

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Monday, November 2, 2020

7:30 P.M.
Council Chambers
10801 Town Square Drive

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 hybrid meeting was held both virtually and in person.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Tom Ryan, Councilmembers Andy Garvais, Richard Paul, Jess Robertson, and Dick Swanson.

ABSENT: Councilmembers Wes Hovland and Julie Jeppson.

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 Patrick Sweeney; City Engineer Dan Schluender; Communications Technician Roark Haver; and Communications Manager Ben Hayle.

APPROVAL OF MINUTES

Fall Council Retreat Meetings – October 2 and October 3, 2020

Workshop Meeting – October 5, 2020

Regular Meeting – October 5, 2020

Workshop Meeting – October 12, 2020

Closed Session – City Manager Review Meeting – October 19, 2020

Moved by Councilmember Robertson, seconded by Mayor Ryan, that the Minutes of the Fall Council Retreat of October 2 and October 3, 2020, Minutes of Workshop Meeting of October 5, 2020, the Minutes of the Regular Meeting of October 5, 2020, the Minutes of Workshop Meeting of October 12, 2020, and the Minutes of the Closed Session – City Manager Review Meeting of October 19, 2020 be approved.

A roll call vote was taken. Motion adopted. Councilmember Garvais and Councilmember Swanson abstained on the October 2, 2020 Fall Council Retreat meeting minutes due to their absence.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.1 Police Officer Award Recognitions.

Police Chief/Safety Services Manager Podany stated Police Officer Mark Allen and his K9 Remy are one of our extremely talented K9 teams here at the City of Blaine Police Department. In July of 2018, Officer Allen was on vacation and Remy was boarded at a local kennel. Officer Allen received a phone call that Remy was extremely sick and needed to go to the Emergency Vet. An examination showed that Remy was experiencing a condition called Gastric Dilatation and Volvulus (GDV), also known as stomach flip, which is often fatal. Officer Allen quickly returned from his vacation to be with his partner. He found that when he would leave Remy, Remy would become anxious and they were worried this would delay his recovery, or worse, be fatal. For the next five days Officer Allen slept in the kennel with Remy and only took short breaks while his wife would take his place. After several surgeries and a long recovery period, Remy made a full recovery and was able to return to full duty. This year, Officer Allen was awarded the 2020 USPCA (United States Police Canine Association), Region 12 Spirit Award. The award reads, "This honors an individual who deserves special recognition for promoting the values of Region 12 and the USPCA, while displaying strong moral character and true sportsmanship toward the betterment of our police service dogs." A round of applause was offered by all in attendance.

Police Chief Podany explained Police Officer Dan Stefczak was selected to the 2019 DWI All-Star Team by the Office of Traffic Safety. The DWI All-Star Team is made up of 26 officers and deputies from around the Twin Cities area. Officer Stefczak was assigned to the DWI Grant Officer position for the City of Blaine from October 2018 to September 2019. In that period he conducted 1,068 traffic stops and made 131 arrests of which 98 of those arrests were impaired drivers. These 98 impaired drivers removed from the streets in the City of Blaine significantly improved the safety of everyone. Officer Stefczak also earned the MADD (Mothers Against Drunk Driving), DUI Top Enforcer Silver pin. This pin is awarded to law enforcement officers who make 50-99 DUI arrests during the year. A round of applause was offered by all in attendance.

Mayor Ryan discussed how numerous families in the community have been impacted by intoxicated drivers and thanked Officer Stefczak for his efforts on behalf of the City of Blaine.

Bill Hommis, Department of Safety, discussed how many lives Officer Stefczak had impacted based on his actions then presented Officer Stefczak with a commemorative all-star team baseball bat for his excellent life-saving efforts.

5.2 Police Officer Swearing In Ceremony.

Police Chief Podany introduced newly hired Police Officers Tou Vang, Jackie McIntosh and Kyle Augustin to the City Council.

City Manager Wolfe administered the Oath of Office to Officer Vang, Officer McIntosh and Officer Augustin and badges were pinned. A round of applause was offered by all in attendance.

Mayor Ryan discussed how the City Council supports its officers and thanked them all for their dedicated service to community.

5.3 Resolution 20-160, Accept Donations to the Blaine Police Department.

Moved by Councilmember Robertson, seconded by Councilmember Paul, that Resolution 20-160, "Accept Donations to the Blaine Police Department," be approved.

Mayor Ryan stated the police department has received many donations from members of the community as well as local businesses. The list of donations was reviewed with the Council.

A roll call vote was taken. Motion adopted unanimously.

COMMUNICATIONS

Mayor Ryan wished everyone all the best on Election Day and thanked City Clerk Sorensen and all election staff for their tremendous service to the community.

Councilmember Robertson thanked City Clerk Sorensen and election staff for all of their efforts.

OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 8:08 p.m.

There being no input, Mayor Ryan closed the Open Forum at 8:09 p.m.

ADOPTION OF AGENDA

The agenda was adopted as presented.

APPROVAL OF CONSENT AGENDA

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

9.1 Motion 20-114, Schedule of Bills Paid.

9.2 Motion 20-115, Authorize Change Order No. 1 in the Mount of \$53,863 for the 2020 Sewer Slip Lining Project, Improvement Project No. 20-31.

9.3 Schedule Canvass of 2020 City General Election.

A roll call vote was taken. Motion adopted unanimously.

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

10.1 Resolution 20-161, Granting a Conditional Use Permit Amendment to Allow an 8-Foot Setback for Living Space (Sport Court) rather than the Currently Required 10-Foot Setback for Living Space located at 2923 132nd Court NE. Jonathan Homes of MN, LLC (Case File No. 20-0038/LSJ).

Moved by Councilmember Paul, seconded by Mayor Ryan, that Resolution 20-161, "Granting a Conditional Use Permit Amendment to Allow an 8-Foot Setback for Living Space (Sport Court) rather than the Currently Required 10-Foot Setback for Living Space located at 2923 132nd Court NE," be approved.

City Planner Johnson stated the applicant is requesting a conditional use permit amendment to allow for an 8-foot setback for living space (sport court) rather than the currently required 10-foot setback for living space in

the Wagamon Ranch 3rd Addition. The applicant would like to extend the wall of the home on the same side as the existing garage to include a sport court. However, living space (interpreted as any part of the house that is not garage) must meet the current setback of 10 feet. The garage for the home is currently setback at 12 feet, which exceeds the 5 foot garage setback requirement in Wagamon Ranch. The construction of the sport court would meet an 8 foot side yard setback, which is 2 feet less than the living space setback but more than the 5 foot garage setback. The proposed addition must match architecturally with the existing house and attached garage. The plans that have been provided indicate that the structure will match the exterior materials and architecture of the existing home. This type of amendment for a sport court has been approved previously by the city council in other developments.

Mayor Ryan asked if this addition would be enclosed. Ms. Johnson reported this was the case.

Mayor Ryan opened the public hearing at 8:12 p.m.

There being no public input, Mayor Ryan closed the public hearing at 8:13 p.m.

A roll call vote was taken. Motion adopted unanimously.

10.2 Resolution 20-162, Granting a Conditional Use Permit Amendment to Allow a 5.5 Foot Side Yard Setback rather than a 10 Foot Setback for an Approximately 500 Square Foot Enclosed Sport Court Addition to the House located at 3133 120th Court NE. Jerco Construction. (Case File No. 20-0039/SLK).

Moved by Councilmember Garvais, seconded by Councilmember Robertson, that Resolution 20-162, "Granting a Conditional Use Permit Amendment to Allow a 5.5 Foot Side Yard Setback rather than a 10 Foot Setback for an Approximately 500 Square Foot Enclosed Sport Court Addition to the House located at 3133 120th Court NE," be approved.

Ms. Johnson stated the applicant is requesting a conditional use permit (CUP) amendment to allow a 5.5 foot side yard setback for the construction of an approximately 500 square foot sport court addition to the house. The current side yard setback that was established with the Lakes development in 2003 for a home/living space is 10 feet. The garage setback for the Lakes development is 5 feet. The applicant would like to extend the wall for the home on the same side as the existing garage (east side of the home) to include a sport court. However, living space (interpreted as any part of the house that is not garage) must meet the current setback of 10 feet and the garage wall is at a 5.5 foot setback. The construction of the sport court would meet a 5.5 foot side yard setback and be in line with the garage construction. The proposed addition must match architecturally with the existing house and attached garage. The plans that have been provided indicate that the structure will match the exterior materials and architecture of the existing home. This type of amendment for a sport court has been approved in the past by the city council.

Mayor Ryan opened the public hearing at 8:15 p.m.

There being no public input, Mayor Ryan closed the public hearing at 8:16 p.m.

A roll call vote was taken. Motion adopted unanimously.

10.3 Motion 20-116, Approve Renewal of Currency Exchange Licenses.

Ms. Wolfe stated staff has received correspondence regarding currency exchange license renewals from the Minnesota Department of Commerce for the following locations:

- 1) Al'S Check Cashing, 1434 - 93rd Lane NE
- 2) SJB Enterprises Inc., d/b/a Your Exchange, 10553 University Avenue NE

State Statute requires cities to hold a public hearing to solicit testimony from interested persons regarding any currency exchange license renewal. Notice of the public hearing was published on October 16, 2020. The Police Department has also reviewed their files regarding both locations and has no concerns regarding the renewals. City approval must be received within 60 days otherwise concurrence is presumed. The deadline for response is December 7, 2020.

Mayor Ryan opened the public hearing at 8:16 p.m.

There being no public input, Mayor Ryan closed the public hearing at 8:17 p.m.

Moved by Mayor Ryan, seconded by Councilmember Paul, that Motion 20-116, "Approve Renewal of Currency Exchange Licenses," be approved.

A roll call vote was taken. Motion adopted unanimously.

DEVELOPMENT BUSINESS

11.1 First 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).

Ms. Johnson stated in the spring of 2020, staff received a complaint regarding numerous accessory buildings in the Sanctuary housing development. This development is zoned R-1B (Single Family) and no accessory buildings are allowed within this zoning district. Community standards staff did an inspection on the addresses that were listed in the complaint and determined that there were several accessory buildings that were not allowed by ordinance in the Sanctuary development. When the homeowners with the accessory buildings received a letter from the city stating that they needed to remove the buildings, the homeowners reached out to the Planning Department. Some homeowners were not aware of the ordinance requirement and did not understand why these buildings were not allowed. Staff gave the residents the opportunity to survey the property owners in the Sanctuary to gauge the interest in changing the code requirements to allow for accessory buildings.

Ms. Johnson reported staff did not want to initiate a code amendment based on the objections of a few residents of the Sanctuary development. Over the years, this has been a topic for discussion several times, as different property owners have put up accessory buildings without approval and had to have them removed. There was never any attempt at changing the code as several owners had made their feelings known during these times that they did not want accessory buildings in this development. This time, staff left it up to the property owners to make their case to the planning commission and city council. It was noted there is currently no organized homeowner's association for the Sanctuary development, which is why staff suggested that the homeowners who wanted to change the ordinance survey the property owners in this development. These residents took it upon themselves to conduct a survey of all property owners to determine opinions on whether accessory buildings should be allowed. The survey resulted in more than 50% of the property owners in the Sanctuary wanting to change the ordinance to allow accessory buildings. The proposed ordinance criteria were reviewed in further detail and staff recommended the Council introduce the Ordinance.

Councilmember Swanson stated he has received no calls supporting the ordinance since the Planning Commission meeting. He indicated he would be supporting the Planning Commission's recommendation to deny the ordinance because the majority of the neighborhood does not want the change.

Mayor Ryan discussed the unique characteristics of the Sanctuary neighborhood.

Declared by Mayor Ryan that 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 introduced and placed on file for second reading at the November 16, 2020 Council meeting.

11.2 First 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).

Ms. Johnson stated the property at 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 93rd 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:

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 is still a conditional use in the I-2 district. The current use of 1801 Radisson Road is considered a trucking operation with outside storage of trucks exceeding the number of dock and/or bay doors. Given that the site is zoned I-2, this operation is an illegal nonconforming use on this lot. Staff provided a brief history of the use at 1801 Radisson Road.

Mayor Ryan stated the Council has been working to redevelop this area of Blaine in order to bring in other businesses.

Declared by Mayor Ryan that Ordinance No. 20-2457, "A Rezoning from I-2 (Heavy Industrial) to I-2A (Heavy Industrial) at 1801 Radisson Road NE," be introduced and placed on file for second reading at the November 16, 2020 Council meeting.

11.3 Resolution No. 20-163, Granting Final Plat Approval to Subdivide Approximately 19 Acres into 38 Single Family Lots and One Outlot to be Known as Lexington Cove 2nd Addition located at 128th Lane NE and Lexington Avenue NE. Lennar Corporation (Case File No. 20-0036/LSJ).

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution No. 20-163, "Granting Final Plat Approval to Subdivide Approximately 19 Acres into 38 Single Family Lots and One Outlot to be Known as Lexington Cove 2nd Addition located at 128th Lane NE and Lexington Avenue NE," be approved.

Ms. Johnson stated Lennar Corporation received approval from the City Council in January 2020 to develop 42 acres on the east side of Lexington Avenue and north of 125th Avenue for the purpose of constructing 97 single family homes in a development known as Lexington Cove. The first addition of the plat, with 59 lots, is known as Lexington Cove 1st Addition. The second and final addition, which is currently being proposed, is 38 lots and will be known as Lexington Cove 2nd Addition. The 38 lots will be used for single family homes, while Outlot A will be used for storm water/drainage purposes.

A roll call vote was taken. Motion adopted unanimously.

ADMINISTRATION

12.1 Motion 20-117, Authorize Mayor and City Manager to Enter into Contract with Crysteel Truck Equipment for Repairs to Truck #1241 – 2007 Sterling LT9500 Tandem Axle Plow Truck with Hydraulic Hooklift.

Moved by Mayor Ryan, seconded by Councilmember Paul, that Motion 20-117, “Authorize Mayor and City Manager to Enter into Contract with Crysteel Truck Equipment for Repairs to Truck #1241 – 2007 Sterling LT9500 Tandem Axle Plow Truck with Hydraulic Hooklift,” be approved.

Public Works Director Haukaas stated the hydraulic “hook truck” lift system on Unit # 1241, a 2007 Sterling LT9500 Tandem Axle truck, failed in late September as staff were moving dumpsters around in preparation for the fall round of street sweeping. The vehicle is currently out of service and cannot meet DOT requirements to be put into service for plowing this winter without repairs. Crysteel Truck Equipment is the authorized provider on the Minnesota State Contract for repair or the replacement equipment. Their staff has come out to inspect the vehicle and provided estimates for repairs. The inspection revealed a number of related issues with the truck that will need to be addressed in the next few years. The related issues include rust jacking of the frame requiring sandblasting and repainting, pull plate replacement, and hydraulic system replacement including pumps and controls. Parts alone to repair all the identified components totaled over \$60,000. This is only slightly less than replacing the hook system with a complete package system at approximately \$65,000.

Mr. Haukaas reported since this truck has approximately 77,000 miles on the engine and we anticipate that this truck will need to be kept in service for the next 8-10 years, we determined that a replacement hook system and associated repairs is the most economical long term solution for this vehicle. The total cost for the repairs to the frame, the replacement of the hook system, and installation of new hydraulic controls is \$65,723.40. Staff recommended an additional 5% contingency to address additional minor repairs.

Mayor Ryan stated he supported the repairs as recommended by staff.

A roll call vote was taken. Motion adopted unanimously.

12.2 Resolution 20-164, Adopt 2021 Communications Fund Budget.

Moved by Councilmember Paul, seconded by Councilmember Swanson, that Resolution 20-164, “Adopt 2021 Communications Fund Budget,” be approved.

Finance Director Huss stated staff presented a proposed 2021 Communications Fund Budget for discussion at the October 12, 2020 Council Workshop. Council reviewed the proposed budget and indicated their conceptual approval of the budget presented. A summary of the budget was provided to the Council and staff

recommended approval of the 2021 Communications Fund Budget.

Mayor Ryan thanked Councilmember Swanson for serving at the City's communication representative.

Councilmember Robertson asked what the administrative service charge would cover. Mr. Huss explained this fee would be for supervision and oversight to the General Fund. He indicated this amount would be reduced from \$17,350 to \$1,000 in 2021.

Councilmember Robertson questioned what technology upgrades would be covered by CARES Act funds versus the third floor capital bonds. Mr. Huss reported this was the case. He noted the CARES funding has been allocated and there would be some improvements.

Mayor Ryan discussed how the City has gotten into the "news" business and thanked Communications Manager Ben Hayle for his tremendous efforts on behalf of the City.

A roll call vote was taken. Motion adopted unanimously.

12.3 Resolution 20-165, Adopt 2021 Facilities Fund Budget.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution 20-165, "Adopt 2021 Facilities Fund Budget," be approved.

Mr. Huss stated Council reviewed the 2021 Facilities Management Budget at two previous Workshops - September 21 and October 12. At the October 12 Workshop Council recommended dropping the 2021 appropriation for the painting of the City Hall atrium. That reduction has been incorporated into the 2021 Recommended Budget. Staff reviewed the revenues and expenditures within the Facilities Fund Budget in further detail with the Council and recommended approval.

Mayor Ryan stated he was proud of the fact the City had a facilities plan in place.

Councilmember Robertson questioned if the carpeting at City Hall should be pushed off until all of the improvements were completed at City Hall. Mr. Huss stated staff could look at that.

A roll call vote was taken. Motion adopted 4-1 (Councilmember Robertson opposed).

12.4 Motion 20-118, CARES Spending Plan Amendments.

Moved by Mayor Ryan, seconded by Councilmember Paul, that Motion 20-118, "CARES Spending Plan Amendments," be approved.

Mr. Huss stated on July 28, 2020, Blaine received its share of the Coronavirus Aid, Relief and Economic Security (CARES) Act funding 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 CARES spending plan that allocates the entire amount received. At the October 5, 2020 City Council Meeting, the Council passed a motion approving a CARES Spending Plan. A number of items on that plan were listed estimates, as staff was still gathering information on a number of proposed expenditures and awaiting feedback regarding CARES eligibility. Since then, the plan has been updated and is for Council approval. While the proposed plan does exceed the City's allocation of CARES funding, for items that have yet to be paid, actual expenditures may be less than the estimates shown on the plan. This is especially true for eligible Public Safety

expenses, as the Office of the Inspector General of the US Treasury has ruled that all public safety and public health expenditures incurred between March 1 through the end of year are presumed to be COVID related and eligible for CARES funding. With Baker Tilly's assistance, staff continues to monitor spending related to the proposed plan.

Mayor Ryan questioned if all items identified for funding by the Council had been funded. Mr. Huss reported this was the case. He noted the Alexandra House and Fogerty had been funded and staff was looking into funding for the NSC. He explained the City has expenditures that exceed the CARES funding the City had received.

Mayor Ryan stated it was unfortunate that the representatives in Washington hadn't come together to provide additional funding to businesses and residents that were struggling.

Councilmember Robertson asked if the City spent more than it had on CARES expenses. Mr. Huss explained the City could demonstrate more expenses than the amount of funding it received through the CARES Act. He commented the law enforcement expenditures were being used as a gap filler.

Mayor Ryan stated he was pleased the City hired Baker Tilly to assist staff with the administration of these funds.

Community Development Director Thorvig reported the City funded 67 business grants with CARES Act funding which provided nearly \$660,000 to local business owners.

A roll call vote was taken. Motion adopted unanimously.

12.5 Second Reading – Ordinance 20-2458, Amending Section 74-81(g)(4)g of the Municipal Code of the City of Blaine Establishing 2021 Park Dedication Fees.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Ordinance 20-2458, "Amending Section 74-81(g)(4)g of the Municipal Code of the City of Blaine Establishing 2021 Park Dedication Fees," be approved.

Public Services Manager/Assistant City Manager Therres stated in 2000 the City passed a bond referendum in the amount of \$3.5 million for the purchase of open space property. As part of the process the City Council created the Natural Resources Conservation Board (NRCB) to make recommendations on which property to purchase and how to manage the open space property. To provide an ongoing funding source for the NRCB's management of the open space property the Park Dedication Fee Ordinance was changed to split the park dedication fees collected with development to have 35% of fees collected from residential development go to an Open Space fund. The remaining 65% of residential development and 100% of industrial and commercial development would go to the existing Park fund.

Mr. Therres reported park dedication fees can be adjusted annually to reflect any increase in fair market value of undeveloped land within the City, with an annual increase not to exceed 10%. The Park Board has reviewed the Park Dedication fees and is recommending no increase to residential, commercial, or industrial development based on the city's middle rankings in the 2020 Comparative Cites chart for both residential and commercial park dedication fees. No changes have been made since first reading was held on October 19, 2020.

Mayor Ryan stated he was pleased that the NRCB recommended no increase in Park Dedication Fees.

A roll call vote was taken. Motion adopted unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

Moved by Councilmember Robertson, seconded by Councilmember Garvais, to adjourn the meeting at 8:59 p.m.

A roll call vote was taken. Motion adopted unanimously.

Tom Ryan, Mayor

ATTEST:

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