

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

SEPTEMBER 12, 2018

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 12th day of September, 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. Christian Torkelson
	Council Member	Mr. Mike McGraw
	Council Member	Mr. Rick Montour

ALSO PRESENT:	City Administrator	Mr. Chris Heineman
	Assoc. Planner/Code Enf.	Ms. Jessica Jagoe
	City Engineer	Mr. Lee Elfering
	City Attorney	Mr. Pat Kelly
	Finance Director	Ms. Sharon Provos
	City Clerk	Ms. Heidi Heller
	Cable TV Producer	Mr. Kevin Helander

MINUTES McGraw introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2018-9-177 – APPROVING THE MINUTES OF
THE AUGUST 22, 2018 SPECIAL COUNCIL MEETING AND THE
AUGUST 22, 2018 REGULAR COUNCIL MEETING AS SUBMITTED***

The foregoing resolution was duly seconded by Fischer.

Ayes (5).

Nays (0). Resolution adopted.

ANNOUNCEMENTS Keis welcomed the new City Administrator, Chris Heineman, and announced that he had started this week.

Montour announced that former Mayor and a founding member of Canadian Days, Ray Hanson, passed away last week and the funeral will be on Tuesday at St. John's Church.

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PRESENTATION Keis stated that the City is receiving a donation from the Little Canada Recreation Association for the improvements at Gilbertson Field.

Jon Joriman, President of the Little Canada Recreation Association, announced that the LCRA will be 60 years old and they were established to support the youth in Little Canada and they help pay down the costs for Little Canada youth to participate in sports and activities, along with special events, such as helping pay for city park improvements. He explained that they have worked with the City Staff to determine improvements needed at Gilbertson Field. He stated that they are donating \$51,408.60 for a new pitching mound, new fencing, improve grading on the field and new concrete, bleachers and players benches.

Keis thanked the LCRA for everything they have done for the City for many years.

**PUBLIC HEARING –
TEXT AMENDMENT
& PLANNED UNIT
DEVELOPMENT
AMENDMENT FOR
2925 COUNTRY
DRIVE; APPLICANT:
AFSA BUILDING
COMPANY**

Keis re-opened the public hearing from August 22, 2018 to hear the request for a text amendment and Planned Unit Development amendment for 2925 Country Drive. He stated that the issue tonight is not whether the school is good, it is more whether a school is a good fit in this location and whether Country Drive can handle this traffic.

The Associate Planner reported that the Academy for Sciences & Agriculture (AFSA) is requesting a Planned Unit Development Amendment at 2925 County Drive that would allow for a charter school to be a permitted use within this district. She noted that the property to the north and south are commercial and to the west is residential. She explained that this building was constructed for commercial office use and schools are not a permitted use under the property's current Planned Unit Development (PUD) zoning classification. She stated that schools are only permitted uses in the Public District. She reported that the applicants are requesting a text amendment to the PUD District to either allow charter schools as a permitted use or by special PUD District designation that would be specific to this parcel.

The Associate Planner explained that AFSA plans to use the building mostly as-is, with minor modifications to the parking lot to accommodate traffic and bus flow and add an outside play area, along with interior remodeling. She explained that AFSA is currently operating out of two locations, and both are at maximum capacity. They own a location in Vadnais Heights which is used for grades 7-12, and they are renting temporary space at a church in Maplewood for grades 5-6. The Associate Planner stated that AFSA was approved for expansion and will be adding grades PreK-4 and this has caused the school to look for alternate locations. She reported that

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AFSA feels the location at 2925 Country Drive meets their needs because of the proximity to their Vadnais Heights location, and the capacity of the building to accommodate their projected enrollment of 312 students in grades Pre-K through 8. She noted the school anticipates 40 staff members working in this building during the school year, and 12 or less during the summer.

The Associate Planner stated the applicant's updated narrative indicates they would operate six full size buses and up to 10 passenger vans, and they plan to keep their existing off-site location for bus storage except for the request to store three vans on-site overnight and a few on-site during the day. Typical traffic flow would be one-way around the site with employees arriving at 7:30 a.m., bus and parent drop-off traffic would occur from 7:30-8:00 a.m. and school starts at 8:15 a.m. She noted that parents would be required to park and walk PreK-6 grade students in to the building, and Grades 7-8 could be dropped off. She explained that the parent parking area would be on the south side of the building. The Associate Planner stated that afternoon traffic would have half the number of buses, with a maximum of five buses. She noted that school ends at 2:45 p.m. and most staff are done at 3:30 p.m., so this would be done before the peak afternoon traffic on Country Drive.

The Associate Planner reported that the applicant has also discussed having an extended day program, so some parents would arrive earlier in the morning and later in the day which would help stagger some of the pick-up traffic. She noted that maximum enrollment in Little Canada would be 312 students, and estimated parent pick-up is 25 percent, which would be 78 students. The school has indicated that it is unlikely that every parent would arrive at the same time, but City Staff needs to look at the worst case scenario.

The Associate Planner explained that the school was asked to show that if there are traffic issues such as stacking vehicles out on to Country Drive, they could modify the site to add additional parking or find a solution. She explained that the City Engineer has indicated that solutions could include adding a turn lane or by-pass lane to Country Drive, at the cost of the property owner. She noted that the revised site plan shows the fenced play areas and grades 1-6 would be on the north side and Pre-K and kindergarteners would be on the east side of the building. She noted that temporary fencing is proposed on the north side until the school and traffic flow is established. She explained that there should be a determined timeline for installing permanent fencing included in the PUD amendment.

The Associate Planner explained that the Planning Commission had requested a fence be installed along the west property line. She reported that several neighbors voiced concerns at the Planning Commission meeting

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and requested the fence in order to prevent parents from dropping off students on Condit. She stated that AFSA has requested that the fence not be required and they will let parents know that using Condit is not allowed. She explained that the Commission recommended approval of the PUD amendment and included some conditions if the Council did more forward, but failed the motion for a text amendment. She explained they did that in order to show the Council what conditions they would recommend if the Council were to approve this request. She explained that tonight the Council should review if whether or not a charter school is an appropriate use and if the operational aspects of the site work. She stated that Planning Staff recommends establishing a special PUD District that would be tied to this site and would outline the conditions for this site. If the Council opts to move forward with this, Staff recommends it be subject to the school signing a 60-day waiver. The Associate Planner explained that if the Council were to move forward, the text amendment would be prepared and go to the Planning Commission and City Council in October.

The City Engineer, stated that he looked at the traffic study that was submitted by AFSA, and it looked at the intersection of Little Canada Road and Country Drive along with the two driveways to the site along. He explained that the traffic study shows that the school would affect the Country Drive and Little Canada Road intersection, as all uses would, but would not significantly impact it. He noted that the school's afternoon traffic is early enough so it would not impact normal afternoon peak times.

The City Engineer stated that the concern is the traffic flow during drop off and pick-up times. He explained that there is enough parking for staff, so there are no concerns with that, and the traffic study indicated that the site should circulate itself and not affect Country Drive. He stated that the school and the traffic consultant seem to have a good handle on the traffic flow on the site and it should not affect Country Drive. He noted that adding a by-pass lane or turn lane on Country Drive are possible solutions if improvements cannot be done on the site.

Fischer clarified that all of the parking spaces and turn lanes within the site would be maintained during the winter, even if that means hauling snow away.

Amanda Gutierrez, 2921 Condit Street, stated that this school will potentially affect her property and her adjacent neighbor the most because it is what her house faces. She explained that the photos she is showing are from her front yard. She stated that the buses can be seen through the existing trees and noted that many of the trees are dying. She explained that she had asked the Council previously to allow chickens, and stated that she was told code changes are a slippery slope and could open the door to other uses wanting to move in. She stated that this commercial property already

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has mowing going on at 5:00 a.m. and plowing in the middle of the night, and she cannot imagine how much worse it would get with all of the cars and buses. She stated that the average decibel level for children playing outside exceeds the allowed noise level in the City Code. She stated that if the Council approves this, she wants to have a guarantee from the school that the noise level from the kids outside will not exceed the level allowed. She reviewed comments made by the Planning Commissioners when they discussed this request. She stated that she thinks it is a great school. She is asking the City Council to deny this request because she does not feel it is right for the neighborhood or the school.

Elaine Zoch, 2945 Condit Street, stated that she has lived there for 45 years, before the freeway and apartments were built. She stated that she does not want to see something go in there that disrupts the neighborhood and the traffic at the corner is awful. She stated that the area was previously all residential and a lot of thought was put in to what it would be rezoned to when it was developed.

Isabelle, senior at AFSA, stated that she is very proud of her school, and would not be who she is today without this school. She is so impressed with the students in this school.

Matt Pronschinske, 801 Keller Parkway, reported that he has three children, two of which are AFSA students, and they are very happy with the school. He stated that it is important to have a location near the high school so the younger students have access to the property and greenhouse at the Vadnais Heights location. He noted that the increased traffic would help support the businesses in the city.

Dick Biagini, property owner of 2925 Country Drive, stated that he wants to clarify that his building is zoned for commercial warehouse. He noted that at first a tree company was in there with all of their large diesel engines. He stated that another previous tenant was Simon Delivers which ran many semi-trucks at night. He explained that when he developed the property in 2000, he worked with the neighbors on what screening would be best. He stated that he thinks this school is an excellent fit.

Alexa Andretti, sophomore at AFSA, stated that he loves the school and if the elementary and middle school grades were located in Little Canada, they would have a very short commute to the high school where they can take advantage of the outside facilities.

Dennis O'Connell, owner of Suburban Auto Body, stated that the neighbors on Condit Street have been good to him, but they have been spoiled recently because no one has been in this building for quite a while. He stated that it

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would be great to have someone in the building, and it would be good for everybody. He is supportive of allowing the school in this property.

Tim Walstrom, owns an insurance business in Little Canada and his son attends the AFSA High School. He wants the community to remain viable, and has talked to some realtors who confirmed that property values increase when they are located by elementary schools. He reported that he has dropped his son off and picked him up when AFSA was in Little Canada and now in Vadnais Heights with no issues. He noted that this is a chance for a known commodity to move in that you know will take care of the property and be a good neighbor.

Bill Smith, transportation planner with Biko Associates Incorporated, stated that he prepared the traffic study for AFSA. He explained that he looked at issues both on-site and off-site. He looked at the intersection of Little Canada Road and Country Drive and the I-35E freeway ramps. He noted that there are already issues at these intersections now, but noted that when the school is added to the traffic, the intersection would not get appreciably worse. Mr. Smith reported that the two access drives to the site would operate at level of service A, and they did not find that there would be any backups onto Country Drive. He explained that any delays would be on site at the north driveway exit. He explained that they worked hard to determine the best way for traffic flow on this site.

Montour clarified that the traffic study was mainly based at the Little Canada Road and Country Drive intersection and I-35E. Mr. Smith stated that is correct. Montour noted that there are other ways to access this site. He asked if it would be a good idea to post a no parking or no stopping sign on Country Drive. Mr. Smith stated he does not think it would be necessary.

McGraw asked if the school is aware that they may need to haul snow off of the site in order to keep all of the parking and drive aisles open. Mr. Smith stated that it is currently a practice at the school now to haul snow off site.

Bob Lunning, Lunning Wende Associates, stated they were asked by AFSA to review the building when the school was first looking at the site. He stated that the City needs to consider if this would fit in to the Comprehensive Plan, and noted that Planned Unit Developments are typically a blend of commercial and residential uses. He noted that he feels this school blends with the existing mixed uses in this Planned Unit Development area. He explained that research shows that schools tend to increase property values, and do not affect values unless there is a lot of traffic generated by the school, but Condit Street has no access to this site. He stated that there will be no changes to the architectural exterior of the building.

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Becky Meyer, Director of AFSA, stated that she has been with AFSA for 17 years and developed the school's site in Vadnais Heights. She explained that their current high school only has one driveway access, so having two here will be even better. She noted there have been comments about the lack of green space on this site. She showed a photo of small raised gardens next to their building where green space was created where someone would not think there is any.

Ms. Meyer noted that students only attend school 171 days per year with limited staff at the school over the summer. She explained that they have trained their parents and have no stacking or parking issues on Vadnais Boulevard. She stated that they can do things to make sure the parents and students are good neighbors. She explained that they contract for snow removal which is done before 7:00 a.m. and they know they may have to remove snow from the site. She stated that she would hate to remove trees from the west side given the nature of their curriculum, and they are willing to add or replace trees if necessary, but will do whatever is asked. She stated that it is not a problem if they cannot keep the vans there overnight. She explained they may have enough students now to warrant an extended-day program. McGraw asked if there is a regular physical education program where the kids would be outside. Ms. Meyer stated that they have a recess time, which would run over about a two hour time frame with at most 100 students out at a time, but likely less. McGraw asked if they could put something up to protect the cars on the north side property from balls that bounce out of the play area.

Fischer asked what grades would be in this location. Ms. Meyer stated that they are now approved for Pre-K through Grade 12, but this location would only be Pre-K through 8th grade, but they would not start the Pre-K level right away. Fischer asked if phy-ed was offered. Ms. Meyer stated that they follow all regular state school guidelines and are required to have a phy-ed program, and would bus the kids to the high school gym once a week. McGraw asked what the plan is for the play area. Ms. Meyer stated that they will leave it blacktop at first until the full site plan is established, and then will likely add some grass, but still leave some blacktop for games.

Mr. Biagini stated that he talked to the property owner on the north side of this property and they are very supportive, as is owner of the adult daycare on the south side. He noted that the existing sheds could be removed which would add about eight more parking spaces.

Fischer asked what the plans would be for after-hours events when parking would become an issue. Ms. Meyer stated that they have been renting Hill Murray School since they do not have an auditorium. She stated that their science fair has gotten too large so they do it in shifts to accommodate parking and judges. She noted that they hold their larger events at other

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locations, and they could likely utilize the parking lot to the north as overflow.

John Grant, 2901 Condit Street, lives across the street from this property. He explained that there was a lot of discussion and planning involved in the development of this property into an office building. He stated that the answer would have been no to a school if that is what would have been proposed 17 years ago. He stated that he is here to argue against having kids outside making noise for two hours 100 feet from his house. He is not against the AFSA school, he thinks they should find a better location.

Matthew Hertz, stated he is a recent Little Canada resident and has worked at AFSA for the last 12 years. He moved to Little Canada by choice and has gotten involved in his condominium association. He stated that AFSA has great success due to a great vision for the school and relationship with the community.

Bill Smith, clarified that the memo from the City Engineer only questioned if the buses would need to back up and parallel park. He explained that he has informed Mr. Elfering that buses will not need to do parallel parking or back up in order to maneuver through the site.

Elaine Zoch, stated that she has a field and garden, and feels there should be a fence to keep the kids on the school property.

Tim Walstrom noted that this is a business that is only open from 8:00 a.m. to 3:00 p.m. with a limited time period for kids to be outside.

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

Keis noted that he recognizes that change is always hard and noted that almost every school he has seen or attended has been in a residential neighborhood.

Fischer stated that the Council needs to act in the best interest of the City, and noted that the current situation in this building did not work and the business owner deserves the opportunity to maximize their building. He agrees that some accommodations should be made for a fence, but more so to screen the headlights. He thinks they need to plan for the future and feels this would be a good change.

Keis stated that he agrees with Fischer and feels this is a good place, his only concerns would be for the City to reserve the right to evaluate the traffic and require changes if necessary.

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Mr. Biagini stated that the berm went in to block the headlights and then the trees went on top of the berm. He stated that it had to get cut back because of snow plowing problems on Condit that was pushing snow onto neighboring properties. Torkelson asked if it would be possible to put a fence on the east side of the trees. Mr. Biagini stated that would stop growth on the bottom half of the existing trees.

McGraw stated that he asked his specific questions to allow the school to show that they put a lot of thought and effort into protecting and watching their students. He stated that he feels it fits in the community, the parking lot works, their ground plan works, everything they are doing works. He stated that he has no concerns as to whether the school fits or if it should be here.

Keis introduced the following resolution and moved its adoption:

RESOLUTION 2018-9-178 - APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT AT 2925 COUNTRY DRIVE TO ALLOW FOR A CHARTER SCHOOL TO BE A PERMITTED USE IN THE PUD DISTRICT, AND DIRECTING CITY STAFF TO PREPARE AN ORDINANCE WITH A TEXT AMENDMENT TO ESTABLISH A SPECIAL PUD DISTRICT WITH THE FOLLOWING CONDITIONS:

- At the City's sole discretion if it is determined that the site plan as presented does not operate in the manner as described and backups or significant traffic impacts on Country Drive at the access points, the Property Owner will be required to make modifications to site layout that are considered satisfactory to the City which could result in improvements on Country Drive. Potential layout options may include the addition of a turn lane or bypass lane at the cost of the owner.
- Allow daytime parking of 1-2 buses
- A permanent play area location and permanent fencing be finalized by Fall 2021
- Install a fence along the school side of the trees along the west boundary before the start of the 2019 school year
- Install some sort of fence along the north property line to protect the adjacent parking lot by Fall 2019
- The applicant must sign a 60-day rule waiver
- Follow the submitted traffic study recommendations
- Hours and days of operation of the school are limited to the State of Minnesota education requirements

The foregoing resolution was duly seconded by Fischer.

Aye (5).

Nays (0). Resolution declared adopted.

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**PUBLIC HEARING –
ORDINANCES 827, 829
AND 830 FOR ZONING
CODE AMENDMENTS**

The City Clerk explained that the City Council has reviewed and approved these ordinances, but the public hearing process was not done for these zoning code amendments. She stated that the public hearing notices have been published and staff recommends the Council hold a public hearing for these zoning code amendments and adopt Ordinances 827, 829 and 830.

There were no comments from the public.

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

Montour introduced the following resolution and moved its adoption:

RESOLUTION 2018-9-179 - ADOPT ORDINANCE 827, AMENDMENT TO ZONING CODE SECTION 902.010.R.11 TO FURTHER DEFINE RIPARIAN IN THE GENERAL ZONING TERMS

The foregoing resolution was duly seconded by McGraw.

Aye (5).

Nays (0). Resolution declared adopted.

Montour introduced the following resolution and moved its adoption:

RESOLUTION 2018-9-180 - ADOPT ORDINANCE 829, AMENDMENT TO ZONING CODE SECTION 914.040 AND 914.045 RELATING TO CONDITIONAL USES AND INTERIM USES IN I-1, LIGHT INDUSTRIAL ZONING DISTRICT

The foregoing resolution was duly seconded by McGraw.

Aye (5).

Nays (0). Resolution declared adopted.

Montour introduced the following resolution and moved its adoption:

RESOLUTION 2018-9-181 - ADOPT ORDINANCE 830, AMENDMENT TO ZONING CODE SECTION 903.110, PUBLIC DISTRICT SIGNAGE

The foregoing resolution was duly seconded by McGraw.

Aye (5).

Nays (0). Resolution declared adopted.

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**CONSENT
AGENDA**

Fischer introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2018-9-182 – APPROVING THE CONSENT
AGENDA WHICH CONTAINS THE FOLLOWING:***

****APPROVAL OF THE VOUCHERS***

****APPROVE TEMPORARY LIQUOR LICENSE FOR ST. JOHN'S
CHURCH FOR PARISH FALL FESTIVAL ON OCTOBER 6, 2018***

****APPROVE TEMPORARY LIQUOR LICENSE FOR ST. JOHN'S
CHURCH FOR MEN'S CLUB TURKEY BINGO ON NOVEMBER 18,
2018***

****APPROVE CONCRETE JOINT REPAIRS AT FIRE BARN SKATE
PARK***

****APPROVE PARTIAL PAYMENT REQUEST #1 FOR HARDDRIVES
FOR 2018 STREET IMPROVEMENT PROJECTS***

The foregoing resolution was duly seconded by Keis.

Ayes (5).

Nays (0). Resolution declared adopted.

**2019
PRELIMINARY
BUDGET**

The Finance Director reported that Staff has prepared the 2019 preliminary budget by being conservative on the revenue side and more aggressive on the expense side, which has worked well for the City. She explained that there are some very preliminary numbers in the budget right now and the focus for tonight is to give staff direction on how to proceed. She noted that the preliminary levy must be set before September 30, and reminded that it can be lowered but not increased. She stated that this budget document reflects a 3.41% gross levy increase and a 4.68% net levy increase. She explained that this budget maintains our current amount of Local Government Aid (LGA) usage in the General Fund even though our LGA allotment is increasing by \$1,996. She stated that on the General Fund revenue side, most categories are relatively flat with the exception of property taxes. She noted that an area of revenue growth for next year is rental housing licenses since they are issued in the odd years. The Finance Director explained that expenses in the General Fund are up 3.1% and some of the major expense drivers are personnel costs, health insurance premiums, IT costs, and the Sheriff's Department contract. She noted that election costs are down since 2019 is not an election year, and streets due to the reduction of our seat coating budget. The Public Works Director is currently evaluating the process that has been used and whether it is cost effective. She stated the capital improvement budget numbers are also very preliminary since the new City Administrator has not looked at the budget yet and the Parks & Recreation Commission wants to prioritize some capital improvement projects.

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Montour stated that he thinks the budget is close but would like to see the levy be just under three percent. He explained that the Council's position on the budget for many years has been to maintain a steady levy level so that it can maintain the high level of services to the residents, but not go up and down a lot. Montour stated that another policy the Council has been doing is weaning the general fund off of reliance on LGA funds that are received from the state. McGraw asked what the City uses the LGA funds that go into the General Fund for. The Finance Director stated that the General Fund is used for general city functions. McGraw stated that he would consider keeping the levy limit a little higher right now until staff knows what the actual health insurance cost increase will be. Torkelson stated that he wants to know what the Public Works Director plans to do about seal coating before that section of the budget is removed. He also asked if the cost of living increase is included in Council pay. The Finance Director stated that she has included a raise for the Council salaries. McGraw asked when the last time the Council salaries were reviewed. Torkelson stated it was four years ago. Fischer asked if Council pay could be planned to mimic staff's annual percentage raises, and then they can decide whether to opt out each year. Keis noted that Councils can only vote to raise their salaries during election years. The City Attorney stated that he will research the rules for Council salaries.

**CALL FOR A
WORKSHOP ON
SEPTEMBER 26, 2018**

Keis stated that the Council is calling for a workshop on September 26, 2018 at 6:00 p.m. for further discussion on economic development options.

Montour introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2018-9-183 – CALL FOR A WORKSHOP ON
SEPTEMBER 26, 2018 AT 6:00PM TO DISCUSS ECONOMIC
DEVELOPMENT OPTIONS AND THE 2019 BUDGET***

The foregoing resolution was duly seconded by Keis.

Ayes (5).

Nays (0). Resolution adopted.

ADJOURN There being no further business, the meeting was adjourned at 10:23 p.m.

John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator