



City of Blaine Anoka County, Minnesota Minutes City Council

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

The council chambers will have limited seating, with audience chairs being set up at least six feet apart. There will be an overflow area where the meeting can be watched in the Cloverleaf Farms Room, also with chairs set up at least six feet apart.

Monday, November 1, 2021

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 Julie Jeppson, Chris Massoglia, Richard Paul, Jess Robertson and Jason Smith.

Adjunct Member Drew Brown.

ABSENT: Councilmember Wes Hovland.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; Public Works Director Jon Haukaas; Police Captain Russ Clark; Finance Director Joe Huss; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; Community Standards Director Bob Fiske; Deputy Finance Director Ali Bong; and City Clerk Catherine Sorensen.

Present: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

Absent: 1 - Councilmember Hovland

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

None.

5. **COMMUNICATIONS**

None.

6. OPEN FORUM

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

John Connelly, 1614 132nd Lane NE, stated he has been a resident of Blaine since 1977. He expressed concerns he had regarding the completion of the road construction project and water main replacements in his neighborhood. He stated he was concerned with the quality of the asphalt that would be put down given the upcoming cold weather and the importance of laying pavement when temperatures were above 50 degrees.

There being no input, Mayor Sanders closed the Open Forum at 7:35PM.

7. ADOPTION OF AGENDA

The agenda was adopted as presented.

8. APPROVAL OF CONSENT AGENDA:

Councilmember Robertson requested the removal of consent agenda item 8.6.

Moved by Councilmember Paul, seconded by Councilmember Jeppson, that the following be approved: Motion adopted unanimously.

Aye: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

8.-1 Schedule of Bills Paid

Attachments: [October 15, 2021 Bills Paid](#)
 [October 15, 2021 Subset of Bills Paid](#)
 [October 22, 2021 Bills Paid](#)

Approved

8.-2 Approval of Minutes

Attachments: [10-11-21 Workshop Minutes](#)
 [10-18-21 Closed Workshop - Pending Litigation Discussion](#)
 [10-18-21 Workshop Minutes](#)
 [10-18-21 Council Minutes](#)

Approved

8.-3 Approval of Classification and Sale of Tax Forfeit Properties Within the City of Blaine

Attachments: [Parcel Maps](#)

Approved

- 8.-4 **Granting Final Plat Approval to Subdivide 4.3 Acres into One Lot and One Outlot to Be Known as Blaine Hy Vee Second Addition Located at 360 125th Avenue NE. HY-VEE Inc. (Case File No. 21-0072/SLK)**

Attachments: [Attachments](#)

Adopted

- 8.-5 **Wetland Credit Sale (3.548 Acres)**

Adopted

- 8.-7 **2022 Agreement for Residential Recycling Program with Anoka County**

Attachments: [SCORE Agreement](#)

Approved

- 8.-8 **Authorize the Mayor and City Manager to Enter into a Two Year Contract with the State of Minnesota for a Four Day per Week Institution Community Work Crew in the Amount of \$98,500 per Year**

Attachments: [ICWC Contract](#)

Approved

- 8.-6 **Accept Bid from Jacon LLC in the amount of \$297,648.80 for the Aurelia Park Pond Project, Improvement Project No. 19-42**

Attachments: [Aurelia Park Graphics](#)

Councilmember Robertson requested a brief staff update on this item. City Engineer Schluender discussed the visioning study that was being done for Northtown and how the redevelopment of this area will impact the ditch system within Springbrook Creek. He noted this area was north of the visioning area and stands by itself. He anticipated this project would mirror some of what will happen further south and how the creek would be treated.

Councilmember Robertson explained she wanted to make sure repetitive work was not being completed given the fact the city would be investing

\$300,000 in stormwater improvements.

Moved by Councilmember Robertson, seconded by Councilmember Smith, that Resolution No. 21-208, "Accept Bid from Jacon LLC in the Amount of \$297,648.80 for the Aurelia Park Pond Project," be approved.

Motion adopted unanimously.

Aye: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

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 to Allow for a Total of Four Accessory Structures in an R-1 (Single Family) Zoning District at 11460 Jefferson Street NE. Mihail Isacov (Case File No. 21-0065/EES)

Attachments: [Attachments](#)
[Unapproved PC Minutes](#)

Community Development Director Thorvig stated the applicant has requested a conditional use permit (CUP) to allow for a total of four accessory buildings. The applicant currently has a 648 square foot attached garage, a 176 square foot shed, and a 64 square foot tree house. It was noted an 80 square foot sauna is proposed. The applicant is applying after a complaint was received regarding the appearance of the back yard and the accessory buildings. The applicant was given the options of applying for a CUP or removing all but two of the accessory buildings.

Mr. Thorvig reported the zoning code allows for up to two accessory buildings as a permitted use and requires a CUP for any more than two. Staff is not aware of any previous approvals to allow four accessory buildings on other R-1 properties. The R-1 zoning district requires that architectural style and color of accessory buildings be compatible with the primary structure. The shed is currently a different color than the home and includes some unfinished wood. The shed must be modified to be consistent with the home. Unfinished wood is not permitted and the front of the shed must consist of matching siding and doors only. Staff commented further on the conditions for approval and explained the tree house would have to be removed by June 1, 2022.

Councilmember Jeppson asked if the applicant had spoken to his neighbors regarding the accessory structures in the back yard. Mr.

Thorvig reported staff became aware of the property after receiving a complaint from a neighbor. He stated there were no neighbors that appeared at the Planning Commission's public hearing. He indicated a CUP was required for properties with more than two accessory structures like this.

Councilmember Robertson questioned if the applicant accepted the June 1 timeline. Mr. Thorvig stated there was flexibility in this timeline and the council could extend this to allow additional time to bring the property into compliance with city code.

Councilmember Paul asked if the property owner wanted to keep all of the structures. Mr. Thorvig commented it was his understanding the property owner wanted to keep the four structures in place but was amenable to having three structures in order to be consistent with city code.

Councilmember Jeppson suggested the timeline remain June 1 with a 30 day grace period.

Councilmember Massoglia questioned how the city would regulate if the smoke was offensive to the neighbors. He noted he could go either way on the date for compliance.

Substitute motion by Councilmember Massoglia to amend condition 4d to remove that smoke is offensive to nearby neighbors from the conditional use permit. The motion failed for lack of a second.

Councilmember Robertson suggested the timeline be extended to July 1 versus offering a grace period.

Moved by Councilmember Massoglia, seconded by Councilmember Smith, that Resolution No. 21-209, "Granting a Conditional Use Permit to Allow for a Total of Four Accessory Structures in an R-1 (Single Family) Zoning District at 11460 Jefferson Street NE," be approved.

Substitute motion by Councilmember Robertson, seconded by Councilmember Massoglia, to change the deadline from June 1, 2022 to July 1, 2022. Substitute motion adopted unanimously.

Amended motion adopted unanimously.

Aye: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

11. ADMINISTRATION

11.-1

First Reading

**Establishing Chapter 22, Article XII, Mobile Food Trucks
Regulations and Amending Chapter 22, Article VI, Section 22-273 -
Exceptions to Definitions
Amending Chapter 70, Article II, Section 70-44 - Exceptions**

Mr. Thorvig stated staff has discussed the topic of food truck regulations in the city as an increase in requests are being made by vendors. The council discussed this topic at the April 19 and June 14, 2021 workshops and was generally comfortable making modifications to the ordinance to expand the presence of food trucks in the city. Blaine City Code currently defines food trucks as a transient merchant. A transient merchant means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than 14 consecutive days.

Mr. Thorvig explained current city regulations only permit transient merchants in I-2A, Heavy Industrial zoning districts. This was intentional when the regulations were established to limit transient merchants in the city. Food trucks are also permitted when a special event license is granted through the city. Food trucks have become more popular since the transient merchant regulations were established. There have been frustrations with current regulations in Blaine by both food truck vendors and groups wanting to host a food truck. Based on feedback provided by the city council at both workshops, a registration process was being recommended for food trucks. Staff commented further on the proposed language changes and recommended introduction of the ordinance.

Declared by Mayor Sanders that Ordinance No. 21-2485, "Establishing Chapter 22, Article XII, Mobile Food Trucks Regulations and Amending Chapter 22, Article VI, Section 22-273 – Exceptions to Definitions, Amending Chapter 70, Article II, Section 70-44 – Exceptions," be introduced and placed on file for second reading at the November 15, 2021 Council meeting.

11.-2

Authorize the Mayor and City Manager to Enter into a Contract with Wenck (Stantec Consulting Services, Inc.) for Professional Engineering Services for the Aurelia Park Stormwater Retrofit Improvement Project, Improvement Project No. 19-42

Attachments: [Proposal](#)

Mr. Schluender stated Council is requested to approve a contract for professional services for construction surveying and staking for the Aurelia Park Stormwater Retrofit improvement project, Improvement Project No. 19-42. The Engineering Department has identified the need for stormwater improvements to be installed in Aurelia Park. Wenck

(Stantec Consulting Services, Inc.) developed the plans and specifications for the construction of this project. Staff requested a proposal from Wenck for professional services on this project for Construction Administration and Observation and Construction Surveying and Staking. It was noted Wenck has provided the requested letter of proposal for the Aurelia Park Stormwater Retrofit project. The proposal is broken down into Task 1 and Task 2 costs. Staff reviewed the proposal and has determined that the Engineering Department can provide the construction administration and observation (Task 1) for this project. Staff recommends that the city should enter into a contract with Wenck to provide the construction surveying and staking (Task 2) for a total of \$3,800. This contract will be funded from the approved 2021 Stormwater budget for this project.

Moved by Councilmember Smith, seconded by Councilmember Paul, that Motion 21-159, "Authorize the Mayor and City Manager to Enter into a Contract with Wenck (Stantec Consulting Services, Inc.) for Professional Engineering Services for the Aurelia Park Stormwater Retrofit Improvement Project," be approved.

Motion adopted unanimously.

Aye: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

11.-3

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

Attachments: [Change Order 2](#)

Public Works Director Haukaas stated the consultant team of Barr Engineering and Bolton & Menk (led by Barr Engineering) was awarded the contract for design and construction support for the new Water Treatment Plant No. 4 (WTP4) on May 17, 2018 with Resolution 18-100. The contract was later amended by the city council with Resolution 19-86 on June 03, 2019 to accommodate changes to the original design scope that were requested by the city. At the time of that amendment, Barr had budgeted 25 months for construction oversight and administration time and 6 months of operations assistance. These budgeted times were based on an estimated date of substantial completion for construction of WTP4 of March 30, 2021 and a final completion date of September 30, 2021.

Mr. Haukaas reported after the project was bid and awarded to Gridor Construction, Inc. the contract signed with Gridor identified the actual substantial completion date as June 30, 2021 and the final completion date as December 31, 2021. Due to a multitude of factors, some due to the COVID pandemic, construction delays led to the treatment plant not being substantially complete until August 23, 2021. The changes to the

substantial and final completion dates and further delays in completing construction resulted in the need for additional construction oversight time spent on site for the Barr/Bolton & Menk team beyond what was identified in their original budget. As a result, Barr is requesting an amendment to the contract in the amount of \$200,200.00 to cover all remaining construction oversight, project closeout and operational assistance. Details and cost breakdown of this extra work is included in the amendment request. Staff commented further on the project and recommended approval of the contract amendment.

Councilmember Jeppson asked if staff anticipated any other change orders coming forward. Mr. Haukaas reported staff asked this same question and reported the contractor felt comfortable saying no.

Moved by Councilmember Smith, seconded by Councilmember Jeppson, that Motion 21-160, "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," be approved.

Motion adopted unanimously.

Aye: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

11.-4

Adopt 2022 Communications Fund Budget

Attachments: [2022 Communications Fund Budget](#)

Finance Director Huss stated pursuant to requirements to adopt annual budgets for all operating funds, staff is bringing forward the proposed 2022 Communications Fund Budget for council consideration and adoption. Staff explained the budget was proposed to the council at the September 13, 2021 workshop. The proposed revenues and expenditure for 2022 were reviewed in further detail and staff recommended approval of the communications fund budget.

Councilmember Robertson questioned if ARP funds could be used to fill gaps given there were decreasing revenues in the cable industry. Mr. Huss reported he did not believe this would be an applicable use.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Resolution No. 21-210, "Adopt the 2022 Communications Fund Budget," be approved.

Motion adopted unanimously.

Aye: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

11.-5

Adopt 2022 Charitable Gambling Fund Budget

Attachments: [2022 Charitable Gambling Fund Budget](#)

Mr. Huss stated pursuant to requirements to adopt annual budgets for all operating funds, Staff is bringing forward the proposed 2022 Charitable Gambling Fund Budget for Council consideration and adoption. Staff explained the budget was proposed to the Council at the September 13, 2021 workshop. The proposed revenues and expenditure for 2022 were reviewed in further detail and staff recommended approval of the charitable gambling fund budget.

Councilmember Massoglia asked if the amount to the food shelves would be increased based on previous years. Mr. Huss reported the amount of funding in 2022 would be based on 2020 numbers and not 2021 funding.

Councilmember Paul discussed how beneficial the local food shelves were to the community and said he was pleased the city supported these organizations.

Moved by Councilmember Massoglia, seconded by Councilmember Robertson, that Resolution No. 21-211, "Adopt 2022 Charitable Gambling Fund Budget," be approved.

Motion adopted 5-0-1 (Councilmember Jeppson abstained).

Aye: 5 - Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

Abstain: 1 - Councilmember Jeppson

12. OTHER BUSINESS

None.

13. ADJOURNMENT

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adjourn the meeting at 8:09PM.

Motion adopted unanimously.

Aye: 6 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders