



City of Blaine

City Council

March 4, 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 7:08PM 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 Russ Clark; Finance Director Jason Zimmerman; Director of Engineering Dan Schluender; City Attorney Tom Loonan; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

4. Awards - Presentations - Organizational Business

None.

5. Communications

Councilmember Robertson thanked staff and the Public Safety Department who were involved in the recent Polar Plunge event.

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 7:10PM.

Diane O'Brien, 10617 Quincy Boulevard, shared comments regarding the proposed fence in Development Business Item 10.1. She explained she was requesting a nine-foot fence in order to screen her neighbors' garage and garage noise.

There being no further input, Mayor Sanders closed the Open Forum at 7:12PM.

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 Robertson requested the removal of consent agenda item 8.11 for further discussion.

Councilmember Newland noted he would be abstaining from approval of the February 16, 2024, bills paid.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, that the following items on the Consent Agenda be approved as amended removing Item 8.11.

Motion adopted 6-0-1 (Councilmember Newland abstained).

8.1. 2024-58 Schedule of Bills Paid
Sponsors: Jason Zimmerman, Finance Director

8.2. 2024-59 Approval of Minutes
Sponsors:

8.3. 2024-60 Approve Temporary Nursery Sales Licenses
Sponsors: Cathy Sorensen, City Clerk

- 8.4.** RES 24-44 Resolution Granting Final Plat Approval 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. 24-0011/SAS)
Sponsors: Sheila Sellman, City Planner
- 8.5.** RES 24-50 Resolution to Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for 2023 Southwest Area Street Reconstructions, Improvement Project No. 23-07.
Sponsors: Daniel Schluender, Director of Engineering
- 8.6.** 2024-61 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
- 8.7.** RES 24-45 Resolution to Receive Petition and Order Public Hearing for Vacation of Drainage and Utility Easements, over all of Outlot A, Preserve of Lexington Waters Second Addition; according to the recorded plat thereof, Anoka County, Minnesota; Vacation No. V24-02
Sponsors: Daniel Schluender, Director of Engineering
- 8.8.** 2024-62 Centennial Elementary Request for Parking Restrictions for 2024 Track & Field
Sponsors: Daniel Schluender, Director of Engineering
- 8.9.** 2024-63 Approve Purchase of Police Department Squad Vehicles and Authorize Associated Budget Amendment
Sponsors: Brian Podany, Safety Services Manager/Police Chief
- 8.10.** 2024-64 Approve Purchase from the Public Safety Funds
Sponsors: Brian Podany, Safety Services Manager/Police Chief
- 8.11.** 2024-65 Authorizing the Release of Gift Cards Held in the Police Department Evidence Room to the Alexandra House
Sponsors: Jason Zimmerman, Finance Director

Councilmember Robertson commented on how the Blaine Police Department had donated

unclaimed gift cards held in police evidence to the Alexandra House. She thanked the department for their great efforts.

Moved by Councilmember Robertson, seconded by Councilmember Fleming, to Authorize the Release of Gift Cards Held in the Police Department Evidence Room to the Alexandra House.

Motion adopted unanimously.

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

- 9.1.** RES 24-48 Conduct Public Hearing and adopt a Resolution to Vacate a 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

Director of Engineering Schluender stated the City received a petition dated January 15, 2024 from Paul Gagnon representing PSG Meridian LLC, requesting the vacation of the 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. The existing drainage and utility easements are no longer needed and new easements will be platted in accordance to requirements with the platting of Quail Creek 13th Addition. Engineering staff has reviewed the request and agrees with the vacation. New easements will be created with the record plat for Quail Creek 13th Addition. Staff commented on the request further and recommended approval.

Mayor Sanders opened the public hearing at 7:20PM.

There being no public input, Mayor Sanders closed the public hearing at 7:20PM.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution to Vacate a 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.

Motion adopted unanimously.

10. Development Business

- 10.1.** RES 24-32 Resolution Granting a Variance to Allow a 9-Foot Fence Along the South Side Yard Property Line at 10617 Quincy Boulevard NE. Diane O'Brien (Case File No. 23-0088/SLK)

City Planner Sellman stated the applicant is requesting a variance to allow a 9-foot privacy fence along the southern property line for the property at 10617 Quincy Boulevard. The code allows a 6-foot fence along the side property line in the rear yard. Staff is recommending a variance to allow an 8-foot privacy fence along the south property line. Staff commented further on the request and reported the planning commission recommended approval.

Moved by Councilmember Newland, seconded by Councilmember Larson, to adopt a Resolution Granting a Variance to Allow a 9-Foot Fence Along the South Side Yard Property Line at 10617 Quincy Boulevard NE.

Councilmember Robertson explained she spoke with staff regarding this item and noted she believed the variance for the nine foot fence should be allowed. She reported there were many times the council was asked to resolve neighbor disputes. She understood the applicant's neighbor had a security camera that looked into the applicant's house. She stated this bothered her, but she understood there were things the council could and could not control. She questioned if anything existed in state law that would help these two neighbors address the security camera issue. Captain Clark reported Minnesota does have invasion of privacy laws for example when a camera was pointed into a bedroom or bathroom. To simply have a camera pointed in the direction of public or private property may not be construed to be an invasion of privacy unless there was some expectation of privacy. He commented without knowing what the camera was viewing, he could not tell the council if the aforementioned camera was a concern.

Councilmember Robertson thanked Captain Clark for this feedback. She explained with variance requests she appreciated how each request was reviewed based on its own unique merits.

Councilmember Fleming agreed with Councilmember Robertson noting she appreciated how variance requests were reviewed on a case by case basis. She supported the proposed nine foot fence as it would also assist with resolving the neighbor dispute.

Mayor Sanders provided clarity on the request noting the applicant had requested a variance for a nine foot fence and staff was recommending an eight foot fence. City Attorney Loonan explained the motion before the council was for a nine foot fence noting a change would have to be made within the resolution before the council.

Councilmember Larson thanked staff for clarifying this matter. She explained she would be offering her support for the nine foot fence and she thanked Ms. O'Brien for taking the proper steps to address her concerns.

Councilmember Newland indicated he spoke with the city planner regarding this matter and questioned if there were any other nine foot fences in Blaine. Ms. Sellman reported the city has not had any requests for a nine foot fence in the past three years.

Councilmember Newland commented he did not have a problem with the eight foot

fence. He anticipated the council would have to consider additional nine and ten foot fence requests in the future. He recommended the city put a fence height limit in place. He indicated he would be offering his support for this request because the neighbors were abusing their neighborliness.

Councilmember Saroya explained she supported the nine foot fence request. She thanked Ms. O'Brien for her emails. She commented in addition to the camera issues she understood there were noise and light concerns. She reported no one who received public notice has objected to the nine foot fence and for this reason, she would be supporting the request.

Motion adopted unanimously.

- 10.2.** RES 24-33 Resolution Granting Preliminary Plat Approval to Subdivide Approximately 1.16 Acres into Three Lots to be Known as Alexander Woods 4th Addition at 1000 113th Avenue NE. Alexander Woods 4th Addition (Case File No. 23-0089/EES)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is proposing a three lot subdivision adjacent to the existing Alexander Woods subdivision. A similar subdivision was approved in 2022, but has since expired. Staff and the Planning Commission recommend approval.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to adopt a Resolution Granting Preliminary Plat Approval to Subdivide Approximately 1.16 Acres into Three Lots to be Known as Alexander Woods 4th Addition at 1000 113th Avenue NE.

Motion adopted unanimously.

- 10.3.** RES 24-34 Resolution Granting a Conditional Use Permit to Allow for the Construction of Two Additional Single-Family Homes in the Development Flex (DF) Zoning District at 1000 113th Avenue NE. Alexander Woods 4th Addition (Case File No. 23-0089/EES)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is proposing a three lot subdivision adjacent to the existing Alexander Woods subdivision. A similar subdivision was approved in 2022, but has since expired. Staff and the Planning Commission recommend approval.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to adopt a Resolution Granting a Conditional Use Permit to Allow for the Construction of Two Additional Single-Family Homes in the Development Flex (DF) Zoning District at 1000 113th Avenue NE.

Motion adopted unanimously.

- 10.4. RES 24-35** Resolution Granting a Conditional Use Permit to Allow Outdoor Dining with 14 Seats in a Regional Commercial (B-3) Zoning District at 12351 Ulysses Street NE, Suite 120. Noodles & Company (Blaine Square II LLC) (Case File No. 24-0003/SLK)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated Noodles & Company is proposing to locate in the Blaine Square 3rd Development in a newly constructed building. They are requesting a conditional use permit to allow 14 seats for outdoor dining on a patio adjacent to their building.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution Granting a Conditional Use Permit to Allow Outdoor Dining with 14 Seats in a Regional Commercial (B-3) Zoning District at 12351 Ulysses Street NE, Suite 120.

Motion adopted unanimously.

- 10.5. RES 24-36** Resolution Granting a Conditional Use Permit to Operate a Manufactured Home Sales Office in the Manufactured Home Residential (R-4) Zoning District at 10454 Central Avenue NE. Havenpark Heartland Living LLC (Case File No. 24-0004/EES)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a Conditional Use Permit (CUP) for a sales and leasing office within the existing community/office building at Blaine International Village. Homes for sale must be located on home lots within the park and no changes to the physical site are proposed. Staff and the Planning Commission recommend approval.

Moved by Councilmember Newland, seconded by Councilmember Larson, to adopt a Resolution Granting a Conditional Use Permit to Operate a Manufactured Home Sales Office in the Manufactured Home Residential (R-4) Zoning District at 10454 Central Avenue NE.

Motion adopted unanimously.

- 10.6. ORD 24-2542** Second Reading
Ordinance Approving an Amendment to the Blaine Zoning Code to Create a New Zoning District, County Road 10 Mixed Use District. Northtown (City of Blaine) (Case File No. 24-0002/SAS)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman requested the council approve the second reading of a new ordinance, County Road 10 Mixed Use District, as part of the Northtown Plan implementation.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt the Second Reading of Ordinance No. 24-2542, Approving an Amendment to the Blaine Zoning Code to Create a New Zoning District, County Road 10 Mixed Use District.

Councilmember Massoglia requested clarification on what areas would be mixed use. Ms. Sellman reviewed the area that was included in the County Road 10 Mixed Use District. She explained that mall would remain Community Commercial even though it was part of the Mixed Use Zoning District.

Councilmember Massoglia questioned what properties could redevelop as high density residential. Ms. Sellman stated the properties on the north side of County Road 10 and the property on the southeast corner of County Road 10 (Kraus Anderson/Walgreens property) were the only properties that could redevelop as high density residential.

Councilmember Saroya commented she understood people wanted to see growth and development in the Northtown area, but they do not want more massive apartment buildings. She indicated this was a concern she has heard a lot from residents in Ward 1. She discussed House File 4009, noting this bill will allow for multi-family dwellings to be developed in any commercially zoned district. She asked if this meant this new bill would allow for all pink areas to be developed as multi family. Ms. Sellman deferred this question to the Community Development Director. Community Development Director Thorvig stated staff was familiar with this bill. He indicated he did not recall seeing this language but would further review.

Councilmember Saroya reviewed language from the League of Minnesota Cities noting House File 4009 would allow multi-family dwellings to be constructed in any commercially zoned district and could be as tall as the tallest commercial structure within one-fourth mile radius of the parcel or the local height restriction, whatever is higher. She understood the discussion was to allow up to seven stories in this zoning district. She commented further on the League's summary of this bill noting buildings of this magnitude carry a host of fire, water, sewer, emergency response and neighborhood response and any form of public hearing or council decision would be directly prohibited. She stated this was very concerning to her given the fact the city would have no say and multi-family buildings could be up to seven stories in height. She recommended action on this item be held off until staff had further information regarding House File 4009.

Mayor Sanders explained the language Councilmember Saroya just read was from a delete-all amendment for House File 4009. He reported the city's lobbyists were opposing this bill and he encouraged all residents to reach out to state legislators encouraging them to oppose this bill. He indicated this bill would apply to the entire city and every city in the metro area. He stated this piece of legislation would be a disaster.

Councilmember Larson agreed with Mayor Sanders and encouraged residents to review the proposed bill. She stated the proposed legislation was very concerning to her because it would take away zoning minimums. She understood when it comes to the Northtown area, she knew people wanted change and she appreciated how the mixed use zoning district would assist with this change.

Councilmember Robertson commented on how the proposed bill would impact Blaine and other communities. She indicated the proposed plan for Northtown was a visioning document that would only allow for up to 750 units of residential because this was all the area could take. She supported moving this ordinance forward in order to provide the mall

owners with a better understanding on the city's plans for this area. Ms. Sellman noted this area was already zoned Commercial B-2 and B-3. She indicated the land use was changed for several properties would allow for residential and high density residential. She discussed how the comp plan and zoning was in conflict for several properties and the proposed changes would bring about harmony.

Councilmember Newland indicated the city has been talking about the Northtown plan for several years. He asked if this plan was on track with where the city needs to be. Ms. Sellman reported the city was on track and noted this ordinance addresses the council's concerns regarding high density by designating only a small number of properties for high density. She indicated the city would still be completing an AUAR.

Councilmember Newland questioned how the city defined high density residential. Ms. Sellman stated the city defined high density residential as 12 to 25 units per acre.

Councilmember Saroya commented she supported investment in the Northtown area, but she still has an issue with the apartments. She questioned if this was the plan that the city should be moving forward with. She indicated she was not convinced that this plan would be putting the city in a better position. She asked if the city would be creating a bigger concern for Ward 1 and the city 10-20 years from now. She explained massive five story apartment buildings would be added to this area. She inquired how these buildings would impact the city's population. Ms. Sellman reviewed the properties that could be redeveloped for high density residential. She indicated the building height maximum would be five residential stories over parking. She noted a conditional use permit would be required for any height over five stories.

Councilmember Saroya inquired how the city's population would be impacted. Ms. Sellman indicated she did not have an active proposal to consider so it was hard to say what the population increase would be. She explained high density residential allowed for 12 to 25 units per acre.

Councilmember Massoglia called the question.

Motion adopted 6-1 (Councilmember Saroya opposed).

10.7. ORD 24-2543 Second Reading

Ordinance Rezoning Certain Parcels in the Northtown Area from Community Commercial (B-2) and Regional Commercial (B-3) to County Road 10 Mixed Use District. Northtown (City of Blaine) (Case File No. 24-0002/SAS)

Sponsors: Sheila Sellman, City Planner

Ms. Sellman requested the council approve the second reading to rezone certain parcels in the Northtown Area to County Road 10 Mixed Use District (MU) as part of implementing the Northtown Plan.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt the

Second Reading of Ordinance 24-2543, Rezoning Certain Parcels in the Northtown Area from Community Commercial (B-2) and Regional Commercial (B-3) to County Road 10 Mixed Use District.

Motion adopted 6-1 (Councilmember Saroya opposed).

- 10.8.** RES 24-51 Summary Resolution for Publication of Ordinance 24-2542 Approving an Amendment to the Blaine Zoning Code to Create a New Zoning District, County Road 10 Mixed Use District. Northtown (City of Blaine) (Case File No. 24-0002/SAS)
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen requested the council adopt the proposed resolution allowing for publication of title and summary of Ordinance 24-2542.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt the Summary Resolution for Publication of Ordinance 24-2542, Approving an Amendment to the Blaine Zoning Code to Create a New Zoning District, County Road 10 Mixed Use District.

Motion adopted unanimously.

- 10.9.** ORD 24-2545 Ordinance Repealing the Moratorium for the Northtown Area. Ordinance 23-2530 (City of Blaine) (Case Fille No. 23-0040/SAS)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated upon adoption of the new zoning district and ordinance for the Northtown area, the moratorium for the Northtown Area was no longer necessary.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt Ordinance No. 24-2545, Repealing the Moratorium for the Northtown Area.

Motion adopted 6-1 (Councilmember Saroya opposed).

11. Administration

- 11.1.** RES 24-46 Resolution Accepting a Bid from Asphalt Surface Technologies Corp. (ASTECH Corp.) in the Amount of \$215,940.20 for the 2024 Crack Sealing Project, Improvement Project No. 24-02
Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated bids have been checked and tabulated, and it has been determined that Asphalt Surface Technologies Corp. (ASTECH Corp.) of St. Cloud, Minnesota was the lowest bidder. The Engineering department has worked with Asphalt Surface Technologies Corp. (ASTECH Corp.) on previous contracts. Staff discussed how the project would be

funded. Staff recommended that the low bid be accepted, and a contract be entered into with Asphalt Surface Technologies Corp. (ASTECH Corp.). City Council was also asked to approve a 5% contingency to bring the total project budget to \$226,737.21.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to adopt a Resolution Accepting a Bid from Asphalt Surface Technologies Corp. (ASTECH Corp.) in the Amount of \$215,940.20 for the 2024 Crack Sealing Project, Improvement Project No. 24-02.

Motion adopted 6-0-1 (Mayor Sanders was absent for vote).

- 11.2. RES 24-47** Resolution Accepting a Bid from Warning Lites in the Amount of \$99,835.28 for the 2024 Pavement Markings Project, Improvement Project No. 24-03
Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated bids have been checked and tabulated, and it has been determined that Warning Lites of Minneapolis, Minnesota is the lowest bidder. The Engineering Department has worked with Warning Lites on previous contracts. Staff recommends that the low bid be accepted, and a contract be entered into with Warning Lites. City Council was also asked to approve a 5% contingency to bring the total project budget to \$104,827.04. The funding source for this project is the General Fund and there are sufficient funds in the 2024 budget to cover these costs.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt a Resolution Accepting a Bid from Warning Lites in the Amount of \$99,835.28 for the 2024 Pavement Markings Project, Improvement Project No. 24-03.

Motion adopted 6-0-1 (Mayor Sanders absent for vote).

- 11.3. ORD 24-2544** Second Reading
Adopt an Extension to the Interim Ordinance for a Moratorium on Car Washes
Sponsors: Erik Thorvig, Community Development Director

Community Development Director Thorvig stated on September 6, 2023, the City Council adopted an interim ordinance placing a moratorium on new car washes in the City of Blaine. The purpose of the moratorium was to allow the Council time to study zoning regulations related to car washes and determine potential zoning district changes or text amendments. The moratorium was for six months and is set to expire on March 6, 2024. Minnesota State Statute allows cities to establish a moratorium to allow zoning studies for up to one-year. The City Council discussed zoning regulations related to car washes at their December 18, 2023, and February 12, 2024, workshops. Additional time is necessary to adopt proposed changes, therefore a six-month extension to the original moratorium is proposed through September 6, 2024. It is not anticipated that the full time extension is necessary to adopt the proposed changes. If the City Council adopts changes prior to September 6, 2024, the moratorium would be lifted and applications for car washes would be allowed under any new regulations adopted.

Moved by Councilmember Fleming, seconded by Councilmember Massoglia, to adopt the Second Reading of Ordinance No. 24-2544, Adopting an Extension to the Interim Ordinance for a Moratorium on Car Washes.

Motion adopted 6-0-1 (Mayor Sanders absent for vote).

11.4. 2024-66 Approve Proposed Amendments to Council Code of Conduct
Sponsors: Michelle Wolfe, City Manager

Ms. Sorensen stated at the January 3, 2024, meeting, Councilmembers Massoglia and Fleming requested the topic of code of conduct and rules of order and procedure be added to a workshop to consider additional language presented by Councilmember Massoglia. The current Code of Conduct was adopted in December 2022. Based on consensus from the February 5, 2024, workshop, attached is a draft of the proposed code of conduct that incorporates those amendments. Most were merged into rules of order and will be considered as a separate item, while others were already included in the April 2023 draft and are highlighted in yellow. The additional suggestion was *Connecting Residents with Staff Resources* and is highlighted in blue. Staff is presenting this draft for formal consideration. Adoption of the amended code of conduct is by motion.

Moved by Councilmember Massoglia, seconded by Councilmember Robertson, to Approve Proposed Amendments to Council Code of Conduct.

Councilmember Saroya explained the council received an amendment at 3:27 p.m. today and if the council would be voting on the amendment as well. City Attorney Loonan reported this was not part of the motion on the table.

Councilmember Saroya stated she believed the council needed to have a code of conduct in place with the way things have played out on the city council which has led her to feel unsafe. She indicated she has had conversations with the police chief regarding her safety concerns. She explained she did not want to stifle free speech and feared the code of conduct would do just that. She feared the language was subjective when it comes to what is considered personal or out of line. She anticipated the city would be creating outcomes that would not serve the city in the best manner. She believed the code of conduct would not allow the council to have open debates and difficult conversations, which would not serve the residents best interests. She indicated the code of conduct may intimidate some councilmembers. However, she noted the code of conduct would not intimidate her as she would continue to ask the difficult questions. She wanted to ensure transparency for the public and she feared the code of conduct would interfere with this. She stated she would be voting against the code of conduct.

Councilmember Massoglia indicated he did not believe the code of conduct stifled free speech. He stated he would be happy to consider other language, but he did not see anything that stifled free speech. He reported the code of conduct speaks to making sure council direction to staff is given based on the consensus of council. He explained staff time was not to be used or spent on items that only one or two councilmembers supported. He

wanted to make sure staff time was protected and prioritized given all the things staff had on their plates. He believed the proposed changes were important and should be approved by the city council. He indicated he supported the amendments that were proposed this afternoon.

Ms. Sorensen clarified the council currently had a code of conduct in place that was adopted in December of 2022. She explained this was not a new code, but rather amendments being considered for the code of conduct. City Manager Wolfe offered clarification noting staff has brought forward amendments for the code of conduct, which was the code of conduct before the council for consideration. She reported additional amendments were proposed by Councilmember Robertson noting these amendments were brought to staff prior to this meeting and had been reviewed by the city attorney.

Councilmember Robertson stated she typically does not offer amendments, but noted she did not want to surprise staff and council at this meeting. For this reason, she reached out to the city attorney last week with her proposed amendments and this information was forwarded to the council earlier this afternoon. She explained she did attempt to get this information to the council prior to this meeting. City Attorney Loonan advised the council packet went out with agenda Items 11.4 and 11.5. He explained Item 11.4 was seeking approval for proposed amendments to the council code of conduct and were highlighted in yellow and blue. These highlighted areas would be additions to the code of conduct. He reported there were requested additions, which were in blue. He stated the motion on the floor was to approve the code of conduct with the amendments in yellow and blue. He indicated the next item for the council to consider would be Item 11.5 adopting the revised Rules of Order and Procedure.

Mr. Loonan commented on the email that went out this afternoon with additional revisions from Councilmember Robertson. He stated these were potential amendments that could be considered by the council. He indicated the council could vote to consider these additional amendments and they would be added or not added, depending on the council vote. He reported it would be at the council's discretion whether these amendments were added to the code of conduct or the rules of order and procedure. He was of the opinion the amendments from Councilmember Robertson should be added to the code of conduct.

Councilmember Fleming thanked City Attorney Loonan for the clarification. She explained she supported approving the proposed amendments from Councilmember Robertson.

Moved by Councilmember Fleming, seconded by Councilmember Newland, to approve the Proposed Amendments to Council Code of Conduct offered by Councilmember Robertson sent via email on March 4, 2024.

Councilmember Robertson commented on her proposed amendments noting she invested time reviewing peer cities codes of conduct and how they navigate being a governing body when everyone was not on the same page. She explained the genesis for her research was how to manage opinions and comments when they do not reflect everyone else. She stated her amendments were not meant to impede free speech but rather allowed councilmembers to disconnect from the official actions of the council. She indicated she had no problem with disagreement or differing opinions. She stated the language she was proposing provided a guideline on how to disagree in a professional manner. She explained

she would have no problem abiding to these amendments and she hoped the council would continue to bring their best for Blaine residents.

Councilmember Larson stated she was not opposed to the amendments from Councilmember Robertson and asked if the public would be allowed to review the proposed amendments.

Mayor Sanders explained with amendments to motions, they happen on the floor and in real time. He reported the council could amend a motion at any time during a meeting but given the more lengthy language the council had to consider, Councilmember Robertson provided her amendments to staff for review and consideration. He stated this was in keeping with the council's process.

Councilmember Larson indicated she was hoping to further dialogue in worksession the proposed amendments from Councilmember Robertson. She expressed concern with the portion of the language that stated councilmembers could not speak regarding properties or to property owners that were proposed for change. She stated there were numerous properties in Blaine that were proposed for change and she was concerned about not having the ability to speak about properties or with property owners without approval.

Councilmember Robertson explained the intent with this language was to not have the council acting in staff's capacity. She indicated it was not the council's job to approach property owners regarding land sales. She commented on how the council's role was different than staff's role. She reported this language has nothing to do with campaigning or knocking on doors. Rather, it speaks to the defining roles of the council and staff.

Councilmember Larson suggested the last sentence be removed in order to remove some gray area.

Councilmember Robertson reported the amendment language was vetted with the city attorney and she would not be changing the language. Mr. Loonan explained taken in the context of the entire paragraph, councilmembers are not able to make representations on behalf of the city or city staff without authority. He reported council could still speak with individuals or property owners, but could not speak as a representative of the city or on behalf of city staff. He indicated conduct policies were difficult, but reiterated the intent of the entire paragraph was to ensure elected officials could not make representations on behalf of the city, unless they have been authorized by the body as a whole. He stated representations could be made as an individual or council candidate, but until the majority of the body provides direction, a councilmember could not make representation on the position of the entire city council.

Councilmember Larson thanked City Attorney Loonan for this clarification. She understood now that councilmembers could still speak to property owners and constituents but could not speak on behalf of the city without proper authority.

Councilmember Saroya was of the opinion the language was very unclear. She feared the language would create confusion. She asked if councilmembers would be able to represent their ward but not the entire council. Mr. Loonan explained councilmembers are allowed to represent their ward and the city, but with this language, councilmembers would not be

allowed to speak on behalf of the city unless given authority. He reported councilmembers would continue to have the ability to speak as an elected official, individual or a candidate, but could not speak on behalf of the city or Blaine City Council.

Councilmember Saroya commented on how important door knocking was for the community and if she could continue to door knock in Ward 1. Mr. Loonan explained Councilmember Saroya could continue to door knock and introduce herself as a councilmember. However, Councilmember Saroya could not speak to what Blaine will or will not do but rather could speak to what she would do to advocate for in the community.

Councilmember Massoglia requested the mayor call the question.

Moved by Councilmember Massoglia, seconded by Councilmember Fleming, to call the question.

Motion adopted unanimously.

Mayor Sanders asked that the council now vote on the amendments as proposed by Councilmember Robertson.

Motion adopted 6-1 (Councilmember Saroya opposed).

Councilmember Saroya questioned how the city defined personal attacks. She indicated she did not want the code of conduct to impact her ability to bring resident concerns to the city council. Mr. Loonan advised the code of conduct was not a legal standard or legal binding document. He indicated the code set rules for the Blaine elected officials on how they will conduct themselves. He stated if there was an allegation of the rules being broken it would have to be reviewed by the entire council body. He reported there was not a hard and fast rule.

Councilmember Saroya inquired what the consequences were of violating the code of conduct. Mr. Loonan stated generally speaking, councilmembers could be given an informal warning, an informal censure provision or a formal censure resolution could be enacted. He explained the council could not be removed from the council by the body themselves. Potentially the council could remove councilmembers from committees, but the most significant consequence would be the public censure that was adopted by the majority of the council.

Mayor Sanders requested the council vote on the main motion.

Motion adopted 6-1 (Councilmember Saroya opposed).

11.5. RES 24-52 Adopt Revised Rules of Order and Procedure
Sponsors: Michelle Wolfe, City Manager

Ms. Sorensen stated at the January 3, 2024 meeting, Councilmembers Massoglia and Fleming requested the topic of code of conduct and rules of order and procedure be added

to a workshop to consider additional language presented by Councilmember Massoglia. The current rules of order were reviewed and adopted in October 2023 and confirmed again at the first regular meeting in January 2024. Based on consensus from the February 5, 2024, workshop, attached is a draft of the proposed rules of order that incorporates the suggested amendments. Most were merged into rules of order while others were already included in the April 2023 draft code of conduct and will be considered as a separate item/motion. Adoption of the amended rules of order is by resolution.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, to Adopt Revised Rules of Order and Procedure.

Councilmember Saroya requested clarification on the courtesy section. She questioned who determined whether a discussion or comment is disorderly. She feared the proposed language would limit the ability to have important discussions and the ability to be transparent with the community. While she understood respect and courtesy was important, so was discussing issues impacting the community. She wanted to make sure the city was not hiding behind courtesy as a way of preventing the city from talking about issues. Mr. Loonan explained this item addressed rules of order and procedure. He reported if the chair of the meeting deems someone is acting in a manner that was out of order, the chair can gavel them out of order. If this member or another member of the council feels this was wrong, the member can challenge the chair and a vote would be taken by the body.

Councilmember Fleming indicated she disagreed with Councilmember Saroya on this matter. She reported in the council chambers, making insinuations or accusations with no merit was completely wrong. She stated this was not fair to anyone and this was the matter at hand.

Councilmember Saroya clarified there was a basis because a KARE 11 news crew attended the council workshop meeting. She feared that the proposed rules of order and procedure would restrict free speech. She suggested bringing the attorney general in to review the proposed rules of order and procedure stating she would not be limited in her free speech.

Councilmember Newland called the question.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, to call the question.

Motion adopted 6-1 (Councilmember Saroya opposed).

Motion adopted 6-1 (Councilmember Saroya opposed).

12. Other Business

Councilmembers Robertson and Massoglia requested a future workshop agenda discussion regarding limiting the number of tobacco licenses in Blaine and also reviewing the city's liquor licensing ordinances.

Councilmember Massoglia commented on the potential merger of NMTV with CCX. He supported the city sending a letter to CCX regarding Blaine's interest in a potential merger.

Motion by Councilmember Massoglia, seconded by Councilmember Fleming, to suspend the rules to request staff direction regarding Blaine's interest in a potential merger with CCX.

Motion adopted unanimously.

Motion by Councilmember Massoglia, seconded by Councilmember Robertson, to direct staff to draft a letter to CCX regarding Blaine's interest in a potential merger with NMTV and request CCX's feedback on the proposal.

Motion adopted unanimously.

13. Adjournment

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adjourn the meeting at 8:44PM.

Motion adopted unanimously.



Signed by

Tim Sanders, Mayor

Signed by

Catherine M. Sorensen, CMC, City Clerk