

CITY OF BLAINE  
ANOKA COUNTY, MINNESOTA  
CITY COUNCIL WORKSHOP  
Monday, March 9, 2020

6:00 p.m.  
Cloverleaf Farm Room  
10801 Town Square Drive

**CALL TO ORDER**

The meeting was called to order by Mayor Pro Tem Swanson at 6:00 p.m.

**ROLL CALL**

**PRESENT:** Councilmembers Wes Hovland, Richard Paul, Jess Robertson, and Mayor Pro Tem Dick Swanson.

**ABSENT:** Mayor Tom Ryan, Councilmembers Andy Garvais and Julie Jeppson.

Quorum Present.

**ALSO PRESENT:** City Manager Michelle Wolfe; Community Development Director Erik Thorvig; 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 Dan Schluender; City Planner Lori Johnson; City Attorney Patrick Sweeney; Senior Engineering Technician Jason Sundeen; Communications Technician Roark Haver; and City Clerk Catherine Sorensen.

3.1 New Warning Siren.

Police Chief/Safety Services Manager Podany stated in the very near future, staff will be requesting approval to expend the appropriated funds that were included in the 2020 Capital Budget for a new warning siren. New warning sirens help ensure that the city has appropriate coverage. This new siren will be located in East Lake Park at 3350 Lakes Parkway to provide more optimal coverage for that area of the City with possible installation in May. Staff would like to make the council aware of the siren installation prior to commencing community outreach in the neighborhood. This outreach will include efforts such as informational emails, letters and social media posts to the residents in that immediate area. Staff is seeking council input regarding public notification desired in the area.

Councilmember Hovland asked if this was a siren replacement. Police Chief Podany explained this was not a replacement but a new warning siren location for a dead zone in the City.

Councilmember Hovland recommended notices be sent to the neighborhood regarding the warning siren stating this was a matter of public safety.

Councilmember Robertson questioned if any trees would have to be removed on the new siren site. Police Chief Podany stated no trees would have to be removed.

Councilmember Robertson also supported notices being sent to the neighborhood regarding the warning siren and suggested a notice also be posted on the City's website. She believed there was no harm in overcommunicating with the public regarding this matter.

Council consensus was to not hold a public hearing but to direct staff to send notices to the neighbors.

### 3.2 Deciding Not to Execute Right of Renewal in National Sports Center Ice Arena Master Agreement.

Public Services Manager/Assistant City Manager Therres stated in 1997, the City entered into an Ice Arena Master Agreement with the National Sports Center, Ramsey County, and the City of Coon Rapids for the construction of the first four (4) rinks of the National Sports Center Super Rink. In the agreement, all the parties also guarantee the sale of a minimum amount of ice time and if the ice time were not sold, the parties would make up the difference. Since the start of this agreement, the minimum amount of ice time has always been sold. It was noted the Master Agreement is set to expire January 1, 2024. In the agreement, a clause allows the parties the ability to renew this agreement in five-year increments with no further financial obligations.

Mr. Therres reported the original four sheets of ice at the Super Rink are over 20 years old and are in need of some substantial investments to upgrade the rinks. The National Sports Center is starting the planning process to raise funds for the improvements and get more groups/associations involved in new agreements. In order for them to develop a new plan, the National Sports Center needs to know that the original Master Agreement will not be renewed. It restricts their ability to bring other parties into agreements and restricts the amount of available ice time. The National Sports Center is requesting that all the parties to the original master agreement pass resolutions indicating their intent not to execute the right of renewal in the Ice Arena Master Agreement. Staff requested feedback from the Council on how to proceed.

Councilmember Hovland stated part of this contract guaranteed the local high school a certain number of ice hours. Mr. Therres reported this was the case and discussed how ice time has been turned over to the local hockey associations.

Councilmember Hovland questioned if the cost for ice time would go up if this agreement were to expire. Mr. Therres indicated this could happen. He stated if the agreement were to expire the National Sports Center would be working directly with the hockey associations.

Councilmember Robertson explained the local hockey associations have negotiated rates for ice time with the National Sports Center. She indicated all other ice time came from outside the community and wanted assurance that the City was not obligated for additional costs.

Councilmember Hovland agreed but also wanted to make sure the local hockey organizations were covered. Mr. Therres commented the agreement being discussed was for rinks 1 through 4. He reported if the City renews or does not renew there was no detriment to Blaine. He indicated the Council could opt to not renew and stated there were other cities that wanted to opt out. City Manager Wolfe stated she also had a hard time understanding the reasons for restructuring the agreement but it was her understanding the NSC wanted a different direction for marketing the rinks.

Council consensus was to direct staff to speak with the local hockey associations to see how they would be impacted if the City were to opt out and report back to the City Council.

### 3.3 ADA Transition Plan.

City Engineer Schluender stated the Americans with Disabilities Act (ADA) was enacted in 1990. This law ensured that those with disabilities could not be a discriminated class of individuals. As such, public agencies are required to create a plan that identifies barriers and when these barriers will be corrected. Our

representatives from the Minnesota Department of Transportation, Office of State Aid for Local Transportation have identified the City of Blaine as not having a plan in place. The City needs to have an ADA transition plan in place by September 2020, or at least demonstrate that we are in the process of creating a plan, or the City will not be eligible to receive federal funding for roadway projects.

Mr. Schluender reported the City contracted with WSB & Associates for professional services to create an ADA transition plan. There were several steps that the draft plan was required to go through to collect public input regarding accessibility concerns on the City's existing network of sidewalks, trails and outlined timelines and strategies to address non-compliant pedestrian facilities within the City-owned right-of-way. To meet these requirements an Open House and a Public Hearing was held at the Traffic Commission both on December 3, 2019. It was noted the City's sidewalk and trail network includes curb ramps, traffic signals, and other amenities that assist individuals traveling by foot, wheelchair, or other non-motorized methods. It was noted the Transition Plan has inventoried these items and identified the deficiencies with associated costs to correct. The plan outlines that the City will correct these items in coordination with street projects that contain the deficiencies. Staff commented further on the Transition Plan and requested feedback from the Council.

Councilmember Robertson asked if there were ramifications if the City did not bring its entire network into compliance within a certain time period. Mr. Schluender stated the City had to have a plan in place and did not have a specific deadline for compliance. Public Works Director Haukaas commented on grants that were in place to assist the City with completing ADA projects. He explained the City could benefit from these grants by having an approved Transition Plan in place.

Councilmember Paul discussed the sidewalk along Jefferson Street noting some segments were new and some were old. Mr. Schluender stated along Jefferson Street the cross slope was looked at and noted some panels would have to be removed and replaced.

Mayor Pro Tem Swanson inquired how long it would take to get the entire plan completed. Mr. Schluender reported the City did not have any specific deadlines or requirements. Rather, the plan would be on file in order to bring the City into compliance with ADA requirements.

Councilmember Robertson questioned if the dollar figure within the plan was being approved by the City Council for future funding purposes. Mr. Schluender indicated this dollar figure was simply providing the Council with a snapshot of the potential expense.

Council consensus was to direct staff to bring the ADA Transition Plan forward for approval.

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

City Clerk Sorensen stated a new federal law passed in December 2019 making it illegal to sell tobacco products to anyone under the age of 21. This includes e-cigarettes and vaping products. Because this is federal law, it sets a minimum for cities. This means that if states or cities wish to set the minimum age higher than 21, they may, but they cannot set it below 21. If a city's ordinance says a purchaser must be at least age 18 for tobacco products, the federal law still applies. This code amendment would bring the ordinance in line with federal law.

Ms. Sorensen explained the FDA also issued a news release on January 2 stating it finalized the enforcement policy on unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint.

The policy dictates that the banned flavors must not be manufactured, distributed, or sold. The qualifying factor in the statement is that the ban applies only to cartridges of those flavors and does not apply to tank-based vaping systems. With these two significant changes staff is recommending the League of Minnesota Cities-published model ordinance for Tobacco Possession and Sale be considered by the Council. This model was thoroughly researched and developed by LMC staff in collaboration with the Public Health Law Center at Mitchell Hamline School of Law to ensure compliance with State Statute. Staff requested the Council review the proposed amendments and provide staff with feedback.

Councilmember Robertson stated she could support what was in alignment with federal guidelines. She explained she did not approve of vaping products and understood they were impacting youth. However, she did not want the city to overreach and impact local businesses either. Ms. Sorensen indicated the City was working to not be overly restrictive.

Councilmember Hovland reported he supported the proposed age change and ordinance amendment.

Council consensus was to direct staff to bring forward an ordinance amendment that complied with federal guidelines.

### 3.5 Therapeutic Massage – Exceptions Amendment.

Ms. Sorensen stated recently, two locations in the City currently exempt from therapeutic massage enterprise licensing have experienced reports of criminal sexual conduct. The fact that State-licensed practices are exempt from City licensing prevents background investigations from occurring, which are conducted for licensed enterprises. Based on this concern staff is recommending a code amendment that would narrow the exception of state-licensed practices and require more to be licensed. While this would increase the number of enterprises in the City this separate tier of enterprises would not include a cap. Staff reviewed the proposed language changes within City Code and requested feedback from the Council.

Police Chief Podany discussed how other cities were regulating therapeutic massage uses. He commented on the two incidents that occurred in the community and noted both massage locations were exempt from the licensing requirement. This has led staff to reconsider the licensing requirements.

Councilmember Hovland expressed concern with how this may impact the elderly living in nursing homes. He stated he wanted to ensure the City was properly regulating this type of service so there was not abuse against seniors. Police Chief Podany discussed how this concern was addressed through the ordinance amendment.

Councilmember Hovland recommended the City take a closer look at the language that pertains to the medical field and wanted to ensure the City had some sort of minimum requirements in place. Ms. Sorensen stated she could work to enhance the language within the Code to address the places where massage can occur.

### 3.6 Values Statement.

Ms. Wolfe stated City Council recently reached consensus on a Mission Statement. The final step in being able to move forward with approving the Blaine Strategic Plan is to finalize a Values Statement. Staff received comments the last time this was discussed at workshop and developed some new options. She said it was important to consider that values are not an action or a goal but are underlying everything we do as an organization. She reviewed the options for the values statements and requested feedback from the Council.

Council consensus was to postpone this item to the next worksession meeting to allow for comments from the entire City Council.

#### 4.0 Council Calendar Review

Ms. Wolfe reviewed the Council Calendar.

### **OTHER BUSINESS**

Mr. Haukaas provided the Council with an update on the work that had been conducted on the sewer break. He reviewed photos showing the damage that had been done to the sewer pipes. He anticipated work on the sewer break would continue for the next two weeks.

Mayor Pro Tem Swanson asked why this break occurred. Mr. Haukaas stated the break was a product of how the project was constructed. He explained he would continue to update the Council on this project at future meetings.

Mr. Haukaas commented on a sewer line block that occurred at Wild Bill's restaurant.

Councilmember Hovland asked if staff had been in contact with local hospitals regarding coronavirus. Police Chief Podany explained contingency planning was being discussed with Anoka County and the Department of Health. He noted he has been in contact with local health providers as well. He stated residents are being requested to quarantine at home if they have symptoms or have been exposed for 14 days.

Councilmember Hovland requested City staff post public health information regarding coronavirus on the website. Ms. Wolfe stated a link was available on the City's website with a link to a public health notice.

The Workshop was adjourned at 7:21 p.m.

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Dick Swanson, Mayor Pro Tem

ATTEST:

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