

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

JUNE 27, 2018

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 27th day of June, 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. Mike McGraw
	Council Member	Mr. Christian Torkelson

ALSO PRESENT:	Public Works Director	Mr. Bill Dircks
	Assoc. Planner/Code Enf.	Ms. Jessica Jagoe
	Parks & Rec/Comm. Serv.	Mr. Bryce Shearen
	City Clerk	Ms. Heidi Heller
	City Attorney	Mr. Chad Lemmons
	Cable TV Producer	Mr. Kevin Helander

MINUTES Torkelson introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2018-6-130 – APPROVING THE MINUTES OF
THE JUNE 6, 2018 WORKSHOP MEETING, THE JUNE 6, 2018
REGULAR COUNCIL MEETING AND THE JUNE 13, 2018 SPECIAL
MEETING AS SUBMITTED***

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

ANNOUNCEMENTS The City Clerk announced that absentee voting for the 2018 Primary Election opens on Friday, June 29. She explained that in-person absentee voting can be done at Little Canada City Hall, and all absentee voting done by mail will be run by Ramsey County. She stated that early voting runs from August 7 through August 13 and can be done at City Hall for the Primary Election.

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**PUBLIC HEARING-
SUBDIVISION OF 771
LABORE ROAD INTO
TWO SINGLE
FAMILY
RESIDENTIAL LOTS;
APPLICANT: JACSE
LEE, 771 LABORE
ROAD**

Keis opened the public hearing.

The Associate Planner reported that Jacse Lee has applied for a simple subdivision of his property at 771 Labore Road. She explained that this parcel is zoned R-1, Single Family Residential, and has double street frontage on both Labore Road and Greenbrier Street. She stated the new lot will front Greenbrier, and the existing home will continue to front Labore. She explained that Mr. Lee has indicated his plan would be for a new single-family residential home to be built on the new lot, although he is undecided whether or not he will build the house or sell the lot. She noted that this subdivision meets the lot area and width requirements.

The Associate Planner stated that the existing detached garage will be moved due to the lot line reconfiguration and will remain with 771 Labore Road. She noted that the applicant has proposed a location that meets the 10-foot setback requirement for detached accessory structures. She explained that there is an existing gravel driveway, which can remain as is if the driveway or garage are not altered, otherwise it must be paved.

The Associate Planner reported that the required perimeter drainage and utility easements are shown for both parcels on the survey. She explained that this subdivision is recommended to be subject to the City's park and trail dedication/cash contribution requirements payable at the time of construction of a new home. She stated that there are sewer and water connections for the new lot off of Greenbrier Street. She reported that staff recommends approval of the proposed subdivision subject to conditions.

Terry Kelsey, 777 Labore Road, asked if the new house that would be in line with the other houses on Greenbrier. The Associate Planner stated that there are minimum setbacks, but no requirement that the house must line up with the neighboring houses.

There were no other comments from the public.

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

Fischer asked if the Council wanted to put a timeline on moving the garage and recording the subdivision. Montour suggested tying a date into either a building permit for a new house or selling the lot. The Associate Planner stated that the Code requires applicants to record subdivisions within a certain amount of time, otherwise, they would need to ask the Council for an extension.

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Fischer introduced the following resolution and moved its adoption:

RESOLUTION 2018-6-131 - APPROVING THE SUBDIVISION OF 771 LABORE ROAD INTO TWO SINGLE FAMILY RESIDENTIAL PARCELS, SUBJECT TO THE GARAGE BEING REMOVED WITHIN 90 DAYS OF ISSUING THE BUILDING PERMIT FOR A NEW HOUSE, AND SUBJECT TO THE CONDITIONS IN THE PLANNERS REPORT:

***-FUTURE PLANS FOR PARCEL A ARE SUBJECT TO CURRENT CODE REQUIREMENTS AND MUST COMPLY WITH ANY AND ALL APPLICABLE CODES
-A GRADING PLAN IS SUBMITTED FOR STAFF REVIEW AND APPROVAL PRIOR TO ISSUANCE OF THE BUILDING PERMIT FOR PARCEL A***

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

**2017 STORM
WATER
POLLUTION
PREVENTION
PROGRAM
REPORT**

The Public Works Director stated that the City is required to hold a public hearing annually to review the Storm Water Pollution Prevention Program (SWPPP) as part of the permit with the Minnesota Pollution Control Association and discuss the City's progress in meeting national Pollutant Discharge Elimination System (NPDES) requirements.

The Public Works Director explained that last year staff maintained and inspected all pollution control devices, and inspected every outfall along with completing some maintenance. He stated the entire city was swept three times last year, and some roads more than that. Overall the city's storm sewer system is working very well, and there were no big events in the last year that would overwork the system from flooding. He explained that the issue public works continues to work on is reducing grass clippings in the street so they do not end up in the storm sewers. The Public Works Director explained the City had over 35 events in the 2017 winter where salt was used due to the many snow falls. The City's snow plow operators do the best they can to minimize their use of salt.

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

There were no comments from the public.

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Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-132 – ACCEPTING THE 2017 STORM WATER POLLUTION PREVENTION PROGRAM REPORT AS PRESENTED BY THE PUBLIC WORKS DIRECTOR

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

**CONSENT
AGENDA**

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-133 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:

- *APPROVAL OF THE VOUCHERS***
- *APPROVE OFF-SITE GAMBLING PERMIT FOR THE LITTLE CANADA RECREATION ASSOCIATION ON AUGUST 25, 2018***
- *CALL FOR A WORKSHOP ON JULY 11, 2018 AT 6:00PM TO DISCUSS DRAFT COMMUNITY SURVEY QUESTIONS***
- *CALL FOR A WORKSHOP ON JULY 25, 2018 TO REVIEW CITY ADMINISTRATOR APPLICATIONS***
- *APPOINTING PUBLIC WORKS DIRECTOR BILL DIRCKS AS ACTING CITY ADMINISTRATOR AND ACTING EDA SECRETARY***
- *APPROVE TERMINATION OF REGULATOR AGREEMENT AND TAX CREDIT USAGE AGREEMENT RELATED TO THE PROVINCES OF LITTLE CANADA***
- *APPROVE A TEMPORARY LIQUOR LICENSE FOR ST. JOHN'S CHURCH ON JULY 11, 2018***

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

**GERVAIS
LAKE
FIREWORKS**

The City Clerk explained that nothing has been received from the resident who was interested in doing a fireworks display on her property on Gervais Lake. She noted that the next Council meeting would be after July 4th so this will not happen this year.

**REVIEW
PURCHASE OFFER
OF VACANT
PARCEL ON
MARKET PLACE
DRIVE**

The City Clerk reported that the City had received an offer to purchase a vacant parcel that is city-owned next to Culvers on Market Place Drive. She noted that the Council can review the terms, but any negotiations would require a closed session.

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Keis stated that the Council should first decide what they want to do with this parcel. He explained that there has been discussion about using the parcel for community events. He stated that the offer submitted was less than the \$218,000 that the Ramsey County property records show as the estimated market value.

McGraw asked if everything the applicant wants to do will fit on this lot. The Associate Planner stated that it is too early for the applicant to have a site plan done, so no review has been done.

Fischer stated that the offer price is concerning and he would not agree to several of the terms in the offer. Montour agreed that the offer amount is a concern. Torkelson agreed that he also would not support the offered price, but he stated that the dental clinic's type of business plan could be a needed service for Little Canada residents.

Dr. Shirang Mahajan stated that he is proposing to build a dental office building that would be about 4,000 square feet and primarily serve lower income populations. He explained that about 10 jobs would be created and they would serve about 30 patients per day. He stated that his offer was based on comparable properties in the area. Dr. Mahajan stated that he would be open to a counteroffer.

Keis stated that the price is concerning by all of the Council and they are far away from being ready to accept an offer. He noted that the purchase agreement has not been reviewed by the City Attorney, so Dr. Mahajan should not hold out for this site right now.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-134 – ACCEPT THE ADDITIONAL MATERIALS SUBMITTED BY DR. SHRIRANG MAHAJAN

The foregoing resolution was duly seconded by Montour.

Ayes (5).

Nays (0). Resolution adopted.

**PURCHASE
CAMCORDER**

The City Clerk stated that the Cable TV Producer is requesting to purchase a new camcorder and accessory package since the City's camera was purchased in approximately 2005 and has not been operational since 2013. She explained that due to the recent changes at CTV North Suburbs, the logistics for using their equipment has gotten difficult for our Producer, and their equipment receives heavy usage and the wear and tear is showing. The City Clerk stated that the Producer has done research on equipment and pricing, and has proposed a package with a camera and the accessories for a

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total of \$9,018.15. She noted there is a \$700 rebate from the manufacturer, so amount spent will be reduced to \$8,318.15. Keis clarified that there are funds in the Cable Fund to pay for this.

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-135 – APPROVE THE PURCHASE OF A PANASONIC CAMCORDER AND ACCESSORY PACKAGE FROM B&H PHOTO VIDEO IN THE AMOUNT OF \$9,018.15 WITH A \$700 REBATE FOR AN OVERALL COST OF \$8,318.15

The foregoing resolution was duly seconded by Montour.

Ayes (5).

Nays (0). Resolution adopted.

**JOINT POWERS
AGREEMENT
WITH ST. PAUL
PORT
AUTHORITY FOR
SUITE LIVING
LITTLE CANADA
MINNPACE
APPLICATION**

The City Clerk explained that the St. Paul Port Authority spoke to the Council at the June 6 Workshop about their MinnPACE program that provides financing as an incentive to install high efficiency equipment in new projects. She stated that Suite Living Little Canada has applied for financing through this program, but the City must enter into a joint powers agreement with the St. Paul Port Authority for them to administer the program, and the Council will also need to agree to an assessment amount once that is determined. She noted that there is no risk to the City with this agreement.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-136 – APPROVE DESIGNATING THE PORT AUTHORITY TO IMPLEMENT AND ADMINISTER A PROPERTY ASSESSED CLEAN ENERGY IMPROVEMENT FINANCING ON BEHALF OF THE CITY, AND PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS AS NEEDED IN CONNECTION WITH THAT PROGRAM

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution adopted.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-137 – APPROVE A JOINT POWERS AGREEMENT BETWEEN THE ST. PAUL PORT AUTHORITY AND CITY OF LITTLE CANADA

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

At this point in the meeting, the City Council temporarily adjourned and reconvened as the Economic Development Authority in order to consider approving amendments to the purchase agreement with Q3 Contracting, Inc. and sale documents for two city-owned cell tower leases.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-138 – RECESSING THE CITY COUNCIL MEETING AND CONVENING AS THE ECONOMIC DEVELOPMENT AUTHORITY

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

Torkelson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-139 – APPOINTING BILL DIRCKS AS THE ACTING SECRETARY AND ACTING ASSISTANT TREASURER OF THE ECONOMIC DEVELOPMENT AUTHORITY

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

**Q3
CONTRACTING,
INC. AMENDED
PURCHASE
AGREEMENT
FOR 53 & 167
SOUTH OWASSO
BOULEVARD**

The City Attorney explained that the City is selling the properties at 53 and 167 South Owasso Boulevard to Q3 Contracting. He noted that the sale was supposed to close by June 30, but some issues have come up. He stated that the contingency period actually runs through July 11, so the closing should occur after this period is over. He reported that a fuel oil tank was discovered on the site and should be removed at the expense of the City. The City Attorney explained that the outstanding issues are if any problems are found after removing the tank, that dealing with the site's stormwater does not have a resolution yet, the access easements for the cell towers have not been verified, and the buyer has not seen or agreed to these easements.

The City Attorney explained that at this point the Council should agree to move the closing to August 31, 2018, and the contingency date to August 31, 2018, to make sure the removal of the fuel tank is done with no other

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problems and ensure the cost is covered by the City, and ensure there is a solution and agreement for dealing with the stormwater. He noted that the \$25,000 would still be paid if they close by August 31, 2018.

Jeff Nordness, Essence Real Estate Services, stated that Q3 fully intends to purchase the property, but they have done everything they can to make it move forward in time and are waiting for others now.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-140 – AUTHORIZE THE MAYOR/PRESIDENT OF THE EDA TO EXECUTE AN AMENDMENT TO THE PURCHASE AGREEMENT, WHICH INCLUDES EXTENDING THE CONTINGENCY DATE TO AUGUST 31, 2018, EXTENDING THE CLOSING DATE TO AUGUST 31, 2018 WITH Q3 CONTRACTING, INC. FOR THE SALE OF 53 & 167 SOUTH OWASSO BOULEVARD, WITH THE UNDERSTANDING THAT THE \$25,000 FEE WILL STILL BE PAID BY Q3 CONTRACTING, INC.

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution adopted.

**SALE OF TWO
CITY-OWNED
CELL TOWER
LEASES**

The City Attorney stated that the closing for both of these leases is supposed to happen on June 29, 2018. He reported that the AT&T tower lease sale would be \$252,000 and will be a cash sale. He explained that the other tower sale price is \$660,000, with a down payment of \$66,000 and the balance will be paid over nine years with an interest rate of two percent. He explained that at this point he is concerned with the location of the access easements and making sure that what is in the documents matches up to where they are supposed to be. He noted that the City Engineer is looking at the easements to make sure what is in the closing documents is how they are supposed to be. He stated the rest of the terms have been reviewed and seen by the Council. The City Attorney stated that the Council should approve the sale of the cell towers to Crown Castle, but any approval is subject to the review by the City Engineer to ensure that the easements are on the southerly and easterly boundaries of the property, and not running through the center of the property.

McGraw asked if there were any provisions for late or missed payments. The City Attorney stated there was a section for defaulting and it stated that there was a 90 day cure period and then the City could proceed with taking the property back.

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Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-141 – APPROVE THE SALE OF THE CELL TOWER TO GLOBAL SIGNAL ACQUISITIONS IV, LLC C/O CROWN CASTLE USE, INC. FOR THE CASH SALE PRICE OF \$252,000, AND APPROVE THE TERMS OF THE GRANT OF EASEMENT AND ASSIGNMENT OF LEASE WITH GLOBAL SIGNAL ACQUISITIONS IV, LLC

The foregoing resolution was duly seconded by Montour.

Ayes (5).

Nays (0). Resolution adopted.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-142 – APPROVE THE SALE OF THE CELL TOWER LEASE TO CROWN CASTLE TOWERS 09, LLC C/O CROWN CASTLE USA FOR THE SALE PRICE OF \$660,000 WITH PAYMENTS PER EXHIBIT E AS PRESENTED BY THE CITY ATTORNEY, AND APPROVE THE TERMS OF THE GRANT OF EASEMENT AND ASSIGNMENT OF LEASE WITH CROWN CASTLE TOWERS 09, LLC, WITH THE CONDITION UPON APPROVAL OF THE EASEMENTS BY THE CITY ENGINEER

The foregoing resolution was duly seconded by Fischer.

Ayes (5).

Nays (0). Resolution adopted.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-143 –ADJOURNING THE ECONOMIC DEVELOPMENT AUTHORITY MEETING AND RECONVENING THE CITY COUNCIL MEETING

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution adopted.

**ST. JOHN SCHOOL
OF LITTLE
CANADA
REQUEST FOR
DIRECTIONAL
SIGNAGE**

The Associate Planner reported that St. John’s School feels they have a need for additional signage outside of the school and also want to replace a current sign that is confusing. She explained that the school and the church are on separate parcels. She stated that she has been reviewing the City Code and working with the principal. She noted that the signs proposed are

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intended to be installed with two wood posts, and the architectural guidelines for signage only apply to commercial properties, not the public districts. The Associate Planner explained that the school wants to install two new signs on the school parcel. She stated that one sign has the school name to be installed in the boulevard on McMenemy Street and the other is a 24 square foot directional sign to be installed next to the building, both would be installed on wood posts. She noted that the existing directional sign next to the building was not approved by the City.

Fischer stated that if the cost was not a factor, he would much rather have a monument base that matched the other two monument signs. He would also like them to do a better job with the sign mounting than the sign that is on Little Canada Road. He stated he would prefer to have the directional sign mounted on the building instead of the two posts. Keis explained to the applicant that the City is trying to upgrade sign whenever possible.

Dan Hurley stated that he is the new principal at St. John's School and wants to improve the look of their signage. He stated that he would also like to improve the look of their signage. The Associate Planner noted that the sign that was on Little Canada Road that was damaged was approved by the Council in 2015 and can be replaced as is. Mr. Hurley explained that the new school safety laws require access only through one main door, so they need to direct people to that one entrance.

Torkelson asked if the sign could be mounted to the building. Mr. Hurley stated he did not like the look of the posts either and would prefer the sign be on the building. He stated he was agreeable to not replacing the sign that was on Little Canada Road.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-6-144 – APPROVE A DIRECTIONAL SIGN AS PRESENTED TO BE ATTACHED TO THE BUILDING, AND THE SCHOOL SIGN AS PRESENTED PLACED ON MCMENEMY STREET WITH PRESENTABLE MOUNTING, WITH THE AGREEMENT THAT THE DAMAGED SIGN ON LITTLE CANADA ROAD WILL NOT BE REPLACED

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution adopted.

UPDATES Keis gave an update on the progress of hiring a new city administrator. He explained that the City is also hiring a part-time utility billing clerk.

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Keis stated that last night was the Ramsey County Hot Dog with a Deputy night at Pioneer Park, and it was a great event again this year.

ADJOURN There being no further business, the meeting was adjourned at 9:15 p.m.

John T. Keis, Mayor

Attest: _____
Bill Dircks, Acting City Administrator