

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Wednesday, July 6, 2022

7:30PM
Council Chambers
10801 Town Square Drive

CALL TO ORDER BY MAYOR SANDERS

The meeting was called to order at 7:30PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Tim Sanders, Councilmembers Julie Jeppson, Chris Massoglia, Tom Newland, Richard Paul, and Jess Robertson.

ABSENT: Councilmember Wes Hovland.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Public Works Director Jon Haukaas; Deputy Police Chief Dan Pelkey; Finance Director Joe Huss; City Engineer Dan Schluender; Senior Parks and Recreation Manager Jerome Krieger; City Attorney Chris Nelson; Senior Management Analyst Lisa Derr.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

COMMUNICATIONS

Councilmember Newland thanked the Blaine Festival Committee for their great work on the festival again this year.

OPEN FORUM FOR CITIZEN INPUT

Mayor Sanders opened the Open Forum at 7:31PM.

Bella Noaye, resident of Blaine, explained she had her very first dog from Four Paws and a Tail and lost it to unhealthy breeding. She reported her dog lived less than a month. She

discussed how her puppy was sick, had encephalitis and had to be put down. She indicated she missed her dog a lot and hoped this didn't happen to anyone else.

Chrishon Noaye, resident of Blaine, stated her family was excited to get a dog and after doing a great deal of research she decided to get a puppy from Four Paws and a Tail. She reported she spoke to the owner and learned they do not get their dogs from a puppy mill. She believed the breeders were licensed and accredited, but after having the puppy for 48 hours she learned this was not the case. She wanted to make the public aware of their experience in order to save them from the pain of losing a puppy. She understood this happened from time to time and encouraged the Council to further investigate unhealthy breeding practices.

Megan Helling, resident of Blaine, stated these unhealthy practices have been going on for years. She noted she purchased a puppy (Monty) from Pet Ranch (the previous name of Four Paws and a Trail) and within six months her Labrador retriever was having seizures. She explained her dog was on anti-inflammatories by the time he was four and needed a full hip replacement at age five. She stated at age seven her dog had a knee replacement and started pain meds. She noted her dog lived to be 13 years old and was blessed to have the means to finance the support Monty needed but understood that not all families could do this. She encouraged the Council to consider the unhealthy breeding practices or puppy mills that were affiliated with Four Paws and a Tail and encouraged the Council to advocate for the families that are being impacted by sick dogs and put the humane pet ordinance on a future agenda.

Anne Olson, executive director of Animal Folks, stated her organization works to fight animal cruelty and research puppy mills. She noted she sent a binder of material to the Council last year. She spoke to the physical and mental anguish dogs were going through at puppy mills and respectfully requested the Council adopt a humane pet ordinance in order to keep puppy mill pets out of the community.

Mayor Sanders closed the Open Forum at 7:44PM.

ADOPTION OF AGENDA

The agenda was adopted as amended moving Item 11.1 after Item 9.2.

APPROVAL OF CONSENT AGENDA

Councilmember Newland stated he would need to abstain from the June 17, 2022, bills paid portion of the consent agenda.

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that the following be approved:

8.1 Motion 22-120, Schedule of Bills Paid.

8.2 Motion 22-121, Approval of Minutes.

8.3 Resolution No. 22-106, Election Judge Appointments for the 2022 Elections.

8.4 Resolution No. 22-107, Granting a Conditional Use Permit Amendment to Allow a 6-Foot Side Yard Setback rather than a 10-Foot Side Yard Setback for an Approximately 920 Square Foot Enclosed Sport Court, Swim Spa, and Golf Simulator Addition to the House in a DF (Development Flex) Zoning District at 3151 117th Lane NE. Richard Macomb (Case File No. 22-0038/SLK).

8.5 Resolution No. 22-108, Accept Bid from Pember Companies, Inc. in the amount of \$313,940 for the Public Works Drainage Improvement Project, Improvement Project No. 22-50.

8.6 Resolution No. 22-109, Notifying League of Minnesota Cities Insurance Trust that Monetary Limits on Tort Liability are Not Waived.

Motion adopted unanimously.

7:30PM - PUBLIC HEARINGS AND ITEMS SET FOR A CERTAIN TIME

9.1 Resolution No. 22-110, Supplemental Assessments for 12370 Level Street and 4601 125th Avenue.

City Engineer Schluender stated the public hearing for the Lever Street Improvement Project was held on May 4, 2020. During the public hearing there were two properties that filed an appeal to their assessment. Those parcels were 12370 Lever Street (PID 013123310003) and 4601 125th Avenue (PID 013123430001). Staff commented on the project further and recommended that Council amend the assessment roll for the Lever Street Improvement Project, Number 17-07, to reflect parcels 12730 Lever Street and 4601 125th Avenue be reduced to an amount of \$0.00 for each parcel.

City Attorney Nelson explained Minnesota Statute 421.071 allows for supplemental assessments to modify previously adopted assessments by the City Council. He explained staff was recommending approval of the changes to the two pending assessments.

Mayor Sanders opened the public hearing at 7:48PM.

There being no public input, Mayor Sanders closed the public hearing at 7:49PM.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Resolution No. 22-110, "Supplemental Assessments for 12370 Level Street and 4601 125th Avenue," be approved.

Motion adopted unanimously.

9.2 Resolution No. 22-111, Vacation of Drainage and Utility Easements, Lot 2 and Lot 3, Block 1, Cloverleaf Commons, Vacation No. V22-06.

Mr. Schluender stated the property was originally platted as Lot 2 and Lot 3, Block 1 Cloverleaf Commons. The two properties are being combined into one parcel. The current drainage and utility easements requested for vacation as shown on Exhibit A are no longer needed. Engineering staff has reviewed the request and agrees with the vacation.

Mayor Sanders opened the public hearing at 7:50PM.

There being no additional public input, Mayor Sanders closed the public hearing at 7:51PM.

Moved by Councilmember Jeppson, seconded by Councilmember Newland, that Resolution No. 22-111, "Vacation of Drainage and Utility Easements, Lot 2 and Lot 3, Block 1, Cloverleaf Commons," be approved.

Motion adopted unanimously.

ADMINISTRATION

11.1 Resolution No. 22-115, Approval of Northtown Area Revitalization and Redevelopment Plan.

Community Development Director Thorvig stated the City Council is asked to approve the Northtown Area Revitalization and Redevelopment Plan. The Northtown Mall area has been identified as a redevelopment area in the 2030 and 2040 Comprehensive Plans and within the Growth Management section of the City's Strategic Plan. Several other suburban cities with regional malls including Minnetonka, Edina, Roseville, Maplewood and Burnsville have completed future plans around these commercial nodes to address the changing retail climate.

Mr. Thorvig reported in August 2021, the City hired Damon Farber to assist the City in creating a redevelopment and revitalization plan for the Northtown area. Two other firms assisted in engineering and market analysis of the plan. The plan identifies long term plans related to redevelopment, land use, multi-modal infrastructure, parks/open space, and stormwater. The plan attempts to accomplish redevelopment over a 30+ year timeline through the ten guiding

principles identified in the plan. The plan introduces of a mix of commercial, residential, and civic uses that will make the area a destination for shopping, employment, entertainment, recreating and living. The plan is intended to be a long-term vision, however there are various aspects of the plan that can be implemented in the short-term depending on market and private development interest. The plan is a framework for future development, and it is anticipated that the full build-out will look different from what is shown within the plan. Staff noted representatives from Damon Farber were in attendance to discuss the plan in further detail.

Tom Witlock, Damon Farber, thanked the Council for selecting his firm for this project and thanked staff for their assistance with this plan. He then reviewed the vision, plan, and purpose of the project, which was to engage with stakeholders and to study the redevelopment potential for the Northtown district. He commented on the feedback he received from the public and thanked the community for being engaged in this effort. The project timeline was discussed in further detail, and it was noted this project would take 25 to 30 years to complete. He described how the greenspace and connectivity would be improved throughout the district.

Jeff McMenimen, Damon Farber, provided an overview of the vision document, noting Chapter 1 included an executive summary and Chapter 2 summarized the comments received from the community. The district principles and foundational goals for the area were discussed, along with the redevelopment vision. He noted the plan includes pedestrian circulation and pedestrian circulation. The action steps for turning the mall into a lifestyle center within the Northtown district were discussed. Mid and long-term actions were described as well as funding opportunities. He thanked the Council for their partnership on this project over the past year.

Mayor Sanders thanked the representatives from Damon Farber for their assistance on this project. Mr. Thorvig shared his appreciations for the team's work and said he looked forward to this plan moving forward.

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that Resolution No. 22-115, "Approval of Northtown Area Revitalization and Redevelopment Plan," be approved.

Councilmember Massoglia asked if the City had received a formal plan from the Washington Prime Group. Mr. Thorvig stated the plan for the mall property was similar to what was presented in January 2022, but that staff has not received a formal plan. Mr. McMenimen indicated he spoke with representatives from the Washington Prime Group and noted their plan remained the same.

Councilmember Robertson indicated this was not a concrete plan, but rather was a vision or guiding document that would help the City find partners. She thanked Tom and Jeff for all their efforts on this plan.

Councilmember Newland stated he visited the Northtown Mall area frequently and he understood this area needed attention. He believed the concept plan was very solid and appreciated all of staff's efforts, stating he understood the project was not finalized but the plan would assist in guiding the Council going forward.

Motion adopted unanimously.

DEVELOPMENT BUSINESS

10.1 First Reading – Ordinance No. 22-2505, Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for Approximately 10.9 Acres at 12030 Radisson Road NE, Radisson Hills (Radisson Estates, LLC) (Case File No. 22-0023/SLK).

City Planner Sellman stated the applicant is requesting a rezoning from FR (Farm Residential) to DF (Development Flex) for the construction of 30 single-family lots at 12030 Radisson Road NE. Staff commented further on the proposed development and recommended the ordinance be introduced.

Declared by Mayor Sanders that Ordinance No. 22-2505, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for Approximately 10.9 Acres at 12030 Radisson Road NE," be introduced and placed on file for second reading at the July 18, 2022, Council meeting.

10.2 Resolution No. 22-112, Granting Preliminary Plat Approval to Subdivide Approximately 5.6 Acres into 4 Lots to be known as Blaine Square Third Addition at 12301 Ulysses Street NE, Blaine Square II LLC (Case File No. 22-0035/SLK).

Ms. Sellman stated this application is a request to subdivide (preliminary plat) a 5.6-acre parcel into four lots for commercial development. Staff commented further on the proposed subdivision and noting the planning commission recommended approval of the preliminary plat.

Moved by Councilmember Massoglia, seconded by Councilmember Jeppson, that Resolution No. 22-112, "Granting Preliminary Plat Approval to Subdivide Approximately 5.6 Acres into 4 Lots to be known as Blaine Square Third Addition at 12301 Ulysses Street NE," be approved.

Councilmember Massoglia stated he was excited to see Chick-Fil-A coming to the City of Blaine.

Motion adopted unanimously.

10.3 Resolution No. 22-113, Granting a Conditional Use Permit to Allow Two Buildings on One Lot (Lot 2), Outdoor Dining (Lot 3), a Car Wash (Lot 4) and Shared Access/Parking between Lots in a B-3 (Regional Commercial) Zoning District at 12301 Ulysses Street NE. Blaine Square II LLC (Case File No. 22-0035/SLK).

Ms. Sellman stated the applicant is requesting approval of a conditional use permit for two buildings on one lot, outdoor dining, shared access/parking, and a car wash for a four-lot commercial development. Staff commented further on the proposed uses noting the planning commission recommended approval of the request.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, that Resolution No. 22-113, "Granting a Conditional Use Permit to Allow Two Buildings on One Lot (Lot 2), Outdoor Dining (Lot 3), a Car Wash (Lot 4) and Shared Access/Parking between Lots in a B-3 (Regional Commercial) Zoning District at 12301 Ulysses Street NE," be approved.

Motion adopted unanimously.

10.4 Resolution No. 22-114, Granting a Conditional Use Permit to Construct a 2,613 Square Foot Detached Garage for a Total Garage Space of 2,963 Square Feet in an FR (Farm Residential) Zoning District at 12640 Radisson Road NE. Aaron Jordan (Case File No. 22-0034/EES).

Ms. Sellman stated the property owner is requesting a conditional use permit to build a 2,613 square foot detached garage. Staff discussed the request in detail with the Council and detailed the site work that would be required. Comments received from the public at the planning commission meeting were reviewed with the Council. It was noted staff met with the applicant to discuss alternatives for the site. The requirements for a conditional use permit (CUP) were discussed in further detail. It was noted the Planning Commission forwarded the application with no recommendation as there was a tie vote. Council may approve the CUP as requested, add one or more conditions to mitigate the impacts to neighboring properties, or deny the CUP and adopt findings to support that denial.

Aaron Jordan, 12640 Radisson Road NE, explained he has worked to try and accommodate the neighbors, which was why he was proposing to have the garage at the front of the property. He indicated this led him to move the house 100 feet from Radisson Road, noting he would be having extended family members living with him soon. He stated the garage was placed as proposed due to the placement of his home and the wetlands on the site. He reported he would like a larger garage to store his equipment and trailers in. He noted he would be installing two different hedges surrounding the garage to assist with screening the 36' x 52' garage.

Mayor Sanders opened the meeting for public comment.

Brett Burfine, 1925 125th Lane, thanked the Council for speaking with him over the past few weeks. He encouraged the Council to consider another option for this garage, even if that requires a variance. He stated the neighbors support this option because it would impact all parties less. He indicated the proposed garage would negatively impact all the surrounding neighbors. He explained he disagreed with staff's recommendation noting the garage had an adverse impact on the neighbors and requested the Council work with the property owner on a variance.

Ben Sparks, 1979 125th Lane, encouraged the Council to require the applicant to pursue a variance. While he understood the City was uncomfortable with the variance, he stated this would be the better option for the neighborhood. He explained he was a 15-year resident of Blaine and was concerned how his property value would be adversely impacted if the large garage were constructed as requested.

Danny Lindsey, 12618 Isanti Street, stated he used to work for Forest Lake Contracting and noted there was no bottom to the amount of peat on the applicant's property. He reported the applicant's land will sink 10 to 15 inches each year because there was no bottom. He questioned how the applicant will be able to fill this property to keep it from sinking.

Shannon Burfine, 1925 125th Lane, explained she supported the concerns raised by her husband and neighbors. She stated the proposed garage structure would be closer to her house than the applicant's house. She indicated this building would impact her more than the applicant and encouraged the Council to be creative in order to find another solution to this request.

Mayor Sanders requested comment from the city attorney regarding what can and cannot be done with variances. City Attorney Nelson explained an application would be required for a variance to be considered and noted a variance has not been submitted for this property. He reviewed the variance requirements per Statute, which included a practical difficulty. He reported staff was concerned with the fact that there was a viable use of the land that complies with the zoning ordinance, and therefore the request does not qualify for a variance.

Councilmember Robertson stated this property looked difficult to her because only one-fifth of the land could be built on. She asked if this was a practical difficulty. Mr. Nelson advised the Council determines if a practical difficulty has been met. He reported this type of decision requires a variance application to be in place and noted the applicant does not have a variance request before the Council at this time.

Councilmember Robertson questioned when the original application came to the City. Ms. Sellman stated the original application was brought to staff in May 2022.

Councilmember Robertson inquired if the proposed plan was the original intent of the applicant. Mr. Jordan stated his original intent was to put the garage near Radisson Road, however he was told the garage could not be placed there. He commented on the costs he has had to incur to redesign the site plans over the past year and indicated he would like to have the garage at its original location.

Councilmember Massoglia asked if the conditional use permit was just for the size of the structure. Ms. Sellman stated this was correct, but noted the request also led to a site plan review.

Councilmember Massoglia questioned if the Council could approve the CUP and then request the applicant to apply for a variance to address the placement of the garage. Mr. Nelson stated this theoretically could be done, but there would be nothing to prevent the applicant from constructing the garage right away. He explained it would be in the City's best interest to enter into an agreement with Mr. Jordan extending the CUP period which would require the City to act on the variance within a certain period of time.

Councilmember Jeppson inquired why this request was a huge issue. She stated it was very rare that applicants were willing to hear the neighbors. She supported the Council working with the applicant in order to find a solution for all parties. She indicated she supported the size of the garage and appreciated the fact the applicant would be storing his equipment indoors. She noted this was a unique lot and encouraged staff to work with the applicant on a variance request.

Councilmember Newland agreed stating a variance would be the best solution for this request. He understood it was the property owners' right to do as he wanted on the property, but he appreciated the fact he was willing to hear the concerns of the neighbors. He encouraged the property owner to move forward with the original plan, which would mean pursuing a variance.

Mayor Sanders asked what concerns staff would have if the landowner were to move forward with a variance. Ms. Sellman stated her first concern would be what type of precedent would be set. Mr. Thorvig reported if a variance were pursued, another notification process would be held and new concerns may be raised. He inquired if the Council wanted a building of this size along a major corridor in Blaine.

Mayor Sanders requested the applicant come forward. He stated the Council has spoken favorably towards a variance request. He commented on how difficult this lot would be to develop. He commended the applicant for his efforts and asked if he would be willing to apply for a variance. Mr. Jordan stated he would be willing to do this in order to keep the garage away from the neighbors. He indicated he only concern was that this would delay the project 60+ days further. He asked that the Council approve the conditional use permit, which would

allow him to have a larger garage and noted he would then apply for a variance to address the placement of the garage.

Mayor Sanders questioned if Mr. Jordan would support planting trees along Radisson Road to buffer the garage from this corridor. Mr. Jordan stated he would be willing to plant privacy trees.

Mr. Nelson asked if Mr. Jordan would agree in writing to waive the 60-day requirement for the CUP to be acted upon. He stated this meant the CUP would not be acted on until the variance request was before the City Council. Mr. Jordan stated he would agree to this.

Mr. Nelson advised the Council to table action on the conditional use permit.

Moved by Councilmember Massoglia, seconded by Councilmember Jeppson, to table action on a Conditional Use Permit to Construct a 2,613 Square Foot Detached Garage for a Total Garage Space of 2,963 Square Feet in an FR (Farm Residential) Zoning District at 12640 Radisson Road NE to a date uncertain.

Councilmember Newland commended Mr. Jordan for being a good neighbor.

Motion adopted unanimously.

10.5 First Reading – Ordinance No. 22-2506, Amending Chapter 28 Zoning Districts – Provisions, Chapter 30 – Commercial Districts of the Zoning Code Creating a Redevelopment District (RD) (Case File No. 22-0030/SAS) and Amending Chapter 6 – Alcoholic Beverages of the Code of Ordinances of the City of Blaine.

Ms. Sellman stated the proposed amendment creates the zoning requirements for the 105th Redevelopment District. The 105th Avenue/Radisson Road industrial area was and has been identified in the 2030 and 2040 Comprehensive Plans as a priority redevelopment area. It has also been identified as one of the four priority areas by the City Council through the visioning process that occurred in early 2021, and in the “Growth Management” portion of the City’s strategic plan. Based on direction from the City Council, the City embarked on a visioning/design process for this area to assist in future marketing and development efforts.

Ms. Sellman explained much of the industrial area consists of older industrial buildings that have either become antiquated due to their age or have excessive outdoor storage which is not consistent with the vision for the area. The EDA has been active in purchasing property over the last six years and continues to discuss further acquisitions as property becomes available. The National Sports Center (NSC) and Metropolitan Airports Commission (MAC) are also key property owners in this area. General discussions by the Council identified this as a potential “city core” where walkable, entertainment type of uses that take advantage of the

NSC and be an amenity to Blaine residents and visitors should be encouraged. Staff led the planning/design process that included key stakeholders to establish the vision for this area both visually and descriptively.

Declared by Mayor Sanders that Ordinance No. 22-2506, "Amending Chapter 28 Zoning Districts – Provisions, Chapter 30 – Commercial Districts of the Zoning Code Creating a Redevelopment District (RD) (Case File No. 22-0030/SAS) and Amending Chapter 6 – Alcoholic Beverages of the Code of Ordinances of the City of Blaine," be introduced and placed on file for second reading at the July 18, 2022, Council meeting.

10.6 First Reading – Ordinance No. 22-2507, Granting a Rezoning for Certain Parcels from I-2 (Heavy Industrial), PBD-A (Planned Business District-Airport) and RR (Regional Recreation) to RD (105th Avenue Redevelopment District) and certain properties from I-2 (Heavy Industrial) to Planned Business District (PBD). City of Blaine (Case File No. 22-0030/SAS).

Ms. Sellman stated the proposed request is for the 105th Redevelopment District. It will rezone the properties to RD and create a zoning district just for this area. After the zoning ordinance, rezoning and comprehensive plan amendment are in place, the City will be soliciting a request for proposals to select a master developer to initially focus on development efforts for existing City owned property. The City will also identify various funding sources for the public infrastructure components of the plan including the water feature, roads, open space, and public parking ramp.

Declared by Mayor Sanders that Ordinance No. 22-2507, "Granting a Rezoning for Certain Parcels from I-2 (Heavy Industrial), PBD-A (Planned Business District-Airport) and RR (Regional Recreation) to RD (105th Avenue Redevelopment District) and certain properties from I-2 (Heavy Industrial) to Planned Business District (PBD)," be introduced and placed on file for second reading at the July 18, 2022, Council meeting.

ADMINISTRATION - Continued

11.2 Resolution No. 22-116, Approve a Sod Replacement Project and Order Advertisement for Bids.

Public Works Director Haukaas stated staff provided a presentation to City Council on February 23, 2022, regarding the significant amount of sod failure on street reconstruction projects that were constructed in 2019, 2020, and 2021. Staff presented options and agreed to come back with additional recommendations prior to beginning a project in the late summer. Staff is presenting the following solution in response to Council request. The action would order staff to initiate a project to replace all failed sod on street reconstruction projects in 2019, 2020, and 2021.

Moved by Councilmember Robertson, seconded by Councilmember Paul, that Resolution No. 22-116, "Approve a Sod Replacement Project and Order Advertisement for Bids," be approved.

Councilmember Jeppson stated the Council has been discussing this project for quite some time. She appreciated the fact that the City was taking action in order to address the sod replacement concerns. She asked if there would be an opt-in or reimbursement option for those who have already replaced their sod. She explained the City would not be replacing further sod and encouraged residents to properly maintain the replaced sod. She indicated she would not be supporting the motion on the table because this would involve seeding the sodded areas, versus sodding the areas. Mr. Haukaas reported staff was proposing a sod replacement program with a full sod replacement.

Councilmember Jeppson thanked staff for this clarification and noted she would be supporting the motion on the floor.

Councilmember Massoglia asked if the motion was to create a program for everybody who had sod failure or just those who requested sod replacement. Mr. Haukaas stated the City was proposing to replace all of the sod that has failed.

Substitute motion by Councilmember Massoglia, seconded by Councilmember Jeppson, to create a sod replacement program only for residents who request it from the City.

Substitute motion adopted unanimously.

City Manager Wolfe asked if the motion as amended addressed all the points raised by Councilmember Jeppson. Mr. Haukaas stated the substitute motion did not address the reimbursement of residents who have already replaced their sod but noted this could be added later. He indicated staff would have to understand the reimbursement rate and could report back to the Council on this matter at a future meeting.

Mr. Haukaas discussed the next steps for this program noting he would be developing plans and specifications and would send a letter to all impacted residents explaining the opt-in process. He noted there would be a quick turnaround for this program. He indicated the final program would come back to the Council for approval and award to a contractor.

Amended motion adopted unanimously.

11.3 Motion 22-122, Approve the Next Phase Contract Amendment with TKDA for Professional Engineering Services toward the TH65 Access Improvements, Project No. 21-01.

Mr. Haukaas stated staff requests Council approval to amend the contract with TKDA for professional engineering services for the next phase of the contract for the TH 65 Access

Improvements, Project Number 21-01. This next phase completes work necessary to complete the Level 1 Staff Approved Layout. It was noted the City Council approved a contract with TKDA on April 19, 2021, to perform the environmental review and documentation of the TH65 Access Improvements as the initial phase toward these projects. This Phase 1 contract addresses the environmental review of the TH 65 Section 2 corridor. The final product of this phase is the selection of a preferred alternative. Additional evaluation was required which resulted in Alternative 1A as the Selected Alternative for the project. Staff commented further on the TH65 project and recommended approval of the next phase contract amendment with TKDA.

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that Motion 22-122, "Approve the Next Phase Contract Amendment with TKDA for Professional Engineering Services toward the TH65 Access Improvements," be approved.

Motion adopted unanimously.

11.4 Resolution No. 22-117, Receiving and Rejecting Bids for Happy Acres Park General Site Improvements, Project No. 22-41.

Senior Parks and Recreation Manager Krieger stated pursuant to the City's purchasing policy and statutory bid requirements, staff recommends Council receive and reject all bids for the proposed improvements at Happy Acres Park, including reconstruction of the parking lot and footbridge as well as storm drainage improvements. This recommendation is due to the bids significantly exceeding the appropriated budget. The City Council first discussed the Happy Acres project in December of 2020. The project was adopted in the 2021 Parks Development CIP wherein appropriations included \$525,000 for Happy Acres Park improvements and \$125,000 for stormwater improvements for a project total of \$650,000. Due to additional wetland delineations required by the Coon Creek Watershed, the project did not receive permitting until February 2022. Bid opening for the project took place on March 29, 2022. All bids were checked and tabulated. The apparent low bidder was All Phase Companies at \$814,331.36. However, their bid had an incomplete submission and was disqualified. The lowest qualified bid was Sunram Construction at \$823,803. Staff commented further on the project and recommended the Council receive and reject all bids for the Happy Acres Park improvement project. Staff recommended the Council direct staff to rebid the parking lot for Happy Acres Park.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, that Resolution No. 22-117, "Receiving and Rejecting Bids for Happy Acres Park General Site Improvements," be approved.

Councilmember Newland commended staff for making a recommendation to reject the bids versus approving the additional costs. He stated he fully supported the motion on the table.

Motion adopted unanimously.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, to direct staff to rebid the parking lot for Happy Acres Park.

Motion adopted unanimously.

11.5 Motion 22-123, Authorize the City to Extend Consulting Services to SRF Consulting not to exceed \$53,000 for the Happy Acres Project.

Mr. Krieger stated pursuant to the City's purchasing rules, staff is bringing forward an addendum to the consulting services contract with SRF Consulting for professional services for the Happy Acres parking lot and bridge project. In February 2021, the City Manager authorized an agreement with SRF Consulting for the Happy Acres Park project design and consulting services for \$39,850. In April 2022, a change order of \$9,950 was approved for additional wetland delineation and watershed fee requirements for the project bringing the total cost to \$49,800 for services. If City Council approves the action to reject the original bids and re-bid the project with various alternatives, it will require additional work from SRF. The estimate for the additional services is \$3,000, with which the contract would exceed \$50,000 and require Council approval. Staff is requesting Council to approve a total not-to-exceed contract of \$53,000 for these services.

Moved by Councilmember Newland, seconded by Councilmember Jeppson, that Motion 22-123, "Authorize the City to Extend Consulting Services to SRF Consulting not to exceed \$53,000 for the Happy Acres Project," be approved.

Motion adopted unanimously.

11.6 Second Reading – Ordinance No. 22-2508, Chapter 54 – Parks and Recreation Article III. – Conduct in Public Parks.

Deputy Police Chief Pelkey stated Council is asked to adopt an emergency ordinance to address unlawful conduct in the City's parks and beach. As Council is aware, there is a history of behaviors at the beach that are problematic and create disturbances to the public. In consultation with the City Attorney and after review of existing ordinances, staff found a need for an ordinance amendment in key areas. Currently, if someone needs to be removed from a park due to behavior, we cannot trespass them as it is a City park and we currently do not have an existing ordinance allowing for that process. The only option would be to request a ban from the park from a judge as part of an ongoing criminal process, which would be a long, untimely process. Additionally, although City code allows for closure of a park, the code is lacking strength and clarity. Staff is recommending both items be addressed by adopting an emergency ordinance as allowed by City Charter.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Ordinance 22-2508, "Chapter 54 – Parks and Recreation Article III. – Conduct in Public Parks," be approved.

City Attorney Nelson recommended an amendment to the Ordinance Section 54-89 in the second paragraph on the second line, deleting the word "following".

Substitute motion made by Mayor Sanders, seconded by Councilmember Newland, to remove the word "following" from the Ordinance in Section 54-89 in the second paragraph on the second line.

Substitute motion adopted unanimously.

Councilmember Newland asked when this ordinance would become effective. Mr. Nelson reported this ordinance would be in effect by this weekend.

Councilmember Robertson requested the police department keep the Council updated on the number of people who were trespassed from the beach area and if the situation improves.

Mayor Sanders explained the Council has been working to address the unsafe situation that has been created at the beach. He stated the lack of respect for families, residents and Blaine police was unfortunate and it was his hope that the ordinance would help address this concern. He thanked the Blaine Police Department for having a constant presence at the beach and for working hard to address the concerns at the beach.

Councilmember Newland confirmed this ordinance would be effective for all 68 parks in Blaine and not just the beach.

Amended motion adopted unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

Moved by Councilmember Jeppson, seconded by Councilmember Massoglia, to adjourn the meeting at 9:18PM.

Motion adopted unanimously.

Tim Sanders, Mayor

ATTEST:

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