



City of Blaine

City Council Workshop

June 17, 2024 | 5:30 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

AGENDA

NOTICE OF WORKSHOP MEETING

In accordance with the provisions of Section 3.01 of the Blaine City Charter, a Council Workshop meeting is scheduled for the following purpose:

1. Call to Order

2. Roll Call

3. New Business

3.1. 2024-229 Closed Session Pursuant to MN Statute 13D.03 Subd. (1)(b) - Labor Negotiations Update
Sponsors: Michelle Wolfe, City Manager

3.2. 2024-68 Median Safety Ordinance
Sponsors: Brian Podany, Safety Services Manager/Police Chief

3.3. 2024-231 Proposed Amendments to Off-Sale Intoxicating Liquor Licenses
Sponsors: Cathy Sorensen, City Clerk

3.4. 2024-247 Proposed Amendments to Tobacco Licenses
Sponsors: Cathy Sorensen, City Clerk

4. Other Business

5. Adjournment



City of Blaine Staff Report

File Number: 2024-229

Agenda Date	Status
June 17, 2024	
In Control	File Type
City Council	Workshop Item

New Business - Michelle Wolfe, City Manager

Agenda Item # 3.1

Closed Session Pursuant to MN Statute 13D.03 Subd. (1)(b) - Labor Negotiations Update

Background

Staff will provide the Council with an update on labor negotiations.

The contract with Police Captains will expire at the end of 2024. Collective bargaining with the captains will likely start later this year. The contracts with Police Sergeants, Police Patrol Officers, and Public Works employees expire in 2025 and negotiations will take place next year.

Staff will provide background on the process and discuss the data that will be gathered to support the bargaining process.

Staff Recommendation

Questions for Council

Attachment List

None



City of Blaine Staff Report

File Number: 2024-68

Agenda Date	Status
June 17, 2024	
In Control	File Type
City Council	Workshop Item

New Business - Brian Podany, Safety Services Manager/Police Chief

Agenda Item # 3.2

Median Safety Ordinance

Background

This item was postponed at the May 20 workshop.

The median safety ordinance is being proposed due to concerns of pedestrians standing for long periods of time in the median of high traffic intersections within the City. The ordinance still allows for safe crossing of roadways but prohibits standing in the median for multiple light cycles. This ordinance was previously presented to Council at the Workshop on March 1, 2021.

The attached median safety draft ordinance arose out of police and resident concerns about pedestrians standing for long periods of time in the median of certain high-traffic intersections in the City of Blaine. There are several high-traffic, high-speed arterial roadways within the City that have been identified as potentially dangerous for pedestrians. Both residents and police have identified multiple intersections where this has been a problem and there have been repeated incidents at those locations. Pedestrians standing in high traffic roadway medians present an increased risk of being struck by a vehicle and impeding traffic flow. Feedback from officers who have responded to complaints about this problem note that those who partake in the action that have been requested to move to a position of greater safety have refused to do so as it is not prohibited by law.

The attached proposed median safety ordinance prohibits pedestrians from standing within the intersections identified in the ordinance for a duration longer than two crosswalk signals. It does not prohibit crossing as directed by traffic signals. It additionally prohibits motorists from stopping or standing in their vehicles to address pedestrians who are standing in medians. This helps to ensure safety in preventing crashes and promoting efficient traffic movement. Enforcement of the ordinance will begin with education and requests for movement from the prohibited activity. For continued or repeated violations, enforcement action will be an option.

This item has come before the City Council previously and attached is summary information from our

City Attorney from the previous time in 2021 the item was up for consideration. At that time research was done into legal considerations of a median safety ordinance prior to passage of the ordinance.

Staff Recommendation

Staff is asking council to consider the proposed ordinance being implemented into the City of Blaine Ordinances. Time is provided for council input and questions. If the Council is interested in considering the ordinance, it can be placed on the agenda for an upcoming regular meeting.

Questions for Council

Attachment List

1. Proposed Median Ordinance
2. City Attorney Memo

I. MEDIAN SAFETY

FINDINGS AND PURPOSE.

- a. The City has four high-capacity arterial roadways that are heavily travelled thruways with traffic counts on County Road 10 of 19,100 to 34,400 vehicles per day, on University Avenue of 15,000 to 46,600 vehicles per day, on Highway 65 of 41,000 to 51,000 vehicles per day, and on Lexington Avenue of 28,700 to 41,000 vehicles per day. These arterial roadways have posted speed limits that range from 35 m.p.h. to 60 m.p.h., contain numerous high-traffic intersections, and have relatively narrow or obstructed medians.
- b. The medians on these roadways are traffic separation structures that were not designed, and are not maintained, to accommodate either any pedestrians, or only those who are temporarily crossing through the designated crosswalk. Most of the medians also contain landscaping, traffic control devices, and other obstructions which are inconsistent with use by pedestrians.
- c. The City has experienced an increase in the number of pedestrians remaining on medians at high-traffic intersections for extended periods. This creates a public safety risk for both pedestrians as well as drivers. Due to the large volume of traffic traveling through these intersections at high speeds, pedestrians remaining on the median are put at risk of being struck. Additionally, pedestrian presence on the medians distracts drivers whose focus becomes fragmented between not striking the pedestrians so close to the roadway and navigating through these high-traffic intersections.
- d. The purpose of this chapter is to establish a narrowly tailored regulation intended to protect public safety, health, and welfare related to pedestrians in roadways and drivers passing through high-traffic intersections. This chapter and the prohibitions herein are specific to identified arterial roadways within the City. This chapter is designed to decrease safety hazards by restricting unsanctioned activity in the medians.

SECTION 1. DEFINITIONS. For the purposes of this chapter, the following terms shall have the meaning given to them in this section.

- a. “Arterial roadway” means the following roadways within the City:
 1. County Road 10;
 2. University Avenue;
 3. Highway 65; and
 4. Lexington Avenue.
- b. “High-traffic intersection” means the following intersections on arterial roadways controlled by traffic signals:
 1. County Road 10 and Washington Street;
 2. County Road 10 and 7th Street;

3. County Road 10 and Jefferson Street;
4. University Avenue and 89th Avenue;
5. University Avenue and County Road 10;
6. University Avenue and 109th Avenue;
7. University Avenue and 101st Avenue;
8. University Avenue and 89th Avenue;
9. University Avenue and County Road 10;
10. University Avenue and 86th Lane;
11. University Avenue and Highway 47;
12. University Avenue and 85th Avenue;
13. Highway 65 and 89th Avenue;
14. Highway 65 and Highway 10;
15. Highway 65 and 99th Avenue;
16. Highway 65 and 105th Avenue;
17. Highway 65 and 109th Avenue;
18. Highway 65 and 117th Avenue;
19. Highway 65 and 125th Avenue;
20. Lexington Avenue and 109th Avenue;
21. Lexington Avenue and Pheasant Ridge Drive;
22. Lexington Avenue and Ball Road;

- c. “Median” means a paved or unpaved area dividing a street or highway that separates lanes of traffic traveling in opposite directions, or, in the case of separated turn lanes, vehicles traveling in the same direction.
- d. “Roadway” means both the travelled portion and median of a street or highway.

SECTION 2. PROHIBITION.

- a. No person shall be on a median within 300 feet of a high-traffic intersection unless the person is in the process of legally crossing the roadway through a safety zone or crosswalk. This prohibition applies to both the median on the arterial roadway and the median on the intersecting roadway. A person shall not be considered in the process of legally crossing a roadway, and it shall be prima facie evidence of a violation of this section, if a person stays on a median through two consecutive opportunities to cross the roadway in accordance with the crossing signal and state law. This may include a change in the traffic control signal or lack of traffic, as applicable.
- b. No operator of a motor vehicle shall park, stop, or leave standing a vehicle at any high traffic intersection where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to a person violating subdivision (a).

SECTION 3. EXCEPTIONS. The prohibitions in Section 2 shall not apply to any of the following:

- a. Any person engaged in law enforcement or rescue activities, including aiding an injured or disabled vehicle or person;
- b. Any person engaged in the emergency repair of their vehicle;
- c. Any public works staff or public contractor engaged in the maintenance, repair or improvement of a roadway or related to public facilities, or public utility workers installing, maintaining, repairing, or removing public utilities; or
- d. Streets or portions thereof that have been closed pursuant to a street use permit or other express authorization from the City.

SECTION 4. PENALTY. Any person who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor.

ECKBERG LAMMERS MEMO

To: City Council and City Manager
From: Chris Nelson and Anneliese McCahery, City Attorney's Office
Date: February 23, 2021
Re: Background on Median Safety Ordinance

Background on the Median Safety Ordinance

At the upcoming City Council Workshop on March 1, 2021, the Council will discuss a draft Median Safety Ordinance. The City Attorney's Office worked with the Blaine Police Department to produce the draft Ordinance before the Council for consideration.

The draft Median Safety Ordinance arose out of Police and resident concerns about pedestrians standing for long periods within certain high-traffic intersections in the City. As noted in the draft Ordinance, there are several high-traffic, high-speed arterial roadways in the City. Blaine Police have identified certain intersections of high-traffic, high-speed arterial roadways and other roads as potentially dangerous for pedestrians. Blaine Police and residents have noted pedestrians stand at these particular intersections, including within the medians that divide the roadways, creating a high-risk of collisions. Pedestrians standing in roadway medians are at a high risk of being struck by a vehicle, which could result in severe injury to the pedestrian, the motorist, and any passengers, along with property damage.

Blaine Police have identified 22 specific intersections within the City that pose a particularly high-risk of pedestrian/vehicle collision. In an effort to reduce this risk and keep pedestrians, motorists, and passengers safe, the Median Safety Ordinance prohibits pedestrians from standing within the 22 identified high-risk intersections in the City. The Ordinance prohibits a pedestrian from standing in medians at these intersections. A pedestrian is not prohibited from crossing the street as directed by traffic signals, but if a pedestrian stands in the medians for a duration longer than two crosswalk signals, then the pedestrian violates the Median Safety Ordinance. Additionally, the Ordinance prohibits motorists from stopping their vehicles to address pedestrians who are standing in medians.

The purpose of this ordinance is pedestrian, motorist, passenger, and vehicle safety. The City Attorney's Office and the Blaine Police Department consider the draft Median Safety Ordinance specifically designed to promote public safety at 22 identified high-risk intersections. The ordinance is not intended to prohibit any other lawful activity and is not designed to prohibit so-called panhandling in the City. Rather, the draft Ordinance states that pedestrians cannot stand within these 22 specifically identified medians, in an effort to reduce the high risk of collision that exists in the identified intersections.

In discussions with the Blaine Police Department, any enforcement of the Median Safety Ordinance will begin with education. Police will inform any pedestrian standing in a high-risk intersection that the Median Safety Ordinance prohibits such activity and instruct the pedestrian to move. For persons repeatedly violating the Ordinance and fostering an ongoing traffic risk, the Police have the option to cite the pedestrian with a misdemeanor violation. The City Attorney's Office and Police Department propose adding a violation of the Median Safety Ordinance to the local payable fines list, with a minimal corresponding fine.



City of Blaine Staff Report

File Number: 2024-231

Agenda Date	Status
June 17, 2024	
In Control	File Type
City Council	Workshop Item

New Business -

Agenda Item # 3.3

Proposed Amendments to Off-Sale Intoxicating Liquor Licenses

Background

At the May 13 workshop council provided staff feedback on possible amendments to both off-sale intoxicating liquor and tobacco licenses. Tobacco license amendments will be before council at a later date but staff is seeking feedback on the proposed off-sale license amendments.

Based on council feedback, below are proposed amendments that would retain the current distance of a 1 mile distance between and a cap of 1/7,000 in population for exclusive liquor stores but allow flexibility for other off-sale license types in conjunction with a large retail use or grocery store:

Article II. Intoxicating Liquor and 3.2 Percent Malt Liquor

Sec. 6-33. Definitions.

In addition to the definitions in Minn. Stat. § 340A.101, as it may be amended from time to time, the following terms are defined for purposes of this article:

Brew pub is a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in by state statute.

Brewer is a person or entity who manufactures malt liquor for sale.

Brewer taproom means an area on the premises of a brewery or on the premises adjacent to a brewery owned by the brewer in which the brewer sells or otherwise provides exclusively malt liquor produced by the brewer for consumption within the brewer taproom.

Cocktail room is an on-sale of distilled liquor or wine produced for consumption on the premises owned by the distiller or winery.

Distillery is a place or establishment where strong alcoholic drinks are produced by the process of distilling.

Liquor, as used in this article, without modification by the words "intoxicating" or "3.2 percent malt," includes both intoxicating liquor and 3.2 percent malt liquor.

Microdistillery is a place or establishment where strong alcoholic drinks are produced by the process of distilling in small quantities usually done in a single batch.

Restaurant is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, and served at tables to the general public, and having a minimum seating capacity for guests as prescribed by the appropriate license issuing authority. To be a restaurant as defined by this term in this article, an establishment shall have a license from the state as required by Minn. Stat. § 157.16.

Grocery store means a business with a primary use that consists of the sale of fresh produce and food products. At least 50 percent of customer-accessible sales and display area is used for the sale of general line of food products intended for home preparation and consumption and at least 30 percent of retail space is for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen and foods. Groceries must represent the majority of sales in a grocery store although there may be accessory uses such as prepared food and drink, pharmaceuticals and bank services.

Sec. 6-36. License required; number of licenses.

- (a) No person or entity shall directly or indirectly deal in, sell or keep for sale any liquor without first having received a license to do so pursuant to this article.
- (b) The city council shall issue off-sale liquor licenses in such a manner that no license shall be issued to a property which is located within one mile of the location of an existing off-sale license. The number of off-sale licenses issued shall not exceed a ratio of one license for every 7,000 population. The council is not required to issue the full number of off-sale licenses that it has available.
- (c) Off-sale liquor licenses issued in conjunction with brewer taprooms or brew pubs, in conjunction with and secondary to a permitted or conditional principal retail use with minimum floor area of 50,000 square feet, or in conjunction with and secondary to a grocery store with a minimum floor area of 25,000, or a restaurant of the same owner that is immediately adjacent are exempt from subsection (b).

Sec. 6-38. Kinds of liquor licenses.

The city council is authorized to issue the following licenses and permits, up to the number specified in section 6-36. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision.

- (1) 3.2 percent malt liquor on-sale licenses, which may be issued only to restaurants, hotels, clubs, bowling centers with the incidental sale of tobacco and soft drinks.
- (2) 3.2 percent malt liquor off-sale license.
- (3) Temporary on-sale intoxicating, wine and 3.2 percent malt liquor licenses, which may be issued only to a club, charitable, religious or nonprofit organization, or a licensed brewer who meets state statute definition of a brewer in connection with a social event sponsored by the licensee. Any temporary license issued under this section shall be for a period not to exceed four consecutive days

and the city council shall issue no more than 12 days' worth of temporary licenses to any one organization in one calendar year, or that which is allowed by state statute as amended from time to time.

a. A temporary on-sale intoxicating, wine or 3.2 percent malt liquor license may authorize on-sales on premises other than the premises the organization owns or permanently occupies.

b. The license will be issued for a specific date, time, and place.

c. No license issued under this subdivision will be valid unless first approved by the commissioner of public safety and the chief of police or their designee.

(4) Off-sale intoxicating liquor licenses as outlined below; ~~which may be issued only to exclusive liquor stores, brewer taprooms or brew pubs.~~

(a) Class A off-sale intoxicating liquor license in conjunction with an exclusive liquor store.

(b) Class B off-sale intoxicating liquor license in conjunction with and secondary to:

(1) a permitted or conditional principal retail use with minimum floor area of 50,000 square feet

(2) a grocery store with a minimum floor area of 25,000

(3) a restaurant of the same owner that is immediately adjacent

(c) Class C off-sale intoxicating liquor license in conjunction with a brewer taproom or brew pub.

Staff Recommendation

Staff requests council feedback.

Questions for Council

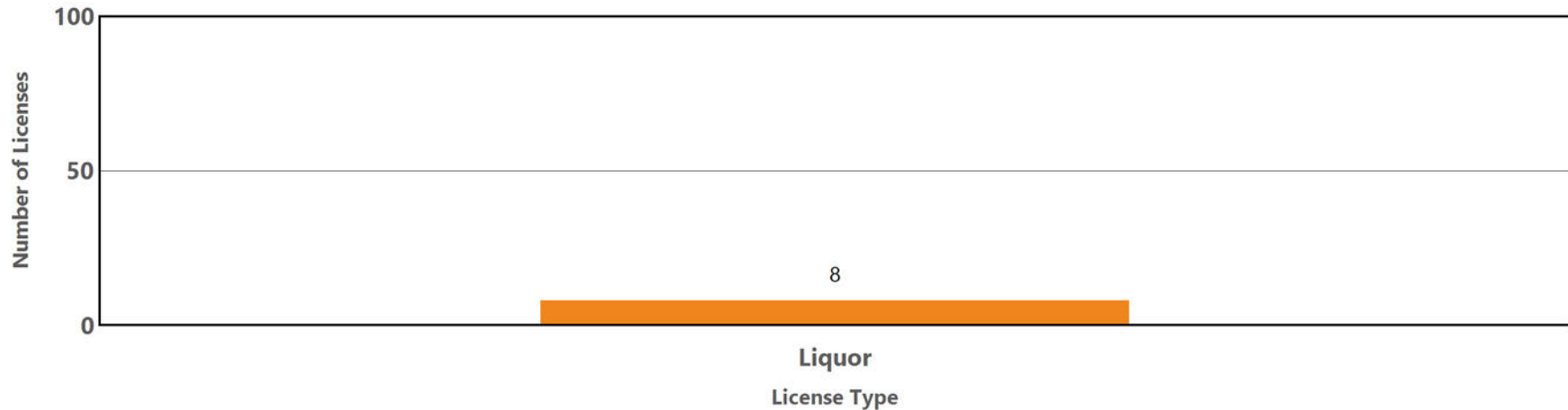
Is council supportive of the proposed amendments for off-sale licenses?

Attachment List

1. Business Licenses-Type and Status - Off Sale
2. Off Sale Liquor License Locations
3. Off-Sale License Survey May 2024

Business Licenses by Type & Status

Report Date: 4/25/2024



Liquor

License No	Business Name	Business Location	Iss Date	Exp Date	Status
OFFSL-02239	Central Spirits Liquor Store	1438 93rd Ln Ne, Blaine, MN 55449	6/23/2023	6/30/2024	Active
	Owner: Paul Spitzley				
OFFSL-08162	CUB WINE AND SPIRITS	4255 Pheasant Ridge Dr Ne, Blaine, MN 55449	6/26/2023	6/30/2024	Active
	Owner: Julia Petersen				
OFFSL-02260	G-Will Liquors	2320 Cloud Dr Ne, Blaine, MN 55449	6/23/2023	6/30/2024	Active
	Owner: Daniel C. Fields				
OFFSL-05514	MGM Wine & Spirits	255 County Road 10 Ne, Blaine, MN 55434	6/23/2023	6/30/2024	Active
	Owner: Chai Vang				
OFFSL-08044	NAPLES WINE AND SPIRITS LLC	3453 Lake Dr Ne, Blaine, MN 55449	6/23/2023	6/30/2024	Active
	Owner: PETER H JESH				
OFFSL-02226	Star Liquors	10731 University Ave Ne, Blaine, MN 55434	6/23/2023	6/30/2024	Active



Business Licenses by Type & Status

Report Date: 4/25/2024

Liquor

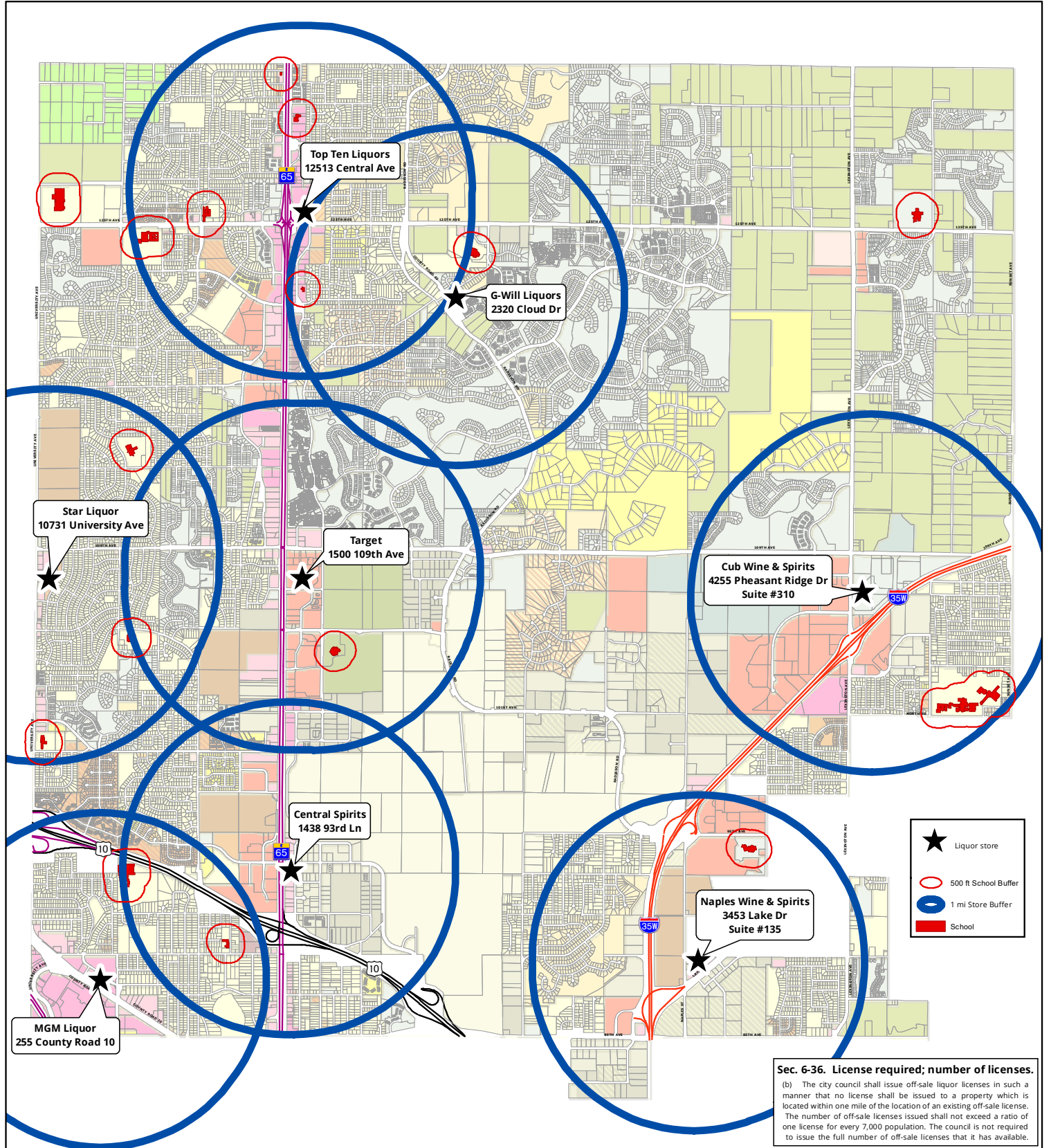
License No	Business Name	Business Location	Iss Date	Exp Date	Status
	Owner: Kenneth R. Streeter				
OFFSL-00915	Target Store T-1832	1500 109th Ave Ne, Blaine, MN 55449	6/23/2023	6/30/2024	Active
	Owner: Email Beall				
OFFSL-07318	TOP TEN LIQUORS	12513 Central Ave Ne, Blaine, MN 55434	6/23/2023	6/30/2024	Active
	Owner: Jonathan Halper				

Total Liquor: 8

Total Number of Licenses: 8

Off-Sale Liquor Stores

1-Mile Radius from Store Boundaries



<u>City</u>	<u># of off-sale licenses</u>	<u>Population</u>	<u>Cap/Restrictions</u>
Arden Hills		9,592	
Blaine	8	70,222	1 mi/1 per 7000 population
Brooklyn Park		84,993	
Burnsville	11 (7+4)	64,522	.75 mi/freestanding only except in Burnsville Center retail area
Champlin	6	23,919	None
Coon Rapids	9 (7+2)	63,415	.5 mi Class A, cap of 8/no limit to Class B attached to principal use
Cottage Grove		41,027	
Crystal		22,265	
Eden Prairie	3	54,442	Municipal
Hopkins		18,608	
Maple Grove		71,230	
Maplewood	13	42,088	None – 1 mi restriction removed in 2020
Minnetonka	12	54,474	Offer specialty service, complementary part of business or area not currently served
Oak Grove		9,311	
Plymouth		80,762	
Ramsey	4	27,646	None
Richfield		36,710	
Rogers	1	13,295	Municipal
Vadnais Heights		12,473	
White Bear Lake		24,883	
Woodbury		77,224	



City of Blaine Staff Report

File Number: 2024-247

Agenda Date	Status
June 17, 2024	
In Control	File Type
City Council	Workshop Item

New Business -

Agenda Item # 3.4

Proposed Amendments to Tobacco Licenses

Background

At the May 13 workshop council provided staff feedback on possible amendments to both off-sale intoxicating liquor and tobacco licenses. Off-sale license amendments were discussed at the June 17 workshop and staff is now seeking feedback on the proposed tobacco license amendments.

Based on council feedback, below are proposed amendments that would reduce the total number of tobacco licenses over time by creating license types based on whether they are in conjunction with another use or exclusively a tobacco products store, then placing a cap on both license types.

Chapter 42 - Health and Sanitation
Article II. - Tobacco
Division 2. - License

Sec. 42-61. Generally.

(a) *License required.* No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the city.

(b) *License types.* The city council is authorized to issue the following tobacco licenses, up to the number specified in 42-61(c). All provisions of this chapter that apply to a tobacco license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision.

(1) Tobacco license in conjunction with a grocery store, convenience store, liquor store, or gasoline service.

(2) Tobacco products store.

(3) Tobacco products store immediately adjacent to a restaurant of the same owner whose primary retail product is cigars.

(c) *Number of licenses.*

(1) The number of tobacco licenses issued in conjunction with a grocery store, convenience store, liquor store, or gasoline service shall not exceed XX. Existing licenses shall remain in effect until through attrition the maximum number of licenses is met.

(2) The number of tobacco licenses issued to a tobacco products store shall not exceed XX. Existing licenses shall remain in effect until through attrition the maximum number of licenses is met.

(3) The number of tobacco licenses issued to a tobacco products store immediately adjacent to a restaurant of the same owner whose primary retail product is cigars shall not exceed XX.

(4) The city council is not required to issue the full number of tobacco licenses it has available for any license type.

(b)(d)Application. An application for a license to sell licensed products must be made on a form provided by the city. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city clerk will forward the application to the city council for action at its next regularly scheduled meeting. If the city clerk determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.

(e)(e)Action. The city council may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the city council approves the application, the city clerk will issue the license to the applicant. If the city council denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.

(d)(f) Term. All licenses issued are valid for one calendar year from the date of issue.

(e)(g)Revocation or suspension. Any license issued may be suspended or revoked following the procedures set forth in section [42-34].

(f)(h) Transfers. All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.

(g)(i) Display. All licenses must be posted and displayed at all times in plain view of the general public in the retail establishment.

(h)(j) Renewals. The renewal of a license issued under this article will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license.

(i)(k) Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.

(j)(l) Instructional program. Licensees must complete and ensure that all employees complete a training program on the legal requirements related to the sale of licensed products and the possible consequences of license violations. Any training program must be pre-approved by the city. Licensees must maintain documentation demonstrating their compliance and must provide this documentation to the city at the time of renewal, or whenever requested to do so during the license term.

(k)(m)Smoking prohibited. Smoking, including smoking for the purpose of the sampling of licensed products, is prohibited within the indoor area of any retail establishment licensed under this article, except in a tobacco products store.

(l)(n) Samples prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost. The distribution of licensed products as a free donation is prohibited.

The city currently has 54 tobacco licenses, 9 of which are tobacco products stores. All existing licenses

would remain in effect until they are not renewed or expire. Changes in ownership already require a new license be applied for; council is not required to issue the full number of tobacco licenses it has available.

Staff Recommendation

Staff requests council feedback.

Questions for Council

Is council supportive of the proposed amendments for tobacco licenses?

Attachment List

None