



City of Blaine

City Council

December 4, 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; City Planner Sheila Sellman; Police Captain Joe Gerhard; Officer Jake Green; Finance Director Jason Zimmerman; Finance Analyst Jenna Trittin; Senior Parks and Recreation Manager Jerome Krieger; Public Works Director Nick Fleishhacker; Director of Engineering Dan Schluender; City Attorney Tom Loonan; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

4. Awards - Presentations - Organizational Business

4.1. 2023-611 Recognition of Centennial Football Team
Sponsors:

Mayor Sanders read a proclamation in full for the record recognizing the accomplishments of the Centennial Cougars football team. He reported the team won the 6A Minnesota state championship and represented the City of Blaine with honor and distinction throughout the 2023 season. A round of applause was offered by all in attendance.

Coach Mike Diggins stated it was an honor to be before the Blaine City Council. He thanked his seniors for their outstanding effort throughout the entire season. He explained he was very proud to be a part of the Centennial High School football program. He thanked his son Michael Diggins for serving as the defensive line coach.

5. Communications

Councilmember Robertson shared an apology for comments made during the November 20 Council meeting then encouraged the community to consider making a donation to the Blaine Police Department's winter coat drive or to Toys for Tots.

Mayor Sanders reported the SBM Fire Santa Parade started this evening and would run through Thursday night and encouraged the community to attend.

Councilmember Saroya thanked Councilmember Robertson for her apology and agreed the meeting was a learning opportunity then explained her intent to continue to ask questions and seek transparency regarding conflict of interest concerns.

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 7:16PM.

Dr. Munir Battikhi, 3077 Aspen Lake Drive, stated she was looking to be acknowledged as a Palestinian American living in the United States. She then read an email in full for the record that she had previously sent to the city council regarding the crisis in the Middle East. She commented on the large Arab community that lived in Blaine and how difficult it was for the Arab community at this time, noting their families were being killed or displaced from their homes in Gaza. She noted 20,000 have been killed, half of which were children. She asked that the Blaine community be aware of the tragic situation and to support the Arab community.

Savarre explained he has been a resident of Blaine for over 22 years. He shared comments about the crisis in Israel and Palestine and pleaded for a cease-fire, stating every life is valued. He wanted to see an end to the violence and for there to be a space created for dialogue in order to save lives. He encouraged Blaine to raise their voices in order to advocate for a cease-fire. He stated he was concerned about the government's actions as they were obstructing the path to peace. He appealed to all Blaine residents to be vigilant against the rise of antisemitism and Islamic-phobia. He urged the council to advocate for an immediate cease-fire and peace in the region in order to show value for every human life.

A resident at 2617 Tournament Players Circle, explained he has lived in Blaine since 2007. He reported he was born in Gaza and lived there for almost 30 years. He explained that one of his

brothers, a nephew, three of his grandchildren and a daughter-in-law were recently killed during an air strike in Gaza. He stated last month his wife lost five family members and others were maimed after a bombing. He explained American-made bombs were dropping on Gaza and no one was safe in Gaza. He stated a war was not occurring, but rather genocide. He stated there was no liberty or justice for the Palestinians living in Gaza. He encouraged the city to see and take action for people who are dying every day.

Israel El-Khatib, 11246 Baltimore Street, explained she was born and raised in Minnesota and graduated from Blaine High School in 2016 and from the U of M in 2020. She stated she was a Minnesotan, but she was also a Palestinian. She indicated her heart was with her people as they live every day under brutal occupation. She explained her brothers and sisters, fathers and mothers, were being bombed to pieces. She commented further on the loss of life occurring in Gaza stating there was a need for a cease-fire. She asked that the city council consider a resolution of support for the Palestinian people and for the city to condemn the actions occurring and to stand with justice.

May Waz, 11426 Baltimore Street, read several Israeli quotes regarding the siege on Gaza. She said the crisis in the Middle East is not an act of collateral damage but was an act of genocide. She questioned how many more innocent Palestinians had to die before the people of Minnesota would recognize what was occurring in Gaza.

There being no further input, Mayor Sanders closed the Open Forum at 7:32PM.

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 Saroya requested the removal of consent agenda item 8.2, approval of minutes.

Moved by Councilmember Massoglia, seconded by Councilmember Newland, that the following items on the Consent Agenda be approved, removing Item 8.2.

Motion adopted unanimously.

Councilmember Saroya requested the council table approval of the minutes from the November 20 meeting in order to add more content regarding the comments she made regarding the CUP amendment for The Ball Park and expressed concerns with the omission of her comments. City Clerk Sorensen reported the minutes are more of a summary and were not verbatim. She noted the minutes capture the record and a video was available for more detail. She indicated it was very difficult to do verbatim minutes and if this was done for one councilmember, it would have

to be done for all councilmembers. She reported staff could review the video in order to capture more, noting there would be a time and cost element involved.

Councilmember Saroya stated she would appreciate this.

City Attorney Loonan reported it would be appropriate to table action on this item and the minutes could be brought back for approval at a the next council meeting.

Moved by Councilmember Saroya, seconded by Councilmember Larson, to table approval of the minutes of the November 20 meeting.

Motion failed 1-6 (Councilmember Fleming, Larson, Massoglia, Newland, Robertson, and Mayor Sanders opposed).

Moved by Councilmember Massoglia, seconded by Councilmember Newland, to approve the November 20 minutes as presented.

Motion adopted 6-1 (Councilmember Saroya opposed).

- 8.1.** 2023-594 Schedule of Bills Paid
Sponsors: Jason Zimmerman, Finance Director
- 8.2.** 2023-592 Approval of Minutes
Sponsors: Cathy Sorensen, City Clerk
- 8.3.** RES 23-200 Approve Premise Permit for Lawful Gambling Activity for Blaine Backcourt Club dba Blaine Youth Basketball - Buffalo Wild Wings
Sponsors: Cathy Sorensen, City Clerk
- 8.4.** 2023-576 Tower Lease Amendment with Nextera Communications
Sponsors: Jason Zimmerman, Finance Director
- 8.5.** RES 23-191 Resolution Granting Final Plat Approval to Subdivide 12.72 Acres into Two Lots to be Known as Blaine Retail Center at 405 87th Lane NE. Newton RES LLC (PC23-0082/SAS)
Sponsors: Sheila Sellman, City Planner
- 8.6.** 2023-585 Approve Axon Enterprise Officer Safety Plan (OSP) Contract Renewal
Sponsors: Joe Gerhard

- 8.7.** RES 23-181 Resolution to Approve the SWAT JPA with Anoka County for a multi-jurisdictional SWAT Team
Sponsors:
- 8.8.** 2023-593 Approve Memorandum of Understanding (MOU) between the Blaine Police Department and the United States Postal Inspection Service.
Sponsors: Russ Clark
- 8.9.** 2023-598RES 23-201 Polling Place Designation Change - Precinct 3-6
Sponsors: Cathy Sorensen, City Clerk

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

- 9.1.** RES 23-194 Order Improvement and Order Preparation of Plans and Specifications for the Sanburnol Drive/85th Avenue Improvements, Improvement Project No. 23-14
Sponsors: Daniel Schluender, Director of Engineering

Director of Engineering Schluender stated council is asked to conduct a public hearing and consider ordering the improvements and preparation of Plans and Specifications for the Sanburnol Drive/85th Avenue Improvements. The proposed joint project between the city of Spring Lake Park and the city of Blaine. Staff reviewed the streets included in the project area. The proposed improvements will include a bituminous replacement of the existing street pavement section, minor spot curb replacement, minor spot sidewalk replacement, pedestrian curb ramp ADA upgrades and the addition of some catch basin storm sewer structures and pipe.

Mr. Schluender explained the north half of Sanburnol Drive/85th Avenue is located within the city of Blaine, while the south half lies in Spring Lake Park. The portion of the University Avenue Frontage Road on this proposed project lies entirely within the city of Blaine. Elm Drive and 83rd Avenue both lie entirely within Spring Lake Park. The city of Blaine will pay for the proportional cost of the Sanburnol Drive/85th Avenue improvements for the portion of the street within the city of Blaine and the entire costs for the University Avenue Frontage Road. The city of Spring Lake Park will pay for a proportion of the cost of Sanburnol Drive/85th Avenue and the full costs associated with Elm Drive and 83rd Avenue as they lie entirely within the city of Spring Lake Park. The estimated total project cost is \$1,171,600. The estimated cost split is \$446,575 for the city of Blaine and \$722,025 for the city of Spring Lake Park. For the city of Blaine portion, the estimated amount to be assessed is \$82,937 and the remaining \$363,638 is proposed to be paid from the city's Pavement Management Program Fund and the city's Municipal State Aid Funds. The 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 7:41PM.

There being no public input, Mayor Sanders closed the public hearing at 7:41PM.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to Order Improvement and Order Preparation of Plans and Specifications for the Sanburnol Drive/85th Avenue Improvements.

Councilmember Saroya asked how much residents would have to pay in assessments fees for this project and what were the hardship exemptions. Mr. Schluender explained the feasibility report outlines five parcels within the project area that will be assessed. He noted these properties were commercial or high density residential. He indicated the assessments would be going to the owners of these parcels. He explained the hardship exemptions the city had in place were for seniors, active duty military and those who were disabled.

Councilmember Robertson stated she understood the residents in Spring Lake Park wanted full sidewalks. She asked if this matter could be further discussed. Mr. Schuender explained staff has met with Anoka County and MNDOT, and discussed extending the sidewalks from TH47/85th Avenue into this corridor. It was determined that this would be a separate solicitation and a separate project that would be let by Anoka County.

Motion adopted unanimously.

9.2. ORD 23-2537 First Reading Repealing the Fee Schedule From City Code and Adopting the 2024 Fee Schedule
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen stated annually the city council is asked to review and adopt a fee schedule for the upcoming year. Each year, when amendments are made to the fee schedule, it is required that a notice of public hearing is published in the newspaper and a first and second reading are held. This city is required to publish the entire fee schedule in the Blaine Spring Lake Park Life, which is costly. In consulting with a MuniCode (our city code software vendor) attorney, it was determined that making the fee schedule a stand-alone document and indicating in code that it is available in the city clerk's office and also available on our website meets the statutory requirements. Therefore, staff is proposing to remove the fee schedule from Appendix D in city code and will continue to bring proposed changes to council for approval annually in December to be approved by motion.

Mayor Sanders opened the public hearing at 7:47PM.

There being no public input, Mayor Sanders closed the public hearing at 7:47PM.

Declared by Mayor Sanders that Ordinance No. 23-2537, "Repealing the Fee Schedule from City Code and Adopting the 2024 Fee Schedule," be introduced and placed on file for second reading at the December 18, 2023 Council meeting.

10. Development Business

10.1. ORD 23-2535 First Reading

Ordinance Granting Annual Revisions to the Blaine Zoning and Parking Ordinances. City of Blaine (Case File No. 23-0076/EES)

Sponsors: Sheila Sellman, City Planner

City Planner Sellman stated the proposed ordinance includes updates to the parking requirements, previously discussed at City Council Workshop, and housekeeping changes to the Zoning Code.

Declared by Mayor Sanders that Ordinance No. 23-2535, "Granting Approval Revisions to the Blaine Zoning Code and Parking Ordinances," be introduced and placed on file for second reading at the December 18, 2023 Council meeting.

10.2. ORD 23-2534 First Reading

Ordinance Granting a Rezoning from Planned Office District (POD) to Development Flex (DF) at 4321 109th Avenue NE. Infinite Campus (Case File No. 23-0077/SAS)

Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a rezoning from Planned Office District (POD) to Development Flex (DF) in order to allow for a residence in the existing headquarters. No new development is proposed.

Declared by Mayor Sanders that Ordinance No. 23-2534, "Granting a Rezoning from Planned Office District (POD) to Development Flex (DF) at 4321 109th Avenue NE," be introduced and placed on file for second reading at the December 18, 2023 Council meeting.

10.3. RES 23-184 Resolution Granting a Conditional Use Permit to Construct a 120 Square Foot Storage Building (Shed) on the East Side of the Building in a Regional Commercial (B-3) Zoning District at 13001 Central Avenue NE. Anoka-Hennepin Early Childhood Center (Case File No. 23-0075/SLK)

Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting to have a 120 square foot shed in the rear yard for yard maintenance equipment. Two buildings on one lot require a conditional use permit. Staff commented further on the request and reported the planning commission recommends approval with conditions.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution Granting a Conditional Use Permit to Construct a 120 Square Foot Storage Building (Shed) on the East Side of the Building in a Regional Commercial (B-3) Zoning District at 13001 Central Avenue NE.

Motion adopted unanimously.

- 10.4.** RES 23-185 Resolution Granting a Conditional Use Permit Amendment to Allow a Clubhouse and Outdoor Pool in Lexington Waters in the Development Flex (DF) Zoning District at 13202 Jewell Street NE. Lexington Waters Clubhouse (Case File No. 23-0078/SLK)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting to construct a clubhouse and outdoor pool on an existing vacant lot for use by 91 lots in the Lexington Waters development. Staff commented further on the request and reported the planning commission recommends approval with conditions.

Moved by Councilmember Robertson, seconded by Councilmember Fleming, to adopt a Resolution Granting a Conditional Use Permit Amendment to Allow a Clubhouse and Outdoor Pool in Lexington Waters in the Development Flex (DF) Zoning District at 13202 Jewell Street NE.

Motion adopted unanimously.

11. Administration

- 11.1.** RES 23-195 Awarding the sale of \$22,280,000 General Obligation Improvement and Utility Revenue Bonds, Series 2023A; fixing their form and specifications; directing their execution and delivery; and providing for their payment
Sponsors: Jason Zimmerman, Finance Director

Finance Director Zimmerman stated the council was being asked to approve the sale of \$22,280,000 of general obligation and utility improvement bonds to finance pavement management projects, various utility infrastructure activities, and the acquisition of capital equipment, consistent with the 2023-2027 Capital Improvement Plan.

Doug Green, Baker Tilly, explained he took bids for the city's bonds today at 10:30AM and had a very successful sale. He was pleased to report the winning bid came in with an interest rate of 3.28%. He stated this interest rate was slightly higher than in years past, but was still favorable for the city. He commented further on how bond rates correlate with U.S. Treasury rates. He commended the city for receiving another AAA bond rating. The sources and uses were further discussed, and he recommended the council award the sale of the improvement and utility revenue bonds.

Mayor Sanders thanked Mr. Green and Finance Director Zimmerman for all of their hard work on this bond issuance.

Moved by Councilmember Newland, seconded by Councilmember Robertson, Awarding the

sale of \$22,280,000 General Obligation Improvement and Utility Revenue Bonds, Series 2023A; fixing their form and specifications; directing their execution and delivery; and providing for their payment.

Motion adopted unanimously.

- 11.2.** ORD 23-2536 Ordinance Amending Chapter 50, Offenses and Miscellaneous Provisions, Article VI. - Offenses Involving Underage Persons, Sec. 50-312. - Opium-Smoking Paraphernalia; Possession
Sponsors: Brian Podany, Safety Services Manager/Police Chief

Police Captain Gerhard stated council is asked to hold second reading and adopt an ordinance updating the current code regarding drug paraphernalia to reflect the new cannabis products law. This session the Minnesota Legislature repealed the state level crime of possessing any form of drug paraphernalia. This previous state statute of 152.092 was the statute that made it a misdemeanor to possess drug paraphernalia. There is a new State statute enacted, 152.093, which makes it a misdemeanor to intentionally manufacture drug paraphernalia for delivery. Additionally, MN Statute 151.40 was amended to make it a crime only to manufacture or sell hypodermic needles. With the change in State Statute, staff is recommending the city amend the city ordinance to continue to criminalize transportation or possession of such items based on the new law Statute 342.09 except in conjunction with cannabis.

Moved by Councilmember Massoglia, seconded by Councilmember Newland, to adopt Ordinance No. 23-2636, Amending Chapter 50, Offenses and Miscellaneous Provisions, Article VI. - Offenses Involving Underage Persons, Sec. 50-312. - Opium-Smoking Paraphernalia; Possession.

Motion adopted unanimously.

12. Other Business

Councilmember Saroya acknowledged the attendees from the open forum and offered her deepest condolences. She stated she could feel the pain in the room and apologized that the council did not respond to anyone who spoke, noting this was not a reflection of how she felt. She requested a response or action be taken by the mayor.

Mayor Sanders stated while it was the practice of council to not respond during open forum He heard the comments and thanked everyone for sharing their voices. He offered his condolences and encouraged all Blaine residents to reaffirm one another as neighbors and to hold each other up. He encouraged all residents to treat each other with dignity, honor and respect.

13. Adjournment

Moved by Councilmember Massoglia , seconded by Councilmember Robertson, to adjourn the meeting at 8:08PM.

Motion adopted unanimously.



Signed by

Tim Sanders, Mayor

Signed by

Catherine M. Sorensen, CMC, City Clerk