

CITY OF BLAINE  
ANOKA COUNTY, MINNESOTA  
CITY COUNCIL MEETING  
Monday, August 2, 2021

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, Richard Paul, Jess Robertson and Jason Smith.

Adjunct Member Drew Brown.

**ABSENT:** Councilmember Wes Hovland.

Quorum Present.

**ALSO PRESENT:** City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Lori Johnson; Public Works Director Jon Haukaas; Senior Parks and Recreation Manager Jerome Krieger; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; Community Development Specialist Elizabeth Showalter; Public Service Worker Kristian Gaasland; and City Clerk Catherine Sorensen.

**AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

None.

**COMMUNICATIONS**

Councilmember Jeppson invited all members of the community to participate in Night to Unite activities on August 3, 2021.

**OPEN FORUM FOR CITIZEN INPUT**

Mayor Sanders opened the Open Forum at 7:32PM.

There being no input, Mayor Sanders closed the Open Forum at 7:33PM.

## **ADOPTION OF AGENDA**

The agenda was adopted as presented.

## **APPROVAL OF CONSENT AGENDA**

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

8.1 Motion 21-110, Schedule of Bills Paid.

8.2 Motion 21-111, Approval of Minutes.

8.3 Second Reading – Ordinance 21-2477, Probationary Period Ordinance.

8.4 Motion 21-112, Approve a Temporary Intoxicating Liquor License for St. Tim's Carnival to be held at the Church of St. Timothy, 707 - 89<sup>th</sup> Avenue NE.

8.5 Motion 21-113, Change Order No. 2 to the Access Control Upgrade Project for Security Communication Work at Utility Sites.

Motion adopted unanimously.

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

9.1 First Reading – Ordinance 21-2478, Granting CenterPoint Energy Resources Corp., dba CenterPoint Energy Minnesota Gas ("CenterPoint Energy"), its Successors and Assigns, a Nonexclusive Franchise to Construct, Operate, Repair and Maintain.

City Clerk Sorensen stated cities have broad gas and electric franchise rights under state law. In Minnesota, these franchises are negotiated and take the form of a contract set forth in an ordinance. Cities have the right to require franchises and to include certain terms, such as franchise fees. The franchise ordinance/agreement between the city of Blaine and CenterPoint Energy (formerly Minnegasco) expired on March 5, 2018. The franchise agreement has been reviewed by the Public Works Director, Finance Director, and City Engineer along with the City Attorney and is being recommended to be approved and renewed.

Mayor Sanders opened the public hearing at 7:35PM.

There being no additional public input, Mayor Sanders closed the public hearing at 7:36PM.

Declared by Mayor Sanders that Ordinance No. 21-2478, "Granting CenterPoint Energy Resources Corp., dba CenterPoint Energy Minnesota Gas ("CenterPoint Energy"), its Successors and Assigns, a Nonexclusive Franchise to Construct, Operate, Repair and Maintain," be introduced and placed on file for second reading at the August 16, 2021 Council meeting.

9.2 Resolution No. 21-153, Granting a Conditional Use Permit Amendment to the Conditional Use Permit for the North Meadows Development in a DF (Development Flex) Zoning District at Lexington Avenue and 109<sup>th</sup> Avenue NE. North Meadows LLC (U.S. Home Corporation) (Case File No. 21-0057/LSJ).

City Planner Johnson stated Lennar is asking for a conditional use permit amendment to add additional building styles and elevations to the unit mix in North Meadows. This request would affect the villa homes and twin homes, changing some of the units into two story products. It was noted there is no proposed change to the townhome portion of the development.

Josh Metzger, Lennar, discussed with the Council reasons for the proposed product change. He explained the original twin home design would increase pricing and therefore he was recommending a change. He indicated the change would create more space between the units. He commented further on the modifications that would be made to the villa units. He reported the proposed changes were also being made to meet current market demands.

Mayor Sanders opened the public hearing at 7:43PM.

John Wenholz, 11061 Flanders Court NE, expressed concerns with the villa lots and the proposed elevations that will result in loss of privacy and noise concerns. He reported the original proposal had units that were level with his development. He commented on how the proposed products would draw in younger families with children and requested additional trees be required.

There being no additional public input, Mayor Sanders closed the public hearing at 7:47PM.

Mr. Metzger reported the market for the villas would still be directed towards retirees. He indicated the modified two-story may draw a different market. He discussed the three plans further with the Council and noted only eight look-out lots would allow for two story units, then estimated only 30% to 50% of purchasers for these lots would opt for that product. He

stated he could explore with staff providing additional trees on the west property line of the development.

Councilmember Robertson thanked Lennar for being a great partner to the city of Blaine. She believed Lennar was providing high quality products in the community. She explained this area of the city had changed over time. She appreciated how the developer worked with the community to find compromises. She stated her only concern was that the process that began last April was being changed.

Councilmember Jeppson agreed with Councilmember Robertson. She understood the developer had gone through all the right channels and had compromised to make this development work. She indicated the council also had to take into consideration the market may have changed and the city should not move forward with a project that will not work. She explained she would be willing to support this change so long as the developer capped the number of two stories to 30%.

Councilmember Smith supported Councilmember Jeppson's recommendation. He indicated another option would be to require the developer to plant two trees in the rear yard of the two story units in order to improve the visual buffer between the two neighborhoods.

Councilmember Paul thanked Mr. Wenholtz for sharing his concerns with the city council. It was his hope Mr. Wenholtz could work with the developer to address his concerns.

Mayor Sanders requested comment from the developer regarding the recommendations made by the Council. He stated the City encouraged growth and new developments, but not at the detriment of existing neighborhoods. He understood the housing market has changed in the last 18 months and he also did not want to approve a project that would not work in the community.

Mr. Wenholtz stated he could cap the number of two-story products to 30% of the lots on the west edge and supported including additional trees.

Ms. Johnson reviewed the amended motion the council could make to take action on this item this evening stating the council could move staff's recommendation as stated setting a cap on the number of two-story walkouts to 30% and requiring the installation of additional overstory trees along the west property line.

Councilmember Robertson questioned if it would make sense to put this item on the next agenda versus amending staff's recommendation.

Mr. Metzger explained he would prefer to have the council take action at this meeting and would confirm the direction with his firm.

Councilmember Robertson asked for comment from Mr. Wenholtz regarding council's proposed amendment.

Mr. Wenholtz stated he appreciated the 30% cap on the two-story units and also appreciated the additional tree recommendation. He explained he would like to better understand the elevations for the two-story units.

Mr. Metzger reported the west edge would have no modified splits. He indicated there would be 30% of the homes along the west property line that would have two-story homes. He provided further comment on the proposed two-story product.

Moved by Councilmember Jeppson, seconded by Councilmember Smith, that Resolution No. 21-153, "Granting a Conditional Use Permit Amendment to the Conditional Use Permit for the North Meadows Development in a DF (Development Flex) Zoning District at Lexington Avenue and 109<sup>th</sup> Avenue NE," be approved setting a cap on the number of two-story walkouts to 30% and requiring the installation of an additional overstory tree along the west property line.

Motion adopted unanimously.

9.3 Resolution No. 21-154, Granting a Conditional Use Permit for the Addition of a Patio Area to an Existing Building and Outdoor Seating for 12 in a PBD (Planned Business District) Zoning District at 4190 108<sup>th</sup> Avenue NE. Lexside Shops LLC (Jersey Mike's Subs) (Case File No. 21-0058/LSJ).

Ms. Johnson stated Jersey Mike's is proposing to locate in the multi-tenant retail building in Lexington Meadows and is requesting permission to have outdoor seating for 12 on a newly constructed patio adjacent to their tenant space.

Mayor Sanders opened the public hearing at 8:05PM.

There being no additional public input, Mayor Sanders closed the public hearing at 8:06PM.

Moved by Councilmember Robertson, seconded by Councilmember Paul, that Resolution No. 21-154, "Granting a Conditional Use Permit for the Addition of a Patio Area to an Existing Building and Outdoor Seating for 12 in a PBD (Planned Business District) Zoning District at 4190 108<sup>th</sup> Avenue NE," be approved.

Motion adopted unanimously.

## **DEVELOPMENT BUSINESS**

10.1 Resolution No. 21-155, Granting a Conditional Use Permit to Allow for a 4,913 Square Foot Church in a DF (Development Flex) Zoning District at 12290 Edison Street NE. (Case File No. 21-0030/SLK).

Ms. Johnson stated Chain of Lakes Church is requesting a conditional use permit to construct an approximately 5,000 square foot church just south of 125<sup>th</sup> Avenue and the Edison Street alignment within The Lakes Development. The church is currently worshipping at 10130 Davenport Street NE (multi-tenant building). A typical Sunday currently has about 80 people in attendance. The current zoning and comprehensive land use designation for the property is DF (Development Flex) and MDR (Medium Density Residential). Churches are allowed in all Blaine residential zoning districts as conditional uses. The conditional use permit would provide the zoning approval needed to build a facility. Chain of Lakes Church proposes to occupy an approximately 4,913 square foot building just south of 125<sup>th</sup> Avenue. Chain of Lakes would expect to hold services on Sundays and has provided seating for approximately 132 people.

Paul Moore, Pastor of the Chain of Lakes Church, discussed the proposed church plans with the council and explained the hope to break ground on this project prior to this winter.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Resolution No. 21-155, "Granting a Conditional Use Permit to Allow for a 4,913 Square Foot Church in a DF (Development Flex) Zoning District at 12290 Edison Street NE," be approved.

Motion adopted unanimously.

10.2 First Reading – Ordinance No. 21-2482, Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for Approximately 8.41 Acres at 11967 and 11985 Radisson Road NE. Applewood Pointe of Blaine (Case File No. 21-0049/SLK).

Ms. Johnson stated United Properties is proposing to develop a 4-story senior cooperative building adjacent to Radisson Road and the 121<sup>st</sup> Avenue alignment. In order to construct the senior cooperative building, the applicant needs the approval of a comprehensive plan amendment, rezoning, preliminary plat and conditional use permit. The zoning of all 8.41 acres is currently FR (Farm Residential). In order to facilitate the development of the senior cooperative and to have flexibility in requirements for landscaping, materials used on the building, and other items, the DF (Development Flex) zoning district is proposed for this development. The DF zoning has been used in the majority of residential developments within the City of Blaine over the past several years as it provides the City with the greatest flexibility and control over the aesthetic and livability elements within the development. Staff explained the city received a petition for this project and this should be reviewed by the council prior to the August 16, 2021 city council meeting.

Declared by Mayor Sanders that Ordinance No. 21-2482, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for Approximately 8.41 Acres at 11967 and 11985 Radisson Road NE," be introduced and placed on file for second reading at the August 16, 2021 Council meeting.

10.3 Resolution No. 21-158, Granting a Conditional Use Permit Amendment to Construct an Interior Elevator with a 6-Foot Setback from the Side Property Line in a DF (Development Flex) Zoning District at 2952 132<sup>nd</sup> Avenue NE. (Case File NO. 21-0050/EES).

Ms. Johnson stated the applicant is requesting a conditional use permit (CUP) amendment to allow for a 6-foot setback for living space rather than the currently required 10-foot setback for an elevator addition in Wagamon Ranch 2<sup>nd</sup> Addition. The applicant is retrofitting their home to accommodate two children who use wheelchairs. They have proposed adding the elevator to the east side of the home, which is a side yard. Wagamon Ranch requires a 10-foot living space setback and a 5-foot garage setback. Living space is interpreted as anything other than garage, so the elevator would be considered living space. In Wagamon Ranch and other developments, CUP amendments have been granted to allow indoor sport courts to meet the garage setback since they are different from typical living spaces and do not have windows that could negatively impact neighboring properties. Staff recommends treating the elevator in a similar manner and amending the CUP to allow for a 6-foot setback so long as it is architecturally compatible with the existing home.

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that Resolution No. 21-158, "Granting a Conditional Use Permit Amendment to Construct an Interior Elevator with a 6-Foot Setback from the Side Property Line in a DF (Development Flex) Zoning District at 2952 132<sup>nd</sup> Avenue NE," be approved.

Motion adopted unanimously.

10.4 First Reading – Ordinance No. 21-2479, Granting a Rezoning of Various Properties from B-1 (Neighborhood Business) and FR (Farm Residential) to B-5 (Commercial) on the Southwest Corner of 125<sup>th</sup> Avenue and Lexington Avenue. (Case File No. 21-0046/EJT).

Community Development Director Thorvig stated as part of the City Council visioning discussion that occurred in early 2021, four priority development areas were identified by the City Council. Those areas were the southwest corner of 125<sup>th</sup> Avenue and Lexington Avenue, Northtown Area, 105<sup>th</sup> Avenue and Radisson Road, and the area west of Highway 65 north of 99<sup>th</sup> Avenue. The proposed areas were identified because they are either larger vacant parcels of land that are available for development, or redevelopment efforts are required. The City Council identified the need to be more proactive in the future development of these areas to ensure it is consistent with the vision of the community. Staff commented further on

the conversations they have had with the property owners and recommended the council hold the first reading of this ordinance.

Declared by Mayor Sanders that Ordinance No. 21-2479, "Granting a Rezoning of Various Properties from B-1 (Neighborhood Business) and FR (Farm Residential) to B-5 (Commercial) on the Southwest Corner of 125<sup>th</sup> Avenue and Lexington Avenue," be introduced and placed on file for second reading at the August 16, 2021 Council meeting.

10.5 First Reading – Ordinance No. 21-2480, Granting a Code Amendment to Create a New B-5 (Commercial) Zoning District. (Case File NO. 21-0046/EJT).

Mr. Thorvig stated this item creates a new zoning district and related standards consistent with the visioning discussion by the City Council.

Declared by Mayor Sanders that Ordinance No. 21-2480, "Granting a Code Amendment to Create a New B-5 (Commercial) Zoning District," be introduced and placed on file for second reading at the August 16, 2021 Council meeting.

10.6 Second Reading – Ordinance No. 21-2476, Granting a Code Amendment to the RR (Regional Recreation) Zoning District to Add Maintenance Facilities and Outdoor Storage as Conditional Uses. (Case File NO. 21-0051/EES).

Ms. Johnson stated the National Sports Center (NSC) has submitted plans to construct a maintenance facility and outdoor storage area on the south side of the Super Rink addition, adjacent to the Blaine Public Works facility and surrounding industrial park. The NSC has long utilized two older buildings on 105<sup>th</sup> Avenue as a maintenance facility. They are blighted and do not meet the NSC's needs. Recreational equipment and landscaping materials have been stored near that building. The NSC secured state bonding bill financing for the construction of a new maintenance facility to replace the existing blighted building. The relocation of the maintenance facility is a step towards achieving the City's redevelopment goals at 105<sup>th</sup> Avenue and Nassau Street. The Regional Recreation (RR) district, which applies only to the NSC campus, does not allow for either a maintenance facility or outdoor storage. The City is proposing a code amendment to allow for the requested maintenance facility and outdoor storage. Staff commented further on the request and recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Smith, that Ordinance No. 21-2476, "Granting a Code Amendment to the RR (Regional Recreation) Zoning District to Add Maintenance Facilities and Outdoor Storage as Conditional Uses," be approved.

Motion adopted unanimously.



10.7 Resolution No. 21-158, Granting a Conditional Use Permit to Allow for the Construction of a 25,954 Square Foot Maintenance Operations Center in an RR (Regional Recreation) Zoning District at 1850 105<sup>th</sup> Avenue NE. National Sports Center (RJ Marco Construction). (Case File No. 21-0054/EES).

Ms. Johnson stated the National Sports Center (NSC) currently operates a campus maintenance facility within two buildings on 105<sup>th</sup> Avenue, just west of Invictus Brewing. The facility houses all maintenance operations for the golf course and NSC grounds. The buildings pre-date the NSC (were constructed in the 1960s) and are in poor condition. The new maintenance facility is proposed as a 25,955 square foot addition to the back of the Super Rink with a 23,000 square foot outdoor storage area. It was noted the planning commission recommended approval of this request with conditions.

Moved by Councilmember Paul, seconded by Councilmember Robertson, that Resolution No. 21-158, "Granting a Conditional Use Permit to Allow for the Construction of a 25,954 Square Foot Maintenance Operations Center in an RR (Regional Recreation) Zoning District at 1850 105<sup>th</sup> Avenue NE," be approved.

Motion adopted unanimously.

## **ADMINISTRATION**

11.1 Motion 21-114, Engineering Consultant Pool.

City Engineer Schluender stated the engineering staff is proposing to create an engineering pool of consultants that will provide the city with professional services. On May 20, 2021, the Engineering Department requested Statement of Qualifications from consultant engineering, geotechnical, and surveying firms. The request was posted online and an email was sent to all firms that have provided professional services to the city in the past and any firm that has expressed interest. The creation of an engineering pool will allow for project efficiencies both for staff requesting services and the consultants for creating the response to each request. Having an engineering pool eliminates the need for city staff to formally post for a project request for proposal and would now be able to request a less formal proposal from the firms listed in the pool based on the project type for general municipal or a technical/specialty service. Staff received Statement of Qualifications from 13 different firms interested in all or a specific category of service. Staff reviewed the lists of consultant firms proposed for consultant services and technical/specialty services. It was noted the consultant pool would be reviewed annually and recommended to council each year. Another formal request for Statement of Qualifications would not be conducted for five years, unless there is an issue that would remove a consultant from the list.

Councilmember Jeppson asked if five years was standard and suggested the list be reviewed every three years instead. Mr. Schluender stated the council could follow this directive.

Councilmember Massoglia commented he believed going from six vendors to two would take away the competitive edge for the bid process. He understood that this would make things more efficient for staff, but questioned how many projects the city may be spending more on by not pursuing the competitive bidding process.

Mayor Sanders supported staff and the council reviewing the statement of qualification every three years.

Moved by Mayor Sanders, seconded by Councilmember Jeppson, that Motion 21-114, "Engineering Consultant Pool," be approved with the statement of qualification list reviewed every three years.

Motion adopted 5-1 (Councilmember Massoglia opposed).

11.2 Motion 21-115, Accept Bid from Odessa II, LLC in the amount of \$110,333.80 for the Austin Park Court Replacements.

Senior Parks and Recreation Manager Krieger stated bids were received electronically on July 20, 2021 for the Austin Park project. A total of 7 bids were received ranging from \$110,333.80 to \$166,273. The Engineer's estimate for construction and three lowest bidders were reviewed with the council. Bids were checked and tabulated and it has been determined that Odessa II, LLC of Sauk Rapids, Minnesota is the lowest bidder. The Parks and Recreation Division has worked with Odessa II, LLC on previous contracts. Staff recommends the low bid be accepted and a contract entered into with Odessa II, LLC.

Mr. Krieger explained the project also included fencing, for which three quotes were received for the fencing contract work. It included removal of all existing fencing and poles, along with installing all new fabric, rails, poles and a gate. The Engineer's estimate for the fencing work and the three quotes were reviewed with the Council. Staff recommends the low quote be accepted and to enter into a contract with Just-Rite Fence Company. That brings the project total to \$133,323.80. The City Council is also asked to approve a 10% contingency for the project to bring the total project budget to \$144,357.18. The funding source for this project is the Park and Trail Capital Improvement Fund, for which funds have been appropriated.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Motion 21-115, "Accept Bid from Odessa II, LLC in the amount of \$110,333.80 for the Austin Park Court Replacements," be approved.

Motion adopted unanimously.

Moved by Councilmember Robertson, seconded by Councilmember Paul, to accept the bid for fencing from Just Right Fencing including a 10% contingency.

Motion adopted unanimously.

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, to amend the accepted bid from Odessa II to include a 10% contingency.

Amended motion adopted unanimously.

11.3 First Reading – Ordinance No. 21-2481, Amending Appendix D – Fee Schedule Mary Ann Young Center Room Rental Fees.

Mr. Krieger stated when the new Mary Ann Young Center (MAYC) opened, council approved a fee schedule for the rental of various rooms in MAYC. Initially, neither full-time nor part-time staffing was provided to monitor the building. With the need to provide a part-time building supervisor on-site for rentals at the center, Parks and Recreation staff revisited MAYC rental fees and incorporated the additional costs of this position into their rate analysis. The fees were reviewed at the July 19 council workshop and consensus was to bring the fee amendments forward as proposed. It is projected that room rentals would begin September 1, 2021.

Declared by Mayor Sanders that Ordinance No. 21-2481, "Amending Appendix D – Fee Schedule Mary Ann Young Center Room Rental Fees," be introduced and placed on file for second reading at the August 16, 2021 Council meeting.

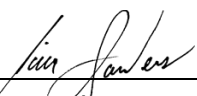
**OTHER BUSINESS**

None.

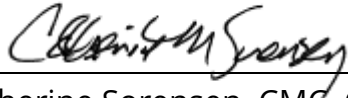
**ADJOURNMENT**

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, to adjourn the meeting at 8:38PM.

Motion adopted unanimously.

  
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Tim Sanders, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Catherine Sorensen", written over a horizontal line.

Catherine Sorensen, CMC, City Clerk

*Submitted by Minute Maker Secretarial*