City of Blaine
City Council

February 5, 2024 | 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; Safety Services Director/Police Chief Brian Podany; Police Captain Russ Clark; Finance Director Jason Zimmerman; Accounting Supervisor Bonnie Friedrich; Director of Engineering Dan Schluender; Senior Parks and Recreation Manager Jerome Krieger; City Attorney Kevin Sandstrom; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

4. Awards - Presentations - Organizational Business

4.1. 2024-020 Recognition of Blaine Area Non-profit Organizations
Sponsors:

Mayor Sanders reported each year, the Blaine City Council awards donations to several Blaine area non-profit organizations. The source of this funding is charitable gambling proceeds; organizations that run legal gambling operations, such as pull-tabs, within Blaine are required by State law to submit 10 percent of their net proceeds to the City. This year, the Blaine City Council is proud to be able to award $212,500 in grants to more than a dozen different community organizations. He listed the 2024 recipients and thanked them all for their work in the community.

- Alexandra House
- Blaine Beyond the Yellow Ribbon
- Centennial Community Food Shelf
- Civil Air Patrol
- Family Promise of Anoka County
- Hope 4 Youth
- Hope for the Community Food Shelf
- Minnesota 100 Club
- Salvation Army Food Shelf
- Stepping Stone Emergency Housing
- Way of the Lord Food Shelf
- Impact Services
- Jam Hope Foundation

5. Communications

Councilmember Larson thanked staff for their recent work with the MPCA to share options with residents to connect to city water.

Councilmember Robertson reminded the public of the upcoming Polar Plunge that would be held on February 24. She noted this event was being hosted by the Blaine Police Department and was a fundraiser for Special Olympics.

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 7:07PM.

Mike Cornell, 1296 123rd Avenue NE, shared concerns regarding noise resulting from the nearby Mr. Carwash. He explained he has spoken with staff regarding his concerns and he understood noise levels were being collected. He requested staff get back to him once these measurements were taken.

There being no further 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.

Councilmember Massoglia requested the removal of Consent Agenda Item 8.8.

Moved by Councilmember Robertson seconded by Councilmember Newland, that the following items on the Consent Agenda be approved as amended removing Item 8.8.

Motion adopted unanimously.

8.1. 2024-021 Schedule of Bills Paid

Sponsors: Jason Zimmerman, Finance Director

8.2. 2024-033 Approval of Minutes

Sponsors: Cathy Sorensen, City Clerk

8.3. RES 24-39 Election Judge Appointments for the 2024 Presidential Primary

Sponsors: Cathy Sorensen, City Clerk

8.4. 2024-031 Motion to authorize purchase of Water Treatment Chemicals for January through June 2024

Sponsors: Nick Fleischhacker, Public Works Director

8.5. 2024-032 Motion to Approve Purchase of High Service Pumps for Water Treatment Plant 1

Sponsors: Nick Fleischhacker, Public Works Director

8.6. RES 24-40 Accept Energy Efficiency Conservation Block Grant Award and Amend the CIP Budget for Associated Projects.

Sponsors: Todd Miller, Deputy Fire Marshal

8.7. 2024-022 Motion to Approve Payment to Intuitive Municipal Solutions for Software Licensing, Cloud Hosting, Technical Support and Maintenance

Sponsors: Jason Zimmerman, Finance Director

8.8. 2024-023 Motion to Approve Payment to MP Nexlevel for the Installation of Fiber Optic Cable to the Lexington Athletic Complex and Amend the Project Budget

Sponsors: Jason Zimmerman, Finance Director

Councilmember Massoglia requested further information regarding the reasons for installing fiber optic and high speed internet at the Lexington Athletic Complex. Finance Director Jason Zimmerman explained the fiber optic was necessary to operate the door security software and other systems.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to Approve Payment to MP Nexlevel for the Installation of Fiber Optic Cable to the Lexington Athletic Complex and Amend the Project Budget.

Motion adopted 6-1 (Councilmember Massoglia opposed).

8.9. RES 24-24 Resolution Granting Final Plat Approval for Two Outlots to be Known as Quail Creek 13th Addition at 2663 Quail Creek Court NE. (Case File No. 24-0001/SLK)

Sponsors: Sheila Sellman, City Planner

8.10. RES 24-25 Resolution Granting Final Plat Approval to Subdivide Approximately 15.9 Acres into 54 Lots and One Outlot to be Known as Lexington Waters Third Addition at Ghia Court NE and 132nd Avenue NE. MN Landco/AREP Lexington Waters LP (Case File No. 24-0008/SLK)

Sponsors: Sheila Sellman, City Planner

8.11. 2024-024 Approve Payment to Esri for Small Municipal and County Government Enterprise Agreement Annual Fee for Software/Maintenance

Sponsors: Daniel Schluender, Director of Engineering

8.12. 2024-46 Authorizing the Acquisition of Right-of-Way Consistent with State Law for the Ulysses Street and 117th Avenue Roundabout Project, Improvement Project 23-09

Sponsors: Daniel Schluender, Director of Engineering

8.13. RES 24-27 Resolution to Receive Petition and Order Public Hearing for Vacation of Drainage and Utility Easement, lying over, under and across Outlot D, Quail Creek 10th Addition; except that part as platted as Woods of Quail Creek 5th Addition; according to the recorded plat thereof, Anoka County, Minnesota; Vacation No. V24-01

Sponsors: Daniel Schluender, Director of Engineering

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

9.1. RES 24-26 Resolution Adopting Assessment for 2022 Street Reconstructions, Improvement Project No. 22-04

Sponsors: Daniel Schluender, Director of Engineering

Director of Engineering Schluender stated the assessment roll had been prepared consistent with the feasibility report. Of the total cost, the amount to be assessed is $1,002,400.22. The Public Utility Funds will contribute $407,896.69 for water and sanitary sewer improvements, Pavement Management Program funds will contribute $3,099,980.09 and MSAS will contribute $399,379.58. City staff received one application for deferment of special assessments. Staff has reviewed the application and the resident at 1919 129th Avenue NE, Blaine, MN 55449 has met the criteria for senior deferment. It was noted another property applied for a deferment by this property did not meet the deferment criteria. Staff is recommending that council direct staff to adjust the assessment roll to reflect the deferment on 1919 129th Avenue NE, Blaine, MN 55449.

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 Fleming, seconded by Councilmember Massoglia, to adopt a Resolution Adopting Assessment for 2022 Street Reconstructions, Improvement Project No. 22-04, including the proposed deferment for the property at 1919 129th Avenue NE.

Councilmember Saroya asked what options the second property requesting a deferment would have. Mr. Schluender explained the city did not have another mechanism given the fact this property did not meet any of the three hardships at this time.

Councilmember Newland questioned if this project came in under budget. Mr. Schluender reported the feasibility report estimated this project would cost $5.3 million and it came in at $4.9 million. He explained assessments would be lower than anticipated because the overall project costs were lower than originally estimated.

Motion adopted 6-1 (Councilmember Saroya opposed).

10. Development Business

10.1. RES 24-16 Resolution Granting a Conditional Use Permit for a Church in the Single Family (R-1) Zoning District at 2350 124th Court NE. Cornerstone Church of Blaine (Case File No. 23-0086/SLK)

Sponsors: Sheila Sellman, City Planner

City Planner Sellman stated the applicant is requesting to operate a church out of Northpoint Elementary school. Staff commented further on the request and recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Larson, to adopt a Resolution Granting a Conditional Use Permit for a Church in the Single Family (R-1) Zoning District at 2350 124th Court NE.

Councilmember Saroya asked if there would be any church operation during school hours. Ms. Sellman explained the church would only be operating from the school on Sundays.

Councilmember Saroya questioned why a conditional use permit was necessary. Ms. Sellman reported a conditional use permit was required for places of worship in the R-1 zoning district.

Motion adopted unanimously.

10.2. RES 24-17 Resolution Granting a Conditional Use Permit for Three Accessory Buildings in the Single Family (R-1) Zoning District at 10719 Madison Street NE. Patricia Gower (Case File No. 23-0083/SAS)

Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a conditional use permit to allow three accessory buildings on a Single Family (R-1) lot. There is currently a detached garage and two sheds on the property. Staff commented further on the request and recommended approval.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt a Resolution Granting a Conditional Use Permit for Three Accessory Buildings in the Single Family (R-1) Zoning District at 10719 Madison Street NE.

Motion adopted unanimously.

10.3. RES 24-18 Resolution Granting a Preliminary Plat to Create Two Lots to be Known as National Sports Village 2nd Addition at 2030 105th Avenue NE. 105th Blaine Business Park, LLC. (Case File No. 23-0085/SAS)

Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting to subdivide the existing site into two lots. As part of the financing for the project the applicant needs each building to be on their own lot. The original development had two buildings on one lot. The approved development does not change with this action. Staff commented further on the request and recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Fleming, to adopt a Resolution Granting a Preliminary Plat to Create Two Lots to be Known as National Sports Village 2nd Addition at 2030 105th Avenue NE.

Councilmember Newland commented on the drive thru ordinance that was approved by the council last year. He asked if additional buildings on the south side of 105th would be able to have drive thrus. Ms. Sellman explained the ordinance states drive thrust would be allowed south of 105th with one drive thru per parcel.

Councilmember Newland stated because there was now two parcels, another drive thru would be possible, but noted it was his understanding there was not space. Ms. Sellman commented these buildings were currently under construction and noted the current layout would only allow for one drive thru.

Councilmember Robertson stated this was an exciting development that was kickstarting the redevelopment of the entire 105th Avenue area. She requested the developer provide the council with an update on the construction timeline. Mike Brees, developer, explained the project was running ahead of schedule due to the mild winter weather. He anticipated building one would be open mid-June and building two would be open late-June.

Councilmember Robertson thanked Mr. ______________ for investing in the city of Blaine.

Motion adopted unanimously.

10.4. RES 24-19 Resolution Granting a Conditional Use Permit for Shared Access/Parking, Off-site Parking, and Outdoor Seating in the 105th Avenue Redevelopment District at 2030 105th Avenue NE. National Sports Village 2nd Addition (105th Blaine Business Park, LLC) (Case File No. 23-0085/SAS)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a conditional use permit for shared access/parking, off-site parking, and outdoor seating. The applicant needs to subdivide the property for financing purposes. As a result of the subdivision, Lot 2 will not have any parking on the lot and will be accommodated by shared and off-site parking. This parking scenario was approved with the original plan, however it is now off-site due to the new property lines. The development itself is not changing. This CUP replaces the previously approved CUP in order for it to be in one document. Staff commented further on the request and recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Fleming, to adopt a Resolution Granting a Conditional Use Permit for Shared Access/Parking, Off-site Parking, and Outdoor Seating in the 105th Avenue Redevelopment District at 2030 105th Avenue NE.

Motion adopted unanimously.

11. Administration

11.1. RES 24-31 Resolution to Amend the Budget for the Construction of the Aquatore Bandshell and Associated Interfund Transfer
Sponsors: Jerome Krieger, Sr. Recreation Manager

Senior Parks and Recreation Manager Krieger stated the city council approved a budget for the construction of the Aquatore Bandshell at the May 1, 2023 regular meeting. The budget included $3,529,000 for construction, a 5% construction contingency of $176,450, $250,000 for design and construction administration consulting, and $52,500 for other costs (including security cameras, cable wiring for the city's IT system, lighting for the park trails, materials testing for construction, and audio/visual equipment and connections) for a total project budget of $4,007,950. Due to unforeseen conditions during construction and much higher than anticipated costs for other items, staff is anticipating a shortage in the budget.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to adopt a Resolution to Amend the Budget for the Construction of the Aquatore Bandshell and Associated Interfund Transfer.

Councilmember Robertson stated this project has been before the council for a number of years and she understood price adjustments were necessary at times. She thanked the Blaine Festival Committee for their generous donations to the city that had made this project possible. She asked if the Blaine Festival Committee was willing to assist with the cost overages. Mr. Krieger explained the Blaine Festival Committee donated $1 million to this project and were looking to add 96 picnic tables to the site. In addition, the committee would be upgrading the electric box that was onsite.

Councilmember Newland indicated he has enjoyed driving by the site and seeing the progress that has been made. He requested staff provide the council with an update on the construction timeline. Mr. Krieger stated the project was running on schedule at this time and should be complete by the end of May.

Councilmember Massoglia questioned why this building was having fiber optics installed. Mr. Krieger explained all city buildings have fiber optics for security purposes. He reported IT would like to have all buildings on the same network or canopy system.

Councilmember Saroya stated she was hearing a lot of excitement regarding this project and she looked forward to having the bandshell completed in Ward 1. She thanked Mr. Krieger for all of his efforts on this project.

Mayor Sanders asked that Mr. Krieger let the Blaine Festival Committee know that they have been a fantastic partner on this project.

Motion adopted unanimously.

11.2. 2024-034 Motion to Authorize the Mayor and City Manager to Enter into a Contract with WSB for Professional Design and Construction Services for the 2024

Northwest Area Street Reconstruction Improvement Project, Improvement Project No. 24-05
Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated on August 7, 2023 Council initiated the 2024 Northwest Area Street Reconstructions, Improvement Project No. 24-05 with Resolution No. 23-124. At the August 7, 2023 Council 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 including construction materials testing for the 2024 Northwest Area Street Reconstructions project from WSB in the amount of $273,925.00. Staff has reviewed the 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 $301,317.50. This project will be funded through proposed project assessments, Pavement Management Program funds, Storm Drainage funds, and Public Utility funds.

Moved by Councilmember Fleming, seconded by Councilmember Massoglia, to Authorize the Mayor and City Manager to Enter into a Contract with WSB for Professional Design and Construction Services for the 2024 Northwest Area Street Reconstruction Improvement Project, Improvement Project No. 24-05.

Motion adopted unanimously.

11.3. RES 24-30 Resolution Accepting a Bid from Corval Constructors, Inc. in the Amount of $675,500.00 for the Water Treatment Plant 1 Filter & Piping Upgrades, Improvement Project No. 23-21.
Sponsors: Nick Fleischhacker, Public Works Director

Public Works Director Fleischhacker stated council is requested to approve a contract with Corval Constructors, Inc for the construction of the Water Treatment Plant No. 1 Filter & Piping Upgrades, Improvement Project No. 23-21 in the amount of $675,500.00.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution Accepting a Bid from Corval Constructors, Inc. in the Amount of $675,500.00 for the Water Treatment Plant 1 Filter & Piping Upgrades, Improvement Project No. 23-21.

Motion adopted unanimously.

11.4. ORD 24-2540 Amend City Charter Chapter 5. Initiative and Referendum and Recall
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen stated in 2022 the council directed the charter commission to consider a charter amendment that would provide for a recall process for an elected mayor or councilmember. It should be noted that Minnesota's constitution and statute provide for recall of elected state officials but not city officials therefore any recall process would require a charter amendment. The topic was discussed at the 2022 and 2023 commission meetings where commissioners discussed reasons where a recall would be allowed, size of the recall committee, and an appropriate threshold required of registered voters on a petition that would trigger a recall election. They reviewed several cities' examples and the proposed ordinance being presented is based on the City of Richfield's charter with input from city council regarding restricting reasons for recall to serious cases of malfeasance during the term of office in the performance of the duties of the office. It was noted the first reading and public hearing were held on January 17 with no comments received. It was noted this motion requires unanimous approval (7-0) from the city council in order to be adopted.

Moved by Councilmember Newland, seconded by Councilmember Larson, to adopt Ordinance No. 24-2540, Amending City Charter Chapter 5. Initiative and Referendum and Recall.

Councilmember Saroya asked what changes were made to this portion of charter from the original language. Ms. Sorensen explained the draft before the council was based on the City of Richfield's charter. She reported after looking at several different cities, the Charter Commission recommended the draft language move forward but lowering the threshold for required number of voters on a recall petition as well as lowering the number of petition committee members. She indicated the reasons for a recall were changed from serious cases of malfeasance and nonfeasance in the performance of duties to only malfeasance.

Councilmember Saroya expressed concerns with the fact a city councilmember could not be recalled if they commit a gross misdemeanor crime in their personal capacity. Ms. Sorensen indicated a councilmember could only be recalled if the crime was in relation to their duties of office. She reported this would be determined on a case by case basis by the city clerk and city attorney.

She explained she would be voting against this charter amendment. She stated she wanted residents to have the right to go through the recall process, even if the crime occurs in an elected official's personal capacity.

Mayor Sanders requested staff bring this item back to the Charter Commission for further consideration.

Councilmember Massoglia stated the reason nonfeasance was eliminated was to avoid political theater. He explained the city council wanted recall process put in place and this charter amendment would create that process. He encouraged the Charter Commission to limit the scope for this process and supported recalls being limited to serious malfeasance.

Councilmember Saroya explained she would like councilmembers who commit a gross misdemeanor such as fraud to be included in reasons for a recall petition.

Motion failed 6-1 (Councilmember Saroya opposed).

11.5. ORD 24-2539 Amend City Charter Sec. 2.07 Salaries
Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated the council requested the charter commission annually review council salary data and make recommendations for possible increases. After reviewing salary data and the council's current salary which was last increased in 2015, the charter commission recommended a charter amendment that would provide regular review of salary data and recommendations based on annual cost of living increases provided to city staff. The proposed amendment only amends the process in which to review council salaries. Actual adjustments of the salaries are determined via an ordinance that requires approval by a majority of the city council. The proposed amendment also removes reference to reimbursement for reasonable expenses as the commission felt this was out of scope of salary language and is already addressed in council policy. It was noted the first reading and public hearing were held on January 17 with no comments received. Staff explained this motion requires unanimous approval (7-0) from the city council in order to be adopted.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, to adopt Ordinance No. 24-2539, Amending City Charter Sec. 2.07 Salaries.

Councilmember Saroya shared concerns about not wanting to increase salaries as officials are elected to serve. She did not feel comfortable raising salaries when there was no mechanism in place to determine how many hours councilmembers put in.

Councilmember Robertson explained the council was paid $10,000 per year and noted many of the councilmembers have full time jobs. She reported this was her sixth year on the council. She understood this was a difficult topic to discuss and she understood she was a public servant. She asked staff when was the last time the council received a pay increase. Ms. Sorensen stated the council's last pay increase occurred in 2015. She clarified that the ordinance before the council would allow for an automatic review by the Charter Commission of the council's wages in June of every year and a recommendation would be made by the Charter Commission to the city council. She expressed frustration with the fact this item had been reviewed by council three different times at worksession and believed there was consensus and now it would not be moving forward.

Councilmember Fleming urged the council to support having a mechanism in place that would allow the Charter Commission to review the Council's salary each year. She believed it would be a disservice to not have this mechanism in place going forward. She noted the Council did not have to say yes to each pay raise, but at least there would be a consideration on a yearly basis.

Councilmember Saroya indicated she shared her concerns at the worksession meeting noting this was not supposed to be a full time job. She recommended this topic be revisited, stating she was putting in nearly 40 hours per week in this position. She was of the opinion this position was being done for public service and not compensation. She supported having a mechanism in place, but believed this was not the right one.

Motion failed 6-1 (Councilmember Saroya opposed).

11.6. ORD 24-2541 Amend Sec. 2-31. - Salaries of Mayor and Councilmembers
Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated the council requested the charter commission annually review council salary data and make recommendations for possible increases. After reviewing salary data and the council's current salary which was last increased in 2015, the charter commission is recommending the following salary increases for both mayor and councilmembers based on cost of living increases over the past 10 years provided city staff and comparisons to other cities of similar size:

Mayor
- $18,315.03/yr - currently $14,313.60/yr
- $1,526.25/mo - currently $1,192.80/mo

Councilmembers
- $13,461.54/yr - currently $10,500/yr
- $1,121.80/mo - currently $875.00

Moved by Councilmember Newland, seconded by Councilmember Larson, to adopt Ordinance No. 24-2541, Amending Section 2-31. - Salaries of Mayor and Councilmembers.

Councilmember Larson stated she believed the proposed pay increases were extremely fair. She understood this pay was not for a full time position, but also noted that costs were on the rise.

Councilmember Saroya indicated she did not feel right raising salaries of city councilmembers.

Councilmember Fleming questioned if this item could be brought back to the Charter Commission for further action. City Attorney Sandstrom advised this was an ordinance amendment and does not require a unanimous vote. He explained per State Statute, any changes of salaries can only go into effect after an election, which meant these changes would go into effect January of 2025.

Motion carried 6-1 (Councilmember Saroya opposed).

12. Other Business

None.

13. Adjournment

Signed by ______________________________
Tim Sanders, Mayor

Signed by ______________________________
Catherine M. Sorensen, CMC, City Clerk

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adjourn the meeting at 8:03PM.

Motion adopted unanimously.