

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

MAY 12, 2021

Pursuant to due call and notice thereof a special meeting of the City Council of Little Canada, Minnesota was convened on the 12th day of May, 2021 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 McGraw, Fischer, Torkelson and Miller.
Absent: None.

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

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. 2021-5-60 – APPROVING THE MINUTES OF THE APRIL 28, 2021 REGULAR MEETING AS SUBMITTED

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

ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

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CONSENT AGENDA

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-61 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:

- Approval of the Vouchers

The foregoing resolution was duly seconded by Torkelson.

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

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

PUBLIC HEARING – CONSIDER A SUBDIVISION AT 3000 LABORE ROAD

The Community Development Director explained that Nathan Faire, developer with Landmark of Little Canada, has requested a minor subdivision of 3000 Labore Road. She stated that he is planning to purchase 9.67 acres of this 25.87 acre parcel. She noted that the Council reviewed a concept plan for the development of this land, but the developer is still hoping to purchase additional land before moving forward with a project. She noted the applicant has submitted all of the required materials and this proposal is consistent with the Comprehensive Plan.

McGraw clarified that it is only the single 9.67 acre piece being subdivided from the large parcel.

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

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-62 – APPROVE THE SUBDIVISION OF 9.67 ACRES FROM THE EXISTING 25.87 ACRE PARCEL AT 3000 LABORE ROAD, PARCEL ID 042922240014, FOR APPLICANT NATHAN FAIRE, LANDMARK OF LITTLE CANADA, LLC, AS PRESENTED

The foregoing resolution was duly seconded by Keis.

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

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

PUBLIC HEARING – CONSIDER ORDINANCE 854, AMENDING ZONING CODE CHAPTERS 912 & 912-A TO ADD TATTOO/BODY ART AND MASSAGE THERAPY AS PERMITTED USES IN THE B-3 AND B-4 ZONING DISTRICTS

The Community Development Director explained that staff is proposing to amend Zoning Code Chapter 912 for the B-3, General Business and Chapter 912A, Comprehensive Business Districts to accommodate massage therapy and tattoo/body art businesses and add them as a permitted use. She stated that currently massage therapy is a conditional use and tattoo is not listed at all in the

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zoning code, and the Zoning Code is being amended to be more business friendly. The City Clerk explained that both of these business uses require a city license and the number of licenses are limited. She stated that no conditions have been put on massage therapy in the last few years, and tattoo is not listed in the zoning code. She noted that when the zoning code update is completed next year, the intention was that both of these uses would be permitted, but since there have been several massage therapy businesses in the city and some new permanent make-up tattoo businesses who would like to move in, staff is recommending the zoning code be amended now.

Torkelson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-63 – ADOPT ORDINANCE 854, AMENDING LITTLE CANADA ZONING CODE CHAPTER 912, B-3 DISTRICT AND CHAPTER 912A, B-4 DISTRICT, AND AUTHORIZE A SUMMARY PUBLICATION

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

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

2021-2022 TOBACCO STORE LICENSES

The City Clerk explained that the two tobacco store licenses are up for renewal, which are currently issued to the Little Canada Smoke Shop and The Hookah Hideout. She stated that staff wanted to make Council aware prior to renewal of a tobacco license, that the Minnesota Attorney General sued David Nelson, the owner of The Hookah Hideout, due to his violating Minnesota Governor's Orders during the pandemic by not closing the business when he was required to. She also noted that Mr. Nelson informed city staff a few months ago that he was intending to sell the business, and as Council is aware, Mr. Nelson must own and control The Hookah Hideout in order to keep the ability to have indoor smoking. She stated that cities in Minnesota have been changing their city codes and further restricting tobacco sales or even eliminating tobacco licenses, so Council could consider discussing amendments to the city's tobacco code at a future meeting. She stated that Katie Engman, with the Association of Non-Smokers Minnesota, is in attendance to share what amendments other cities have been doing to their tobacco codes.

Staff recommends that Council require additional documents proving that Mr. Nelson still owns and controls the business prior to considering renewal of a tobacco store license, and sign an affidavit stating that he is the sole owner and responsible for the day-to-day operations of the business. Staff does recommend approval of a 2021-2022 tobacco store license for the Little Canada Smoke Shop.

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Keis stated that he has heard that Shoreview, Roseville and Arden Hills have been restricting tobacco flavors or eliminating tobacco licenses. Ms. Engman explained the changes that these cities have already done and noted that several others will be making changes soon. She stated that St. Paul is planning to ban price discounts on tobacco.

Miller wants to see more proof of ownership of The Hookah Hideout and require an affidavit be signed by the owner before approving a license, and suggested tabling action on both tobacco store licenses. Fischer agreed that he would like to see proof of ownership for The Hookah Hideout but is fine with approving the Smoke Shop's license tonight. McGraw agreed that proof of ownership should be required since maintaining ownership is a condition of keeping the indoor smoking.

Torkelson stated he is not interested in approving a license for The Hookah Hideout at all due to the flagrant abuse from the owner. Miller is unsure the license should be outright denied. The City Administrator reported that a memo from the City Attorney stated that at the end of a license period, the licensee has no vested right in the license, however a non-renewal could be looked at with increased scrutiny. He stated this is why staff is recommending further investigation into ownership and management.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-64 – APPROVING A 2021-2022 TOBACCO STORE LICENSE FOR THE LITTLE CANADA SMOKE SHOP & TABLING THE LICENSE FOR THE HOOKAH HIDEOUT UNTIL ADDITIONAL PROOF OF OWNERSHIP IS SUBMITTED BY DAVID NELSON

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

McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-65 – DIRECT STAFF TO FURTHER REVIEW THE OWNERSHIP AND MANAGEMENT OF THE HOOKAH HIDEOUT AND REQUIRE SUBMITTAL OF ARTICLES OF INCORPORATION SHOWING DAVID PAUL NELSON JR. AS THE OWNER OF THE HOOKAH HIDEOUT AND REQUIRE DAVID NELSON TO SIGN AN AFFIDAVIT STATING HE IS THE SOLE BUSINESS OWNER

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

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McGraw introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-66 – IF THE HOOKAH HIDEOUT BUSINESS OWNERSHIP HAS CHANGED FROM 100% OWNED BY DAVID PAUL NELSON JR., THE TOBACCO LICENSE APPLICANT MUST PROVIDE DOCUMENTS SHOWING THE PERCENTAGES OF SHAREHOLDERS AND WHO THE SHAREHOLDERS ARE

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

Torkelson stated he would like to further discuss tobacco products in Little Canada and asked staff to gather information.

2021-2022 LIQUOR, GENERAL SALES & DISPLAY TOBACCO, GAS & AMUSEMENT DEVICE LICENSES

The City Clerk stated that staff recommends approval of the liquor, general sales & display tobacco, gas and amusement license renewals subject to receiving all required materials and receipt of satisfactory Sheriff's Department background checks.

Torkelson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-67 – APPROVE THE 2021-2022 LIQUOR, GENERAL SALES & DISPLAY TOBACCO, GAS & AMUSEMENT DEVICE LICENSES AS PRESENTED, SUBJECT TO RECEIVING ALL REQUIRED MATERIALS AND RECEIVING SATISFACTORY BACKGROUND CHECKS FROM THE RAMSEY COUNTY SHERIFF'S DEPARTMENT

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

DISCUSS 2021-2022 ON-SALE LIQUOR LICENSE FEES

The City Clerk explained that in March, the City Council opted to again not raise the liquor license fees for 2021, and decided to discuss possibly reductions in the on-sale liquor license fees again this year due to the on-going closures and reduction in hours of operations and capacity limits for bars and restaurants during the pandemic over the past 14 months. She stated that all on-sale liquor license holders were very appreciative of the reduction last year, and noted that other metro cities are also reducing their liquor license fees in order to help their businesses. She stated that staff provided an example of a calculation based on the amount of time closed and with capacity limits which amounted to an approximate 48% reduction. Keis stated that is in favor of

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another license fee reduction this year in order to help Little Canada's businesses. There was Council agreement to reduce the fees. Fischer suggested a simple 50% reduction to the on-sale liquor license fees for the upcoming license period.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-68 – APPROVE A 50% REDUCTION IN THE ON-SALE LIQUOR LICENSE FEES FOR THE 2021-2022 LIQUOR LICENSE PERIOD

The foregoing resolution was duly seconded by Miller.

Roll Call Vote: Keis/Fischer/Torkelson/McGraw/Miller.

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

CONSIDER A NEW STOP SIGN AT ELI ROAD & DESOTO STREET

The Public Works Director explained that when Eli Road and Desoto Street were reconstructed in 2009 it was decided that the former mid-block sidewalk be moved to line up with this intersection to make it safer, and add a stop coming out of the school, a yield for traffic traveling east and no control for vehicles traveling south on Desoto. He stated the idea was to try to keep the intersection similar to what it had been in the past. He reported that in the years since, staff has received calls from school staff and others requesting an all-way stop condition at this intersection to help with school drop off and pickup times when there is quite a bit of traffic. He noted a flashing crosswalk was added for more visibility to the crosswalk but there still have been near-misses and more requests for a change in the intersection. He stated that the city engineer was asked to conduct an analysis of the intersection to see if an all-way stop condition is the best option.

The Public Works Director reported that the results of the analysis did confirm that an all-way stop condition is the best available setup here, but the addition of stop signs will require the removal of the rapid flashing crosswalk sign system as they cannot be used at controlled intersections. Staff contacted the principal of the school to confirm that they would be ok with these changes, and he was grateful for the change and felt the intersection would be much safer. The Public Works Director stated that maintenance staff can make the sign changes and the cost would only be around \$200 for the stop signs, which would be paid from the Streets Operating Budget. He noted that staff will flag the new signs for the first month or two to call attention to the change in the intersection, and can also install flashing stop signs for additional attention, but these may be disruptive to nearby homes.

Torkelson asked if most of the traffic concerns were from southbound Desoto. The Public Works Director stated that he thinks the problems are from all directions based on the several times that he has watched traffic here. He explained that there are a lot of buses coming in or out of the school, along with a large amount of parent vehicles dropping off or picking up children. Fischer suggested putting the flags and flashers back on the stop signs for awhile around the start of school in the fall.

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Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021-5-69 – APPROVE THE IMPLEMENTATION OF AN ALL-WAY STOP AT THE INTERSECTION OF ELI ROAD AND DESOTO STREET

The foregoing resolution was duly seconded by Torkelson.

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

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

Torkelson asked if the flashing crosswalk signals that are being removed can be reused at another mid-block crosswalk. The Public Director stated that it is staff's intent to install the flashing lights at another crosswalk in the city.

There being no further business, the meeting was adjourned at 8:36 p.m.

John T. Keis, Mayor

Attest:

Christopher Heineman, City Administrator