

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

APRIL 22, 2020

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 22nd day of April, 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, Torkelson, McGraw & Montour

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

MINUTES

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-4-50 – APPROVING THE MINUTES OF THE APRIL 8, 2020 REGULAR MEETING AS SUBMITTED

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

ANNOUNCEMENTS

Torkelson announced that he wants to thank the person who has been doing chalk artwork on the sidewalks and let them know that he really enjoys it.

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**PUBLIC HEARING: CONSIDER A CONDITIONAL USE PERMIT FOR AN
OVERSIZE GARAGE AT 2901 CONDIT STREET**

Keis opened the Public Hearing to consider a conditional use permit for an oversize garage at 2901 Condit Street.

The Community Development Director/Planner presented a request to allow a detached garage that exceeds 1,000 square feet in size at 2901 Condit Street. She noted that the applicant, property owner John Grant, is proposing to replace the existing 864 square foot detached garage with a new garage, proposed to be 28 feet by 50 feet in size and 1,400 square feet. She stated that the property is zoned R-1, single family residential. She reviewed the existing related conditions, along with an aerial photograph and the proposed site plan. She stated that the applicable setbacks and other provisions of the zoning code would be met and verified when the building permit is reviewed. She noted that the Planning Commission recommended approval of the conditional use permit request at their April 9 meeting. She referenced a written comment submitted by the neighbor located at 2883 Condit Street, who is not opposed to the size of the garage but is concerned with the placement and wants to ensure that a survey is completed and reviewed by the City to ensure the side yard setback is met.

McGraw clarified that all of the conditions were met. Fischer clarified that no business would be conducted in the garage.

There was no one from the public present wishing to comment on this matter.

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

McGraw introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2020-4-51 – APPROVING A CONDITIONAL USE PERMIT TO
ALLOW UP TO A 1,400 SQUARE FOOT DETACHED GARAGE AT 2901 CONDIT
STREET SUBJECT TO THE CONDITION THAT NO BUSINESS ACTIVITES
SHALL OCCUR WITHIN THE GARAGE STRUCTURE***

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

CONSENT AGENDA

Montour introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2020-4-52 – APPROVING THE CONSENT AGENDA WHICH
CONTAINS THE FOLLOWING:***

****APPROVAL OF THE VOUCHERS***

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

LITTLE CANADA FIRE RELIEF ASSOCIATION BENEFIT INCREASE

The City Administrator reported that the Little Canada Fire Department Board of Directors has requested an increase of \$255 to the benefit amount for the Little Canada Fire Relief Association. He stated that this would increase the LCFRA benefit level from \$3,940 to \$4,195 per year of service. He explained that Attachment A of the City contract with the LCDF states that benefit level increases can only be requested once per year, and the funding level ratio must be at or above 110% on December 31 of the previous year. He stated that according to the Little Canada Fire Relief Association annual audit, the funded ratio of the investment account on December 31, 2019 was 116%. He noted that all benefit increases must be approved by the City Council, but according to the contract, if the percent funded is at 110% or above, the increase will be granted.

McGraw stated that he talked to the Finance Director about how the current market conditions could affect this, and he felt more comfortable after their discussion and is supportive of the increase request.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-4-53 – APPROVING A \$255.00 INCREASE TO THE BENEFIT LEVEL FOR THE LITTLE CANADA FIRE RELIEF ASSOCIATION PURSUANT TO THE CONTRACTURAL PROVISIONS

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

UPDATE ON MORRISON/MCMENEMY AREA STORMWATER ISSUE

The City Administrator explained that in February, the City Council was asked to consider awarding a contract for the cleaning of the Morrison drainage area, but the city attorney's office provided a letter with questions and concerns about the status of public right-of-way and easements in this area. Since then, City Attorney Lemmons conducted additional research and has provided a legal opinion on this issue. The City Administrator explained that this issue revolves around an existing wetland behind properties on Morrison Street and McMenemy Street, where the southern end narrows and passes through a ditch-like area before intersecting with the wetland to the south. He stated that over the years, this area has built up with sediment and leaf compost and as a result, the water draining from the wetland has not been able to drain as quickly and standing water has crept into the backyards of some of the properties after heavy rain and has not drained as quickly as it has in the past. He stated that this wetland area is

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naturally occurring and was not engineered as a stormwater pond, and noted that most water bodies have not been draining as quickly due to several very rainy years.

The City Administrator reported that this ditch and a majority of the wetland area is on private property, and the City has not been maintaining this area, although Ramsey County had attempted to clean it out in the early 1980's but the equipment got stuck. He stated that according to the legal opinion from the city attorney, the City has no legal obligation to deal with drainage issues that are naturally occurring. He noted that the City would only be responsible if it altered the natural flow of surface water and created the present problem.

The City Administrator explained that even though the City does not have an obligation to address this situation, the City Council could direct staff to acquire a permanent easement or access agreements and move forward with repairs to the ditch. He explained that another alternative would be to have city staff to work with the property owners in this area to establish a maintenance agreement and share the cost of making repairs to the ditch. A third option would be to inform property owners that maintenance of the ditch area is ultimately a private responsibility.

The Public Works Director clarified that he discovered it was actually a City led clean-out project around 1980, but the equipment got stuck because it was so wet, so some of the work did not get completed.

McGraw stated that he understands that it is only the properties at the south end that are having problems, and it has only gotten bad in the last several years when the water table has gone up due to a lot of rain, so why would the City get involved to clean it up if it is all private property. He asked if the city owns and maintains the pipe that goes under McMenemy. The Public Works Director stated that it is in the regular monthly maintenance rotation and it gets checked after heavy rainfalls. McGraw asked if it has been maintained as expected. Bill stated that staff makes sure that the flared end section of the culvert is open and pulling any larger logs out of the east west portion, but no dredging has been done.

Montour stated he assumes this is not the only area in the city that people call about water backed up in their yards, and if the city is going to do work here, a precedence is set that the city would do work in other places. The Public Works Director confirmed that other calls have come and they have done things on a case by case basis, but there is no time that a contractor has been hired, and all work has always been done by staff with existing equipment. Keis stated that initially this was going to be done by city staff, but then a contractor was considered but that cost was over \$50,000, which is over 1% of the city budget, so the Council needs to be careful.

Torkelson stated that he recalls hearing from some of the residents stating that the water level has gotten close to their house and asked if staff has ever checked immediately after a large rain. The Public Works Director stated he has not been there right after a heavy rain, but saw water was in to the manicured grass yard, beyond the wetland boundary. Keis asked where the silt

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comes from. The Public Works Director stated it is a combination of dirt and silt runoff from yards, runoff from McMenemy Street, and grass and leaves naturally occurring and being deposited back there. Fischer asked if the Council opted for this to be a resident project, could the city help navigate the process for the residents to get the work done. The Public Works Director stated that he and the city engineer could go out there and see if there is anything that can be done in house or give the residents direction.

The City Engineer stated there is about 250 feet north to south of ditch that needs to be cleaned out, and some trees would need to come out, which city staff could likely do.

McGraw asked if what is being designed will take care of the problem with the water tables being so high. The City Engineer stated that this is about as much as can be done here because it is mostly a flat grade, and silt and leaves will build up again over the years that will require maintenance again. The Public Works Director stated that this cleaning may not solve the problem, but it will likely get the water moving somewhat better now, but water will continue to sit for a while.

Keis asked when the best time of year to do the work is. The Public Works Director stated that fall and winter is better because the ground is harder. He reported that right-of-entry agreements were obtained from the affected property owners, which expire on July 1, 2020, but he assumes they will all agree to new agreements.

The City Engineer stated that we cannot make the water move any faster unless the culvert at McMenemy is lowered, this is the best that can be done because there is a zero percent grade in this area and the whole watershed downstream would need to be lowered to make it go any better. Keis stated that he feels the city is not in the position to change the grade. Montour stated that he does not want to spend a lot of money on engineer modeling, and is willing to have public works clean it out once and then it is the resident's issue after that. Fischer agrees that it should be documented that the city will not do this work again. McGraw stated that the city did not cause this, we have had no control over what has been dumped in the wetland, and the water table is high right now and water is not draining well anywhere like it was six or seven years ago.

There was Council consensus for the Public Works Director and City Engineer to revisit the area to develop a plan to rectify the problem and minimize the cost, and if that cannot be done, bring it back to the Council and they will look at other options, which may include sharing the cost with the residents.

COOPERATIVE AGREEMENT WITH VADNAIS HEIGHTS FOR COUNTY ROAD D IMPROVEMENT PROJECT

The City Engineer reported that the City of Little Canada is partnering with Ramsey County and the City of Vadnais Heights for the reconstruction of County Road D from Payne Avenue to Greenbrier Street in 2020. He explained that the City is taking the lead on this project and

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County Road D will be included in the project plans for Greenbrier Street. He stated that the City will pay all costs up front and Vadnais Heights and Ramsey County will reimburse the City with its share of the project. To that end, an agreement between Vadnais Heights and Little Canada was drafted, just like the one done with Ramsey County. He noted this is also a maintenance agreement for things such as plowing.

Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-4-55 – APPROVE THE AGREEMENT BETWEEN THE CITY OF LITTLE CANADA AND THE CITY OF VADNAIS HEIGHTS FOR THE RECONSTRUCTION AND ONGOING MAINTENANCE OF COUNTY ROAD D FROM PAYNE AVENUE TO GREENBRIER STREET

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

AWARD BID FOR GREENBRIER STREET IMPROVEMENT PROJECT NO. 2019-02 & COUNTY ROAD D IMPROVEMENT PROJECT NO. 2019-01

The City Engineer stated on April 16th, the six bids received for the County Road D and Greenbrier Street improvement projects were electronically opened via Quest CDN vBid. He stated that the total estimated project cost (construction, engineering and testing) for County Road D and Greenbrier Street is \$3,388,316. He noted that Ramsey County will be reimbursing the City \$1,355,901 for construction, engineering and testing, and the City of Vadnais Heights will be reimbursing the City \$130,775 for construction, engineering and testing. He explained that for County Road D, the improvements would be funded through the City's Infrastructure Capital Improvement Fund (Fund 450) and Special Assessments, and for Greenbrier Street, the improvements would be funded through the City's Infrastructure Capital Improvement Fund (Fund 450), Municipal State Aid Funds and Special Assessments. He stated that the CIP approved in November identified that Fund 450 would fund \$1,272,000 of this project, but based on the bids, Fund 450 will need to fund approximately \$1,709,159 of the project, so the CIP will be need to be amended to reflect the increase in costs.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-4-56 – AWARD THE CONSTRUCTION CONTRACT FOR THE GREENBRIER STREET IMPROVEMENT PROJECT NO. 2019-02 & COUNTY ROAD D IMPROVEMENT PROJECT NO. 2019-01 TO THE LOW BIDDER, NEW LOOK CONTRACTING, INC. IN THE AMOUNT OF \$2,655,646.55

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

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AWARD BID FOR ALLEN AVENUE IMPROVEMENT PROJECT NO. 2020-01

The City Engineer stated that on April 7th, the six bids received were electronically opened via Quest CDN vBid. He reported that staff is recommending to award the construction contract for the Allen Avenue Street Improvements to the low bidder, OMG Midwest DBA MN Paving and Materials in the amount of \$732,791.12. He noted that the special assessments on Allen Avenue total approximately \$287,000 for 112 parcels.

The City Administrator stated that he received notice from the Ramsey County Community Development Department that they are reallocating Community Development Block Grant funds to county COVID-19 efforts, but he does not know yet if it will be all of the money.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-4-57 – AWARD THE CONSTRUCTION CONTRACT FOR THE ALLEN AVENUE STREET AND SIDEWALK IMPROVEMENT PROJECT NO. 2020-01 TO THE LOW BIDDER, OMG MIDWEST DBA MN PAVING AND MATERIALS, IN THE AMOUNT OF \$732,791.12

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

LITTLE CANADA ROAD PEDESTRIAN CROSSINGS

The Public Works Director stated that since the Little Canada Road streetscape project started, it has brought requests for flashing crosswalks at the Middle Street and Market Place crosswalks since both are mid-block crosswalks without signals. He noted the Market Place Drive crosswalk went in a few years ago when the Veteran’s Memorial Park was built, which allows residents of Presbyterian Homes and Garden Terrace, as well as people who park on the north side of Little Canada Road, to across the street to the park. He explained that rapid flashing crosswalks were installed on Little Canada Road and Eli Road at the elementary school a few years ago, and pedestrians push a button to activate a flashing warning light to alert drivers that a pedestrian is crossing. He reported that Bolton & Menk performed a study of the area and has provided options: install rapid flashing crosswalks at Market Place Drive and Middle Street, or choose one of these locations, or do not add any additional flashing crosswalks.

The Public Works Director explained that if the Council chooses to install a rapid flashing crosswalk, the work can be handled in-house by staff so the costs would be around \$6,000 - \$8,000. He noted there are funds available in the Little Canada Road streetscape project contingency fund or the funds could be taken from the 450 Fund. The City Engineer stated that he recommends only putting a flashing crosswalk at Market Place Drive because people further west are safer using the controlled crossing at Rice Street. Montour stated that if work is being done in this area anyway, he is supportive of trying one flashing crosswalk, preferably at Market Place Drive.

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McGraw introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2020-4-58 – APPROVE THE PURCHASE AND
INSTALLATION OF A FLASHING CROSSWALK SIGNAL ON LITTLE CANADA
ROAD AT MARKET PLACE DRIVE***

The foregoing resolution was duly seconded by Fischer.

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

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

McGraw suggested that staff look at other crosswalks in the city and determine if there are any other locations where they would recommend adding flashing crosswalks.

There being no further business, the meeting was adjourned at 9:02 p.m.

John T. Keis, Mayor

Attest:

Christopher Heineman, City Administrator