



City of Blaine
Anoka County, Minnesota
Minutes
City Council

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

The council chambers will have limited seating, with audience chairs being set up at least six feet apart. There will be an overflow area where the meeting can be watched in the Cloverleaf Farms Room, also with chairs set up at least six feet apart.

Monday, October 5, 2020

7:30 PM Council Chambers and due to the COVID-19 pandemic, city meetings will also be held as virtual meetings

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:35 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call. Due to the COVID-19 pandemic this hybrid meeting was held both virtually and in person.

Present: 4 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson and Councilmember Paul

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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; Recreation Manager Nate Monahan; Communications Technician Roark Haver; Communications Manager Ben Hayle; Budget/Fiscal Analyst Ward Brown; Accountant Dalton Larson; Water Resources Manager Rebecca Haug; and City Clerk Catherine Sorensen.

Present: 4 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson and Councilmember Paul

4. APPROVAL OF MINUTES

4.-1

RECENTLY HELD MEETINGS

Attachments: [09-14-20 Workshop Minutes](#)
[09-21-20 Workshop Minutes](#)
[09-21-20 Council Minutes](#)

Moved by Councilmember Hovland, seconded by Councilmember Paul, that

the Minutes of Workshop Meeting of September 14, 2020, the Minutes of Workshop Meeting of September 21, 2020, and the Minutes of the Regular Meeting of September 21, 2020 be approved.

A roll call vote was taken. Motion adopted. Councilmember Jeppson abstained on the September 21, 2020 Workshop and Regular meeting minutes due to her absence. Councilmember Swanson abstained on the September 14, 2020 Workshop meeting minutes due to his absence.

Abstain: 2 - Swanson and Councilmember Jeppson

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.-1 PROCLAMATION DECLARING OCTOBER AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Attachments: [Proclamation](#)

Mayor Ryan read a proclamation in full for the record declaring October to be National Domestic Violence Awareness month in the City of Blaine.

Connie Moore, Executive Director at the Alexandra House, thanked the Council for this proclamation and stated she appreciated the strong leadership the City of Blaine has shown over the years with respect to domestic violence. She then shared statistics regarding domestic violence with the Council for both Anoka County and the City of Blaine. She reported Hope Fest had been canceled due to COVID and she commented on the other events that were being planned, such as the yard sign campaign. She encouraged the City Council to wear purple on Purple Thursday on October 22.

Mayor Ryan thanked Ms. Moore for her report and for her tremendous dedication to the community.

Approved

5.-2 PROCLAMATION DECLARING NATIONAL PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Attachments: [Proclamation](#)

City Planner Johnson read a proclamation in full for the record declaring October 15, 2020 to be National Pregnancy and Infant Loss Remembrance Day in the City of Blaine. She read this proclamation in memory of the daughter she lost at 36 weeks while also honoring other Blaine employees who have suffered infant loss.

Informational: no action required

6. COMMUNICATIONS

6.-1

FACILITY RENAMING IN RECOGNITION OF MAYOR RYAN AND COUNCILMEMBER SWANSON

Recreation Manager Monahan stated Mayor Tom Ryan served the City of Blaine as Councilmember from 1987 - 1996 and as Mayor from 1997 to date. Councilmember Swanson has served the City as Ward 1 Councilmember since 1994. In recognition of the many years of service and great leadership both Mayor Ryan and Councilmember Swanson have given the City, the Park Board is recommending renaming Town Square Park to Tom Ryan Park and Aquatore Dog Park to Swanson Dog Park. It was noted an unveiling ceremony was being planned for the renaming of both of these parks.

Councilmember Hovland thanked Mayor Ryan and Councilmember Swanson for their strong leadership and tremendous service to the City of Blaine over the past three decades.

Councilmember Jeppson thanked Mayor Ryan and Councilmember Swanson for their contributions to the City.

Councilmember Swanson thanked the Park Board and the City Council for this honor.

Mayor Ryan stated Town Square Park was a beautiful park within the City of Blaine. He commented he looked forward to this park having all five memorials completed by next spring. He thanked the City for honoring him by renaming this park.

Councilmember Hovland presented the Historical Society with the board game Blaine-opoly.

Mayor Ryan encouraged residents to pick up a copy of the new book that was completed by the Historical Society on the City of Blaine.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Motion 20-100, "Facility Renaming in Recognition of Mayor Ryan and Councilmember Swanson," be approved.

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

Aye: 6 - Ryan, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

Abstain: 1 - Swanson

7. OPEN FORUM

Mayor Ryan opened the Open Forum at 8:00 p.m.

There being no input, Mayor Ryan closed the Open Forum at 8:00 p.m.

8. ADOPTION OF AGENDA

The agenda was adopted as presented.

9. APPROVAL OF CONSENT AGENDA:

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that the following be approved: A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

9.-1

SCHEDULE OF BILLS PAID

- Attachments:** [09/18/2020 Bills Paid](#)
 [09/18/2020 Bills Paid - Subset](#)
 [09/25/2020 Bills Paid](#)
 [09/25/2020 Bills Paid - Subset](#)

Approved

9.-2

APPROVE KENNEL LICENSE FOR PETSUITES OF AMERICA LLC DBA PETSUITES, LOCATED AT 9983 ULYSSES STREET NE, BLAINE

Approved

10. 7:30 P.M. - PUBLIC HEARING AND ITEMS PUBLISHED FOR A CERTAIN TIME

10.-1

**GRANTING A WAIVER OF PLATTING TO MOVE THE
SHARED LOT LINE LOCATED AT 13151 AND 13157
CORAL SEA COURT NE. JONATHAN HOMES OF MN,
LLC. (CASE FILE NO. 20-0034/LSJ)**

Attachments: [Attachments](#)

Ms. Johnson stated Jonathon Homes would like to construct a new home on Lot 15, Block 2 of Wagamon Ranch 3rd Addition. The home that the potential homeowner would like to construct would not be able to meet side yard setbacks due to its proposed size. Lot 16, Block 2 is also vacant at this time. Jonathon Homes has both properties under contract, so there is only one property owner between the two lots. Jonathon Homes has proposed a lot line adjustment that would move the original lot line 6 feet to the southwest. This allows new homes on both Lot 15 and Lot 16 to meet setback requirements. The applicant will also need to process an easement vacation for the existing drainage and utility easements on the lot line between the two lots of the original plat. This item has been moved forward to the city council due to the simple nature of the request, the fact that there are currently no homes on either parcel and because there is only one property owner involved. All public hearing notification procedures were followed.

Mayor Ryan opened the public hearing at 8:02 p.m.

There being no public input, Mayor Ryan closed the public hearing at 8:02 p.m.

Moved by Councilmember Paul, seconded by Mayor Ryan, that Resolution 20-145, "Granting a Waiver of Platting to Move the Shared Lot Line located at 13151 and 13157 Coral Sea Court NE," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

10.-2

**ADOPTING ASSESSMENT FOR JEFFERSON STREET
AREA STREET RECONSTRUCTIONS, IMPROVEMENT
PROJECT NO. 18-17**

Attachments: [18-17 Assessment Roll](#)
 [Assessable Parcels Map](#)

City Engineer Schluender stated Improvement Project No. 18-17 included installation of concrete curb and gutter and spot replacement of sidewalk, storm drainage improvements, spot sanitary service repair, raw water interconnect, spot water main repair, asphalt surface replacement, traffic control signage, and appurtenant construction along Jefferson Street from 119th Avenue to 104th Court

and 104th Court from Jefferson Street to the cul de sac. The total project cost indicated in the Feasibility Report was \$5,651,842.00 as accepted by the City Council on February 21, 2019. The City Council used this value from the Feasibility Report to establish the budget for the project and ordered the improvements on March 7, 2019. Staff reviewed the total project costs. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$1,121,889.41. The Public Utility Fund will contribute \$986,342.13 for water, sanitary sewer and trunk storm sewer improvements. Municipal State Aid System (MSAS) funds will contribute \$1,000,000.00 and Pavement Management Program funds will contribute \$1,996,105.41.

Mayor Ryan opened the public hearing at 8:04 p.m.

Mayor Ryan requested staff speak with resident Stan Peterson and explain how to pay his assessment.

A resident questioned what assurances the City had in place to make sure this road would not need work again in five years. Public Works Director Haukaas explained the proposed project was a full reconstruct while the work that was done in the past was patching or overlays. He anticipated this roadway would last for 20 years.

The resident thanked the City Council and Mayor Ryan for putting the electronic speed sign on Jefferson Street and explained this has helped with slowing down the speed of traffic. He encouraged the Blaine Police Department to continue to issue speeding tickets.

Mayor Ryan stated he was pleased the City received great bids for this project as this allowed the assessments to come in lower than the original estimate.

Councilmember Hovland reported the City's Pavement Management plan was also assisting in bringing down the assessments.

There being no additional public input, Mayor Ryan closed the public hearing at 8:09 p.m.

Moved by Mayor Ryan, seconded by Councilmember Hovland, that Resolution 20-146, "Adopting Assessment for Jefferson Street Area Street Reconstruction," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

11. DEVELOPMENT BUSINESS**11.-1****SECOND READING**

GRANTING A REZONING FROM POD (PLANNED OFFICE DISTRICT) / PBD (PLANNED BUSINESS DISTRICT) TO I-1 (LIGHT INDUSTRIAL) FOR 40.09 ACRES LOCATED AT 10580 NAPLES STREET NE. NAPLES STREET OFFICE WAREHOUSE (JSN PROPERTIES) (CASE FILE NO. 20-0029/SLK)

Attachments: [Attachments](#)

Ms. Johnson stated the applicant, JSN Properties is proposing to construct a 120,000 square foot, office/warehouse building at 10580 Naples Street NE. The parcel is currently zoned PBD (Planned Business District)/POD (Planned Office District) which would require high office use with limited warehousing. The applicant believes there is little demand for highly finished office space in this area, and would like to have the zoning changed to I-1 (Light Industrial). The proposed zoning of I-1 (Light Industrial) will provide a buffer between the existing I-2A (Heavy Industrial) adjacent to the south and the POD (Planned Office District) zoning to the north of this property. The I-1(Light Industrial) zoning does not permit any outside storage on site.

Moved by Councilmember Hovland, seconded by Councilmember Paul, that Ordinance No. 20-2454, "Granting a Rezoning from POD (Planned Office District)/PBD (Planned Business District) to I-1 (Light Industrial) for 40.09 Acres located at 10580 Naples Street NE," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

11.-2

GRANTING PRELIMINARY PLAT APPROVAL TO PLAT 40.09 ACRES INTO ONE LOT TO BE KNOWN AS NAPLES STREET OFFICE WAREHOUSE LOCATED AT 10580 NAPLES STREET. JSN PROPERTIES. (CASE FILE NO. 20-0029/SLK)

Ms. Johnson stated the proposed plat creates one lot. Lot 1 is 40.09 acres and is the site of the proposed Naples Street Office Warehouse Building. Staff commented further on the proposed plat and recommended approval.

Mayor Ryan stated he was pleased to see this type of development coming into the City of Blaine because it would bring manufacturing type jobs.

Dan Friedner, JSN Properties, thanked the City of Blaine for being pro-business and for supporting his project.

Moved by Councilmember Swanson, seconded by Councilmember Jeppson, that Resolution No. 20-147, "Granting Preliminary Plat Approval to Plat 40.09 Acres into One Lot to be known as Naples Street Office Warehouse located at 10580 Naples Street," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

City Clerk Sorensen requested the Council address item 12.1 next as the City Attorney had not yet joined the meeting.

12.-1

AUTHORIZE INSTALLATION OF REGULATORY SIGN AT 106TH LANE AND 7TH STREET

Attachments: [Yield Sign](#)

Moved by Councilmember Garvais, seconded by Councilmember Hovland, that Resolution 20-150, "Authorize Installation of Regulatory Sign at 106th Lane and 7th Street," be approved.

Mr. Schluender stated at the September 1, 2020, Traffic Commission meeting, staff brought forward a review traffic control for the intersection of 7th Street and 106th Lane. The commission received and reviewed several emails from the residents in the neighborhood near this intersection. Most emails referenced speeding and volume of traffic as the main concern and the desire to install a stop sign on 7th street to deter both issues. Staff was able to collect data that showed the volume of traffic on 7th Street was 454 vehicles per day and that the 85% speed was 30 mph. Likewise the volume of traffic at 106th Lane was 159 vehicles per day. Based on discussion of traffic control warrants and review of the traffic data, the Traffic Commission unanimously recommended the following for council consideration the installation of a yield sign for west bound traffic on 106th Lane at 7th Street.

Councilmember Robertson questioned what the warrant criteria was for a stop sign. Mr. Schluender reviewed the consideration for stop sign warrants and stated staff likes to see vehicles entering and exiting the intersection of equal volume from all legs. He explained if a stop sign was installed at an unwarranted intersection two issues are created. He reported this would create non-compliance at the stop sign and could increase speed between the stop signs.

Councilmember Garvais commented on a petition the City Council received from 40 homeowners. He discussed the request from the homeowners and encouraged the Council to honor the neighborhood's request.

Councilmember Hovland stated if intersections do not meet warrants, the City Council has the ability to authorize a stop sign, however, this could create a liability situation for the City. He asked if the Traffic Commission considered other traffic calming measures. Mr. Schluender stated no other traffic calming measures were considered beyond the stop sign request.

Councilmember Hovland stated he would like the Traffic Commission to investigate other traffic calming measures for cases where stop signs are not warranted.

Councilmember Robertson asked if the yield sign could be installed for a trial period. She commented every neighborhood was different and this neighborhood was trying to address a safety/speed issue. She explained this neighborhood has made a request and she encouraged the Council to be proactive to address this safety concern versus only considering the warrant rules. She recommended a yield sign be installed for a set period of time, have staff assess if this has been effective and if not, install a stop sign.

Councilmember Garvais commented the yield sign was proposed by the Traffic Commission and would not address the original complaint, which was speeding on 7th Street.

Mayor Ryan indicated once a stop sign was installed, it was permanent.

Councilmember Swanson stated the Council may be getting into a slippery slope when warrant requirements and recommendations from staff and the Traffic Commission are disregarded. He explained stop signs, when not needed, were more dangerous than not having a stop sign. He supported the Council following the recommendation of the Traffic Commission.

Councilmember Robertson understood there were rules in place and that the Traffic Commission had been established to advise the City Council but explained she was frustrated that the City Council could not heed the request of the residents. She stated no one on the Council wants to see a fatal accident occurring at this intersection. She commented she did not see the harm in installing a yield sign at this intersection on a temporary basis. She indicated she just wanted to help these residents.

Councilmember Jeppson stated this was difficult because the residents in this neighborhood were concerned about safety but explained stop signs do give a false sense of security. She noted this was unfortunate and commented that putting a stop sign mid-block could be very dangerous. She supported the recommendation of the Traffic Commission and wanted to see the yield sign installed as an educational opportunity in hopes of getting drivers to slow down. However, if this

area was still a danger zone and the residents were still concerned, then she would like a stop sign to be considered.

Mayor Ryan anticipated that if the police department were to conduct extra patrols in this area that it would be the neighbors who would be receiving speeding tickets.

Councilmember Garvais commented the yield sign was not a compromise from the Traffic Commission. He reported the Traffic Commission made no recommendations regarding the root issue and indicated the yield sign was a suggestion from staff to address the cut through and speed of traffic.

Mayor Ryan stated he could support the installation of a yield sign on a temporary basis to see how the sign impacts traffic.

Councilmember Hovland supported the installation of the yield sign at 106th Lane. He commented he would like the City Attorney to weigh in on liability issues. In addition, he would like the Traffic Commission to consider other traffic calming measures that could potentially solve this issue. Mr. Schluender reported he could provide the Council with the traffic data and the numbers. He stated at the end of the day it was the Council's decision on how to implement signage. He commented the data collected by the City and the police department does not reflect an issue with the volume or speed of traffic.

Councilmember Paul commented this issue was complicated. He indicated he appreciated the recommendation from the Traffic Commission but noted he also had to take into consideration the concerns raised by the residents in the petition. He stated he could support an adjustment at this intersection in order to address the resident's safety concerns.

Councilmember Robertson questioned if the Council should postpone action on this item to allow for review of the data from staff. Mr. Schluender stated the Council could postpone action on this item.

Ms. Sorensen reported the City Attorney was in the meeting and could respond to the liability issue.

City Attorney Nelson discussed the placement of stop signs and explained this was not a discretionary act. He reported generally the placement of traffic control devices does not end in City liability.

Substitute motion by Councilmember Garvais, seconded by Councilmember Hovland to postpone action on this item to the October 19, 2020 City Council meeting to allow for more data to be collected including review of traffic calming measures and potential liability if a 3-way stop sign is installed without meeting warrants.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

DEVELOPMENT BUSINESS (CONTINUED)

11.-3

GRANTING A VARIANCE TO ALLOW FOR AN ADDITIONAL 1,192 SQUARE FEET OF ACCESSORY BUILDING SPACE OVER THE ALLOWED 1,200 SQUARE FEET TO BE LOCATED WITHIN THE FRONT YARD, AT 2247 125TH AVENUE NE. ALLEN HAMBLETON. (CASE FILE NO. 20-0025/SLK)

Attachments: [Attachments](#)

Ms. Johnson stated the applicant would like to construct a 1,200 square foot (40'x30') detached accessory building, which would be in addition to the already proposed 1,192 square foot attached garage on this property. The total proposed accessory building space (attached and detached) on the property will be 2,392 square feet, which would require a variance of 1,192 square feet. The detached accessory building will be used for personal storage such as the storage of motorcycles, boat, fish house, etc. Because of the existing zoning, surrounding similar zoning requirements and land use, it is recommended to deny the variance for 1,192 square feet. The applicant is also requesting to have the detached structure located within the front yard. The Zoning Ordinance states that no accessory building, other than the required garage shall be located within any yard other than the rear yard. The front yard is defined as the yard between the front face of the home and the public right of way. Therefore, the detached structure in its proposed location would need a variance to be located within the front yard. It is recommended to deny the variance as the applicant has other options in the rear yard to locate the proposed detached accessory building.

Mr. Nelson explained the standards and procedures for zoning variances are articulated within Minnesota State Statute 462.375 and within Blaine Zoning Ordinance 27.06. He commented there were two types of variances available to a City. The first was an area variance the second was a use variance. He stated under the Blaine Zoning Code only area variances are allowed. He discussed how variances are reviewed under a multi-factor test and noted the request must have a practical difficulty. He provided further comment on the findings that were required for both granting or denying a variance. He noted the Council was allowed to impose conditions on a variance if this was necessary to mitigate some of the adverse effects of the variance. She reported the Planning Commission discussed this matter at their September 8 meeting and recommended denial of the variance.

Councilmember Robertson supported the Council being flexible with this request given the fact the requested accessory structure would not be visible to adjacent properties. She explained this was a unique property given the fact it was 12 acres in size.

Mayor Ryan reported this was a very large parcel of land directly adjacent to Main Street. He explained it would be far more detrimental to the property if the applicant were forced to push the garage back 200 feet on the property as this would require the removal of a large number of trees. He indicated he would not want to walk 300 yards to get to the accessory structure and stated this land should have remained zoned FR.

Councilmember Robertson stated this property does have some unique characteristics. She indicated the shape of the lot was quite unique. She explained she understood there were statutes and requirements in place but supported this property receiving the variance because of the size, location and shape of the lot. She commented it did not make any sense to destroy a large number of trees in order to meet the City's requirements.

Councilmember Jeppson indicated there were extenuating circumstances behind this request. She explained this was an incredibly unique property and did not want to see a large number of trees lost. She commented she would like to caution the Council about going against staff and Commission recommendations but stated this was concerning to her and noted she could support the approval of this variance based on the unique characteristics of this lot.

Mayor Ryan requested this topic be included on the next retreat agenda regarding Planning Commission comments/direction. He stated if he lived on this lot he would want a garage as well and noted it did not make sense to lose 20 to 30 oak trees in order to make this possible.

Councilmember Robertson asked if any other variance requests in the area had been denied by the City Council. She stated she understood Councilmember Jeppson's concerns but noted the Planning Commission had reluctantly denied this request. She reiterated that this was a unique lot and supported the variance being approved.

Councilmember Hovland stated a number of years ago the Council changed the zoning code to allow for more storage. He did not recall if this was uniform across all zoning, or this was for R-1 or R-1AA. He explained this has made a huge difference as it allowed residents to build a garage in their backyard in order to store their items indoors, which makes neighborhoods look better. He indicated

the Council did have to be careful and noted each variance request was considered on a case by case basis. He commented on the request before the Council and noted this was a unique lot but he did not believe it made sense to remove a large number of oak trees in order to build the accessory structure.

Ms. Johnson explained the City has received several calls from the public regarding other lots interested in additional out buildings in this plat given the lot size, but no formal variance applications have been received by the City. She reported the R-1AA zoning district allows residents to have up to 1,000 square feet of garage space, or 1,200 square feet with an approved CUP. She indicated the applicant was requesting a variance to allow another 1,200 square feet. She reiterated this property could not remain FR since buildings were constructed and the property was now being served by City sewer and water.

Community Development Director Thorvig reported the Council could approve the variance and noted staff could draft findings based on the Council's discussion.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution No. 20-148, "Denying a Variance to Allow for an Additional 1,192 Square Feet of Accessory Building Space Over the Allowed 1,200 Square Feet to be located Within the Front yard at 2247 125th Avenue NE," be approved.

Mayor Ryan and Councilmember Swanson withdrew their motion and second.

Substitute motion by Mayor Ryan, seconded by Councilmember Swanson, to approve the variance based on criteria and that the accessory building not be used for any business purposes.

A roll call vote was taken. Substitute motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

11.-4

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR 1,200 SQUARE FEET OF ACCESSORY BUILDING SPACE (1,192 SF ATTACHED GARAGE) IN AN R-1AA (SINGLE FAMILY) ZONING DISTRICT LOCATED AT 2247 125TH AVENUE NE. ALLEN HAMBLETON. (CASE FILE NO. 20-0025/SLK)

Ms. Johnson stated the property is located in the R-1AA (Single Family) zoning district. This district permits accessory buildings (including attached garages) to have up to 1,000 square feet with the application of a building permit. The district allows up to 1,200 square feet of accessory building space with a conditional use permit. A new home is proposing to be constructed on Lot 5 of Radisson Woods on Main. The new home is proposing to have a 1,192 square foot attached garage, which requires a conditional use permit. Sanitary sewer and water service to serve Lot 5 was installed with the Partridge Preserve plat directly to the north of the lot.

Lot 5 will require an individual sewage lift station. Water service to Lot 5 will need to be oversized to maintain proper pressure at the house/attached garage and if approved the detached accessory building (see variance item). The final design of the service for Lot 5 will be based on the house size applied for with a building permit. All structures (home, attached garage, and any detached accessory building) on Lot 5 will require individual fire suppression systems due to their distance from a public street. The fire suppression requirement was a condition of the platting approval in 2018. Staff recommends approval of the conditional use permit for the 1,192 square foot attached garage on this lot with conditions that are typical for most accessory building conditional use permits.

Councilmember Swanson recommended no business uses be allowed in the garage.

Moved by Councilmember Jeppson, seconded by Mayor Ryan, that Resolution No. 20-149, "Granting a Conditional Use Permit to Allow for 1,200 Square Feet of Accessory Building Space (1,192 SF Attached Garage) in an R-1AA (Single Family) Zoning District located at 2247 125th Avenue NE," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

11.-5

**DENYING A VARIANCE TO THE STYLE AND HEIGHT
OF AN EXISTING FREESTANDING SIGN LOCATED AT
611 109TH AVENUE NE. A & C AUTOMOTIVE (CASE
FILE NO. 20-0027/EES)**

Attachments: [Attachments](#)

Ms. Johnson stated since the last meeting staff has been in contact with the applicant. She indicated the Council had the applicant's new proposal. The applicant was proposing a five foot base on the sign with stone veneer and there would be no height reduction. The pole would still be visible and all variances would still be required. In addition, staff drafted possibilities for how to save the applicant money while using the existing sign elements and meeting ordinance requirements. These options were reviewed in further detail with the Council. Staff did not recommend conferring special privileges on the applicant if the existing sign were allowed to remain in place, given the fact three adjacent properties were not given the same option. The requirements for bringing this property into conformance with City Code was addressed and it was noted this was the responsibility of the property owner. Staff provided further comment on this request and recommended denial of the variance.

Councilmember Swanson stated he had moved to deny the variance because of the impact this variance would have on the neighbors. He explained approving this variance would not be fair to the adjacent property owners who met the

requirements within the sign ordinance and indicated the existing sign did not fit into the environment along 109th Avenue.

Mayor Ryan commented he visited this property and reported he did not want to lose another business owner because of this sign. He asked if the proposed sign changes would meet City sight line requirements. Ms. Johnson explained her proposals would be within the sight distance triangle and noted the existing sign location met sign setback requirements.

Councilmember Paul requested further information regarding the variance request. Ms. Johnson indicated the variance request was to the height of the sign. She noted the sign was currently 21 feet high and the sign had to be 14 feet or less in order to meet City Code.

Councilmember Jeppson stated she supported the variance being denied, however feared this conversation was being rushed. She explained she would be in full support of delaying enforcement of the sign height in order to work with the applicant on a viable solution that was economical for the tenant. She indicated it was very frustrating that the property owner was not getting involved in this matter and respected the applicant for taking on this matter himself.

Mayor Ryan expressed concern with the fact a monument sign was being proposed at this intersection and he believed this would block sight lines. Ms. Johnson stated after further review of the plans the applicant has proposed creating a base and noted this would not impede sight lines. She noted the current location of the sign met City setbacks.

Mayor Ryan commented on the reader board that was located on this sign pole.

Tom Leinenger, A & C Automotive representative, explained he would remove the reader board portion of the sign. He discussed the stone base he was proposing for the existing sign. He thanked the City Council members who visited his property and appreciated the fact that the City was willing to postpone the enforcement of City Code for one year but anticipated he would have similar conversations with staff about how to modify the sign and beautify the corner.

Councilmember Robertson feared the conversation was no longer beneficial and explained she could support the enforcement of the variance being postponed for one year. She indicated there were a lot of moving pieces within this request and noted the property owner has been completely unresponsive. She suggested the Council move this process out a year and that when this comes back before the Council wanted to see one plan that has been thoroughly vetted and discussed between City staff and the applicant. She believed a fair compromise could be

found between the City and the tenant. She asked if the other business owners on the adjacent three corners asked for a variance to the sign ordinance or did these properties comply. Ms. Johnson reported these properties complied with the City ordinance and did not request a variance. She asked if the Council were to postpone this item for one year she would like clear direction on how staff was to reach a compromise.

Mayor Ryan reported this item has been before the City on and off for over a year. He understood the adjacent properties had installed monument signs that have since been defaced and stated this was a shame.

Councilmember Robertson indicated she did not like the monument sign because it would visually impact the intersection and understood the other businesses did not request a variance but rather complied with the sign ordinance. She noted she did not have an issue with the current sign height and encouraged the applicant and staff to meet somewhere in the middle regarding the sign height.

Mayor Ryan stated he liked the existing sign and believed that adding a planter at the bottom would make it a much better sign, however this was not in keeping with the sign ordinance. He believed it was not worth going through all of this given the frustrations placed on staff and the applicant.

Mr. Nelson commented if there was a desire among the Council to consider this item at a future meeting, some action would have to be taken on the variance because the City was approaching the 120 day deadline. He explained the applicant would have the option to withdraw the variance at this time, noting this would have to be done in writing. He reported if the Council were to take no action on the variance it would be approved.

Councilmember Jeppson questioned if the applicant had submitted any options to staff. Mr. Leinenger explained he had submitted a sign proposal to staff that would enclose the bottom portion of the pylon. He noted his plans included detailed construction specs and what building materials would be used.

Councilmember Jeppson expressed concern that there was no proposal by the applicant to bring down the sign height. Mr. Leinenger commented on the discussion that was held at the previous City Council meeting noting he was told to modify the existing sign in its current place. He indicated he thought he submitted plans meeting the City's desire. He explained he would be willing to start a dialogue with staff, but noted this project was bigger than him. He stated he wanted to find a logical solution that does not place a hardship on his business, given the fact he was just hit with a \$16,000 street assessment and was told he could not operate his other business from this location, even though other auto shops do the same thing, and indicated the sign concerns added to his frustrations.

Councilmember Jeppson stated clearly there were other issues on this property, beyond the sign. She supported the denial of the variance with a one year extension on the variance enforcement. She recommended the applicant work with staff to find a compromise on the sign height. Mr. Leinenger explained he would be willing to work with staff in order to reach a compromise.

Councilmember Swanson stated the applicant would have to be willing to look at reducing the sign height. Mr. Leinenger indicated the options presented by staff would require a full sign replacement.

City Manager Wolfe commented her concern at this time was that it would be difficult to develop a compromise without additional guidance from the City Council. She stated she was convinced from the last meeting that staff and the applicant left hearing different direction. She reported she heard from Council that staff was to provide options on how to rework the sign and the applicant understood he was supposed to come up with an option or a proposal. She noted there had been some rush to this item given the statutory approval requirements. She explained staff was here to carry out the direction of the Council to the best of their ability. She requested additional clarity from the Council on how to proceed with this variance.

Mayor Ryan questioned how much it would cost to take this sign down. Mr. Leinenger indicated it would cost him \$2,000 to take down the existing sign.

Councilmember Jeppson stated when the Council began talking about this sign variance two years ago it seemed that the proposal was to allow the applicant to have two years to bring the property into compliance with the sign code. She explained she supported the City maintaining this expectation. Therefore, the applicant would have one year to bring the property into compliance with the sign code. She supported the City Council denying the variance and encouraged the applicant to work with City staff in order to reach a compromise.

Councilmember Swanson recommended if the applicant were to withdraw his variance request that no fee be charged to a new variance request. Ms. Johnson reported the City could do this.

Mayor Ryan commented on how the applicant would be impacted if he were to purchase the property. Mr. Leinenger stated at this time he was trying to survive a difficult year and discussed his long-term goals for the property in further detail. He feared that the City was over complicating a matter and that he looked forward to working with staff in order to resolve this situation.

Ms. Johnson explained she was more than willing to work on this item with Mr. Leinenger and encouraged the Council to amend the motion that would forego any enforcement for one year and direct staff to work with the applicant to work through a compromise that would bring the sign height down.

Councilmember Swanson and Councilmember Jeppson accepted a friendly amendment denying the variance based on the outlined rationale and to direct staff to postpone enforcement for the period of one (1) year to allow the applicant to work through a compromise to bring the sign height down, with no application fee being charged to the applicant if a new variance request is submitted.

Moved by Councilmember Swanson, seconded by Councilmember Jeppson, that Resolution No. 20-123, "Denying a Variance to the Style and Height of an Existing Freestanding Sign located at 611 109th Avenue NE," be approved.

A roll call vote was taken. Amended motion adopted 6-1 (Mayor Ryan opposed).

Aye: 6 - Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

Nay: 1 - Ryan

12. ADMINISTRATION

12.-2

SALE OF WETLAND CREDITS TO BREYEN'S BEND DEVELOPMENT COMPANY

Attachments: [Agreement Wetland Credits Breyens Bend.pdf](#)

Mr. Schluender stated the City's wetland bank currently has about 6 acres of credits available with an additional 59 acres proposed for approval over the next few years. The City Council previously directed staff to pursue a goal of selling the city's wetland credits at a price goal \$2.50 per square foot. The Breyen's Bend Development Company approached the City regarding the purchase of wetland credits, .53 acres in total. They have agreed to the City's set price. The revenue will go into the Open Space Development Fund.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Motion 20-106, "Sale of Wetland Credits to Breyen's Bend Development Company," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

12.-3

AUTHORIZE CITY MANAGER TO APPROVE WETLAND CREDIT SALES UNDER \$50,000

Mr. Schluender stated the sale of wetland credits was discussed during the September 21, 2020, Council workshop. Discussion centered on the current process, which directs all sales to City Council for approval. The timing of this process has led to lost opportunities to sell credits. In many cases, a buyer does not have time to wait for the sale to go to the next available Council meeting. Council expressed interest in authorizing the City Manager to administer wetland credit sales up to a limit of \$50,000. This would allow for potential sales of approximately 0.46 acres (20,000 square feet) at \$2.50 per square foot or 0.36 acres (16,667 square feet) at \$3.00 per square foot. Allowing the City Manager to approve wetland credit sales up to \$50,000 will provide more opportunities to sell the City's wetland credits.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Motion 20-103, "Authorize City Manager to Approve Wetland Credit Sales Under \$50,000," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

12.-4

CARES SPENDING PLAN

Attachments: [COB Spending Plan Estimates](#)

Finance Director Huss stated on July 28, 2020, Blaine received its share of the Coronavirus Aid, Relief and Economic Security (CARES) Act funding. Over \$2.2 trillion in various economic relief and stimulus packages was approved by Congress with Blaine receiving \$5,022,709. Council has approved some of this funding for specific programs and now Staff is requesting the City Council formally approve the attached CARES spending plan that allocates the entire amount received. The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that are (1) necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. CARES funds are required to be spent by November 15, 2020 and any unused funds must be returned to the County.

Councilmember Jeppson recommended the City not pursue its own rental assistance program. She reported if there are leftover dollars the Council could consider giving dollars to Minnesota Housing.

Councilmember Robertson agreed but recommended any extra dollars be given to local small businesses.

Mr. Huss asked if the Council would support a program that provided aid to the schools. Ms. Wolfe discussed the ways in which CARES Act funding could be utilized by the schools.

Councilmember Swanson explained he supported the Council leaving this item on the table for future consideration. He stated he would like to see the City supporting all three school districts if this item were to move forward.

Councilmember Robertson indicated she did not support the City providing the school district with additional funding. She commented she could support a school related food shelf or meal plan.

Councilmember Jeppson asked if the City had given any money to the Centennial High School. Ms. Wolfe explained the City had met with representatives from the school district but no funds have been disbursed.

Councilmember Jeppson stated she could support keeping school distributions as a line item in order to assist with COVID related expenses.

Councilmember Robertson commented it was her understanding CARES Act dollars were to be used to infuse the local economy.

Councilmember Swanson stated he would like to see the City getting additional funding to local non-profits. Ms. Wolfe reported Round 2 of the small business assistance program had been amended to allow non-profits to apply. Mr. Huss reported the Alexandra House would be given \$50,000 and could apply for a \$10,000 grant. Mr. Thorvig commented several non-profits had applied for grants.

Councilmember Garvais explained he did not support the City pursuing a rental/mortgage assistance program. He suggested the City look at providing additional assistance to local non-profits given the fact other funding sources may be struggling in 2020 due to COVID. He commented he did not support these dollars being allocated to the school districts. He asked if Round 3 should be considered for the small business grants. Mr. Thorvig explained the timeline would be tight but noted there was enough time to complete a third wave of grants.

Mayor Ryan asked how the grants were being approved. Mr. Thorvig explained the grant requests were being reviewed and approved administratively by City staff. Mr. Huss reported all of the requests have been reviewed to ensure they comply with the CARES Act.

Moved by Councilmember Paul, seconded by Councilmember Jeppson, that Motion 20-104, "CARES Spending Plan," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

Councilmember Robertson asked if the program parameters would change at all for Round 3. Mr. Thorvig stated this was up to the Council and recommended the Council open up Round 3 with the same parameters as Round 2.

Moved by Councilmember Garvais, seconded by Mayor Ryan, to direct staff to set aside an additional \$250,000 for Round 3 which shall run from October 9th through October 30th for the Small Business Grant Assistance Program.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

12.-5

APPROVE THE 2020-2023 STRATEGIC PLAN

Attachments: [2020-2023 Strategic Plan](#)

Ms. Wolfe stated the City of Blaine Strategic Plan has been under development since early 2019. A history of the discussions related to the development of the plan are incorporated into the document. Once approved, staff will proceed with developing an implementation plan and putting tracking methods in place.

Councilmember Jeppson thanked staff for all of their efforts on this document.

Moved by Councilmember Jeppson, seconded by Mayor Ryan, that Resolution 20-151, "Approve the 2020-2023 Strategic Plan," be approved.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

13. OTHER BUSINESS

Mayor Ryan discussed the upcoming Airport Commission meeting and noted this group would be nominating a new Chair.

Councilmember Garvais stated he would be able to attend the Airport Commission meeting.

Ms. Sorensen requested the Council make a motion to hold a Closed Session meeting to complete the performance review for the City Manager.

Moved by Councilmember Paul, seconded by Councilmember Jeppson, to hold a Closed Session meeting to complete the City Manager performance review on October 19, 2020.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul

14. ADJOURNMENT

Moved by Councilmember Jeppson, seconded by Councilmember Paul, to adjourn the meeting at 10:36 p.m.

A roll call vote was taken. Motion adopted unanimously.

Aye: 7 - Ryan, Swanson, Councilmember Hovland, Councilmember Jeppson, Garvais, Councilmember Robertson and Councilmember Paul