



City of Blaine Anoka County, Minnesota Minutes City Council

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Monday, February 6, 2023

7:30 PM

Council Chambers

1. **CALL TO ORDER BY THE MAYOR**

The meeting was called to order at 7:30PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

PRESENT: Mayor Tim Sanders, Councilmembers Terra Fleming, Chris Massoglia, Tom Newland, Jess Robertson, and Lori Saroya.

ABSENT: None.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; City Planner Sheila Sellman; Safety Services Director/Police Chief Brian Podany; Finance Director Joe Huss; Deputy Finance Director Alison Bong; City Engineer Dan Schluender; Senior Parks and Recreation Manager Jerome Krieger; City Attorney Tom Loonan; Communications Manager Ben Hayle; Deputy Public Works Director Nick Fleishhacker; and City Clerk Catherine Sorensen.

4. **AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

None.

5. **COMMUNICATIONS**

None.

6. **OPEN FORUM**

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

Jessica Bahr, 116 91st Lane, requested the Council support a humane pet store ordinance to protect consumers and puppies being sold from puppy mills. She encouraged Blaine to be a leader and

progressive community when it comes to having a humane pet store ordinance. She requested the Council place this item on a future workshop agenda.

Robin Knapp, 11268 Forest Court, asked that the Council adopt a humane pet store ordinance.

Laura Thompson, 13016 Dunkirk Circle NE, spoke in support of the City of Blaine having a humane pet store ordinance.

Julie Olson, 2004 117th Lane NE, requested the Council adopt a humane pet store ordinance.

Sandy Haynes, 10226 Ghia Street NE, asked that the Council adopt a humane pet store ordinance.

Kevin Brown, 9712 6th Street, expressed concerns regarding the 111-unit Blaine Apartments LLC complex and requested the Council consider rescinding approval of the apartments at 111 99th Lane NE.

Debbie Richmond, 11267 Forest Court, requested the Council adopt a humane pet store ordinance.

There being no input, Mayor Sanders closed the Open Forum at 7:38PM.

7. ADOPTION OF AGENDA

The agenda was adopted as presented.

8. APPROVAL OF CONSENT AGENDA:

Councilmember Newland explained he would be abstaining from voting on the January 13 schedule of bills paid.

Moved by Councilmember Robertson, seconded by Councilmember Newland, that the following be approved: Motion adopted 5-0-1 (Councilmember Newland abstained).

8.-1 Schedule of Bills Paid

Attachments: [January 6, 2023 Bills Paid](#)
 [January 6, 2023 Subset of Bills Paid](#)
 [January 13, 2023 Bills Paid](#)
 [January 13, 2023 Subset of Bills Paid](#)
 [January 20, 2023 Bills Paid](#)
 [January 20, 2023 Subset of Bills Paid](#)

Approved

8.-2

Approval of Minutes

Attachments: [01-04-23 Council Minutes](#)
 [01-04-23 Workshop Minutes](#)
 [01-09-23 Council Minutes](#)
 [01-09-23 Workshop Minutes](#)
 [01-18-23 Council Minutes](#)
 [01-18-23 Workshop Minutes](#)
 [01-30-23 Council Minutes](#)
 [01-30-23 Workshop - Council Retreat](#)

Approved

8.-3

Granting a Final Plat to Subdivide 4.52 acres into One Lot and Two Outlots to be Known as Lexington Meadows 6th Addition Located at 4181 108th Avenue NE. Van Houtan Holdings, LLC (Case File No. 23-0004/SLK)

Attachments: [Attachments](#)

Adopted

8.-4

Approve Plans and Specifications and Order Advertisement for Bids for the 2023 Southwest Area Street Reconstructions, Improvement Project No. 23-07

Attachments: [Location Map](#)

Adopted

9. 7:30 P.M. - PUBLIC HEARING AND ITEMS PUBLISHED FOR A CERTAIN TIME

None.

10. DEVELOPMENT BUSINESS

10.-1

Granting a Conditional Use Permit for a Culver's Restaurant, Outdoor Dining and Shared Access/Parking Between Lots in a

**PBD (Planned Business) Zoning District at 4121 108th Avenue NE.
(Van Houtan Holdings, LLC) (Case File No. 22-0083/SLK)**

Attachments:

[Attachments](#)

[Unapproved PC Minutes 011023](#)

[Presentation](#)

City Planner Sellman stated the applicant is requesting a conditional use permit to construct a Culver's restaurant with outdoor dining for 12 seats, and a zero-lot line for access and parking. Staff commented further on the request and recommended approval.

Councilmember Robertson explained the City of Blaine does not own the property that Culver's is proposing to build on. She noted this property is zoned PBD (Planned Business District) which means there are very few restrictions on the proposed uses. She explained there was not a whole lot the City could do to limit the use on this property and asked that the public understand Council was working to bring new uses and restaurants into the community.

Moved by Councilmember Robertson, seconded by Councilmember Newland, that Resolution No. 23-16, "Granting a Conditional Use Permit for a Culver's Restaurant, Outdoor Dining and Shared Access/Parking Between Lots in a PBD (Planned Business) Zoning District at 4121 108th Avenue NE," be approved.

Motion adopted unanimously.

10.-2

**Granting a Conditional Use Permit for a Car Wash in a B-2
(Community Commercial) Zoning District at 9280 Baltimore Street
NE. Silverstar Car Wash (Midwest Fidelity Partners, LLC) (Case
File No. 22-0084/SLK)**

Attachments:

[Attachments](#)

[Unapproved PC Minutes 01/10/23](#)

[Presentation](#)

Ms. Sellman stated the applicant is proposing to construct a 4,808-square foot Silverstar Car Wash at 9280 Baltimore Street. The car wash will consist of three drive lanes. The cars entering the one bay car wash will enter from the north side of the car wash building and exit on the south side of the car wash. Staff commented further on the proposed request and recommended approval.

Councilmember Robertson explained this property was privately owned and was zoned B-2 which would allow for a car wash. She stated the Council may not have chosen a car wash for this site but appreciated the fact developers were willing to invest in the City of Blaine and welcomed this new business to the community. She reiterated that the Council was working diligently to bring new restaurants and amenities to the City.

Councilmember Massoglia commented he did not support the senior living facility that was previously proposed for this property and explained he would remain consistent and not support the car wash. He indicated this was a high traffic area and he wanted to have businesses that were the right fit for this property. He did not believe another car wash was a high priority need for Blaine, especially given the fact there were two other car washes being constructed in the community.

Councilmember Newland reported last fall he saw a sign posted on this property for Silverstar Car Wash and was pleased to see something happening on this site. He explained he appreciated the questions the Planning Commission raised at their meeting and noted the traffic along Baltimore Street was already a challenge. He asked staff to speak further regarding if this intersection could handle additional traffic. City Engineer Schluender stated staff was aware this intersection has congestion during the AM and PM peak rush. He discussed the changes that were made to access points to address the concerns at this intersection. He anticipated the issues at this intersection would not be fully addressed until TH65 was addressed. He stated the proposed car wash would not be the tipping point for this intersection, but rather this was done through the adjacent industrial/commercial properties.

Mayor Sanders inquired if it would make sense to have exiting traffic use 92nd Avenue. Mr. Schluender anticipated traffic would flow how it wanted to flow, even if the City were to post signs.

Mayor Sanders asked that the applicant work with staff to address this concern further.

Councilmember Saroya stated this was a highly wooded area and she understood the trees would be removed. She questioned if there were any studies completed to see if there were endangered species on this property. Mr. Schluender reported this site would have gone through the watershed review process and would have evaluated if the site has any threatened or endangered species and did not recall that this area was flagged as having threatened or endangered species.

Moved by Councilmember Robertson, seconded by Councilmember Newland, that Resolution No. 23-17, "Granting a Conditional Use Permit for a Car Wash in a B-2 (Community Commercial) Zoning District at 9280 Baltimore Street NE," be approved.

Motion failed 3-3 (Councilmembers Fleming, Saroya, and Massoglia opposed).

City Attorney Loonan explained the 3-3 vote meant the item failed. He reported this would require the Councilmembers voting in opposition to

state for the record their reasons for voting to deny.

Staff was directed to work with the applicant prior to April 5.

10.-3

A Resolution Adopting a Written Statement of Denial for the Conditional Use Permit for Blaine Event Venue at 1250 126th Avenue NE. (Case File No. 22-0079/SAS)

Ms. Sellman stated at the January 18, 2022 City Council meeting, the Council directed staff to bring findings of fact for denial for the Conditional Use Permit back to the February 6, 2023, meeting for consideration.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Resolution No. 23-18, "A Resolution Adopting a Written Statement of Denial for the Conditional Use Permit for Blaine Event Venue at 1250 126th Avenue NE," be approved.

Motion adopted unanimously.

11. ADMINISTRATION

11.-1

Accept Quotes for Playground Equipment from Landscape Structures and Playground Installation by Flagship Recreation at Sunrise Pond Park

Attachments: [Final price sheet](#)
[Rendering 1 & 2](#)
[Rendering 3 & 4](#)
[Rendering 5 & 6](#)

Senior Parks and Recreation Manager Krieger stated pursuant to the City's purchasing rules, staff is bringing forward quotes for playground equipment from Landscape Structures and playground installation by Flagship Recreation at Sunrise Pond Park. The City Council discussed the Sunrise Pond Park playground at the January 4, 2023, Council workshop meeting. Council consensus was to move forward with the Sunrise Pond Park project. During the December 5, 2022, Council meeting, finance presented the preliminary Capital Improvement Program which included budgets for all projects proposed in 2023. The Council approved the 2023 Parks Capital Improvement Program budget which appropriated \$850,000 for the Sunrise Pond Park project. The project also had \$125,000 allocated for 2022 that will carry over to 2023 for a total budget of \$975,000. He commented further on the request and reported the park board recommended approval of the project for Sunrise Pond Park.

Councilmember Massoglia reported residents in this neighborhood were requesting a basketball court or other amenities for older

children. Mr. Krieger explained staff was looking to fit a full-sized basketball court into this park, but noted this would depend on how final costs come back to the City.

Councilmember Massoglia spoke to the price for this park and discussed how this park would serve all the new residents in the northeast area of Blaine.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Motion 23-26, "Accept Quotes for Playground Equipment from Landscape Structures and Playground Installation by Flagship Recreation at Sunrise Pond Park," be approved.

Motion adopted unanimously.

11.-2

First Reading

An Ordinance Amending Chapter 42, Health and Sanitation, Article II, Tobacco, Division 1 and 2 and Article X. - Licenses for Rental Dwellings

Attachments: [Proposed Amendment](#)
 [Signature Copy](#)

City Clerk Sorensen stated over various 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. Staff commented on the proposed changes and recommended the Council hold the first reading for this ordinance.

Declared by Mayor Sanders that Ordinance No. 23-2522, "An Ordinance Amending Chapter 42, Health and Sanitation, Article II, Tobacco, Division 1 and 2 and Article X. - Licenses for Rental Dwellings," be introduced and placed on file for second reading at the February 22, 2023 Council meeting.

12. OTHER BUSINESS

Councilmember Saroya provided notice of intent to make a motion on February 22 to rescind the December 5, 2022 decision of the Council that reversed the decision to deny the application from Blaine Apartments LLC for a rezoning, preliminary plat, and conditional use permit for the construction of a 111-unit apartment building at 111 99th Avenue NE.

Councilmember Saroya requested a humane pet store ordinance be considered by the Council at a future workshop meeting.

Councilmember Fleming asked that Four Paws and a Tail be invited to the workshop meeting when the humane pet store ordinance is discussed.

13. ADJOURNMENT

**Moved by Councilmember Robertson, seconded by Councilmember Newland,
to adjourn the meeting at 8:10PM.**

Motion adopted unanimously.