# City of Blaine
# City Council

May 6, 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 7:10PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call.

### 2. Pledge of Allegiance

### 3. Roll Call

**PRESENT**: Mayor Tim Sanders, Councilmembers Terra Fleming, Leslie Larson, Chris Massoglia, Tom Newland, Jess Robertson and Lori Saroya.

**ABSENT**: None.

Quorum Present.

**ALSO PRESENT:** City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Safety Services Director/Police Chief Brian Podany; 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

**4.1.** 2024-122 Recognition of Muminah Mohammed, 2024 National STEM Challenge Champion
*Sponsors: City Council*

Mayor Sanders stated Blaine City Council is honored to recognize the extraordinary achievements of Blaine resident and high school senior Muminah Nihaar Mohammed for her exceptional contributions to STEM that earned her national and international acclaim and designation as a 2024 National STEM Challenge Champion.

Muminah Mohammed thanked the council and staff for this recognition. She explained she has lived in Blaine for most of her life and noted this was where her passion for science began. She enjoyed visiting lakes and nature trails in the community. She stated she was able to work with SBM Fire on her STEM project and she offered all first responders a round of applause for their dedicated service to the community. She explained her STEM project focused on creating a guide cane to help visually impaired individuals evacuate from a house fire. She indicated she was very proud to represent the city of Blaine, and she thanked the city council for allowing her to speak. A round of applause was offered by all in attendance.

**4.2.** 2024-121 Police Officer Swearing-in Ceremony

*Sponsors: Brian Podany, Safety Services Manager/Police Chief*

Safety Services Director/Police Chief Podany stated when new officers successfully complete the Field Training Program and advance to solo patrol, a swearing-in ceremony is performed in front of the City Council. This is a special time for new officers and their families to celebrate their accomplishments and be recognized in front of the City Mayor, City Councilmembers, City Manager, the Police Chief, fellow police staff, and the public. This is also an opportunity for the City Councilmembers to get to know the officers and welcome them. He then introduced the Blaine Police Department's newest officers Andrew Blilie, Mitchel Singewald, and Patrick Graves to the city council.

City Clerk Sorensen administered the oath of office to Officers Andrew Blilie, Mitchel Singewald and Patrick Graves. A round of applause was offered by all in attendance, badges were pinned on and photos were taken with the new officers.

## 5. Communications

None.

## 6. Open Forum

Open Forum is an opportunity for the public to present an issue or concern to City Council. There is a maximum of fifteen minutes set aside for open forum. Each presentation should be limited to no more than three minutes. If your item needs follow-up from the City, staff will arrange for that follow-up and will contact you to let you know what is being done. Thank you for coming this evening.

Mayor Sanders opened the Open Forum at 7:36PM.

Elmer Stephenson, 12565 Zest Street, requested permission to install a ground-mounted solar system. He noted he has reached out to each councilmember individually, regarding his request. He reviewed an aerial view of his property and noted his neighbors supported the proposed solar system.

Community Development Director Thorvig reported Councilmember Larson would be bringing this item to a future workshop meeting.

There being no further input, Mayor Sanders closed the Open Forum at 7:38PM.

## 7. Adoption of Agenda

The agenda was adopted as amended with Item 11.2 being discussed after Item 8.

## 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.

Moved by Councilmember Robertson, seconded by Councilmember Newland, that the following items on the Consent Agenda be approved.

Motion adopted unanimously.

The council discussed Item 11.2 at this time.

**8.1.** 2024-123 Schedule of Bills Paid
*Sponsors: Jason Zimmerman, Finance Director*

**8.2.** 2024-124 Approval of Minutes
*Sponsors: Cathy Sorensen, City Clerk*

**8.3.** 2024-125 Approve Temporary Liquor Licenses for Invictus Brewing Company for Events on the Adjacent EDA Owned Property
*Sponsors: Cathy Sorensen, City Clerk*

**8.4.** RES 24-97 Resolution Authorizing the Temporary Road Closure for Park Drive for the 2024 Memorial Day Program
*Sponsors: Cathy Sorensen, City Clerk*

**8.5.** RES 24-64 Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for the 2024 Northwest Area Street Reconstructions, Improvement Project No. 24-05
*Sponsors: Daniel Schluender, Director of Engineering*

**8.6.** RES 24-88 Resolution to Approve Joint Powers Agreement with Coon Rapids for the Provision and Maintenance of Certain Sanitary Sewer and Watermain Services
*Sponsors: Daniel Schluender, Director of Engineering*

**8.7.** RES 24-91 Resolution Revising Municipal State Aid Routes
*Sponsors: Daniel Schluender, Director of Engineering*

**8.8.** RES 24-93 Resolution to Approve a Joint Powers Agreement between the City of Blaine on behalf of its Police Department and the State of Minnesota for the Internet Crimes Against Children (ICAC) Task Force Program.
*Sponsors: Brian Podany, Safety Services Manager/Police Chief*

**8.9.** RES 24-101 Resolution Authorizing Temporary Parking Restrictions and Road Closures for the Johnsville Area Garage Sale Event Security Plan
*Sponsors: Brian Podany, Safety Services Manager/Police Chief*

**8.10.** 2024-126 Authorize Replacement of the "Distracted Driving Enforcement" Vehicle
*Sponsors: Brian Podany, Safety Services Manager/Police Chief*

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

**9.1.** RES 24-92 Resolution Adopting Assessment for 89th Avenue and Davenport Street Area Street Reconstructions, Improvement Project No. 22-05
*Sponsors: Daniel Schluender, Director of Engineering*

Director of Engineering Schluender stated Improvement Project No. 22-05 was ordered by the City Council on March 7, 2022 with Resolution 22-031. A construction contract was awarded to New Look Contracting, Inc. by the City Council on June 6, 2022 with Resolution No. 22-102 and construction was completed in the fall of 2023. The total project cost indicated in the Feasibility Report was $7,856,595.00. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is $979,352.20. The Public Utility Funds will contribute $2,111,318.93 for water and sanitary sewer improvements, and Pavement Management Program funds will contribute $3,996,699.16. It was noted the assessment amounts for area one were reduced based on the final costs being less than the estimated costs as proposed in the feasibility report. The city has received three requests for deferral, and it was staff's opinion that all three requests qualify.

Mayor Sanders opened the public hearing at 8:06PM.

Matt Merritt, 8631 Baltimore Street, questioned why this project was moving forward. He was of the opinion his street did not need to be improved, nor did his roadway need curb and gutter. He questioned why the water and sewer lines near his home were not replaced as part of this project. In addition, he was concerned about the proposed assessment amount, how the replacement sod had died in his neighbors yard, and noted there was a potential for future infrastructure improvements that should have already been addressed. He further discussed how his elderly neighbors would be adversely impacted by the proposed assessment.

Joann Olsen, 8751 Baltimore Street, shared concerns regarding the amount of the assessment and asked if there was another payment option available to residents.

Mayor Sanders encouraged Ms. Olsen to speak with staff in order to arrange a payment plan for the assessment.

There being no additional public input, Mayor Sanders closed the public hearing at 8:13PM.

Moved by Councilmember Newland, seconded by Councilmember Larson, to adopt a Resolution Adopting Assessment for 89th Avenue and Davenport Street Area Street Reconstructions, Improvement Project No. 22-05, including the three deferrals.

Mayor Sanders asked that staff speak to the comments that were made during the public hearing. Mr. Schluender discussed the condition of the roadways noting all streets were rated and managed through the Pavement Management Plan. He reported it was the city's goal to add curb and gutter to all streets in Blaine. He explained the water and sewer improvements that were part of this project were paid for entirely by the city and residents were not assessed for these expenses. He indicated residents were asked to help in caring for the new sod in the boulevard and some residents were engaged and some were less so. He commented on why this project took two years to complete, noting ther was a delay in receiving some of the underground concrete structures and a utility issue caused an eight week delay last summer. He thanked the neighborhood for their patience while staff and the contractor worked through these issues.

Motion adopted unanimously.

## 10. Development Business

**10.1.** ORD 24-2550 First Reading

Ordinance Granting a Rezoning from Farm Residential (FR) to Development Flex (DF) at 4255 125th Avenue NE and 12581 Lexington Avenue NE. Crispin Cove (Capital Trust Investment LLC). (Case File No. 24-0020/SLK)

*Sponsors: Sheila Sellman, City Planner*

City Planner Sellman stated the applicant is requesting a rezoning from FR (Farm Residential) to DF (Development Flex) for the construction of 40 single-family lots. Staff commented further on the rezoning and recommended the ordinance be introduced.

Declared by Mayor Sanders that Ordinance No. 24-2550, “Granting a Rezoning from Farm Residential (FR) to Development Flex (DF) at 4255 125th Avenue NE and 12581 Lexington Avenue NE,” be introduced and placed on file for second reading at the May 20, 2024 Council meeting.

**10.2.** RES 24-82 Resolution Granting a Conditional Use Permit to Construct a 1,440 Square Foot Detached Accessory Building in a Farm Residential (FR) Zoning District at 10900 National Street NE. Jacob Andersen (Case File No. 24-0016/ACK)
*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a Conditional Use Permit (CUP) to construct a 1,440 square-foot detached accessory building for personal storage. Staff commented further on the request and reported the planning commission recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Larson, to adopt a Resolution Granting a Conditional Use Permit to Construct a 1,440 Square Foot Detached Accessory Building in a Farm Residential (FR) Zoning District at 10900 National Street NE.

Councilmember Larson stated she supported the request given the fact the applicant's property was zoned Farm Residential.

Motion adopted unanimously.

**10.3.** RES 24-83 Resolution Granting a Variance to the Front, Side, and Rear Yard Setbacks for Decks for All Units Within Clover Leaf Farms 5th Addition at 288-591 97th Lane NE, 292-570 96th Lane NE, and 405-595 Clover Leaf Parkway NE. Parkway 1 Townhome Association (Case File No. 24-0017/EES)
*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a variance to allow for deck expansions on legal nonconforming townhomes. She explained the homes were built in the mid 1980s under the R-3 zoning which did not have specific setbacks for decks or buildings. After the homes were built, the property was rezoned to the newly established R-3C zoning, which established setback requirements. The proposed deck expansions would be up to 10 feet by 20 feet, which required a variance. Staff commented further on the variance analysis and recommended approval.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt a Resolution Granting a Variance to the Front, Side, and Rear Yard Setbacks for Decks for All Units Within Clover Leaf Farms 5th Addition at 288-591 97th Lane NE, 292-570 96th Lane NE, and 405-595 Clover Leaf Parkway NE.

Motion adopted unanimously.

**10.4.** RES 24-85 Resolution Granting a Conditional Use Permit to Allow a 14,524 Square Foot Outside Storage Area in the Light Industrial (I-1A) Zoning District at 8888 Xylite Street NE. Stinson Electric (Legacy 88 LLC). (Case File No. 24-0021/EES)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a conditional use permit to allow for limited outside storage related to a commercial electrical contractor business. The storage is fully screened and behind the proposed building. Staff commented on the request further and recommended approval with conditions.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to adopt a Resolution Granting a Conditional Use Permit to Allow a 14,524 Square Foot Outside Storage Area in the Light Industrial (I-1A) Zoning District at 8888 Xylite Street NE.

Councilmember Saroya explained she received emails from residents and noted she would not be offering her support for this request.

Councilmember Robertson asked if the recommendations from the planning commission were included in staff's recommendation. Ms. Sellman reported this was the case.

Councilmember Saroya questioned if the vinyl fencing was the only issue residents had raised and would the proposed fencing address the resident concerns.

Ms. Sellman stated she had not received any comments or concerns from the public so she was uncertain how to respond to this question.

Councilmember Saroya read through the comments she received from residents prior to this meeting explaining one resident expressed frustration with the fact the city council had not shown care about the residents feedback but this resident did not hold out hope given the fact it appears this matter was a done deal. She stated this resident was saddened by the fact this vacant lot, which had been the home to a tremendous amount of wildlife over the past 30 years and would now be taken by urban expansion. She indicated another resident voiced concerns that while the neighbors had concerns it was pretty clear the city was going to allow this. She commented this resident asked what kind of storage and truck traffic would be brought to this site. This resident also questioned why the city allowed a 20,000 square foot building to be located adjacent to a residential area. After reading through the comments and concerns, she stated she was of the opinion a vinyl fence would not properly address the concerns of the neighbors.

Ms. Sellman reported the applicant was in attendance and could address the type of vehicles that would be entering the property. She explained outdoor storage was allowed in the I-1A zoning district with a conditional use permit and requires screening. She indicated the city was requiring the applicant to have a fully opaque fence.

Paul Archambault, founder and owner of Stinson Electric, addressed the concern regarding the amount of increased traffic, noting most employees report to job sites and not to their business location on a daily basis. He stated the nearest home was 540 feet from the outdoor storage area. He commented on how he would work to create appropriate screening and landscaping for the storage area.  He explained the storage yard would be located directly behind the building.  He noted he was working to design a lighting plan with house side shields and would include motion controls and timers for night time hours.  He reiterated that he was building a 28 foot tall building that was 29,000 square feet in size when he could have built a 50,000 square foot building that was 50 feet tall.

Motion adopted 6-1 (Councilmember Saroya opposed).

**10.5.** RES 24-84 Resolution Granting a Conditional Use Permit for the Construction of a 48-Unit Apartment in a Development Flex (DF) Zoning District at 111 99th Avenue NE. 99th Apartments (TTT Development, LLC) (Case File No. 24-0018/SAS)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a Conditional Use Permit (CUP) for a 48-unit apartment building in a Development Flex zoning district. The site is currently four existing parcels and contains a single-family house. If approved, the applicant will need to apply for a preliminary plat or a final plat for the previously approved preliminary plat. The portion of the property that is proposed for the apartments is 3.9 acres.  It was noted the building would be three stories over parking partially underground and the architecture is meeting the PBD standards, which were the city's highest standards within the zoning code. The building would have four sided architecture and no balconies were proposed.

Mr. Schluender explained the previous request for this property had a larger building. He commented on how the neighbors had objected and a traffic study was completed. The goals of the traffic study were to analyze the adjacent neighborhood to the south and to see if mitigation measures could be put into a project. In addition, staff was to analyze the intersection at 99th/101st. He reported the study found the intersection at a Level Service A in its existing condition and with the proposed 111 unit apartment complex. He reviewed the findings within the traffic report in further detail with the council. He stated if the council was interested in a roundabout at this intersection, this would have to be further studied by staff. He further discussed the findings from the wetland district noting a new endangered species has been listed on this site. He reported an EAW was not required for this project based on the unit threshold.

Mr. Thorvig explained there was a desire for the EDA to purchase the property, but this has not been formally discussed by the council or the EDA.  He stated properties purchased by the EDA were typically done for economic development purposes.  He indicated the desire of the residents that brought up this matter was to turn this property into a city park. He reported other funding sources would have to be considered if the city were to purchase this property as the purchase could not be completed by the EDA. He stated the city had not identified this property for a future park.

Ms. Sellman reviewed the comments staff received at the open house noting these focused on concerns regarding traffic, school impacts and environmental impacts.  She reported the planning commission held a public hearing on April 9 and recommended approval of the conditional use permit with conditions.

Moved by Councilmember Fleming, seconded by Councilmember Newland, to adopt a Resolution Granting a Conditional Use Permit for the Construction of a 48-Unit Apartment in a Development Flex (DF) Zoning District at 111 99th Avenue NE.

Councilmember Saroya inquired about who paid for the traffic study and who will pay for any proposed traffic improvements. Mr. Schluender stated the traffic study was initiated and paid for by the city. He reported any mitigation efforts would be incorporated into a neighborhood improvement project and noted the sidewalk would not be assessed to the residents, but rather would be a city expense.

Councilmember Saroya questioned who would be paying for the roundabout and other traffic improvements. Mr. Schluender stated the roundabouts were not indicative of the proposal. He explained the study showed the intersection at 99th/101st was currently at service Level A and no traffic mitigation measures were necessary. He stated recommendations A through E were listed as existing conditions the neighborhood experiences today, less the sidewalk that was recommended. He reported there would be no improvements or burden that would be placed on the neighbors from this development.

Councilmember Saroya asked who would provide oversight for identifying any threatened or endangered species changes since 2022. Mr. Schluender stated the 111 unit project went through in 2022 and at that time the assessment was completed by the watershed district. He reported this project would also have to be reviewed and assessed by the watershed district to account for any changes that may have occurred since 2022 and this information will be added to the environmental study. Mr. Thorvig clarified the city was not the only reviewing body for projects. He stated other governmental bodies were involved such as the watershed districts, Anoka County, MnDOT, etc.

Councilmember Newland stated this project has been on the council's docket for two years now. He indicated the original challenge was to allow an apartment complex. He reported he voted no twice for the change to the zoning and once the zoning was changed, everything else became somewhat moot. He explained this project was now a legally conforming development located on a correctly zoned property. He reiterated that the previous requeest was for 111 units. He understood the neighborhood was not thrilled about this project, but the apartment building had been downsized to 48 units. He stated the council was charged with upholding the codes and laws of the city and noted he would be offering his support for this project becuase this was the only choice he had.

Councilmember Saroya stated she understood an EAW was not required but could be discretionary under State Statute. She noted the city had the discretion to require an EAW given the environmental concerns that have been raised for the wildlife in this area as well as the endangered species. She explained these concerns have been raised for two years now and she did not understand why a EAW could not be completed. Mr. Thorvig reported this would have to be authorized by the city council under a majority vote.

Councilmember Saroya asked if she could make a motion to this effect.

Mayor Sanders stated Councilmember Saroya could make a motion.

Councilmember Saroya did not move forward with a motion because she feared the decision was already made in the council's minds. She was of the opinion an EAW should be completed before moving forward with this project. She indicated she would be a no vote for this project due to the legitimate environmental, noise and traffic concerns that have been raised by the neighbors. She believed this project would put a lot on Ward 1 residents and she believed this was unfair. She discussed how many people could be living within this 48 unit apartment building noting up to eight people could be living in a unit. She supported the city pursuing other options for this property including purchasing the site for a future park. She explained she believed in the oath of office that she took and she worked for her constituents. She wished the council could do the right thing by her constituents. She did not want the city council to be complicit with their decisions. She feared how the current residents in this neighborhood would be adversely impacted by this project. She commented further on how she was concerned by the horrible decisions that were being made by this city council.

Councilmember Fleming called for a point of order. She asked that Councilmember Saroya direct her comments to the CUP.

Councilmember Saroya indicated she believed this CUP was similar to other decisions that have harmed residents. She noted this council has put car washes in people's back yards, industrial buildings in people's back yards and now the council would be putting a massive apartment building in people's back yards.

Councilmember Massoglia asked for a point of order.

Mayor Sanders requested Councilmember Saroya get to her point.

Councilmember Saroya spoke to the issue of putting projects in people's back yards that cause harm to them. She indicated this was a real issue for residents and she hoped the council could show some empathy and find another solution for this property. She stated she had no faith in this council to do the right thing. She believed Blaine had to become a resident-centered, strategic, smart and ethical city. She was of the opinion the residents in Ward 1 deserved better.

Councilmember Robertson reported this has been a very long process, noting this project has been before the council for the last two years. She explained in 2018, a previous council made the decision to change the density within the comprehensive plan for this property. She stated in 2022, she voted against the rezoning of this property with Councilmember Newland. However, the council later learned that the rezoning had to move forward in order to match the comprehensive plan. She commented on how bad she felt for the owners of this property. She did not believe the council wanted to tell private property owners what they could or could not do with their property. She explained this property was zoned PBD which meant high density housing was allowed. It was her hope that the property owner would have some resolution after this meeting. She clarified that the proposed apartment building would have 48 units and four of the units would have four bedrooms. She stated the entire capacity of the building per HUD requirements was 125 people. While she was not a huge fan of apartment buildings, she appreciated the due diligence from staff on this matter. She understood the neighbors had concerns regarding traffic which was why the city ordered and completed a traffic study. She stated the residents concerns were not going unheard, rather they were heard. The building size has been dramatically reduced, the sidewalks/crosswalks will be installed at no expense to the neighbors. She encouraged all involved in this project to remember the city council had to work to balance the needs of the property owner as well as the needs of the neighbors.

Councilmember Larson stated this was a difficult item for her. She noted she walked this property last fall. She indicated she was thrilled the 111 unit apartment was not approved. She read through a memo the council received from the city attorney noting it spoke directly to the limits the council had. She noted she met with staff to address questions she had regarding the project. She appreciated how staff had presented this application with all of the facts to the council. She believed it was interesting that the Alexandra House appreciated the affordability component of the 48 unit apartment building, which was very different from how they viewed the last project. She commented further on how the enrollment to the nearest elementary school was declining, which meant this project would not be a hindrance.

Councilmember Massoglia said he did not support the rezoning of this property and would not be supporting the project. He did not believe this was the best location for apartments. He appreciated the city attorney's memo and the clarification on the CUP process. He reported the council can vote no on CUPs but there has to be clear with findings of fact. He commented on how he would like to see additional conditions added for approval based on the findings from the traffic study based on the expert opinion from Bolton & Menk. He explained he had a different perspective on CUPs and he would be voting no on this matter.

Motion amendment by Councilmember Massoglia to recommend approval of the following additional conditions:

1) Installation of intersection lighting and stop sign for the driveway on 99th Avenue NE.
2) Installation of pedestrian sidewalks and facilities along the north side of 99th Avenue NE from 101st Avenue to the school.
3) Stripe and sign the crosswalks where the sidewalks are installed.
4) Installation of a city stormwater pond on furthest eastern corner of the .65 acres of the property.

Councilmember Larson seconded the amendment.

Mr. Thorvig asked if the developer wanted to comment on the proposed four conditions.

Megan Carr, Sand Companies, said she could abide by the intersection lighting and stop sign on 99th Avenue at the driveway. She asked if there was sufficient right-of-way on 99th Avenue for a sidewalk. She noted they did not own all of the property and she may have a difficult time installing sidewalks across property they did not own. She noted there would be significant costs for the proposed sidewalk and she was uncertain of this sidewalk would truly serve their residents.

Mr. Schluender stated the city did not have right-of-way dedicated along 99th Avenue, however, he was uncertain what the width was.

Ms. Carr stated she was uncertain how successful a sidewalk along 99th Avenue would be given the fact children often take the path of least resistance, which would be to walk across the field and through the opening in the fence. She indicated she could consider striping for the crosswalk but may not be able to meet lighted crosswalk signage, if required. She reported she could offer to dedicate a portion of the parcel for a city-constructed stormwater pond and noted that they would be able to manage the stormwater created by their site.

Councilmember Robertson stated she understood what Councilmember Massoglia was trying to do, but noted the city council already dialoged how to address the safety concerns. She did not support asking the developer to incur the cost of installing safety measures that benefit the overall neighborhood as this could lead to a future lawsuit. She also did not want to put an undue burden on the developer that were adversarial and made the project more difficult to complete. She questioned why Councilmember Massoglia was offering more conditions for the project that wasn't supporting . She reiterated that this intersection was operating at Level A, even with a 111 unit apartment building. She noted these were collector roadways that were designed to take 13,000 cars a day and suggested Councilmember Massoglia not move forward with two of the four conditions.

Councilmember Massoglia stated he was proposing these conditions be added in order to improve the safety of the neighborhood based on the findings from the traffic study. He reiterated that with conditional use permits, the council can put additional conditions in place. He indicated he was trying to mitigate the concerns that were raised within the traffic study that was completed by Bolton & Menk. He reported he was not in favor of receiving land in lieu of park dedication fees for this development. He believed that if the city needed certain things because of this development, the developer should pay, and not the city.

Councilmember Saroya asked if this building could have a maximum of 125 people. Ms. Carr clarified she did not have the numbers in front of her, but reported buildings in Plymouth and Dayton, that were similar in size have 120 occupants. She estimated this building would have 120 to 130 occupants.

Councilmember Saroya inquired if it would be possible for this building to have 200 occupants. Ms. Carr stated she did not have the numbers in front of her.

Councilmember Massoglia called for a point of order and asked that Councilmember Saroya keep her comments focused on the amendment.

Councilmember Saroya indicated she was trying to understand the number of people that would be within this apartment building. She questioned if the proposed lighting would impact the homes across the street. She stated the council was so concerned about another lawsuit from the property owner or the developer, but she was concerned about a lawsuit from a driver who has a car accident in this area. She discussed how a resident was in a serious car accident at this intersection. She reported she has seen cars in the pond two or three times since she has lived in Blaine. She also feared that a child would be hit by a car on their walk to school. She indicated there were legitimate safety concerns regarding this project and perhaps another traffic study should be completed for this project. She stated she was not ready to approve this project.

Councilmember Larson asked if there were legal justifications to support the additional conditions based on the findings within the traffic study. City Attorney Loonan stated the council was looking first at the conditional use permit. He noted this property was zoned Development Flex and was guided for high density within the comprehensive plan. He explained when looking at approving the council had to consider the uses and if they were permitted. He reported based on the zoning and comp plan the proposed use was permitted. He explained the council then had to consider what reasonable conditions should be imposed on the property. He indicated the standards the court would apply are standards of the nexus between the issues we are trying to solve and the conditions that are being imposed and proportinality. He stated with respect to the traffic study, the council is entitled to read the report and make findings on the report.  However, if the city were to be challenged on a denial or on unreasonable conditions imposed on the property, the opinions of the council will not be as relevant as the opinions of experts that are involved. He explained Councilmember Massoglia has stated he reviewed the report and he thinks Bolton & Menk has made findings that support his proposed conditions. He was uncertain if Councilmember Massoglia reached out Bolton & Menk as they may be called in as an expert witness. However, he understood the city did have a city engineer who was an expert who if the city were challenged, would be questioned on it and the city engineer has evaluated this traffic report, which was for a different project, and said the conditions were not reasonably related to the use that is being permitted here.  Ultimately, the city council has to look at this to see if there was factual basis that could be supported in the record and by expert opinions that would connect the conditions being imposed to the impact that is being created by the development. He stated with regard to the sidewalk he believed there may be some issues on proportionality to go across private property give the fact the city may not have enough right of way. He explained the city could not require property to be taken, but rather a private negotiation would have to be completed for the land.

Councilmember Massoglia amended his motion amendment:

1) Installation of intersection lighting and stop sign for the driveway on 99th Avenue NE.
2) Installation of pedestrian sidewalks and facilities along the north side of 99th Avenue NE from 101st Avenue NE to the existing apartment complex along Outlot C.
3) Stripe and sign the crosswalks where the sidewalks are installed.
4) Installation of a city stormwater pond on furthest eastern corner of the .65 acres of the property.

Councilmember Fleming asked if the city needed land for stormwater ponding. Mr. Schluender explained the neighborhood to the south does not have any pretreatment and this site would allow for some water to be directed to this area.  He indicated if the council wanted to accept the parcel, this could be utilized for stormwater on a future street project.

Councilmember Fleming stated with this clarication she would not be on board with the sidewalk or the development of the stormwater area.

Mayor Sanders asked if Councilmember Massoglia could support only moving forward with conditions that addressed the striping of the crosswalks and intersection lighting.  Otherwise, he believed the sidewalks and stormwater pond were onerous.

Councilmember Massoglia withdrew his motion to amend.

City Manager Wolfe stated in listening to the council's conversation, she wanted to clarify the project itself creates a need for its own stormwater treatment, which was shown in the blue pond area. She reported the developer does not have a use for the outlot and the city's response was that the outlot could possibly be used for stormwater management for an adjacent neighborhood that does not have property stormwater treatment. Another option would be to maintain this space as open space.

Mr. Thorvig indicated what was discussed at the workshop was that the determination of whether or not the city will accept this land in lieu of park dedication was not a part of this application. He stated this determination would be made with the plat application. He noted if the city does not take ownership of the outlot, it would remain passive greenspace.

Councilmember Saroya stated in terms of a traffic study, the previous traffic study was for a 111 unit apartment complex and does not apply to this project. She questioned if a traffic study was required for this project. Mr. Schluender reported he did not recommend a traffic study be completed for the proposed development. He noted this project would generate 200 to 225 trips per day, and would not impact the existing roadway network in a negative way.

Councilmember Saroya asked if the surrounding uses should trigger a traffic study, given the fact this property was surrounded by a school and womens shelter. Mr. Schluender reiterated that he would not recommend a traffic study be completed for this case.

Ms. Carr reported she completed the calculations and the maximum occupancy for this building would be 214 if every single unit was at full capacity.

Councilmember Larson indicated she was not on the council when this property was rezoned to allow for high density. She indicated this was not the right location for an apartment complex, but sadly that was what was being proposed at this time.

Councilmember Saroya requested a roll call vote.

Motion adopted 4-3 (Councilmembers Larson, Massoglia and Saroya opposed).

## 11. Administration

**11.1.** RES 24-94 Resolution Accepting a Bid from Dresel Contracting, Inc. in the Amount of $6,487,204.55 for the 2024 Southwest Area Street Reconstruction, Improvement Project No. 24-07 and Authorizing Associated Budget Amendments

*Sponsors: Daniel Schluender, Director of Engineering*

Mr. Schluender stated the City Council approved plans and specifications and ordered advertisement for bids for the 2024 Southwest Area Street Reconstructions project on April

1, 2024 with Resolution 24-68. The project will reconstruct the following streets:

**Area 1**
• 89th Avenue (from University Avenue to MN Trunk Highway 65)

**Area 2**
• 85th Avenue (from dead end west of Lincoln Street to Central Avenue Service Road)
• Lincoln Street (from 85th Avenue to 89th Avenue)

**Area 3**
• 85th Avenue (from Lincoln Street to MN-65)

**Area 4**
• Central Avenue Service Road (From 500 feet south of 87th Avenue to the cul-de-sac just south of 89th Avenue)

Mr. Schluender explained the project will be a two year project with completion expected in the fall of 2025. Bids were received electronically at 10:00 AM on April 30, 2024, for Project No. 24-07. A total of 5 bids were received ranging from $6,487,204.55 to $7,484,383.18. Staff commented further on the bids that were received noting the engineer's estimate was $6,265,949.50. Bids have been checked and tabulated, and it has been determined that Dresel Contracting, Inc. of Chisago City, Minnesota is the lowest bidder. The Engineering Department has worked with Dresel Contracting, Inc. on previous contracts and recommends that the low bid be accepted, and a contract entered into with Dresel Contracting, Inc. City Council is also asked to approve a 10% contingency to bring the total project budget to $7,135,925.00. The funding sources for this project are the Pavement Management Funds, Public Utility Funds, Municipal State Aid Funds and Special Assessments and there are sufficient funds budgeted to cover these costs. Staff noted that 89th Avenue would be a two year project.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt a Resolution Accepting a Bid from Dresel Contracting, Inc. in the Amount of $6,487,204.55 for the 2024 Southwest Area Street Reconstruction, Improvement Project No. 24-07 and Authorizing Associated Budget Amendments.

Councilmember Massoglia asked when Tyler Street would be reconstructed or overlaid. Mr. Schluender reported this roadway was within the five year CIP.

Motion adopted unanimously.

**11.2.** RES 24-100 Resolution Awarding the Sale of $11,610,000 General Obligation Tax Abatement Bonds, Series 2024A; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment
*Sponsors: Jason Zimmerman, Finance Director*

Finance Director Zimmerman stated council is requested to approve the competitive negotiated sale of $11,610,000 of General Obligation Tax Abatement Bonds in order to finance the construction of ten lighted artificial turf all-purpose fields on the existing National Sports Center campus, consistent with the funding agreement and other project related agreements associated with the 105th Avenue Redevelopment Area.

Doug Green, Baker Tilly, discussed the results of the award of sale noting the city received 13 bids with the winning bid coming from Fidelity Capital Markets with an interest rate of 3.39% for premium bonds. He commended the city for maintaining its AAA bond rating and commented further on the annual debt service schedule for this bond issuance.

Mayor Sanders thanked Mr. Green and his team for their great work on this project.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution Awarding the Sale of $11,610,000 General Obligation Tax Abatement Bonds, Series 2024A; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment.

Councilmember Saroya shared concerns about the installation of artificial turf in the city and the existence of PFAS and potential water contamination. She feared the city was going in the wrong direction and should be considering banning forever chemicals. She questioned if it was the right decision to spend $12 million on synthetic turf fields in 2024, when PFAS and forever chemicals will be banned in Minnesota in 2025 under Amara's Law. She expressed concern with the fact an environmental impact study had not been completed on the turf fields. She was of the opinion the city needed to put health before profit.

Mayor Sanders clarified the city was not purchasing turf fields, rather the city was financing the turf fields for the State of Minnesota. He explained the turf fields would be installed on State property and not city property. He stated it was his understanding the city had reached out to the turf manufacturer as well. Mr. Zimmerman commented the bond issuance will be used to finance the turf fields as noted by the mayor. He reported the turf fields will not be procured by the city, nor will the turf fields be placed on land owned or managed by the city. Development Director Thorvig reported after speaking with the National Sports Center regarding the turf, he understood Field Turf would be manufacturing the turf. He explained the city received a 32 page document from Field Turf. He noted no PFAS of concern has been found in field turf fibers. In addition, after completing a study on the turf, it was found there was no human health risk. Director of Engineering Schluender commented the city has a well approximately one mile away from the National Sports Center on 109th Avenue. He reported the sports center operates three surface pumps from the stormwater ponds to irrigate the existing fields and there was one shallow drift well.

Councilmember Robertson thanked Councilmember Saroya for bringing up the PFAS issue. She stated it was not the intention of the city council to participate in a project that potentially harms kids. She explained she spent time reading through the State legislation and she indicated this was a very dynamic bill. She reported there were 11 product categories that would be deemed non-essiential in 2025 that would be banned and then there would be a phased process for the banning of production of PFAS that goes out to 2032. She stated the only reference to artificial turf was in one of the non-essential sub-categories where the indoor use of carpets and rugs was discussed. She explained she wanted her kids to be in the safest environment possible. She indicated she appreciated the clarify on what the city is doing versus what the State is doing with respect to this project. She requested that the documentation from the NSC regarding the turf fields be placed on the city's website so the public could have access to this information.

Councilmember Fleming thanked Councilmember Saroya for bringing these concerns up as well and encouraged Councilmember Saroya to reach out to staff with her concerns.

Councilmember Massoglia thanked Baker Tilly, city staff and all of the other partners that have made this project possible.

Councilmember Saroya clarified she understood no PFAS of concern has been found, but noted synthetic turf fields do contain PFAS and forever chemicals. She believed it was irresponsible of the city to rely on a study from the turf manufacturer. She recommended a real environmental study be completed for this project since the city would be sponsoring the financing of this project. She explained she was voicing her concern because if in 15 to 20 years there were cancer clusters in the community she wanted her concerns to be documented.

Councilmember Robertson stated it was her understanding the developer completed an AUAR for this redevelopment project and asked if the AUAR included an environmental study. Mr. Thorvig stated the developer had completed an AUAR which was a separate review than what Councilmember Saroya was seeking for the turf fields. Mr. Schluender indicated an EAW or EIS would not specifically look at the materials used on the site. Rather, it takes a global view of the environmental impacts such as ground water, storm water, sanitary, water main, if the community could serve the site with water as well as looking at traffic impacts. In addition, the wetlands and native species on the site would be investigated.

Councilmember Fleming reported as a doctor she likes to review scientific studies, along with independent and third party research. She stated the 32 page report received from Field Turf noted they have a comprehensive collection of independent and third party data. She indicated this means Field Turf had not conducted their own research, but rather this was put out to other parties so as not to skew the data.

Councilmember Saroya questioned what kind of doctor Councilmember Fleming was and asked what her view was on the COVID vaccine.

Councilmember Massoglia called for a point of order.

Motion adopted 6-1 (Councilmember Saroya opposed).

**11.3.** ORD 24-2549 Second Reading
Amend Chapter 90 - Vegetation, Article II. Weeds and Tall Grass
*Sponsors: Erik Thorvig, Community Development Director*

Mr. Thorvig stated council is asked to consider second reading and adoption of an ordinance to allow property owners and occupants to install and maintain managed natural landscapes. Staff noted this ordinance was being put in place to remain consistent with a new state law.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt the Second Reading of Ordinance No. 24-2549, Amending Chapter 90 - Vegetation, Article II. Weeds and Tall Grass.

Motion adopted unanimously.

## 12. Other Business

Mayor Sanders reported it was Professional Municipal Clerks week. He took a moment to recognize City Clerk Sorensen and described the numerous ways she contributed to the city. He then read a proclamation in full for the record and declared May 5-11, 2024 to be Professional Municipal Clerks week in the city of Blaine. A standing ovation and round of applause was offered by all in attendance.

## 13. Adjournment

Moved by Councilmember Robertson, seconded by Councilmember Newland, to adjourn the meeting at 9:51PM.

Motion adopted unanimously.

**Signed by** ______________________________
Tim Sanders, Mayor

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