

UNAPPROVED

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL WORKSHOP
Thursday, April 19, 2018

6:30 p.m.
Cloverleaf Farm Room
10801 Town Square Drive

CALL TO ORDER

The meeting was called to order by Mayor Ryan at 6:47 p.m.

ROLL CALL

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

ABSENT: Councilmember Dick Swanson.

Quorum Present.

ALSO PRESENT: City Manager Clark Arneson; Planning and Community Development Director Bryan Schafer; 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 Engineer Jean Keely; City Attorney Patrick Sweeney; Senior Engineering Technician Jason Sundeen; Communications Technician Roark Haver; and City Clerk Catherine Sorensen.

3.1 Crosswalk request at Arnold Palmer Drive across from London Court.

Councilmember Jeppson stated she had a personal conflict of interest with this item and therefore would recuse herself.

City Engineer Keely stated this request first came before the September 5, 2017 Traffic Commission meeting during open forum. Two residents from London Court expressed their concern over the difficulty of pedestrians trying to cross Arnold Palmer Drive from London Court. They said that south bound traffic on Arnold Palmer Drive cuts the curve and that it is difficult to access the sidewalk on the west side of Arnold Palmer Drive. Residents from London Court that utilize a scooter or push a stroller have to stay in the street until they get to the Deacons Park driveway on Arnold Palmer Drive to access the sidewalk or park. The residents asked for a cut out in the west curb of Arnold Palmer Drive, striping to identify the center of the road so drivers will stop crossing over the center and additional speed limit signs.

Ms. Keely explained staff met with the residents that had brought this concern to the City. She explained a sidewalk petition was prepared for the Arnold Palmer Drive sidewalk from London Court to 113th Avenue and was sent to the residents. The residents on London Court have not been able to secure enough signatures on the petition to bring it forward for City Council consideration. The residents asked City Council to discuss this matter at a Workshop meeting. It was noted staff does not support a curb opening on Arnold Palmer Drive directly across from London Court due to safety concerns of a midblock crosswalk with poor

visibility. Staff was proposing the street be restriped, that a playground ahead sign be posted and that sidewalk be added on the east side of Arnold Palmer Drive from London Court to 113th Avenue.

John Christianson, 11288 London Court, addressed the Council stating he has lived in his home since 2000. He explained he wanted to be able to walk along London Court safely with his grandchildren. He discussed the accessibility concerns he has seen with the sidewalks along Arnold Palmer Drive and London Court. He recommended the City Council consider putting in a new sidewalk.

Police Chief/Public Safety Services Manager Podany stated he was empathetic to the concerns that have been raised by the public. He discussed the concerns he had with the sight lines along Arnold Palmer Drive. He feared that if a mid-block curb cut was added, this could create more danger for pedestrians.

Councilmember King reported he visited this area of the City and he believed it made sense to add a curb cut where requested. He stated he believed the concerns of the residents were valid and noted the sight line issues had to be addressed given the speed of traffic along this roadway.

Councilmember Clark commented that after reviewing a map of the area he stated this neighborhood already had three mid-block crossings. For this reason, he was of the opinion that this request should be considered, but further to the south. Ms. Keely discussed the three mid-block connections noting they were connecting a sidewalk to a trail. It was noted these mid-block connections had better visibility. She provided further comment on the City's recently approved Crosswalk Policy stating this document discourages mid-block crossings.

Councilmember Hovland suggested the City approach the homeowners' association to discuss eliminating the trees in this area in order to improve the line of sight.

Mayor Ryan commented he visited this area of the City as well and noted traffic was moving too quickly around the corner. He questioned how the Council wanted to proceed with this item.

Councilmember Garvais suggested the City approach the homeowners' association to discuss the trees in order to improve the line of sight. He commented he did not support a curb cut at London Court for safety reasons.

Councilmember Hovland agreed the homeowners' association should be contacted to address the line of sight concerns.

Councilmember King stated he was in favor of looking at the sidewalk further.

Councilmember Clark supported the Council looking at this issue further and perhaps moving the sidewalk to the south.

Marge Brchan, 11317 London Court, explained she was a 13-year board member of the homeowners' association. She stated the Board supported having access across. She reported she has ridden her scooter along this roadway for 13 years and stated it was her experience it was more dangerous to cross at 113th Avenue than at London Court. She thanked the City for assisting the homeowners association in finding a solution to improve safety for the residents living in this neighborhood.

Naomi Ault, 11306 London Court, asked what trees were being proposed for removal. Mr. Podany reviewed the location of the trees that were impeding sight lines.

Council consensus was to direct staff to research costs and processes to construct a sidewalk in partnership with the association.

3.2 Powered Pool Covers versus Fences.

Planning and Community Development Director Schafer stated for many years, the typical way homeowners secured their outdoor swimming pools was to erect a 4-foot high fence with a lockable gate mechanism. With the more recent advent of powered pool covers, the City Council was asked whether the code should be amended to allow these pool covers as an alternative to the 4-foot fence. The national swimming pool code introduced the option a number of years ago and is the standard practice in many states. The City Council agreed and the ordinance was amended in February 2016 to allow that as an option.

Mr. Schafer explained late last fall a homeowner contacted the City Council and asked that the City to once again look at the code to maybe remove the covers as an option. Her concern was that a fence with gate was more likely to provide a secure barrier from a neighbor's pool. She lived next door to one of the pools installed with a powered cover versus a fence and was concerned about her own children's safety. While almost all in-ground pools have a powered cover, only two (2) of the 14 in-ground pools have made that choice their security requirement. The vast majority of homeowners have fences in place to meet the security requirement. It is Council's discretion whether to continue to allow the pool cover option.

Mayor Ryan stated he would like to see all pools in the City fenced.

Councilmember King asked if there was a State Statute to regulate this issue. Mr. Schafer stated there was not.

Councilmember King and Councilmember Hovland agreed with the Mayor on this issue.

Council consensus was to amend City Code that fencing was required and no longer allow powered pool covers.

3.3 Review of Therapeutic Massage Ordinance.

This item was postponed to the May 10, 2018 City Council Workshop meeting.

3.4 Senior Center Discussion

City Manager Arneson stated the Council had a discussion last week regarding kitchen use at the Senior Center. He explained Ordinances and State laws regarding commercial kitchen use was forwarded to the City Council for their review. He discussed how these regulations impacted for profit and non-profit organizations. He proposed the Council allow a fundraiser type of event to use the commercial kitchen so long as a damage deposit and caterers license was in place. He noted staff would work on drafting a policy for use of the commercial kitchen. He suggested the Council consider also adding a service-type kitchen with a stove, sink and microwave for smaller groups to use when renting the Senior Center space.

Councilmember King asked if a deposit would be required for use of the service-type kitchen. Mr. Arneson reported this was the case.

Councilmember Clark stated he would not support making the commercial kitchen available to the public or a caterer. He explained he did not support the Senior Center building being used by for profit organizations

and he feared this would occur if the commercial kitchen were open to the public. He indicated this would create competition between the City and the private sector and he would not support this.

Mayor Ryan agreed and discussed how Coon Rapids was recently impacted when an individual was injured at their Civic Center.

Councilmember Garvais stated he was of the opinion the City could limit the types of groups that were using the Senior Center space noting no weddings or for profits would be allowed. He questioned if the lunches that were being served to seniors could be construed as competition for Perkins and therefore should not be allowed. He indicated he wanted the restrictions for the Senior Center space to be as loose as possible to ensure all members of the community could use this space given the fact Community Investment Funds would be used to construct the building. He asked the City Attorney if the Council could set limitations on who could and could not use the space. City Attorney Sweeney reported the Council could set limitations.

Councilmember King stated the City could require a caterer's license and a \$1,000 deposit for use of the commercial kitchen. He indicated this would ensure only responsible groups are using and taking care of the kitchen. He anticipated that the majority of the groups using the Senior Center would have their needs met with the smaller, butler's pantry-type kitchen.

Mayor Ryan commented the refrigerators would have to be padlocked as well in order to protect the Volunteers of America (VOA) food. He indicated this lunch program has been going on for 35 years and is highly attended by the seniors.

Councilmember Garvais stated he would support the community being able to use the Senior Center for a fundraiser without having a caterer's license.

Councilmember Hovland discussed the limited hours the commercial kitchen would be available during the evening hours. He anticipated the groups that would be using the Senior Center in the evening hours would be served well by the butler's kitchen and would not need the commercial kitchen. In addition, this would eliminate a whole host of problems.

Mayor Ryan stated he would like to come to an agreement on this issue prior to him having surgery on Tuesday, April 24th.

Councilmember Clark suggested the Council further discuss this item after the Council meeting.

The Workshop was recessed at 7:30 p.m.

The Workshop reconvened at 8:30 p.m.

Mayor Ryan stated the Senior Advisory Committee was meeting next week and would like to know how this item was proceeding. He noted the Council had a limited time to approve any referendum ballot question should that occur. City Clerk Sorensen reported the Council had to submit any ballot question to Anoka County by August 24th.

Mayor Ryan commented the seniors had no problem with the Senior Center being used for meeting space. He requested the commercial kitchen be respected and that only the seniors be allowed in this space. He supported the installation of a second smaller kitchen for use by outside organizations. He stated he did not want to see Blaine lose its license like the City of Coon Rapids.

Councilmember Jeppson asked who prepared the dinner served for the volunteer recognition event. Mayor Ryan stated the food was prepared by Senior Center staff and noted Shelly Johnson was licensed to serve and prepare food along with any VOA members.

Councilmember Jeppson questioned if the City could require outside organizations to hire these individuals if requesting to use the commercial kitchen.

Councilmember Garvais stated the City could make this requirement, but he believed that was too restrictive. He noted the County only requires a \$90 temporary food license.

Councilmember Hovland inquired what groups would want to use the commercial kitchen when the hours would be limited in the evening hours.

Councilmember Garvais indicated the hours on the weekend would be longer. He explained if the Council wanted to proceed with using CIF funding there would have to be less restrictions on the proposed Senior Center space in order for him to offer his support.

Mayor Ryan commented that in the past 31 years he has not had anyone ask to use the City's commercial kitchen.

Councilmember Garvais stated there is a resident in Blaine who would have loved to use the Blaine Senior Center but had to go to another city to hold their event.

Mayor Ryan stated the seniors would just like to know how this item was moving forward and if it needed to go for a vote. He reiterated that the seniors were not opposed to having the Senior Center used for meeting space. He explained if the commercial kitchen was open to the public, the Council had to realize they were really creating a Community Center.

Councilmember Clark indicated he would not consider the Senior Center a Community Center as this could include a pool, library, and gym space.

Mayor Ryan stated he was just basing his opinion off similar facilities like the Coon Rapids Civic Center.

Councilmember King explained he had a number of groups in mind that would use the Senior Center if it were built. He supported staff creating a policy for the kitchen within the new Senior Center. He indicated if the Council would not support the public using the commercial kitchen then the Council may have to seek alternative funding for the project instead of CIF funds.

Councilmember Garvais stated this would be a shame given the fact the Council had a path to move this project forward. He noted the seniors would still be able to maintain their current programming and lunches. He indicated the only ask would be to allow the public to use the space as well when not programmed for senior events. He reported that all taxpayers' dollars would be paying for this building and should have full access to the space. Councilmember Garvais believed that the adults in the community were responsible enough to clean up after themselves when using this space.

Mayor Ryan commented on how seriously the seniors took the space and feared that the general public would not care for the commercial kitchen in the same manner. He reiterated that Coon Rapids has an on-staff person to assist with their commercial kitchen use.

Councilmember Jeppson said she was of the opinion that Mayor Ryan and Councilmember Garvais were both making very valid points. She believed that some of the comments made were based on assumptions and suggested the policy be put in place to ensure a business could not be run out of the Senior Center. In addition, there would have to be very clear directions on how to use and clean the commercial kitchen. She supported the Senior Center having a use fee and damage deposit in place. She explained she respected the seniors of the community and understood this facility was important to them however, she also wanted to respect the needs of the remainder of the community to be able to use this space. She commented if the use of the commercial kitchen by outside groups was a failure then the policy could be changed. She stated she was not proposing to change any of the senior programming at this time but indicated the biggest concern was that the senior space would no longer be just the senior's space.

Councilmember Hovland explained he had a concern with potential liability issues by allowing public use of the commercial kitchen. He questioned what liability the City would have if someone was injured or became ill if food was served food at the wrong temperature. Mr. Sweeney stated there were always liability issues and advised the City could be sued under any of these circumstances but had insurance in place to cover such an event.

Councilmember Garvais stated this is a valid concern. He asked if the City could have the proper legal documents and waivers in place to reduce the City's risk. Mr. Sweeney believed this would be possible with proper waivers, rules and policies in place.

Councilmember Jeppson commented on how the Blaine space would differ from the Coon Rapids Civic Center. She noted the Blaine Senior Center would not be a revenue generating entity.

Councilmember Clark stated he was less concerned with what Coon Rapids was doing and more what Blaine would do.

Further discussion ensued regarding concessions at the Lexington Sports Complex.

Councilmember Garvais asked how many members of the Council did not support public use of the commercial kitchen. Mayor Ryan did not support public use of the commercial kitchen.

Councilmember King stated if the entire Council was not willing to open up this space for community use; the Council might not have the six votes it needs to use CIF funds for this project. Mr. Arneson discussed the CIF hearing that would be held on Thursday, May 3rd.

Mayor Ryan stated he was looking forward to the hearing on May 3rd as this would allow the seniors an opportunity to speak about this matter. He noted the seniors would be holding a meeting next week and would be making a recommendation to the City Council.

Councilmember Clark anticipated there was a path available to reach a compromise.

Councilmember Garvais reported in order to get six out of seven votes needed to use the CIF funds the Council would have to have the proper policies, rules and waivers in place to allow for use of the commercial kitchen. He understood the Mayor would not support use of the commercial kitchen. He stated the other alternative would be to draft a referendum question.

Councilmember Jeppson questioned what would be the harm in trying to make the space available to the public.

Mayor Ryan stated he did not understand why the commercial kitchen had to be open to the public when it has not been asked to be used in the past.

Councilmember Hovland commented he could see the new Senior Center being used for community fundraisers or pancake breakfasts. He understood that in most cases, commercial kitchens have a manager in place to ensure food safety practices are being followed. He stated his main concern with this moving forward was the liability the City was opening itself up to. He indicated there were plenty of other venues available in the community, such as churches, schools, VFW, and the Legion. He explained he fully supported the Senior Center being used for meeting space. He believed that opening up the commercial kitchen could cause problems.

Councilmember Jeppson stated she did not believe there would be a lot of use within the commercial kitchen given the large number of other space options in the community.

Councilmember Garvais questioned if the entire kitchen area should be removed to ensure the Senior Center did not compete with Perkins or other restaurants.

Councilmember Clark commented the Senior Center was putting on a City sponsored event that was programmed for seniors. He explained these meals have become a recreation and socialization event for seniors. He suggested the commercial kitchen only be allowed for City sponsored events. He indicated he did not want to see it used for political events, weddings, sport banquets, wedding anniversaries. He commented on the businesses that the Senior Center would hurt and help. He proposed that only Blaine restaurants be allowed to cater into the Senior Center.

Mayor Ryan stated this all goes back to the purpose of the space that was to serve as a Senior Center. He anticipated this matter would go to a referendum.

Councilmember Hovland recommended staff draft a use policy for the commercial kitchen within the Senior Center.

Council consensus was to direct staff to bring forward a use policy for the kitchen/Senior Center based on event type and size, including fees and licensing for Council review.

OTHER BUSINESS

None.

The Workshop was adjourned at 9:26 p.m.

Tom Ryan, Mayor

ATTEST:

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