnesota

Minutes  
Heritage Preservation Commission

Tuesday, June 22, 2021

1. CALL TO ORDER/ROLL CALL [L] [SEP]

Chair Macpherson called the meeting to order at 6:30 p.m. [L] [SEP]

Commissioners Present: Chair Macpherson, Bolles, Caron, Finch, Salita, Tyler

Commissioners Absent: Brabec

Also Present: Interim Planning Director Mullin, City Attorney Staunton

2. AGENDA APPROVAL

Macpherson moved Item 6(a) to 5(e) and added Item 6(e) Commons PAC Update with the request that items stays on the agenda until the project is completed.

Caron made a motion to approve the amended agenda, Salita seconded the motion. Motion carried 5/0. Finch was not present yet.

3. APPROVAL OF MINUTES

a) Heritage Preservation Commission Meeting of May 18, 2021

Bolles commented the numbers in the votes were not accurate. Mullin stated that was a typo and will be corrected.

Salita requested an addition to Item 5(a): There was a discussion about the subcommittee for this property and there was discussion about the age, physical integrity, architectural features, and the social significance of the building. The addition will be added prior to Salita's motion in that item. Salita also requested to add: Staff will be directed to notify the property owner immediately.

Caron commented in Item 5(c), the minutes incorrectly referred to the prior agenda item. Mullin stated that was a mistake and will be corrected. Caron states the minutes incorrectly refer to a subcommittee on the property – which does not exist. Mullin stated that was a mistake and will be corrected.

Salita made a motion to approve the amended minutes, Bolles seconded the motion. Motion carried 5/0. Finch was not present yet.

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b) Heritage Preservation Commission Special Meeting of June 7, 2021

Caron commented on page 2, there is a 'discussion' when it should read 'discussed.'

Caron made a motion to approve the amended minutes, Bolles seconded the motion. Motion carried 5/0. Finch was not present yet.

#### 4. CITIZEN REPORTS or COMMENTS

Peter Hartwich, 186 George Street, was unaware that the HPC could initiate the Landmark Designation nomination process.

Commissioner Finch joined the meeting at this time.

#### 5. DISCUSSION ITEMS

##### a) **441 Second Street Site Alteration Permit**

Mullin presented the report and reminded the HPC this property had landscape alterations administratively approved in May 2021.

Bolles discussed the possibility of the fire marshal looking at the plans for the firepit.

Caron questioned the gate on the side of the driveway. The applicant stated this is to prevent others from accessing the property.

Macpherson made a motion to approve the Site Alteration Permit. Caron seconded the motion. The HPC discussed the fire pit with respect to the fire safety and if the fire pit is in accordance with the Zoning Code. Mullin stated the fire pit was reviewed as an accessory structure, and would have to double check if the Zoning Code has a section specifically for fire pits.

Macpherson amended his motion to approve the permit as presented with the condition that it meets all other city ordinances and codes and to advise the applicant to consult with the fire marshal. Salita seconded the motion. Motion carried 5/1.

Bolles objected due to the question over if the proposed fire pit and plan is acceptable with the fire marshal.

##### b) **430 Second Street Site Alteration Permit**

Mullin presented the report. Macpherson commented that this application would be subject to the full building sign plan, which is not referenced in the report. Macpherson says it appears to comply but would like to be sure it is. Macpherson had concern over the front sign and if it was using the existing or a new bracket. Mullin said it is a new bracket and the applicant confirmed via email that the new bracket will go into the mortar joints. Caron and Bolles believed there were empty existing brackets on the building that the sign could use.

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Caron made a motion to approve the Site Alteration Permit as presented with the condition that all signs and brackets are consistent with the previously approved comprehensive sign plan for the building. Salita seconded the motion. Motion carried 6/0.

c) **106 Center Street (HPC 21-16)**

Mullin presented the report and explained the letter from SHPO. The designation study sent to SHPO was inadequate and needs more information before Staff can proceed.

Staunton presented the options for next steps in this nomination process. The first option presented is to proceed and remedy the designation study to resend to SHPO. The second option is to start the process over. The third option would be to not pursue this nomination and designation further.

Staunton reminded the HPC that no matter what option they wish to choose, the Zoning Code requires all demolitions to obtain a demolition permit once plans for the reuse of the property are approved. In addition, the property owner would have to obtain a building permit to build a structure on the property.

Finch questioned why SHPO returned the designation study, when it appears to be very similar to previous designation studies sent. Salita commented Staff can use examples sent by SHPO to expedite the process. Caron commented the examples sent by SHPO were done by outside historical consultants, and suggests Staff possibly investigate hiring a specialized consultant moving forward.

Salita questioned if the HPC chooses the first option, if there is adequate time remaining to meet the deadlines in the ordinance. Staunton states it would be difficult, and the more robust designation study would need to be sent to SHPO in the next 14 days. Caron would like to proceed and stay within the current timeline. Salita agreed.

Finch asked Staunton if the ordinance says SHPO is merely an advisory body or if the ordinance requires SHPO to agree with the designation prior to the HPC designating the property as a landmark. Staunton states the ordinance does not require a response from SHPO. Salita believes it is important that SHPO is involved.

Macpherson asked Mullin if it would be possible to get the more robust designation study to SHPO in 14 days. Mullin stated there are pieces of information needed that Staff would need support on. Mullin believes with a concerted effort; it could be sent to SHPO in 14 days.

Caron made a motion to continue with the existing designation process; direct staff to create a more robust designation study and send it to SHPO as soon as possible; direct the two members of the existing subcommittee (Commissioners Caron and Salita) to work with staff, city attorney, and others as necessary to clarify additional items needed for the revised designation study; bring the revised designation study to the HPC for approval prior to sending it to SHPO.

Macpherson opened the discussion to representatives from the property before the motion was seconded.

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John Bitauld, speaking on behalf of the Church, commented the Church has been disbanded for some time; is currently in contract to sell the property and had not been contacted about the Landmark Designation nomination. The church was blindsided by the nomination and the nomination caused the church to retain counsel. To the Church, the nomination process appears to be designed and is intended to thwart the development of the property.

Peter Coyle, the attorney representing Christian Science Church, first noted an objection to the revision of the May 18 minutes discussed earlier in the meeting. Coyle commented that the letter received from SHPO shows how deficient the process has been. Coyle said this process is effectively a taking of the property, which began on May 18. Coyle encouraged the Commission to not adopt this motion and to not proceed with the nomination process.

Mullin reread the motion that Caron made earlier. Macpherson seconded the motion. Motion carried 6/0.

#### d) **HPC 2021 Goals**

Mullin presented the revised Goals document. Mullin stated it would be a working document for the HPC, to remind them of goals they have discussed. Mullin was looking for direction on how to move forward with the document. Bolles would like to see the document every month. Caron is concerned with the number of items and would like to give them some sort of prioritization. Macpherson suggested the Commissioners review the list and reorder the list in order of priority.

Finch left the meeting at this time.

Staff is directed to keep the document in the meeting packet in the future. The Commissioners were directed to review and prioritize the list.

Tyler suggested to add an additional column to list the Commissioners in charge of a task.

#### e) **Administrative Approvals – 217 First Street**

Tyler recused himself, as this is pertaining to his property.

The discussion on this item is whether this can be administratively approved, or if it must go through the HPC. Macpherson believes it can be administratively approved.

Tyler summarized the project, which is removing a staircase from a deck. Tyler apologized, saying the staircase has already been removed.

Salita made a motion to approve this action and save the discussion about administratively approving similar applications for a later date. Macpherson commented the HPC should allow Julia to administratively approve this item, but the HPC should work on clarification as to what exactly can be approved administratively and what must go through the HPC. Caron mentioned that similar applications have come before the HPC.

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Caron is concerned about not receiving the application materials. Mullin stated she sent out the materials, but there could have been an issue with the email.

Salita repeated the motion. Caron is concerned about making a motion without the application. Staunton said the item can be put on hold and continued at the next meeting. Macpherson suggested to move the item to the next meeting and make sure everybody gets the materials.

Caron made a motion to continue this to the next meeting. Bolles seconded the motion. Motion carried 4/0.

#### 6. COMMUNICATIONS and REPORTS

##### a) Next City Council Meeting – Monday, July 5, 2021

Staunton made the correction that the next City Council meeting is Tuesday, July 6.

##### b) Next HPC Meeting – Tuesday July 22, 2021

Bolles commented the HPC meeting is on July 20. Mullin confirmed this.

##### c) Recent City Council Actions

Mullin reported the City Council approved the two variances for 101 Center Street and the Residential Review Permit. The two landmark designations, 173 Second Street and 7 George Street, were also approved and the ordinances have had their second reading.

##### d) Updates

Macpherson asked Mullin for an update on the fan window at 463 Second Street. Mullin is in communication with the owners. A window had been removed and has not been replaced or repaired.

Macpherson received packages from Michael Koop, from SHPO, pertaining to the national designation of the Downtown District and the Minnehaha Boat. Mullin said copies of these reports will be printed for the Commissioners.

Caron had an update on the renovation on 7 George Street. Caron briefed the commission on possible changes and the property owner may be coming to the HPC to ask for an amendment of their current SAP. The purpose of this update was to gather the HPC's thoughts on the possible amendments.

##### e) Community for the Commons PAC Update

Tyler had no update, there had not been a meeting since the May update. Macpherson believed there was discussion about making the building a full-scale restaurant. Tyler said it had been discussed but the traffic the area brings doesn't make economic sense for a full restaurant. There is discussion about how to best use the space. Macpherson commented there had been an historical survey done

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on the Commons property that concluded the traditional use of the property is part of the historical value. Another conclusion was the lake views, which a new full-scale restaurant would take away. A parking lot for a restaurant would also take away the historical use of the property. Tyler said there are discussions about all these points. Bolles had questions about the bathroom facilities. Tyler said there is discussion about having good bathroom facilities that could encourage more foot traffic in the area. Macpherson reminded the HPC that this is a city project.

7. ADJOURNMENT

Commissioner Caron moved, Commissioner Tyler seconded, to adjourn the meeting at 9:00 p.m.  
Motion carried 5/0.

Respectfully submitted,

Julia Mullin  
Interim Planning Director