

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

MAY 22, 2019

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 May, 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 |

ABSENT:

| | |
|----------------|-----------------|
| Council Member | Mr. Mike McGraw |
|----------------|-----------------|

ALSO PRESENT:

| | |
|---------------------------------|-----------------------|
| City Administrator | Mr. Chris Heineman |
| Assoc. Planner/Code Enforcement | Ms. Jessica Jagoe |
| Park & Rec/Comm. Services Mgr. | Mr. Bryce Shearen |
| Finance Director | Ms. Brenda Malinowski |
| Public Works Director | Mr. Bill Dircks |
| City Clerk | Ms. Heidi Heller |

MINUTES Montour introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2019-5-56 – APPROVING THE MINUTES OF
THE MAY 6, 2019 SPECIAL MEETING, MAY 8, 2019 WORKSHOP,
MAY 8, 2019 REGULAR MEETING AND THE MAY 11, 2019
SPECIAL MEETING AS SUBMITTED***

The foregoing resolution was duly seconded by Fischer.

Ayes (4).

Nays (0). Resolution adopted.

ANNOUNCEMENTS Keis announced that Jessica Jagoe will be leaving the city after 19 years. He stated that she is currently the Associate Planner, but has done many different jobs over the years. He noted that she will be greatly missed.

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**CONSIDERATION OF
A VARIANCE, TEXT
AMENDMENT &
INTERIM USE
PERMIT AT 32
SOUTH OWASSO
BOULEVARD;
APPLICANT: ON SITE
COMPANIES**

The Associate Planner explained that On Site Sanitation is applying for a variance and text amendment to consider an Interim Use Permit for redevelopment of the property at 32 South Owasso Boulevard. She noted that the property is currently owned by Erdmanis, LLP and is occupied by Buck Blacktop. The Associate Planner explained that On-Site Sanitation owns two other properties in Little Canada along Woodlynn Avenue, and they would retain ownership of both and operations would continue in the same manner. This third property would be part of their business plan to consolidate to one central location in the metro area.

The Associate Planner explained that this site is 4.2 acres and is zoned I-P, Industrial Park. She stated that this property was rezoned from I-1, Light Industrial to I-P, Industrial Park in 1988. At that time, the Buck Blacktop operations that legally existed on the property became a grandfathered use, so it is considered a legal non-conforming use.

The Associate Planner explained that when the rezoning of this area occurred in 1988, the intention was to create a corridor along South Owasso Boulevard where industrial uses were still allowed, however the distinction between I-1 and I-P were that the I-P District would require higher quality site improvements and building materials, and a lesser area for outdoor storage was allowed. In 2005, the I-P District was amended to reduce the allowed outdoor storage ration even further and limit the location to rear yard only. The Associate Planner stated that Mr. Holm is seeking a variance to allow the outdoor storage as allowed in the I-1 District up to 60% of the lot area and to be located in the side yard. She noted that Mr. Holm has indicated that his intention is to construct a building and setbacks would meet the I-P District standards.

The Associate Planner explained that that text amendment portion of the request would be to create an Interim Use Permit in the I-P District that allows them to use outdoor storage as a principal use while they are redeveloping the property. She explained that this is currently not allowed in the I-P District. She stated that the applicant has indicated that construction would be within 36 months, but in the interim they would like to use the site for outdoor storage. She noted that the Council will only be considering and taking action on the variance tonight, and the next steps in June or July would be to address the interim use permit.

The Associate Planner explained that Mr. Holm has provided two different site plans, and their future plans include construction of a 15,000 to 35,000 square foot office/warehouse building, plus an onsite waste water disposal component that would be within an accessory building. She stated that the amount of outdoor storage allowed will be dependent on the size of the building they construct. She noted that the applicant has indicated that the

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building materials would comply with the I-P building standards, but has not submitted any building elevations for review. She stated they have indicated that 84 parking spaces would be installed, but without specific plans, staff cannot determine whether that number is sufficient.

The Associate Planner explained that the Planning Commission has recommended approval of the variance allowing outdoor storage up to 60% of the lot area and only behind the rear line of the building.

The Associate Planner explained that the I-P District would allow 25 percent of the building or 10 percent of the lot size, whichever is less for outdoor storage, so a 35,000 square foot building could have 6,200 square feet of outdoor storage. She stated that the applicant is seeking to use the I-1 District standards that allows 60 percent of the lot area, which would be 109,000 square feet of outdoor storage.

The Associate Planner explained that the Council could consider a different amount of outdoor storage rather than the 60 percent. She stated that city staff recommends denial of the variance request for increased outdoor storage area and outdoor storage to be located in the side yard. She noted that staff has provided findings of fact to support the denial. She explained that staff has also provided findings of fact to support the variance if the Council chooses.

The Associate Planner explained that the second piece is for an interim use permit, but staff did not provide any text amendment language since she was not sure how the applicant would want to proceed until the variance request was determined. She noted there was some vagueness in when the current user, Buck Blacktop, would vacate the property since they have indicated it could take 12 to 24 months to remove everything. She stated that On-Site Sanitation is seeking to have outdoor storage for 36 months, so staff wants to be clear on the terms of who would be using the site during the interim use and if there would be other users. She noted that the Council could have some control over how the site is used and developed during the interim use period.

The Associate Planner explained that if the applicant opted to use the existing building in the current location rather than construct a new building, they would still be limited to keeping the outdoor storage behind the building while meeting the I-P setbacks, which would only allow about 16 percent of the lot for outdoor storage. Fischer clarified that the outdoor storage request is for permanent use. Montour asked if the variance goes with the land and the property sale did not happen, would the current owner then be able to follow the variance. The Associate Planner explained that the variance would be granted only for the redevelopment of the site. She noted the current owner, Mr. Erdmanis, would continue to operate under

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his grandfathered status, which is more than 60 percent of the site. She explained that the variance approval would lapse if it was not put in use.

Fischer asked the applicant why they want 36 months to construct a building. Russ Holm, On-Site Sanitation, stated that he wants three years just to be on the safe side since there are still things that must be completed. He noted he wants to start sooner, but they still have to purchase the property and Buck Blacktop needs to move out which will take some time since they are still finishing up two years of work. Montour asked if both Buck Blacktop and On-Site would own the property. Mr. Holm stated he would own the property and Buck Blacktop would be utilizing the site. Keis asked if Mr. Erdmanis' outdoor storage amount would go down to 60 percent after On-Site purchases the property. The Associate Planner explained that depending on what the Council decides tonight, then staff would work with the applicant to determine how the interim use permit would be spelled out; who would be using it, how much does Mr. Erdmanis need. She stated that the I-P District does not allow rental outdoor storage, so there are a lot of things that staff needs to better understand, and the Council can determine what conditions they will allow in the interim use permit.

Keis asked what the site currently looks like since Mr. Erdmanis has been working on removing equipment for a few years, and is the site in compliance with the agreement. The Associate Planner stated she has not inspected the site this year. Uldis Erdmanis, owner of 32 South Owasso Boulevard West, stated that he is in compliance with his outdoor storage requirements that were agreed on in 2016. He noted that he has to continue to reduce the amount of equipment so that this plan can work.

Fischer asked Mr. Erdmanis if this went forward, could he have his current work completed and get his equipment moved out. Mr. Erdmanis stated that he would have to keep reducing his equipment and only keep what pieces he needs to complete his projects, but they can work it out between them so he stays out of On-Site's way. He noted that some of the construction materials on the site are suitable and can stay be used for the redevelopment of the site. Fischer stated that there seems to be issues associated with the owner and tenant relationship. The Associate Planner explained that is what will need to be included in the text amendment for an interim use permit.

Mr. Holm, owner of On-Site Sanitation, gave an overview of the On-Site Companies business information. He reported that the Planning Commission agreed that 60 percent of the lot for outdoor storage was a reasonable use of this property. He stated that the railroad runs along the rear of the property. He showed a photo of his current building at 95

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Woodlynn Avenue and pointed out that they take pride in taking care of their site and building. He stated they would do the same at this new site.

Fischer asked Mr. Holm to explain what their real need is. Mr. Holm stated that their service is an essential need and they operate in several locations. He explained that they are looking to expand and he needs the ground space in order to do that. He noted that this would allow them to consolidate some of their operations in to a central location and be more efficient. Keis asked what would be stored on the site. Mr. Holm stated it would be everything they need to operate, portable restrooms, trucks and trailers.

Mike Filler, 30 South Owasso Boulevard West, stated he owns the house next door and is concerned with what would be on the site. Linda, representing Mike Filler, asked what the future expansion plan is and would it include Mike's property. Mr. Holm stated that if the opportunity presented itself, he would consider including the property. She asked how far the 24,000 square foot building would be from his backyard and they are concerned with the smell. The Associate Planner explained that the drawings shown are only concept drawings and nothing has been decided for sure, but they will have to comply with the I-P District setbacks and screening requirements.

Montour asked Mr. Holm how to justify his request for 17 times more outdoor storage space than the code allows. Mr. Holm explained that the shape of the lot is not conducive to placing a large building, so this is a difficult property to redevelop with the I-P District standards.

Keis asked if there was 60 percent of the site available after a building is placed, along with leaving space for drive aisles and fire lanes. The Associate Planner explained that there will be some space factored out of the outdoor storage area for the driving lanes and setbacks.

Montour asked how critical the wastewater piece is for this site. Mr. Holm stated it would give him an advantage, and he has been working with the Metropolitan Council, who has agreed to it if he gets permission from the City.

Montour stated that he is in favor of the variance but not at the 60 percent the applicant has requested.

Keis opened the public hearing.

No one from the public spoke.

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

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Montour introduced the following resolution and moved its adoption:

RESOLUTION NO. 2019-5-57 – APPROVE THE VARIANCE AS PRESENTED AT 60 PERCENT OF THE LOT AREA WITH ALL OF THE OUTDOOR STORAGE BEHIND THE REAR LINE OF THE BUILDING

- The narrowness and irregular shape of the site are contributing factors not created by the land owner which lend to inefficiencies in maximization of lot as described in the I-P District.
- The redeveloped intended use of the site is designed to meet the intent of the I-P District and by granting the variance for additional outdoor storage up to 60% of lot area. This is considered a reasonable use of the parcel given the first finding with lot irregularities.
- The natural buffer of the railroad tracks along the west edge of the parcel creates a buffer of screening beyond the code requirements and provides further assurance that there will be no negative impacts on the properties to the west by the proposed use.

Fischer asked where the outdoor storage would be before a new building was built. The Associate Planner explained that On-Site would be limited to only using the 16 percent of the lot behind the current building. She clarified that once On-Site Companies takes possession of the property and starts utilizing the property for their own use, the current outdoor storage grandfathering amount that Mr. Erdmanis has had will end. She noted that if no interim use permit is acted on, Buck Blacktop will be limited to only using the area behind the current building for outdoor storage. Montour stated he assumes that discussions will be had with both On-Site Sanitation and Mr. Erdmanis on how to work out who will be using the property and when.

The foregoing resolution was duly seconded by Fischer.

Ayes (4).

Nays (0). Resolution declared adopted.

**PRESENTATION:
HIGH TWIN LAKE
LEVEL**

The City Administrator explained that the City has been working with residents around Twin Lake about their questions and concerns about the water level. He stated that they City held meetings on October 8, 2018 and March 12, 2019 with the residents and the Ramsey Washington Metro Watershed District staff.

Tina Carstens, Ramsey Washington Watershed District, explained that the City has hosted a few meetings with the Twin Lake residents due to the rising water level of the lake, and they have participated and helped provide information.

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Brandon Barnes, Barr Engineering, explained that the watershed identifies flood prone areas throughout the district and looks for flood prone structures. He noted that there are a couple of flood prone areas in Little Canada, and there is an emergency response plan in place for a few structures on Lake Gervais that are prone to flooding. He stated that they started measuring the level of Twin Lake in 2018. He noted that historically Twin Lake has fluctuated between 866 feet to 870 feet. He explained that the lake is land locked so there is no outlet for the water until it reaches the overflow level of 877 feet. Water only exits by seeping into the ground or evaporation.

Mr. Barnes reported that the lake was surveyed at 875 feet on May 21, 2019. He reviewed the water flow from various locations around Twin Lake into the lake, and overflow areas. He reported that he talked with the property owner to the south who had installed a check valve in a pipe, which has now been removed.

Mr. Barnes explained that they have been working with the residents to try to pinpoint when the lake began to rise and discover why. He stated they are looking to determine if it is due to high rainfall or another cause. He explained that the lake level had been fairly consistent until 2013 when it began to rise rather rapidly. He stated that starting in 2013 there has been higher levels of rainfall. He reviewed the annual rainfall amounts that are tracked by the Minnesota DNR and noted that a number of the last several years have been wetter than usual, with 2014-2016 being three of the 10 wettest years.

Tina Carstens stated they will continue to monitor the lake level along with water quality. She stated that they will be working with St. Paul Water and Vadnais Heights. She explained there is a whole system of other lakes with high water levels that are contributing to the high level at Twin Lake, and they will be evaluating all of this. She noted that they have to be very careful about transferring the risk from one area to another.

Joe Pralutsky, 231 Twin Lake Trail, asked why the nature flow of the lake was disrupted and it seems like it would be simple to correct that. He stated that many homes have their footings under water and that has never happened in 34 years. He noted that the lake used to have a natural outlet, but since the Unweave the Weave freeway reconstruction happened, it has changed and is 5 ½ feet over its high water mark. He stated we should be able to let a foot of water out of the lake and save several homes. He noted they can't wait another three years to get more statistics.

Terry Telega, 253 Twin Lake Trail, asked if the pumping station at the Five Star Mobile Home Park is still pumping water from their low spot and that

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should be stopped, and that is the main source of water in to Twin Lake right now. He would like that to be looked in to.

Frank Frattalone, 3205 Centerville Road, reported that he lives on the south side of the railroad tracks where everyone thought the water was coming from. He stated that he had a ditch map from 1966 for County Ditch 16 and showed the pipe that goes under the railroad track and empties onto his property. He reviewed the 1966 plan and asked about the old overflow levels. He stated that the old levels were at 872 feet and wanted to know who changed it to 877 feet, because that is flooding many areas.

Angie Malone, 3282 Hamel Lane, stated that residents received information from the Watershed District and noted that they have hit the 100-year flood and the document states that there are things that can be done and she wants to see some action. She stated that the lake is continuing to fill and the residents cannot wait any longer.

Mary Telega, 253 Twin Lake Trail, stated that their 20x24 deck used to be in their yard and is now in the lake. She noted that many sheds are now in the water.

Cliff Aichinger, stated that he is on the Ramsey Washington Metro Watershed Board of Managers, and stated that they are aware and are also very concerned about Twin Lake. He noted that he had done many of the ditch inspections in the 1980's. He explained that there is a combination of events that are happening which are affecting lakes all over the area. He noted that there some other issues upstream that they are going to look at. He stated that this is not something that happens overnight and it takes money so they will have to find funding and MNDOT will need to be involved.

Burt Johnson, 205 Twin Lake Trail, explained that he has lost about 30 linear feet of their yard. He stated that there are now sewer caps that are under about five feet of water. He stated this is an emergency now and something needs to be done and they will need help.

Amit Chandra, 3331 Twin Lake Court, stated that he echoes that something needs to be done now. He noted that his yard is disappearing and his property is the threshold for the water level to start affecting homes.

Cheryl LeClair Sommer, 285 Twin Lake Trail, stated this has impacted her yard greatly and she has lost trees. She asked why VLAMO is not here and doing something. She stated that the water used to run down her road into an area with cattails which would help with water quality and now it runs directly into the lake. She stated that time is of the essence.

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Bill Bonkowske, 217 Twin Lake Trail, stated that they need action now and asked why pumps can't be started while other studies are being done.

Keis thanked the residents for coming and stated that work will continue.

The Public Works Director stated we have a 12-inch concrete sanitary sewer line that runs along the south end of the lake and runs parallel with the Metropolitan Council's line that is at least a 40-inch pipe. He noted that the water is definitely getting in to the pipes and the Met Council plugged their pipe last Friday. He stated that it would take a complete blockage of one of those pipes in order for sewage to start to back up, and then the City not knowing about it right away for it to get in to the lake or a house. He noted that most of the City's blockages are on the 8-inch lines, not the 12-inch pipes. He stated that they will look for a manhole that they can access to make sure the pipe is not blocked.

**CONSENT
AGENDA**

Montour introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2019-5-58 – APPROVING THE CONSENT
AGENDA WHICH CONTAINS THE FOLLOWING:***

- *APPROVAL OF THE VOUCHERS;***
- *APPROVE THE RENEWAL OF LIQUOR, TOBACCO &
AMUSEMENT DEVICE LICENSES FOR JULY 1, 2019 – JUNE 30,
2020***
- *APPROVE A 2-DAY EXEMPT GAMBLING PERMIT FOR ST.
JOHN'S CHURCH ON SEPTEMBER 28-29, 2019***
- *APPROVE FIRE STATION FLOOR RESURFACING***

The foregoing resolution was duly seconded by Keis.

Ayes (4).

Nays (0). Resolution declared adopted.

**CITY ENGINEER
PROFESSIONAL
SERVICES
AGREEMENT**

The City Administrator reported that Bolton & Menk has been selected to provide city engineering services for Little Canada. He reviewed some of the main points in the agreement and stated the term is for three years with options to extend the agreement up to an additional two years.

Montour introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2019-5-59 – APPROVE THE AGREEMENT
BETWEEN THE CITY OF LITTLE CANADA AND BOLTON & MENK
FOR CITY ENGINEER PROFESSIONAL SERVICES AS
PRESENTED***

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The foregoing resolution was duly seconded by Keis.
Ayes (4).
Nays (0). Resolution declared adopted.

**GENERAL FUND
BALANCE UPDATE
FOR 2018**

The Finance Director explained that the preliminary fund balance for 2018 was provided, and noted that auditor is working to get final numbers. She reported that the fund balance policy states that the City will strive to maintain an unassigned minimum fund balance in the General Fund in the range of 42.5% to 65% of the subsequent year's budget expenditures. She noted that the unassigned fund balance is not larger than 65% of the 2019 budget, so a transfer out to other funds is not recommended.

Fischer asked about the range of 42 to 65 percent and what does that mean. The Finance Director explained that since the first property tax payment to the City does not come until June, the City needs to use the cash reserves to get by until that first tax payment comes in. The City Administrator stated that the League of Minnesota Cities recommends a minimum of 35 to 55 percent and our policy has a higher minimum.

ADJOURN There being no further business, the meeting was adjourned at 9:56 p.m.

John T. Keis, Mayor

Attest: _____
Christopher Heineman, City Administrator