

## Excerpt of the Minutes from the October 3, 2022 City Council Meeting

CITY OF BLAINE  
ANOKA COUNTY, MINNESOTA  
CITY COUNCIL MEETING  
Monday, October 3, 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 (attending remotely from 1636 Imlay City Road, Lapeer MI), Tom Newland, Richard Paul, and Jess Robertson (attending remotely from 11672 County Highway 18 SW, Brainerd MN).

**ABSENT:** None.

Quorum Present.

**ALSO PRESENT:** City Manager Michelle Wolfe; Community Development Director Erik Thorvig; Safety Services Manager/Police Chief Brian Podany; Finance Director Joe Huss; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; Deputy Finance Director Alison Bong; Deputy Public Works Director Nick Fleischhacker; Asset Management Project Coordinator Shawn Smith; City Planner Sheila Sellman; and City Clerk Catherine Sorensen.

**DEVELOPMENT BUSINESS**10.5 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 99<sup>th</sup> 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 on the history of this request and noted the applicant has amended the proposed parking. The tree removal and replacement requirements were reviewed. It was noted this site has been guided for high density residential since 2018. Staff commented on the surrounding uses, which included apartments and townhouses.

City Engineer Schluender reported a traffic study was not completed for this project. He explained this was not necessary because they were only required for projects that generate over 1,000 trips per day. He indicated this project would produce 750 trips per day, which was under the city's threshold. He commented on the original design for 101<sup>st</sup> and 99<sup>th</sup> Avenue. He reported this four-lane section was designed in 1989. The average daily trips for 101<sup>st</sup> in 1989 was 6,894 and was projected to be 14,000 by 2009. After reviewing records, staff found that this roadway had approximately 7,000 trips per day. He reported staff reviewed sight distance and sight lines based on the curvature of the road and its intersection with 99<sup>th</sup>. It was noted the sight distance was 500 feet, when 350 feet was required, which meant the design from 1989 holds true today. He commented further on what this intersection would look like if turn lanes were added. It was noted 350 feet would be required to taper and allow for the movement and staff did not believe this would be easy to accomplish given the amount of right of way available. Staff suggested a sidewalk be introduced in 2025 when the roadway was reconstructed.

Ms. Sellman further discussed the requests before the Council and it was noted the Planning Commission recommends approval.

Mayor Sanders opened the meeting for public comments.

Kevin Browen, 9712 6<sup>th</sup> Street, expressed concerns with the current traffic counts on 6<sup>th</sup> Street and 97<sup>th</sup> Avenue. He reported he had 129 cars go by his house along 6<sup>th</sup> Street in one hour. He reported he was concerned about the safety of students walking to school and recommended a signal be considered at Polk Street. He requested additional lighting be installed to help bring the intersection to drivers' attention. He noted he was concerned with the amount of fill that would be needed for this project given the fluctuating water tables. He was concerned this project would impact water runoff. His last concern was with the type of tenants this project would attract.

Lori Saroya, 782 101<sup>st</sup> Avenue, requested the Council table action on this item to allow more time for consideration of this project and expressed concerns that only three members of the Planning Commission were present when this item was considered. She said it was her understanding that the vast majority of her neighbors objected to this project and believed all of the residents should be allowed to speak.

Melissa Hurd, 9923 Washington Street NE, stated she was concerned with the communication process that was followed for the Comprehensive Plan. In addition, she questioned why the Council was setting limits on communication for the neighbors when this was one of the goals of the City Council. She indicated she was disappointed in the amount of trees that would be lost and encouraged the Council to reconsider the rezoning of this property. She discussed how the increased traffic would impact the neighbors along with the surrounding wildlife. She encouraged the Council to treat this area of Blaine as valuable as the east side of Blaine. She commented on the traffic numbers for her neighborhood and stated she believed the traffic data was flawed. Lastly, she questioned who would be able to live in the proposed units as they were not truly affordable.

Mayor Sanders reported there has been three opportunities for the public to speak regarding this project.

Alexandra Oswald, 11471 100<sup>th</sup> Drive NE, stated she has lived in Blaine for the past six years. She discussed an accident she was in at the intersection of Cloverleaf Parkway and 99<sup>th</sup> Avenue and recommended the Council vote against the proposed high density project due to the fact this would bring too much additional traffic to the area. She stated the curve was blind given the high rate of speed cars were traveling at and was fortunate that she and her passenger were not killed at this intersection.

Kathy Sedeiko, 99<sup>th</sup> Avenue and 6<sup>th</sup> Street, explained she was told when she moved into her home that 6<sup>th</sup> Street would have no more traffic. She anticipated the traffic in her neighborhood has doubled and feared how this would become even worse if this project were approved. She indicated she was also concerned with parking and noted the residents from Royal Oaks spill into the neighborhood. She did not want this concern to be

compounded with another apartment complex and stated she does not want this apartment complex to be approved.

Bob Sedeiko, 99<sup>th</sup> Avenue and 6<sup>th</sup> Street, suggested the City consider how to mitigate the traffic that has become through traffic in the neighborhood.

A resident spoke about how the area used to be swamp land and a marsh and noted there was a lack of access to Highway 65.

A resident shared concerns regarding traffic and the loss of the wooded areas and encouraged the Council to vote no on this project.

Michael Kuntz, design team architect, responded to the concerns raised by the public. He described the type of spread footings that would be pursued for this project given the size of the building. He described the stormwater management that would be put in place for this site, noting a stormwater tank would be buried on the south side of the site to collect stormwater.

Mayor Sanders requested staff speak to the concerns one resident raised regarding Councilmember Jeppson's comments at the last Council meeting with respect to the Minnesota State Supreme Court.

City Attorney Nelson stated with regard to the comments made regarding the Comprehensive Plan, the area has been designated high density residential and was reviewed and approved in 2018. He explained the Comprehensive Plan is reviewed and approved every 10 years and stated this document creates land use designations for the City. He indicated the law requires cities to amend zoning ordinances in order to comply with the Comprehensive Plan. He explained this area is designated high density residential, but it is zoned R-1 (low density residential). He advised when staff indicates that the proposal for rezoning was consistent with the Comprehensive Plan it meant high density residential designation leads to a change in the designation which will lead to a high density residential development.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, 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 99<sup>th</sup> Avenue NE," be approved.

Councilmember Newland spoke to the three requests for this project. He explained he did not like the plan or the site. He indicated he did not have a problem with the use because he understood the City needed more housing options but was concerned with vehicle and pedestrian traffic given how busy this area was. He did not support adding more traffic to this area. He discussed how the proposed building would dominate this area and intrude onto the privacy of the Alexandra House. He stated he appreciated what the developer has done but

suggested another site be considered. He indicated the neighbors oppose this project and therefore he would be opposing this project.

Councilmember Hovland believed the Planning Commission meeting should not have been held on Night to Unite and that he would like to see an open house held in order to better communicate with the neighbors. He discussed how the City completed its traffic study and noted the City does not take into account the driving habits of individuals as it was very difficult to account for this. He understood that the driving behaviors of traffic in this area was a concern then discussed how this project would properly transition the area from single family homes to townhomes to multi-family apartment complex. He agreed it was difficult to put an apartment complex in the middle of a single-family neighborhood and believed pedestrian safety and screening had to be further considered with this project in order to further buffer the project from the neighbors. He discussed the rights the property owner has to sell and develop their land but felt this project was not the right fit for this site given the traffic concerns and parking issues. He stated at this time he would not be able to support this project.

Councilmember Robertson indicated she has not supported this project from the beginning and discussed how the Council has to work to balance relationship building with developers with the residents they represented. She explained she was not of the mind there was an old Blaine and new Blaine, but rather there was one Blaine and believed all residents had the same value. She commented she spent a lot of time engaging with the residents in this neighborhood because their concerns were valuable and stated she did not believe new development should negatively impact existing development. She commented she was struggling with the traffic data for this project, given the fact there was a lot of moving parts in this area. She thanked staff for presenting the information to the Council but stated she was considering the unintended consequences for this project and that this was not the right place for this project and would not be offering her support.

Councilmember Paul thanked the residents and developer for working on this project to address the concerns of the neighbors. He explained if this project had townhouses, he could support it, but noted he would not be supporting the project with an apartment complex. He stated he would have liked to have seen the public more involved in the beginning of this project, given their high level of opposition. He commented on how the City was looking to balance this project along with the needs for the community and encouraged the developer to reconsider this project with townhouses in order to gain support from the neighbors and the city council. He stated he would not be voting to support this project at this time.

Councilmember Jeppson thanked the residents for being present at this meeting and indicated she was not fully aware of the dangers and traffic concerns in this area. She explained the concerns raised were important to her, but she supported this project moving forward due to the oath she took as a councilmember. Based on the advice of the city

attorney, she believed she was upholding the law of the state of Minnesota. She encouraged the public to respect her position, even if they do not agree with it.

Mayor Sanders commented these issues are never simple. He explained it was an honor to represent the City and each councilmember took this responsibility seriously. He discussed the rights of the property owner and the trees that were located on this property. He reported the Council can't dictate what options come before the City but rather respond to requests. He explained the developer was proposing to build a high-end apartment complex that would bring great new people to the City and if the Council voted against it another project would come forward. He commented townhomes were not popular at this time and may not come forward. He discussed how the Council had to take into consideration the Comprehensive Plan and what was best for the entire community while not hurting a neighborhood. He indicated this developer has worked diligently with the City to address the concerns voiced by the neighbors and had added more parking. He encouraged the neighbors to see the efforts of the developer and the fact that he was trying to meet the neighbors halfway. He understood the concerns of the neighbors were valid regarding traffic. He reminded the public that if this project were not approved, something else would come forward in the near future. He stated it was clear at this time the Council did not support moving this project forward.

Mark Theroff, attorney for the applicant, explained he had heard the concerns of the Council and encouraged the council to proceed with their vote.

A resident stated there was a concern with the number of motorcycles riding through the neighborhood due to Harley-Davidson.

Marna McComb, resident, suggested the City purchase the property for a neighborhood park.

Community Development Director Thorvig requested the city attorney speak to how a no vote would proceed. Mr. Nelson reported the Council can proceed with a no vote but explained a written statement will come back to the Council at their next meeting along with a resolution with findings of fact.

Councilmember Hovland asked if the Council still had to take action to bring the zoning in alignment with the Comprehensive Plan for this property. Mr. Nelson stated in all situations, the zoning has to be brought in line.

A roll call vote was taken. Motion failed unanimously.

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

Moved by Councilmember Hovland, seconded by Councilmember Paul, that Resolution No. 22-148, "Granting a Preliminary Plat to Create One Lot and Two Outlots to be Known as Green Acres 2<sup>nd</sup> Addition at 111 99<sup>th</sup> Avenue NE," be approved.

A roll call vote was taken. Motion failed unanimously.

10.7 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 99<sup>th</sup> Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/EES).

Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that 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 99<sup>th</sup> Avenue NE," be approved.

A roll call vote was taken. Motion failed unanimously.

Mayor Sanders recessed the city council meeting at 9:39PM.

Councilmember Robertson left the meeting.

Mayor Sanders reconvened the city council meeting at 9:45PM.