City of Blaine
City Council

April 1, 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; Safety Services Director/Police Chief Brian Podany; Finance Director Jason Zimmerman; Director of Engineering Dan Schluender; Senior Parks and Recreation Manager Jerome Krieger; Public Works Director Nick Fleishhacker; Detective Mike Sommer; City Attorney Tom Loonan; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

4. Awards - Presentations - Organizational Business

4.1. 2024-84 Proclamation for Arbor Day 2024
Sponsors: City Council

Mayor Sanders read a proclamation in full for the record declaring May 4, 2024, to be Arbor Day and the month of May to be Arbor Month in the city of Blaine.

5. Communications

Councilmember Newland reported he attended the recent Iftar evening meal and learned a great deal at this community event. He then explained he has owned a business in Blaine for the past 31 years and stated it was his practice to recuse himself from the schedule of bills paid when invoices were included.

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 7:04PM.

There being no input, Mayor Sanders closed the Open Forum at 7:04PM.

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 stated he would be abstaining from approval of item 8.1.

Councilmember Saroya requested the removal of consent agenda item 8.1.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that the following items on the Consent Agenda be approved as amended removing Item 8.1.

Motion adopted unanimously.

8.1. 2024-85 Schedule of Bills Paid
Sponsors: Jason Zimmerman, Finance Director

Councilmember Saroya shared concerns regarding a potential conflict of interest then referred to recent bills paid for city printing projects. She asked the city to be more equitable when distributing printing projects between printing businesses in the city as the city had three local printing businesses. Ms. Wolfe reported the city followed state statute when it came to purchasing and procurement. She commented further on the RFP and purchasing policies that were followed for larger printing projects. She stated she was not aware of how much was being spent at each printing company within Blaine.

Communications Manager Hayle indicated routine projects, such as city envelopes or business cards, are distributed to the printers throughout Blaine to spread the business throughout the community. He stated over the last five years the communications department has outsourced some of its larger projects to local printers.

Moved by Councilmember Fleming, seconded by Councilmember Massoglia, to approve the Schedule of Bills Paid.

Councilmember Fleming stated this concern has been explained to the council on two different occasions and she did not believe this matter had to be brought back to the council going forward.

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

8.2. 2024-86 Approval of Minutes
Sponsors: Cathy Sorensen, City Clerk

8.3. 2024-87 Approve a Therapeutic Massage Enterprise License for Sweetman - Blaine LLC dba Massage Envy
Sponsors: Cathy Sorensen, City Clerk

8.4. 2024-88 Motion to approve contract with Pro-Tec Design for intrusion system upgrades at Water Treatent Plants 1 - 4
Sponsors: Nick Fleischhacker, Public Works Director

8.5. RES 24-67 Approve Plans and Specifications and Order Advertisement for Bids for the 2024 Pleasure Creek Area Street Reconstructions, Improvement Project No. 24-06
Sponsors: Daniel Schluender, Director of Engineering

8.6. RES 24-68 Approve Plans and Specifications and Order Advertisement for Bids for the 2024 Southwest Area Street Reconstructions, Improvement Project No. 24-07
Sponsors: Daniel Schluender, Director of Engineering

8.7. RES 24-72 Resolution to Declare Cost to be Assessed, Order Preparation and Call for Public Hearing on Proposed Assessment for the 89th Avenue and Davenport Street Area Street Reconstructions, I/P 22-05
Sponsors: Daniel Schluender, Director of Engineering

8.8. RES 24-69 Resolution to Approve Joint Powers Agreement No. C0010584 with Anoka County for the Construction and Grading of Pedestrian Trail from 122nd Avenue NE to the Lexington Athletic Complex Trail System

Sponsors: Daniel Schluender, Director of Engineering

8.9. 2024-89 Approve Annual Payment of JLEC Shared Costs for the Public Safety Data System (PSDS)

Sponsors: Brian Podany, Safety Services Manager/Police Chief

8.10. RES 24-71 Resolution to Approve the 2024 Traffic Safety Vehicle Grant

Sponsors: Brian Podany, Safety Services Manager/Police Chief

8.11. RES 24-70 Resolution to Approve the 2024 Intensive Comprehensive Peace Officer Education and Training Grant

Sponsors: Brian Podany, Safety Services Manager/Police Chief

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

9.1. RES 24-66 Conduct Public Hearing and Adopt a Resolution to vacate Drainage and Utility Easements, over all of Outlot A, Preserve at Lexington Waters Second Addition; According to the Recorded Plat Thereof, Anoka County, Minnesota; Vacation No. V24-02

Sponsors: Daniel Schluender, Director of Engineering

Director of Engineering Schluender stated the city received a petition dated February 14, 2024 from Nathan Fair representing Blaine 2022 LLC, requesting the vacation of the Drainage and Utility Easements, over all of Outlot A, Preserve at Lexington Waters Second Addition; according to the recorded plat thereof, Anoka County, Minnesota. The property was originally platted as Outlot A, Preserve at Lexington Waters Second Addition. The existing drainage and utility easements are no longer needed and new easements will be platted in accordance to requirements with the platting of Preserve at Lexington Waters 3rd Addition. Engineering staff has reviewed the request and agrees with the vacation. New easements will be created with the recording of the plat for Preserve at Lexington Waters 3rd Addition.

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 Newland, seconded by Councilmember Robertson, to Adopt a Resolution to vacate Drainage and Utility Easements, over all of Outlot A, Preserve at

Lexington Waters Second Addition; According to the Recorded Plat Thereof, Anoka County, Minnesota; Vacation No. V24-02.

Motion adopted unanimously.

9.2. RES 24-53 Resolution Adopting Assessment for 2023 Southwest Area Street Reconstructions, Improvement Project No. 23-07

Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated Improvement Project No. 23-07 was ordered by the City Council on December 19, 2022 with Resolution 22-207. A construction contract was awarded to Park Construction Company by the city council on March 20, 2023 with Resolution No. 23-46 and construction was completed in the summer of 2023. The total project cost indicated in the Feasibility Report was $5,040,490.00. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is $691,281.45. The Public Utility Funds will contribute $652,187.41 for water and sanitary sewer improvements, and Pavement Management Program funds will contribute $2,528,433.76. Staff commented further on the project costs, noting assessments could be paid back over 15 years and requested the council approve the assessment roll.

Mayor Sanders opened the public hearing at 7:18PM.

David Martinson, 41 90th Lane NE, shared concerns regarding the proposed assessments and how the residents did not request the project improvements. He noted his lot was only 80 feet wide while others were double that size. He asked if the assessment was based on a per unit method to take into account the different sizes of lots on a street.

Mr. Schluender explained per the city's assessment policy, assessments were charged per unit versus a front footage method for the city's street projects.

There being no additional public input, Mayor Sanders closed the public hearing at 7:22PM.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to adopt a Resolution Adopting Assessments for 2023 Southwest Area Street Reconstructions, Improvement Project No. 23-07.

Councilmember Saroya shared concerns about the amount of assessments being charged and supported the city lowering the amount to be assessed to 20% of project cost. She explained the assessment fees were a burden to residents, especially in Ward 1 and stated she would not be supporting the proposed assessment roll.

Councilmember Larson reported the council discussed the assessment rate last fall and concluded keeping the assessment percentage at 35% instead of raising taxes for all residents. She asked if staff could speak to the maintenance the city's provides for its streets. Mr. Schluender explained the streets that were reconstructed in 2023 were over 30 years old. He commented on the city's seal coating and crack filling schedule. He stated in the past eight years the city has created a program that takes a more efficient look at how to maintain streets than was done in the past.

Motion adopted 6-1 (Councilmember Saroya opposed).

9.3. 2024-90 Consider On-Sale and Sunday Intoxicating Liquor Licenses for Irie Vybz Jamaican Restaurant, 76 Northtown Drive NE
Sponsors: Cathy Sorensen, City Clerk

City Clerk Sorensen stated council is asked to hold a public hearing then consider issuing on-sale and Sunday intoxicating liquor licenses for Irie Vybz Jamaican Restaurant, 76 Northtown Drive NE. On February 22, 2023, a public hearing was held as required by City code to consider approval of on-sale and Sunday intoxicating liquor licenses for Irie Vybz Jamaican Restaurant, LLC at 76 Northtown Drive. Approval of the licenses would have allowed the applicant, Shanice Chante Hines-Hyatt, the ability to serve intoxicating spirits, beer, and wine. Staff had noted in the report that additional items were still required prior to issuance of any licenses and that any approval was contingent upon receipt of all required fees, documents, updated certificate of insurance, certificate of occupancy, alcohol training policy, retail buyers card, successful background investigation, and the State of Minnesota 2AM liquor license if applicant wanted to operate until 2AM. Staff also shared that the applicant had been utilizing a State-licensed alcohol caterer to provide alcohol service at the restaurant for some of their events until their on-sale license was approved and issued. No one appeared during the public hearing and staff recommended approval of the licenses contingent upon completion/receipt of all outstanding items. Council made a motion to approve the licenses, which was seconded then adopted 5-0.

Ms. Sorensen explained on March 14, 2023, staff informed the applicant via email and certified mail that the liquor licenses were being denied based on a background investigation that identified concerns with activity at past locations,discrepancies in their application, liquor law violations that occurred at the Blaine location, and outstanding application materials. Ms. Hines-Hyatt appealed the city's license denial and requested a hearing with the city's administrative hearing officer, who upheld the license denial. The applicant appealed the administrative hearing officer's determination and the Minnesota Court of Appeals overturned the ruling stating action to deny the licenses should have occurred at the Council level as the minutes from February 2023 did not reflect Council's contingent approval of the licenses based on completion/receipt of the outstanding items, including a successful background investigation.

Ms. Sorensen reported based on the Court of Appeals ruling that the city did not comply with the procedure set forth in ordinance in denying the application, staff is bringing the application forward again for a public hearing and Council consideration of the on-sale and Sunday intoxicating liquor licenses for Irie Vybz Jamaican Restaurant, LLC. Notice of the hearing has been published in the *Blaine/Spring Lake Park Life* and the applicant has been notified of the hearing. Upon completion of the public hearing, staff requests Council consider the licenses by motion, second, and vote.

City Attorney Loonan advised the decision of the appellate court was a reverse of the hearing officer and remanding to the council for reevaluation and decision at this time. He reported the indication from the city clerk that there was a previous approval that may have been contingent but the record did not reflect this. The Court of Appeal has asked the city council to reevaluate the application based on the information and to make a new determination of approval or denial of the application.

Mayor Sanders opened the public hearing at 7:32PM.

Shanice Hines-Hyatt, applicant, discussed how stressful this situation has been for her and shared frustrations about not feeling welcome in the city. She stated she choose Blaine for her business because it was safe and diverse. She commented on how her revenue has been reduced by 50%. She explained her liquor license was vital to her business and requested her liquor license be approved.

David Robbins, applicant's attorney, thanked staff for working with his client and for council consideration of this liquor license, with the understanding all missing items from the application would be submitted. He commented on the incident that occurred in March of 2023 where alcohol was served without a license in violation of state statute. He explained there was a licensed alcohol caterer on site at the time. He commented further on how the applicant has worked to address the concerns that had happened at the applicant's previous location in Brooklyn Center. He discussed how his applicant believes Blaine was a safer location for both herself and her patrons.

David Powell, customer of Irie Vybz, introduced himself to the Council stating he was a PhD student at St. Mary's and noted he came to Minnesota from Jamacia in 2019. He shared his impressions of the hard work being conducted by the applicant to contribute to the local economy and explained the liquor license was a vital part of the restaurant's success. He stated for whatever mistakes were made in the past, he hoped the council could reconsider the liquor license request for order for Ms. Hines-Hyatt to be successful.

There being no additional public input, Mayor Sanders closed the public hearing at 7:43PM.

Moved by Councilmember Saroya to approve the On-Sale and Sunday Intoxicating Liquor Licenses for Irie Vybz Jamaican Restaurant at 76 Northtown Drive NE. Motion failed for lack of a second.

Councilmember Robertson requested further information on what a violation looks like and what the application process entails. Detective Mike Sommer explained part of his job as a background investigator was to find the facts. He stated he does not make determinations on behalf of the police department but rather was responsible for finding facts and answering questions. He commented further on how he worked to ensure applicants were meeting city ordinances and the findings which are then presented to the city clerk's office for a recommendation to council. He stated the applications were then managed by the city clerk's office.

Councilmember Robertson asked what was found in the background check that made this request stand out. Ms. Sorensen reported there were automatic disqualifiers in place for liquor licenses and this was where the police department started their work. She indicated the letter mailed to Ms. Hines-Hyatt outlined why staff would be recommending denial of the application. She stated at the time of the public hearing, staff did not have this information and had recommended approval, contingent upon the background check. She explained if staff had this information at the time of the public hearing last year, staff would have recommended denial of the request. She discussed how background checks can take a long time to complete and commented on how staff works with businesses through this process. She indicated staff would be changing the process going forward so something like this does not occur again in the future.

Councilmember Massoglia asked if there was a timeframe for which background checks are reconsidered. Ms. Sorensen stated this was not outlined in ordinance or statute for a timeframe of five years or ten years but rather recent history is considered and was a gauge for the police department to provide the clerks office a recommendation . She reported the concerns raised from Brooklyn Center were within a five year period and staff felt this was an appropriate concern. In addition, staff had concerns regarding the events that were being held at Irie Vybz while they were waiting for their liquor license.

Councilmember Saroya questioned if denying the liquor license would mean this business would have to shut down. Ms. Hines-Hyatt reported this would be the case.

Councilmember Saroya stated this was concerning to her. She commented regardless of the history, she understood there were new business owners who have made mistakes and this council has overlooked business issues. She indicated there have been many times the council has made exceptions for businesses. She was concerned about some of the hate and discrimination this business owners has felt in Blaine. She explained she felt unwelcome as the only women of color on the Blaine City Council. She stated unfortunately this was the culture of this leadership and does not reflect the residents of Blaine. She explained if this license were denied, she hoped a study would be completed on how Blaine treats its minority business owners as she was starting to see a pattern. She commented on the concerns she has heard from women-owned businesses that have had to climb mountains while others receive a free pass and feared there was a discrepancy. She stated these concerns have to be voiced and have to be shared because things were unfair. She encouraged the city council to do their jobs and fix the discrepancy. She indicated change was coming and Blaine residents, especially in Ward 1, would no longer sit back and put up with this. She stated decisions like this were leading to these concerns. She reported the issue at hand was not whether or not a person drank or visited this business, but rather the issue was the city had a minority, women-owned business that was in need of a liquor license and denial of this license would put her out of business. She believed the city council has shown far more mercy to other businesses in this city and the council was showing none here which was heartbreaking to her.

Councilmember Larson reported the council had received attachments from the hearing officer stating obtaining an intoxicating liquor license is a privilege and not a right. She explained there were serious public safety concerns when issuing such a license and thus the requirements were stringent. She indicated there were reasons staff had included from the Blaine Police Department for recommending denial of the request. She stated the city council makes decisions based on the information in the packet along with the information provided by staff. She commented the council did not see this owner, prior to the meeting, and was not aware she was a minority but added that information was irrelevant. She did not believe the council had to receive a photo of an applicant when considering information from staff but rather make a determination based on the information in the packet. She reported the concerns from staff had to do with events of assault, failure to allow police to enter the location, live events without proper licensing, operating in violation of State COVID emergency orders, failed compliance checks with alcohol after 1:00 AM without proper licensing at other locations. She explained there was all kinds of information within the packet and the packet knows no color. She reported she would be making her decision based on the information within the packet.

Councilmember Massoglia thanked the applicant for attending this meeting and for sharing her story. He thanked the applicant for choosing the city of Blaine and apologized for the incidents that she was speaking of. He stated these types of occurrences had no place in the community. He understood there were two sides to every story and part of government process was to allow for an appeal . He stated if the applicant's side of the story was different than the police's story, he hoped this could go through the proper channels. He said he was concerned with the issues of assault that occurred at the previous restaurant. He explained he was concerned that Brooklyn Center Police was not allowed access to the restaurant, especially given the fact alcohol was being served. He stated assaults can be deadly and domestic violence was a growing concern. He encouraged Ms. Hines-Hyatt to continue to go through the appeals process. He indicated he supported and welcomed this business in the community, but noted at this time he would not be able to support the liquor license request.

Mr. Robbins commented on the police reports from Brooklyn Center noting there was not a single incident where individuals inside the restaurant who were served liquor were involved in an assault. He explained the assault event was somewhat ridiculous and resulted when their security contractor decided to assault a Brooklyn Center Police Officer outside of the client's premises. He noted the event where police officers claimed they were not allowed access to the premises was simply not true. He stated the security contractor did not understand the law and made an off color comment saying we don't have to let you in, and the police immediately entered. He encouraged the council to take another look at the police reports because they do not support the decision the council was making.

Councilmember Massoglia thanked Mr. Robbins for his comments.

Moved by Councilmember Massoglia, seconded by Councilmember Newland, to deny the On-Sale and Sunday Intoxicating Liquor Licenses for Irie Vybz Jamaican Restaurant at 76 Northtown Drive NE.

Councilmember Saroya shared concerns about the treatment of businesses in Blaine and not making all businesses feeling welcome, especially a woman-owned, minority-owned business and asked about the ability to table the item for further consideration.

Mayor Sanders asked if there were additional facts that were not presented to the council. Mr. Loonan explained this was the hearing opportunity and applicant was in attendance with her counsel. He indicated this was the opportunity to hear both sides of the story. He stated the council could table the motion and it could come back to a future meeting for further consideration. He reported with the remand from the court of appeals, this was the hearing process. He encouraged the council to allow the applicant and her attorney to make their arguments. He stated the city also has the arguments from the city clerk and the police investigator. He reiterated that this was the time for the hearing.

Mayor Sanders questioned if staff had any further information for the council to consider. Detective Sommer explained the packet was a reflection of the documents he received. He stated the background investigation centered around the prior police reports from the city of Brooklyn Center. Ms. Sorensen stated she did not have anything further to add but reiteratedif this information had been available during the original public hearing in February staff would have recommended denial rather than a contingent approval.

Councilmember Saroya stated Mr. Powell had something additional to say.

Mr. Powell shared his frustrations with the fact the city council was not hearing both sides of the issue when considering the license request. He commented further on how Ms. Hines-Hyatt would be adversely impacted if this liquor license were denied. He urged the council to not judge Ms. Hines-Hyatt by what happened in another community.

Councilmember Fleming asked if the council could consider a probationary liquor license. Ms. Sorensen reported city code has penalties in place for any licensed liquor license establishment in the city. She commented on the violations that could occur and noted the police department conducts compliance checks two times a year. She explained the only way to issue a liquor license was to fully issue the license as there was no probationary option.

Councilmember Saroya inquired if there was an option to issue a full liquor license with a one-strike provision, meaning any violation would revoke the liquor license. Ms. Sorensen stated she would need to review city code to see if the graduated scale and level of violation could be escalated. Mr. Loonan advised the way the code was currently written allows for a 60-day suspension upon a violation at the discretion of council, at which time there would be a potential for revocation. He indicated there was nothing in code currently that would allow for immediate revocation.

Councilmember Massoglia questioned if staff could outline the process for appeal through the courts. Mr. Loonan explained the council was holding the hearing process at this meeting. He stated the facts were presented to the council by the applicant, the applicant's counsel, staff and the police department. Upon the decision, if there is a denial, and an applicant chooses to appeal the denial, the hearing officer will evaluate the record to determine whether or not the record was sufficient for denial. He reported state law and Blaine city code provides the city council with broad discretion based on the facts that were presented to them. He indicated the hearing officer will use their discretion. It was noted the approval by the hearing officer on the initial case was based on the record that was evaluated from the city clerk. This case went to the court of appeals and at that time, the court of appeals looked at it from a procedural standpoint and determined approval or denial has to come directly from the city council. That was the task before the council this evening. If the request were appealed, the record which included the packet and minutes from this meeting and what has been said by the investigator, city clerk, the questions and answers and what was said during the public hearing, would be the record that would be reviewed by the court of appeal. He reiterated that the council was given broad discretion by state law and city code when evaluating these facts and making a determination for this application.

Councilmember Massoglia questioned if the detective could speak more to the March 11 incident, especially in response to the applicant's attorney saying this was people finishing their drinks. Detective Sommer stated he did not have the incident details because it was not included in the formal background but rather came to light during the application period. It was his understanding after speaking with other officers that they saw people with alcohol and contact was made with the business owners.

Councilmember Larson stated the applicant had spoken about why she chose to come to Blaine and that was because Blaine was safe. She explained the city council took this very seriously. She indicated the background investigation was conducted by the Blaine Police Department, who she highly respected. She reported she trusted the background information that was gathered by the Blaine Police Department regarding the requested liquor license.

Councilmember Saroya agreed and noted she trusted the Blaine Police Department as well. She asked how the council was to deal with this situation, especially given the racial component. She stated in her two years on the council she has not seen a similar situation. Safety Services Director/Police Chief Podany explained in the six years he has been Chief he has not had a request like this. In addition to the reports from Brooklyn Center and after visiting the property on March 11, there were multiple other outstanding application materials that have not been received by the city. He reported the city conducts multiple compliance checks throughout the year and there were sanctions for violations. Ms. Sorensen explained in her time with the city there has not been a similar hearing then indicated this recommendation was for the denial of the liquor license and explained the city was not revoking an already issued license.

Mayor Sanders questioned if this entity was selling liquor or had liquor being sold on the premises through a state licensed caterer then reiterated the fact that the applicant has not had a liquor license in place to date in Blaine. Ms. Sorensen reported this was the case noting staff had made the applicant aware of the fact they could not sell liquor. She explained staff was made aware of events that were being advertised at the location and because the events were being held during events hours that there was the possibility alcohol would be expected to be available for purchase. She indicated staff spoke with the applicant to make them aware they themselves could not serve liquor and explained how they could do so through a state licensed caterer. She stated the city was not notified of the event in March, which was a requirement when a state caterer was contracted. She reported the applicant was supposed to have notifed the police chief along with providing the city with a copy of the caterers liquor license and liquor liability insurance, then noted the caterer that was chosen had left the event prior to it ending and before police were on site. She indicated the events that occurred in March was one of the factors that concerned staff along with the other items raised during the background check, which led staff to make a recommendation for denial.

Mayor Sanders asked if the applicant had submitted a copy of their liquor liability insurance to the state. Ms. Sorensen indicated the applicant had several outstanding items as part of the application when the background check was completed but that staff did not follow up on those items as they were no longer recommending approval of the license. She indicated there were many businesses that do not have liquor liability insurance until the license is issued but that final approval wouldn't occur until all materials were submitted.

Mayor Sanders questioned if liquor liability insurance should be carried for a premises if liquor was being sold onsite by a caterer. Ms. Sorensen explained this would be required by the city for any state licensed caterer to sell liquor in the city of Minnesota. She stated this insurance protects the business and the state caterer. Mr. Loonan advised this was not a legal requirement for the premise, but was precautionary. He noted this insurance would be held by the caterer.

Councilmember Saroya questioned if this was a problem business in Blaine. Police Chief Podany stated he has not been to this establishment so he did not know. He explained this was the reason the department checks with previous locations to see what type of activity had occurred. He commented he wanted businesses to be successful in Blaine. He discussed how busy the police department was in the Northtown area but clarified this specific business has not generated a lot of police calls. He stated on March 11 the police did a check of the site but beyond that he did not have a historical record of the calls ot this address.

Councilmember Saroya indicated she was hearing stereotypes. She explained this was a minority-owned business that was visited by people of color, where drinking occurred and the assumption was this would lead to violence then asked if this was a violent or problematic business. She questioned if the police department had received many calls to this property regarding fights. Police Chief Podany stated there were no calls regarding fights at this location and stated he did not appreciate the assumption that the recommendation for denial had to do with color.

Councilmember Saroya stated she was concerned steroetypes and misconceptions were being made. She explained as the only person of color on the council she was more open to perceptions. She asked if this business would still be able to serve alcohol at this establishment through a caterer or would this decision prohibit the business from serving any alcohol. Ms. Sorensen commented the business would be allowed to utilize a state licensed alcohol caterer but could only be used for special events or occasional use. She reported state law would not allow a caterer to be the alcohol provider for an establishment.

Councilmember Saroya questioned if this was a complicated process for a first generation business owner and immigrant and asked if the applicant knowingly violated city code or were not informed. Ms. Sorensen reported the applicant was informed of the process and the application materials are clearly stated on the city's website. She noted she had conversations with the applicant over the past year where requirements were discussed. She stated knowing the applicant had a restaurant and liquor license in another city that they would understood the requirements. She noted while liquor liability insurance had not provided at the time it wasn't a concern yet as there was not a liquor license issued. She said the concern was the fact the background check did not come forward successfully which led to the recommendation for denial.

Councilmember Newland called the question.

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

Motion adopted 6-1 (Councilmember Saroya opposed).

Motion adopted 6-1 denying the liquor license (Councilmember Saroya opposed).

9.4. 2024-91 Consider Suspension of On-Sale and Sunday Intoxicating Liquor Licenses for Pal Mar Mexican Restaurant Mariscos LLC, 10565 University Avenue NE
Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated council is asked to hold a hearing to suspend the on-sale and Sunday intoxicating liquor licenses for Pal Mar Mexican Restaurant Mariscos LLC, 10565 University Avenue NE, as the license holder no longer meets license requirements. On March 18, 2024, Guillermo Mesa Gonzalez submitted a request in writing to terminate his role as responsible party for the on-sale and Sunday intoxicating liquor licenses held by Pal Mar Mexican Restaurant Mariscos LLC, 10565 University Avenue NE. The on-sale licenses were issued to Pal Mar Mexican Restaurant Mariscos LLC, which includes both Mr. Gonzalez and Jose Vasquez Aguilar as partners. Based on background investigations of both individuals, only Mr. Gonzalez was approved as a responsible party. As Mr. Gonzalez was the only eligible and approved responsible party for these on-sale licenses, a hearing is being held as outlined by city code to suspend the licenses. Both Mr. Gonzales and Mr. Aguilar were notified of this hearing and license suspension consideration.

Ms. Sorensen explained Pal Mar Restaurant may have a new responsible party apply and, if approved, would meet the requirements of the license. The applicant would submit application materials and a background investigation fee, which would be reviewed by the Blaine Police Department and a recommendation made for or denial. Mr. Aguilar has applied again to be the responsible party and the background investigation is currently underway. If the background is successful, the license suspension can be lifted, but because Mr. Gonzalez has requested to be removed as responsible party and no other approved responsible party is in place the license suspension is being recommended.

Mayor Sanders opened the public hearing at 8:27PM.

Jose Aguilar, 10020 115th Avenue, introduced himself to the council and discussed his request to be considered for the responsible party for this liquor license. He explained he had been approved for a liquor license in the city of St. Paul for another business. He stated he was worried for his business if he did not receive a liquor license. He discussed how he loved the city of Blaine noting he has been a resident of the community since 2009 and his children had been born in Blaine. He hoped the city would continue to flourish and prosper and he bleieved his business could help to contribute to this. He explained he was uncertain why his partner chose to leave, but he hoped his application would be approved. He thanked the council for their consideration. His comments were made to the council through a translator named Vladimir Resnik, who was a court certified translator in Spanish and Russion and resident of Brooklyn Park.

Mayor Sanders questioned how long Pal Mar Mexican Restaurant had been in operation in

Blaine. Mr. Aguilar reported his business has been in Blaine for one year and three months.

Betsy Sanchez, 11525 Sids Place, explained Mr. Aguilar was very responsible. She reported she has been working with this business since last January. She commented on how Mr. Aguilar and his wife worked tirelessly for this business. She indicated the letter that was written by Mr. Gonzalez was not factual and that he struggled with alcohol abuse. She encouraged the council to reconsider Mr. Aguilar's request in order to keep this busy operational.

There being no additional public input, Mayor Sanders closed the public hearing at 8:35PM.

Mayor Sanders asked where Mr. Aguilar was in the process of becoming a responsible party. Ms. Sorensen reported the application has been submitted and the background check was under police review. She indicated the background check could not be completed in the time the responsible party had been asked to be removed and this hearing. Detective Sommer explained he spoke with Mr. Aguilar last week and would be conducting an interview with him this week. He clarified as a background investigator he worked to gather facts and the information was submitted to staff. He indicated all final decisions were made by the council.

Councilmember Saroya questioned if an approval could be made on a contingent basis. Mr. Loonan explained in this instance with the way the ordinance was written, the council shall suspend or issue a civil penalty if a licensee has failed to comply with any provisions of the liquor license code. He reported because the partner has withdrawn and would not be the responsible party, there was no responsible party for this business. He indicated no one could step into this role. For this reason, staff was recommending the liquor license be suspended until a responsible party could be identified and approved for this establishment.

Councilmember Saroya indicated staff was not recommending a denial but rather was recommending a suspension. Mr. Loonan reported this was the recommendation of staff. He stated if a responsible party could not be established, then staff would be recommending revocation of the liquor license as a future action.

Councilmember Massoglia questioned if this liquor license could be approved contingent upon a background check. Ms. Sorensen stated Pal Mar received a liquor license and the establishment has been operating with a liquor license. She indicated in this partnership only one of the partners was qualified to be the responsible party. She commented the original liquor license was issued with Mr. Gonzalez as the responsible party but he no longer wished to serve in this capacity, therefore a new responsible party had to be identified for this liquor license. She indicated Mr. Aguilar has requested to serve in this capacity and a background check was currently being conducted. Mr. Loonan commented on the differences between a new liquor license request versus changing the responsible party for a liquor license. He reported the recommendation at this time was to suspend the existing liquor license until the new responsible party has been vetted and approved.

Mayor Sanders asked if the new applicant was deemed the new responsible party, would this require council approval. Ms. Sorensen reported once the applicant meets the requirements of the license, the suspension would be lifted. She indicated this item would not have to come before the council again. In the event, this responsible party was not deemed successful, another candidate could be considered within 60 days.

Moved by Councilmember Saroya, seconded by Councilmember Massoglia, to Consider Suspension of On-Sale and Sunday Intoxicating Liquor Licenses for Pal Mar Mexican Restaurant Mariscos LLC at 10565 University Avenue NE for 60 days or pending the identification of a responsible party.

Motion adopted unanimously.

10. Development Business

10.1. RES 24-37 Resolution Granting a Comprehensive Plan Amendment to Change the Current Land Use Designation of Low Density Residential (LDR) to Community Commercial (CC) at 8628 Central Avenue NE. Uram Property (Case File No. 24-0005/SAS)

Sponsors: Sheila Sellman, City Planner

Community Development Director Thorvig stated the applicant is requesting a comprehensive land use amendment from Low Density Residential (LDR) to Community Commercial (CC). Staff reviewed the land owned by the applicant and reported that no development was proposed at this time. It was noted the planning commission reviewed this item on February 13 and recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Larson, to adopt a Resolution Granting a Comprehensive Plan Amendment to change the Current Land Use Designation of Low Density Residential (LDR) to Community Commercial (CC) at 8628 Central Avenue NE. Uram Property (Case File No. 24-0005/SAS).

Councilmember Robertson asked if this comprehensive plan revision was related to another item on the agenda. Mr. Thorvig explained if the land use designation was changed to community commercial, there would be a subsequent request from the application to rezone the property to B-2 community commercial, in order to allow the applicant to develop the 3+ acres. He stated the potential other uses for this property were discussed at a workshop meeting and noted this action would not allow for ministorage.

Councilmember Robertson thanked staff for the clarification and reiterated the fact that this property could not be redeveloped into ministorage.

Councilmember Saroya reported the space outlined in yellow was currently low-density residential and was being changed to community commercial. She stated this change would mean there could now be development adjacent to residential homes. Mr. Thorvig explained the area outlined in pink would expand into the yellow outlined parcel and there would be commercial land use abutting residential. He indicated the properties to the north and south of the yellow outlined parcel was already zoned commercial.

Councilmember Saroya reported she spent the afternoon door knocking in this neighborhood. She stated the neighbors had really strong views on this and there was a lot of opposition to the comprehensive plan amendment. She indicated the adjacent neighbors do not want to lose their privacy. She stated she was torn on this request but noted her duty was to her Ward 1 constituents. She indicated she would be voting to keep this parcel low density residential. She suggested the city purchase the adjacent parcels outlined in pink in order to create a buffer for the neighboring homes while still allowing the developer to develop closer to TH65.

Councilmember Newland commented on how the neighbors were concerned about buffering. He stated he was more inclined to keep this property as is in order to maintain the natural buffer that was in place. He indicated he would not be supporting a change to this property.

Councilmember Larson thanked staff for providing historical information on this property. She commented on the hardship facing the owner of this property. She discussed how the zoning of this property should have been addressed in the 1990s. She stated she would be supporting the proposed change for this property.

Councilmember Massoglia indicated he did not understand a vote against the comprehensive plan amendment because the city would be bringing this property into compliance. He explained this property was landlocked and a single-family home would not be developed on this parcel. He stated the only other option would be rezone a portion of the land LDR, in order to develop a single home with a long driveway to TH65. He believed this did not make sense.

Motion adopted 5-2 (Councilmembers Newland and Saroya opposed).

10.2. RES 24-55 Resolution Granting a Conditional Use Permit Amendment to Increase the Number of Vehicles Allowed for Overnight Outside Storage from 11 to 16 in the Community Commercial (B-2) Zoning District at 9664 Central Avenue NE. Blaine Quality Automotive (Case File No. 23-0087/EES)
Sponsors: Sheila Sellman, City Planner

Mr. Thorvig stated the applicant is requesting to increase the number of vehicles permitted to be stored outside overnight from 11 to 16. This would allow for storage along the Highway 65 frontage. Staff did not provide a recommendation to the Planning Commission. The applicants reason for the request was further reviewed with the city council. It was noted the Planning Commission held a public hearing at their last meeting and recommended approval of the request, with conditions similar to the existing CUP.

Moved by Councilmember Fleming, seconded by Councilmember Massoglia, to adopt a Resolution Granting a Conditional Use Permit Amendment to Increase the Number of Vehicles Allowed for Overnight Outside Storage from 11 to 16 in the Community Commercial (B-2) Zoning District at 9664 Central Avenue NE.

Councilmember Newland indicated he did not see a reason to approve a conditional use permit for a site that has had repeated violations of everything that has been granted. He believed the city has gone out of its way to accommodate this business, and this business has not abided by the conditions. He stated this business owner continues to come forward with requests, even though there is a history of noncompliance. He found this to be a insulting and stated he would not be supporting the request.

Mayor Sanders thanked Councilmember Newland for his comments and reiterated that conditions on conditional use permits were expected to be followed by the CUP holder. He discussed how the city worked to be orderly and respectful. He stated he believed this request was different because the applicant was trying. He explained he has met with the applicant and understood he was trying to be come into compliance with a very challenging piece of property.

Councilmember Saroya indicated she has also met with Mr. Singh and did not believe he was taking the city's requests lightly. She reported this business has a history in the community and it was good for Blaine. She discussed how the requirements from the city for this business have changed over time. She commented on how this business was next to a manufactured home community and appreciated how Mr. Singh helped his neighbors. She asked how the TH65 project would interfere with this business. Mr. Schluender stated this corner of 97th Avenue would need additional survey work to address drainage concerns. He indicated the noise analysis has been completed and the second round of voting has taken place. He reported the wall that was proposed in front of the manufactured home community did not receive enough votes for a wall to be installed with this project.

Darrell Singh, 17350 Bataan Street in Ham Lake, discussed the history of his business noting he has been in operation since 1995. He commented on how he has worked to comply with city requirements through three different recessions and a global pandemic. He explained that enhancements to the site would be costly to him and these costs would have to be passed along to his clients. He requested the council allow him to have 16 cars parked overnight and that the landscaping not be required due to the drainage issue that has to be addressed at 97th Avenue. He commented on how there were projects outside his control that had to be addressed before the site could be beautified.

Councilmember Saroya asked if Mr. Singh was asking the council to remove the landscaping requirements. Mr. Singh requested the CUP obligations be amended to allow the engineering onsite to be addressed prior to completing the landscaping requirements.

Councilmember Robertson inquired if there were other compliance issues with this property. Mr. Thorvig stated there were two challenges Mr. Singh has with the previous CUP and that has to do with the number of stalls and the landscaping. He indicated the parking issues would be addressed with the 16 parking stalls. He explained Condition 7 requires 15 shrubs to be planted along the TH65 frontage by July of 2024. He reported if the applicant believes this is not feasible, he would recommend this condition be amended now so further conversations did not have to be held with the applicant in August. He stated the goal of this CUP amendment was to bring the property into compliance. He commented further on the storage pods onsite that was a separate issue and was being removed from the property.

Councilmember Robertson indicated the applicant has had 20 years to follow the rules. She stated the council was now being asked to change the rules for this business in order to accommodate this business owner. She commented on how the TH65 corridor has strict landscaping requirements in order to make them welcoming to visitors. She explained she hated rules and understood it was hard to make them "one size fits all", however she did like structure in order to apply the same principles to other business owners. She reported while she did not like it, she would not support removing the landscaping requirement. She indicated the city was trying to be flexible, but she asked that Mr. Singh also be flexible too. She stated she wanted to help Mr. Singh be successful in the community.

Councilmember Larson believed Mr. Singh had been giving to the community as he had worked through three recessions, COVID and was still providing the community with his services. She questioned what this business would look like after the TH65 corridor was completed. Mr. Schluender stated 97th Avenue would remain as is. He indicated 99th would be the first interchange with a grade change.

Councilmember Saroya indicated in terms of gifts, other businesses have received bigger gifts. She believed this was an opportunity for the city to help a small business that gives back to the community and helps those who live in the manufactured homes. She questioned why EDA funds were not being considered to help this small business owner bring his property into compliance. She feared the city was also at fault by not identifying the properties and small businesses that would benefit from help. She questioned why this business was not offered more help in order to bring the site into compliance with new city requirements. She supported the city removing the landscaping conditions until the TH65 corridor was completed and all of the drainage issues had been resolved.

Moved by Councilmember Saroya to amend to remove the landscaping conditions from the CUP. Motion failed for lack of a second.

Motion adopted 6-1 (Councilmember Newland opposed).

10.3. ORD 24-2547 First Reading

Ordinance Granting an Amendment to the Blaine Zoning Code Highway 65 Overlay District (HOD), Adding Conditional Uses, Prohibited Uses and Modifying Performance Standards. City of Blaine (Case File No. 24-0013/SAS)

Sponsors: Sheila Sellman, City Planner

Mr. Thorvig stated the proposed ordinance amendment adds prohibited uses, conditional uses and modifies performance standards within the TH65 overlay district. Staff explained the planning commission reviewed this item and recommended self storage not be allowed.

Declared by Mayor Sanders that Ordinance No. 24-2547, “Granting an Amendment to the Blaine Zoning Code Highway 65 Overlay District (HOD), Adding Conditional Uses, Prohibited Uses and Modifying Performance Standards,” be introduced and placed on file for second reading at the April 15, 2024, Council meeting.

11. Administration

11.1. RES 24-73 Resolution Accepting a bid from Winberg Companies LLC in the amount of $224,466 for the Lexington Hockey Rinks Project No. 24-40
Sponsors: Jerome Krieger, Sr. Recreation Manager

Senior Parks and Recreation Manager Krieger stated pursuant to the city's purchasing rules, the staff is bringing forward the proposed bids for construction for the Lexington Athletic Complex hockey rinks. The city council discussed the Lexington Athletic rink project on December 5, 2022. This project was slated to be a 2023 project but was pushed back to 2024. The council consensus was to move forward with the Lexington Athletic Complex project with a budget amount of $350,000. Staff worked with WSB and Associates to redesign the Lexington Athletic Complex parking lot for the new rink layouts. Staff received permitting from the Rice Creek Watershed to complete the project. The bid opening for the project took place on Tuesday, March 19 and the city received eight bids ranging from $224,466 to $483,246. The engineer's estimate was $514,124.

Mr. Krieger stated bids have been checked and tabulated, and it has been determined that Winberg Companies of Shafer, Minnesota is the lowest bidder. Staff have worked with Winberg Companies in the past. They completed the Sunrise Pond Park trail and parking lot last year. Staff recommends that the low bid be accepted, and a contract entered into with Winberg Companies. Staff is also requesting a 10% contingency on the Winberg bid of $224,466, bringing the reconstruction of the parking lot total project budget to $246,913.

Mr. Krieger explained as part of the $350,000 budget there is also some additional rink lighting and electrical work that will be completed. There are two Musco light poles that are currently on site. The existing northern pole will be salvaged and moved to the south rink and two new poles will be added for the north rink with LED lights. When the lights were installed in 2014, the electrical control panels were built to handle additional lighting without overloading the box. The lighting system also has the Musco Control Link system where the lights can be controlled by a computer. The existing system will handle both sets of lights since they are Musco products. Separate quotes were received from Musco for providing the new light poles and re-configuring the existing lighting fixtures. Musco's quote is $37,000. Quotes were also received for the electrical work to the new light locations and for installing the new light bases and light poles. Three quotes were received and Forest Lake Contracting had the lowest quote of $13,350.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution Accepting a bid from Winberg Companies LLC in the amount of $246,913 for the Lexington Hockey Rinks Project No. 24-41.

Councilmember Newland asked if the boards would be removable and questioned where they would be stored. Mr. Krieger explained the boards would be removeable and noted the boards be stored at the Lexington Athletic Complex.

Councilmember Saroya thanked staff for the detailed presentation on this project.

Motion adopted unanimously.

11.2. 2024-92 Motion to Approve a Contract With Rink Systems for the Dasher Board System at the Lexington Athletic Complex Hockey Rinks for an Amount not to Exceed $150,000.

Sponsors: Jerome Krieger, Sr. Recreation Manager

Mr. Krieger stated the city council discussed the Lexington Athletic rink project on December 5, 2022. This project was slated to be a 2023 project but was pushed back to 2024. The council consensus was to move forward with the Lexington Athletic Complex project. The $150,000 that was originally allotted for new rink boards is under Jim Peterson Park in the budget. Staff were prepared to purchase boards for Jim Peterson Park and to utilize some of them to make two rinks at Lexington Athletic Complex with the original boards at LAC. Staff were informed by Rink Systems that two smaller rinks would need different sized corners due to the radius. After discussion with public works, staff decided they would move the current full-sized hockey rink from the Lexington Athletic Complex to Jim Peterson Park and purchase the new studio-sized rink for the Lexington Athletic Complex. This particular dasher board has been used over the last nine seasons in Blaine and has been very durable and easy for the public works staff to put up, take down and store at the end of the season. This is a custom-built board that is only made by Rink Systems and a company in Alberta, Canada. Staff commented further on the proposed project and recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to Approve a Contract With Rink Systems for the Dasher Board System at the Lexington Athletic Complex Hockey Rinks for an Amount not to Exceed $150,000.

Motion adopted unanimously.

11.3. RES 24-74 Resolution Authorizing the Mayor and City Manager to Enter into a Contract with Bolton & Menk, Inc. for the Lead Service Line Inventory Project, Improvement Project No. 24-20 and Corresponding Budget Amendments

Sponsors: Nick Fleischhacker, Public Works Director

Public Works Director Fleischhacker stated council is requested to approve a contract for the Lead Service Line Inventory Project, Improvement Project No. 24-20 and corresponding budget amendments. The proposal details the scope of work and estimates the fees to prepare the inventory. Bolton & Menk is in the council-approved engineer consultant pool and has the knowledge and expertise to successfully assist the City through the mandated inventory process. Staff has reviewed this proposal and determined that the fees are justified and reasonable. Staff intends on utilizing a phased approach to the deliverables as described. The records discovery phase is anticipated to provide savings in the latter phases(visual inspection). The EPA requires two congruent identification measures to consider the line positively identified. Records review (phase 1) is the least disruptive to customers and has the potential to move the highest percentage of services off the visual inspections list. Subsequent future phase costs could be reduced depending on the outcome of record review. Additionally, staff will continue to pursue other methods for completing the inventory, while monitoring any changes to EPA requirements and deadlines. The city's not committed to spending the full amount of the contract or any specific minimum amount.

Moved by Councilmember Fleming, seconded by Councilmember Larson, to adopt a Resolution Authorizing the Mayor and City Manager to Enter into a Contract with Bolton & Menk, Inc. for the Lead Service Line Inventory Project, Improvement Project No. 24-20 and Corresponding Budget Amendments.

Councilmember Massoglia supported an amendment to the motion ensuring the city will not commit to Phase II until the Phase I records were reviewed by city staff.

Moved by Councilmember Massoglia, seconded by Councilmember Larson, to amend the motion to approve Phase I records review only and obtain an EPA update prior to implementation of Phase II.

Mr. Fleischhacker stated this could be done, but there was some risk in doing this. He reported the city only received one response for the RFP and this company has committed to dedicating staff to this work. His concern was that as the summer progresses, if the city was not ready to complete the project, they might send their staff elsewhere.

Councilmember Fleming questioned what would happen if there was not staff to complete this task, given the deadline with the EPA. Mr. Fleischhacker stated he was uncertain because only one contractor reached out to the city. He anticipated everyone who was not inspected by the end of the year would receive a letter from the EPA stating their service line could contain lead. He indicated there has been discussion that fines could be levied against a city for inaction, but this was not totally clear as to what would happen from the EPA. Mr. Loonan advised he has heard the same thing fines were being considered. He emphasized that this motion was to enter into a contract with Bolton & Menk. He stated as amended, the contractor may not be interested in entering into this contract in a phased approach.

Councilmember Massoglia commented it was his understanding the city does not have a minimum spend requirement for the phases. He did not believe the city would have to enter into a new agreement rather he was asking to be briefed prior to entering into Phase II. He stated this would ensure the council was made aware of any changes from the EPA prior to entering Phase II. Mr. Fleischhacker commented this could be done, but he did not know if the city could enter into the contract with this restriction in place.

Mr. Loonan clarified the request was asking for a briefing after Phase I before entering into Phase II.

Councilmember Massoglia reported his request. He stated he had the understanding there was not a minimum spend and the council could pull back at any time. If this was true, he wanted to be briefed after Phase I. Mr. Fleischhacker stated he was uncertain if the contract could be approved as is, with the commitment it would be discussed at a workshop. City

Manager Wolfe reported the confusion was with amending the actual contract because this would require negotiations with the contractor. She stated it appears the council would like to approve the contract and staff would be directed to report back to the council before approving any work beyond the first two tasks.

Councilmember Massoglia explained this was the intention of his amendment.

Amendment motion adopted 6-1 (Councilmember Saroya opposed).

Amended motion adopted unanimously.

11.4. ORD 24-2548 First Reading
Amend Sec. 86-7. Lawn Sprinkler Restrictions.
Sponsors: Nick Fleischhacker, Public Works Director

Mr. Fleischhacker stated based on last year's lawn sprinkling violations, Staff determined that a more effective mechanism is required in order to gain compliance with watering restrictions. The proposed change will also help recover the costs of having our staff performing early morning inspections and numerous followup visits to gain compliance. This updated language will require late payment fees as well as the ability to have late payments certified onto property taxes. In 2023, staff cited nearly 850 violations with 68 repeat violations. Of the repeat violations, 49 were paid. This new ordinance language will increase fines when repeated violations are cited. The first offense is $25, subsequent offenses increase in $25 dollar increments with a maximum of $100 for the 4th offense.

Declared by Mayor Sanders that Ordinance No. 24-2548, “Lawn Sprinkler Restrictions,” be introduced and placed on file for second reading at the April 15, 2024 Council meeting.

11.5. 2024-93 Approval of City of Blaine Council Policy for Board/Commission Appointment Process and Structure
Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated council is asked to consider proposed amendments to the council policy for board and commission appointments. The current council policy for board/commission appointments was adopted in 2020 and some amendments are being suggested to help clarify the purpose and structure of each board/commission, appointment process, including interviews, and stipends. The goal is to document the appointment process and structure of these important advisory boards and commissions while still allowing flexibility and help provide structure to the members on expectations, work plans, and meeting schedules. The policy including proposed changes was shared. Council previously saw this draft proposal at the October 2, 2023, workshop.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to approve of City of Blaine Council Policy for Board/Commission Appointment Process and Structure.

Councilmember Saroya questioned if the council determines the candidate review and appointment process during each cycle and there is no set process in terms of best practices. She reported her biggest concern was the city did not have an interview process in place. She commented on how some residents were becoming discouraged because they were not gaining interviews. She wanted the city to create an objective and transparent process moving forward. Ms. Sorensen explained this was something that has been discussed each year about what the best process would be. She indicated the amendments that are being brought forward in the council policy would document that the process would be up to the council each year to make that determination based on the number of applications received, incumbents interested in reappointment, and other factors.

Councilmember Saroya asked if there was a policy in place that ensured nepotism was not occuring. Ms. Sorensen indicated the policy does not address anything like this, but was based currently on council consensus and direction on appointments based on the applications received. She commented on how the city advertised for the positions to get applicants and councilmembers are asked to encourage constituents to apply, adding the city does not have control over who applies.

Councilmember Newland called the question.

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

Motion adopted 6-1 (Councilmember Saroya opposed).

Motion adopted 6-1 (Councilmember Saroya opposed).

11.6. 2024-94 2024 Board and Commission Mayoral Appointments

Sponsors: Cathy Sorensen, City Clerk

Ms. Sorensen stated council is asked to appoint the 2024 board and commission members. Council was asked to review the 18 applications received for appointment and reappointment to various boards and commissions. The goal was to rank the applicants to demonstrate possible consensus and direction on appointments, including the possibility of interviews. Staff stated based on rankings submitted by a majority of council and with current terms expiring April 1, staff is suggesting as an alternative that council could consider reappointing all interested incumbents and appointing new members. Appointments would be for three-year terms and would result in two vacancies on the Natural Resources and Conservation Board and one vacancy on the Traffic Commission. The mayor should announce any proposed reappointment and appointments, after which the full council should confirm by motion, second, and vote.

Moved by Mayor Sanders, seconded by Councilmember Massoglia, to approve the 2024/2025 Board and Commission Mayoral Appointments.

Councilmember Saroya asked if there was a way to support a partial list of reappointments, but not support the appointments. She shared frustrations regarding the appointment process and believed there was a need to interview applicants. She expressed concerns with a lack of diversity on the city's boards and commissions and the need to include more people of color for different perspectives. She commented on how the council would be appointing someone who she had safety concerns with and was seeking to obtain a restraining order on then referred to past appointment processes with the Fire Board and similar concerns .

Councilmember Fleming requested the chair call the question.

Councilmember Saroya stated she was not done making her comments and had the floor.

Councilmember Massoglia urged Councilmember Saroya to stay on topic and to not be out of order.

Councilmember Saroya asked City Attorney Loonan if she was able to continue to voice her concerns regarding the appointments and reappointments. Mr. Loonan stated the rules require that the discussions points be germain to the issue at hand and that ultimately the determination was made by the chair.

Councilmember Saroya explained she wanted to speak to the pattern and history. She indicated in this instance it appeared the council did not care regarding concerns with the new candidates. She believed the council would be appointing people who do not have core Blaine ethics and values. She feared there was a lack of empathy around this. She reported the city received really great applicants and these applicants were not given a fair chance because there were no interviews, engagement with the candidates or real conversations. She was of the opinion the candidates were expected to be prolific writers and have a perfect resume. She stated this was not reflective of the entire community as some members may speak multiple languages and English is not there first language, others may have a learning disability or not have access to a computer. She reported some people just perform better in person than on a written application and she wanted these individuals to be given a fair chance. She commented this was one of the most diverse pools of candidates she has seen come before the council. She discussed how the city's commissions lack diversity. She explained there were candidates that would have brought an important perspective to the majority white male led commissions. Unfortunately, all of the new appointments were all men. She was concerned the city council was selecting candidates that were not diverse noting this was a huge loss to the community. She commented further on what new candidates could bring to the community. She asked if the new slate of candidates properly reflected Blaine and wondered if they would bring new perspectives and ask the tough questions on behalf of all Blaine residents or would just agree with the mayor and uphold the status quo.

Councilmember Fleming called point of order.

Councilmember Saroya stated she was done with her comments.

Councilmember Larson clarified of the appointments three out of seven were women and four were incumbents. She explained there were three open positions and the city received 18 applications. She indicated it did not seem to be in everyone's best interest to interview 18 applicants for three open spots. She stated for the record she did not know any of the residents being appointed.

Councilmember Massoglia reported for the record that he did not agree with any of Councilmember Saroya's comments. He stated the insinuation that he was friends with people was insulting. He indicated he did not know any of the applicants except those currently serving then noted he had only spoken with them once or twice. He explaind he supported the proposed appointments and suggested the appointment process be further considered at the spring retreat.

Councilmember Saroya stated her reference was specifically to the mayor and asked if the mayor knew the applicants. Mayor Sanders indicated he did not know any of the applicants personally. Councilmember Saroya disagreed with this statement.

Mayor Sanders reiterated that he did not know any of the applicants then noted he did not fill out a recommendation or ranking on purpose but had indicated he would support the consensus of the council regarding the slate of appointments.

Motion adopted 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 Massoglia, seconded by Councilmember Robertson, to adjourn the meeting at 10:04PM.

Motion adopted unanimously.