

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Monday, September 19, 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: Acting City Manager Joe Huss; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Public Works Director Jon Haukaas; Safety Services Manager/Police Chief Brian Podany; City Engineer Dan Schluender; Deputy Finance Director Alison Bong; City Attorney Chris Nelson; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

COMMUNICATIONS

Councilmember Hovland thanked everyone who attended WorldFest this past weekend.

Mayor Sanders stated the City would be celebrating the 40-year anniversary of MAYC on September 20 and encouraged the community to attend.

Mayor Sanders thanked Public Works Director Haukaas for his tremendous service to the City of Blaine for the past five years and wished him all the best in the future. Public Works

Director Haukaas thanked the Council for their support over the years and stated he appreciated all his time with the City of Blaine.

OPEN FORUM FOR CITIZEN INPUT

Mayor Sanders opened the Open Forum at 7:36PM.

Jane Daniels, 770 96th Lane NE, explained she was before the Council to discuss the Blaine Public Safety Association (BPSA). She discussed the history of the BPSA and the work they have done in the community. She reported the BPSA has donated over \$145,000 to the Blaine Police Department over the past 15 years in support of the K9 unit, which assisted with the purchase of seven K9s and their supplies. She commented further on the other donations the BPSA has made to organizations in the community. She then notified the City Council that the BPSA would be dissolving. She thanked all the generous donors who have supported the BPSA over the past 15 years.

Councilmember Hovland thanked Ms. Daniels and BPSA for their work on behalf of the community.

Mayor Sanders thanked Ms. Daniels and the BPSA for their generous work and stated he appreciated the positive impact the BPSA has had on the community.

Safety Services Manager/Police Chief Podany thanked the BPSA for their years of service and dedication to the Blaine Police Department.

There being no input, Mayor Sanders closed the Open Forum at 7:41PM.

ADOPTION OF AGENDA

The agenda was adopted as presented.

APPROVAL OF CONSENT AGENDA

Mayor Sanders requested the removal of consent agenda item 8.3.

Councilmember Robertson requested the removal of consent agenda item 8.6.

Moved by Councilmember Newland, seconded by Councilmember Hovland, that the following be approved:

8.1 Motion 22-155, Schedule of Bills Paid.

8.2 Motion 22-156, Approval of Minutes.

~~8.3 Motion 22-157, Approve Contract with Jacobson Law Group.~~

8.4 Resolution No. 22-144, Receive Petition and Order Public Hearing for Vacation of Drainage and Utility Easement, Naples Street Warehouse II, Vacation No. V22-08.

8.5 Resolution No. 22-145, Accept Bid from Minger Construction Co. Inc in the amount of \$389,000 for the Lift Station 21 Rehabilitation Project, Improvement Project No. 22-31.

~~8.6 Resolution No. 22-146, Accept Bid from North Valley, Inc. in the amount of \$97,588.57 for the 116th Avenue and Radisson Road Intersection Improvements Project, Improvement Project No. 23-05.~~

Motion adopted unanimously.

8.3 Motion 22-157, Approve Contract with Jacobson Law Group.

Mayor Sanders requested further information from staff on this item.

Acting City Manager Huss explained in February staff sent a request for proposals (RFP) for federal agency and congressional lobbying services to 30 different firms; seven proposals were received. Firms were requested to submit proposals for services to secure transportation funding for the reconstruction of Highway 65 improvements in three core areas. The firms were also asked to provide additional federal lobbying services in terms of monitoring relevant or high-priority legislation, reporting major changes and events. In addition, firms were asked to submit information as to how they would support the City identifying and applying for federal grants. A thorough review of proposals led to five finalists. Online interviews were held, and The Ferguson Group (TFG) was selected. A contract was awarded at the April 4 Council meeting.

Mr. Huss stated TFG immediately partnered with City staff to prepare appropriate documents to pursue inclusion on federal "ear mark" lists (Congressionally Directed Funding). As more was learned about the process, staff and Council identified an additional opportunity to engage the services of The Jacobson Law Group to support efforts to be included on the project lists submitted by the delegation that represents Blaine in Washington. (Congressman Emmer, Senator Smith, Senator Klobuchar.) The joint efforts of Blaine elected officials, staff, TFG, and the Jacobson Group resulted in the TH 65 project being included on lists submitted by all three members of the City's delegation. The project was then included on the list approved by the U.S. House of Representatives. As the process in Washington continues, we believe both TFG and Jacobson offer valuable support towards the TH 65 project being on the final list of projects approved by the House and Senate. Therefore, we requested a Work Plan

from the Jacobson Group, identifying the unique services they can provide in this endeavor. Staff requested the Council extend a contract through April 2023 for federal lobbying service with the Jacobson Law Group.

Moved by Mayor Sanders, seconded by Councilmember Newland that Motion 22-157, "Approve Contract with Jacobson Law Group," be approved.

Councilmember Jeppson stated these were added expenses the City had to take on in order to get TH65 funded. She explained this was intentional and wise spending of taxpayer dollars because the City needed help.

Mayor Sanders agreed this was a small investment in order assist the City with receiving \$160 million in federal dollars for the TH65 project.

Motion adopted unanimously.

8.6 Resolution No. 22-146, Accept Bid from North Valley, Inc. in the amount of \$97,588.57 for the 116th Avenue and Radisson Road Intersection Improvements Project, Improvement Project No. 23-05.

Councilmember Robertson asked if this was a JPA project with Anoka County, where Anoka County would be sharing in the costs for this project. City Engineer Schluender reported this project did not have a JPA with the county for cost sharing any of these improvements.

Councilmember Robertson stated she was happy to see this project coming to fruition and she understood safety improvements were necessary at this intersection. She expressed frustration with the fact the county would not be assisting with this project given the fact this was their roadway. She requested the Council and staff dialogue with the county in order to better understand the future of this corridor. She commented she would rather see a roundabout at this intersection than a traffic signal. Mr. Schluender explained staff spoke with the county two weeks ago and noted the entire Radisson Road corridor was discussed. He indicated the county was putting together a traffic analysis proposal that will go out and the City will be part of this process. He reported traffic counts were taken on both sides of this intersection prior to work beginning.

Mayor Sanders indicated this was an important intersection and as the area south of 109th Avenue continues to develop and wanted to see continued work with the county. He thanked staff for all their efforts on this project.

Councilmember Jeppson commented on the intent of this project noting this was the first step for the entire corridor. She stated she was in support of this project now and looked forward

to addressing the safety concerns at this intersection and throughout the Radisson Road corridor.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Resolution No. 22-146, "Accept Bid from North Valley, Inc. in the amount of \$97,588.57 for the 116th Avenue and Radisson Road Intersection Improvements Project," be approved.

Motion adopted unanimously.

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

None.

DEVELOPMENT BUSINESS

10.1 Second Reading – Ordinance No. 22-2510, Granting a Rezoning of Three Properties from I-1 (Light Industrial) to I-1A (Light Industrial) at 8830 Xylite Street NE. Nancy Arndt (MJ Arndt Construction/MJA Building LLC) (Case File No. 22-0047/SAS).

City Planner Sellman stated the applicant is requesting to rezone three properties from I-1 (Light Industrial) to I-1A (Light Industrial) to bring the property at and around 8830 Xylite Street NE into conformance with City code.

Moved by Councilmember Newland, seconded by Councilmember Paul, that Ordinance No. 22-2510, "Granting a Rezoning of Three Properties from I-1 (Light Industrial) to I-1A (Light Industrial) at 8830 Xylite Street NE," be approved.

Motion adopted unanimously.

10.2 Second Reading – Ordinance No. 22-2511, Granting a Rezoning from R-1 (Single Family) and R-3B (Medium Density Multifamily) to DF (Development Flex) at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/EES).

Ms. Sellman stated the applicant is requesting to rezone to DF (Development Flex) to allow for development of an apartment building in conformance with the HDR (High-Density Residential) land use designation of the 2040 Comprehensive Plan. Staff commented further on the requested rezoning and reported the planning commission recommended approval.

Mayor Sanders opened the meeting for public comment.

Melissa Hurd, 9923 Washington Street NE, questioned why only three members of the planning commission voted this project forward when there were seven members in the

group. She expressed concern with the fact staff did not report on the comments that were made at the planning commission meeting. She commented she had concerns regarding increased traffic and now an additional 200 cars would impact 101st Avenue. She discussed the number of accidents that have occurred at Cloverleaf Parkway. She stated she was concerned about the large number of trees that were being removed. She asked if any Councilmembers would like this building dropped into the middle of their neighborhood. She then questioned the type of tenants this project would attract as she did not anticipate the building would attract professionals.

Josh McKinney, Measure Group, discussed changes that had been made to the project since the planning commission meeting to address the neighborhood's concerns which addressed parking, traffic impacts and tree removal concerns. He commented further on the tree removal noting 53% of the trees being removed were trees that could not be replanted (species like cottonwood, elm, silver maple and boxwood). He reported his intent would be to complete criminal background and credit checks on all future tenants and anticipated this building would be full of young professionals. He commented further on the amenities that would be provided within the building, such as security cameras, lighting, and staffing.

Mark Goers, 111 99th Avenue NE, stated he has lived in the community since 1982. He stated this was the nicest project that has been proposed for this property and he supported the project moving forward.

Mayor Sanders closed the meeting for public comment.

Councilmember Newland stated there was a lot about this concept that did not feel right to him. He indicated the project started out all wrong when the first public hearing was scheduled for Night to Unite. He noted he reached out to staff regarding this concern. He understood a virtual opportunity was provided, but this was not the same as a face-to-face meeting. He explained there were too many planning commissioners missing from the last meeting which was why this item only received two positive votes which he felt did not do justice to all the conversations that have been held between the City and the neighbors. He stated he supported this project being tabled or postponed in order to bring about a better end result. He noted he did not support the rezoning moving forward at this time.

Councilmember Robertson explained she agreed with many of Councilmember Newland's comments. She indicated she was frustrated by the issue of traffic and how it impacts residents. She stated she would appreciate traffic safety measures being put in place, such as designated turn lanes. She commented on how the comprehensive plan addresses this property and explained she did not believe this project aligned with the goals within the 2040 comp plan. She discussed how the Metropolitan Council made it difficult for the City Council at times. She indicated she did not want to say no to this project, but unless the scale was brought down, she could not support it.

Councilmember Jeppson reported the Council has had a number of apartment complexes that have come before the Council and each one was emotional because no one wants an apartment complex built across the street from them. She understood the landscape would be changed and trees would be lost. However, she noted the City needed diverse housing options. She indicated this project may not be the ideal situation, but she appreciated the proposed greenspace and noted a three-story apartment building was in close proximity. She discussed the comprehensive plan and explained the Minnesota Supreme Court stated a City's comprehensive plan was the primary land use control and a City's zoning ordinances were intended to affect its comprehensive plan. She believed this one sentence had to dictate what the Council's decision had to be regardless of everything else that has been mentioned. For this reason, she would be supporting this project moving forward.

Councilmember Hovland discussed how the Council has worked to disperse apartment complexes throughout the community. He stated when he sees clustering, he starts to get nervous. He commented on how important it was for apartment complexes to have proper management. He understood how traffic was a concern for this neighborhood, especially in the wintertime. He stated he was struggling with this project and noted he was leaning against supporting the apartment building because this was not the right location.

Councilmember Paul stated it may be too late to see what could or could not go on this property. He explained it would take time to reconsider this project. He discussed how the state had the upper hand on cities when it came to housing requirements. He indicated he wanted to support the neighbors who spoke out about this development.

Moved by Councilmember Jeppson, seconded by Mayor Sanders, that Ordinance No. 22-2511, "Granting a Rezoning from R-1 (Single Family) and R-3B (Medium Density Multifamily) to DF (Development Flex) at 111 99th Avenue NE," be approved.

Mayor Sanders stated the Council was conflicted because this looks like a great project, but at the same time there were resident concerns. He appreciated how the developer had addressed these concerns but noted traffic was still an issue. He asked if the developer wanted to continue working with residents and the Council in order to get closer to a more positive project.

Mr. McKinney indicated he would like the opportunity to meet with staff and Councilmembers to further discuss this project. He explained he was trying to be a good neighbor.

Mayor Sanders reported the Council sees a lot of developers that have brought projects forward that did not take into consideration the neighbors or Council's concerns. He stated he appreciated how the applicant had worked to mitigate the neighbors' concerns, however there were still concerns in place and perhaps with a few more weeks of work, this project could be met more favorably.

Community Development Director Thorvig stated cities have 60 days to act on an application but noted this was a plat which meant the deadline could be extended an additional 120 days. He reported the Council had until sometime in November to take action on this request. He believed the parking issue had been addressed by selling land and adding additional spaces. He commented on the tree removal and noted the applicant was oversizing the trees being replaced. He reported when development occurs trees are removed. He discussed the mass and scaling of this building noting this was one of the smaller buildings that have come before the Council. He noted the site was guided for high density residential and reported this decision was made in 2018. He then asked for the Council for further comment on what concerns should be further considered.

Vishal Dutt, developer, indicated he was not clear on the specific issues and encouraged the Council to not discount the traffic data, noting this project would only add 750 more trips onto the roadway. He reiterated that this land was zoned for high density residential and expressed frustration with the fact the Council was now speaking out against the apartment complex.

Mayor Sanders reported the Council wanted to communicate their concerns clearly for the developer.

Mayor Sanders suggested the developer may wish to take more time to consider the concerns and issues the neighbors have before a vote is taken on this development.

Councilmember Jeppson asked if the Council should approve the rezoning to align the land use and comprehensive plan. City Attorney Nelson advised the proposed rezoning would zone the property to development flex. He reported City code does not allow for properties to be rezoned to development flex without a conditional use permit and for this reason recommended the rezoning not be considered.

Councilmember Jeppson withdrew her motion.

Mayor Sanders withdrew his second.

Moved by Mayor Sanders, seconded by Councilmember Jeppson, to table action on this item.

Councilmember Hovland encouraged the developer to hold a neighborhood meeting to better address the concerns that have been raised by the neighbors prior to the next meeting.

Motion adopted unanimously.

10.3 Resolution No. 22-147, Granting a Conditional Use Permit to Construct a 111-Unit Apartment Building in a DF (Development Flex) Zoning District at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/EES).

Moved by Mayor Sanders, seconded by Councilmember Jeppson, to table action on this item.

Motion adopted unanimously.

10.4 Resolution No. 22-148, Granting a Preliminary Plat to Create One Lot and Two Outlots to be Known as Green Acres 2nd Addition at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/EES).

Moved by Mayor Sanders, seconded by Councilmember Jeppson, to table action on this item.

Motion adopted unanimously.

ADMINISTRATION

11.1 Motion 22-158, Authorize a Professional Services Contract with Bolton & Menk for Preliminary Survey and Design Services of Ulysses Street and 117th Avenue Intersection Improvements.

Mr. Schluender requested the Council authorize the mayor and city manager to enter into a professional services contract with Bolton & Menk for preliminary survey and design services related to intersection improvements at Ulysses Street and 117th Avenue. Staff commented further on the proposed project and recommended the Council approve a contract with Bolton & Menk.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Motion 22-158, "Authorize a Professional Services Contract with Bolton & Menk for Preliminary Survey and Design Services of Ulysses Street and 117th Avenue Intersection Improvements," be approved.

Councilmember Massoglia asked if this project was for Ulysses Street and 117th Avenue or Ulysses Street and Paul Parkway. Mr. Schluender reported the project before the Council was for Ulysses Street and 117th Avenue. He noted the intersection at Ulysses Street and Paul Parkway would be completed in 2024.

Councilmember Paul expressed concern with how a roundabout would work or fit at this intersection but noted he would support this project moving forward.

Motion adopted unanimously.

11.2 Motion 22-159, Approve an Amendment to the Contract for Design and Construction Oversight of Water Treatment Plant No. 4, Improvement Project No. 19-11 with Barr Engineering.

Mr. Haukaas stated Council is requested to approve a contract amendment for professional services for construction oversight for the Water Treatment Plant No. 4, Improvement Project No. 19-11. He commented further on staff oversight and timeline and recommended approval of the contract with Barr Engineering.

Moved by Councilmember Jeppson, seconded by Councilmember Newland, that Motion 22-159, "Approve an Amendment to the Contract for Design and Construction Oversight of Water Treatment Plant No. 4," be approved.

Councilmember Newland thanked Public Works Director Haukaas for all his work on this project.

Motion adopted unanimously.

11.3 Resolution No. 22-149, Establishing 2022 Public Hearing Dates for the Proposed 2023 General Fund Budget and Tax Levy.

Deputy Finance Director Bong stated the Council is asked to set the public hearing dates for discussion and adoption of the 2023 Tax Levy and General Fund Budget.

Moved by Councilmember Hovland, seconded by Councilmember Massoglia, that Resolution No. 22-149, "Establishing 2022 Public Hearing Dates for the Proposed 2023 General Fund Budget and Tax Levy," be approved.

Motion adopted unanimously.

11.4 Resolution No. 22-150, Adjusting Certain Tax Levies for Bonded Indebtedness for Fiscal Year 2023.

Ms. Bong stated staff recommends Council adopt a resolution to adjust tax levies certified for bonded indebtedness. The resolution includes adjustments to scheduled levies for the City's General Obligation (G.O.) Special Assessment Improvement Bonds, G.O. Capital Improvement Bonds, and the City's Capital Equipment Certificates of Indebtedness.

Moved by Councilmember Newland, seconded by Councilmember Jeppson, that Resolution No. 22-150, "Adjusting Certain Tax Levies for Bonded Indebtedness for Fiscal Year 2023," be approved.

Motion adopted unanimously.

11.5 Resolution No. 22-151, Certify Preliminary General Fund Budget and Preliminary Tax Levy for Fiscal Year 2023.

Ms. Bong stated Minnesota Statutes require that cities annually certify preliminary budget and property tax levies to county auditors by September 30. As Council has discussed previously, the preliminary budget may be adjusted either up or down, however, once set, the preliminary property tax levy can only be lowered. Thus, the Council does have the ability to reduce the preliminary tax levy as the 2023 budget process unfolds. The levy proposed in the resolution below would, per the best estimates of staff given data currently available, result in a combined 2023 net tax capacity rate for the City and EDA of 32.877%. The proposed General Fund expenditure budget totals \$41,383,610. Preliminary revenue sources provide a safe margin of revenues over expenditures of \$910,690.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Resolution No. 22-151, "Certify Preliminary General Fund Budget and Preliminary Tax Levy for Fiscal Year 2023," be approved.

Motion adopted unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, to adjourn the meeting at 9:12PM.

Motion adopted unanimously.

Tim Sanders, Mayor

ATTEST:

Catherine Sorensen, CMC, City Clerk

Submitted by Minute Maker Secretarial