



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, February 7, 2022

7:30 PM

Council Chambers

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

The hybrid meeting was called to order at 7:50PM 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 Wes Hovland, Julie Jeppson, Chris Massoglia (participating remotely 2390 Surfside Boulevard, Cape Coral, FL), Richard Paul, and Jason Smith.

ABSENT: Councilmember Jess Robertson.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; City Engineer Dan Schluender; Deputy Human Resources Director Sheri Chesness; City Attorney Chris Nelson; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

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

Absent: 1 - Councilmember Robertson

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

None.

5. **COMMUNICATIONS**

None.

6. OPEN FORUM

Mayor Sanders opened the Open Forum at 7:53PM.

Rick Perry, 11045 Polk Street NE, requested the council consider an access path from Polk Street to a city trail south of Sand Creek. He noted he presented this idea to the council four months ago and nothing happened. He suggested a new simplified plan that included a culvert and soft path rather than a bridge and asphalt path in order to lower the cost to the city. He reported he and his neighbors would be willing to plant trees, flowers, bushes and tall grasses purchased at the city's expense in order to create Sand Creek Meditation Gardens. He noted the area would be maintained by volunteer gardeners from the neighborhood. He explained the watershed district supported this project, along with city staff. He indicated this project would benefit over 200 families living within 1000 feet of the project area. He requested the council further consider this request at a future workshop meeting.

Mayor Sanders thanked Mr. Perry for his work on this issue and noted staff would take a deeper look at this in order to have it further discussed by the council at a future workshop meeting.

Irvan Hines, 11062 Polk Street NE, explained he was the president of the new homeowners association in his neighborhood. He stated he supported the proposed access path as proposed by Mr. Perry.

There being no further input, Mayor Sanders closed the Open Forum at 8:00PM.

7. ADOPTION OF AGENDA

The agenda was adopted as presented.

8. APPROVAL OF CONSENT AGENDA:

Councilmember Hovland explained he would need to abstain from voting on the January 19, 2022 meeting minutes.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that the following be approved: A roll call vote was taken. Motion adopted unanimously.

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

8.-1**Schedule of Bills Paid**

Attachments:

January 14, 2022 Bills Paid

January 14, 2022 Subset of Bills Paid

January 21, 2022 Bills Paid

January 21, 2022 Subset of Bills Paid

January 28, 2022 Bills Paid

January 28, 2022 Subset of Bills Paid

January 2022 P/R Checks and Wire Transfers

Approved

8.-2

Approval of Minutes

Attachments:

01-10-22 Workshop Minutes

[01-19-22 Council Minutes](#)

01-19-22 Workshop Minutes

1-28-22 and 1-29-22 Workshop Council Retreat

CM Hovland abstained from the 1-19-22 workshop and Council meetings

Approved

8.-3

Receive Pay Equity Report

Attachments:

[Job Class Data Entry Report.pdf](#)

Implementation

Approved

8.-4

Payment to Intuitive Municipal Solutions for Software License, Cloud Hosting, Technical Support and Maintenance for 2022

Attachments:

Invoice

Original Agreement

Approved

8.-5

Approve a Temporary On-Sale 3.2% Malt Liquor License for Chain of Lakes Rotary Club fundraiser to be held at Infinite Campus, 4321 - 109th Avenue NE

Approved

8.-6

Approve New Vending Truck License for Ahmed Alobaidi of Ali Ice Cream

Approved

8.-7

Granting Approval to Conduct Off-Site Gambling at the Blaine

Super Rink, 1850 105th Avenue NE, Climb Theatre

Attachments: [Off-Site Gambling Application](#)

Adopted

8.-8

**Receive Petition and Order Public Hearing for Vacation of
Highway Easement per Document No. 515714, Vacation No.
V22-01**

Attachments: [Petition to Vacate Highway Easement](#)
[exhibit - Lever Street Easement Vacation Lexington Waters](#)

Adopted

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

9.-1

**Order Improvement and Order Preparation of Plans and
Specifications for the 2022 Street Reconstruction Project,
Improvement Project No. 22-04**

Attachments: [22-04 Feasibility Report](#)
[2022 Street Reconstructions Location Map](#)

City Engineer Schluender stated the project area consists of a mix of city streets with concrete curb and gutter and a State Aid collector route. The proposed improvements for all streets except for 129th Avenue include concrete curb and gutter repair and/or replacement, minor storm drainage improvements, spot water main repair, asphalt surface replacement, traffic control signage replacement, and appurtenant construction. The proposed improvements for 129th Avenue include a full reconstruction, including geometric changes, storm sewer and sidewalk. The total estimated cost of these proposed improvements is \$5,290,576 with \$1,316,392 to be assessed to the benefitting properties over a 15-year period. Replacement of existing sanitary sewer castings/rings at an estimated cost of \$90,585 and replacement of malfunctioning gate valves and broken curb stop boxes at an estimated cost of \$134,393 is proposed to be paid for by City Public Utility Funds. The remaining portion of \$3,749,206 is proposed to be paid from the City's Pavement Management Program Fund and Municipal State Aid Funds. Staff reported the proposed project is necessary, cost-effective, and feasible and will result in a benefit to the properties proposed to be assessed.

Councilmember Hovland stated he received several emails from residents asking why their street was being reconstructed. He requested staff speak to how the city chooses roads for reconstruction. Mr. Schluender reported three years ago the city rated the entire street

network and based on those ratings staff identified those in most need of repair. He explained that some of the streets that look fine have defects and deficiencies and will deteriorate rather quickly. He indicated some streets will be fully reconstructed while others will receive a partial reconstruct.

Mayor Sanders opened the public hearing at 8:06PM.

There being no additional public input, Mayor Sanders closed the public hearing at 8:07PM.

Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Resolution No. 22-018, "Order Improvement and Order Preparation of Plans and Specifications for the 2022 Street Reconstruction Project," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

9.-2

**Order Improvement and Order Preparation of Plans and
Specifications for the Hidden Oaks Area Street
Reconstructions, Improvement Project No. 22-06**

Attachments: [Hidden Oaks Area Location Map](#)
 [22-06 Feasibility Report](#)

Mr. Schluender stated the project area consists of residential streets with concrete curb and gutter. The proposed improvements include full concrete curb and gutter removal and replacement, minor storm drainage improvements, spot water main repair, asphalt surface replacement, traffic control signage replacement, and appurtenant construction. The total estimated cost of these proposed improvements is \$4,889,565 with \$1,272,543 to be assessed to the benefitting properties over a 15-year period. Replacement of existing sanitary sewer castings/rings and replacement of malfunctioning water main gate valves and curb stops in certain locations at an estimated cost of \$176,580 is proposed to be paid for by City Public Utility Funds. The remaining portion of \$3,440,442 is proposed to be paid from the City's Pavement Management Program Fund. The proposed project is necessary, cost-effective, and feasible and will result in a benefit to the properties proposed to be assessed.

Mayor Sanders opened the public hearing at 8:09PM.

There being no additional public input, Mayor Sanders closed the public hearing at 8:10PM.

Councilmember Hovland indicated the city only assessed homeowners

for 35% of the project costs for street improvement projects. He commented further on how he supported the city's pavement management plan and how it benefited the entire community.

Councilmember Paul questioned how corner lots were assessed. Mr. Schluender reported these lots were only assessed for the road that has their driveway and not for both roadways. He explained that a street's life was 20 years and residents should not be assessed a second time within that 20 years.

Moved by Councilmember Paul, seconded by Councilmember Smith, that Resolution No. 22-019, "Order Improvement and Order Preparation of Plans and Specifications for the Hidden Oaks Area Street Reconstruction," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

9.-3

Granting a Conditional Use Permit to Allow for Online Purchase Pick Up in an I-2 (Heavy Industrial) Zoning District at 9999 Goodhue Street NE. Nordeast Resale LLC (D&N Management LLC) (PC22-0002/EES)

Attachments: [Attachments](#)

City Planner Sellman stated Nordeast Resale currently provides estate sales and business auctions with items stored at the seller's location. They are seeking to expand their offerings to warehouse items at their new location at 9999 Goodhue Street and sell through online auctions. Winning bidders would pick up their purchase at the warehouse. This will allow them to provide services to sellers who are unable to host a sale at their location. When auction pickups are not occurring, the space will be used for warehousing and office.

Online purchase pick up location was added as a conditional use permit to the industrial zones as part of the 2020 zoning code revision. A CUP is required to ensure that parking is adequate for the proposed use and that the potentially large quantity of traffic does not adversely impact neighboring properties and businesses. The applicant's narrative outlines their proposed business model and indicates that 2-5 auctions would occur per month with a pick-up timeframe of 11AM to 6PM. A site plan has been provided showing the parking spaces associated with the lease area. There are 16 stalls shown that are currently striped. The landlord has indicated that other stalls may also be used when not in use by other vehicles.

Mayor Sanders opened the public hearing at 8:17PM.

There being no additional public input, Mayor Sanders closed the public hearing at 8:17PM.

Councilmember Paul questioned how many pick ups the applicant would have each day. Ms. Sellman reported the applicant could support 16 customers at a time during business hours. She reiterated that this business would be operating in a Heavy Industrial zoning district, which meant the traffic would not be impacting a residential area.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Resolution No. 22-020, "Granting a Conditional Use Permit to Allow for Online Purchase Pick UP in an I-2 (Heavy Industrial) Zoning District at 9999 Goodhue Street NE," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

9.-4

Granting a Conditional Use Permit Amendment to Change 24 Lots (80 Feet Wide) to 29 Lots (65 Feet Wide) in a DF (Development Flex) Zoning District for Outlot C, Oakwood Ponds 5th Addition at 127th Lane NE/East of 127th Circle NE Alignment. Twin Cities Land Development (Case File No. 22-0006/SLK)

Attachments: [Attachments](#)

Ms. Sellman stated Twin Cities Land Development (TCLD and formerly Excelsior Group) received approval for the Oakwood Ponds development in 2017 and began development activities that year. The development has been making progress in the past four years with the construction of 65-foot wide single-family lots and villa home lots that are 50-foot and 60-foot wide. In February 2021, the applicant received a CUP amendment to reduce 80-foot wide lots to 65-foot wide lots which increased from 28 lots to 34 lots. The applicant stated the change in lot size was based on the builder's feedback regarding the sales success of the 65-foot-wide lot size.

Ms. Sellman reported the current conditional use permit amendment request involves 24 (80-foot) lots identified as the 6th Addition. Due to changes in the housing market and based on current builder feedback on the success of the 65-foot-wide lots, TCLD has requested an amendment to change these lots to 65 feet wide, resulting in 29 total lots. The square footage of the proposed 65-foot-wide lots would range from 8,682 square feet to 16,848 square feet. The existing 24 (80-foot) lots square footage range is 10,758 square feet to 22,036 square feet. The developer has identified Creative Homes as the builder for the proposed lots. Home square footages range from 1,700-4,300 square feet. The proposed homes fit on a 65-foot-wide lot, therefore approval of a lot

width reduction would allow for five additional lots to be created. If the reduction was not approved, in all likely-hood the builder would construct the same homes, just on wider lots. In reviewing this request, the City Council should consider the impact of narrower lots, understanding that the product type would be the same and a lot width reduction would allow five additional homes to be constructed.

Mayor Sanders opened the public hearing at 8:22PM.

There being no additional public input, Mayor Sanders closed the public hearing at 8:23PM.

Councilmember Hovland stated he had concerns about dropping down to the smaller lot size. He indicated this would increase the density of the development. He asked if there has been any discussion regarding the holding ponds and traffic increases for the area. Mr. Schluender stated both of these items were reviewed by staff and noted the grading plans would not change. He then discussed how the five additional lots would impact traffic within the residential setting.

Councilmember Hovland asked why the applicant wanted to change the lot sizes. Tracy Rust, Twin Cities Land Development, explained the change was market driven. She reported prices were on the rise and therefore people were looking for 65 foot lots versus the 80 foot lots. She indicated there was also a lack of lots at this time and five more lots would help.

Councilmember Paul expressed concern with how the smaller lots would impact parking on the streets. Ms. Sellman indicated the road design would still remain the same and noted all city standards were being met.

Moved by Councilmember Jeppson, seconded by Councilmember Smith, that Resolution No. 22-021, "Granting a Conditional Use Permit Amendment to Change 24 Lots (80 Feet Wide) to 29 Lots (65 Feet Wide) in a DF (Development Flex) Zoning District for Outlot C, Oakwood Ponds 5th Addition at 127th Lane NE/East of 127th Circle NE Alignment," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

10. DEVELOPMENT BUSINESS

10.-1

Second Reading

**An Interim Ordinance for the 105th Avenue and Radisson Road
Redevelopment Area. City of Blaine (Case File No. 22-0001/SAS)**

Attachments: [Exhibit A](#)

Ms. Sellman stated in the 2030 and 2040 Comprehensive Plan, the city council identified an area near 105th Avenue, Nassau Street, and Radisson Road for future redevelopment. Initial discussion from the city council has identified this area as a potential entertainment hub to capitalize on the activity at the National Sports Center and serve the entire Blaine community. The city is embarking on a visioning study to identify future land uses in this area to guide redevelopment. The final product will be an illustrative master plan that can be used to market the area for future development. The development of a master plan, as outlined above, is underway and expected to take approximately 7 to 8 months with an additional 3 to 4 months to establish new or modified land use or zoning controls necessary to implement the plan. The purpose of the moratorium is to allow the city the time to conduct this study, without the pressure of land development decisions, by establishing a moratorium on all development controls including re-zonings, conditional use permits, interim use permits, site plan, variances, subdivision, or platting.

Moved by Councilmember Jeppson, seconded by Councilmember Smith, that Ordinance No. 22-2495, "An Interim Ordinance for the 105th Avenue and Radisson Road Redevelopment Area," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

11. ADMINISTRATION**11.-1****First Reading**

**Amending Sec. 50-115. Discharge of Deadly Weapon Limited;
Archery Permit; Special Permit at Funerals; Hunting with
Firearm, of the City Code of the City of Blaine**

City Clerk Sorensen stated there currently are no approved ranges in the city and because any type of arrow used would travel too far to safely be able to issue a permit, staff recommends removing approving ranges from City Code. An indoor range would be allowed with no permitting and an outdoor practice-only range could be allowed with no permitting as long as the arrow is not point tipped (safety tips/rubber) and used for practice only with an appropriate target/backstop - this amendment would only affect arrows defined under the deadly weapon definition. Staff recalls very few requests over the years for this type of activity so there does not seem to be much of a demand for a range and this proposed amendment would clean up the code. It should be noted that the current language has been interpreted by some to mean that the City

Manager can approve a permit for someone to set up an archery use in their backyard. This change will also assist with clarifying that such a use would also not be allowed.

Declared by Mayor Sanders that Ordinance No. 22-2496, "Amending Sec. 50-115. Discharge of Deadly Weapon Limited; Archery Permit; Special Permit at Funerals; Hunting with Firearm, of the City Code of the City of Blaine," be introduced and placed on file for second reading at the February 23, 2022 Council meeting.

11.-2

First Reading**Ordinance Deleting Chapter 58 - Personnel of the Code of Ordinances of the City of Blaine**

Attachments: [Chapter 58 Personnel](#)

Deputy Human Resources Director Chesness stated council may recall staff's recent work to shift human resources/personnel language from city code for incorporation into a comprehensive policies and procedures manual. Reasons for this shift include the need for a centralized location for employee-related references and ease for amendments should the need arise. Currently city policies exist in three locations: ordinance, administrative policies and the employee handbook. Following the best practice of centralizing the location to one document, staff has been diligently working to incorporate and update all policies into one document. The proposed ordinance would remove the personnel ordinances from city code and move them to the city policies and procedures manual.

Declared by Mayor Sanders that Ordinance No. 22-2497, "Ordinance Deleting Chapter 58 – Personnel of the Code of Ordinances of the City of Blaine," be introduced and placed on file for second reading at the February 23, 2022 Council meeting.

11.-3

Authorize the Mayor and City Manager to Enter into a Contract with Short Elliot Hendrickson, Inc. for Professional Engineering Services for the 2022 Street Reconstructions, Improvement Project No. 22-04

Attachments: [2022 Street Reconstructions Location Map](#)
 [22-04 Final Proposal](#)

Mr. Schluender stated on September 20, 2021 council initiated the 2022 Street Reconstructions project, Project No. 22-04 with Resolution No. 21-179. At the same September 20 meeting SEH, which is one of the engineering firms in the pre-approved consultant pool approved by council on August 2, 2021, was awarded a contract to prepare preliminary design and a feasibility report. At that time it was stated that after completion of the feasibility report and upon ordering the

improvements, a contract for final design and construction services would be negotiated with SEH. The Engineering Department recently requested and received a proposal for final design and construction services for the 2022 Street Reconstructions project from SEH in the amount of \$590,600. Staff has reviewed this proposal and determined that the fees are justified and reasonable. City Council is also asked to approve a 10% contingency to bring the total project budget to \$649,660. This project will be funded through proposed project assessments, Pavement Management Program funds and Public Utility funds.

Moved by Councilmember Hovland, seconded by Councilmember Paul, that Motion 22-029, "Authorize the Mayor and City Manager to Enter into a Contract with Shore Elliot Hendrickson, Inc. for Professional Engineering Services for the 2022 Street Reconstructions," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

11.-4

Authorize the Mayor and City Manager to Enter into a Contract with WSB & Associates, Inc. for Professional Engineering Services for the Hidden Oaks Area Street Reconstructions project, Improvement Project No. 22-06

Attachments: [Hidden Oaks Area Location Map](#)
[22-06 Final Proposal](#)

Public Works Director Haukaas stated on September 20, 2021 Council initiated the Hidden Oaks Area Street Reconstructions project, Project No. 22-06 with Resolution No. 21-181. At the same September 20 meeting WSB, which is one of the engineering firms in the pre-approved consultant pool approved by Council on August 2, 2021, was awarded a contract to prepare preliminary design and a feasibility report. At that time it was stated that after completion of the feasibility report and upon ordering the improvements, a contract for final design and construction services would be negotiated with WSB. The Engineering Department recently requested and received a proposal for final design and construction services for the Hidden Oaks Area Street Reconstructions project from WSB in the amount of \$279,311. Staff has reviewed this proposal and determined that the fees are justified and reasonable. City Council is also asked to approve a 10% contingency to bring the total project budget to \$307,242. This project will be funded through proposed project assessments, Pavement Management Program funds and Public Utility funds.

Moved by Councilmember Jeppson, seconded by Councilmember Smith, that Motion 22-030, "Authorize the Mayor and City Manager to Enter into a Contract with WSB & Associates, Inc. for Professional Engineering Services for the Hidden Oaks Area Street Reconstruction Project," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

11.-5

Approve Joint Powers Agreement with City of Lexington for the Reconstruction of Hamline Avenue from 97th Lane to Edgewood Road, I/P 22-06

Attachments: [JPA Lexington](#)
 [JPA Location Map](#)

Mr. Schluender stated at the September 20, 2021 council meeting, the city council ordered the preparation of a feasibility report for the Hidden Oaks Area Reconstructions project. Prior to preparation of plans and specifications, a Joint Powers Agreement (JPA) between the city of Blaine and the city of Lexington has been prepared to clarify such things as division of cost, design, contract administration responsibilities and other miscellaneous details. Staff noted the city of Lexington approved the JPA at their January 20, 2022 city council meeting and has forwarded the signed JPA to the city of Blaine for consideration by the council.

Moved by Councilmember Smith, seconded by Councilmember Paul, that Resolution No. 22-022, "Approve Joint Powers Agreement with City of Lexington for the Reconstruction of Hamline Avenue from 97th Lane to Edgewood Road," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

11.-6

Approve a Contract Amendment with TKDA for Professional Engineering Services toward the TH 65 Access Improvements, Project No. 21-01

Attachments: [TH 65 Phase1A-Scope of Work Amended](#)
 [TH65_FeeEstimate-Phase1A-Amendment](#)

Mr. Haukaas stated the city council approved a contract with TKDA on April 19, 2021 to perform the environmental review and documentation of the TH 65 Access Improvements as the initial phase toward these projects. This Phase 1 contract addresses the environmental review of the TH 65 Section 2 corridor. The final product of this phase is the selection of a Preferred Alternative. Staff commented further on the goals for the project and asked the Council to approve a contract amendment in the amount of \$246,792 to cover the expanded Scope of Work.

Councilmember Paul questioned how this project would be assessed. Mr. Haukaas reported there would be no assessments for the TH 65 access improvements.

Mayor Sanders thanked staff for all of their efforts on this project.

Moved by Councilmember Jeppson, seconded by Councilmember Smith, that Motion 22-031, "Approve a Contract Amendment with TKDA for Professional Engineering Services towards the TH 65 Access Improvements," be approved.

A roll call vote was taken. Motion adopted unanimously.

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

12. OTHER BUSINESS

Councilmember Hovland asked further questions regarding the proposed access path to Sand Creek that was discussed during the open forum. He questioned if this project could be completed by using train funds. He indicated he supported the council discussing this matter further at a future workshop meeting.

13. ADJOURNMENT

Moved by Councilmember Jeppson, seconded by Councilmember Smith, to adjourn the meeting at 8:46PM.

A roll call vote was taken. Motion adopted unanimously.

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