City of Blaine
City Council

May 15, 2023 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

1. Call to Order by the Mayor

The meeting was called to order at 7:00PM 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, Leslie Larson, Chris Massoglia, Tom Newland, Jess Robertson and Lori Saroya.

ABSENT: None.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; Safety Services Director/Police Chief Brian Podany; Finance Director Joe Huss; Director of Engineering Dan Schluender; City Attorney Tom Loonan; Public Works Director Nick Fleischhacker; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

4. Awards - Presentations - Organizational Business

None.

5. Communications

None.

6. Open Forum

Open Forum is an opportunity for the public to present an issue or concern to City Council. There is a maximum of fifteen minutes set aside for open forum. Each presentation should be limited to no more than three minutes. If your item needs follow-up from the City, staff will arrange for that follow-up and will contact you to let you know what is being done. Thank you for coming this evening.

Mayor Sanders opened the Open Forum at 7:02PM.

Robert Tenoff, owner of Heritage Commercial Contracting, provided staff with a handout. He expressed concern about building code violations resulting from his company's work, noting he had been cleared of all 13 accusations from the city of Blaine. He noted he submitted an ethics complaint against Blaine employees that handled this matter. He reported he did not start or cause this, but he was being treated underhandedly by the city. He discussed how was being treated by the building department and requested the council approve the payment of the related invoices and charges.

Ashley ________________, resident of Brooklyn Park, shared support for the humane pet store ordinance in the city of Blaine. She shared concerns about pet store owners that purchase puppies from puppy mills that lack care. She reported the concern was not regarding the care provided at Four Paws and a Tail but rather that purchases of puppies was occurring from poor breeders. She reported her intent was not to put this pet store out of business, but rather to require them to change their business model. She explained over 450 cities have passed a humane pet store ordinance, which included the city of Roseville. She indicated Blaine continues to be a link in the puppy mill supply chain and encouraged the city council to pass a human pet store ordinance.

There being no input, Mayor Sanders closed the Open Forum at 7:09PM.

7. Adoption of Agenda

The agenda was adopted as presented.

8. Approval of Consent Agenda:

All items listed under the "Consent Agenda" are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

City Manager Wolfe explained the June 19 city council and worksession meetings would be moved to Tuesday, June 20 due to the observance of Juneteenth.

Councilmember Massoglia questioned why the June 19 meeting had not been moved to Wednesday. Ms. Wolfe reported there were members of the council attending the League of Minnesota Cities Conference and this began on Wednesday, June 21. In addition, the NRCB would be not be meeting in the council chambers that week, but would be holding a tour.

Councilmember Massoglia stated he would try and be flexible in order to attend the June 20 meetings.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to Approve Approval of Consent Agenda: : Motion Passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

8.1. 2023-181 Schedule of Bills Paid
Sponsors: Joe Huss, Finance Director/Asst. City Manager

8.2. 2023-180 Declare the Juneteenth Holiday and Amend Council Meeting Calendar
Sponsors: Cassandra Tabor, Director of Administration

Council meeting will be Tuesday, June 20.

8.3. 2023-187 Approve a Temporary On-Sale Intoxicating Liquor License for Infinite Campus Foundation to Host a Fundraiser at Infinite Campus, 4321 109th Avenue NE
Sponsors: Cathy Sorensen, City Clerk

8.4. 2023-166 Authorize Contract with Hiperline in the amount of $93,241 for Sewer Manhole Lining – 93rd and Service Drive to LS #12
Sponsors: Nick Fleischhacker, Public Works Director

8.5. RES 23-88 Resolution Approving a Final Plat to Clean Up Property Lines and Replat Existing Lots into Five Lots and One Outlot to be Known as Prime North at 150 Northtown Drive NE. WPG Northtown Venture LLC. (Case File No. 23-0045/SAS)
Sponsors: Sheila Sellman, City Planner

8.6. 2023-191 Assign Investment Advisory Agreement From US Bank to PFM Asset Management
Sponsors: Joe Huss, Finance Director/Asst. City Manager

9. 7:00 P.M. - Public Hearing and Items Published for a Certain Time

9.1. 2023-190 Approve On-Sale and Sunday Intoxicating Liquor Licenses for Green Car Entertainment, LLC, dba The Ball Park Twin Cities, 10650 Baltimore Street NE, Suite 100

Sponsors: Cathy Sorensen, City Clerk

Mayor Sanders recused himself from voting on this item.

City Clerk Sorensen stated Rory Green, Peter Simon, Ryan Carlson and Tim Sanders, applicants, have submitted on-sale and Sunday intoxicating liquor license applications for The Ball Park Twin Cities located at 10650 Baltimore Street NE, Suite 100. The required fee for the background investigation has been paid. Issuance of the licenses is contingent upon receipt of all required fees, documents, certificate of insurance for liquor liability and workers compensation, certificate of occupancy, food establishment license, alcohol training policy, and retailer buyers card. It was noted the police department has completed the required background investigations and found no reason to deny the application. The on-sale and Sunday liquor licenses, if approved, would be valid from July 1, 2023 to June 30, 2024. All required information will be submitted to the state's alcohol and gambling enforcement division upon approval of the licenses by the council.

Mayor Pro Tem Robertson opened the public hearing at 7:13PM.

There being no public input, Mayor Pro Tem Robertson closed the public hearing at 7:13PM.

Moved by Councilmember Massoglia, seconded by Councilmember Fleming, to Approve On-Sale and Sunday Intoxicating Liquor Licenses for Green Car Entertainment, LLC, dba The Ball Park Twin Cities, 10650 Baltimore Street NE, Suite 100: Motion Passed. (Mayor Sanders abstained).

Aye: 6- Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

9.2. **R23-68** Resolution Vacating Drainage and Utility Easement, Lot 1, Block 1, Renovation Church 1st Addition, Vacation No. V23-01

Sponsors: Daniel Schluender, Director of Engineering

Director of Engineering Schluender stated the city received a petition dated March 26, 2023 from Patrick Vesperman, representing Renovation Church, requesting the vacation of the existing drainage and utility easement on Lot 1, Block 1, Renovation Church 1st Addition; according to the recorded plat thereof, Anoka County, Minnesota, as shown in Exhibit A . Staff commented further on the request and recommended approval.

Mayor Sanders opened the public hearing at 7:15PM.

There being no public input, Mayor Sanders closed the public hearing at 7:15PM.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to Resolution Vacating Drainage and Utility Easement, Lot 1, Block 1, Renovation Church 1st Addition, Vacation No. V23-01: Motion Passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

9.3. RES 23-85 Resolution Vacating Right-of-Way Easement, Along Outlot A of Sunset Oaks West and Outlots D & E of St. Andrews Village, Vacation No. V23-02

Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated the city received a petition dated April 7, 2023 from Chris Rice, representing himself as the property owner on both sides of the existing right-of-way, requesting the vacation of the section of existing road right-of-way on 115th Avenue NE; along southern property line for Outlot A of Sunset Oaks West and east property line of Outlots D and E of St. Andrews Village; according to the recorded plats thereof, Anoka County, Minnesota. Staff commented further on the request and recommended approval.

Mayor Sanders opened the public hearing at 7:16PM.

There being no public input, Mayor Sanders closed the public hearing at 7:17PM.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to Resolution Vacating Right-of-Way Easement, Along Outlot A of Sunset Oaks West and Outlots D & E of St. Andrews Village, Vacation No. V23-02: Motion Passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

10. Development Business

10.1. RES 23-87 Resolution Granting a Conditional Use Permit to Allow Outdoor Dining with 16 Seats in the Front of the Building and 32 Seats in the Rear of the Building in a B-2 (Community Commercial) Zoning District at 10950 Club West Parkway NE, #160. The Rusty Bumblebee (Case File No. 23-0036/SLK)

Sponsors: Sheila Sellman, City Planner

Community Development Director Thorvig stated the Rusty Bumblebee is requesting a conditional use permit to allow outdoor seating in the front and rear of their tenant space at

10950 Club West Parkway. The request is for 16 seats in the front of the site and 32 seats in the rear of the site. The parking for the site was reviewed and it was noted parking requirements were being met. Staff commented further on the request and reported the planning commission recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to Adopt Resolution Granting a Conditional Use Permit to Allow Outdoor Dining with 16 Seats in the Front of the Building and 32 Seats in the Rear of the Building in a B-2 (Community Commercial) Zoning District at 10950 Club West Parkway NE, #160. The Rusty Bumblebee (Case File No. 23-0036):

Councilmember Robertson spoke about conflicting language regarding outdoor dining and live music and suggested an amendment be considered for this conditional use permit amendments, in order to allow for live music. She requested Condition 6 be amended to read: Music from speakers, not including live music, is permitted provided said music is not in violation of Article IV, Division 2, Noise of the Blaine City Code. She understood this change would require the applicant to fill out another conditional use permit. She recommended that the fee for this CUP be waived by the city and that it be brought to the council for consideration on Monday, June 5.

Councilmember Massoglia asked why a condition could not be made to allow for live music. City Attorney Loonan explained each conditional use permit has to go through a certain process, which includes notifying the public of the conditional use that is being applied for. He reported outdoor dining and live music was part of the same ordinance, but it was an or not an and. For this reason, the city needed to renotice this public hearing to include live music as the first public hearing notice only listed outdoor dining. He explained the understanding would be the city would expedite this process and the public hearing would be held on Monday, June 5.

Amendment motion by Councilmember Robertson, seconded by Mayor Sanders, to amend Condition 6 to read: "Music from speakers, not including live music, is permitted provided said music is not in violation of Article IV, Division 2, Noise of the Blaine City Code". Motion passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

Councilember Saroya requested staff speak to the comments received from the public regarding the outdoor dining proposed for the rear of the building. Mr. Thorvig deferred this question to the applicant because he knows the building site well. Jeremy Kroog, co-owner of the Rusty Bumblebee, discussed the design and layout of his building. He reported he has not seen any seedy behavior at the rear of his building. He commented on how the lighting at the rear of the building would be enhanced, which would make the area safer.

Councilmember Larson questioned if the police had responded to any activity in the rear parking lot. Safety Services Director/Police Chief Podany stated he was not aware of any concerns with this parking lot.

Councilmember Newland inquired if the applicant received any feedback from the other tenants in the strip mall. Mr. Kroog reported the other tenants have been supportive.

Amended motion passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

Motion by Councilmember Massoglia, seconded by Councilmember Robertson, to request the applicant to apply for a conditional use permit amendment and to direct staff that if applied for prior to or on May 19, 2023, the fees be waived and the item be placed on the June 5 City Council agenda for public hearing and council consideration. Motion passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

10.2. ORD 23-2526 Second Reading to Adopt an Ordinance to Amend Section 18-121 of the Code of Ordinances and 34.11 of the Zoning Ordinance to Remove the Requirement for Signs to be Installed by Licensed Contractors. City of Blaine (Case File No. 23-0031/EES)

Sponsors: Sheila Sellman, City Planner

Mr. Thorvig stated the city is proposing to remove the requirement for sign contractors to be licensed to reduce staff time spent on review and improve customer service. Only half of surveyed cities require sign contractors to be licensed, and the City Attorney did not find a legal reason to maintain the requirement.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to Adopt Second Reading to Adopt an Ordinance to Amend Section 18-121 of the Code of Ordinances and 34.11 of the Zoning Ordinance to Remove the Requirement for Signs to be Installed by Licensed Contractors. City of Blaine (Case File No. 23-0031/EES): Motion Passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

11. Administration

11.1. RES 23-90 Accepting a Bid from Douglas-Kerr Underground, LLC in the Amount of $1,083,764.60 for the Lift Station13 FM Replacement-Phase 1, Improvement Project No. 21-30

Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated this item would approve a contract with Douglas Kerr Underground, LLC for $1,083,764.60 for the Lift Station 13 Force Main Replacement - Phase 1 project. This project will convert a section of 20-inch diameter force main to gravity sanitary sewer. The proposed project was included in the 2023-2027 Sanitary Sewer Capital Improvement Program (CIP) 2023 budget as a part of a larger Lift Station 13 improvement project. Staff commented further on the project and recommended the council approve the bid with Douglas Kerr Underground with a 10% contingency.

Councilmember Massoglia stated this was an important infrastructure project for the city. He questioned how much of the ARP funds were being expended for this project. Mr. Huss explained $4.26 million in ARP funding was allocated to utilities by the council. He reported $3 million would be used for lift stations and force mains. He anticipated the bulk of this project would be funded by ARP funding.

Councilmember Newland asked when this project would begin. Mr. Schluender anticipated this project would begin in three weeks. He commented further on how the 35W Service Road would be impacted south of 95th this summer. He anticipated there would be a two month road closure.

Moved by Councilmember Massoglia, seconded by Councilmember Fleming, to Adopt Accepting a Bid from Douglas-Kerr Underground, LLC in the Amount of $1,083,764.60 plus a 10% contingency for the Lift Station13 FM Replacement-Phase 1, Improvement Project No. 21-30: Motion Passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson

12. Other Business

None.

13. Adjournment

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adjourn at 7:47PM Motion Passed.

Aye: 7- Mayor Sanders, Councilmember Newland, Councilmember Saroya, Councilmember Robertson, Councilmember Fleming, Councilmember Massoglia, Councilmember Larson