

## UNAPPROVED

CITY OF BLAINE  
ANOKA COUNTY, MINNESOTA  
CITY COUNCIL WORKSHOP  
Thursday, December 14, 2017

7:00 p.m.  
Cloverleaf Farm Room  
10801 Town Square Drive

### CALL TO ORDER

The meeting was called to order by Mayor Ryan at 7:00 p.m.

### ROLL CALL

**PRESENT:** Mayor Tom Ryan, Councilmembers Dave Clark, Andy Garvais, Wes Hovland, Julie Jeppson, Jason King, and Dick Swanson.

**ABSENT:** None.

Quorum Present.

**ALSO PRESENT:** City Manager Clark Arneson; Planning and Community Development Director Bryan Schafer; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; Budget/Fiscal Analyst Ward Brown; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Patrick Sweeney; Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; and City Clerk Catherine Sorensen.

### 3.2 An Ordinance Amending Chapter 42, Health and Sanitation, Article II, Tobacco, Division 1 and 2 and Article X.-Licenses for Rental Dwellings of the Municipal Code of the City of Blaine.

City Clerk Sorensen stated in late 2016 the League of Minnesota Cities published their model ordinance for Tobacco Possession and Sale. This model was thoroughly researched and developed by LMC staff in collaboration with the Public Health Law Center at Mitchell Hamline School of Law to ensure compliance with State Statute. The last update to this section of the Code occurred in 2013 to include electronic cigarettes within the definitions. Staff highlighted the main changes throughout the ordinance and requested feedback from the Council.

Mayor Ryan asked if the City had been approached to change the smoking age to 21. City Clerk Sorensen stated this had not occurred, but noted three cities had made this change.

Councilmember Clark questioned if State law required a landlord to disclose if there was smoking allowed in a building. City Clerk Sorensen reported this was not a State mandate. She noted a tenant had made this request.

Councilmember Garvais reported the request was made by a Carriage Oaks tenant. He commented further on the poor ventilation system within this complex and noted odors were able travel from unit to unit.

Councilmember Hovland supported the City leaving this portion of City code as is.

Councilmember Clark stated he believed this was an issue between a landlord and a tenant and that the City did not need to get involved.

Councilmember King agreed this was a private affair, however tenants may come to expect the Minnesota Clean Air Act will be followed. He asked why the tobacco fines were so low when compared to the fines for alcohol violations. City Clerk Sorensen stated the Council had authority for establishing penalties for alcohol violations but believed State Statute dictated penalties for tobacco violations but would confirm that fact.

Councilmember King stated he would support raising penalties for tobacco violations if allowed by Statute.

Councilmember King recommended the language regarding Native American religious ceremonies be reviewed by staff as he believed Native American is the only protected class under US Title Code 43 Section 16.02 from 1963 and that the proposed language could allow possession to many more minors than necessary which is contradictory to attempts to limit tobacco use by youth. City Clerk Sorensen stated she would contact the League of Minnesota Cities regarding this language.

Councilmember Clark questioned if this Ordinance had a definition of vaping. City Clerk Sorensen reported this definition was included at the bottom of Page 4.

Council consensus was to direct staff to bring this item back to the Council for consideration on January 4<sup>th</sup>.

### 3.1 Review of Therapeutic Massage Ordinance.

City Clerk Sorensen stated at the June 15 workshop staff reviewed proposed amendments that staff believes will both continue recognizing and supporting industry standards of massage therapy and the valued business enterprises in our City while continuing to ensure public safety. At that workshop Council made some suggestions and directed staff to forward the proposed amendments to the current enterprise license holders for input. Suggestions made by license holders and staff have been incorporated and highlighted in blue in the ordinance. Staff requested the Council review the proposed amendments and provide staff with feedback.

Councilmember Clark indicated he did not like the phrase “body work” as it could include broader therapies such as chiropractic. City Clerk Sorensen stated she would research this terminology further.

Councilmember Clark expressed concern with the language surrounding certification versus licensing. He commented he would struggle with any intent to loosen up this ordinance. City Clerk Sorensen understood this to be the case and discussed the difference between training certification and licensing.

Councilmember Jeppson questioned if the City would have to take away licenses by reducing the number of enterprise licenses allowed in Blaine. City Clerk Sorensen reported this would only impact a business if it were to sell. She described how the City wanted to bring the number of enterprise licenses down from 23 to 10. She provided further comment on the transfer of ownership process that would be followed by the City.

Councilmember Hovland expressed concern that the City was taking away the ability to have a private massage in your home or at a company picnic. City Clerk Sorensen stated this was staff’s recommendation, but noted massages could still occur in the home of a licensed therapist.

Councilmember Hovland said he did not believe the City should be taking away the ability to get a massage from the comfort of ones' own home. He stated this was a more discreet way to receive a massage. In addition, this would assist the elderly or handicap. City Clerk Sorensen commented this was a staff recommendation but that Council could certainly have that language remain.

Councilmember King supported the City amending this Ordinance in order to curb possible human trafficking that could occur within this industry and wanted to see the Council provide the Police Department with better tools to address this issue.

Councilmember Hovland stated he believed the Ordinance had come a long way and he was proud of the progress the City had made. He indicated his only concern was that the City would be treading on residents' personal rights.

Councilmember Clark commented that every city in the nation was dealing with this issue.

Councilmember King suggested two changes to the Ordinance. He recommended language addressing minimum lighting requirements be added to Page 11 or 12. He suggested language also be added to ensure that no audio/visual recordings were made. He stated he wanted to see Blaine on the forefront of this issue and not trailing behind.

Councilmember Clark stated his only concern with the Ordinance was limiting the number of enterprise licenses from 23 to 10. He said he feared that this change could result in an increased in unlicensed operations where issues could occur but appreciated the Council's support on tools to better address concerns that could occur within this industry.

Councilmember Garvais said he supported the City moving from 23 to 10 enterprise licenses.

## **OTHER BUSINESS**

Planning and Community Development Director Schafer stated LKQ/John's Auto Parts, 10506 Central Avenue, had a purchase agreement with a national company called Coparts. He reported through this purchase agreement, all CUP rights would be transferred. He discussed the type of work that would be conducted by Coparts noting they would serve as a liquidator and not a recycler. He stated all crushing and the pulling of parts on the site would cease.

John Haluptzok, property owner of former LKQ/John's Auto Parts, commented further on the request for a CUP amendment to transfer John's Auto Parts to Coparts. He explained the noise from the site would dramatically decrease. He reported he spoke to the City of Ham Lake and understood that Coparts was a great member of their community.

Councilmember King asked if Coparts required a large amount of storage space. Mr. Haluptzok anticipated Coparts would utilize the space available on-site. He commented further on the strength of this internet-based operation.

Councilmember King questioned if this business would impact the ability to install a frontage road. Planning and Community Development Director Schafer explained it made the most sense to put a frontage road in front of the businesses. He reported Coparts had a small number of retail customers due to the fact they were an internet-based business.

Councilmember Clark inquired if staff would be negotiating with Coparts regarding the frontage road. Planning and Community Development Director Schafer stated a conversation would be held at some point in the future.

Councilmember Clark questioned what the downside was to this proposal. City Manager Arneson anticipated the neighborhood would be supportive of the change. Planning and Community Development Director Schafer commented if the Council were to oppose the request Mr. Haluptzok would be forced to sell this property which would bring a new use to this Heavy Industrial-zoned property.

Councilmember Jeppson suggested the look of the building be updated to improve the Heavy Industrial façade. Planning and Community Development Director Schafer anticipated the front of the building would be improved by Coparts.

Council consensus was to direct Mr. Haluptzok to bring the CUP amendment forward to the January 18<sup>th</sup> City Council meeting for consideration.

The Workshop was adjourned at 7:55 p.m.

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Tom Ryan, Mayor

ATTEST:

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Catherine Sorensen, CMC, City Clerk  
*Submitted by TimeSaver Off Site Secretarial, Inc.*