

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

JULY 10, 2019

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 10th day of July, 2019 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. Christian Torkelson
Council Member	Mr. Rick Montour
Council Member	Mr. Mike McGraw

ALSO PRESENT:

City Administrator	Mr. Chris Heineman
Parks & Rec/Comm. Services Mgr.	Ms. Bryce Shearen
Public Works Director	Mr. Bill Dircks
City Clerk	Ms. Heidi Heller
City Engineer	Mr. Mark Kasma

MINUTES Montour introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2019-7-76 – APPROVING THE MINUTES OF
THE JUNE 24, 2019 REGULAR MEETING AS SUBMITTED**

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

ANNOUNCEMENTS Keis announced that Canadian Days buttons are now available for \$3.00 at City Hall.

Bryce reported that the poured in place playground surface will start being installed tomorrow. He explained that there are goats at Spooner Park that are eating buckthorn and other invasive species. He reported that the goats will leave during Canadian Days and then will come back for a few weeks.

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CONSENT Fischer introduced the following resolution and moved its adoption:
AGENDA

***RESOLUTION NO. 2019-7-77 – APPROVING THE CONSENT
AGENDA WHICH CONTAINS THE FOLLOWING:***

****APPROVAL OF THE VOUCHERS;***

The foregoing resolution was duly seconded by Torkelson.

Ayes (5).

Nays (0). Resolution declared adopted.

TWIN LAKE UPDATE The City Administrator stated that the pumping operation has been successful so far and we are coming up on 30 days so the City needs to make some decisions for future action. The Public Works Director reported that the pumping progress on Twin Lake has been going well and on Monday the lake was at 873.0 feet. He explained that pumping is being done during daytime hours and only about four inches of water is through the pipe now. He showed photos of the pumping site when we started and how far down it is today. He reviewed the costs incurred so far with a 16-inch pump, installation costs and construction of the access road, which is estimated to be about \$34,400, and future estimated costs with a smaller six-inch pump.

The Public Works Director explained that the Watershed District found a tree had fallen and created a depression in the West Vadnais triangle wetland embankment, so that area is now sandbagged which has greatly reduced the amount of water flowing through the pipe between West Vadnais to Vadnais Lake. He stated that there is very little water coming from East Vadnais Lake now. The watershed district is working on a plan to potentially route overflow water from West Vadnais Lake around Twin Lake into the MNDOT Waldo pond.

The Public Works Director explained that there are options for the Council to consider going forward. He reported that the DNR has ordered an Ordinary Highwater Mark Survey to be done, and once that number is established it is unlikely that the DNR will allow the lake to be pumped lower than that. He stated that going forward the City could maintain the current level of 873.5 feet using a six-inch pump. He explained that as long as water is not rushing in from Vadnais Lake, this level could be easily maintained with the smaller pump, but this level is only 2.5 feet below the lowest home on the lake. He noted that according to modeling by Barr Engineering, if the West Vadnais water is minimized and there is a four-day 100-year rain event, the low home on the lake would technically

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be safe at anything under 874 feet, but no freeboard (cushion), would be provided for the low home.

The Public Works Director explained that a second option is to pump the lake down to 872 feet, which is the level of the overflow pipe under the railroad tracks and should expose the final sanitary sewer structure that is currently underwater. He stated that in order to do this, the pump intake would need to be moved so further discussions are needed with Northern Dewatering to see if this is feasible. He stated that there would be some additional costs on the front end to set up a new intake, but there would now be two feet of freeboard between the low home and a potential 100-year rain event. He noted that without additional flow from West Vadnais Lake and normal precipitation, Twin Lake may remain at or near 872 feet with very little pumping, but the high groundwater levels now could be a factor in what the lake naturally goes back up to.

The Public Works Director explained that a third option is to continue to lower the lake level to 871 to 871.5 feet or lower. He stated that staff installed a gauge in July 2018 and the lake level at that time was recorded at 871.49 feet, and all of the City's public infrastructure was uncovered and there was no immediate threat to any of the habitable structures around the lake. He stated that staff recommends pumping down to the 872 foot level, which would provide at least two feet of freeboard for the low home and is also the historical overflow level for the lake.

He stated that water levels are high everywhere. He explained that there are several entities that are looking into the possibility of running a pipe or ditch from Twin Lake directly into Waldo pond instead of through the pond on the Frattalone property.

McGraw asked how many entities are involved in this situation. Montour stated he was at a meeting and noted fourteen different groups. Fischer asked if there is an end in sight to pumping. The Public Works Director stated that if the need is there again in the spring and the pipe or ditch does not get installed before winter, a pump could be installed again. Fischer stated that he is concerned about the on-going cost. Keis stated this was not meant to be a solution forever, and noted that there are seven other lakes and would the City pump for them if they asked. Montour stated that there is another city and private property owner to work with in order to get a pipe or ditch in place.

McGraw stated that he did not intend for this pumping to go in to perpetuity. He noted that the city cannot afford to keep pumping and there are other entities that should be sharing in the cost for a solution. He stated that the low house is now safe and there are several groups that will need to work together to share the costs.

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Torkelson asked what the negative side is to pumping down to 871.5 feet. The Public Works Director stated that the groundwater could be at a level that the lake may just fill up again. He noted that by pumping down to 871 feet could set a precedence and expectation from other lakes to pump.

The Public Works Director noted that Twin Lake is unique in that the overflow pipe is higher than the lowest home on the lake. The City Administrator stated that there is a need for the city to protect their public infrastructure which is what the Council could base their decision on.

The Public Works Director explained that the manhole that is still underwater is likely a little lower than 872 feet. Keis clarified that the manhole had to be out of the water in order to raise the collar. The Public Works Director stated that would be best and they could get it raised in a day or two. Montour clarified that this number is only a test for a month to see how the lake reacts. McGraw thinks the lake should get down below the last manhole cover, but also put a limit on what the costs will be. Montour stated the estimate is \$5,000-\$7,000 per month for the smaller pump, so he thinks we should go another month to test what the lake will do on its own. The City Administrator explained that if the Council wishes to continue pumping, a lake level number is needed in order to amend the DNR and MNDOT permits.

Joe Pralutsky, 231 Twin Lake Trail, stated that his observation when the pump is turned off and it rains, the property on the east end of the lake on the other side of the railroad tracks fills up the ponds with water and then backflow into Twin Lake. He noted that only bringing the water down to 872 feet will still leave water 34 feet into their backyards and structures and yards under water. He explained that there is a concrete culvert that has been under water for three years. He stated that when the property to the east of the tracks was clear cut of all the trees and regraded, the rain would cause the topsoil to run into Twin Lake. He reported that the normal level of the lake varied from 866 feet to 869 feet. He is disappointed to hear that the Council is only considering pumping down to 872 feet because he still cannot fix his yard or use his beach. He stated that the lake only fluctuated about 14 inches over the years.

Terry Telega, 253 Twin Lake Trail, asked how much it would cost to pump it from 872 feet to 871.5 feet. Public Works Director stated that there is not a known cost since the pumping costs are per month so it would depend on how quickly it goes down. He asked that the lake be pumped down to 871.5 feet.

Cheryl LeClair Sommer, 285 Twin Lake Trail, stated that in regards to the comment about setting precedence, Twin Lake has many differences from

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others and has water put in to it from another lake. She noted that the DNR does not list Twin Lake as a public lake.

Paul Angeli, 3355 Twin Lake Court, asked about the reports from the Watershed District in 1993 and 2007 and why the level in those reports is not the target level. He stated that the Council is not looking at the loss of tax base from the loss of property value.

Cheryl LeClair Sommer stated that Ditch 16 has been there for over 100 years and suggested that there could be an easement in place that would help with getting the long-term fix done.

The City Administrator explained that the 870.5 foot number in the previous Watershed District reports was based on one moment in time and things have been updated since then. Keis stated that he feels we need the next month to see what happens.

Paul Angeli stated that the latest study was in 2007 and many homeowners based what they did to their properties on what the Watershed District said was the high lake level.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2019-7-78 – APPROVE AMENDING THE DEPARTMENT OF NATURAL RESOURCES AND MN DEPARTMENT OF TRANSPORTATION PERMITS TO BE ABLE TO PUMP DOWN TO 871 FEET, CHANGE TO A SMALLER PUMP, DIRECT THE PUBLIC WORKS DEPARTMENT TO RAISE THE MANHOLE COVER, AND REVIEW THIS ISSUE AGAIN AT A LATER DATE AFTER SEEING HOW TWIN LAKE RESPONDS

The foregoing resolution was duly seconded by Montour.

Ayes (5).

Nays (0). Resolution declared adopted.

**JOINT POWERS
AGREEMENT WITH
VADNAIS HEIGHTS
FOR 3354 RICE STREET**

The City Clerk explained that The Caribou Coffee at 3354 Rice Street in Little Canada is in the process of purchasing approximately 5,000 square feet of land on the north side of their property from Ramsey County who acquired the former Vadnais Inn parcel as part of the Rice Street/I-694 reconstruction project. She stated that the property line between Caribou and the former Vadnais Inn was also the boundary between Vadnais Heights and Little Canada. She explained that Caribou is replatting the property as one parcel, but the existing city boundary line will not change and the added land will remain in Vadnais Heights since they wanted to relocate the previous billboard onto their property and Vadnais allows

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billboards but Little Canada does not. The City Clerk stated that Caribou will be expanding their parking lot to the north across the city boundary into Vadnais Heights so the City Attorney has drafted a Joint Powers Agreement between Little Canada and Vadnais Heights that authorizes Little Canada to be the responsible party to review and authorize all plans and inspections for the parking lot expansion at 3354 Rice Street. She explained that the Joint Powers Agreement will remain in effect until the parking lot construction is completed and receives final approval from the City of Little Canada. She noted that the Vadnais Heights City Council will be discussing this at their Council meeting on July 16.

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2019-7-79 – APPROVING THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF LITTLE CANADA AND THE CITY OF VADNAIS HEIGHTS FOR THE 3354 RICE STREET PARKING LOT PROJECT

The foregoing resolution was duly seconded by Torkelson.

Ayes (5).

Nays (0). Resolution adopted.

**ECONOMIC
DEVELOPMENT
AUTHORITY**

At this point in the meeting, the City Council temporarily adjourned and convened as the Economic Development Authority for the purpose of appointing 2019 Officers and adopting the 2019 Budget.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2019-7-80 – 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.

**CONSENT OF THE
EDA, ASSIGNMENT
AND
SUBORDINATION OF
TIF &
DEVELOPMENT
AGREEMENTS FOR
THE LODGE AT
LITTLE CANADA,
LLC**

The City Administrator explained that Sherman Associates is in the process of selling The Lodge apartment building at 2800 Rice Street which was developed in a tax increment financing district, so the attached documents are reassigning the agreements from Sherman Associates, Inc. to the new owner, Highland Property Management Group, inc. He noted that the buyer will be assuming the seller's obligations under the TIF and Development Agreements related to this property, and the city attorney has reviewed the documents.

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Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2019-7-81 – APPROVE THE CONSENT OF ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LITTLE CANADA, MINNESOTA, THE AMENDED AND RESTATED AGREEMENT REGARDING TAX INCREMENT FINANCING AND THE SUBORDINATION OF EDA DEVELOPMENT AGREEMENT RELATING TO THE SALE OF THE LODGE AT LITTLE CANADA, LLC TO THE LODGE APARTMENTS AT LITTLE CANADA, LLC

The foregoing resolution was duly seconded by Montour.

Ayes (5).

Nays (0). Resolution declared adopted.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2019-7-82 – ADJOURN THE ECONOMIC DEVELOPMENT AUTHORITY MEETING AS WELL AS RECONVENING THE CITY COUNCIL MEETING

The foregoing resolution was duly seconded by McGraw.

Ayes (5).

Nays (0). Resolution adopted.

ADJOURN There being no further business, the meeting was adjourned at 8:56p.m.

John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator