

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Wednesday, September 9, 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 Wes Hovland, Julie Jeppson, Richard Paul, Jess Robertson, and Dick Swanson.

ABSENT: Councilmember Andy Garvais.

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 Christopher Nelson; City Engineer Dan Schluender; Communications Technician Roark Haver; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

APPROVAL OF MINUTES

Workshop Meeting – August 3, 2020

Regular Meeting – August 3, 2020

Workshop Meeting – August 10, 2020

Regular Meeting – August 14, 2020

Workshop Meeting – August 17, 2020

Regular Meeting – August 17, 2020

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that the Minutes of Workshop Meeting of August 3, 2020, the Minutes of the Regular Meeting of August 3, 2020, Minutes of Workshop Meeting of August 10, 2020, the Minutes of the Regular Meeting of August 14, 2020, Minutes of Workshop Meeting of August 17, 2020, and the Minutes of the Regular Meeting of August 17, 2020 be approved.

A roll call vote was taken. Motion adopted. Mayor Ryan abstained from voting on the August 3, 2020 meetings and the August 17, 2020 meetings.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.1 Blaine Historical Society's Presentation of the *Hidden History of Blaine*.

Orville Lindquist, Blaine Historical Society representation, provided the Council with a presentation on the recently completed *Hidden History of Blaine*. He thanked the City Council and members of the community for supporting this project. He commented on how work began on this book noting interesting facts he learned along the way and stated they were very proud of the finished product. He sent a special thanks to Karen Klinkenberg and Andrea Wyatt for their assistance on the project. He reported copies of the book can be purchased online at blainehistory.org.

Mayor Ryan thanked the Blaine Historical Society for their extensive work on the publication.

12.1 Resolution 20-125, Resolution Accepting Donation from Blaine Festival for Construction of Future Band Shell in Aquatore Park.

Public Services Manager/Assistant City Manager Therres stated the Blaine Festival is offering to donate funds for the construction of a future Band Shell in Aquatore Park. While a band shell is shown in the Parks Master Plan, the plan has not been accepted nor is a band shell in a Capital Plan as a future project. The City Council has indicated that it may take several years for this project to be scheduled and inquired if the Blaine Festival would be willing to make the donation(s) knowing this time line. The Blaine Festival has stated that they are comfortable waiting several years, but if after three years, no progress has been made towards the construction of a band shell in Aquatore; the Festival wants the ability to re-direct the donated funds to other eligible items of their choice. The Blaine Festival has stated that their goal is to donate up to half of the cost of a band shell, which is estimated to be \$800,000. Staff is recommending the Council adopt a Resolution accepting a \$150,000 donation from the Blaine Festival for the construction of a band shell in Aquatore Park with the condition of being able to re-direct the donated funds if progress has not been made in three years.

Mayor Ryan thanked the Festival Committee for their generous donation to the City of Blaine then indicated this bandshell would be used for many years to come by the community.

John Marinar and Tim Duevel, Blaine Festival Committee members, presented the City Council with a check for \$150,000. A round of applause was offered by all in attendance.

Moved by Councilmember Swanson, seconded by Councilmember Paul, that Resolution 20-125, "Resolution Accepting Donation from Blaine Festival for Construction of Future Band Shell in Aquatore Park," be approved.

A roll call vote was taken. Motion adopted unanimously.

COMMUNICATIONS

None.

OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:51 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:52 p.m.

ADOPTION OF AGENDA

The agenda was adopted as amended moving Item 12.1 after Item 5.1.

APPROVAL OF CONSENT AGENDA

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

9.1 Motion 20-91, Schedule of Bills Paid.

9.2 Motion 20-92, Authorize Change Order No. 1 in the Amount of \$69,269 for the 2020 Blaine Street Improvements, Improvement Project No. 19-07.

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 20-121, Vacation of Drainage and Utility Easements on Lot 4, Block 1, April Ridge 4th Addition, Vacation No. V20-05.

City Engineer Schluender stated a petition, dated July 7, 2020, was submitted to the city by Bryce Willaby on behalf of Hogan Real Estate, requesting the vacation of drainage and utility easements on Lot 4, Block 1, April Ridge 4th Addition. The vacation is necessary as the location and depth of the existing utility within the existing easement can be maintained within a reduced easement width; therefore, the east portion is to be vacated. The Engineering Department has reviewed this request and concurs with the vacation.

Mayor Ryan opened the public hearing at 7:54 p.m.

There being no additional public input, Mayor Ryan closed the public hearing at 7:54 p.m.

Moved by Councilmember Paul, seconded by Mayor Ryan, that Resolution 20-121, “Vacation of Drainage and Utility Easements on Lot 4, Block 1, April Ridge 4th Addition,” be approved.

A roll call vote was taken. Motion adopted unanimously.

DEVELOPMENT BUSINESS

11.1 Resolution No. 20-122, Granting a Conditional Use Permit Amendment to Allow for the Construction of Detached Accessory Buildings up to 150 SF in Club West 4th and 7th Additions located in a DF (Development Flex) Zoning District. Avington Place Association (Case File NO. 20-0026/EES).

Moved by Councilmember Hovland, seconded by Councilmember Paul, that Resolution No. 20-122, “Granting a Conditional Use Permit Amendment to Allow for the Construction of Detached Accessory Buildings up to 150 SF in Club West 4th and 7th Additions located in a DF (Development Flex) Zoning District,” be approved.

City Planner Johnson stated the Club West neighborhood is zoned DF (Development Flex), and therefore the standards for development are regulated by a conditional use permit specific to the subdivision. The neighborhood contains several smaller communities governed by homeowner's associations within the larger Club West master association. Avington Place is an association made up of the 5th and 7th additions of Club West and encompasses the 117 lots in the northern single family area. Recently, a resident of Avington Place approached the city requesting a permit to build a shed. The resident was informed that detached accessory structures are not permitted within Club West, per the Conditional Use Permit (CUP) for the development. The Avington Place covenants allow for sheds up to 150 square feet, so there is a discrepancy between the City and HOA regulations. Multiple homes within Avington Place have sheds that are currently illegal non-conforming. Most were installed without permits and are under 120 square feet, and therefore did not require permits. Three sheds were issued zoning permits due to staff error. Staff are not aware of any complaints filed on any of the sheds.

Ms. Johnson explained to allow the resident to build a shed and to bring the existing sheds into compliance with the CUP requirements, the Avington Place board has applied for a CUP Amendment to allow detached accessory buildings up to 150 square feet. Staff believes that the prohibition on detached accessory structures was included in the resolution at the request of the developer. Since the HOA allows for sheds and voted unanimously to amend the CUP to match the HOA covenants, staff is supportive of amending the CUP.

Councilmember Hovland indicated he supported the proposed amendment.

Mayor Ryan agreed stating he would rather see residents building sheds than having items sitting in their yards.

Councilmember Jeppson asked if residents would still be required to go through the proper permitting process in order to construct a shed that was 150 square feet in size. Ms. Johnson reported this was the case.

Councilmember Jeppson explained these were very small lots, so she appreciated the fact that the HOA supported the request. She said she was pleased that residents requesting sheds would have to go through the permitting process which would ensure the sheds were properly placed on lots.

A roll call vote was taken. Motion adopted unanimously.

11.2 Resolution No. 20-123, 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).

Moved by Councilmember Swanson, seconded by Councilmember Paul, 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.

Ms. Johnson stated the sign ordinance requires a permit for text and/or face changes. When those permits are issued, signs are required to be brought into full conformance with the sign code. This has resulted in older signs being modified or removed to comply with height limitations and design requirements that have changed over the years. In 2018, Infinity Automotive applied for variances from the sign code to allow an existing non-conforming freestanding pylon sign to be refaced at 611 109th Avenue. At that time, two neighboring property owners submitted comments in opposition to the variance, and the Planning Commission recommended denial of the application. The City Council and the applicant came to an agreement regarding the variance. The applicant withdrew the application and the City Council indicated that if the sign was refaced (which would

trigger the requirement to bring the sign into conformance with the zoning code), any enforcement action would be delayed until August 3, 2020.

Ms. Johnson reported since that time, a new tenant, A&C Automotive, has occupied the space. When they applied for a certificate of occupancy in April of 2019, the applicant was notified that the existing sign was nonconforming and would need to be removed by August 3, 2020 if the sign faces were changed. The sign faces have been changed, and therefore the sign is currently existing in violation of the zoning code. The applicant has chosen to reapply for the same variances to allow the sign to remain. Staff commented further on the City's sign code, the proposed request and recommended denial of the variance for the free standing sign.

Mr. Tim Leininger, A&C Automotive representative, stated he was not against modifying the existing sign to match the exterior. He reported at the time he signed his lease he was told the sign had been grandfathered in and to not worry about it. He explained he was a business owner and an employer trying to keep his business afloat during really difficult times and indicated it would be difficult for him to spend \$10,000 on a new sign. He stated he has reached out to his landlord on numerous occasions without success. He commented on how he was working to change the look of this building and how he was hoping to purchase the building in the future. He explained he took pride in this community and was proud to be a business owner in Blaine. He described how he understood the sign situation to be when he began leasing the building. He stated this has been a tumultuous year and he would like to work with the City Council in order to find a solution for the sign in order to keep his business operational.

Mayor Ryan discussed how confrontational the sign ordinance has been over the years. He understood it was difficult for business owners to bring older signs into compliance with the new sign ordinance. He commented on how much the previous owner had spent on the site. He explained he appreciated the investment the new owner had made in the property as well. He stated he also understood there was only so much the business owner could do given the fact the landlord was unresponsive. He indicated he believed the sign on this property would look better if the rental sign information was removed.

Mr. Leininger explained when he started his business, he paid the four months back rent and outstanding taxes for Affinity Auto. He noted he also paid to purchase equipment from the previous owner. He stated it was his intention to purchase this property from the landlord.

Mayor Ryan commented it was disappointing the previous tenant had not remedied the sign situation. He stated if it was up to him, he would rather have the free standing sign versus hanging on the building. He indicated the illegal sign would have to be removed.

Councilmember Robertson explained she was a small business owner herself and would like to find a middle ground for this business. She understood the Council did not want to set a precedent but commented this sign has been in the community for 20+ years. She indicated this business owner doesn't own the property but was working diligently to enhance the site. She reported she would not be voting to deny the variance because she supported the Council reaching a compromise with this business owner. She recommended the reader board be removed and that the business owner be given another 12 months to resolve the sign situation. She wanted Blaine to remain a business friendly community and encouraged the City Council to work towards a compromise.

Councilmember Swanson questioned if there was a way to postpone action at this time for a month to allow the Council to discuss this further at a worksession meeting. He explained this would allow the City more time to try and contact the property owner.

Ms. Johnson reported staff has been communicating with the applicant that the sign has to be brought into compliance. She commented if citations were issued for the property, these would be sent to the property owner and not the tenant.

Mr. Leininger feared that this would lead to him being evicted and the building would then be vacant. He commented he was more than willing to build a masonry planter at the bottom of the sign. He stated he could get plans to the City if the Council supported this option.

Moved by Councilmember Swanson, seconded by Mayor Ryan, to postpone action on this item to a future City Council workshop meeting.

Councilmember Jeppson commented on when this item first came up in 2018 with Affinity Auto and suggested this item not be brought back to a workshop meeting but rather that the applicant come back to staff with ideas on how to improve the sign.

Mayor Ryan supported this recommendation noting the applicant was willing and ready to address the sign.

Councilmember Jeppson stated she understood it was a huge expense to hold the tenant to the sign standard when the landlord was not responding. She recommended the Council not take action on the variance, but rather allow the applicant to come back with revised plans for the existing sign.

Councilmember Swanson commented on the benefit of the City Council getting involved and stated this was the reason he was recommending the item be brought back to a workshop meeting.

Councilmember Jeppson indicated she did not want to have the City Council overly involved as this could lead to complications.

Councilmember Hovland suggested this item be brought back in one or two months. He noted this would allow the Council time to review the sign ordinance given the fact this was a unique situation because the property owner should be addressing this issue and not the tenant.

Mr. Leininger stated he could get plans to staff in the next week or two for a masonry planter to enhance the existing sign.

Councilmember Swanson stated he would like to see specific plans prior to considering this variance. Ms. Johnson commented on the design requirements and noted staff was concerned about the height of the sign along with its location.

Councilmember Robertson appreciated the fact that the entire Council supported postponing this item to another meeting. She stated she did not want any negative or ill effects from the existing sign to befall the applicant. She explained the City Council understood there was an issue with the sign and this was being addressed. She wanted to see the applicant allowed to operate his business with plans from the applicant for the sign to come before the City at a future date.

Councilmember Paul encouraged the applicant to work with staff in order to address the sign concerns. He stated he looked forward to addressing this concern at a future workshop meeting.

Community Development Director Thorvig recommended the City Council direct staff to work with the applicant and bring this item back to a Council meeting and not a workshop meeting. City Attorney Chris

Nelson supported this recommendation. He reported this request would have to go through the extension process.

Councilmember Swanson and Mayor Ryan withdrew the previous motion.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, to postpone action on this item to a future City Council meeting to allow the applicant to work on possible sign solutions with staff.

A roll call vote was taken. Motion adopted unanimously.

11.3 Resolution No. 20-124, Granting Final Plat Approval to Subdivide Two Existing Parcels (9.23 Acres) into 9 Single Family Lots to be known as Boulder Estates 2nd Addition located at 9850 Hamline Avenue NE. Boulder Contracting (Case File No. 20-0009/SLK).

Moved by Councilmember Paul, seconded by Mayor Ryan, that Resolution No. 20-124, “Granting Final Plat Approval to Subdivide Two Existing Parcels (9.23 Acres) into 9 Single Family Lots to be known as Boulder Estates 2nd Addition located at 9850 Hamline Avenue NE,” be approved.

Ms. Johnson stated the proposed plat contains nine single family lots and will be known as Boulder Estates 2nd Addition. The existing home on site will be required to be removed prior to the plat being recorded with Anoka County. All of the lot sizes exceed the minimum lot size requirement of the R-1 zoning district, which is 10,000 square feet. The lot sizes range from 10,005 square feet to 5.5 acres (wetlands). It was noted this plat was consistent with the Preliminary Plat and staff recommended approval.

A roll call vote was taken. Motion adopted unanimously.

ADMINISTRATION

12.2 Resolution 20-126, Authorize the Mayor and City Manager to Enter into a Professional Services Contract with Short Elliot Hendrickson, Inc. for Water Tower Rehabilitation Project Management Services.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Resolution 20-126, “Authorize the Mayor and City Manager to Enter into a Professional Services Contract with Short Elliot Hendrickson, Inc. for Water Tower Rehabilitation Project Management Services,” be approved.

Public Works Director Haukaas stated the City requested proposals from several firms to perform Project Engineering, Management, and Construction Oversight for the rehabilitation of the Hamline Avenue Water Tower (#3), the Lexington Avenue Water Tower (#4), and the Sunnyside Park Reservoir. The request included the inspection reports conducted within the past two years and for the submitting firms to provide their best teams, and estimated cost, and past experience so that the City could make a qualification based selection. Proposals were received from three firms. Staff has reviewed the qualifications of the proposed staff from each, relevant project experience, and estimated hours and proposed fee to complete the coordination of the project from design through construction. Staff is recommending the City award the contract to Short Elliot Hendrickson, Inc. (SEH) at a not-to-exceed fee of \$61,960. SEH conducted the inspection of each of these facilities and is therefore already very knowledgeable of the conditions of each site. The staff proposed is highly qualified including several with highest level of Coating Inspection Certification. The proposal shows they have a clear understanding of the time necessary to provide a successful project through to completion.

A roll call vote was taken. Motion adopted unanimously.

12.3 Resolution 20-127, Accept Bid from Insituform Technologies USA, LLC in the Amount of \$723,853.80 for the 2020 Sewer Slip Lining, Improvement Project No. 20-31.

Moved by Mayor Ryan, seconded by Councilmember Hovland, that Resolution 20-127, "Accept Bid from Insituform Technologies USA, LLC in the Amount of \$723,853.80 for the 2020 Sewer Slip Lining," be approved.

Mr. Schluender stated bids were received for Project No. 20-31. A total of 5 bids were received ranging from \$723,853.80 to \$922,625.00 (base bid plus alternate bid item). The three lowest bidders and Engineer's estimate were reviewed with the Council. It was noted bids have been checked and tabulated, and it has been determined that InsituForm Technologies USA, LLC of Chesterfield, Missouri is the lowest bidder. The Engineering Department has worked with InsituForm on previous contracts and recommends that the low bid be accepted and a contract entered into with InsituForm Technologies USA, LLC. Staff explained City Council is also asked to approve a 5% contingency to bring the total project budget to \$760,046.00. The funding source for this project is the Public Utility Fund. For the past 10 years the city has annually budgeted \$400,000 for slip lining sanitary sewer. These funds have not been utilized each year as the remaining slip lining projects are more complex and larger in size. It was noted this is the 2019/2020 project and there are sufficient funds to cover these costs.

Councilmember Hovland questioned if all lines would be completed at some point in time or if the City was only slip lining its worst lines. Mr. Schluender reported the City would like to complete all lines eventually then explained all of the City's clay lines have been addressed first.

A roll call vote was taken. Motion adopted unanimously.

12.4 Resolution 20-128, Accepting CARES Act Grant Funding.

Moved by Mayor Ryan, seconded by Councilmember Paul, that Resolution 20-128, "Accepting CARES Act Grant Funding," be approved.

City Clerk Sorensen stated the Office of the Secretary of State (OSS) received funding through the 2020 CARES Act "to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle" and Minnesota law authorizes distribution of these funds to local governments for use consistent with the state and federal requirements. Anoka County was awarded their full county share of \$272,782.08 and OSS will provide these funds as a block grant to the county in a fair, equitable, and mutually agreeable manner. Based on a default allocation mechanism provided by the OSS and the fact that most cities expect expenses to reach or exceed this default allocation, Anoka County will distribute the CARES Act funds to municipalities based on the default OSS allocations, which for Blaine will total \$35,022.48. Note this is a separate pool of funds from the larger CARES Act money that Blaine has already received and these funds can only be spent on elections-related costs. Staff reported the County will be signing the grant award agreement from the state and will distribute funds once received, which requires the City to include an overview of authorized uses and a 20% local match requirement. To date the City has spent funds on personal protective equipment such as sanitizer and tabletop plastic shields for polling places and secure ballot drop boxes at City Hall and the Mary Ann Young Center (MAYC) and will be considering temporary staffing in anticipation of increased interest in early voting.

A roll call vote was taken. Motion adopted unanimously.

OTHER BUSINESS

Councilmember Paul explained he was contacted by a resident regarding noise concerns and this resident has requested a sound wall along CSAH 14. He discussed how homes were being built close to this roadway and noise would continue to be a concern. He commented a fence may be needed from Anoka County. City Manager Wolfe stated this message has been forwarded to City staff and staff would be reaching out to the County. She reported a noise wall would not be required in this area but the City could consider allowing the resident who made the complaint to build a fence.

Mayor Ryan reported this land was all County property.

Councilmember Swanson stated the City has tried to represent constituents to the County in the past and explained rather the City should encourage residents to address the County themselves. He reported this may lead to more success with the County.

Councilmember Hovland reported he has received a number of calls and emails regarding the amount of panhandling occurring within the City of Blaine. He noted he sent his concerns regarding this matter to City staff. Police Chief/Safety Services Manager Podany reported he could post the public service announcement video again on the City's website while also posting information on social media.

ADJOURNMENT

Moved by Councilmember Paul, seconded by Councilmember Hovland, to adjourn the meeting at 9:01 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