

CITY OF BLAINE  
ANOKA COUNTY, MINNESOTA  
CITY COUNCIL MEETING  
Monday, November 16, 2020

7:30 P.M.

*Virtual meeting due to COVID-19 pandemic*

**CALL TO ORDER BY MAYOR RYAN**

The meeting was called to order at 7:30 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call. Due to the COVID-19 pandemic this meeting was virtually.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Mayor Tom Ryan, Councilmembers Andy Garvais, Wes Hovland, Julie Jeppson, Richard Paul, Jess Robertson, and Dick Swanson.

**ABSENT:** None.

Quorum Present.

**ALSO PRESENT:** City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Lori Johnson; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Chris Nelson; City Engineer Dan Schluender; Communications Technician Roark Haver; Communications Manager Ben Hayle; Water Resources Manager Rebecca Haug; and City Clerk Catherine Sorensen.

**APPROVAL OF MINUTES**

Workshop Meeting – October 19, 2020

Regular Meeting – October 19, 2020

Closed Session – City Manager Review – Continued – November 9, 2020

Moved by Councilmember Hovland, seconded by Councilmember Robertson, that the Minutes of Workshop Meeting of October 19, 2020, the Minutes of the Regular Meeting of October 19, 2020 and the Minutes of the Closed Session – City Manager Review – Continued of November 9, 2020 be approved.

A roll call vote was taken. Motion adopted unanimously.

**AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

None.

## **COMMUNICATIONS**

Mayor Ryan thanked all medical workers and first responders for their dedicated service to the community.

## **OPEN FORUM FOR CITIZEN INPUT**

Mayor Ryan opened the Open Forum at 7:35 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:36 p.m.

## **ADOPTION OF AGENDA**

The agenda was adopted as presented.

## **APPROVAL OF CONSENT AGENDA**

Councilmember Hovland requested the removal of agenda item 9.2.

Moved by Councilmember Hovland, seconded by Mayor Ryan, that the following be approved:

9.1 Motion 20-123, Schedule of Bills Paid.

9.2 Motion 20-124, Authorize Change Order No. 2 in the Amount of \$14,442 for the 2020 Sewer Slip Lining Project, Improvement Project No. 20-31.

A roll call vote was taken. Motion adopted unanimously.

9.2 Motion 20-124, Authorize Change Order No. 2 in the Amount of \$14,442 for the 2020 Sewer Slip Lining Project, Improvement Project No. 20-31.

Mayor Ryan requested staff provided the Council with a brief outline on this project. Public Works Director Haukaas described how slip lining work was completed and reported the work completed in 2020 was related to the 93<sup>rd</sup> Avenue sewer collapse. He reported additional scope was needed for this project when additional collapses were found and a change in the depth of ground was experienced. He explained this item was brought back to the Council after the change order exceeded the contingency amount in the project.

Moved by Councilmember Hovland, seconded by Councilmember Paul, that Motion 20-124, “Authorize Change Order No. 2 in the Amount of \$14,442 for the 2020 Sewer Slip Lining Project,” be approved.

A roll call vote was taken. Motion adopted unanimously.

## **7:30 P.M. - PUBLIC HEARINGS AND ITEMS SET FOR A CERTAIN TIME**

None.

## **DEVELOPMENT BUSINESS**

11.1 Second Reading – Ordinance No. 20-2456, A Code Amendment to the R1-B (Single Family) Zoning District to Allow Accessory Buildings Up to 120 Square Feet with Various Locational and Design Criteria. (Case File No. 20-0032/LSJ).

City Attorney Nelson reported if the Council wants to move to approve the code amendment, a motion should be made to adopt Ordinance No. 20-2456. He explained if the Council wants to deny the code amendment, a motion should be made to adopt Resolution No. 20-169.

Councilmember Hovland stated he has given this a lot of thought and he would like to propose an amendment to the Ordinance.

Moved by Councilmember Hovland, seconded by Councilmember Swanson, that Ordinance No. 20-2456, “Ordinance No. 20-2456, A Code Amendment to the R1-B (Single Family) Zoning District to Allow Accessory Buildings Up to 120 Square Feet with Various Locational and Design Criteria,” be approved as amended requiring accessory structures to be attached to the primary structure, home or garage, in the rear or side yard; and the accessory structure must match the existing façade of the primary structure.

Councilmember Hovland stated he believed this amendment was a bit of a compromise. He reported the amendment would allow for extra storage while also addressing the integrity of the neighborhood.

City Planner Johnson reported in the spring of 2020 staff received a complaint regarding accessory structures in The Sanctuary development. She explained this development was zoned R-1B (Single Family) and accessory structures are not allowed. She stated the community standards department inspected the properties listed on the complaint and found several illegal accessory structures within The Sanctuary. When these homeowners were notified by letter that they would be required to remove these structures they reached out to the planning department. She indicated some of the homeowners were not aware of the Ordinance requirement and did not understand why accessory structures were not allowed. She stated one homeowner questioned why the City does not make homeowners aware of code requirements upon moving into their home. She explained the City has no way of knowing when properties change hands.

Ms. Johnson commented staff allowed the residents in The Sanctuary to survey the property owners to determine the interest in changing City Code to allow for accessory buildings in this zoning district. She stated clearly that staff did not want to initiate a code amendment based on the objections of a few residents in The Sanctuary. She reported this has been a topic of discussion several times and staff understands there were two sides to this conversation. For this reason, the matter was left up to the homeowners to make a case to the Planning Commission.

Ms. Johnson explained staff was receiving a lot of pressure from residents and these residents were directed to complete a survey. She indicated a survey was completed and over 50% of the property owners within The Sanctuary wanted to change the ordinance to allow accessory buildings. Staff worked with the residents to draft the ordinance. She reviewed the requirements within the ordinance in further detail with the Council.

Ms. Johnson discussed how City Code addresses play houses. She explained the zoning ordinance currently states that accessory buildings include sheds, gazebos, and play houses that are over 30 square feet and greater than five feet in height. She reported the proposed changes to the ordinance would allow those accessory buildings to stay in place if they are not greater than 120 square feet and are more than five feet from the property line. She discussed the history of the R-1B zoning district in further detail. She reported variances could not be allowed for the three non-compliant sheds because the zoning ordinance does not permit use variances. She described the differences between covenants and code requirements. It was noted

the City operates on a complaint only basis for code violations. She stated the Planning Commission reviewed this matter in October and recommended the City Council deny the ordinance. Staff reviewed the feedback that had been received from The Sanctuary residents regarding this matter. She indicated staff has remained neutral on this request and therefore was making no recommendation to the City Council.

Ms. Johnson reported if Councilmember Hovland's amendment were approved, the existing sheds would still have to be removed because they are not attached to the house.

Mayor Ryan asked how many nonconforming sheds were located within The Sanctuary. Ms. Johnson stated there were four nonconforming sheds in the initial complaint. It was her understanding that one shed had been removed, which meant there were three nonconforming sheds.

Councilmember Swanson questioned if the residents who built the sheds had any contact with the City prior to construction. Ms. Johnson stated to the best of their knowledge they did not believe the residents contacted the City. Mr. Thorvig reported building permits are only required for sheds that are under 200 square feet. He commented on the zoning permit that was required for sheds that were 120 square feet to 200 square feet. He noted sheds under 120 square feet would not require a building permit.

Mr. Thorvig commented further on the number of nonconforming sheds. He explained after the City received the initial round of complaints one homeowner removed their shed. However, after another round of complaints staff found nine existing structures that were not in compliance.

Mayor Ryan opened the meeting for public comments.

Sean Butler, 2883 107<sup>th</sup> Avenue NE, shared how his builder left before the home was complete and how he became the general contractor. He indicated he contacted the City before purchasing a shed and was told there was no ordinance against this, adding he did not believe it would affect his neighbors as the shed was completely hidden by trees. He reported he has since landscaped his yard and it would cost him a great deal of time and money to have the shed removed. He commented he did not believe he did anything wrong because he had called the City to inquire about a shed and stated at the time of the occupancy inspection, the shed was in place. In addition, the shed was in place after the 2017 hail storm. He questioned why the City would require him to take out a shed that had been in place for the past six years. He indicated his shed was not harming anyone and it was not clearly in view then asked who trespassed onto his property to make the complaint.

Katrina Sayler, 2830 108<sup>th</sup> Lane, thanked Mayor Ryan for his long service to the City of Blaine. She provided background information about herself noting she was born and raised in Blaine and noted in 2001 she became Ms. Blaine with the royalty program. She explained she spent 12 months spreading her love and pride for this community across the state of Minnesota. She reported she remained involved in this program until 2008 when the program closed. She stated she moved to The Sanctuary in 2017 and in June of 2018, her family decided it needed more storage space. She visited the City's website and researched if she needed a permit. She discussed the language she found regarding sheds noting a permit was not required if the shed was 120 square feet or less. She commented in May of 2019 she purchased a tough shed from Home Depot that matches her home and received a letter from the City that told her The Sanctuary was in a special zoning district that does not allow sheds or other special detached structures. After speaking with several neighbors, she learned several other neighbors had also received letters. She stated she and neighbor Andrea Welsch began working with City staff on options and a petition was drafted. She commented further on how the numerous ways she reached out to all residents within The Sanctuary in order to receive their response. She explained she received 104 yes votes, 27 no votes, and 61 residents did not respond. She expressed

frustration with the fact there were more than nine properties that had accessory structures but only four property owners received letters from the City. She discussed the covenants that were in place within The Sanctuary and noted after 10 years the covenants were to be null and void. She asked why just one item was to remain in place. She believed that the shed she had on her property was not destroying the integrity of the neighborhood but rather increased the integrity. She commented on the issues in the neighborhood that were impacting property values and integrity and supported homes within The Sanctuary having sheds given the fact these properties had larger lots and the community was changing. She questioned why two complaint calls to the City held more merit than 104 residents that voted for change and expressed concern that the City would allow a homeowner to add a 500 square foot sport court onto their home that violates setback requirements but will not allow a 120 square foot shed on the properties within The Sanctuary. She encouraged the Council to hear the voices of the 104 homeowners within The Sanctuary.

Tim Blank, 10502 Yancy Court, commented he sent a letter to the City Council that addressed his concerns. He discussed the survey that was sent noting it was not as clean as was previously discussed. He explained he voted no as he was not in favor of the proposed change. He indicated he received a second survey taped to his door addressed to 10502 100<sup>th</sup> Avenue, which was an address that does not exist. This led him to believe that the integrity of the survey was lacking. He understood that every resident had a commitment to the City of Blaine. He discussed the reasons he moved to The Sanctuary and noted he appreciated the fact that accessory structures were not allowed. He encouraged the Council to not strictly rely on a vote of residents in the development. He did not believe ordinances should be changed unless there were extraordinary circumstances and recommended sheds not be allowed within The Sanctuary.

Jake Grothe, 2825 108<sup>th</sup> Lane, thanked the Council for their time. He explained he had a family and was interested in having a playhouse in his backyard, especially during the pandemic. He understood the reasons why some people were concerned about sheds, but if the sheds match the house they should be allowed. He commented he was involved in this because the integrity of the voting was important to him. He urged the Council to hear the voices within The Sanctuary noting the majority had spoken.

Lucas Haugan, 10344 Vermillion Circle NE, commended the neighbors who took the initiative and allowed for the entire neighborhood to be heard. He believed it mattered that 104 residents within The Sanctuary took the time to give their opinion on this matter. He understood the importance of tree preservation in the neighborhood and stated no one was asking to remove additional trees. He explained this was a very stressful time due to the pandemic and it was healthy for children to have places to play outdoors or in garages. He requested the Council support the proposed ordinance.

Sam Vilella, 10534 Alamo Street NE, explained he served on the Planning Commission. He reported he was advised to not speak or vote on this matter when it was reviewed by the Planning Commission because he lives within The Sanctuary. He was of the opinion the entire survey process was flawed. He appreciated the fact that the survey took the temperature of the neighborhood but did not believe this should result in City ordinance changes. He noted he lived on a pond within his neighborhood and believed that no one living on a pond wanted to look out and see sheds. He recommended that the City Code remain as is and that sheds not be allowed within The Sanctuary.

Andrea Welsch, 2781 103<sup>rd</sup> Court, thanked the Council for their time and consideration. She stated she had four little boys and noted her shed was placed under her deck and was only 36 square feet in size. She noted this shed matches her home and holds dangerous items that could harm her children while they are playing in the garage. She explained this process has not been easy. She described how she and Ms. Sayler tried to hear all voices and opinions from the neighborhood during the pandemic. She stated in the end the majority of the neighborhood wants the code amendment to happen. She understood the people living on the ponds do not

want sheds but indicated she would like to see her neighborhood cleaned up and believed properties would look neater if sheds were allowed.

Rob Doar, 11027 Terrace Road NE, commented his issue with the existing ordinance was that it was inconsistent. He questioned why this one neighborhood had been carved out and treated differently. While he sympathized with the residents that wanted things to remain as is, he wanted consistency in City government. He wanted to see the City having the same rules in place for the same houses in the same types of lots.

Becky Paterson, 2690 105<sup>th</sup> Avenue NE, stated she lives on one of the ponds. She noted she sent an email to the City Council. She reported she has lived in her home for the past 15 years and appreciated the rules that were in place to protect her property value. She explained she was against the sheds and did not want to look towards the rear yard and see sheds. She raised concerns regarding the survey noting residents were supposed to respond around July 3 and 4 during the holiday and indicated people may have been out of town at that time. She recommended the City Council not change the ordinance.

Mayor Ryan closed the meeting for public comments.

Councilmember Robertson thanked the neighbors for being engaged and appreciated the public working to engage with the City. She stated she was frustrated by the fact this item was before the Council and being asked to mediate a civil dispute. She was surprised how neighbors were complaining against others and indicated she saw value from both sides of the argument but did not feel good about Council having to make a determination on this matter. She did not believe the Council should be adjusting ordinances to address non-compliance and was concerned this issue would breed hostility into this neighborhood. She was of the opinion the Council had to honor the original intent of this neighborhood.

Mayor Ryan stated in his 34 year tenure with the City he has heard many people complain how Council does not listen to neighborhoods then said there were 104 residents who supported the change and he understood the community's needs were changing. He appreciated how sheds allowed residents to store items indoors that may otherwise be stored outdoors and how residents were asking for help and noted he would be supporting the zoning change.

Councilmember Hovland indicated he wanted his amendment to be on the floor to allow the public to discuss it. He stated under normal circumstances he supports petitions of this nature. He noted there has been some controversy on how the petition and survey was handled. He explained he has tried to rationalize this and noted the City could not go in and spot zone this neighborhood. He agreed having extra storage was important for residents.

Councilmember Swanson explained he would not support modifying the ordinance. He stated he could support the amendment but otherwise would not support sheds and would not support zoning by vote. He said he would have preferred the item be brought to a worksession prior to addressing the matter with the residents and shared concerns about setting precedents if this code amendment were approved.

Councilmember Paul stated this zoning issue was creating a great deal of concern. He asked if the Council could postpone action on this item to allow a ballot vote to be taken. Mr. Nelson explained the Council would have to take some type of action within 60 days, whether that was approving or denying the ordinance. He reported long term changes could be investigated after a decision was made.

Councilmember Jeppson commented she has talked with a number of residents and received a large number of emails. She indicated it was remarkable the situations that continue to arise in this neighborhood and stated she saw arguments on both sides of this issue. She explained she would be supporting the zoning change because the majority of the homeowners want the change and because several of the residents were told by the City their structures were allowed. She commented it was not okay for the City to be sending out conflicting messages and reported she would not be supporting Councilmember Hovland's amendment but would support the ordinance.

Councilmember Garvais indicated this was difficult because the City Council was being asked to act like a homeowner's association and wished The Sanctuary had an association to address these types of concerns. He explained he was struggling with this request and noted Mr. Butler's shed was not a concern to him. However, he didn't want to blanketly approve sheds because then they would be allowed on the properties that abut the ponds which would take away from the view from these homes. He understood that times were changing but he believed there was a little more to this. He suggested Councilmember Hovland's amendment be changed to require a Conditional Use Permit (CUP) as this would allow the neighbors to comment. Ms. Johnson encouraged the Council to keep in mind a CUP was for permitted work that came with conditions.

Mr. Nelson advised a CUP was a generally applicable standard and if conditions are met then the CUP was issued. He did not recommend the Council pursue the CUP process for sheds within The Sanctuary neighborhood.

Ms. Johnson stated staff would have to review City building and fire code requirements to see if it was possible to attach accessory structures to a house without further requirements.

Councilmember Swanson understood the City had a time limit to approve this request, however, a motion was on the floor that staff had to further investigate. He supported this item being tabled to allow staff to review this amendment further then asked who had brought this item forward. Ms. Johnson reported staff brought this item forward and the neighborhood did not pay for an application. Mr. Nelson explained the 60 day requirement then would not apply to this request.

Mayor Ryan stated he believed the neighbors deserved an answer one way or another after working on this matter all year.

Councilmember Garvais indicated he was struggling with the concerns surrounding the pond and how the property owners on ponds would be impacted if sheds were allowed. He commented he may only support sheds being allowed if reasonably screened and landscaped.

Councilmember Hovland explained properties on ponds would not be able to screen a shed or gazebo or this screening may block their view of the lake and recommended all accessory structures be attached to the house. He noted he would be willing to support the compromise or to allow staff more time to work on this.

Mayor Ryan indicated it would be hardship on the families who were required to remove their shed and stated 104 residents within The Sanctuary supported the neighborhood having sheds.

Councilmember Swanson commented staff could delay the enforcement of the shed removal if a compromise could not be reached.

Councilmember Robertson commented the original motion was never acted on this evening.

Councilmember Swanson explained the original motion was moved by Councilmember Hovland with an amendment.

Mayor Ryan called the question.

City Clerk Sorensen reviewed the motion and amendment on the floor.

Mr. Nelson stated if Councilmember Hovland was willing to withdraw his motion and amendment the item could be tabled.

Councilmember Hovland withdrew his motion and Councilmember Swanson withdrew his second.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, to postpone action on this item directing staff to establish criteria that requires screening and landscaping for sheds in the R-1B Zoning District, while also requiring more neighborhood approval.

Councilmember Robertson stated she could support tabling action on this item because she was conflicted on the direction, adding she would prefer a compromise and was not in support of changing rules when only some no longer agreed.

A roll call vote was taken. Motion to postpone adopted 4-3 (Councilmember Jeppson, Councilmember Robertson and Mayor Ryan opposed).

11.2 Second Reading – Ordinance No. 20-2457, A Rezoning From I-2 (Heavy Industrial) to I-2A (Heavy Industrial at 1801 Radisson Road NE. Allen Ofstehage (Larson Properties LLC) (Case File No. 20-0035/LSJ).

Mr. Nelson explained if the Council wants to approve the Rezoning for this property the Council should adopt Ordinance No. 20-2457. However, if the Council wants to deny the Rezoning, the action to take would be to adopt Resolution 20-170.

Councilmember Robertson stated she would be recusing herself from this item due to a conflict of interest.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution No. 20-170, “Denial of a Rezoning From I-2 (Heavy Industrial) to I-2A (Heavy Industrial at 1801 Radisson Road NE,” be approved.

Ms. Johnson stated 1801 Radisson Road has been zoned I-2 (Heavy Industrial) since the 1980s. In 1998, the I-2A (Heavy Industrial) zoning district was created. At the time when the I-2A zoning district was established, properties deemed to be appropriate locations for trucking uses were rezoned to I-2A (Heavy Industrial). The properties within the 93<sup>rd</sup> Avenue Business Park, including 1801 Radisson Road, were not rezoned to I-2A as they were not deemed to be suitable locations for such heavy truck storage/use/traffic given their visibility from Highway 10 and adjacent properties. When the I-2A ordinance change occurred in 1998, the following language was deleted from the conditional use permit section of the I-2 zoning district and added to the conditional use permit section of the I-2A zoning district that stated truck or transportation terminal or outside parking of trucks or semitrailers exceeding the number of docks and/or bay doors.

Ms. Johnson explained in short, the outcome of this ordinance change prohibits any use involving the outside parking of trucks and trailers beyond the number of docks and/or bay doors in the I-2 district. Truck and trailer repair are still a conditional use in the I-2 district. Staff commented further on the history of this

property and discussed how staff has requested the property be brought into compliance. She explained the applicant responded back to the City requesting the site be rezoned. Staff reviewed how the 2040 Comprehensive Plan addressed this property and reported staff recommended denial of the Rezoning request. The findings of fact for denial were read in full for the record by staff.

Paul Kangas, IOA, Inc., explained he was the design consultant and landscape architect working with Larson Properties. He reported not allowing Larson Properties to operate in Blaine would not eliminate trucking uses in this area of Blaine, however, denial of this rezoning would put people out work. He questioned why the City was singling out this business and requested the Council use common sense when considering this request. He reported school buses on the adjacent property were much more visible from Highway 10 than the items being stored on the Larson Properties site then commented on the amount of time it would take to redevelop this area of Blaine and recommended the rezoning be approved.

Mayor Ryan stated other than trailer storage what type of jobs were being conducted on this site. Mr. Kangas explained mechanic work was being completed on this property.

Mayor Ryan clarified City staff had not singled this property out but rather it was Ward 1 Councilmembers and himself trying to clean up this area of Blaine. Mr. Kangas explained his client was willing to clean up the site so long as the use would be allowed.

Ryan Simatic, attorney for the applicant, reported if the City approved the zoning to I-2A the applicant would still have to go through a CUP permitting process. This would mean the City would have input in property improvements and screening. He explained this property was not subject to any complaints but rather a neighboring property received a complaint. He indicated this property has been operating for the past 15 years without a complaint. He stated the reason staff was opposed to this rezoning did not make sense. He noted the property was not visible unless someone was within the development itself. He understood this property was within a redevelopment zone but noted the site was still guided as Heavy Industrial under the 2030 and 2040 Comprehensive Plans. He said he did not believe it was fair to say changing the zoning to I-2A was inconsistent with future guidance. He stated forcing the applicant out of business for a redevelopment that may or may not occur at some point in the future was an unfair use of City power. He reported it would take substantial resources to redevelop this site. He commented the idea that this was a redevelopment zone did not make a lot of sense. He indicated the tax base and jobs were already in place within this area of the City, which meant there was no practical reason for redevelopment. He explained rezoning this property to I-2A would create no impediment because the redevelopment of this site was at an unknown date and for this reason recommended the Council support the rezoning.

Councilmember Paul discussed the ordinances, rules and regulations that were in place in the City of Blaine and asked what the applicant was seeking at this time. Ms. Johnson reported the applicant would like to have the property rezoned to I-2A to allow the heavy trucking use on the site. She indicated staff was recommending denial of the rezoning request.

Mayor Ryan discussed how trucking businesses migrated into the City of Blaine over time. He explained the City never wanted to see the storage of trailers in Blaine because there was no tax base in it. He believed this property needed a different use.

Councilmember Jeppson commented she agreed this property needed a rezoning but questioned if now was the right time due to the current pandemic. Mayor Ryan reported the right time would have been 10 years ago.

Councilmember Garvais indicated he agreed with the Mayor and understood the City had to start somewhere, however, given the pandemic he questioned what the recourse was if this rezoning were denied. Mr. Thorvig discussed the long term plans for this property and reported staff was not supporting the rezoning because it was not consistent with the long term vision for this area of Blaine. He reported a heavy trucking use would be going against direction of future vision and stated light industrial uses without outdoor intensive storage was the vision for this area.

Councilmember Jeppson thanked staff for this explanation. She explained she was frustrated with postponing a decision and asked if it would be in the City's best interest to hold this decision for one or two years until the pandemic is under control. She stated during this time the City could work with the property owner to find a new location for their business rather than forcing the hand.

Councilmember Swanson commented for the last 20 years the City has been trying to clean up this area of Blaine. He noted it has been a long term policy of the Council to not bring trucking in. He indicated a little trucking was allowed off of 35W, which was very controversial. He stated now was as good a time as any and believed the Council had to start somewhere. He noted this business has been working in violation of City ordinance for years and supported denying the rezoning request.

Councilmember Jeppson agreed the City needed to make changes but questioned if now was the best time for a business to change. She indicated if the City had the ability to pause then a pause should be pursued. Ms. Johnson explained the City Council had an application before them and pausing was not an option. She reported the Council had to take action of either approving or denying the rezoning. Mr. Nelson commented this was the case, advising the City had to take action on the rezoning request within 60 days.

Councilmember Garvais inquired if there was any direction the Council could give to staff, if the rezoning were denied, to have staff work with this business to assist the applicant in finding another site. Mr. Thorvig reported the business does not have the opportunity to conform without a rezoning. He stated there was discretion, if the rezoning were denied, that enforcement action could be taken within a reasonable amount of time. He indicated he would have to speak with the City Attorney on what reasonable amount of time would be but commented the business has already been operating illegally for quite some time.

Mayor Ryan stated he was a proponent for trucking and worked in trucking his whole life, however wanted to see this area of Blaine cleaned up. He understood the pandemic was hurting a lot of people but he encouraged the Council to take action now so as to assist with moving the City's vision for this area of Blaine forward. He indicated this business was different from other trucking uses because it was trailer storage.

Mr. Kangas explained the applicant was willing to improve the site and questioned why the City took a more aggressive position now when the use has been allowed for the past 15 years. He preferred the City negotiate with the applicant in order to find a way to allow the use to stay for the foreseeable future. He stated now was not the time to be putting additional people out of work and reported this business would go out of business if forced from this location. He indicated the applicant would be open to ideas that would allow them to stay.

Councilmember Paul commented this request was becoming history. He noted this applicant has not complied with City ordinances for the past 15 years and questioned when the City was going to take action to enforce the existing ordinances. He wanted to see the business remain in Blaine but wanted the site brought into compliance and supported the applicant being given two more months in order to bring the site into compliance.

Councilmember Swanson indicated if the rezoning was approved, heavy trucking would become a permanent use for this property and encouraged the Council to not undo 20 years of work in this area.

Councilmember Paul called the question.

Councilmember Jeppson questioned what the motion on the floor was.

Councilmember Swanson reported the motion on the floor was to deny the rezoning.

A roll call vote was taken. Motion adopted unanimously 6-0-1. (Councilmember Robertson abstained).

Councilmember Garvais encouraged staff to consider what a reasonable timeframe would be for this case and recommended accommodations be given because of the pandemic.

## **ADMINISTRATION**

### 12.1 Resolution 20-166, Adopt 2021 Storm Drainage Utility Fund Budget.

Finance Director Huss stated the proposed 2021 Storm Drainage Utility Fund Budget was reviewed by Council at the November 2 Workshop. At that Workshop, staff presented Council with a proposed budget that included a fee increase of \$1.00/quarter (\$4.00/year). Based upon the discussion that took place at that Workshop, staff has brought forward for Council consideration the same budget that Council discussed on November 2. As an enterprise fund, the utility is designed to recover the cost of maintaining the City's storm drainage system, which includes over 100 miles of storm sewer pipes, and almost 80 miles of ditches as well as numerous catch basins, outfalls, manholes, weirs, culverts, and ponds. The system serves roughly 23,000 parcels throughout Blaine. The storm sewer operation functions as a division of the City's Public Works Department under the direction of the Water Resources Manager and Public Works Director. The division has an authorized staffing level of 6.5 fulltime equivalent (FTE) positions, which in addition to the WR Manager includes 1/2 FTE for supervision, 1 Working Foreman, and 4 Public Service Workers. For 2021 a request to add the position of Assistant Public Works Director (APWD) has been discussed with the council. The proposal is to charge 25% of that position to the General Fund and each of the three utility funds. If approved, that would bring to 6.75 the number of FTE in the Storm Sewer Utility Fund. Staff further reviewed the revenues and expenditures and recommended approval of the 2021 Storm Drainage Utility Fund Budget.

Moved by Mayor Ryan, seconded by Councilmember Jeppson, that Resolution 20-166, "Adopt 2021 Storm Drainage Utility Fund Budget," be approved.

A roll call vote was taken. Motion adopted unanimously.

### 12.2 Resolution 20-167, Adopt 2021 Charitable Gambling Fund Budget.

Moved by Councilmember Hovland, seconded by Councilmember Paul, that Resolution 20-167, "Adopt 2021 Charitable Gambling Fund Budget," be approved.

Mr. Huss stated the City's charitable gambling fund was established in 1993 to account for the proceeds of a 10 percent contribution that charitable gambling organizations operating within Blaine are required to submit to the City (Code Section 22-384). The organizations participating in charitable gambling in 2020 are the Blaine Festival Committee, Blaine Youth Hockey, Centennial HS Football Boosters, VFW - Sgt. John Rice,

the SLP #16 Youth Hockey Association, and Spring Lake Lions Club. These organizations are required to submit 10 percent of their net profits to the city within 15 days of the end of a calendar quarter. Charitable gambling proceeds significantly declined in 2020, due to the onset of the COVID-19 pandemic and the resulting shutdown of the venues hosting gambling activity. The full impact is not yet known, and it is reasonable to expect that proceeds will rebound as hosting venues are allowed to reopen. Finance is tentatively projecting a decline in proceeds from the budgeted \$150,000 to just under \$97,000. As it is unknown what long-term effect the pandemic will have on charitable gambling activity, staff is recommending holding 2021 budgeted revenue to the same amount as 2020. Staff commented further on the appropriations that were made in 2020 through CARES Act funding and recommended approval of the 2021 Charitable Gambling Fund Budget.

Mayor Ryan discussed how this fund was started and described the great work that has been done in the community with the charitable gambling funds collected.

A roll call vote was taken. Motion adopted 6-0-1 (Councilmember Jeppson abstained).

### 12.3 Resolution 20-168, Certify 2020 Delinquent Utility Accounts and Invoices to Anoka County.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Resolution 20-168, "Certify 2020 Delinquent Utility Accounts and Invoices to Anoka County," be approved.

Mr. Huss stated the Council annually certifies delinquent utilities and unpaid invoices for mowing, false alarms, and meter repairs to Anoka County for collection with the following year's property taxes. Notice has been sent to all affected property owners regarding their respective delinquent bills. If payment is not received before the deadline for remittance to the County, the proposed resolution authorizes staff to certify the amount due to the Anoka County Auditor for collection with 2021 property taxes. The amount to be certified for collection is \$408,738.75 of which \$401,421.54 is for delinquent utilities and \$7,317.21 is for other invoices. The certifications represent 679 properties, 661 with utility certifications, nine of which also have delinquent invoices other than utility bills, and 18 properties with delinquent invoices only. It was noted the amount being certified was \$40,000 less than 2019.

Councilmember Paul questioned how the budget was impacted each year by the delinquencies. Mr. Huss explained delinquencies were not part of the general fund but rather were part of the water and other utility fund. He indicated the City collects nearly 100% of the delinquencies within three years, therefore there was little impact on the budget. He noted the amount being certified represents less than 3% that was billed annually.

A roll call vote was taken. Motion adopted unanimously.

### **OTHER BUSINESS**

None.

**ADJOURNMENT**

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, to adjourn the meeting at 10:08 p.m.

A roll call vote was taken. Motion adopted unanimously.

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Tom Ryan, Mayor

ATTEST:

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Catherine Sorensen, CMC, City Clerk  
*Submitted by Minute Maker Secretarial*