

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

MAY 25, 2022

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 25th day of May, 2022 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, Miller and Torkelson (attending virtually via Zoom). Absent: McGraw.

ALSO PRESENT: City Administrator Chris Heineman, Community Development Director Corrin Wendell, Public Works Director Bill Dircks, Parks & Rec/Community Services Director Bryce Shearen and City Clerk/HR Manager Heidi Heller (attending virtually via Zoom).

MINUTES

Miller introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-5-66 – APPROVING THE MINUTES OF THE APRIL 27, 2022 WORKSHOP AND THE APRIL 27, 2022 REGULAR MEETINGS AS SUBMITTED

The foregoing resolution was duly seconded by Fischer.

Roll Call Vote: Keis, Fischer, Miller and Torkelson.

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

ANNOUNCEMENTS

None.

PUBLIC HEARING – CONSIDER ORDINANCE 864, AMENDING CITY CODE CHAPTER 802, TOBACCO PRODUCTS

The City Clerk/HR Manager reported that last year, when discussing the tobacco license renewals, Council members began questioning why the City was still issuing licenses for tobacco product sales when there is so much data and proof about how harmful tobacco is to public health. She stated that over the two years, many cities in the metro area and statewide, are making changes to their tobacco codes by ending indoor sampling/smoking and limiting or prohibiting the sale of flavored tobacco products. She noted that Little Canada took the step in 2019 and increased the age to purchase tobacco to 21 in order to help prevent youth from accessing tobacco products.

The City Clerk/HR Manager stated that at the January 12, 2022 Workshop, the Council discussed changes that could be made to the tobacco products and licensing chapter of the City Code, and agreed that ending the allowance of indoor smoking at the tobacco stores and not increasing the number of tobacco licenses issued were their top priorities. She explained that staff again worked with the Association for Nonsmokers-Minnesota and the Public Health Law Office at Mitchell Hamline School of Law to review the entire existing tobacco code language and draft language that makes the requested updates. She noted the Public Health Law Office also reviews the code for best practices,

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state law compliance and clarity. She explained that the two main changes are the City of Little Canada would not issue tobacco store or general sales & display licenses to any new business, owner or person. She stated the license holders that have a valid city tobacco license as of the date of the ordinance adoption, would be able to renew the same tobacco license as long as no changes are made to the business, owner or person that currently holds the license. She reported the second change would be that after June 30, 2024, no indoor smoking or sampling of any type would be allowed in any tobacco stores in Little Canada. She stated the exception to the indoor smoking ban that was made in 2013 for the two existing stores would end.

Keis opened the public hearing.

Cap O'Rourke, O'Rourke Strategic Consulting, stated he was there on behalf of The Hookah Hideout and stated that in 2006 when the State Legislature passed the smoking prohibition, they added sampling language. He stated that the specific sampling language was done very intentionally in order to allow customers to try the products they purchase. He explained that The Hookah Hideout has two-thirds of their store dedicated to hookah use and this ordinance ending the indoor smoking would put them out of business. He stated they do things in order to not attract youth, like cover the windows. He stated the business reached out to him in order to try to work something out with the City since they have invested money in the business in order to bring back customers after the pandemic, and the two-year window is not long enough for them to recoup their costs.

Said Ahmed, community organizer. He thanked the City for this leadership in limiting hookah indoors. He stated that hookah causes health and long-term addiction issues.

Jane Hess, a family practice doctor in the community and a Little Canada resident. She stated that she knows how hard it is for people to quit. She stated that people are not actually sampling if they are hanging out in the Hookah Hideout lounge. She stated that it is no benefit to the City of Little Canada to promote smoking. She stated that smoking is the number one preventable cause of death. She urges the Council to close the indoor smoking loophole and cap the number of licenses.

Logan, 8th grader at Parkview Middle School. He stated he was here to say thank you for helping with tobacco prevention for himself and his friends. He stated the tobacco industry targets kids and the LGBTQ+ community, and stated they are one of the groups hardest hit by this industry.

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

Keis stated that he is not a fan of smoking, and he saw both of his parents smoke and it did not end well. He feels this is a next step that is happening across the U.S. and the city is going in the right direction. Miller stated that he agrees with Keis. She noted that quitting smoking was the hardest thing she has ever done. Fischer stated that he grew up with both of his parents smoking and he could not see across the room due to the smoke. He stated that the word sampling means something to him, and the word has a meaning, and the word is not being adhered to here and it's time to start scaling back. Torkelson stated that he also believes that the word sampling does mean something. He stated that The Hookah Hideout is designed for the customers to hang out and be there for awhile and hang

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which does not fall in line with the state law.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-5-67 – ADOPT ORDINANCE 864, AMENDING CITY CODE CHAPTER 802, TOBACCO PRODUCTS, VERSION 2, AND APPROVE PUBLICATION OF A SUMMARY ORDINANCE

The foregoing resolution was duly seconded by Torkelson.

Roll Call Vote: Keis, Fischer, Miller and Torkelson.

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

PUBLIC HEARING - ORDINANCE 863, AMEND LITTLE CANADA ZONING MAP

The Community Development Director stated that the City Council adopted the update to the Official Zoning Code on October 27th, 2021. She stated within this update were several zoning district updates that better served the City and were in alignment with the goals and vision of the Comprehensive Plan that was adopted in 2020. She explained the remaining piece to this process is to update the Official Zoning Map to align with the zoning districts outlined in the Zoning Code. She reviewed the district name changes and explained that one of the biggest changes is instead of there being so many parcels zoned PUD, Planned Unit Development, with no defined uses, there is now a defined zoning district for every parcel. She noted this will help staff, property owners and future users know how the property can be used by simply reading the Zoning Code.

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

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-5-68 – ADOPT ORDINANCE 863, AMENDING THE LITTLE CANADA ZONING MAP AND APPROVE PUBLICATION OF A SUMMARY ORDINANCE

The foregoing resolution was duly seconded by Miller.

Roll Call Vote: Keis, Fischer, Miller and Torkelson.

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

PUBLIC COMMENTS

Robert Rudolph, 525 Allen Avenue, stated that the density and traffic flow that will be generated by the 400-500 new residents will have a huge impact on the surrounding community and residents there. He explained that he went around and surveyed with a petition around the neighborhood and got 100 signatures to only have a “U” shaped road that does not having any traffic going south down Vanderbie. He asked that the Council consider only having the traffic going to the north and not to the south. He asked if all of the sewage from the new neighborhood was going to all come down Vanderbie to Allen Avenue, and thinks that is a lot and asked what the impact of that will be. He

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stated the proposal has a sidewalk on the west side of Vanderbie, and asked why there needs to be a one when there aren't any other sidewalks around and it won't connect to any other sidewalks.

Jackie Durand, 3043 Edgerton Street, stated that at the developer has asked for a variance in setbacks and is asking the Council to not allow the variance. She stated that will put the large buildings five feet closer to her property.

Andy Ristrom, 2865 Vanderbie Street, would ask that the "U" shaped roadway through the new neighborhood be considered in order to keep the traffic from going south.

CONSENT AGENDA

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-5-69 – APPROVING THE CONSENT AGENDA WHICH CONTAINS THE FOLLOWING:

- Approval of the Vouchers
- Approve a 3-day Temporary Liquor License for July 29-31, 2022 for Little Canada Canadian Days, Inc.
- Approve a New Massage Therapy as an Accessory Use Business License for Choice Salon & Spa at 2900 Rice Street, Suite 280, and a New Massage License for Matthew Silber Choice Salon & Spa

The foregoing resolution was duly seconded by Miller.

Roll Call Vote: Keis, Fischer, Miller and Torkelson.

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

CONTINUED FROM MAY 11, 2022 – CONSIDER PRELIMINARY PLAT FOR U.S. HOME, LLC AND LENNAR TOWNHOME DEVELOPMENT (COUNTY ROAD D/VANDERBIE STREET) – PLANNING CASE #1412

The City Administrator stated that the public hearing for this case was held at the last City Council meeting. He noted that this site plan has gone through several versions as the developer has been responding to requests from the neighbors, City Council and city staff. He explained that Ramsey County did not approve the initial second connection to County Road D, but will allow a connection at the existing Desoto Street right-of-way (ROW). He read the comment from Ramsey County Engineer: *"If the developer utilizes the undeveloped ROW access point for DeSoto instead of the proposed location, the spacing between accesses (both east and west of DeSoto) will exceed 500 feet. The access in the proposed location would then be eliminated. Further, the rationale for the additional access (not proposed by the developer) is to help direct traffic from the development to the north in order to avoid excess traffic going the south into the adjacent residential neighborhood. By utilizing the DeSoto ROW, the access can actually connect to the southern portion of the development (south of the stormwater pond) to allow for more trips to potentially exit the development to the north. As a side note, strictly from an emergency services standpoint, it is usually desirable to have multiple ingress/egress points to a development. For the DeSoto ROW access (private drive) to be approved, the connection will need to be two-way traffic capable, extend to the south of the stormwater pond (to accommodate the reasoning for the access), and a left turn lane will need to be installed on County*

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Road D for DeSoto ROW private access point. That being said, this is with full acknowledgement that the trip generation and traffic study from the development show clearly that the additional access is not warranted, and that this is at the specific request of the City of Little Canada.”

The Community Development Director reported that the City is reviewing a major subdivision application for approval of a Preliminary Plat from U.S. Home, LLC, Lennar, to construct a 178-unit townhome community. She stated the public hearing was held at the May 11, 2022 Council meeting, and at that time, Council voted to table the item to see if Lennar was able to address traffic flow concerns. Based on Council discussion and public comment, Lennar has provided an updated preliminary site plan to show additional circulation to address concerns about traffic, city road connections, and internal connections within the private streets of the development.

The Community Development Director gave an overview of the updated proposed development and reviewed how Vanderbie Street is planned to be extended north to connect with County Road D, and an internal street will now also run along the entire west side of the development and connect to County Road D. The Public Works Director addressed a previous question regarding the sewer lines. He explained that there is a 12-inch sanitary sewer main that runs east-west along Allen Avenue that is collecting much of the sewage from a good portion of the east side of the city, and then takes it across the freeway into to a Metropolitan Council interceptor. He stated that he and the City Engineer determined that it is large enough to handle the new development.

Keis stated that one of the big issues is traffic, and asked if traffic studies have been done. The City Administrator stated that Ramsey County required a traffic analysis which was in a previous staff report. He noted it is a study that anticipates the traffic counts, not an actual study which cannot be done until after the project is done to count the actual vehicles.

Melissa Duce, Lennar, stated that they are trying to address some of the concerns heard from the neighbors. She explained that the City had planned for Vanderbie Street to be connected to the north even before I-694 was constructed. She stated this is an important connection between the neighborhoods for all tax- paying residents. She explained that any public right-of-way that is being created and constructed by the Developer, will be paid for by the Developer, so no residents will be assessed. She explained that the Developer is responsible for any damage to existing roads during construction. She explained that this type of issue is typically addressed in a development agreement.

Bob Barth, WSB, stated that the traffic study was required by Ramsey County, and stated the surrounding road networks are adequate to handle the additional traffic. He explained that models show there would be about 70 trips each in the morning and evening. He stated that design elements in the roadways can be used for traffic calming. He stated the three intersections

Torkelson clarified that no specific traffic studies have been done on the Allen Avenue intersections or Vanderbie and Labore Road. He stated that this does not paint the picture for the actual intersections that will be impacted by the new traffic. He noted that this area was originally guided as single-family residential, so having the Vanderbie connection all the way to County Road D would have a different impact as single-family housing versus the density that is being proposed.

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Fischer requested for feedback on why we are not considering the “U” shaped roadway that was suggested by residents. Ms. Duce, stated that after the neighborhood meeting they did review this idea, but they were not able to get enough density since they were trying to lessen the density to the south, and have higher density on the north end, so this road design did not work.

Torkelson stated that he had submitted a revision of the site plan, and requests that it be shown and discussed with Lennar to see if it could be done. He noted that he sent it to staff only 48 hours ago and realizes that there has not been time to review it in detail. He explained that in general he is in favor of this development and the density, but stated it is a big and sudden change in density and he recognizes that. He explained his proposed change eliminates the southernmost access road that connects to Vanderbie. He stated by removing this road, it could eliminate headlights shining on the existing home, it would also be closer to County Road D than Allen Avenue so traffic would more likely head north instead of south, and it could make online mapping route from County Road D instead of Allen. He noted that he also suggests a 2-unit building instead of the proposed 6-unit building at the very south end next to the single-family home to lessen the density scaling grade change.

The City Administrator stated there may be two issues of concern with this design; public safety and utilities. He asked if there would be any issues with utilities by eliminating the south connection. The Public Works Director stated that he just needs to make sure they can loop the water over to Vanderbie. He explained all of the sewage needs to get down to Allen, so the sewer lines would have to cross over in other areas.

Fischer stated that Lennar has been a great partner with this and have been accommodating with design change requests. He stated we are inviting 400 new members in to our community and we want them to be participating members of our community. He noted that he also feels a protectiveness because he lives nearby, but realized that if the U-shaped roadway was put in, we are literally and figuratively turning our backs on these new residents. He stated as far as he is concerned, the right plan is in front of them now. Miller stated she agrees with Fischer, and understands that it is difficult to have a large community come in, but thinks this will be a really nice community and likes the updated proposal. Keis stated that he never liked the U road design, and allowing access to the parks and rest of the city is only fair. Torkelson asked if the rest of the Council thinks it is exclusionary to eliminate the south road. Miller stated that she feels Torkelson’s design does cut off the neighborhood. Torkelson stated he was trying to make some concessions in order to satisfy the existing neighborhood concerns.

Fischer introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-5-70 – APPROVE THE PRELIMINARY PLAT DATED 523-2022 FOR THE U.S. HOME, LLC AND LENNAR FOR A 178 TOWNHOME DEVELOPMENT ON 5 PARCELS, AND MOVE FORWARD WITH A FINAL PLAT, VARIANCES, REZONING AND A DEVELOPMENT AGREEMENT:

***PID# 05-29-22-21-0024 PID# 05-29-22-21-0032 PID# 05-29-22-21-0031
PID# 05-29-22-21-0030 PID# 05-29-22-21-0029***

The foregoing resolution was duly seconded by Torkelson.

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Roll Call Vote: Keis, Fischer, Miller and Torkelson.
Ayes (4). Nays (0). Resolution declared adopted.

PURCHASE WORK ORDER MANAGEMENT SOFTWARE

The Public Works Director explained that City staff began researching work order management software last year and realized how effective it can be in creating a more efficient operation in the Public Works and Parks departments. He stated that currently, staff uses paper work orders, notes written on whiteboards, notecards, spreadsheets, and various other means to assign tasks and document work completed. He explained that work order management software offers an opportunity to leverage the data from our GIS system to bring all of those methods of distributing and documenting work under one platform. The software allows anyone to generate a work order from a desk or out in the field, and can even assign costs to a project to help track spending.

The Public Works Director stated that \$20,000 was budgeted in the Water and Sewer Capital Improvement Budget for the purchase of the software and first year of implementation and training. Going forward, funds from the operating budget will be used for annual subscription fees, which will likely be split between the Parks, Utilities, and Streets department budgets.

Keis introduced the following resolution and moved its adoption:

RESOLUTION NO. 2022-5-71 – APPROVE THE PURCHASE OF WORK ORDER MANAGEMENT SOFTWARE FROM BRIGHTLY SOFTWARE FOR \$13,433.04 AND ENTER IN TO A FIVE-YEAR CONTRACT

The foregoing resolution was duly seconded by Fischer.
Roll Call Vote: Keis, Fischer, Miller and Torkelson.
Ayes (4). Nays (0). Resolution declared adopted.

COUNCIL REPORTS & MEETING UPDATES

None.

There being no further business, the meeting was adjourned at 9:37 p.m.

John T. Keis, Mayor

Attest:

Christopher Heineman, City Administrator