

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL WORKSHOP
Monday, December 5, 2022

5:30PM
Cloverleaf Farm Room A
10801 Town Square Drive

CALL TO ORDER

The meeting was called to order by Mayor Sanders at 5:30PM.

ROLL CALL

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

ABSENT: None.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Safety Services Director/Police Chief Brian Podany; Fire Chief Dan Retka; Finance Director Joe Huss; Deputy Finance Director Ali Bong; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; Park & Recreation Senior Manager Jerome Krieger; Administration Director Cassandra Tabor; Human Resources Deputy Director Sheri Chesness; Interim Public Works Director Nick Fleischhacker; and City Clerk Catherine Sorensen.

3.1 Closed Session Pursuant to Minnesota Statute 13D.03, Subd. 1(b) to Discuss Collective Bargaining for Local Union 49, LELS Local 165, and LELS Local 340.

The Council voted unanimously to meet in closed session pursuant to Minnesota Statute 13D.03, Subd. 1(b) to discuss collective bargaining for Local Union 49, LELS Local 165, and LELS Local 340.

3.2 SBM Fire Quarterly Update.

Fire Chief Retka provided the Council with a quarterly update from the SBM Fire Department. He thanked the Council for all their support over the past 10 months while the fire department was in a time of transition. He commented further on personnel information, training information, duty crew progression, and provided a fire/incident update. He

explained the Santa parade would begin tonight and noted the department would be using this event to recruit as well as a food drive for non-perishable food items.

Councilmember Newland asked for an update with the City of Centennial fire services. Chief Retka reported the SBM fire department entered into a three-year contract with Centennial to provide fire services. He explained the contract was in year two and he was their acting fire chief. He stated this agreement has worked very well for both Centennial and SBM.

3.3 Trunk Highway 65 Update.

City Engineer Schluender provided the Council with an update on the status of the TH65 project. He commented on the current secured funding and potential funding sources, discussed the preliminary design and environmental documentation process, and reviewed the project schedule.

Councilmember Massoglia requested further information regarding the ramp being proposed at 109th. Mr. Schluender described the ramp and roundabout being planned at 109th.

Councilmember Jeppson asked who created the project schedule. Mr. Schluender reported the City's consultant created the project schedule.

Councilmember Robertson requested the Council receive updated renderings for the northbound intersection of 109th as progress continues. She explained she has received several phone calls from concerned business owners and would like to have the most up to date plans for this portion of the project.

3.4 Refuse and Recycling Contract Discussion.

Finance Director Huss stated at the September 7 Workshop, Council discussed both the proposed 2023 Sanitation Utility Fund budget, and the refuse and recycling contract that is managed and accounted for within this fund. The contract is held by Walters Recycling and Refuse, Inc. of Blaine. Walters has held the contract since 2015. The initial contract was for a 5½-year term with an expiration date of June 30, 2020. In 2019, the City Council approved an extension of the contract through June 2024. Staff indicated at the September 7 Workshop that a request for proposals (RFP) process would begin mid-year 2023. Council voiced potential support to seek alternatives to the RFP process. However, before taking formal action, Council requested that staff research the hauling contracts and fees/rates of other cities with organized refuse hauling before deciding the next step regarding the contract. Staff commented further on the proposed contract and requested direction from the Council on how to proceed.

Mayor Sanders stated he believed Walters has done a tremendous job serving the City and supported the staff pursuing a contract extension with this organization.

Councilmember Jeppson agreed stating she believed Walter's provided great customer service and rates and it was unnecessary to pursue an RFP at this time.

Councilmember Hovland noted the Council worked to put an RFP process in place and encouraged the Council to utilize the RFP process to ensure other firms have an opportunity to apply for the service, even though Walter's was doing an outstanding job.

Councilmember Newland stated having the process as an option makes sense, but he also appreciated the fact the Council could waive the RFP process when the City was receiving great service and rates from a vendor.

Councilmember Robertson commented on the research staff conducted regarding the rates being paid by other communities and noted Blaine was the second lowest. She agreed the City did not need to send this contract out for an RFP and supported the City extending an extension to Walter's.

Councilmember Paul agreed an extension could be extended to Walter's without going through the RFP process.

Council consensus was to waive the RFP process and direct staff to negotiate for a contract extension for three to five years based on pricing.

3.5 An Ordinance Amending Chapter 42, Health and Sanitation, Article II, Tobacco, Division 1 and 2, Article X. - Licenses for Rental Dwellings, and Consideration of Adding Article IV, Edible Cannabinoid Products of the Municipal Code of the City of Blaine.

City Clerk Sorensen stated over several workshops staff has reviewed the League of Minnesota Cities' model ordinance that was drafted in collaboration with the Public Health Law Center at Mitchell Hamline School of Law to ensure compliance with State Statute. She reviewed the proposed changes to the draft ordinance in detail with the Council regarding both tobacco and edible cannabinoid products and noted the proposed changes all work towards limiting the exposure and appeal of tobacco and flavored tobacco products to youth. Staff commented further on the new law that was enacted at the end of the 2022 legislative session that allows certain edible and beverage products infused with tetrahydrocannabinol (THC) to be sold and requested feedback on the proposed ordinance.

Councilmember Newland explained he supported the City keeping the THC language vague at this point because he anticipated the state legislature would be addressing this matter again in 2023.

Mayor Sanders agreed noting the Board of Pharmacy recently sued some THC manufacturers. City Attorney Nelson commented further on the lawsuits that were occurring noting it had to do with the dosing limits that were in place in Minnesota.

Councilmember Robertson supported the language having fluidity because she anticipated changes were coming from the state. She asked if the THC license requirement would require additional police department time and questioned if the City would be limiting the number of THC licenses. Ms. Sorensen stated the number of THC licenses would be determined by the Council.

Police Chief Podany indicated the concern with THC would be the compliance checks to see if the vendors were complying with the dosage requirements. He anticipated it would be more work up front to get vendors to properly follow state law.

Councilmember Paul inquired if THC products could already be sold in the City. Ms. Sorensen reported THC was a legal product that was already being sold in Blaine. She explained when the state made this product legal cities were not given time to put licensing processes and ordinances in place to regulate the sale of THC products.

Councilmember Massoglia stated he anticipated THC regulations would change after the state legislative session. He supported the City limiting THC sales to behind counter sales. He did not want to see THC products sold where self-checkouts were available as this would lead to underage sales.

Councilmember Hovland reported many of the liquor stores in Blaine required an ID to be scanned prior to sales which would ensure THC was not being sold to minors. He stated he could support liquor stores and tobacco shops selling THC products. Ms. Sorensen explained per statute THC could not be sold at off-sale liquor stores.

Councilmember Robertson suggested the Council wait on the THC regulations until more information was available from the state.

Councilmember Hovland supported the City putting parameters in place at this time to gain some level of control over the situation.

Councilmember Newland indicated the state was going to take action to address THC sales and he supported the City waiting to see what action was taken by the state.

Councilmember Massoglia explained he supported some sort of regulation be in place to address underage sales. He recommended IDs be checked prior to any THC product being sold.

Councilmember Robertson supported the City waiting until the state took action so as not to overburden staff.

Council consensus was to support the tobacco ordinance amendments as proposed and to direct staff to wait on licensing cannabinoid products until further direction from the upcoming legislative session.

The Workshop was adjourned at 7:20PM.

Tim Sanders, Mayor

ATTEST:

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