

**MINUTES OF THE REGULAR MEETING
CITY COUNCIL
LITTLE CANADA, MINNESOTA**

JANUARY 24, 2018

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 24th day of January, 2018 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Mayor John Keis called the meeting to order at 7:30 p.m. and the following members of the City Council were present at roll call:

CITY COUNCIL:	Mayor	Mr. John Keis
	Council Member	Mr. Tom Fischer
	Council Member	Mr. Rick Montour
	Council Member	Mr. Christian Torkelson
	Council Member	Mr. Mike McGraw

ALSO PRESENT:	City Administrator	Mr. Joel R. Hanson
	City Planner	Mr. Steve Grittman
	Assoc. Planner/Code Enf.	Ms. Jessica Jagoe
	City Clerk	Ms. Heidi Heller
	Cable TV Producer	Mr. Kevin Helander

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Torkelson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-15 – APPROVING THE MINUTES OF THE JANUARY 10, 2018 WORKSHOP COUNCIL MEETING AND THE JANUARY 10, 2018 REGULAR COUNCIL MEETING AS SUBMITTED

The foregoing resolution was duly seconded by Montour.
Ayes (5).
Nays (0). Resolution adopted.

ANNOUNCEMENT Keis announced that Monday, January 29 from 4:00-7:00pm there will be an open house for the City's Comprehensive Plan Update, and Thursday, January 25 from 6:00-7:30pm will be an open house for the Parks Master Plan. He also stated that the Little Canada Recreation Association ice fishing contest is on Saturday, February 3 at Lake Gervais. He noted that the Fire Department will also be selling booya that day.

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PUBLIC HEARING Keis opened the public hearing.

– PUD PERMIT

**AMENDMENT
FOR OUTDOOR
STORAGE &
ALLOW
OUTDOOR
STORAGE IN THE
FRONT YARD
AREA AND
CONDITIONAL
USE PERMIT FOR
A SPECIAL
PURPOSE FENCE**

The Associate Planner stated that Mr. Meyer, owner of Pete’s Water & Sewer, has submitted a revised site plan and staff has met with him and his representative twice since this case was tabled at the December Planning Commission meeting. She explained that they have revised their site plan #12, by reducing the amount of outdoor storage, and are no longer seeking the encroachment into the required front yard setback. She explained that due to the lack of rear yard, staff does feel that there is a reason to vary from some of the requirements, and that variation is consistent with how staff has handled 209 and 221 Ryan Drive with the exception of storage directly in front of the buildings. She stated that site plan #12 shows outdoor storage in front of both buildings.

**AT 3151 COUNTRY
DRIVE;
APPLICANT:
MEYER
COMPANIES**

The Associate Planner indicated that Mr. Meyer will be remodeling the interior of the west building from a multi-tenant into a single tenant space for 7-10 employees, and will be eliminating the multiple entrances. She stated that the west building is considered the principal building for this site and staff believes the visibility and appearance of that should be maintained. She noted that in similar variances for nearby properties, approval was granted for outdoor storage to encroach past the front line of the building, but it was not allowed in front of the principal building. She stated that Mr. Meyer is seeking to be allowed outdoor storage in front of the building because he feels he is maintaining the visibility of having a prominent entrance to the building. She explained that based on being consistent with how the other two similar variance requests on Ryan Drive were handled, staff would recommend that no outdoor storage be located in front of the principal (west) building. She stated staff believes that outdoor storage in front of the east building is reasonable since this is an accessory building.

The Associate Planner reported that in addition to reconfiguring the layout of the site, Mr. Meyer has also changed how the outdoor storage areas will be screened. She explained that a survey confirmed that the existing chain link fence on the south side of the property is located within the City’s right-of-way. As a result, Mr. Meyer is now proposing to replace all of the existing fencing with a new, solid, six-foot high wood fence in the front yard and eight-foot high in the side and rear yard. The Associate Planner explained that the proposed fence heights do comply with city ordinances, however the City Code would only allow either a chain link or woven wire fence in the front yard (along Ryan Drive) to allow visibility. She noted that the Code does have a provision to allow for a Special Purpose Fence by Conditional Use Permit if it is determined that construction, height or length, should differ from this requirement. With that, the applicant is requesting approval of a Conditional Use Permit to

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allow up to a six-foot high solid wood fence along Ryan Drive as proposed.

The Associate Planner clarified that Mr. Meyer is proposing to pave, stripe and install curbing in the designated parking and drive aisle areas only. The two designated outdoor storage areas on the site will be either Class V or recycled material. She explained that the I-1 District Conditional Use Permit regulations for outdoor storage state that the storage area shall be paved with asphalt, concrete or other material approved by the City Council. She stated that this form of other material in the outdoor storage areas would be consistent with what the City has permitted in the Ryan Industrial Park, therefore staff recommends approval of allowing Class V or recycling material within the outdoor storage areas only.

The Associate Planner stated that after the meetings and site plan revisions, staff will recommend approval of the Planned Unit Development Amendment at 3151 Country Drive to allow outdoor storage as permitted in 914.040, I-1, Light Industrial, and to approve the paving of the property as presented with the site plan being modified so that no outdoor storage occurs in front of the principal building. She noted that this approval is based on the determination that the property has a practical difficulty of complying with the city codes for location of the outdoor storage due to the lack of rear yard since it abuts the railroad property.

The Associate Planner reported that Mr. Meyer had indicated that the site improvements would be completed in spring 2018 and winter 2018 for the garage door on building 2 being installed. She stated that since they have already begun occupying the site, staff recommends that the outdoor storage be brought into compliance according to the approved site plan by January 31, 2018, and all other exterior improvements be completed by May 31, 2018. She noted that the Planning Commission opted to give them until June 30, 2018.

Keis asked the applicant about their early occupancy. Lee Meyer, owner of Meyer Companies, stated that they have an early occupancy lease agreement which is why they moved in prior to city approvals. Fischer asked if the field employees parked their personnel vehicles at the business. Mr. Meyer stated that all of the field employees go directly to the job site from home and the five company vehicles are taken home. He noted that a few of the field employees may come to the shop during the day, but they will not park there overnight. The Associate Planner noted that the parking requirements were reduced after discussing the applicant's actual parking needs.

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McGraw asked what he would be seeing when he drives by the property. Mr. Meyer stated that they are proposing a composite cedar-look fence around the perimeter so there will be very little storage seen above the fence. The Associate Planner noted that the zoning code limits outdoor storage height to eight feet, but does allow equipment heights to exceed that if they are kept in their most compact form. Fischer asked the applicant to comment about staff's recommendation to not allow the outdoor storage in front of the building. Mr. Meyer stated that they made several changes to their site plans to compromise with the City's rules, but that could be a deal breaker since they really need that additional outdoor storage space.

Jennifer Cook, realtor representing the applicant, stated that this process with the City was started in November and things got delayed. She explained that Mr. Meyer needed to move out of his previous location and due to the delay getting to the Planning Commission, he had to go somewhere.

Fischer clarified with the applicant that the outdoor storage in front of the west building is necessary. Mr. Meyer stated that having it would allow them to be in a better position to stay in compliance with the outdoor storage parameters. Fischer stated that he would support allowing the storage in front of the building if it would make the site stay in compliance and be able to be kept orderly.

Upon motion by Keis, seconded by Fischer, the public hearing was closed.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-16 – APPROVE THE PLANNED UNIT DEVELOPMENT AMENDMENT AT 3151 COUNTRY DRIVE TO ALLOW OUTDOOR STORAGE AS PERMITTED IN CHAPTER 914.040 AND THE PAVING OF THE SITE AS SHOWN ON THE SITE PLAN PRESENTED, BASED ON THE FACT THAT THE PROPERTY HAS DIFFICULTY MEETING CITY CODE DUE TO NO REAR YARD; OWNER MUST INSTALL A COMPOSITE FENCE AS PRESENTED; AND ALL ADDITIONAL RECOMMENDATIONS OF THE PLANNING COMMISSION

The foregoing resolution was duly seconded by Keis.

Ayes (4).

Nays (1). Fischer. Resolution adopted.

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Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-17 – APPROVING A CONDITIONAL USE PERMIT FOR A SOLID SPECIAL PURPOSE FENCE AT 3151 COUNTRY DRIVE AS SHOWN ON THE PRESENTED SITE PLAN THAT IS UP TO 6- FEET TALL

The foregoing resolution was duly seconded by Torkelson.

Ayes (5).

Nays (0). Resolution adopted.

**CONSENT
AGENDA**

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-18 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:

***APPROVAL OF THE VOUCHERS**

The foregoing resolution was duly seconded by Fischer.

Ayes (5).

Nays (0). Resolution declared adopted.

**RESCHEDULE
FEBRUARY 14,
2018 CITY
COUNCIL
MEETING**

The City Clerk stated that Council Member Montour requested that the February 14, 2018 City Council meeting be rescheduled to Monday, February 12, 2018.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-19 – APPROVE RESCHEDULING THE FEBRUARY 14, 2018 CITY COUNCIL MEETING TO MONDAY, FEBRUARY 12, 2018 AT 8:00PM

The foregoing resolution was duly seconded by Fischer.

Ayes (5).

Nays (0). Resolution declared adopted.

**PURCHASE
LIFTS FOR THE
PUBLIC WORKS
SHOP**

The City Administrator reported that the City has budgeted \$25,000 for portable equipment lifts since the new public works building was built. He explained that staff has been trying out a set for the last few months from Midwest Lift Works, and they have offered a \$1,000 discount if the demo set is purchased. He noted that the total cost is \$33,514 which is more than what was budgeted, but they are eligible for a safety grant from

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the League of Minnesota Cities so staff will see if some of the cost can be recouped. The Capital Improvement Fund can support the increased cost.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-21 – APPROVING THE PURCHASE OF FOUR STERIL KONI LIFTS AND ONE SET OF JACK STANDS FOR A PRICE NOT TO EXCEED \$33,600 FROM MIDWEST LIFT WORKS

The foregoing resolution was duly seconded by Fischer.

Ayes (5).

Nays (0). Resolution declared adopted.

**EXTENSION OF
PUD
AMENDMENT AT
3100 COUNTRY
DRIVE**

The Associate Planner explained that Jim Schwalbach had applied for a Planned Unit Development Amendment in August 2017 for his property at 3100 Country Drive. She reported that the Council denied this request at the August 23, 2017 meeting with the recommendation that a workshop be held with the Planning Commission and City Council to discuss non-tenant outdoor storage. Additionally, the resolution allowed the applicant the option to reapply within six months with the planning fee waived. The Associate Planner explained that the workshop was originally scheduled for October, but the group ran out of time to discuss the outdoor storage topic. The outdoor storage discussion occurred at the January 10, 2018 workshop and staff will be preparing an ordinance amendment for review in February or March. Mr. Schwalbach would be able to reapply after the amendments are completed. The Associate Planner stated that due to the delay and to provide Mr. Schwalbach time to reapply, staff recommends the City Council approve a six month extension to Resolution 2017-8-144. She noted this would move the deadline to August 23, 2018.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-22 – APPROVING A SIX (6) MONTH EXTENSION TO RESOLUTION 2017-8-144, AND ALLOWING JIM SCHWALBACH UNTIL AUGUST 23, 2018 TO REAPPLY FOR AN OUTDOOR STORAGE PUD AMENDMENT WITH NO PLANNING FEE

The foregoing resolution was duly seconded by Keis.

Ayes (5).

Nays (0). Resolution declared adopted.

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**LISTING
AGREEMENT
EXTENSION
WITH AVISON
YOUNG FOR
SALE OF 53 & 167
SOUTH OWASSO
BOULEVARD**

The City Administrator explained that the brokerage firm Avison Young has been used to sell the city-owned properties at 53 and 167 South Owasso Boulevard. He stated that the original agreement has expired and staff is recommending that the listing agreement be extended through December 31, 2018.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-23 – APPROVING THE AMENDED LISTING AGREEMENT WITH AVISON YOUNG THROUGH DECEMBER 31, 2018 TO SELL THE PROPERTIES AT 53 & 167 SOUTH OWASSO BOULEVARD

The foregoing resolution was duly seconded by Fischer.

Ayes (5).

Nays (0). Resolution declared adopted.

**RESCHEDULE
CANCELED 2018
IMPROVEMENT
PROJECT
HEARINGS**

The City Clerk stated that due to the snow storm and poor road conditions on Monday, January 22, staff canceled the improvement hearings. She explained that they need to be rescheduled and should be done before the end of February in order to keep the City Engineer on schedule. She stated that staff recommends holding them on February 12 before the Council meeting, and the last hearing can be held at the beginning of the meeting.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-1-20 – RESCHEDULE THE 2018 IMPROVEMENT HEARINGS TO FEBRUARY 12, 2018 AT 5:30PM, 6:15PM AND 8:00PM

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution declared adopted.

ADJOURN

There being no further business, the meeting was adjourned at 8:42 p.m.

John T. Keis, Mayor

Attest: _____
Joel Hanson, City Administrator