

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

OCTOBER 14, 2020

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 14th day of October, 2020 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 Fischer, Montour and McGraw.
Absent: Torkelson.

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

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. 2020-10-122 – APPROVING THE MINUTES OF THE SEPTEMBER 23, 2020 WORKSHOP AND THE SEPTEMBER 23, 2020 REGULAR MEETINGS AS SUBMITTED

The foregoing resolution was duly seconded by Fischer.

Roll Call Vote: Keis/Fischer/McGraw/Montour

Ayes (4). Nays (0). Resolution adopted.

ANNOUNCEMENTS

Community Development Director thanked Nicole Westadt for her service on the Planning Commission and stated that she has been a great asset to the Commission. She stated that she is

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moving out of the city and the October meeting was her last meeting. Keis also thanked Ms. Westadt for her service on the Commission. He presented a Certificate of Appreciation to Nicole. Ms. Westadt stated that she has enjoyed her time on the Planning Commission and living in Little Canada.

Montour thanked the Parks & Rec/Community Services Manager and Parks & Rec staff for installing a bench in memory of a long-term resident at Gilbertson Field in Spooner Park. He explained that neighbors raised money to pay for the bench, the family chose where to place it, and city staff installed it.

**PRESENTATION – CTV NORTH SUBURBS JOINT POWERS AGREEMENT
AMENDMENT**

Dana Healy, CTV Executive Director, explained that in July 2020, the North Suburban Communications Commission voted to update the Joint Powers Agreement with some housekeeping items along with removing in Section V.1, “geographically contiguous to any of these named municipalizes.” She explained that this will allow more cities to work with CTV.

Ms. Healy reviewed the CTV 2021 service agreement and updated price structure. She explained that the contract cost will be significantly higher next year, but that is because the previous pricing was not sustainable. She stated that they will be reducing the amount of space they are leasing and CTV North Suburbs will be rebranding to Nine North to better set them apart and better define what they do.

Montour stated that it was a good idea to remove the contiguous notations in the Joint Powers Agreement since there more cities that are interested in joining.

Montour introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2020-10-123 – APPROVE AMENDING THE CTV NORTH
SUBURBS JOINT POWERS AGREEMENT AS PRESENTED BY THE CTV
EXECUTIVE DIRECTOR***

The foregoing resolution was duly seconded by Fischer.

Roll Call Vote: Keis/Fischer/McGraw/Montour

Ayes (4). Nays (0). Resolution adopted.

**PUBLIC HEARING – CONSIDER AUTHORIZATION FOR HOST APPROVAL TO
ISSUE CONDUIT DEBT FOR SENIOR LIVING REVENUE BONDS**

The Finance Director explained that the City of Little Canada is requested to give host approval to the issuance by the City of Deephaven of revenue bonds for the purpose of financing or refinancing costs of acquisition, construction and/or improvement, of new and existing senior living facilities located in the City as well as four other municipalities. She stated that there is a property in Little Canada at 2740 Rice Street that is included in this financing proposal.

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

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-124 – APPROVE RESOLUTION GIVING APPROVAL TO A PROPOSED HOUSING PROGRAM AND THE ISSUANCE BY THE CITY OF DEEPHAVEN, MINNESOTA OF ITS SENIOR LIVING REVENUE BONDS (STATE HOLDINGS OF MINNESOTA LLC PROJECTS), SERIES 2020

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis/Fischer/McGraw/Montour
Ayes (4). Nays (0). Resolution adopted.

CONSENT AGENDA

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-125 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:

- *APPROVAL OF THE VOUCHERS***
- *APPROVE APPOINTING ELECTION JUDGES FOR NOVEMBER 3, 2020 GENERAL ELECTION***
- *APPROVE PARTIAL PAY REQUEST NO. 4 TO OMG MIDWEST, INC. FOR ALLEN AVENUE IMPROVEMENT PROJECT 2020-01***
- *APPROVE PARTIAL PAY REQUEST NO. 5 TO NEW LOOK CONTRACTING FOR COUNTY ROAD D IMPROVEMENT PROJECT 2019-01 & GREENBRIER STREET IMPROVEMENT PROJECT 2019-02***
- *APPROVE CARES ACT FUNDING SEPTEMBER REPORT***

The foregoing resolution was duly seconded by McGraw.
Roll Call Vote: Keis/Fischer/McGraw/Montour
Ayes (4). Nays (0). Resolution adopted.

PURCHASE OF LITTLE CANADA FIRE CHIEFS VEHICLE

The City Administrator stated that the Little Canada Fire Department budgeted to buy a Fire Chiefs vehicle in 2019, 2020 and 2021. He explained that this vehicle will be needed in January when a new Assistant Fire Chief begins, and since the build time is four to five months, the Fire Chief is requesting that the 2021 purchase be approved so that they can order the vehicle now. It is included in the Capital Improvement Plan. He noted that the payment is not due until after the vehicle is delivered.

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Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-126 – APPROVE THE PURCHASE OF A FIRE CHIEF’S VEHICLE FOR A TOTAL OF \$63,654.00, TO BE PAID FOR IN 2021

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis/Fischer/McGraw/Montour
Ayes (4). Nays (0). Resolution declared adopted.

WINDROW STORWATER CLEANOUT PROJECT

The City Engineer explained that the ditch located between Windrow Drive and Thunder Bay Park requires the removal of small trees, landscape timbers and sediment to improve drainage upstream. He noted that the City has dedicated drainage easements over this area. He reported that in 2019, the area north of the ditch was backing up with water following the wet spring and it never drained well due to the buildup in the Windrow ditch area. He stated the catch basins on Stoneridge Court were nearly filled with water for most of the summer. He explained that three bids were received for two different options. He stated that \$60,000 was budgeted in 2020 for this project, and based on the bid amounts received, staff is recommending Option 1, which is ditch cleaning and restoring the disturbed areas with seed and an erosion control blanket.

The Public Works Director stated that this ditch area was put in around 1998. McGraw clarified that a stormwater fee would allow maintenance projects like this to be done on a regular basis.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-127 – AWARD THE CONSTRUCTION CONTRACT FOR THE WINDROW DITCH IMPROVEMENTS TO THE LOW BIDDER, JACON, LLC FOR OPTION 1 IN THE AMOUNT OF \$21,790

The foregoing resolution was duly seconded by Montour.
Roll Call Vote: Keis/Fischer/McGraw/Montour
Ayes (4). Nays (0). Resolution declared adopted.

DRAFT TREE POLICY

The Public Works Director explained that staff receives many questions from residents about trees, and who is responsible for trees. He stated the most common questions are ownership of the tree, trees encroaching on streets and sidewalks, trees encroaching on another property, and dead trees. He stated that a tree policy has been written to include information and policies on those issues with regard to the City’s responsibility. He noted that many cities in the area have some tree guidelines in place. He stated that Little Canada has followed the same guidelines over the years, but staff felt it would be beneficial to create a written policy. He reported that there are requests for the City to remove trees from City-owned property that abuts private property. He explained that the City will remove dead, dangerous, or diseased trees if they are a

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potential threat to an abutting property, but if the tree is deemed to be healthy, the City has not removed it. He noted that another issue is trees at intersections. There have been intersections in the City that have trees or bushes growing in areas that make it difficult for people in vehicles to see traffic, and in those cases, the policy allows for the City to clear the trees and/or bushes to improve sight distance from all directions. He explained that another topic in the proposed policy involves storm damage cleanup efforts. In the past, City staff has decided whether to perform a city-wide brush cleanup based on the severity of the storm and the number of properties affected. The Public Works Director explained that since Emerald Ash Borer (EAB) is starting to affect trees in the City and will likely only get worse, City staff will attempt to inventory all ash trees on public property and will formulate a plan for the treatment or removal of diseased trees. He explained that diseased trees on private property are the responsibility of the property owner and should be removed as soon as possible to prevent the spread of the disease. He noted that other topics covered include tree trimming performed by the City and required licensing of tree contractors in order to work in the City.

Fischer stated that he is happy to see a Tree Policy and asked if the time limit to clean up after a storm should be added or was it left out intentionally. The Public Works Director stated that he did not see any other city policies include a timeline for storm clean up. He said a timeline for removing a diseased tree could be added, and the policy can be amended at any time.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-128 – APPROVE THE TREE POLICY AS PRESENTED BY THE PUBLIC WORKS DIRECTOR

The foregoing resolution was duly seconded by Keis.

Roll Call Vote: Keis/Fischer/McGraw/Montour

Ayes (4). Nays (0). Resolution declared adopted.

PIONEER PARK FIELD #3 FENCE POST REPLACEMENT

The Public Works Director reported that the fence posts of the outfield fences at Pioneer Park have been heaving over the years due to poor soil in this area. He noted that the posts on other fields were replaced a few years ago. He stated that two bids were received and the lowest bid was for \$12,130 from Keller Fence. He noted that \$12,000 was budgeted for the fence work in the 2021 Parks Capital Improvement Plan, but he would like the work to get done this fall so the fields are ready for use in the spring.

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-129 – AWARD THE FENCE POST REPLACEMENT PROJECT TO KELLER FENCE FOR \$12,130

The foregoing resolution was duly seconded by Keis.

Roll Call Vote: Keis/Fischer/McGraw/Montour

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Ayes (4). Nays (0). Resolution declared adopted.

ADD BIPOLAR IONIZATION UNITS TO HVAC SYSTEM AT CITY HALL

The Public Works Director stated that the pandemic has caused the need to improve the air quality at City Hall. He explained that UV light bulbs in the furnaces are an option, but a bipolar ionization system was recommended instead since there is no maintenance required. He stated two quotes were received to add bipolar ionization units to the seven furnaces at City Hall, and CARES Act funds will be used to pay for this.

McGraw introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2020-10-130 – APPROVE THE PURCHASE AND
INSTALLATION OF 7 BIPOLAR IONIZATION UNITS FOR THE HVAC UNITS
AT CITY HALL FROM YALE MECHANICAL FOR \$7,000***

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis/Fischer/McGraw/Montour
Ayes (4). Nays (0). Resolution declared adopted.

CITY HALL SIDING REPAIR

The Public Works Director explained that the cedar siding at City Hall has been rotting for several years where they meet the roof line, and the fence that screens the air conditioners on the south side of the building are also in need of repair as it was damaged by Xcel during an emergency fix. He stated that some areas are still in very good condition and only need to be painted. He reported that staff looked at two options to restore the siding and there is a significant cost difference between them. He explained that the first option is to keep the existing siding, but cut off the bottom several inches along the roof line, put in a horizontal trim board with flashing, and also replace the boards on the fence screening as necessary. He stated that there would be maintenance down the road as the cedar continues to age, and the cost for this option is \$9,250.

The Public Works Director stated that the second option is to put a weather barrier over the existing cedar and attach metal panels over the cedar that lock together and for a look like siding. He noted that the metal panels would also be placed over the screening fence, and this would be a low-to-no-maintenance option, but the cost is \$27,472. The Public Works Director stated that staff has not provided a recommendation due to the large price and style differences, and will leave it up to the Council to decide which option. He noted that \$35,000 was budgeted in the 2020 Capital Improvement Plan for siding repairs on City Hall.

The Council discussed the options, and there was consensus to fix the existing cedar siding, but have the Public Works Director find out the cost to replace all of the cedar siding.

Fischer introduced the following resolution and moved its adoption:

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RESOLUTION NO. 2020-10-131 – APPROVE THE RESTORATION OF THE CEDAR SIDING AT CITY HALL AND AWARD THE BID TO BEST PAINTING AND CEDAR SPECIALISTS FOR \$9,250

The foregoing resolution was duly seconded by Keis.
Roll Call Vote: Keis/Fischer/McGraw/Montour
Ayes (4). Nays (0). Resolution declared adopted.

ORDINANCE 848, AMENDING CHAPTER 2202, MASSAGE THERAPY AS AN ACCESSORY USE

The City Clerk stated that staff has received a few calls in the last year from massage therapists and chiropractors inquiring if a massage therapist could work in a chiropractor office. She explained that the City Code currently only allows a massage therapist to work in a beauty parlor or a fitness center. City Code Chapter 2202, Massage Therapy as an Accessory Use, specifically states “Licenses may be granted only to establishments associated with and operating within the confines of and incidental to a properly zoned beauty parlor and a properly zoned fitness center.”

The City Clerk stated that it has become common to see massage therapy as an additional service in a chiropractic office since it is a logical partnership, and for economic reasons. She stated that every individual massage therapist and business must be licensed annually by the City, which includes a background check, and massage therapy still requires a conditional use permit regardless of whether it is an accessory or principal use. She noted that staff recommends allowing massage therapy to operate in a chiropractic office.

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-132 – ADOPT ORDINANCE 848, AMENDING CHAPTER 2202, MASSAGE THERAPY AS AN ACCESSORY USE AND APPROVE PUBLICATION OF A SUMMARY ORDINANCE

The foregoing resolution was duly seconded by Montour.
Roll Call Vote: Keis/Fischer/McGraw/Montour
Ayes (4). Nays (0). Resolution declared adopted.

CONSIDER APPROVAL OF 2021-2026 ELECTION SERVICES AGREEMENT WITH RAMSEY COUNTY

The City Clerk explained that staff has proposed contracting with Ramsey County to administer the City’s election services beginning in 2021. There was discussion with Council during the 2021 budget review about moving to county-run elections, and Council voted to add the estimated \$27,000 into the preliminary levy that was set on September 23, 2020. She stated that she had estimated the total cost to be \$54,000 for the 2021-2022 election cycle, which would be paid \$27,000 annually, and the actual contract cost came in slightly higher at \$55,600, or

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\$27,800 annually. She explained that there will a slight offset by a \$400 lower annual equipment maintenance fee, and staff will adjust the final budget for the remaining \$400.

Montour stated that this has been discussed enough and it's the Fischer stated that this is the right thing to do and a good strategic move because of the staff level we have, and he wants to point out to residents that this added flexibility, added elections and complexity now, and this does not come for free, and is driving these costs up. He noted that this is something that has pushed us over to finally make this move to the County. Keis stated he agrees.

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-133 – APPROVE THE 2021-2022 ELECTIONS AGREEMENT WITH RAMSEY COUNTY FOR \$55,600

The foregoing resolution was duly seconded by Keis.

Roll Call Vote: Keis/Fischer/McGraw/Montour

Ayes (4). Nays (0). Resolution declared adopted.

CONSIDER APPROVAL OF CONTRACT FOR ZONING CODE AMENDMENT

The Community Development Director explained that for the past few years, the City has been considering an update to the Zoning Code. She stated that with the 2040 Comprehensive Plan in the final stages, this is an ideal time to create changes within the Code that will align with the vision of the Plan, adhere to the Metropolitan Council guidance of updating local controls within 9 months of adopting the Plan, and the City's Strategic Plan. She noted that staff has faced difficulty in using the current Code because it has been amended multiple times throughout the last couple decades and has resulted in inconsistencies. The new amendments will reduce these redundancies, provide better readability and accessibility to the community and developers, meet current state statutes, and state and federal regulations. This will ease interpreting and using the code on a daily basis.

The Community Development Director stated that the proposal that staff is recommending is included in the packet and lists the work that would be carried out. She stated that this proposal for \$22,500, not only fits our needs for zoning code improvements, but also fits the City's budget in utilizing existing fund balance.

Keis asked how long it would take to complete the update. The Community Development Director stated it should take less than 12 months. Montour asked which fund balance would be used. The Finance Director stated it would come from the General Fund balance which is unassigned. Montour asked if a schedule could be created to ensure that the process would keep moving. The Community Development Director stated that she has managed other projects like this and will put together a schedule and share it with the Council.

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She stated that the recommended consultant is Bill Weber, who finished our Comprehensive Plan, so he is very knowledgeable about Little Canada. She noted that she has spoken with other planning firms about doing the update and was quoted amounts from \$35,000 to \$100,000.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-10-134 – APPROVE THE CONTRACT WITH BILL WEBER FOR A 2021 ZONING CODE UPDATE FOR \$22,500

The foregoing resolution was duly seconded by McGraw.

Roll Call Vote: Keis/Fischer/McGraw/Montour

Ayes (4). Nays (0). Resolution declared adopted.

There being no further business, the meeting was adjourned at 9:09p.m.

John T. Keis, Mayor

Attest:

Christopher Heineman, City Administrator