

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

APRIL 28, 2021

Pursuant to due call and notice thereof a special meeting of the City Council of Little Canada, Minnesota was convened on the 28th day of April, 2021 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 Keis, Council Members McGraw, Fischer, Torkelson and Miller.
Absent: None.

ALSO PRESENT: City Administrator Chris Heineman, Finance Director Brenda Malinowski, Parks & Rec/Community Services Manager Bryce Shearen, Community Development Director Corrin Wendell, Public Works Director Bill Dircks and City Clerk/HR Manager Heidi Heller

In accordance with the requirements of Minn. Stat. Section 13D.021, the City Administrator has determined that an in-person meeting is not practical or prudent because of a health pandemic or an emergency declared under Chapter 12 of the Minnesota Statutes. Because of the health pandemic and emergency declaration, it has been determined that attendance at the regular meeting location by elected officials and members of the public is not feasible. Therefore, some or all of the City Council members may be participating by telephone or other electronic means. This meeting will be recorded in its entirety. Members of the public are able to monitor the meeting on the CTV North Suburbs website (live stream) or use the meeting link provided on the city website prior to the meeting.

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McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-50 – APPROVING THE MINUTES OF THE APRIL 14, 2021 WORKSHOP AND THE APRIL 14, 2021 REGULAR MEETING AS SUBMITTED

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller
Ayes (5). Nays (0). Resolution adopted.

ANNOUNCEMENTS

Keis read an Arbor Day Proclamation declaring Friday, April 30, 2021 as Arbor Day in the City of Little Canada and the month of May will be Arbor month and the City will plant two trees.

PUBLIC COMMENTS

None.

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PUBLIC HEARING – CONSIDER A CONDITIONAL USE PERMIT FOR A MASSAGE THERAPY BUSINESS AS A PRINCIPAL USE AT 2558 RICE STREET

The Community Development Director explained the request for a conditional use permit for a massage therapy business to be located at 2558 Rice Street, which is within the B-3 General Business district. She stated that massage therapy is allowed as a principal or accessory use provided that the business meets the conditions stated in the staff report. She noted that a city license is required for both the business and each massage therapist that works there, and those are on the agenda tonight also.

Miller asked what Ms. Vang's business hours will be. Ms. Vang replied that she will only be working there part-time for now, so the hours will be around 5pm-8pm during the week and 10am-6pm on Saturdays.

There were no additional comments from the public. Upon motion by Fischer, seconded by McGraw, the public hearing was closed.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-51 – APPROVE A CONDITIONAL USE PERMIT TO ALLOW MASSAGE THERAPY AS A PRINCIPAL USE AT 2558 RICE STREET, PARCEL ID 072922220115, SUBJECT TO THE CONDITIONS IN THE STAFF REPORT

The foregoing resolution was duly seconded by McGraw.
Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller
Ayes (5). Nays (0). Resolution declared adopted.

CONSENT AGENDA

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-52 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:

- Approval of the Vouchers
- Receive 1st Quarter 2021 Financial Report
- Approve 2021 Budget Amendment
- Call for a Workshop on May 26, 2021 to Discuss Zoning Code Updates
- Approve Resolution 2021-4-53 Authorizing Application for Metropolitan Council Tax Base Revitalization Account Grand Funding

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller
Ayes (5). Nays (0). Resolution adopted.

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**MASSAGE THERAPIST AND MASSAGE THERAPY BUSINESS LICENSES FOR
ZOUA VANG AT 2558 RICE STREET**

The City Clerk explained that Zoua Vang is opening a new massage therapy business at 2558 Rice Street. She stated that Ms. Vang will be renting one room in this office condo. Ms. Vang is the business owner and will be the only massage therapist working here at this time. The City Clerk reported that Ms. Vang has submitted all of the required application materials and fees for a massage therapist license and massage therapy as a principal business license. Her applications meet City Code Chapters 2201 & 2203, and a background check on Ms. Vang conducted by the Ramsey County Sheriff's Department was satisfactory.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-54 – APPROVING A MASSAGE THERAPIST LICENSE FOR ZOUA VANG, AND A PRINCIPAL USE MASSAGE THERAPY BUSINESS LICENSE FOR ZOUA VANG AT 2558 RICE STREET, FOR THE LICENSE PERIOD OF APRIL 29, 2021 TO JUNE 30, 2022

The foregoing resolution was duly seconded by Torkelson.

Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller

Ayes (5). Nays (0). Resolution declared adopted.

DISCUSS 2021 CANADIAN DAYS

The City Administrator explained that the Canadian Days Committee is currently planning to move forward with the Canadian Days event in 2021 which will be held from July 30 - August 1. He stated that the committee is planning as many events as possible following the CDC and MDH guidelines for COVID-19, and they are asking the City Council to discuss and provide additional feedback on a potential route change for the parade to make it longer, who will coordinate the 5K race, and the fireworks budget.

Jeanne Parsons, President of Canadian Days Committee, explained they would like to change the parade route to make it longer so that people watching can spread out farther. She stated the proposed route should also speed up the parade crossing the 35E bridge so the freeway exit ramps do not have to be closed as long since there gets to be a large backup of traffic onto the freeway. She noted when the parade turns the corner onto Centerville Road from Little Canada Road, it tends to get congested, which then causes the parade to take longer getting over the freeway. Keis stated that the nice thing about going up Centerville Road is there is park property along one side for people to sit whereas Noel Drive is almost all private property. Ms. Parsons stated they do not think many people from outside the neighborhood would sit along Noel Drive. She noted the parade would go all the way down Eli Road and end at Centerville Road so the parade vehicles can go north up Centerville Road to depart. Fischer asked if this route change would be permanent. Ms. Parsons stated they want to try it for a year and see how it goes before deciding if it will be a permanent change. The Council agreed to the modified parade route as proposed.

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Sue Nelson, Canadian Days Committee, stated that they will coordinate the 5K race and have now contracted with Anderson Race Management, but they still need volunteers to help that day, so they are asking if the City Council or staff would help. Keis, Fischer, Torkelson and McGraw stated they would volunteer.

Ms. Parsons stated they are not partial to one or two nights of fireworks, but they would love to have two nights this year. The City Clerk explained the information she received from fireworks vendor, RESPyro, about pricing firework shows. Fischer stated he wants to preserve the great finale whether it's one or two nights. Keis recommended \$10,000 over one night, and pointed out that this extra funding is just for this year since they were canceled last year. Torkelson stated he would be willing to spend up to \$15,000 over two nights, but wants to make sure the finales are still high intensity, and the Canadian Days Committee can decide how many nights of fireworks.

Torkelson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-55 – APPROVE SPENDING UP TO \$15,000 FOR FIREWORKS ON ONE OR TWO NIGHTS, ENSURING A HIGH INTENSITY FINALE

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller
Ayes (5). Nays (0). Resolution declared adopted.

AWARD BID FOR PIONEER PARK PHASE I MASTER PLAN

The Parks & Rec/Community Services Manager explained that on April 14, 2021, the City Council authorized staff to publish a Request for Proposals (RFP) for professional services for the Phase I of the Pioneer Park Master Plan. He noted the deadline to submit the proposals was Friday, April 23. He reported that the consulting firms that submitted a proposal were Bolton & Menk, ISG, MSA, and WSB. He stated that of the four, two of the RFP's emerged as the top two proposals. Both proposals from Bolton & Menk and ISG were impressive and staff feels that either consulting firm could provide the requested services.

The Parks & Rec/Community Services Manager stated that ISG'S not-to-exceed fee was \$19,400 and Bolton & Menk's was \$14,000. He noted that the 2021 budget includes funds for consulting services in the General Capital Improvement Fund.

Torkelson asked if the other two proposals were not selected because of price or because they did not meet our needs. The Parks & Rec/Community Services Manager stated it was both reasons. He noted that one was priced high, but the reason was more due to the other two hitting all of our needs.

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Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-56 – AWARD THE PROFESSIONAL SERVICES AGREEMENT FOR THE PIONEER PARK PHASE I MASTER PLAN TO BOLTON & MENK FOR A COST NOT-TO-EXCEED \$14,000

The foregoing resolution was duly seconded by McGraw.

Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller.

Ayes (5). Nays (0). Resolution declared adopted.

REVISED ASSESSMENT POLICY

The Public Works Director explained that after the April 14 Council Workshop, staff updated the proposed policy and added some additional information that had been discussed at the workshop. He reviewed the major changes being made to the Assessment Policy. He stated the baseline cap was discussed at the Workshop and which index should be used going forward. He explained the baseline cap will be set at \$80.26, which is the cap for the 2021 street reconstruction projects, and going forward, staff is recommending the use of the Minneapolis Area Construction Index to reset the cap each year. He noted that staff believes this cap more accurately captures the state of the construction market and is a better way to peg the capped rate than both the currently used Consumer Price Index and the National Construction Index.

The Public Works Director stated there was discussion about whether or not to add storm sewer costs to the assessable portion of the costs. He explained that the current policy does not include storm sewer costs as part of assessable costs, and storm sewer costs have increased in the last 15-20 years and are a necessary part of any street reconstruction or rehabilitation. He noted that storm sewer costs will not be a factor in reconstruction projects since projects will hit the maximum cap before storm sewer costs are factored in, but on rehabilitation projects, storm sewer costs could be assessed to include a greater portion of the total project cost on the assessment.

The Public Works Director stated that he is also asking for Council direction regarding the last seven streets in the city that need to be fully reconstructed with curb and gutter. The Council indicated including language in the updated policy to keep those seven streets on the old policy, which means the capped rate will be calculated using the Consumer Price Index and storm sewer costs will not be assessable. The Public Works Director stated that there is a chance if one or more of the streets are not reconstructed within the next ten years, there may end up being a significant gap between the two indexes. He noted that staff has added language to the policy that keeps six of the streets on the current policy, but Woodlynn Avenue would use the new policy since there is very little storm sewer on Woodlynn so major improvements to the storm sewer system will be needed when this road is reconstructed to account for the water that the abutting properties are contributing to the street. He stated that staff is recommending Woodlynn Avenue be excluded from the roads that will use the current policy, and will instead use the proposed new policy, which will assess adjacent properties at an 80/20 rate including storm sewer costs.

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The Public Works Director stated the last issue is whether the Council wants to change the policy to make property owners responsible for removing and replacing anything they placed in the city's right-of-way. He explained that typically repairs do not cost much, but last year there was about \$26,000 in repairs to the Pitrina Park sprinkler system during the improvement project. Torkelson stated his opinion is that if a resident places something in the right-of-way, then it is their responsibility to remove or repair it since it was not put on their property. Fischer noted that it was the City who chose to put the sidewalk in Pitrina Park, so the City should have the responsibility for those repairs, but he noted that a private invisible fence or irrigation in the right-of-way is a different story. The Public Works Director suggested creating a separate Right-of-Way Management policy. The City Administrator stated that policy could have some lee-way for specific case exceptions.

The Public Works Director clarified that going forward, the Council wants to use the Minneapolis Construction Index to reset the cap each year, with the exception of the six designated remaining streets which would follow the current policy. There was Council consensus to use the Minneapolis Construction Index.

The Public Works Director asked for Council direction on storm sewer costs. Torkelson asked if the City had any plans to add a storm sewer fee at some point since it seems to be getting to that point. The City Administrator stated that staff has been researching adding a stormwater utility fee and has brought up the subject to the Council a few times, but the Council opted not to go forward with the study from Bolton & Menk due to the cost. Torkelson clarified that utility fees are for the on-going use of the storm sewer system and the assessment would be for the actual improvement.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-57 – ADOPT THE REVISED ASSESSMENT POLICY AS PRESENTED

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller
Ayes (5). Nays (0). Resolution declared adopted.

REPLACEMENT OF SOUTH OWASSO RAILROAD CROSSING

The Public Works Director explained that the at-grade railroad crossing surface at the South Owasso Boulevard railroad crossing needs to be replaced. He stated the metal that encases the concrete has broken in several places and has been hazardous to vehicles a couple of times and the concrete is eroding away. He stated that CP Rail owns the tracks and right-of-way and does all maintenance work on all of its own tracks and crossings, so the City is unable to obtain other quotes for the work. He reported that CP Rail has estimated the total cost to be \$133,844.05, and the City's portion of it is \$37,844.05. He noted the cost may change slightly based on what is discovered in the field, but it should be in the range estimated, although there will be some

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additional costs for the city to complete a little paving on either side of the tracks after CP Rail is done with their work. He stated that \$35,000 has been budgeted for this work in the 2021 Infrastructure Fund of the Capital Improvement Plan, but there are savings from the street reconstruction projects that can cover the additional cost.

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-58 – APPROVE THE AGREEMENT WITH CP RAIL FOR THE REPLACEMENT OF THE SOUTH OWASSO RAILROAD CROSSING AT AN ESTIMATED COST OF \$37,844.05 PLUS ADDITIONAL COSTS OF WORK DONE BY THE CITY

The foregoing resolution was duly seconded by Keis.
Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller
Ayes (5). Nays (0). Resolution declared adopted.

APPRAISAL OF 60 LITTLE CANADA ROAD EAST

The City Administrator stated that the property owner of 60 Little Canada Road East wants to sell his house and has contacted the City since this property is adjacent to Veteran’s Memorial Park and the City has considered purchasing it in the past. He explained that the initial plan for this area did not include 56 or 60 Little Canada Road since there was little benefit to that plan from acquiring these two properties, but ultimately 56 was purchased in 2015 due to blight. He explained the Council opted not to buy 60 in 2003 due to the cost.

Keis stated this property appears to be deteriorating and is next to the railroad tracks so he would support the city buying it to make the whole area look nice. McGraw noted that the assessor should make sure to be there when a train goes by and noted that is an important point of the appraisal since the trains go by at least three to four times a day. Torkelson asked what the intended use is for this property. The City Administrator stated that none of the past park or trail plans included 56 or 60 Little Canada Road which are the last two parcels before the railroad tracks. Torkelson asked if the topography would allow people to use this land. The Public Works Director stated it definitely slopes down towards the lake but is not extremely steep. Miller stated it seems to make sense to at least get the appraisal. Fischer and Torkelson agreed.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-4-59 – APPROVE HAVING AN APPRAISAL DONE OF 60 LITTLE CANADA ROAD EAST

The foregoing resolution was duly seconded by McGraw.
Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller
Ayes (5). Nays (0). Resolution declared adopted.

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There being no further business, the meeting was adjourned at 9:11 p.m.

John T. Keis, Mayor

Attest:

Christopher Heineman, City Administrator