



City of Blaine

City Council

July 17, 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 7:05 PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call.

PRESENT: Mayor Tim Sanders, Councilmember Tom Newland, Councilmember Lori Saroya, Councilmember Jess Robertson, Councilmember Terra Fleming, Councilmember Chris Massoglia, Councilmember Leslie Larson

ABSENT: None.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; Director of Engineering Dan Schluender; City Attorney Tom Loonan; Senior Park & Recreation Manager Jerome Krieger; Deputy Fire Marshal Todd Miller; Police Captain Joe Gerhard; and City Clerk Catherine Sorensen

2. **Pledge of Allegiance**

3. **Roll Call**

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 7:06PM.

Jessica Bahr, 116 91st Lane NE, requested the Council schedule a humane pet store ordinance for discussion at a future workshop meeting. She indicated this was a consumer protection issue that had to be addressed by the city.

Amy, resident of Coon Rapids, encouraged the city council to consider a humane pet store ordinance. She explained she fostered pets and understood there was a need to address the humane treatment of pets in the community.

Lindsey, Minnesota Against Puppy Mills, commented on the issues she has had with Four Paws and a Tail and requested the council consider a humane pet store ordinance.

Julie Larson, 3870 112th Circle, thanked the council for considering the removal of the road barricade in the Sanctuary Preserve neighborhood.

There being no further input, Mayor Sanders closed the Open Forum at 7:15PM.

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.

Councilmember Newland explained he would have to abstain from voting on the June 30 bills payable.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, 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.** 2023-291R- Receive Petition and Order Public Hearing for Vacation of all of Public
67-2023 Street, Drainage and Utility Easement, created by Document No.
1460013, Anoka County, MN, Vacation No. V23-04
Sponsors: Daniel Schluender, Director of Engineering

- 8.2.** 2023-292RES 23-114 Receive Petition and Order Public Hearing for Vacation of the Public Drainage and Utility Easement created and dedicated by the plat of Flanders Pond 2nd Addition over, under and across that part of Lot 1, Block 1 of said plat of Flanders Pond 2nd Addition, Anoka County, MN, Vacation No. V23-05
Sponsors: Daniel Schluender, Director of Engineering
- 8.3.** 2023-307 Energy Efficiency and Conservation Block Grant
Sponsors: Todd Miller, Deputy Fire Marshal
- 8.4.** 2023-308 Schedule of Bills Paid
Sponsors: Alison Bong, Deputy Finance Director

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

None.

10. Development Business

- 10.1.** RES 23-115 Resolution Granting a Conditional Use Permit Amendment to Allow Outdoor Dining with up to 68 Seats in the Rear of the Building in the B-2 (Community Commercial) Zoning District 10950 Club West Parkway NE, #160. The Rusty Bumblebee (Case File No. 23-0060/SLK)
Sponsors: Sheila Sellman, City Planner

Community Development Director Thorvig stated the Rusty Bumblebee is requesting a conditional use permit amendment to allow up to 68 seats in an outdoor seating area in the rear of their tenant's space.

Councilmember Fleming stated she was very excited to see the Rusty Bumblebee needing to expand so quickly.

Councilmember Saroya thanked the Rusty Bumblebee for all they were doing in the city of Blaine then asked if this would be enough seating for the Rusty Bumblebee. Jeremy Krog, Rusty Bumblebee, said he would like to have more seating if possible but understood code requirements and felt the space would be sufficient until the next expansion.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to Adopt Resolution Granting a Conditional Use Permit Amendment to Allow Outdoor Dining with up to 68 Seats in the Rear of the Building in the B-2 (Community Commercial) Zoning District 10950 Club West Parkway NE, #160. The Rusty Bumblebee (Case File No. 23-0060/SLK): Motion Passed.

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

11. Administration

- 11.1.** 2023-299RES Resolution Accepting a Bid from FlowSeal Surface Maintenance Corporation in the Amount of \$143,442.00 for the 2023 Crack Sealing Project, Improvement Project No. 23-02
23-116
Sponsors: Daniel Schluender, Director of Engineering

Director of Engineering Schluender stated bids were received for Project No. 23-02. A total of three bids were received, ranging from \$143,442.00 to \$418,850.70. The lowest bidders and engineer's estimate were reviewed with the council. Bids have been checked and tabulated, and it has been determined that FlowSeal Surface Maintenance Corporation of Elk River, Minnesota is the lowest bidder. The engineering department has not worked with FlowSeal Surface Maintenance Corporation on previous contracts. The engineering staff has checked references for FlowSeal Surface Maintenance Corporation and they have successfully completed crack filling projects for the city of Minneapolis as well as other cities. Staff recommends that the low bid be accepted, and a contract entered into with FlowSeal Surface Maintenance Corporation. City council is also asked to approve a 5% contingency to bring the total project budget to \$150,614.10. The funding source for this project is the General Fund and there are sufficient funds in the 2023 budget to cover these costs.

Councilmember Newland stated the low bid was less than half the next lowest bid. He asked if the city has worked with the other two vendors. Mr. Schluender stated the city has not worked with any of the three bidders before on crack sealing.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to Adopt Resolution Accepting a Bid from FlowSeal Surface Maintenance Corporation in the Amount of \$143,442.00 for the 2023 Crack Sealing Project, Improvement Project No. 23-02: Motion Passed.

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

- 11.2.** 2023-300 Accept Quote from Odessa II in the amount of \$129,370 for the Carrara East Court Project
Sponsors: Jerome Krieger, Sr. Recreation Manager

Senior Parks and Recreation Manager Krieger stated staff is bringing forward a quote from Odessa II for the proposed reconstruction of the Carrara East court project. The City Council discussed the reconstruction of tennis and pickleball courts at three parks, Territorial, Centennial Green and Carrara East at the December 6, 2021 council meeting. The 2022

Parks and Trails budget was approved at the December 6, 2021 council meeting and included appropriations totaling \$410,000 for all three courts. Bids for the three courts were received on June 29, 2022. A total of five bids were received, ranging from \$524,433 to \$695,056. At the August 1, 2022 council meeting, the council accepted the bid for \$524,433 from Sunram Construction for all three courts and then accepted a change order for \$144,250 to remove Carrara East court from the project. At the December 5, 2022 council meeting, the Carrara East court project was appropriated for \$150,000 in the 2023-2027 Parks and Trails capital improvement program. On June 29, 2023, nine quotes were received for the Carrara East court project ranging from \$129,370 to \$199,139. The engineers' estimate and the three lowest quotes were reviewed with the council. Quotes were checked and tabulated and it has been determined that Odessa II of Sauk Rapids, Minnesota is the lowest quote. The city has previous experience working with Odessa II. Staff is requesting the Council add a 10% contingency to the project for a total project cost for the Carrara East courts of \$143,000.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to Approve Accepting a Quote from Odessa II in the amount of \$129,370 for the Carrara East Court Project: Motion Passed.

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

12. Other Business

City Manager Wolfe commented on the current 46 day period when campaign signs were allowed prior to an election and noted an individual appeared at the July 5 open forum to request the council its policy to allow campaign signs to be posted for 90 days before an election. She explained a change to the timeframe would require an ordinance amendment.

Councilmember Fleming confirmed the city's current timeframe was 46 days prior to an election. City Clerk Sorensen stated the city's ordinance is based on statute which allows for non commercial signs to be posted 46 days prior to an election in a state general election year and for consistency the same timeframe is followed in a non-state election year.

Councilmember Fleming questioned if the ordinance was put in place prior to the allowance for early voting and proposed the city allow for an additional 30 days of signs given the changes that were made to elections and early voting. Ms. Sorensen explained the current ordinance of 46 days coincides with the first day of early voting.

Councilmember Fleming said she would support candidates posting signs 76 days prior to each election.

Councilmember Newland disagreed with extending this timeframe. He noted changing the existing policy would mean the city would have political signs for 270 days out of a year. He supported not amending the ordinance as it current matched statute.

Councilmember Fleming understood the 270 days of campaign signs if the ordinance was amended to 90 days prior to each election but noted residents could choose whether or not to have a political sign in their yard. She stated if she were to run again in 2026, she would want her

signs out prior to early voting.

Councilmember Massoglia explained he understood the concern with having signs posted 270 days out of the year and stated perhaps a change could be made just for the general election, and not the primary election.

Councilmember Larson stated in the past early voting was not this prevalent. She reported the current statute favors one political party over the other because statistically Democrats prefer early voting and indicated she would like to allow signs for a shorter period of time prior to early voting.

Mayor Sanders questioned what period of time would be fair.

Councilmember Fleming believed that 30 days prior to the general election would be fair.

Councilmember Newland commented on the off chance people take advantage of this, people will be putting up signs as far as advance as possible and added signs would not come down in a timely manner. He asked what the experience has been with when people actually start voting. Ms. Sorensen explained it has been her experience that early voting greatly increases the last week before any election.

Councilmember Newland stated this tells him that the council was trying to address a problem that does not exist. He recommended the sign ordinance remain in line with statute and that the time period not be extended.

City Attorney Loonan stated the 46 days was set by statute under the Fair Campaign Practices Act and if the city council was inclined to amend that he would have to review this further to ensure there were no violations with state law.

Councilmember Fleming asked if certain elections were allowed more than 46 days. Ms. Sorensen stated some cities' ordinance allowed for more time for signs to be posted but noted staff had concerns with how to enforce this matter as it was anticipated there would be additional complaints.

Ms. Wolfe commented this topic was raised during a recent open forum and absent consensus of the council staff did not research deeply into the matter but had shared the information known to date. She noted if an ordinance amendment was requested from council the city attorney would need time to draft this language properly. She indicated staff would be concerned with how to enforce this matter if a change were made.

Councilmember Larson stated lack of enforcement was not a wise idea to a solution for people putting signs out earlier. She wanted to ensure candidates were treated in the same manner and that all were following the same rules. She was of the opinion going forward that more and more people would take advantage of early voting.

Councilmember Saroya asked if this were changed to 60 days, when a change should be made. Ms. Sorensen commented if the council wanted to make a change for the 2023 general election, signs could be posted on August 9 instead of September 22. Since this is not a state general election year, the statute does not apply but for consistency purposes, the city abides by the 46

day requirement. She indicated staff could not get an ordinance amendment processed through council to be effective by August 9.

Councilmember Saroya questioned if there was an additional cost to the city to make the change. Ms. Sorensen reported staff has not had a chance to fully vet the concerns of this change, but unintended consequences would be additional costs for staff time and enforcement. She commented on how difficult it is currently to ensure signs are properly placed with regard to right-of-way, in sight distance triangles, and on public property.

Councilmember Fleming explained she was not trying to put more stress on staff and suggested 15 or 20 days could be considered instead of 30 or 60.

Councilmember Newland stated it does not sounds like there is any support for going 90 days prior to the general election, therefore, the urgency has not gained any traction. He supported staff and the city attorney investigating this matter further prior to rushing things through and that this matter be brought back to the council at a meeting in August.

The council was in agreement with this recommendation.

13. Adjournment

Moved by Councilmember Robertson, seconded by Councilmember Newland, to adjourn the meeting at 7:46PM.

Motion adopted unanimously.



Signed by

Tim Sanders, Mayor

Signed by

Cathy Sorensen, CMC, City Clerk