

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

APRIL 26, 2023

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 26th day of April, 2023 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Mayor Tom Fischer 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 Fischer, Council Members T. Miller, Kwapick, Gutierrez and D. Miller.
Absent: None.

ALSO PRESENT: Community Development Director Corrin Wendell, Parks & Rec/Community Services Director Bryce Shearen, Public Works Director Bill Dircks, and City Clerk/HR Manager Heidi Heller.

APPROVAL OF MINUTES

T. Miller introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-4-45 – APPROVING THE MINUTES OF THE APRIL 12, 2023 WORKSHOP AND THE APRIL 12, 2023 REGULAR MEETINGS AS SUBMITTED

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

ANNOUNCEMENTS

Mayor Fischer read aloud the 2023 Arbor Day Proclamation.

PUBLIC COMMENT

None.

PUBLIC HEARING - PROPOSAL FOR A HOUSING FINANCE PROGRAM AND THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE A MULTIFAMILY HOUSING DEVELOPMENT (LICA APARTMENTS PROJECT, 65 TWIN LAKE BOULEVARD)

The Community Development Director provided background information on the project and noted that the request tonight would be for conduit financing for the second phase of the apartment development. She asked the Council to hold the public hearing and then consider the actions before it.

Mayor Fischer commented that this is common practice for a city to issue these types of bonds.

Mayor Fischer opened the public hearing for comments from the general public.

There were no comments from the public. Upon motion by T. Miller, seconded by Kwapick, the public hearing was closed. Ayes (5). Nays (0). Motion adopted.

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T. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-4-46 –FOR THE ISSUANCE OF CONDUIT REVENUE BONDS
BY THE CITY OF LITTLE CANADA FOR A MULTIFAMILY AFFORDABLE HOUSING
PROJECT KNOWN AS LICA APARTMENTS***

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

**PUBLIC HEARING - CONSIDER MINOR SUBDIVISION OF 2851 & 2857 VANDERBIE
STREET**

The Community Development Director explained tonight the Council is asked to consider a minor subdivision proposal which would subdivide the rear portion of two lots facing Vanderbie Street to create a new lot that would face Labore Road. She stated that following the subdivision, all three lots would exceed the minimum zoning requirements. She stated that the Planning Commission considered this request at its April 13th meeting and received input from the adjacent neighbor and summarized the concerns raised by that resident. The Council is asked to hold a public hearing and consider the minor subdivision request.

Mayor Fischer opened the public hearing for comments from the general public.

There were no comments from the public. Upon motion by D. Miller, seconded by T. Miller, the public hearing was closed. Ayes (5). Nays (0). Motion adopted.

D. Miller asked who would own the new lot once the subdivision is completed. He also asked and received confirmation that once the split is completed, the shed would need to be removed from the new lot. The Community Development Director replied that the lot would be listed for sale, noting that one of the applicants is a realtor. She was unsure who would own the lot until it was sold.

Mark Hronski, 2857 Vanderbie Street, stated that he spoke with an attorney and they were advised that the ownership would not need to be legally defined as long as both parties are in agreement. He stated that the shed is on his current property and is in poor condition, so he will be removing that shed.

Mayor Fischer asked if the existing detached garage would meet the setback requirement. The Community Development Director confirmed that the detached structure would meet the required five-foot setback.

D. Miller asked whether there would be a requirement that the new lot would have to meet City Code requirements and could not request a variance. The Community Development Director commented that there would not be special requests or variances as a home could be constructed on the new lot within the zoning code. She stated that if there were a special request, that would need to go through the Planning Commission and City Council. She stated that the placement of the driveway would come in with the home design as it would depend on which side of the home the garage would be located.

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Mayor Fischer commented that they expect the property to be properly maintained until sold. He asked who would maintain the new lot and believed there should be a person of contact in the case there are issues before the property is sold. Mr. Hronski commented that he would be the main contact. He stated that each property owner would continue to mow the portion that was previously part of their yard. He stated that if for some reason the other party stopped mowing, he would assume that responsibility.

Kwapick commended the Planning Commission for its thorough review. He asked if the building pad is set, or whether it could be further back on the lot. The Community Development Director commented that was just provided for a point of reference to show that a home could be constructed meeting all requirements. She stated that a new home would need to meet the required front yard setback, or average setback, and therefore could not be located too far back on the lot.

T. Miller introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-4-47 – APPROVING A MINOR SUBDIVISION LOCATED AT 2857 AND 2851 VANDERBIE STREET FOR PARCEL ID NUMBERS 05-29-22-31-0011 AND 05-29-22-31-0012

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

PUBLIC HEARING - CONSIDER ON-SALE LIQUOR LICENSE FEE INCREASE

The City Clerk provided background information on this item and historical increases in liquor license fee increases which had previously been tied to the increase in the City levy. She commented that the levy has been increasing in higher percentage, rather than the previous three percent, and perhaps there is a different mechanism to consider for the liquor license fee. She stated that on-sale liquor license fees had not been increased since 2019 due to the pandemic.

Mayor Fischer opened the public hearing for comments from the general public.

Tom Duray, owner of Hoggsbreath Bar and Restaurant, stated that he has permission from the other on-sale license holders to speak on behalf of the group, with the exception of the Fiesta Feliz Rental Hall since he was not able to reach anyone from there. He stated that the group shares the same concerns that business is not what it used to be following COVID. He commented that the businesses are all independently owned with the exception of, Saxon Lanes, and most owners live in Little Canada. He commented that the business has not rebounded, and product costs have increased significantly in addition to challenges with the labor market. He thanked the citizens of Little Canada that have supported these businesses through the pandemic and the challenges that it brought to the restaurant industry. He asked that the Council consider not raising the liquor license fees this year. He commented that the original intent in 2006 was to increase the fee gradually to catch up to what the fee had been in other communities. He noted that in 2006 there was discussion of a sunset to that increase and perhaps a new formula could be created for the future. He stated that perhaps the fee has increased to the point where it could now level off. He reviewed some of the changes that the businesses have

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made following the pandemic which have changed the business plans and direction of those businesses.

Gutierrez noted that the three percent increase would equate to \$159. She commented that it feels that has been a lot of work for Mr. Duray to reach out to all the other businesses to save \$159. She commented that the City spends quite a bit for public safety and other elements that support the businesses that have liquor licenses and asked how the three percent increase would create a hardship.

Mr. Duray commented that the increases have been occurring for almost 17 years and he believed that there was supposed to be a sunset to the increase at some time. He stated that the business owners believed that this would be a good time to discuss the sunset of tying the increase to the levy increase.

Mr. Duray commented that the business owners do appreciate that as most of the businesses were closed for around one year or more during that time.

There were no further comments from the public. Upon motion by T. Miller, seconded by D. Miller, the public hearing was closed. Ayes (5). Nays (0). Motion adopted.

Mayor Fischer suggested that a workshop be held to discuss whether that policy should be sunset. He noted that even though the policy had been in place, the Council did not increase the fee since 2019. He recognized the comments on the challenges the businesses are facing and noted that is not unique to the restaurant industry as the City is experiencing those increased costs as well.

Kwapick asked how the revenue from these licenses is used. The City Clerk replied that those funds are contributed to the general fund. Kwapick asked if the City conducts any inspections of these businesses. The City Clerk replied that the County completes the compliance checks.

Kwapick asked if the information provided by the business owner on the fees of a neighboring community was accurate. The City Clerk confirmed that was an accurate number, explaining that Vadnais Heights bases its fees on the square footage of the bar/restaurant. She stated that cities typically do not annually raise liquor license fees, and noted that perhaps the City had fallen behind and the decision was made in 2006 to begin a slow annual fee increase to catch up with other cities.

Kwapick stated that it would seem that this is a broken formula, to tie the fee to the levy increase, and therefore liked the idea of considering that policy further in a workshop. He stated that he would be open to suggestions as to what to do this year and could support continuing the freeze for another year or increasing at a rate of three percent.

D. Miller also agreed that this should be more thoroughly discussed in workshop. He commented that three percent is not a large increase and there are only eight establishments with this type of license, so that increase does not equate to a large amount of funds for the City either. He believed that the business owners should be involved in the workshop in order to provide input going forward.

T. Miller commented that she also believes that this should be discussed in workshop as it does not seem appropriate to tie this increase to the levy increase. She commented that things have changed a

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lot following the pandemic and therefore she did not feel it necessary to raise the fee by even three percent. She agreed that they should work with the local businesses to find a better formula and continue the freeze for one more year.

Mayor Fischer stated that the policy to increase the fee in the same manner as the levy was a guideline and they have deviated from that when appropriate. He noted that City costs have also increased and even though \$159 is not that much money, it would equate to about \$1,000 for the City which does help. He stated that he is conscientious of the business owners and their challenges as well. He believed that an increase of three percent would be fair but would also be open to continuing the freeze for one additional year. He did not believe the comparison to Vadnais Heights was appropriate because of the manner those fees are calculated and noted that Little Canada is still 17 percent lower than their highest fee.

D. Miller replied that when comparing rates, Little Canada is always lower than the surrounding communities because it does control its spending. He stated that he would lean towards keeping the rate flat this year and finding a better way moving forward. Kwapick agreed and stated that he would like to find something that makes a little more sense and that would be consistent so the businesses could budget for the increase.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-4-48 – APPROVE NO INCREASE TO THE ON-SALE LIQUOR LICENSE FEE FOR 2023

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

Mr. Duray thanked the Council and City staff for their continued support and continuing to work with them during a challenging time.

CONSENT AGENDA

T. Miller introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-4-49 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:

- Approval of the Vouchers
- Approve Contract with RES Pyro for Canadian Days Fireworks on August 4 & 5, 2023
- Call for a Workshop on May 24, 2023 at 6:00 p.m.
- Approve Resolution 2023-4-50 Consenting to Amendment to the City's Amended and Restated Senior Housing Revenue Note (Presbyterian Homes of Arden Hills, Inc. Project) Series 2011B and Amended and Restated Senior Housing Revenue Note (Presbyterian Homes of Arden Hills, Inc. Project) Series 2012B
- Approve Pay Request to Precision Tree for Twin Lake Boulevard Improvement Project Tree Clearing

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- Approve Resolution Renewing a Joint Powers Agreement with the Bureau of Criminal Apprehension (BCA) & Court Data Services Subscriber Amendment

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

STAFF REPORTS

NO MOW MAY PARTICIPATION

The City Clerk explained tonight the Council is asked whether it would like to consider participation in No Mow May. She stated that the City does receive calls from residents that would like to participate, along with people complaining. She stated that if the Council does support No Mow May, City staff would like the ability to determine whether the City property would be included as there could be repercussions to not mowing on some City owned properties. She noted that if residents participate, the lawns would need to come into compliance by June 10th.

Mayor Fischer asked if there would be a meaningful impact to pollinators based on the percentage of residents that may choose to participate. The Parks & Rec/Community Services Director replied that there would be a minimal impact from not mowing. He commented that a larger impact could be gained by residents planting pollinator friendly plants or not using chemicals on their yard.

T. Miller commented that her initial thought in bringing this forward was to get people thinking about pollinators and that she would like to see more environmental initiatives and could also support a Low Mow May. She realized that there would not be a large environmental benefit but would see it as more of an educational awareness item.

D. Miller commented that he would support voluntary participation, directing staff not to enforce the ordinance for the month of May in order to increase awareness with a focus on spreading education. He asked if residents could plant pollinator friendly plants in their yard. The Public Works Director commented that there are instances of that nature, using the example of the Watershed District site or native plantings within the County ditch. He noted that area would need to be planned appropriately with native plantings and maintained to remove the noxious weeds.

Kwapick asked if this decision would only be for this year or whether it would continue in perpetuity. The City Clerk commented that staff was only proposing it for this year, and it could be considered again in the future if desired. She noted staff is not proposing changes to the City Code at this time.

Kwapick stated that he does want to encourage support for pollinators, but does not want to see people simply not mowing for the entire summer. He stated that he could support this as a pilot this year and they could then gauge whether to repeat in the future based on participation and experience. Mayor Fischer commented that now mowing a lawn does not inherently provide benefits to pollinators, and perhaps there should be a focus on education on things that can help pollinators.

Kwapick commented that often people participating would have a sign in their yard, which also spreads education to others. He noted that he found out about the initiative because he did see a yard sign in a participating yard and then looked up more information. Gutierrez commented that while she

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does not believe that there is adequate information supporting whether No Mow May is effective, she does agree that it could help to spread awareness and would support participation this year. She stated that perhaps the new Community Relations position being considered could help to develop an educational campaign in the future. Mayor Fischer asked if there are staff resources available to add this type of information to the City website. The Parks & Rec/Community Services Director confirmed that staff could handle that duty. He stated that each park project continues to add pollinator friendly plantings with educational signs.

T. Miller introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-4-51 – ALLOWING PARTICIPATION IN NO MOW MAY WITH THE FOLLOWING CONDITIONS:

- ***CITY STAFF WILL DETERMINE IF AND WHERE LIMITED OR NO MOWING MIGHT OCCUR ON CITY-OWNED PROPERTY***
- ***ALL PROPERTIES MUST BE IN COMPLIANCE NO LATER THAN JUNE 10TH (CITY CODE CHAPTER 601.030(f): ALL NOXIOUS WEEDS AND GRASSES EXCEPT ORNAMENTAL VARIETIES MUST NOT BE TALLER THAN SIX INCHES***

The foregoing resolution was duly seconded by Gutierrez.
Ayes (4). Nays (1) (Fischer). Resolution declared adopted.

PUBLIC WORKS STAFFING

The Public Works Director stated that the Public Works department recently lost two employees within the last month with another that has been out, which significantly impacts the department. He stated that they had advertised for the Public Works Maintenance I position, interviewing six candidates. He stated that they have two candidates that they feel would be a good fit within the department. He noted there is also another up and coming candidate that would be appropriate for the apprentice position.

Mayor Fischer appreciated the description and detail. He asked and received confirmation that the apprentice position would have benefits.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2023-4-52 – APPROVING THE HIRING OF TWO FULL-TIME PUBLIC WORKS MAINTENANCE I EMPLOYEES AS WELL AS A PUBLIC WORKS APPRENTICE POSITION FROM THE LATEST GROUP OF APPLICANTS

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

APPROVAL OF NEW COMMUNITY RELATIONS POSITION

The City Clerk explained tonight the Council is asked to consider and give final approval for this new position, noting that the job description has not changed since the last review. Staff sent the job description to DDA Human Resources, who recently completed the City's class and compensation

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study, for a recommendation of the State Job Match points and pay grade. She stated that after further review and the recommendation from DDA of the proposed pay scale, an amendment was made to lower that range to better match the market. The Council is asked to review and, if in agreement, direct staff to move forward with advertising and hiring for the position.

Mayor Fischer stated that the Council wanted to ensure that they would receive strong candidates. She noted that the City would be advertising the position in additional manners than positions are typically advertised in hopes of gaining more applicants. She noted that most cities do not have a higher level of this type of position, such as a manager or director, and perhaps that will attract applicants looking to move up. She believed that the proposed range would be very appropriate for the position and community. D. Miller agreed with the recommended pay range.

D. Miller introduced the following resolution and moved its adoption:

***RESOLUTION NO. 2023-4-53 – APPROVAL OF THE COMMUNITY RELATIONS
MANAGER POSITION DESCRIPTION AND DIRECTING STAFF TO MOVE
FORWARD WITH ADVERTISING AND HIRING THIS POSITION***

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

COUNCIL REPORTS AND MEETING UPDATES

D. Miller provided an update on a recent Ramsey County League of Local Governments meeting related to trash collection that he attended.

T. Miller provided details on an upcoming meeting for the League of Minnesota Cities.

Mayor Fischer stated that he visited Little Canada Elementary to award the 2023 button design winners for Canadian Days.

ADJOURN

There being no further business, upon motion by T. Miller, seconded by D. Miller, the meeting was adjourned at 9:02 p.m.

Thomas Fischer, Mayor

Attest:

Christopher Heineman, City Administrator