

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Monday, November 21, 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 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; Deputy Police Chief Dan Pelkey; Finance Director Joe Huss; Deputy Finance Director Ali Bong; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; Director of Administration Cassandra Tabor; Police Community Outreach Coordinator Emily Douglas; Police Mental Health Coordinator Amanda Terwey; and City Clerk Catherine Sorensen.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

COMMUNICATIONS

Mayor Sanders wished all members of the community a safe and Happy Thanksgiving.

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 7:32PM.

ADOPTION OF AGENDA

The agenda was adopted as presented.

APPROVAL OF CONSENT AGENDA

Councilmember Newland noted he would be abstaining from voting on Item 8.1 - Schedule of Bills Paid.

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

8.1 Motion 22-188, Schedule of Bills Paid.

8.2 Resolution No. 22-176, Approve Parking Restrictions at 99th Avenue NE and Baltimore Street NE.

8.3 Motion 22-189, Approval of Minutes.

8.4 Motion 22-190, Ratification of Law Enforcement Labor Services Local 340 (Police Sergeants) Labor Agreement for 2023-2025.

8.5 Resolution No. 22-177, Approve First Amendment to Lease Agreement with AT&T on Water Tower at 1100 Paul Parkway NE.

Motion adopted 6-0-1 (Councilmember Newland abstained).

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

9.1 Resolution No. 22-178, Granting a Conditional Use Permit to Conduct Passenger Vehicle Service in an I-1 (Light Industrial) Zoning District at 9221 Baltimore Street NE, #400. RC Automotive (Case File No. 22-0070/EES).

City Planner Sellman stated the applicant is requesting a Conditional Use Permit (CUP) to allow for auto repair in an I-1 district. No overnight outside storage of vehicles is proposed. Staff recommends approval.

Mayor Sanders opened the public hearing at 7:34PM.

There being no public input, Mayor Sanders closed the public hearing at 7:35PM.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Resolution No. 22-178, "Granting a Conditional Use Permit to Conduct Passenger Vehicle Service in an I-1 (Light Industrial) Zoning District at 9221 Baltimore Street NE, #400," be approved.

Motion adopted unanimously.

9.2 Motion 22-192, Approve Renewal of Currency Exchange Licenses.

City Clerk Sorensen stated Council is asked to hold a public hearing to consider approval of currency exchange license renewals. It was noted staff has received correspondence regarding currency exchange license renewals from the Minnesota Department of Commerce for Al\$ Check Cashing, 1434 - 93rd Lane NE and SJB Enterprises Inc., d/b/a Your Exchange, 10553 University Avenue NE. Ms. Sorensen reported statute requires cities to hold a public hearing to solicit testimony from interested persons regarding any currency exchange license renewal. Notice of the public hearing was published on November 11, 2022. The Police Department has also reviewed their files regarding both locations and has no concerns regarding the renewals. City approval must be received within 60 days otherwise concurrence is presumed. The deadline for response is January 1, 2023.

Mayor Sanders opened the public hearing at 7:36PM.

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

Moved by Councilmember Robertson, seconded by Councilmember Hovland, that Motion 22-192, "Approve Renewal of Currency Exchange Licenses," be approved.

Motion adopted unanimously.

9.3 Motion 22-193, Approve On-Sale and Sunday Intoxicating Liquor Licenses for El Norte Mexican Bar & Grill LLC dba El Norte Mexican Bar & Grill, 3453 Lake Drive NE, Suite 100.

Ms. Sorensen stated a public hearing is required prior to the approval for on-sale and Sunday intoxicating liquor licenses in the City. Dorisela Dedumer, applicant, has submitted the on-sale and Sunday intoxicating liquor application for El Norte Mexican Bar & Grill LLC dba El Norte Mexican Bar & Grill. The applicant included the required license fees, forms, and documents. Issuance of licenses are contingent upon receipt of an updated certificate of insurance, certificate of occupancy and successful background investigation. The background investigation is currently in progress for the applicant and on-site responsible party. The on-sale and Sunday liquor licenses, if approved, would be valid until June 30, 2023, and eligible for renewal July 1, 2023. All required information will be submitted to the state's alcohol and gambling enforcement division upon approval of the licenses by the Council.

Mayor Sanders opened the public hearing at 7:37PM.

Inti Martínez-Alemán, legal counsel for El Norte Mexican Bar and Grill, explained he was speaking on behalf of the owner. He reported he was happy to be submitting this application for a new Mexican restaurant in Blaine and thanked staff for their assistance and Council for considering this request.

There being no additional public input, Mayor Sanders closed the public hearing at 7:39PM.

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that Motion 22-193, "Approve On-Sale and Sunday Intoxicating Liquor Licenses for El Norte Mexican Bar & Grill LLC dba El Norte Mexican Bar & Grill, 3453 Lake Drive NE, Suite 100," be approved.

Councilmember Newland asked where this restaurant would be located. Mr. Lamon reported El Norte Mexican Bar & Grill would be located in the former Blue Collar BBQ suite and would be open for business in January or February of 2023.

Motion adopted unanimously.

9.4 Motion 22-194, Approve a Private Wine and 3.2 On-Sale Intoxicating and Sunday Liquor Licenses for Fresh Picked Pizza Blaine, Inc. dba Fresh Picked Pizza, 8683 Central Avenue NE.

Ms. Sorensen stated a public hearing is required prior to the approval for on-sale and Sunday intoxicating liquor licenses in the City. Lee Anderson, applicant, has submitted a private wine and 3.2 on-sale Intoxicating and Sunday liquor licenses for Fresh Picked Pizza Blaine, Inc. dba Fresh Picked Pizza, 8683 Central Avenue. The applicant included the required license fees, forms, and documents. Issuance of licenses are contingent upon receipt of an updated certificate of insurance and work comp, employee training policy, AGE buyer's card fee, successful background investigation, and an Anoka County food and beverage license. The background investigation is currently in progress for the applicant and on-site responsible party. The private wine and 3.2 on-sale Intoxicating and Sunday liquor licenses, if approved, would be valid until June 30, 2023, and eligible for renewal July 1, 2023. All required information will be submitted to the state's alcohol and gambling enforcement division upon approval of the licenses by the Council.

Mayor Sanders opened the public hearing at 7:41PM.

There being no public input, Mayor Sanders closed the public hearing at 7:41PM.

Moved by Councilmember Hovland, seconded by Councilmember Newland, that Motion 22-194, "Approve a Private Wine and 3.2 On-Sale Intoxicating and Sunday Liquor Licenses for Fresh Picked Pizza Blaine, Inc. dba Fresh Picked Pizza, 8683 Central Avenue NE," be approved.

Motion adopted unanimously.

DEVELOPMENT BUSINESS

10.1 First Reading – Ordinance No. 22-2512, Granting a Rezoning from B-3 (Regional Commercial) to DF (Development Flex) for 6.2 Acres at 551 87th Lane NE. Blaine Lakes Apartments (Sambatek) (Case File No. 22-0069/SAS).

Ms. Sellman requested the Council introduce an ordinance for a rezoning from B-3 (Regional Commercial) to DF (Development Flex) for 6.2 Acres at 551 87th Lane NE for the Blaine Lakes Apartments (Sambatek). Staff commented further on the public hearing that was held by the planning commission and recommended the ordinance granting a rezoning from B-3 to DF be introduced.

Jonathan Adams, Silver Stone Realty, stated he was a representative for the ownership of the Rainbow property. He explained his team was very excited to bring this project forward after 18 months of work. He reported he purchased the Rainbow Village Center with its vacancies. He discussed how commercial/retail has changed in recent years and reviewed how a multi-family housing redevelopment on this site would help support the surrounding areas. He commented on the study that was completed for the entire Northtown Area and noted how the proposed apartment building had shifted to the west, after receiving feedback from the neighbors. Further discussion ensued regarding the concerns and feedback he received from the neighbors. He reported Roers was an outstanding developer that did not want new crime to occur, but rather would eliminate the crime that was already occurring on this property.

Shane LaFave, Roers Company, reported there was a demand for multi-family housing in this market. He explained he recently completed a similar project in Fridley and noted this project was 95% leased when opened and was his hope this redevelopment project would be a catalyst for the entire Northtown Area. He clarified that this would be a market rate apartment complex that would have a high level of security and noted all tenants would have a background check. He thanked the neighbors and Council for all their feedback and stated he was proud of the apartment building that was before the Council for consideration.

Declared by Mayor Sanders that Ordinance No. 22-2512, "Granting a Rezoning from B-3 (Regional Commercial) to DF (Development Flex) for 6.2 Acres at 551 87th Lane NE," be introduced and placed on file for second reading at the December 5, 2022, Council meeting.

10.2 Motion 22-195, Consideration to Rescind the City Council's Previous Denial of Blaine Apartment's LLC's Rezoning, Preliminary Plat and Conditional Use Permit Applications (Items 10.5 through 10.7 on October 3, 2022).

City Attorney Nelson stated on October 3, 2022, the City Council denied Blaine Apartments LLC's application for rezoning, preliminary plat, and a conditional use permit (items 10.-5 through 10.-7 on the October 3, 2022, agenda). Approval of these application would allow for a 111-unit apartment building at 111 99th Avenue NE. As has been stated, Blaine Apartments seeks to rezone the property to development flex, which would correspond with the HDR designation within the City's comprehensive plan for these lots. Since the October 3, 2022, Council meeting, some members of the Council have reconsidered their position of these applications. Pursuant to Section 2-33 of City code, Blaine City Council has adopted Roberts Rules of Order as its meeting order and procedure rules. Roberts allows for the rescission of a prior Council action under a motion to rescind. This type of motion was a procedural motion and does not result in approval of the project. Rather, rescission of a prior denial places that item before the Council as if the vote had not occurred.

Mr. Nelson reported on November 9, 2022, Councilmember Jeppson provided the Council and staff with notice that she intends to make a motion to rescind the Council's prior action on Blaine Apartments LLC's land applications. Following receipt of this notice, staff alerted the property owner, developer, and surrounding property owners of Councilmember Jeppson's intention to move to rescind the prior actions from October 3, 2022. To be transparent, City staff sent a letter to surrounding property owners noticing of the vote to rescind that would occur at this meeting. This letter was sent on November 9, 2022. He reported the motion to rescind was also published in the agenda for this meeting. Because there has been advanced notice of the motion to rescind, the Council may rescind the prior actions on the land use application by majority vote. If the denial of the Blaine Apartments LLC's land use application is rescinded, the Council will consider approval of these applications at their meeting on December 5, 2022. He noted there would be a time for comment at this meeting.

Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that Motion 22-195, "Consideration to Rescind the City Council's Previous Denial of Blaine Apartment's LLC's Rezoning, Preliminary Plat and Conditional Use Permit Applications," be approved.

Councilmember Jeppson explained a lot of conversations have been held since the October 3, 2022, Council meeting and a lot more information has come to light, including the intention of the property owner to file suit. She stated while the public may be questioning her motivation in bringing this item forward her motivation was to be respectful of taxpayer dollars and to not fight something that would inevitably happen. She reiterated the fact that this property, per the City's Comprehensive Plan, was guided for high density residential, and requested the Council support her motion to reconsider this matter at the December 5 City Council meeting.

Motion by Councilmember Jeppson, second by Councilmember Hovland to rescind the City Council's previous denial of Blaine Apartment's LLC's rezoning, preliminary plat and conditional use permit applications (Items 10.-5 through 10.-7 on October 3, 2022) approved 4-3 (Councilmembers Robertson, Massoglia, Newland voted nay). Motion adopted.

ADMINISTRATION

11.1 Resolution No. 22-179, Resolution in Support of Anoka County Joint Law Enforcement Council's Renewal of Legislation for Future Public Safety Projects.

Mayor Sanders stated the Anoka County Public Safety Levy statute is set to expire in 2023. There has been discussion and interest in lobbying the State of Minnesota to continue the Public Safety Levy to 2033. He requested support from the Council via a resolution of support.

Moved by Mayor Sanders, seconded by Councilmember Jeppson, that Resolution No. 22-179, "Resolution in Support of Anoka County Joint Law Enforcement Council's Renewal of Legislation for Future Public Safety Projects," be approved.

Councilmember Jeppson stated this was a unique and innovative way for law enforcement to work together and said she appreciated how public servants benefited the community and that she would proudly support this resolution.

Motion adopted unanimously.

11.2 Resolution No. 22-180, Resolution of Support to MnDOT for Proposed 2023 Corridors of Commerce Program.

City Engineer Schluender stated the 2013 Minnesota Legislature created the Corridors of Commerce program, authorizing the sale of trunk highway bonds for construction, reconstruction, and improvement of trunk highways for projects not already in the State Transportation Improvement Program. This was to further two major goals of providing additional highway capacity on segments where there are currently bottlenecks in the system and improvement the movement of freight by reducing barriers to commerce.

Mr. Schluender explained in 2021, the Minnesota Department of Transportation (MNDOT) selected \$200 million of projects for the 2023 Corridors of Commerce Program. MNDOT solicited the public for project recommendations to be considered. One project was submitted for consideration for TH 65 area from south of 105th Avenue to north of 117th Avenue. Improvements for 99th Avenue will be omitted from this application as this project is already received funding in the STIP and is not eligible for the Corridor of Commerce program. MNDOT has asked the City to provide a resolution of support for the public's recommended project(s) in Blaine that will be used in the scoring process during project

selection. This approval does not bind the City to a specific project, but shows the City acknowledges that future improvement projects should be considered for TH 65 area from south of 105th Avenue to north of 117th Avenue.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Resolution No. 22-180, "Resolution of Support to MnDOT for Proposed 2023 Corridors of Commerce Program," be approved.

Mayor Sanders stated he ardently supported the City pursuing this program in hopes of gaining additional funding for TH65.

Motion adopted unanimously.

11.3 Resolution No. 22-181, Adopt the 2023 Sanitation Fund Budget.

Deputy Finance Director Bong stated Council reviewed the proposed 2023 Sanitation Utility Fund Budget at the September 7, 2022, Workshop during which Council stated support for the budget as presented. Council provided staff direction to bring forward the budget and rates as recommended during workshop. The Sanitation Fund accounts for the City's refuse and recycling program. Walters Recycling and Refuse, Inc. provides refuse collection and recycling services for all Blaine residents. The current contract term, extended in 2019, is from January 1, 2016, through June 30, 2024.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, that Resolution No. 22-181, "Adopt the 2023 Sanitation Fund Budget," be approved.

Councilmember Paul explained he would not be supporting this motion.

Motion adopted 6-1 (Councilmember Paul opposed).

11.4 Resolution No. 22-182, Amend the 2022 Charitable Gambling Fund Budget.

Ms. Bong stated as part of the 2022 budget process, appropriations were made that were consistent with the best information available at the time of budget adoption in December 2021. This resolution authorizes increased expenses of \$27,500 to be distributed to Beyond the Yellow Ribbon in the amount of \$2,500, and to Way of the Lord food shelf in the amount of \$25,000.

Moved by Councilmember Hovland, seconded by Councilmember Massoglia, that Resolution No. 22-182, "Amend the 2022 Charitable Gambling Fund Budget," be approved.

Motion adopted unanimously.

11.5 Resolution No. 22-183, Adopt the Transportation 2023 Capital Budget and 2023-2027 Capital Improvement Program (CIP).

Ms. Bong stated staff recommends that Council adopt the proposed Transportation 2023 Capital Budget and 2023-2027 Capital Improvement Program (CIP). Finance presented the 2023-2027 Transportation CIP, including the 2023 Transportation Capital Budget, at a workshop on November 7. The Council had an opportunity to ask questions and discuss different projects within the budget.

Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that Resolution No. 22-183, "Adopt the Transportation 2023 Capital Budget and 2023-2027 Capital Improvement Program (CIP)," be approved.

Councilmember Massoglia stated he was concerned with the Zest Street improvements. He suggested this project be delayed to see if there were any costs the future developers could take on. Mr. Schluender reported there has been no discussions with the developer to date. He explained a preliminary developer was looking at the corner and may purchase the property. He stated this project has been listed and the share with the developer would happen at a future Council meeting. He encouraged the Council to consider this a placeholder project.

Councilmember Massoglia indicated this was great to hear. Ms. Bong stated with the budget appropriations, anything over \$50,000 would require the City to go out for a bid and the matter would come before the Council for review.

Councilmember Newland explained he liked the plan as presented. He requested the Council review the City's assessment plan at a future workshop meeting in early 2023. City Manager Wolfe reported this was staff's plan.

Motion adopted unanimously.

11.6 Resolution No. 22-132, Adoption of Updated City Flag Design.

Ms. Wolfe stated the current City flag was adopted by the City Council in 2008. This winter, facilities staff noted that the current supply of City flags was nearly exhausted and that the current vendor was no longer in business. Staff discussed updating the City flag to match the current branding and style of the City. The City's logo, color scheme, and official fonts were changed in 2017. Staff developed an updated flag design and shared the updated design with Council through the Council Update email in February 2022. Staff also reached out to the Blaine Historical Society regarding the updated flag. Hearing no feedback from Council or the Historical Society, at that time, staff moved forward with the updated flag.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Resolution No. 22-132, "Adoption of Updated City Flag Design," be approved.

Councilmember Hovland reviewed the photos for the two flags and explained the Council has discussed this matter before. He commented on how the Historical Society created the original flag design and was concerned with the proposed changes and requested the new design be reconsidered. He recommended the City stay with the original flag design and that the Historical Society be brought in to work with staff on a new flag design that takes into consideration the City's history.

Councilmember Newland asked if there was a deadline for the flag design. Communications Manager Hayle stated the City did not have any flags on hand, which was what led to these discussions.

Councilmember Hovland explained he prepared the files for the flag and these files belonged to the City and believed he still had a copy of this file. Mr. Hayle reported he found an etching of the old City logo from 1995 but noted he could not find the flag file.

Councilmember Massoglia reported he did not have a strong preference for the flag but wanted to honor previous Councils and could support the new flag or redesigning the old design.

Councilmember Jeppson agreed she did not have a strong preference but challenged staff to review these topics with Council first. She said she understood the flag was about branding and noted she could support the new flag design as proposed.

Mr. Hayle reported he made numerous attempts to reach out to the Historical Society but was unable to connect and had included information for Council and when staff received no feedback moved forward with the order. He explained staff only ordered 12 flags and proposed the City use these flags while revisiting the design to ensure all historical elements were incorporated into a final flag design.

Councilmember Hovland withdrew his motion.

Moved by Councilmember Jeppson, seconded by Mayor Sanders, that Resolution No. 22-132, "Adoption of Updated City Flag Design," be approved.

Councilmember Paul suggested this item be tabled to a future meeting to allow staff to work with the Historical Society on a new flag design that properly captures the City's history.

Councilmember Hovland suggested the motion on the floor be amended to allow staff to use the limited supply of flags that have been ordered but not adopt this as the official City flag

and work with a committee of Historical Society members, Councilmembers and staff to ensure the flag maintains proper historical value.

Councilmember Jeppson withdrew her motion.

Substitute motion: Councilmember Jeppson moved, seconded by Councilmember Massoglia, to allow staff to use the limited supply of flags that have been ordered and work on a design to ensure the flag maintains proper historical value for formal adoption.

Substitute motion adopted unanimously.

11.7 Resolution No. 22-184, Certify 2022 Delinquent Utility Accounts and Invoices to Anoka County.

Finance Director Huss stated notice has been sent to all affected property owners regarding their respective delinquent bills. If payment is not received before the deadline for remittance to the county, the proposed resolution authorizes staff to certify the amount due to the Anoka County Auditor for collection with 2023 property taxes. The amount to be certified for collection is \$473,330.18; \$469,330.67 is for delinquent utilities and \$3,999.51 is for other invoices. The certifications represent 740 properties, 726 with utility certifications, five of which also have delinquent invoices other than utility bills, and 19 with delinquent invoices only. The amount to be certified is about \$50,000 more than the \$423,871.22 than was initially authorized in 2021.

Moved by Councilmember Newland, seconded by Councilmember Jeppson, that Resolution No. 22-184, "Certify 2022 Delinquent Utility Accounts and Invoices to Anoka County," be approved.

Motion adopted 6-0-1 (Councilmember Hovland was absent for the vote).

OTHER BUSINESS

Moved by Councilmember Jeppson, seconded by Mayor Sanders, to direct staff to close City offices on December 23 and provide eight additional hours of holiday pay to City employees.

Motion adopted 6-0-1 (Councilmember Hovland was absent for the vote).

ADJOURNMENT

Moved by Councilmember Robertson, seconded by Councilmember Paul, to adjourn the meeting at 8:46PM.

Motion adopted unanimously.

Tim Sanders, Mayor

ATTEST:

Catherine Sorensen, CMC, City Clerk

Submitted by Minute Maker Secretarial