



City of Blaine

City Council

May 5, 2025 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

AGENDA

1. Call to Order by the Mayor

2. Pledge of Allegiance

3. Roll Call

4. Awards - Presentations - Organizational Business

5. Communications

6. Open Forum

Open Forum is an opportunity for the public to share comments, concerns, or input on other items. While open forum is not intended to provide for response or discussion opportunities, if follow-up is needed, city staff will work to contact the speaker(s) outside of the meeting to arrange for that follow-up. Each speaker will be limited to 3 minutes with a maximum of 15 minutes set aside for open forum.

7. 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 so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

7.1. 2025-103 Approval of Minutes
Sponsors: Cathy Sorensen, City Clerk

7.2. RES 25-70 Resolution Granting Final Plat Approval to Create Two Outlots and Right-of-Way Dedication for the Zest Street Extension on the Southwest Corner of Lexington Avenue and 125th Avenue NE. Lexington Crossing (Case File No. 25-0016/SAS)
Sponsors: Sheila Sellman, Assistant Community Development Director

7.3. 2025-104 Motion to Authorize the Mayor and City Manager to Enter into a Contract with Braun Intertec for Construction Materials Testing Services for the Lift Station 13 Force Main - Phase 2, Improvement Project No. U2330 (23-30)

Sponsors: Daniel Schluender, Director of Engineering

- 7.4.** 2025-105 Notifying League of Minnesota Cities Insurance Trust That Monetary Limits on Tort Liability are Not Waived

Sponsors: Jason Zimmerman, Finance Director

8. 7:00 PM - Public Hearing and Items Published for a Certain Time

- 8.1.** 2025-106 Motion to Approve an Off Sale Intoxicating Liquor License for BKC Estates LLC, dba Naples Liquor Wine and Spirits, 3453 Lake Drive NE, Suite 140

Sponsors: Cathy Sorensen, City Clerk

- 8.2.** RES 25-67 Resolution Granting a Conditional Use Permit for a Specialized Athletic Training Facility (Fitness Center) Offering Personal Services (Chiropractor and Acupuncture) in the Light Industrial (I-1A) Zoning District at 10044 Flanders Court NE #100. RT Training (Case File No. 25-0013/ACK)

Sponsors: Sheila Sellman, Assistant Community Development Director

9. Development Business

- 9.1.** RES 25-64 Resolution Granting a Conditional Use Permit to Allow a Detached Accessory Dwelling Unit (ADU) in a Single Family Residential (R-1) Zoning District at 1684 132nd Avenue NE. Alex Pepin (Case File No. 25-0008/ACK)

Sponsors: Sheila Sellman, Assistant Community Development Director

- 9.2.** RES 25-66 Resolution Granting a Conditional Use Permit Amendment to Allow a 8,522 Square-Foot Addition to an Existing Childcare Center in a Development Flex (DF) Zoning District at 12612 Central Avenue NE. The Goddard School of Blaine (Case File No. 25-0009/EES)

Sponsors: Sheila Sellman, Assistant Community Development Director

- 9.3.** RES 25-61 Resolution Granting a Conditional Use Permit to Allow an Electric Vehicle (EV) Charging Station and a Zero Lot Line for a Shared Drive on the East Property Line in the Community Commercial (B-2) Zoning District on the Southeast Corner of Naples Street and Flowerfield Road. iONNA (Case File No. 25-0007/SLK)

Sponsors: Sheila Sellman, Assistant Community Development Director

10. Administration

- 10.1.** ORD 25-2576 First Reading

Amend Article VIII.- Legalized Gambling Sec. 22-383. Lawful Gambling and 22-384. Additional Regulations

Sponsors: Cathy Sorensen, City Clerk

11. Other Business

12. Adjournment



City of Blaine

City Council Workshop

April 21, 2025 | 5:30 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

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

The meeting was called to order by Mayor Pro Tem Robertson at 5:34PM.

2. Roll Call

PRESENT: Mayor Tim Sanders (arrived at 5:45PM), Councilmembers Terra Fleming, Chris Ford, Leslie Larson, Tom Newland, and Jess Robertson.

ABSENT: Councilmember Chris Massoglia.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; Assistant Community Development Director Sheila Sellman; Safety Services Director/Police Chief Brian Podany; Finance Director Jason Zimmerman; Director of Administration Scott Johnson; Director of Engineering Dan Schluender; Zoning Technician Alex Koberoski; Public Works Director Nick Fleishhacker; City Attorney Tom Loonan; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

3. New Business

- 3.1. 2025-86** Temporary Signs Discussion II
Sponsors: Sheila Sellman, Assistant Community Development Director

Assistant Community Development Director Sellman stated temporary sign code violations are increasing and staff is seeking feedback on current requirements. Historically, staff would periodically discuss this topic with council to understand the level of enforcement

and general philosophy. This is a continuation of the previous workshop discussions in 2024. Staff reviewed the discussion that was held at the October 14 workshop regarding temporary signs and provided a presentation that provided real examples of signage within the City, while also commenting on what other cities do, which tend to be more restrictive than Blaine, and a summary table of the proposed changes.

Council consensus was to take a more proactive approach for enforcement when staff sees violations when out in the field but not proactively seek out violations. In addition, consensus was to regulate size, number and type through a temporary sign permit and allow temporary signs for four weeks; allow for 2 banners 32 square feet each; allow for 2 feather signs of 3.5 feet wide, 18 feet in height; and 5 H-frame/A-frame, 6 square feet in size. Council consensus was to regulate special event temporary signs in size, number and type with a permit allowing for 2 weeks, 2 times a year and continue to allow 1 - 32 square foot banner OR 1 flag, as allowed currently. This is indefinitely per parcel, not per business. Consensus was also to prohibit inflatables and stringers/pennants.

3.2. 2025-87 Home Occupation Discussion IV

Sponsors: Sheila Sellman, Assistant Community Development Director

Ms. Sellman stated in previous workshops, the council discussed different home occupation scenarios to determine what should be allowed and prohibited and possibly create different standards in the Farm Residential (FR) zoning district. Staff reviewed the items in which there was general council consensus. She reported council discussed adding a list of prohibited uses for all districts and interim uses in FR for properties greater than or equal to three acres. Interim uses are like conditional uses. They are processed the same and subject to findings but have an expiration date. Once expired, they will need to apply for a new Interim Use Permit (IUP).

Council agreed to changes as presented but to continue to allow certain businesses through a conditional use permit, not an interim use permit.

3.3. 2025-88 Lift Station 13 Project Update and Costs

Sponsors: Nick Fleischhacker, Public Works Director

Director of Engineering Dan Schluender and Public Works Director Fleischhacker stated this is a complex, multi-year project determined to be a top priority from a risk management perspective. It is such a critical part of our sanitary sewer system infrastructure that council approved the allocation of \$3 million from ARPA funds towards the project. Initially, the project was estimated to be \$6 million. An initial contract was issued to an engineering firm to design the project. As more was learned during this phase, the scope of the project grew. In addition, some of the costs were impacted due to inflationary impacts during the time between initial estimates, final design, and bidding. When the construction project was bid, there were two bids received (\$5.2m and \$8.1m). Council awarded the contract to the low bidder at the February 3 meeting. With a 10% contingency added, the low bid resulted in a total that was over the current budget amounts of \$6,650,000 (\$650,000 reserves, \$3m ARPA, \$3m revenue bonds.) When the February 3 item was prepared, the previous year's project revenue expenses were inadvertently missed and therefore, it appeared that the

construction item was within budget. Council awarded the contract.

Staff explained the February 19 agenda item was the final piece for the project, a \$348,974 contract for construction services. This is an important critical function in a large, complex capital improvement project. In preparing the item, it was discovered that the previous year's revenue and expenditure information had been missed in the February 3 item, resulting in the project being over budget. The award of the contract for the construction services would result in an additional expenditure for the project, and accurate information was reported in that item. When this was discovered, staff were instructed to look at other projects that could be delayed or changed in order to provide funding for the additional costs on Lift Station #13. Staff are prepared to make accommodations to allow this project to continue, as it continues to be the highest priority for the sanitary sewer system. The construction contingency amount is approximately \$547,000, which represents over 1/3 of the projected overage. If contingency funds in that amount are not needed, it will reduce the impact of the need to move other projects.

Staff reported Finance had previously identified the need for a project accounting process to make it much easier, clear, and transparent to track capital project financials. This process will greatly increase the ability for all staff involved in a project to track the budgeted amounts, contract awards, and expenditures. The LS #13 project is a vital infrastructure initiative to modernize the city's aging sewer system, ensuring long-term reliability and sustainability. Originally initiated in response to multiple sewer system failures, the project has expanded from a rehabilitation project to a reconstruction project to address critical components of the sewer infrastructure. Staff commented further on the proposed phases for the project, funding summary and timeline and asked if there were any questions they could answer as the item was scheduled for the regular agenda later this evening.

Council asked that staff reports include more background going forward that includes process updates, previous council actions with meeting dates, etc.

4. Other Business

Communications Manager Hayle shared an update on meeting setup in Chambers.

5. Adjournment

The workshop was adjourned at 6:38PM.



City of Blaine

City Council

April 21, 2025 | 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, Chris Ford, Leslie Larson, Tom Newland, and Jess Robertson.

ABSENT: Councilmember Chris Massoglia.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; Assistant Community Development Director Sheila Sellman; Safety Services Director/Police Chief Brian Podany; Deputy Police Chief Joe Gerhard; Finance Director Jason Zimmerman; Director of Administration Scott Johnson; 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.** 2025-91 Special Olympics Minnesota Law Enforcement Torch Run (LETR) Guardians of the Flame Award
Sponsors: Brian Podany, Safety Services Manager/Police Chief

Safety Services Manager/Police Chief Podany stated the Special Olympics Minnesota Law Enforcement Torch Run (LETR) Guardians of the Flame Award recognizes outstanding law enforcement agencies that have significantly contributed to the statewide success of the LETR for Special Olympics Minnesota, with one police department and one sheriff's office

receiving the award annually. The award aims to acknowledge and celebrate the dedication of law enforcement agencies to the LETR and its mission of supporting Special Olympics Minnesota. The LETR is a global grassroots fundraising and public awareness program for Special Olympics, with law enforcement members and Special Olympics athletes carrying the "Flame of Hope" into opening ceremonies of local competitions. The flame symbolizes courage, celebration of diversity, and the inclusion of all people around the world. The Blaine Police Department is receiving this award for all the things they do with Special Olympics such as participating in all the events, taking initiative in planning and coordinating events, and fundraising to help support the program. The Blaine Police Department participates in three LETR events: The Torch Run, the Polar Plunge and Tip a Cop events. Blaine's involvement has grown to the point that they have three liaisons for Special Olympics which included Officer Jennah Justen, Officer Pete Noll, and Detective Orin Christensen.

Molly Eagan, representative from Special Olympics Minnesota, presented Police Chief Podany with the Law Enforcement Torch Run (LETR) "Guardians of the Flame" Award to the Blaine Police Department. She explained this award recognizes outstanding law enforcement agencies that have significantly contributed to the statewide success of the LETR for Special Olympics Minnesota. She shared how participation doubled and raised over \$100,000 more than last year. A round of applause was offered by all in attendance.

Police Chief Podany recognized Detective Orin Christensen, Officer Jennah Justen and Officer Pete Noll for their efforts on behalf of the Special Olympics.

4.2. 2025-92 Recognition of McDonough K9 for Donation of Police K9 and Training Sponsors:

Police Chief Podany stated Mark McDonough is a former police officer who worked for the Anoka Police Department and the Coon Rapids Police Department for a combined total of 32 years. Throughout his law enforcement career, 22 years were spent training K9s and working with multiple K9s himself, which led him to start his own business in 2000 - McDonough K9. Mr. McDonough retired from the Coon Rapids Police Department in 2015 but continued growing his career with McDonough K9, training hundreds of K9s yearly and producing elite working dogs to this day. In July 2024, McDonough K-9 donated a 17-month-old purebred German Shepherd to the Blaine Police Department along with training. The canine was imported from Germany and partnered with Officer Kelly Jahnke who, with the approval of the Chief, named him Vinny. They began the 3-month basic training program at McDonough K9 immediately and graduated on November 22, 2024. Officer Jahnke and K9 Vinny have worked very hard with great success in maintaining the elite reputation among the K9 handlers at the Blaine Police Department. Chief Podany presented Mr. McDonough with an award of appreciation for this donation, which saved the City of Blaine an estimated cost of \$15,000. He said the City and department was very grateful for Mr. McDonough's compassion and generosity. A round of applause was offered by all in attendance.

4.3. 2025-93 Police Department Swearing-in Ceremony

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. Also, when sworn staff receive promotions, a swearing-in ceremony is performed in front of the city council. This is a special time for sworn staff and their families to celebrate their accomplishments and be recognized in front of the mayor, city council members, city manager, Police Chief Podany, fellow police staff, and the public. He shared backgrounds on Officer Abbie Lamberty, Sergeant Nick Traffie, Sergeant Samantha Klimisch, and Captain Zachary Johnson. City Clerk Sorensen administered the oath of office, badges were pinned on and a round of applause was offered by all in attendance.

5. Communications

None.

6. Open Forum

Open Forum is an opportunity for the public to share comments, concerns, or input on other items. While open forum is not intended to provide for response or discussion opportunities, if follow-up is needed, city staff will work to contact the speaker(s) outside of the meeting to arrange for that follow-up. Each speaker will be limited to 3 minutes with a maximum of 15 minutes set aside for open forum.

Mayor Sanders opened the Open Forum at 7:32PM.

Dana Carlson, 287 117th Avenue NE, shared concerns regarding possible crimes against his family, illegal RV parking and interlock devices, and other concerns regarding his mental health. He requested records from the Blaine Police Department to support his research.

There being no further input, Mayor Sanders closed the Open Forum at 7:37PM.

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

Motion adopted unanimously.

7.1. 2025-94

Schedule of Bills Paid

Sponsors: Jason Zimmerman, Finance Director

- 7.2.** 2025-95 Approval of Minutes
Sponsors: Cathy Sorensen, City Clerk
- 7.3.** 2025-96 Motion to Approve Carnival License for Amusement Attractions at Northtown Mall
Sponsors: Cathy Sorensen, City Clerk
- 7.4.** RES 25-68 Resolution Declaring Surplus Property And Authorizing Sale, Donation, or Disposal
Sponsors: Chad Miers, Fleet Manager, Nick Fleischhacker, Public Works Director
- 7.5.** 2025-97 Motion to Authorize Replacement of Public Works Unit #3431 Vehicle
Sponsors: Chad Miers, Fleet Manager, Nick Fleischhacker, Public Works Director
- 7.6.** 2025-98 Motion to Authorize the Mayor and City Manager to Enter into a Contract with Bolton & Menk for Construction Services for Lift Station 13 Force Main Project - Phase 2, Improvement Project No. U2330 (23-30)
Sponsors: Daniel Schluender, Director of Engineering

8. 7:00 PM - Public Hearing and Items Published for a Certain Time

None.

9. Development Business

- 9.1.** RES 25-53 Resolution Granting Preliminary Plat Approval to Create Two Outlots and Right-of-Way Dedication for the Zest Street Extension on the Southwest Corner of Lexington Avenue and 125th Avenue NE. Lexington Crossing (Case File No. 25-0010/SAS)
Sponsors: Sheila Sellman, Assistant Community Development Director

Assistant Community Development Director Sellman stated the applicant is requesting to plat two outlots and right-of-way dedication for the Zest Street extension on the southwest corner of Lexington Avenue and 125th Avenue NE to be known as Lexington Crossing. No development is proposed at this time.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to adopt a Resolution Granting Preliminary Plat Approval to Create Two Outlots and Right-of-Way Dedication for the Zest Street Extension on the Southwest Corner of Lexington Avenue and

Motion adopted unanimously.

10. Administration

- 10.1. RES 25-52** Resolution Accepting a Bid from Sir Lines-A-Lot, LLC in the Amount of \$106,644 for the 2025 Pavement Markings Project, Improvement Project No. 25-03
Sponsors: Daniel Schluender, Director of Engineering

Director of Engineering Schluender requested the council accept a bid for the 2025 pavement markings project on various streets, Improvement Project No. 25-03 and award a contract in the amount of \$106,644 to Sir Lines-A-Lot, LLC. This is an annual project that the city contracts to keep the pavement markings in a highly visible condition to meet the current reflectivity standards. City council is also asked to approve a 5% contingency to bring the total project budget to \$111,976.20. The funding source for this project is listed in the street maintenance portion of the general fund and there was \$100,000 identified in the 2025 budget. An amendment will need to happen in this portion of the street maintenance that will shift \$12,000 from contractual to the striping line item. There are funds available for this transfer.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt a Resolution Accepting a Bid from Sir Lines-A-Lot, LLC in the Amount of \$106,644 for the 2025 Pavement Markings Project, Improvement Project No. 25-03 as well as the proposed budget amendment.

Motion adopted unanimously.

- 10.2. RES 25-57** Resolution Accepting a Bid from Douglas-Kerr Underground, LLC in the Amount of \$2,994,658.32 for the 2025 Southwest Area Street Reconstruction, Improvement Project No. 25-06.
Sponsors: Daniel Schluender, Director of Engineering

Mr. Schluender stated bids were received electronically at 10:00 AM, April 15, 2025, for Project No. 25-06. A total of seven bids were received ranging from \$2,994,658.32 to \$3,717,028.19. The three lowest bidders and engineer's estimate were reviewed by staff. It was noted bids have been checked and tabulated, and it has been determined that Douglas-Kerr Underground, LLC of Mora, Minnesota is the lowest bidder. The engineering department has worked with Douglas-Kerr Underground, LLC on previous contracts and recommends that the low bid be accepted, and a contract entered into with Douglas-Kerr Underground, LLC. City council is also asked to approve a 10% contingency to bring the total project budget to \$3,294,124.15. The funding sources for this project are the pavement management funds, public utility funds and special assessments and there are sufficient funds budgeted to cover these costs.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to adopt a Resolution Accepting a Bid from Douglas-Kerr Underground, LLC in the Amount of \$2,994,658.32 with a 10% contingency for the 2025 Southwest Area Street Reconstruction, Improvement Project No. 25-06.

Mayor Sanders thanked staff for all of their efforts on this project and stated he was happy to see this project came in under the engineer's estimate.

Councilmember Newland questioned when this project would begin. Mr. Schluender reported this project would begin this summer and would be coordinated with the 89th Avenue project.

Motion adopted unanimously.

10.3. RES 25-69 Resolution Approving a Purchase Agreement for 2170 106th Lane NE.
Sponsors: Erik Thorvig, Community Development Director

Community Development Director Thorvig shared a background report to approve the purchase agreement for 2170 106th Lane NE which is the last property to be acquired within the 105th Avenue redevelopment area. Staff commented on the terms of the purchase agreement and recommended approval.

Moved by Councilmember Robertson, seconded by Councilmember Fleming, to adopt a Resolution to approve the purchase agreement for 2170 106th Avenue NE in the amount of \$600,000.

Mayor Sanders congratulated Mr. Thorvig and City Attorney Loonan for their tremendous leadership and dedicated work on completing all of the property acquisitions in order to move the 105th Avenue redevelopment project forward.

Motion adopted unanimously.

11. Other Business

None.

12. Adjournment

Moved by Councilmember Robertson, seconded by Councilmember Newland, to adjourn the meeting at 7:51PM.

Motion adopted unanimously.



City of Blaine

Staff Report

File Number: RES 25-70

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Resolution

Approval of Consent Agenda: - Sheila Sellman, Assistant Community Development Director

Agenda Item # 7.2

Resolution Granting Final Plat Approval to Create Two Outlots and Right-of-Way Dedication for the Zest Street Extension on the Southwest Corner of Lexington Avenue and 125th Avenue NE. Lexington Crossing (Case File No. 25-0016/SAS)

Executive Summary

The request is for final plat approval for Lexington Crossing creating two outlots and right-of-way for Zest Street extension at the southwest corner of Lexington Avenue and 125th Avenue NE. The final plat is consistent with the approved preliminary plat.

Background

Planning Commission Public Hearing	04/08/25
City Council (Preliminary Plat)	04/21/25
City Council (Final Plat)	05/05/25
Action Deadline	N/A

Staff report prepared by Sheila Sellman, Assistant Community Development Director, and Teresa Barnes, Project Engineer

The final plat is consistent with the approved preliminary plat, Resolution No. 25-53.

Evaluation of Request

Planning Analysis

Zoning

The subject site is zoned Town Commercial (B-5).

Land Use Designation

The land use designation is Planned Commercial (PC).

Surrounding Zoning and Land Uses

The property to the west is zoned Farm Residential (FR) with Planned Industrial/Planned Commercial (PI/PC) and Low-Density Residential (LDR) land use designations. The property to the north (across 125th Avenue) is zoned FR with a Medium Density Residential/Community Commercial (MDR/CC) land use. Across Lexington Avenue to the east, properties are zoned Planned Business District (PBD) with a land use designation of Planned Commercial (PC). Property to the south is zoned PBD with a PC land use designation.

Existing Conditions

The site is currently two vacant lots with some trees and wetlands present.

History

This same preliminary plat was approved in 2022, titled Kempf Properties. City code requires final plat approval within one year of approving the preliminary plat, and allows for one extension. The extension was given and has since expired, therefore a new preliminary subdivision is required.

Plat

Development is not proposed at this time. The plat creates two outlots and right-of-way dedication for the extension of Zest Street. The subdivision is necessary in order for the City and commercial developer to purchase the respective outlots. Once development is proposed, the outlots will need to be final platted into lots. As proposed, Outlot A is 8.83 acres and Outlot B is 25.83 acres. The B-5 district does not have lot size minimums.

Setbacks

No development is proposed, therefore there are no setbacks to review. This will be evaluated when there is development.

Landscaping

No development is proposed, therefore there is no landscaping to review. This will be evaluated when there is development.

Tree Preservation

No development is proposed, therefore there is no tree preservation to review. This will be evaluated when there is development.

Park Dedication

The proposed plat is creating two outlots. Park dedication will become due when the lots are final platted into lot and block.

Engineering Analysis

Grading/Storm Drainage

No development is proposed, therefore there is no grading/storm drainage to review. This will be evaluated when there is development.

Utilities

No development is proposed, therefore there are no utilities to review. This will be evaluated when

there is development.

Wetlands/Watershed

No development is proposed, therefore there is no wetlands/watershed to review. This will be evaluated when there is development.

Access/Street Design/Sidewalks

No development is proposed, therefore there is no access or sidewalks to review. This will be evaluated when there is development. The proposed plat dedicates the necessary Zest Street right-of-way and allows for the standard state-aid street section to be constructed once development is proposed.

Easements/Right-of-Way/Permits

The developer will need to obtain all required permits to construct the proposed project. A copy of all permits will need to be submitted to the City prior to any site work.

Standard drainage and utility easements shall be dedicated along all lot lines and over areas of delineated wetlands, wetland mitigation, infiltration trenches, drainage swales, and storm water management ponds.

The developer will need to modify the plat to provide additional right-of-way and restricted access on 125th Avenue (CSAH 14) and Lexington Avenue (CSAH 17), per the County's plat review letter dated November 2, 2022, adjust dedicated Zest Street right-of-way for it to meet state aid standards for a 30 mph roadway, and coordinates with the proposed street extension to the south.

Strategic Plan Relationship

Development of Lexington Crossings has been identified in the Economic Development Strategic Priority.

Board/Commission Review

The Planning Commission voted unanimously to approve the preliminary plat. The Planning Commission does not review final plats.

Financial Impact

Not applicable.

Public Outreach/Input

Notifications are not required for final plats.

Staff Recommendation

By motion, adopt the resolution.

Attachment List

1. Zoning and Location Map
2. Final Plat



City of Blaine

Signature Copy

Resolution: RES 25-70

Resolution Granting Final Plat Approval to Create Two Outlots and Right-of-Way Dedication for the Zest Street Extension on the Southwest Corner of Lexington Avenue and 125th Avenue NE. Lexington Crossing (Case File No. 25-0016/SAS)

WHEREAS, an application has been filed as Case File No. 25-0016 for a final plat known as Lexington Crossing; and

WHEREAS, said case involves the division of land in Anoka County, Minnesota, described as follows:

That part of the North Half of the Northeast Quarter of Section 11, Township 31, Range 23, lying East of the West 1170 feet of said North Half of the Northeast Quarter and North of the South 123.38 feet of said North Half of the Northeast Quarter, EXCEPT Parcel 49, Anoka County Highway Right of Way Plat No. 61

WHEREAS, the Blaine City Council granted preliminary plat approval on April 21, 2025, subject to the conditions as set forth in Blaine City Council Resolution No. 25-53; and

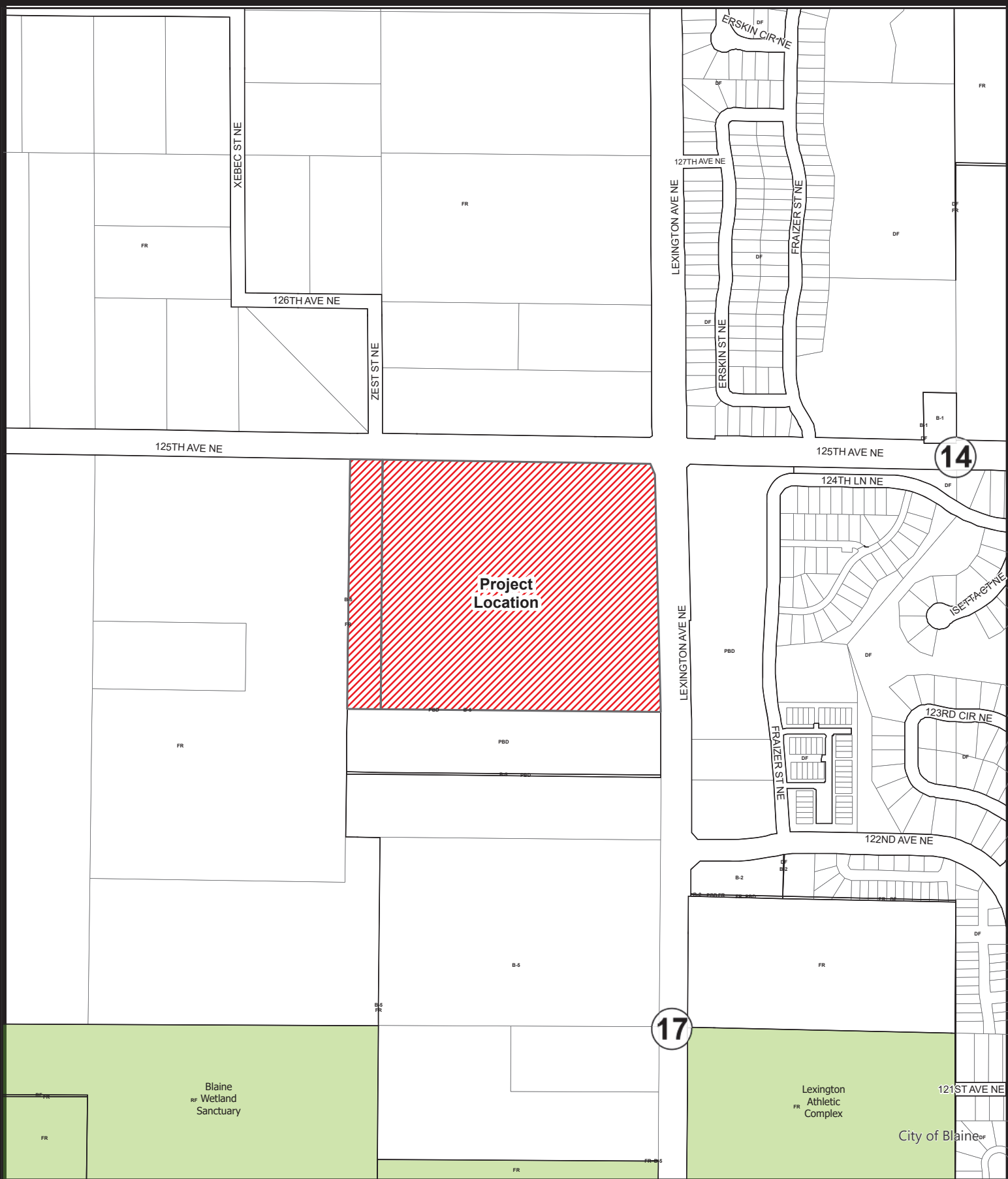
WHEREAS, the final plat is in general conformance with the approved preliminary plat.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that final plat approval for Lexington Crossing per Section 75-33 of the subdivision regulations is hereby granted subject to the listed conditions.

NOW, THEREFORE, BE IT FURTHER RESOLVED The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreement and releases related to the approval, recording or administration of Lexington Crossing.

1. The developer shall amend the plat to address the Anoka County plat review comments.
2. The developer has the responsibility to address all comments provided in the Anoka County plat review letter for all development improvements including the future street connection associated with this development.
3. All development signage by separate review.
4. Within 180 days of approval, subdivider shall submit the final plat for review.

PASSED by the City Council of the City of Blaine this 5th day of May, 2025.



BlaineMN.gov

Case File No. 25-0016 Lexington Crossing



Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180

LEXINGTON CROSSING

CITY OF BLAINE
COUNTY OF ANOKA
SEC. 11, TWP. 31, RGE. 23

KNOW ALL PERSONS BY THESE PRESENTS: That Jeffrey P. Kempf and Susan Lorraine Kempf, husband and wife, owners of the following described property:

That part of the North Half of the Northeast Quarter of Section 11, Township 31, Range 23, lying East of the West 1170 feet of said North Half of the Northeast Quarter and North of the South 123.38 feet of said North Half of the Northeast Quarter, EXCEPT Parcel 49, ANOKA COUNTY HIGHWAY RIGHT-OF-WAY NO. 61, Anoka County, Minnesota, and also EXCEPT Parcel 51 and 52, ANOKA COUNTY HIGHWAY RIGHT-OF-WAY NO. 46, Anoka County, Minnesota.

Have caused the same to be surveyed and platted as LEXINGTON CROSSING and do hereby dedicate to the public for public use the public ways as shown on this plat.

In witness whereof said Jeffrey P. Kempf and Susan Lorraine Kempf, husband and wife, have hereunto set their hands this ____ day of _____, 20____

Jeffrey P. Kempf Susan Lorraine Kempf

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 20____ by Jeffrey P. Kempf and Susan Lorraine Kempf.

(Signed)

(Printed)
Notary Public, _____
My commission expires _____

I, Thomas R. Balluff, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20____

Thomas R. Balluff, Licensed Land Surveyor
Minnesota License No. 40361

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 20____ by Thomas R. Balluff, Licensed Land Surveyor.

(Signed)

(Printed)
Notary Public, _____
My commission expires _____

CITY COUNCIL, CITY OF BLAINE, MINNESOTA

This plat of LEXINGTON CROSSING was approved and accepted by the City Council of the City of Blaine, Minnesota at a regular meeting thereof held this ____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

CITY COUNCIL, CITY OF BLAINE, MINNESOTA

By: _____, Mayor
By: _____, Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20____

David M. Ziegler
Anoka County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20____.

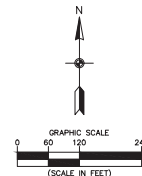
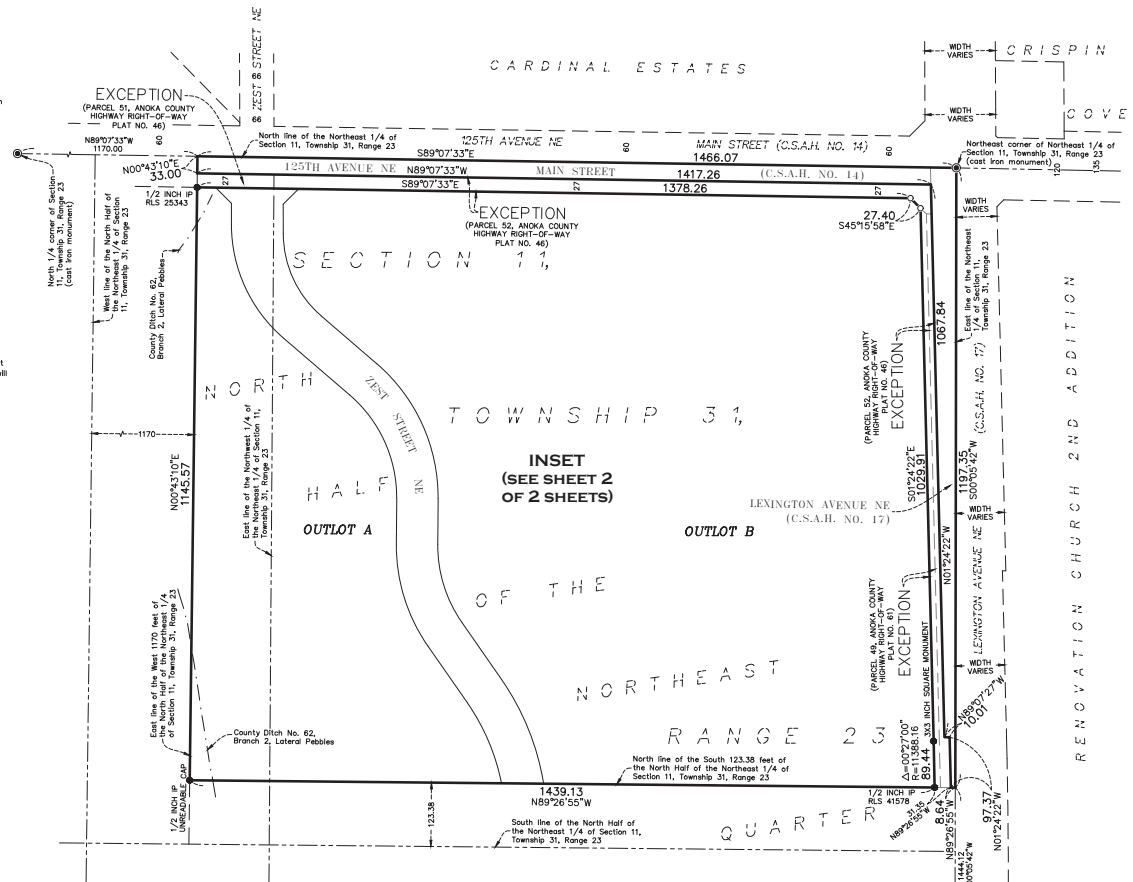
Property Tax Administrator
By: _____, Deputy

COUNTY RECORDER/REGISTRAR OF TITLES

County of Anoka, State of Minnesota

I hereby certify that this plat of LEXINGTON CROSSING was filed in the office of the County Recorder/Registrar of Titles for public record on this ____ day of _____, 20____, at ____ o'clock ____ M., and was duly recorded as Document Number ____.

County Recorder/Registrar of Title
By: _____, Deputy

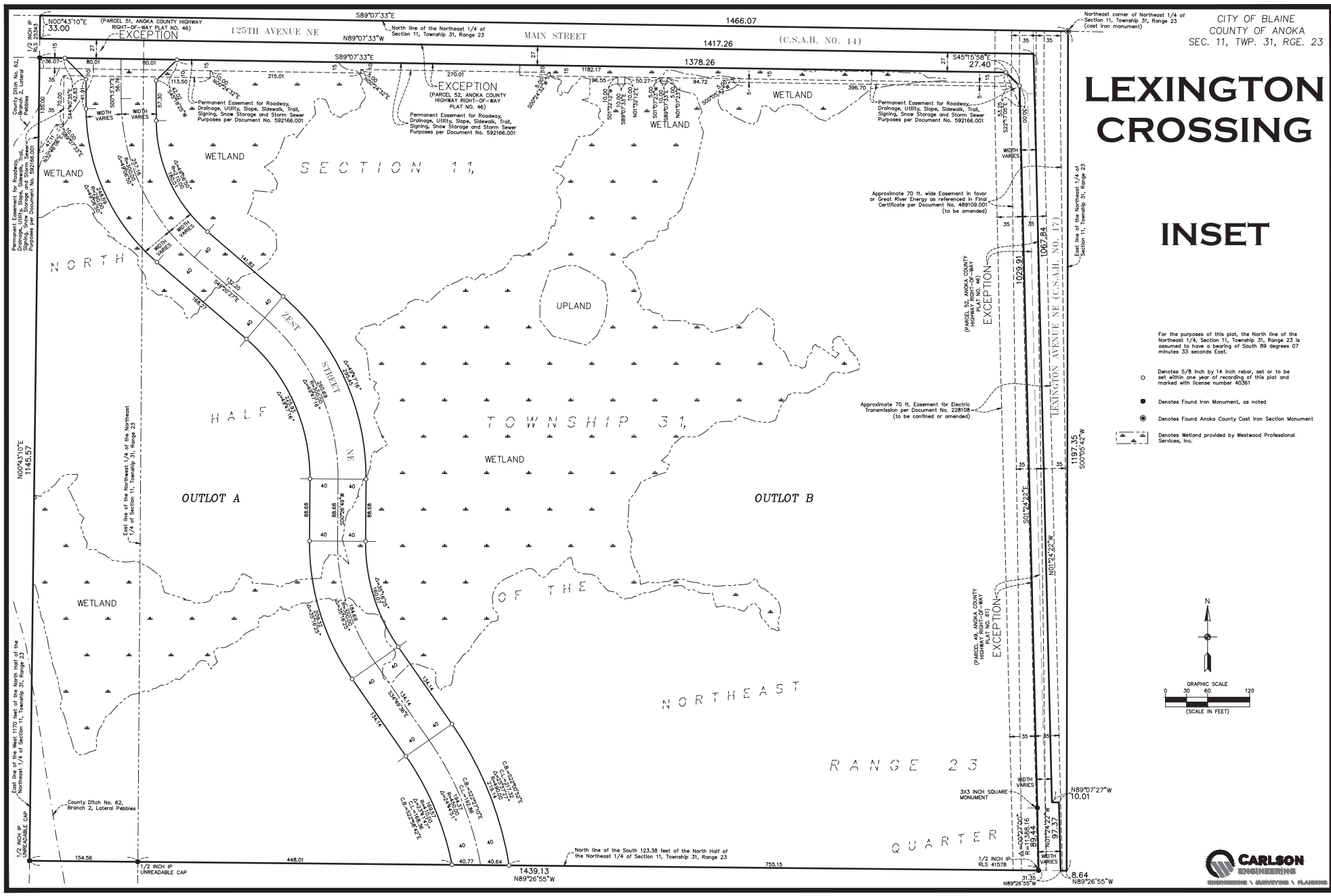


For the purposes of this plat, the North line of the Northeast 1/4 of Section 11, Township 31, Range 23 is assumed to have a bearing of South 89 degrees 07 minutes 33 seconds East.

- Denotes 5/8 inch by 14 inch rebar, set or to be set within one year of recording of this plat and marked with license number 40361
- Denotes Found Iron Monument, as noted
- Denotes Found Anoka County Cast Iron Survey Monument

CARLSON
ENGINEERING
SURVEYING & PLANNING

SHEET 1 OF 2 SHEETS





City of Blaine Staff Report

File Number: 2025-104

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Motion

Approval of Consent Agenda: - Daniel Schluender, Director of Engineering

Agenda Item # 7.3

Motion to Authorize the Mayor and City Manager to Enter into a Contract with Braun Intertec for Construction Materials Testing Services for the Lift Station 13 Force Main - Phase 2, Improvement Project No. U2330 (23-30)

Executive Summary

Council is requested to approve a contract with Braun Intertec for construction materials testing services for the Lift Station 13 - Phase 2, Improvement Project No. 23-30, in the amount of \$55,426.00.

Background

On February 3, 2025 Council accepted a bid from Minger Construction Companies, Inc. for the Lift Station 13 Force Main - Phase 2 project, Improvement Project No. 23-30 with Resolution No. 25-31. On April 21, 2025 Council entered a contract with Bolton & Menk, Inc. for Construction Services of Lift Station 13 Force Main - Phase 2 project with Motion 2025-60.

The Engineering Department recently requested and received a proposal for construction materials testing services for the Lift Station 13 - Phase 2 project from Braun Intertec in the amount of \$55,426.00. Braun Intertec is in the council approved materials testing consultant pool. Staff has reviewed this proposal and determined the fees are justified and reasonable. City Council is also asked to approve a 10% contingency to bring the total project budget to \$60,968.60.

Strategic Plan Relationship

This project aligns with the City's strategic plan goal of well-maintained infrastructure by providing high quality sewer services. This action relates directly to the City of Blaine Strategic Plan Item No. 6 - Well Maintained Infrastructure and Desired Outcome - Reliable Utility Systems. This work will improve the conditions of Lift Station 13 facilities to meet system demands and maintain the quality of the City's infrastructure.

Board/Commission Review

Not required

Financial Impact

The project was included in both the [2021-2025](#) and [2023-2027](#) Capital Improvement Programs, with appropriations of \$675,000 in 2021 and \$6,000,000 in 2023. The funding provided for in 2021 was to be from Sewer reserves and the 2023 funding was split evenly with \$3,000,000 each from the American Rescue Plan Act (ARPA) as approved on [December 5, 2022](#) and series 2023A bonds which were sold on [December 4, 2023](#).

Initial spending for this project was approved on [February 1, 2021](#) for professional engineering services. Since 2021, additional design and preliminary engineering services have been procured and on February 3, 2025 the City Council approved a bid from Minger Construction to replace 2,700 feet of force main and the existing lift station.

With the project exceeding budget and the construction timeline extending into 2026, additional funds will be requested as part of the 2026-2030 CIP and the annual bonding process. At the April 21, 2025, City Council workshop, staff discussed that additional funding will be requested in the 2026-2030 CIP, and that staff are adjusting the 2026 and 2027 projects for lift station #4 and lift station #12 in those proposed project years to account for the approximate \$1.4 million dollar budget shortfall.

Sanitary Sewer Fund	Budget
Lift Station #13 Project Budget Appropriations (2021 and 2023)	\$6,675,000.00
Expenses to Date	(\$2,186,957.33)
Minger Construction Contract	(\$5,472,490.38)
Bolton & Menk Design Services Contract	(\$348,974.00)
Braun Intertec Construction Materials Testing Contract (proposed)	(\$55,426.00)
Budget under/(over)	(\$1,388,847.71)

Public Outreach/Input

N/A

Staff Recommendation

By motion, authorize the Mayor and City Manager to enter into a contract with Braun Intertec in the amount of \$55,426.00 for construction materials testing services for the Lift Station 13 - Phase 2, Improvement Project No. 23-30. In addition, authorize a 10% contingency to bring the total project budget to \$60,968.60 and authorize the City Manager or their designee to sign all change orders up to the authorized project budget amount.

Attachment List

1. 23-30 Braun Construction Materials Testing Proposal



City of Blaine

Signature Copy

Resolution:

Motion to Authorize the Mayor and City Manager to Enter into a Contract with Braun Intertec for Construction Materials Testing Services for the Lift Station 13 Force Main - Phase 2, Improvement Project No. U2330 (23-30)



City of Blaine

Signature Copy

Ordinance:

Motion to Authorize the Mayor and City Manager to Enter into a Contract with Braun Intertec for Construction Materials Testing Services for the Lift Station 13 Force Main - Phase 2, Improvement Project No. U2330 (23-30)

April 25, 2025

Proposal QTB214428

Cody Sylvester, PE
City of Blaine
10801 Town Square Drive NE
Blaine, MN 55449

Re: Proposal for Construction Materials Testing and Wet Well Coating Inspection Services
Lift Station 13 Force Main Phase 2
Improvement Project No. 23-30
Naples Street NE between 95th Avenue NE and 99th Court NE
Blaine, Minnesota

Dear Mr. Sylvester:

Braun Intertec Corporation is pleased to submit this proposal to provide construction materials testing services for the Lift Station 13 Force Main Phase 2 project in Blaine, Minnesota.

Since our inception in 1957, we have grown into one of the largest employee-owned engineering firms in the nation. With more than 1,000 employee-owners, retaining our firm gives you access to a diverse range of services and professionals you can consult with if the unforeseen occurs. The size of our company also allows us to respond quickly when schedule constraints occur.

Our Understanding of Project

We understand this project will include the reconstruction of a triplex lift station on the west side of Naples Street NE south of the intersection of Naples Street NE and 99th Court NE, and will include the installation of 20 inches force main utilities along the west side Naples Street NE from 95th Avenue NE to 99th Court NE. This project will consist of pavement subgrade preparation, improvements to the sanitary and storm sewer utilities, aggregate base placement, new concrete curb and gutter, and a new bituminous pavement to the west side of Naples Street. This project will also include a bituminous mill and overlay along the east side of Naples Street NE from 95th Avenue NE to 99th Court NE.

Available Project Information

This proposal was prepared using the following documents and information.

- Project plans prepared by Bolton & Menk, Inc., dated November 26, 2024.
- Project specifications prepared by the City of Blaine, dated November 26, 2024.
- A Geotechnical Report prepared by Haugo Geotechnical Services, dated January 19, 2024.
- Request for proposal email with anticipated materials testing schedule provided by Travis Pearl with Bolton & Menk, Inc., sent April 21, 2025.

AA/EOE

- Discussions with Travis Pearl with Bolton & Menk, Inc. regarding testing of equipment and generator pads, as well as Controlled Low Strength Material (CLSM) to be used for pipe abandonment.

Scope of Services – Construction Materials Testing

Services are performed under the direction of a licensed professional engineer. Testing services will be performed on an on-call, as-needed basis as requested and scheduled by you or your on-site project representative. After reviewing available information to determine compliance with project plans and/or specifications and other design or construction documents including the request for proposal email, our scope of services for the project will be limited to the tasks defined below.

Soil Related Services

- Measure the in-place dry density, moisture content and relative compaction of fill placed for pavement and utility support, and of utility backfill for compliance with the project documents. This task includes performing laboratory Proctor tests to provide maximum dry densities from which the relative compaction of fill can be determined, as well as the use of a nuclear density gauge to measure in-place dry densities and moisture contents.
- Sample and test aggregate base materials for compliance with the project documents. This task includes laboratory gradation testing of aggregate base material.
- Perform MnDOT dynamic cone penetrometer (DCP) tests on aggregate base material.

Concrete Related Services

- Sample and test fresh concrete associated with curb and gutter, flatwork, pipe abandonment and Lift Station components for compliance with the project documents, and cast test cylinders for laboratory compressive strength testing. We assume that we will be able to appropriately dispose of excess concrete (and associated wash water) on site at no additional cost to us.
- Measure and report the compressive strength of the concrete test cylinders for compliance with the project documents. A set of three cylinders will be tested at 28 days for curb and gutter, flatwork and pipe abandonment. A set of four standard cure cylinders, with two cylinders tested at 7 days and two cylinders tested at 28 days, and four field cure cylinders with two cylinders tested at 7 days and two cylinders tested at 28 days will be cast for Lift Station components. If additional field cure cylinders are requested, each additional cylinder will be charged at the unit price listed in our cost estimate.

Bituminous Related Services

- Sample and test bituminous pavement materials for compliance with the project documents. This task includes rice specific gravity, gyratory density, fine aggregate angularity, percent crushed, asphalt content and extracted aggregate gradation tests of the bituminous.

- Obtain cores and measure the thickness and density of the compacted bituminous pavement by the core method for compliance with the project documents. We assume the bituminous contractor will cut the cores. We also assume your onsite full time inspector will determine the random core locations, observe the cores being cut by the contractor and provide Braun Intertec Corporation Personnel the companion cores for testing.

Consulting, Project Communication and Reporting Services

- Project management, including scheduling of our field personnel.
- Review test reports and communicating with you and the parties you may designate such as the project contractor(s), and other project team members, as needed.
- Transmit test results to the project team on a weekly basis.

Basis of Scope of Work – Construction Materials Testing

The costs associated with the proposed scope of services were estimated using the following assumptions. If the construction schedule is modified or the contractor completes the various phases of the project at different frequencies or durations than shown in this proposal, we may need to adjust the overall cost accordingly. The scope of work and number of trips required to perform these services are as shown in the attached table. Notable assumptions in developing our estimate include:

- We assume it will take 21 trips to complete the nuclear density gauge testing on this project.
- We understand compaction testing on aggregate base material will be performed using the Dynamic Cone Penetration (DCP) method; a minimum of four tests will be conducted each trip with three trips assumed.
- We assume 26 sets of concrete tests will be required to complete the project.
- We assume the rebar observations before concrete placements will be completed by the project representative's construction oversight manager.
- We assume your full-time on-site construction observer will observe the test rolling for this project.
- We assume bituminous paving will be completed in six days for this project.
- We assume the project engineer of record will review and approve contractor's quality control submittals and test results.
- You, or others you may designate, will provide us with current and approved plans and specifications for the project. Modification to these plans must also be sent to us so we can review their incorporation into the work.

- We will require a minimum of 24 hours' notice for scheduling inspections for a specific time. Shorter than 24 hours' notice may impact our ability to perform the requested services, and the associated impacts will be the responsibility of others.

If the work is completed at different rates than described above, this proposal should be revised. If the pace of construction is different than described above, this proposal should be revised.

Scope of Services –Coating Inspections

Provide Independent Test laboratory services as described within the applicable Specification Sections 09-9600, Section 3.5. Inspection and Testing to include providing on-site inspections of specific application contractor activities including , but not limited to, surface cleaning and preparation, dry film thickness (DFT) examinations for compliance to the specification and manufacturer's product data sheets and application guides, perform adhesion testing (if applicable) and High Voltage Holiday Testing of coated concrete surfaces in order to ensure a pinhole-free coating for immersion service.

Basis of Scope of Work – Coating Inspections

The costs associated with the proposed scope of services were estimated using the following assumptions. If the construction schedule is modified or the contractor completes the various phases of the project at different frequencies or durations than shown in this proposal, we may need to adjust the overall cost accordingly. The scope of work and number of trips required to perform these services are as shown in the attached table. Notable assumptions in developing our estimate include:

- We assume it will take three trips to complete the surface preparation inspections on this project.
- We assume it will take three trips to complete the re-surfacer inspections on this project.
- We assume it will take three trips to complete the primer inspections on this project.
- We assume it will take three trips to complete the final visual, dft and holiday inspections on this project.

Cost and Invoicing

We will furnish the services described herein for an estimated fee in the table below.

Table 1. Estimated Fee

Service	Fee
Construction Materials Testing	\$42,451
Wet Well Coating Inspections	\$12,975
Total	\$55,426

Our estimated costs are based on industry averages for construction production. Depending on the contractor's performance, our costs may be significantly reduced or slightly higher than estimated. A tabulation showing our estimated hourly and/or unit rates associated with our proposed scope of services is also attached. The actual cost of our services will be based on the actual units or hours expended to meet the requirements of the project documents.

This cost estimate was developed with the understanding that the scope of services defined herein will be required and requested during our normal work hours of 6:00 a.m. to 4:00 p.m., Monday through Friday. Services that we are asked to provide to meet the project requirements or the contractor's construction schedule **outside** our normal business hours will be invoiced using an overtime rate factor. The factor for services provided outside our normal work hours or on Saturday will be 1.25 times the listed hourly rate for the service provided. The factor for services provided on Sunday or legal holidays will be 1.5 times the listed hourly rate for the service provided. We have not included premiums for overtime in our cost estimate; however, we recommend that allowances and contingencies be made for overtime charges. You will be billed only for services provided on a time and materials basis.

Because our services are directly controlled by the schedule and performance of others, the actual cost may vary from our estimate. It is difficult to project all of the services and the quantity of services that may be required for any project. If services are required that are not discussed above, we will provide them at the rates shown in the attached table or, if not shown, at our current Schedule of Charges. We will invoice you on a monthly basis.

General Remarks

We will be happy to meet with you to discuss our proposed scope of services further and clarify the various scope components.

We appreciate the opportunity to present this proposal to you. After reviewing this proposal, **please sign and return one copy to our office as notification of acceptance and authorization to proceed.** If anything in this proposal is not consistent with your requirements, please let us know immediately.

Braun Intertec will not release any written reports until we have received a signed agreement. Also, ordering services from Braun Intertec constitutes acceptance of the terms of this proposal including the attached General Conditions.

The proposed fee is based on the scope of services described and the assumption that our services will be authorized within 30 days and that others will not delay us beyond our proposed schedule.

We include the Braun Intertec General Conditions, which provide additional terms and are a part of our agreement.

To have questions answered or schedule a time to meet and discuss our approach to this project further, please contact Colin Keane at 612.704.2674 (ckeane@braunintertec.com) or Andrew Valerius at 952.995.2242 (avalerius@braunintertec.com).

Sincerely,

BRAUN INTERTEC CORPORATION



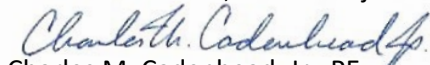
Colin M. Keane

Staff Engineer



Andrew M. Valerius

Associate Director, Senior Project Manager



Charles M. Cadenhead, Jr., PE

Vice President, Principal Engineer

Attachments:

Project Proposal – QTB214428

General Conditions (11/4/24)

c: Travis Pearl, PE, Bolton & Menk, Inc.

The proposal is accepted. We will reimburse you in accordance with this agreement, and you are authorized to proceed:

City of Blaine

Authorizer's Firm

Authorizer's Signature

Tim Sanders

Authorizer's Name

Mayor

Authorizer's Title

Date

Authorizer's Signature

Michelle Wolfe

Authorizer's Name

City Manager

Authorizer's Title

Date

Project Proposal

QTB214428

City of Blaine - Lift Station 13 Force Main Phase 2 (23-30)

Client:

City of Blaine
Cody Sylvester
10801 Town Square Dr NE
Blaine, MN 55449
(763) 784-6700

Work Site Address:

Naples St NE between 95th Ave NE and 99th Ct NE
Blaine, MN 55449

Service Description:

Construction Materials Testing
Coatings Inspections

	Description	Quantity	Units	Unit Price	Extension
Phase 1	Construction Materials Testing				
Activity 1.1	Soil Testing				\$12,577.00
207	Compaction Testing - Nuclear	52.50	Hour	98.00	\$5,145.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Utility Trench Backfill	15.00	Trips	2.50	37.50
	Subgrade Preparation	5.00	Trips	2.50	12.50
	Select Granular Borrow - Equipment/Generator Pad	1.00	Trips	2.50	2.50
1308	Nuclear moisture-density meter charge, per hour	52.50	Each	30.00	\$1,575.00
217	Compaction Testing - DCPs	9.00	Hour	98.00	\$882.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Aggregate Base	3.00	Trips	3.00	9.00
1318	Moisture Density Relationship (Proctor)	9.00	Each	208.00	\$1,872.00
1162	Sieve Analysis with 200 wash, per sample	6.00	Each	162.00	\$972.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Aggregate Base	5.00	Each	1.00	5.00
	Select Granular Borrow - Equipment/Generator Pad	1.00	Each	1.00	1.00
1530AG	Asphalt Content of Aggregate Base, per sample	2.00	Each	170.00	\$340.00
209	Sample pick-up	4.50	Hour	98.00	\$441.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Aggregate Base	3.00	Trips	1.50	4.50
1861	CMT Trip Charge	27.00	Each	50.00	\$1,350.00
Activity 1.2	Concrete Testing				\$15,714.00
261	Concrete Testing	65.00	Hour	98.00	\$6,370.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Lift Station Items	15.00	Trips	2.50	37.50
	Street Work	10.00	Trips	2.50	25.00
	CLSM - Pipe Abandonment	1.00	Trips	2.50	2.50
1364	Compressive strength of concrete cylinders, per specimen	153.00	Each	40.00	\$6,120.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Street Work	10.00	Sets	3.00	30.00
	Lift Station Items	15.00	Sets	8.00	120.00
	CLSM - Pipe Abandonment	1.00	Sets	3.00	3.00
278	Concrete Cylinder Pick up	13.00	Hour	98.00	\$1,274.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Cylinder Pick-Up	13.00	Trips	1.00	13.00
1861	CMT Trip Charge	39.00	Each	50.00	\$1,950.00
Activity 1.3	Pavement Testing				\$7,788.00
209	Sample pick-up	18.00	Hour	98.00	\$1,764.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Mixture Sample Pick-Up / Core Pick-Up	12.00	Trips	1.50	18.00

Project Proposal

QTB214428

City of Blaine - Lift Station 13 Force Main Phase 2 (23-30)

2689	MnDOT Bituminous Verification, per sample	6.00	Each	780.00	\$4,680.00
1542	Thickness and Density of Bituminous Core	12.00	Each	62.00	\$744.00
1861	CMT Trip Charge	12.00	Each	50.00	\$600.00
Activity 1.4	Project Management				\$6,372.00
226	Project Manager	24.00	Hour	180.00	\$4,320.00
138	Project Assistant	12.00	Hour	98.00	\$1,176.00
228	Senior Project Manager	3.00	Hour	210.00	\$630.00
130	Principal Engineer	1.00	Hour	246.00	\$246.00
Phase 1 Total:					\$42,451.00

Phase 2	Coating Inspections				
Activity 2.1	Coating Inspections				\$12,975.00
1607	Elcometer 270 Holiday Detector, per Day	3.00	Each	75.00	\$225.00
2210	Ultrasonic thickness gauge, per day	6.00	Each	75.00	\$450.00
1606	PosiTest AT Adhesion Tester, per Day	2.00	Each	75.00	\$150.00
1608	Adhesion tests, 20 MM, each	6.00	Each	50.00	\$300.00
627	Coatings inspections, NACE Cert.	75.00	Hour	150.00	\$11,250.00
1664	NDE Trip charge	12.00	Each	50.00	\$600.00
Phase 2 Total:					\$12,975.00

Proposal Total:	\$55,426.00
------------------------	--------------------

SECTION 1: AGREEMENT

1.1 Agreement. This agreement consists of these General Conditions and the accompanying written proposal or authorization ("Agreement"). This Agreement is the entire agreement between Consultant and Client and supersedes all prior negotiations, representations or agreements, either written or oral.

1.2 Parties to the Agreement. The parties to this Agreement are the Braun Intertec entity ("Consultant") and the client ("Client") as described in the accompanying written proposal or authorization. Consultant and Client may be individually referred to as a Party or collectively as the Parties.

SECTION 2: SCOPE OF SERVICES

2.1 Services. Consultant will provide services ("Services") in connection with the project ("Project") which are specifically described in this Agreement. Client understands and agrees that Consultant's Services are limited to those which are expressly set forth in this Agreement.

2.2 Additional Services. Any Services not specifically set forth in the Agreement constitute "Additional Services." Additional Services must be agreed upon in writing by the Parties prior to performance of the Additional Services and may entitle Consultant to additional compensation and schedule adjustments. Additional compensation will be based upon Consultant's then current rates and fees.

SECTION 3: PERFORMANCE OF SERVICES

3.1 Standard of Care. Consultant will perform its professional Services consistent with the degree of care and skill exercised by members of Consultant's profession performing under similar circumstances at the same time and in the same locality in which the professional Services are performed. CONSULTANT DISCLAIMS ALL STATUTORY, ORAL, WRITTEN, EXPRESS, AND IMPLIED WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR PERFORMANCE OF SERVICES IN A GOOD AND WORKMANLIKE MANNER.

3.2 Written Reports and Findings. Unless otherwise agreed in writing, Consultant's findings, opinions, and recommendations will be provided to Client in writing and may be delivered via electronic format. Client agrees not to rely on oral findings, opinions, or recommendations.

3.3 Observation or Sampling Locations. Locations of field observations or sampling described in Consultant's report or shown on Consultant's sketches reference Project plans or information provided by others or estimates made by Consultant's personnel. Consultant will not survey, set, or check the accuracy of those points unless Consultant accepts that duty in writing. Client agrees that such dimensions, depths, or elevations are approximations unless specifically stated otherwise in the report. Client accepts the inherent risk that samples or observations may not be representative of items not sampled or seen and further that site conditions may vary over distance or change over time.

3.4 Project Site Information. Client will provide Consultant with prior environmental, geotechnical and other reports, specifications, plans, and information to which Client has access about the Project site and which are necessary for Consultant to carry out Consultant's Services. Client agrees to provide Consultant with all plans, changes in plans, and new information as to Project site conditions until Consultant has completed its Services.

3.5 Subsurface Objects. To the extent required to carry out Consultant's Services, Client agrees to provide Consultant, in a timely manner, with information that Client has regarding buried objects at the Project site. Consultant will not be responsible for locating buried objects or utilities at the Project site unless expressly set forth in this Agreement, or expressly required by applicable law. Client agrees to hold Consultant harmless, defend, and indemnify Consultant from claims, damages, losses, penalties and expenses (including attorney fees) involving buried objects or utilities that were not properly marked or identified or of which Client had or should have had knowledge but did not timely notify Consultant or correctly identify on the plans Client or others furnished to Consultant. Consultant, from time to time, may hire a third party to locate underground objects or utilities and, unless otherwise expressly stated in this Agreement, such action shall be for the sole benefit of Consultant and in no way will alleviate Client of its responsibilities hereunder.

3.6 Hazardous Materials. Client will notify Consultant of any knowledge or suspicion of the presence of hazardous or dangerous materials present on any Project site or in any sample or material provided to Consultant. Client agrees to provide Consultant with information in Client's possession or control relating to such samples or materials. If Consultant observes or suspects the presence of contaminants not anticipated in this Agreement, Consultant may terminate Services without liability to Client or to others, and Client will compensate Consultant for fees earned and expenses incurred up to the time of termination.

3.7 Supervision of Others. Consultant shall have no obligation to supervise or direct Client's representatives, contractors, or other third parties retained by Client. Consultant has no authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Client, Client's representatives, contractors, or other third parties retained by Client.

3.8 Safety. Consultant will provide a health and safety program for its employees as well as reasonable personal protective equipment ("PPE") typical for the performance of the Services provided by this Agreement and as required by law. Consultant shall be entitled to compensation for all extraordinary PPE required by Client. Client will provide, at no cost to

Consultant, appropriate Project site safety measures which are necessary for Consultant to perform its Services at the Project location or work areas in connection with the Project. Consultant's employees are expressly authorized by Client to refuse to work under conditions that may, in an employee's sole discretion, be unsafe. Consultant shall have no authority over or be responsible for the safety precautions and programs, or for security, at the Project site (except with respect to Consultant's own Services and those of its subconsultants).

3.9 Project Site Access and Damage. Client will provide or ensure access to the site. In the performance of Services some Project site damage is normal even when due care is exercised. Consultant will use reasonable care to minimize damage to the Project site. Unless otherwise expressly stated in this Agreement, the cost of restoration for such damage has not been included in the estimated fees and will be the responsibility of the Client.

3.10 Monitoring Wells. To the extent applicable to the Services, monitoring wells are Client's property, and Client is responsible for monitoring well permitting, maintenance, and abandonment unless otherwise expressly set forth in this Agreement.

3.11 Contaminant Disclosures Required by Law. Client agrees to make all disclosures related to the discovery or release of contaminants that are required by law. In the event Client does not own the Project site, Client acknowledges that it is Client's duty to inform the owner of the Project site of the discovery or release of contaminants at the site. Client agrees to hold Consultant harmless, defend, and indemnify Consultant from claims, damages, penalties, or losses and expenses, including attorney fees, related to Client's failure to make any disclosure required by law or for failing to make the necessary disclosure to the owner of the Project site.

SECTION 4: SCHEDULE

4.1 Schedule. Consultant shall complete its obligations within a reasonable time and shall make decisions and carry out its responsibilities in a manner consistent with the Standard of Care. Specific periods of time for rendering Services or specific dates by which Services are to be completed are provided in this Agreement. If Consultant is delayed in the performance of the Services by actions, inactions, or neglect of Client or others for whom Client is responsible, by changes ordered in the Services, or by other causes beyond the control of Consultant, including force majeure events, then the time for Consultant's performance of Services shall be extended and Consultant shall receive payment for all expenses attributable to the delay in accordance with Consultant's then current rates and fees.

4.2 Scheduling On-Site Observations or Services. To the extent Consultant's Services require observations, inspections, or testing be performed at the Project site, Client understands and agrees that Client, directly or indirectly through its authorized representative, has the sole right and responsibility to determine and communicate to Consultant the scheduling of observations, inspections, and testing performed by Consultant. Accordingly, Client also acknowledges that Consultant bears no responsibility for damages that may result because Consultant did not perform such observations, inspections, or testing that Client failed to request and schedule. Client understands that the scheduling of observations, inspections, or testing will dictate the time Consultant's field personnel spend on the job site and agrees to pay for all services provided by Consultant due to Client's scheduling demands in accordance with Consultant's then current rates and fees.

SECTION 5: COST AND PAYMENT OF SERVICES

5.1 Cost Estimates. Consultant's price or fees provided for in this Agreement are an estimate and are not a fixed amount unless otherwise expressly stated in this Agreement. Consultant's estimated fees are based upon Consultant's experience, knowledge, and professional judgment as well as information available to Consultant at the time of this Agreement. Actual costs may vary and are not guaranteed or warranted.

5.2 Payment. Consultant will invoice Client on a monthly basis for Services performed. Client will pay for Services as stated in this Agreement together with costs for Additional Services or costs otherwise agreed to in writing within thirty (30) days of the invoice date. Unless otherwise stated in this Agreement or agreed to in writing, Consultant's costs for all services performed will be based upon Consultant's then current rates, fees, and charges. No retainage shall be withheld by Client. All unpaid invoices will incur an interest charge of 1.5% per month or the maximum allowed by law.

5.3 Other Payment Conditions. Consultant will require Client credit approval and Consultant may require payment of a retainer fee. Client agrees to pay all applicable taxes. Client's obligation to pay for Services under this Agreement is not contingent on Client's ability to obtain financing, governmental or regulatory agency approval, permits, final adjudication of any lawsuit, Client's successful completion of any project, receipt of payment from a third party, or any other event.

5.4 Third Party Payment. Provided Consultant has agreed in writing, Client may request Consultant to invoice and receive payment from a third party for Consultant's Services. Consultant, in its sole discretion, may also require the third party to provide written acceptance of all terms of this Agreement. Neither payment to Consultant by a third party nor a third party's written acceptance of all terms of this Agreement will alter Client's rights and responsibilities under this Agreement. Client expressly agrees that the Agreement contains sufficient consideration notwithstanding Consultant being paid by a third party.

5.5 Non-Payment. If Client does not pay for Services in full as agreed, Consultant may retain work not yet delivered to Client and Client agrees to return all Project Data (as defined in this Agreement) that may be in Client's possession or under Client's control. If Client fails to pay Consultant in accordance with this Agreement, such nonpayment shall be considered a

default and breach of this Agreement for which Consultant may terminate for cause consistent with the terms of this Agreement and without liability to Client or to others. Client will compensate Consultant for fees earned and expenses incurred up to the time of termination. Client agrees to be liable to Consultant for all costs and expenses Consultant incurs in the collection of amounts invoiced but not paid, including but not limited to attorney fees and costs.

SECTION 6: OWNERSHIP AND USE OF DATA

6.1 Ownership. All reports, notes, calculations, documents, and all other data prepared by Consultant in the performance of the Services ("Project Data") are instruments of Consultant's Services and are the property of Consultant. Consultant shall retain all common law, statutory and other reserved rights, including the copyright thereto, of Project Data.

6.2 Use of Project Data. The Project Data of this Agreement is for the exclusive purpose disclosed by Client and, unless agreed to in writing, for the exclusive use of Client. Client may not use Project Data for a purpose for which the Project Data was not prepared without the express written consent of Consultant. Consultant will not be responsible for any claims, damages, or costs arising from the unauthorized use of any Project Data provided by Consultant under this Agreement. Client agrees to hold harmless, defend and indemnify Consultant from any and all claims, damages, losses, and expenses, including attorney fees, arising out of such unauthorized use.

6.3 Samples, Field Data, and Contaminated Equipment. Samples and field data remaining after tests are conducted, as well as field and laboratory equipment that cannot be adequately cleansed of contaminants, are and continue to be the property of Client. Samples may be discarded or returned to Client, at Consultant's discretion, unless within fifteen (15) days of the report date Client gives Consultant written direction to store or transfer the samples and materials. Samples and materials will be stored at Client's expense.

6.4 Data Provided by Client. Electronic data, reports, photographs, samples, and other materials provided by Client or others may be discarded or returned to Client, at Consultant's discretion, unless within 15 days of the report date Client gives Consultant written direction to store or transfer the materials at Client's expense.

SECTION 7: INSURANCE

7.1 Insurance. Consultant shall keep and maintain the following insurance coverages:

- a. Workers' Compensation: Statutory
- b. Employer's Liability: \$1,000,000 bodily injury, each accident | \$1,000,000 bodily injury by disease, each employee | \$1,000,000 bodily injury/disease, aggregate
- c. General Liability: \$1,000,000 per occurrence | \$2,000,000 aggregate
- d. Automobile Liability: \$1,000,000 combined single limit (bodily injury and property damage)
- e. Excess Umbrella Liability: \$5,000,000 per occurrence | \$5,000,000 aggregate
- f. Professional Liability: \$2,000,000 per claim | \$2,000,000 aggregate

7.2 Waiver of Subrogation. Client and Consultant waive all claims and rights of subrogation for losses arising out of causes of loss covered by the respective insurance policies.

7.3 Certificate of Insurance. Consultant shall furnish Client with a certificate of insurance upon request.

SECTION 8: INDEMNIFICATION, CONSEQUENTIAL DAMAGES, LIABILITY LIMITS

8.1 Indemnification. Consultant's only indemnification obligation shall be to indemnify and hold harmless the Client, its officers, directors, and employees from and against those damages and costs incurred by Client or that Client is legally obligated to pay as a result of third party tort claims, including for the death or bodily injury to any person or for the destruction or damage to any property, but only to the extent proven to be directly caused by the negligent act, error, or omission of the Consultant or anyone for whom the Consultant is legally responsible. This indemnification provision is subject to the Limitation of Liability set forth in this Section 8.

8.2 Intellectual Property. Client agrees to indemnify Consultant against losses and costs arising out of claims of patent or copyright infringement as to any process or system that is specified or selected by Client or others on behalf of Client.

8.3 Mutual Waiver of Consequential Damages. NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREUNDER, NEITHER CONSULTANT NOR CLIENT SHALL BE LIABLE TO THE OTHER FOR ANY CONSEQUENTIAL, PUNITIVE, INDIRECT, INCIDENTAL OR SPECIAL DAMAGES, OR LOSS OF USE OR RENTAL, LOSS OF PROFIT, LOSS OF BUSINESS OPPORTUNITY, LOSS OF PROFIT OR REVENUE OR COST OF FINANCING, OR OTHER SUCH SIMILAR AND RELATED DAMAGE ASSERTED IN THIRD PARTY CLAIMS, OR CLAIMS BY EITHER PARTY AGAINST THE OTHER.

8.4 Limitation of Liability. TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL LIABILITY IN THE AGGREGATE OF CONSULTANT, CONSULTANT'S OFFICERS, DIRECTORS, PARTNERS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS, TO CLIENT AND ANYONE CLAIMING BY, THROUGH OR UNDER CLIENT FOR ANY CLAIMS, LOSSES, COSTS, OR DAMAGES WHATSOEVER ARISING OUT OF, RESULTING FROM OR IN ANY WAY RELATED CONSULTANT'S PERFORMANCE OF THE SERVICES OR THIS AGREEMENT, FROM ANY CAUSE OR CAUSES, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, PROFESSIONAL ERRORS AND OMISSIONS,

STRICT LIABILITY, BREACH OF CONTRACT, INDEMNIFICATION OBLIGATIONS OR BREACH OF WARRANTY, SHALL NOT EXCEED THE TOTAL COMPENSATION RECEIVED BY CONSULTANT OR \$50,000, WHICHEVER IS GREATER.

SECTION 9: MISCELLANEOUS PROVISIONS

9.1 Services Prior to Agreement. Directing Consultant to commence Services prior to execution of this Agreement constitutes Client's acceptance of this unaltered Agreement in its entirety.

9.2 Confidentiality. To the extent Consultant receives Client information identified as confidential, Consultant will not disclose that information to third parties without Client consent. Additionally, any Project Data prepared in performance of the Services will remain confidential and Consultant will not release the reports to any third parties not involved in the Project. Neither of the aforesaid confidentiality obligations shall apply to any information in the public domain, information lawfully acquired from others on a nonconfidential basis, or information that Consultant is required by law to disclose.

9.3 Relationship of the Parties. Consultant will perform Services under this Agreement as an independent contractor, and its employees will at all times be under its sole discretion and control. No provision in this Agreement shall be deemed or construed to create a joint venture, partnership, agency or other such association between the Parties.

9.4 Resource Conservation and Recovery Act. To the extent applicable to the Services, neither this Agreement nor the providing of Services will operate to make Consultant an owner, operator, generator, transporter, treater, storer, or a disposal facility within the meaning of the Resource Conservation and Recovery Act, as amended, or within the meaning of any other law governing the handling, treatment, storage, or disposal of hazardous substances. Client agrees to hold Consultant harmless, defend, and indemnify Consultant from any claims, damages, penalties or losses resulting from the storage, removal, hauling or disposal of such substances.

9.5 Services in Connection with Legal Proceedings. Client agrees to compensate Consultant in accordance with its then current fees, rates, or charges if Consultant is asked or required to respond to legal process arising out of a proceeding related to the Project and as to which Consultant is not a party.

9.6 Assignment. This Agreement may not be assigned by Consultant or Client without the prior written consent of the other Party, which consent shall not be unreasonably withheld.

9.7 Third Party Beneficiaries. Nothing in this Agreement, express or implied, is intended, or will be construed, to confer upon or give any person or entity other than Consultant and Client, and their respective permitted successors and assigns, any rights, remedies, or obligations under or by reason of this Agreement.

9.8 Termination. This Agreement may be terminated by either Party for cause upon seven (7) days written notice to the other Party. Should the other Party fail to cure and perform in accordance with the terms of this Agreement within such seven-day period, the Agreement may terminate at the sole discretion of the Party that provided the written notice. The Client may terminate this Agreement for its convenience. If Client terminates for its convenience, then Consultant shall be compensated in accordance with the terms hereof for Services performed, reimbursable costs and expenses incurred prior to the termination, and reasonable costs incurred as a result of the termination.

9.9 Force Majeure. Neither Party shall be liable for damages or deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations (other than the payment of money) results, without its fault or negligence, from any cause beyond its reasonable control, including but not limited to acts of God, acts of civil or military authority, embargoes, pandemics, epidemics, war, riots, insurrections, fires, explosions, earthquakes, floods, adverse weather conditions, strikes or lock-outs, declared states of emergency, and changes in laws, statutes, regulations, or ordinances.

9.10 Disputes, Choice of Law, Venue. In the event of a dispute and prior to exercising rights at law or under this Agreement, Consultant and Client agree to negotiate all disputes in good faith for a period of 30 days from the date of notice of such dispute. This Agreement will be governed by the laws and regulations of the state in which the Project is located and all disputes and claims shall be heard in the state or federal courts for that state. Client and Consultant each waive trial by jury.

9.11 Individual Liability. No officer or employee of Consultant, acting within the scope of employment, shall have individual liability for any acts or omissions, and Client agrees not to make a claim against any individual officers or employees of Consultant.

9.12 Severability. Should a court of law determine that any clause or section of this Agreement is invalid, all other clauses or sections shall remain in effect.

9.13 Waiver. The failure of either Party hereto to exercise or enforce any right under this Agreement shall not constitute a release or waiver of the subsequent exercise or enforcement of such right.

9.14 Entire Agreement. The terms and conditions set forth herein constitute the entire understanding of the Parties relating to the provision of Services by Consultant to Client. This Agreement may be amended only by a written instrument signed by both Parties. In the event Client issues a purchase order or other documentation to authorize Consultant's Services, any conflicting or additional terms of such documentation are expressly excluded from this Agreement.



City of Blaine Staff Report

File Number: 2025-105

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Motion

Approval of Consent Agenda: - Jason Zimmerman, Finance Director

Agenda Item # 7.4

Notifying League of Minnesota Cities Insurance Trust That Monetary Limits on Tort Liability are Not Waived

Executive Summary

The City's decision to waive or not waive the statutory tort limits must be made annually at the time of policy renewal. Historically, the City has elected not to waive the statutory tort limits.

Background

The League of Minnesota Cities Insurance Trust (LMCIT) makes it possible for cities to obtain excess coverage without waiving the statutory liability limit of \$500,000 per person, \$1,500,000 per occurrence. For cities that choose not to waive the statutory limits, the city's liability is limited by the statute to no more than \$500,000 per claimant and \$1,500,000 per occurrence for tort claims. The LMCIT's higher coverage limits would only apply to those types of claims that aren't covered by the statutory limits. Alternately, cities may choose to waive the statutory liability limits. Under this option, higher coverage limits would be available for all claims, including claims that otherwise would have been limited by the statutory liability limits.

LMCIT offers excess liability (umbrella coverage) options in the amounts of \$1 million to \$8 million. To purchase the umbrella coverage under the League Program, city councils must take action to either waive or not waive statutory limits.

Staff regularly reviews alternatives with the City Attorney, the City's risk consultant, and the City's Insurance Agent. Staff believe that the liability limits under M.S. 466.04 should not be waived. If the City does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply (as opposed to being able to recover up to the standard limit of \$2 million if the City waived the statutory limits). Also, the total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. As long as Blaine does not waive these limits as staff proposes, these statutory

tort limits would apply regardless of the City's election to purchase the optional excess liability coverage.

Additionally, this excess liability coverage would provide coverage in the following areas where statutory limits do not apply:

- Liability under the federal civil rights act. This includes Section 1983, the American's with Disabilities Act.
- Certain types of liability that the City may assume contractually, which occurs when a member agrees in contract to defend and indemnify a private party.
- Liability for actions in another state, i.e., by a city official attending a conference, or under a mutual aid agreement with a political subdivision across state borders.
- Liability for zoning action under an inverse condemnation "taking" theory.

In a case where the EDA is named a covered party on the City's insurance, the claimant might be able to get a ruling that the EDA and City are two separate political subdivisions and receive a maximum settlement for both. Claims to which the statutory municipal tort limits do not apply are not affected by this decision, nor are claims made at the Federal level where Minnesota statutory limits would not otherwise apply.

Attached is the LMCIT liability coverage waiver form, which describes the statutory claimant limits and the effect. Once approved, the completed form will be submitted to the LMCIT.

Strategic Plan Relationship

Maintaining proper insurance coverage ensures organizational health and financial sustainability.

Board/Commission Review

N/A

Financial Impact

N/A

Public Outreach/Input

N/A

Staff Recommendation

Staff recommend that the Council, by motion, not waive the statutory tort limits established by Minnesota Statute 466.04.

Attachment List

1. Liability-Coverage-Waiver-Form 2025

LIABILITY COVERAGE WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before their effective date of coverage. [Email completed form to your city's underwriter, to \[psstech@lmc.org\]\(mailto:psstech@lmc.org\), or fax to 651.281.1298.](mailto:psstech@lmc.org)

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: City of Blaine

Check one:

☒ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).

☐ The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: 5/5/25

Signature: _____

Position: _____



City of Blaine Staff Report

File Number: 2025-106

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Motion

7:00 PM - Public Hearing and Items Published for a Certain Time - Cathy Sorensen, City Clerk

Agenda Item # 8.1

Motion to Approve an Off Sale Intoxicating Liquor License for BKC Estates LLC, dba Naples Liquor Wine and Spirits, 3453 Lake Drive NE, Suite 140

Executive Summary

Council is asked to approve an off-sale intoxicating liquor license for BKC Estates LLC, dba Naples Liquor Wine and Spirits located at 3453 Lake Drive NE, Suite 140

Background

A public hearing is required prior to the approval of an off-sale intoxicating liquor license in the city. Bharat Patel and Hitesh Patel, applicants, are purchasing the current Naples Wine & Spirits and have applied for an off-sale intoxicating liquor license for BKC Estates LLC, dba Naples Liquor Wine and Spirits located at 3453 Lake Drive NE, Suite 140. The applicants have met the licensing requirements by completing all necessary forms and paying associated fees. The Blaine Police Department has completed the background investigations and found no reason to deny. The liquor license, if approved, would be valid until June 30, 2025 and eligible for renewal July 1, 2025. All required information will be submitted to the state's alcohol and gambling enforcement division upon approval of the licenses by the council. This license is contingent upon meeting all approvals and requirements.

Strategic Plan Relationship

The license approval relates to both financial sustainability and growth management priorities in the strategic plan by attracting new businesses to the city.

Board/Commission Review

N/A

Financial Impact

Liquor license fees, adopted annually by city council, provide sufficient funding for review and issuance of the licenses as well as compliance checks and any other necessary license monitoring/enforcement.

Public Outreach/Input

N/A

Staff Recommendation

Hold a public hearing to receive input regarding the off-sale intoxicating liquor license, then by motion, approve issuance of the license for BKC Estates LLC, dba Naples Liquor Wine and Spirits, contingent upon meeting all requirements.

Attachment List

None



City of Blaine

Staff Report

File Number: RES 25-67

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Resolution

7:00 PM - Public Hearing and Items Published for a Certain Time - Sheila Sellman, Assistant Community Development Director

Agenda Item # 8.2

Resolution Granting a Conditional Use Permit for a Specialized Athletic Training Facility (Fitness Center) Offering Personal Services (Chiropractor and Acupuncture) in the Light Industrial (I-1A) Zoning District at 10044 Flanders Court NE #100. RT Training (Case File No. 25-0013/ACK)

Executive Summary

The applicant is requesting a Conditional Use Permit (CUP) to open a specialized athletic training facility offering personal services (acupuncture and chiropractor) in a Light Industrial (I-1A) zoning district.

Background

City Council (Conditional Use Permit)	05/05/25
Action Deadline	06/15/25

Staff report prepared by Alex Koberoski, Zoning Technician, and Teresa Barnes, Project Engineer

Evaluation of Request

Planning Analysis

The applicant is requesting a conditional use permit for a specialized athletic training facility offering personal services (chiropractor and acupuncture). The facility will assess individuals and teams to meet their fitness needs. The facility provides a training environment that emphasizes optimizing speed and agility, and also offers strength and conditioning training. The facility is also proposing to offer chiropractic services and acupuncture. The business proposes to operate Monday-Friday from 7AM-8PM.

Zoning:

The property is zoned Light Industrial (I-1A), and has a land use designation of Light Industrial (LI).

Surrounding Zoning and Uses

The parcels to the north and east are zoned Light Industrial (I-1) and consist of repair and warehousing uses. Parcels to the south and west are zoned Light Industrial (I-1A) and include manufacturing and repair uses.

Existing Conditions

The existing multi-tenant building contains a sign manufacturing company.

Site Plan

The building is existing, and the proposed use will occupy approximately 3,900 square feet of the 14,500 square foot building.

Parking

A parking analysis has been provided for the uses occupying the building. The training facility requires 13 parking stalls at 1 parking stall for every 300 sf. A total of 30 stalls are required for the entire building to accommodate the existing and proposed use, and there are 30 stalls available on-site, therefore parking requirements are met. The proposed use is not anticipated to increase traffic volumes above what is normal for the adjacent I-1 and I-1A uses.

Landscaping

No new landscaping is proposed or required.

Tree Preservation

No trees are being removed.

Engineering Analysis

Grading/Storm Drainage

The proposed project does not include any alterations to the existing grading or storm water drainage patterns on the property.

Utilities

The proposed project will utilize the existing utilities into the building. No new connections are proposed.

Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

Wetlands/Watershed/FEMA

It is noted that the rear parking area is within the noted flood plain area; however, due to no exterior alterations being proposed, a Coon Creek Watershed District review is not required at this time.

Access/Street Design/Sidewalks/Trails

No new access point is proposed or will be granted. No additional street design, sidewalks or trails will be required.

Easements/Right-of-way/Permits

The proposed project will need to obtain all required permits, if applicable. A copy of all permits will

need to be submitted to the City prior to any site work.

Conditional Use Permit

A city exercises “quasi-judicial” authority when considering a CUP application. This means the city’s role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards.

Section 27.04 Criteria for granting conditional use permits:

The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - The use will not create an excessive burden on existing parks, schools or streets.
2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district.
 - The use is going into an existing multi-tenant building and adequate parking is being provided on site. Therefore, it is compatible with adjoining properties.
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - The use is going into an existing building. The appearance will not change.
4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
 - The intent of the Light Industrial district is to allow light industrial uses ranging from small-scale to large-scale industry and related services. Fitness centers are permitted through the CUP, provided that traffic volumes are not increased beyond what is reasonable for adjacent uses. The proposal meets the intent.
6. The use shall not be in conflict with the comprehensive plan of the City.
 - The use is not in conflict with the comprehensive plan.
7. The use will not cause traffic hazards or congestion.
 - The proposed use will not generate any additional traffic hazard or congestion.
8. The use shall have adequate utilities, access roads, drainage and necessary facilities.
 - The existing structure is served with the required utility services, adequate roadway infrastructure and necessary drainage facilities to service the proposed uses.

Attachment List:

Zoning and Location Map
Narrative
Floor Plan
Parking Plan

Not applicable.

Board/Commission Review

The public hearing is being held at the City Council meeting, therefore no review or recommendation was received from the Planning Commission. Conditional Use Permits for changes in commercial or industrial tenants not neighboring residential areas are often referred directly to the City Council to expedite the review process for the applicant.

Financial Impact

Not applicable

Public Outreach/Input

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City website.

Staff Recommendation

By motion, adopt the resolution.

Attachment List

1. Attachments



City of Blaine

Signature Copy

Resolution: RES 25-67

Resolution Granting a Conditional Use Permit for a Specialized Athletic Training Facility (Fitness Center) Offering Personal Services (Chiropractor and Acupuncture) in the Light Industrial (I-1A) Zoning District at 10044 Flanders Court NE #100. RT Training (Case File No. 25-0013/ACK)

WHEREAS, an application has been filed by RT Training LLC as Conditional Use Permit Case File No. 25-0013 for RT Training LLC; and

WHEREAS, said case involves the property described as follows:

Lot 3, Block 1, DEER RIDGE 2ND ADDITION

WHEREAS, the Blaine City Council held a public hearing on May 5, 2025, and recommended approval regarding said Conditional Use Permit; and

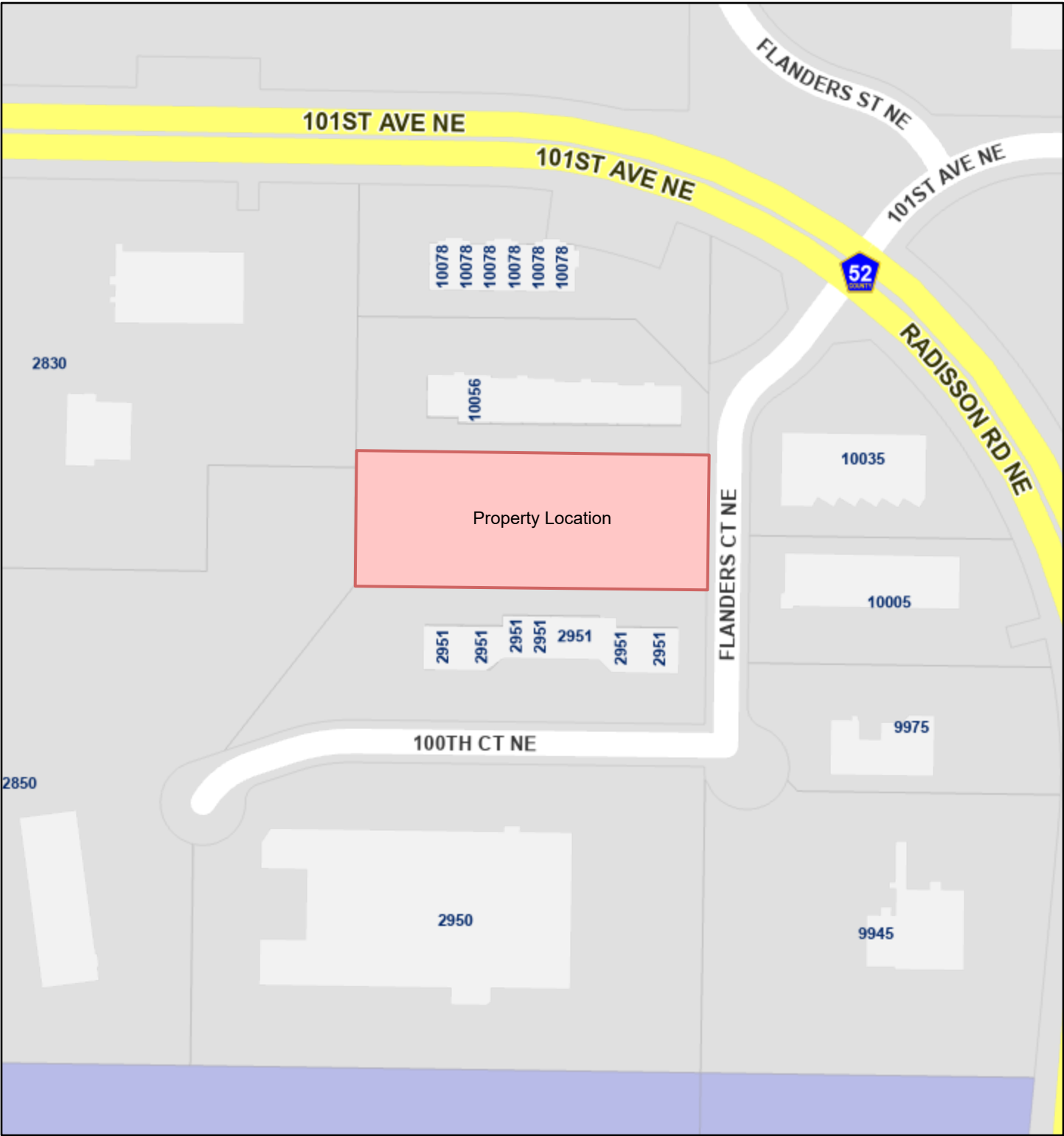
WHEREAS, the Blaine City Council has reviewed said case on May 5, 2025; and

WHEREAS, the criteria identified in Section 27.04 for granting a conditional use permit has been met.

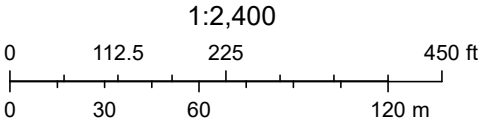
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 31.20 and 27.04 of the Zoning Ordinance to allow a specialized athletic training facility (fitness center) offering personal services (chiropractor and acupuncture) in the Light Industrial (I-1A) zoning district with the following conditions:

1. A Certificate of Occupancy permit is required prior to business operation.
2. No activity/training permitted outside the building.
3. The use shall not result in an increase in traffic volumes beyond what is reasonable for adjacent I-1 and I-1A uses.

PASSED by the City Council of the City of Blaine this 5th day of May, 2025.



4/21/2025, 4:27:42 PM



The pursuit of health and wellness within our community is more important than ever. As the city of Blaine continues to grow, so too does the need for accessible, quality fitness resources that cater to both youth and adults. We propose utilizing a warehouse facility as a personal training hub that serves this purpose effectively. This narrative will outline the justification for this choice and specify the benefits of warehouse space over traditional commercial space.

1. Addressing Community Health Needs

Blaine is home to a diverse population, with increasing concerns regarding physical activity and health-related issues. Many residents struggle to find the right resources to support their fitness goals, particularly for families looking to involve both youth and adults in healthy activities. Our proposed facility aims to bridge this gap by providing tailored training programs that promote:

- Physical Fitness: Increased access to personal training improves overall physical health among residents.
- Youth Development: Structured programs for young individuals will foster healthy habits, enhance athletic skills, and provide mentorship opportunities.

2. Advantages of Warehouse Space

A. Ample Space for Diverse Activities

One of the key advantages of a warehouse setting is the spacious, open layout and high ceilings. This flexibility allows for varied training programs, such as:

- Specialized Training Zones: Areas designed for functional training, strength conditioning, and agility drills, tailored for all ages.
- Youth Sports Training: Dedicated spaces for our soccer training program, promoting sport-specific development.
- Strength programs for the elder to help increase bone density and muscle for longevity.
- 2 office is already built out in the facility creating a great opportunity for chiropractic care and rehab offices.

In contrast, commercial spaces often come with predefined layouts that limit our ability to create adaptable environments for diverse training needs. In this current space we would not need to do any build out.

B. Cost-Efficiency

Leasing warehouse space generally offers a more cost-effective solution compared to traditional commercial space. Lower rental costs will enable us to allocate funds towards high-quality training equipment, community programs, and keeping personal training fees affordable. This financial model encourages greater participation, establishing a fitness culture that accommodates all residents, regardless of their economic situation.

C. Accessibility and Location

Warehouse facilities typically are situated in strategic locations that offer ample parking and ease of access from major roads. This geographic advantage ensures that families and individuals can visit the facility without the stress of finding parking, enhancing their overall experience and encouraging regular participation in fitness activities. Our accessibility for this location off of 35w and Raddison is key for us as we have clients traveling from all over to come to our facility.

D. Future Flexibility and Growth

The adaptable nature of warehouse spaces allows for future growth and modifications as our facility evolves. This means we can respond effectively to the changing needs of the community, introducing new programs or expanding existing ones as demand increases.

3. Enhancing Community Engagement and Health Literacy

A. A Wellness Hub

Our vision extends beyond just a training facility; we aim to create a central hub for health and wellness in Blaine. We plan to host workshops, seminars, and educational sessions focusing on nutrition, injury prevention, and overall wellness. We will have 3 fitness professionals working out of this location creating a 1 stop shop for all ages. From injury care to strength and conditioning to agility and foot skills. We are trying to create an environment that allows all ages to feel welcomed and valued.

B. Family and Youth-Centric Programming

We believe in fostering a culture of fitness that includes entire families. By offering programs designed for youth, adults, and family units, we strive to engage all age groups in physical activity, encouraging lifelong healthy habits. Activities could include family fitness challenges and educational camps, promoting participation among various demographics.

C. Partnerships with Local Organizations

Building relationships with schools, community groups, and health organizations will enhance our program offerings and ensure our services align with the community's needs. These partnerships may include collaborative events, fundraising opportunities, and cross-promotional activities that strengthen community ties and foster greater participation.

4. Promoting Inclusivity and Accessibility

A. Creating an Inclusive Environment

We are committed to ensuring that our facility remains accessible and welcoming to all members of the community, regardless of age, fitness level, or background. The spacious layout of a warehouse allows for adaptations that cater to individuals with disabilities or those seeking individualized attention.

B. Economic Accessibility

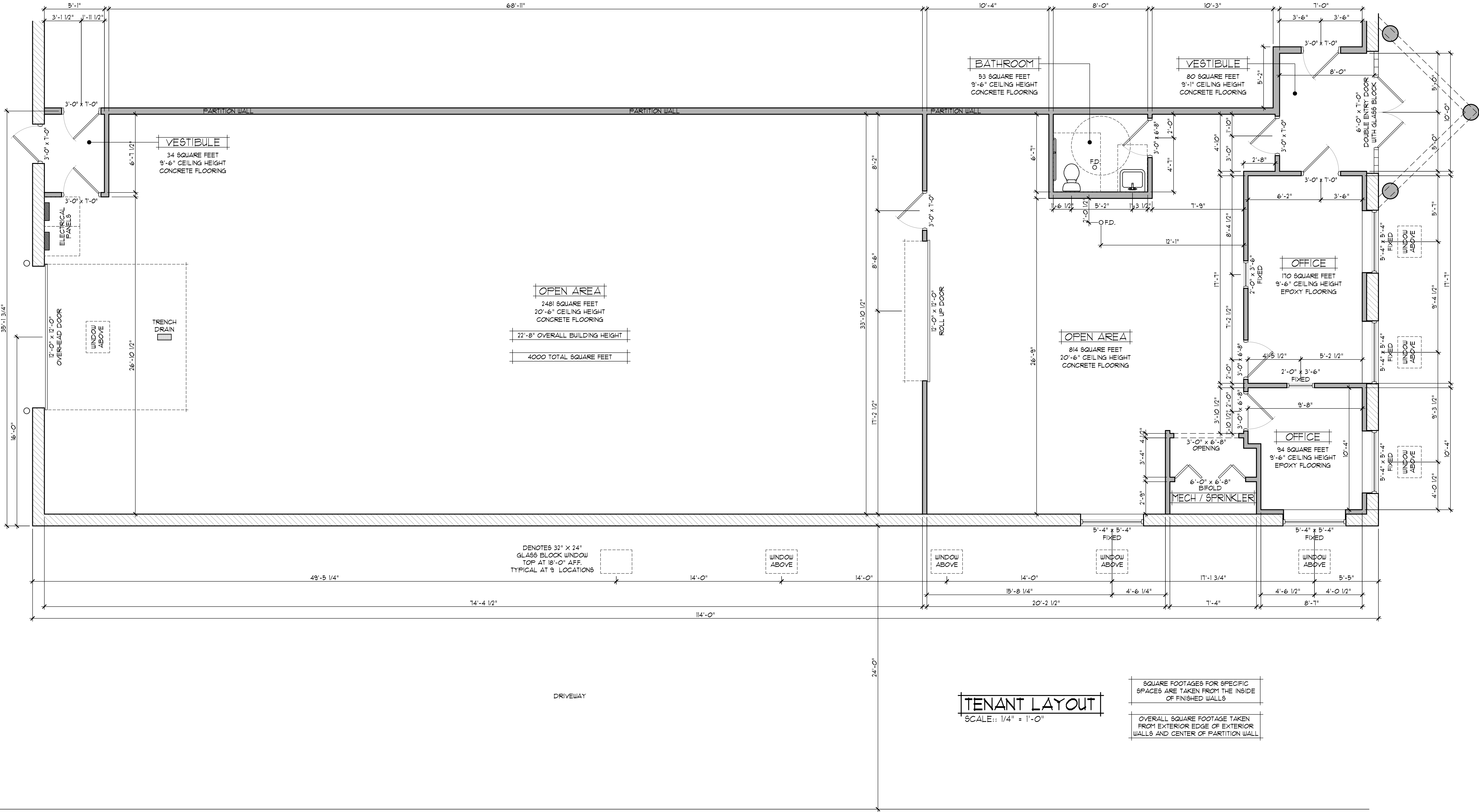
Our goal is to offer affordable service options, and the lower operational costs of warehouse space enable us to keep fees to a minimum.

Conclusion

In conclusion, utilizing a warehouse as a personal training facility for youth and adults in Blaine represents a strategic decision that aligns with the community's health needs and promotes inclusivity, engagement, and accessibility.

The distinct advantages of warehouse space—including versatility, cost-effectiveness, convenient accessibility, and potential for future growth—make it an ideal choice for establishing a thriving health and wellness center.

We request the city's support in allowing us to convert a warehouse space into this essential resource for the Blaine community. Together, we can build healthier futures, empowering residents to embrace fitness and well-being as integral parts of their lives.



TENANT LAYOUT

TENANT LAYOUT FOR
RENOVATION TRAINING
DUSTY OLSON
10044 FLANDERS COURT NORTHEAST
SUITE 300
BLAINE | MINNESOTA

DRAWING RECORD
AS-BUILT SET 03.22.2025

SHEET TITLE
LAYOUT
SHEET NUMBER
00



Total of 30 parking stalls are available on site for the 14,500 square foot building.

The applicant's suite (Renovation Training) is 3900 square feet

Fitness Centers require 1 parking space per 300 square feet

Parking spaces needed: 13 spaces

A sign manufacturing company occupies 7900 square feet of the building.

Manufacturing uses require 1 space per 500 square feet

Parking spaces needed: 16 parking spaces

The remaining 2,700 square feet of space is used for warehousing and storage

Warehouse and storage uses require 1 space per 2,000 square feet.

Parking spaces needed: 1 space.

There are 30 stalls available on site, and 30 spaces are needed, therefore parking requirements are met.



City of Blaine

Staff Report

File Number: RES 25-64

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Resolution

Development Business - Sheila Sellman, Assistant Community Development Director

Agenda Item # 9.1

Resolution Granting a Conditional Use Permit to Allow a Detached Accessory Dwelling Unit (ADU) in a Single Family Residential (R-1) Zoning District at 1684 132nd Avenue NE. Alex Pepin (Case File No. 25-0008/ACK)

Executive Summary

The applicant is requesting a Conditional Use Permit (CUP) for a detached Accessory Dwelling Unit (ADU) in an R-1 District.

Background

Planning Commission Public Hearing	04/08/25
City Council (Conditional Use Permit)	05/05/25
Action Deadline (60 Days)	05/09/25
Action Deadline (City Extended - 60 Days)	07/08/25

Staff report prepared by Alex Koberoski, Zoning Technician, and Teresa Barnes, Project Engineer

Planning Analysis

The applicant is requesting a Conditional Use Permit (CUP) for a detached Accessory Dwelling Unit (ADU), commonly known as a mother-in-law suite. An ADU is a small, separate, stand-alone dwelling located on the same property as an existing house. Detached ADU's must meet specific zoning and building standards, and require conditional use permit approval if located in an R-1, R-1A, or R-1AA zoning district.

Zoning

The property is zoned Single Family (R-1) and has a Low Density Residential (LDR) land use designation.

Surrounding Zoning and Uses

The surrounding properties are zoned R-1, and consist of single-family dwellings.

Existing Conditions

The 0.25-acre property contains a single family dwelling and attached garage, constructed in 1977.

History

May 2021 – City Council was presented with a variety of affordable housing programs at a City Council retreat. At that time, the City Council directed staff to move forward with down payment assistance, home improvement grants, expanded home improvement loans, rental property improvement loans and allowing Accessory Dwelling Units. Part of this discussion included peer cities that allowed ADUs at that time. Several additional cities have adopted ordinances since then that allow ADUs under similar circumstances to Blaine.

July 2021 – City Council Workshop to discuss the specifics of the ADU ordinance and determine standards to bring forward as part of a zoning ordinance amendment. This included the size of the ADU, number of occupants, design, and setbacks. City Council also determined that attached ADUs should be allowed as a permitted use, but detached ADUs in suburban density districts require a CUP to allow for mitigation of neighborhood concerns.

November – December 2021 – Ordinance reviewed by Planning Commission with a public hearing and adopted by the City Council.

Evaluation of Request

Site Plan

The applicant intends to use the ADU as accommodation for struggling families, and provide affordable solutions for aging parents and children. The occupancy of an ADU is limited to no more than two adults (who may be related or unrelated), and the parents or children of each, residing in the same dwelling unit and maintaining a common residence. No more than 1 person is allowed per 150 square feet. A rental license is required if the ADU is occupied by someone other than the homeowner or a member of the homeowner's family.

The ADU standards prohibit the total square footage of all accessory structures on an R-1 property to exceed 1,200 square feet. The applicant's existing attached garage measures 564 square feet, therefore the proposed ADU can be no more than 636 square feet. The applicant is proposing a two-bedroom, 616 square foot ADU, which meets this requirement.

Parking

Three total off-street parking spaces are required to accommodate the ADU and main house. An additional 8-foot wide concrete parking space is proposed on the west side of the existing driveway. This additional space must be constructed prior to issuance of a Certificate of Occupancy (C/O) for the ADU.

Setbacks

The ADU standards require a minimum 10-foot setback from the rear and side yard property lines, as well as a 15-foot setback from the principal dwelling. All of these setbacks have been met, as shown in

the submitted site plan.

Architecture

The proposed ADU will be constructed to match the house both in architecture and color, including a 4/12 roof pitch and vinyl siding.

Tree Preservation

The applicant has stated that five trees will need to be removed to accommodate space for the construction of the ADU. The applicant will be required to plant three trees that consist of either 6-foot conifers or 2.5-inch caliper deciduous trees, in accordance with Section 33.09 of the zoning code. An escrow of \$1,200 for tree replacement or a payment of \$1,200 to the City's reforestation fund will be required at time of building permit issuance. Arborvitae trees are not an acceptable replacement species.

Engineering Analysis

Grading/Storm Drainage

A Certificate of Survey shall be provided with the building permit application. This Certificate of Survey will show the proposed grading around the ADU and will be required to maintain the overall existing drainage patterns.

As-built survey will be required to verify structure elevations, custom grading requirements, and final lot grading elevations.

Water/Sanitary Sewer Services

The proposed ADU will be required to obtain utility connections from the primary structure. Utility drawings showing the location of the proposed connections will need to be provided with the building permit application.

Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

Wetlands/Watershed/FEMA

This parcel is not within any platted wetland areas nor within the FEMA floodplain zones. A watershed review is not required.

Access/Street Design/Sidewalks/Trails

The existing primary structure has access to the public road right-of-way. No additional access will be granted. No additional street design, public sidewalk or trail will be required.

A sidewalk/hard surface is required for ingress/egress from the proposed new car parking pad to the front door of the ADU.

Easements/Right-of-way/Permits

The property owner will need to obtain any and all required permits to construct the proposed ADU.

Conditional Use Permit

A city exercises "quasi-judicial" authority when considering a CUP application. This means the city's role

is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards.

Section 27.04 Criteria for granting conditional use permits:

The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - o The proposed ADU will use the same water and sewer hookups as the existing dwelling, and will not create an additional burden on existing public facilities or utilities.
2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. (Ord. No. 20-2447, 7-20-2020)
 - o The intent of the R-1 District is to allow low-density, single-family units in developing portions of the City where sanitary sewer and water services are available. The proposed ADU is consistent with the intent of the R-1 zoning district.
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - o The ADU is proposed to be constructed to match the architecture and color of the principal dwelling and meet all required setbacks. The proposed ADU will not have an adverse effect on adjacent properties.
4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
 - o The zoning code has specific standards for ADU's in the R-1 zoning district. The proposed ADU meets all of these standards, and is therefore consistent with the purposes of the zoning code and the R-1 zoning district.
6. The use shall not be in conflict with the comprehensive plan of the City.
 - o The proposed ADU is not in conflict with the comprehensive plan.
7. The use will not cause traffic hazards or congestion.
 - o The proposed ADU will not result in any additional traffic hazards or additional congestion in the area.
8. The use shall have adequate utilities, access roads, drainage and necessary facilities.
 - o The proposed ADU, once constructed, will have the required utility services, adequate roads and necessary drainage facilities to service the proposed development.

Attachment List:

Zoning and Location Map

Narrative

Site Plans

Building Plans

Strategic Plan Relationship

Not applicable.

Board/Commission Review

The Planning Commission added condition 12 and approved the CUP request by a 4-2 vote (Commissioners Gorzycki and Howard voted against).

The meeting minutes are attached for reference on the public hearing comments.

Financial Impact

Not applicable.

Public Outreach/Input

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City website.

Staff Recommendation

By motion, adopt the resolution.

Attachment List

1. Attachments
2. Public Comments
3. Unapproved PC Minutes 040825



City of Blaine

Signature Copy

Resolution: RES 25-64

Resolution Granting a Conditional Use Permit to Allow a Detached Accessory Dwelling Unit (ADU) in a Single Family Residential (R-1) Zoning District at 1684 132nd Avenue NE. Alex Pepin (Case File No. 25-0008/ACK)

WHEREAS, an application has been filed by Alex Pepin as Conditional Use Permit Case File No. 25-0008 for an accessory dwelling unit; and

WHEREAS, said case involves the property described as follows:

Carrara East Lot 7, Block 12, CARRARA EAST

WHEREAS, the Blaine Planning Commission held a public hearing on April 8, 2025; and recommended approval regarding said Conditional Use Permit; and

WHEREAS, the Blaine City Council has reviewed said case on May 5, 2025; and

WHEREAS, the criteria identified in Section 27.04 for granting a conditional use permit has been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 33.25 and 27.04 of the Zoning Ordinance to allow a detached Accessory Dwelling Unit (ADU) in a Single Family Residential (R-1) zoning district with the following conditions:

1. Occupancy of the ADU is limited to up to two adult individuals and the parents and children of each, with no more than one person per 150 square feet.
2. No home occupations involving outside customers coming to the property shall occur in the ADU.
3. The principal structure and ADU must remain on the same parcel and shall not be divided through any means, including, but not limited to, filing of a plat, a waiver of platting, or a Common Interest Community (CIC).
4. A rental license shall be obtained if someone other than the homeowner or a member of the homeowner's family occupies the ADU.
5. An escrow of \$1,200 for tree replacement or a \$1,200 payment into the City's reforestation fund is due at time of building permit application.
6. The additional parking space shown on the site plan must be constructed before a Certificate of Occupancy (C/O) is issued to the ADU.
7. A Certificate of Survey shall be provided with the building permit application. This Certificate of Survey will show the proposed grading around the ADU and will be required to maintain the overall existing drainage patterns.
8. An as-built survey is required to verify structure elevations, custom grading requirements, and final lot grading elevations.

9. A sidewalk/hard surface is required for ingress/egress from the proposed new car parking pad to the front door of the ADU.
10. The proposed ADU is required to obtain utility connections from the primary structure. Utility drawings showing the location of the proposed connections will need to be provided with the building permit application.
11. Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.
12. A 6-foot privacy fence shall be constructed along the entirety of the rear yard, and no windows are permitted on the west side of the ADU. These requirements will need to be met prior to issuance of the C/O.

PASSED by the City Council of the City of Blaine this 5th day of May, 2025.



City of Blaine



BlaineMN.gov

Case File No. 25-0008
Alex Pepin

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180



Accessory Dwelling Unit (ADU) Proposal 1684 132nd Ave NE, Blaine

An ADU is proposed in the backyard of the property located at 1684 132nd Ave NE in Blaine MN (PID 05-31-23-11-0055). The ADU will be 616 square feet and 2 bedrooms. The ADU's sewer and water will be connected to the existing home's sewer and water.

2 Maple trees and 3 pine trees will need to be cut down in order to make room for the ADU. The maple trees are shown below and 3 of the pine trees (located on the property line, planted by the former owner) are also shown below. To mitigate the loss of the trees we will either pay into the city's reforestation fund or plant 5 new 6' tall ArborVitae evergreen trees as a visual screen along the property line as shown on the site plan. The approximate location of the ADU is shown below as well, indicated by stakes with pink ribbon. It should be noted the footprint shown below is 24' x 28' so the actual footprint will be slightly smaller.

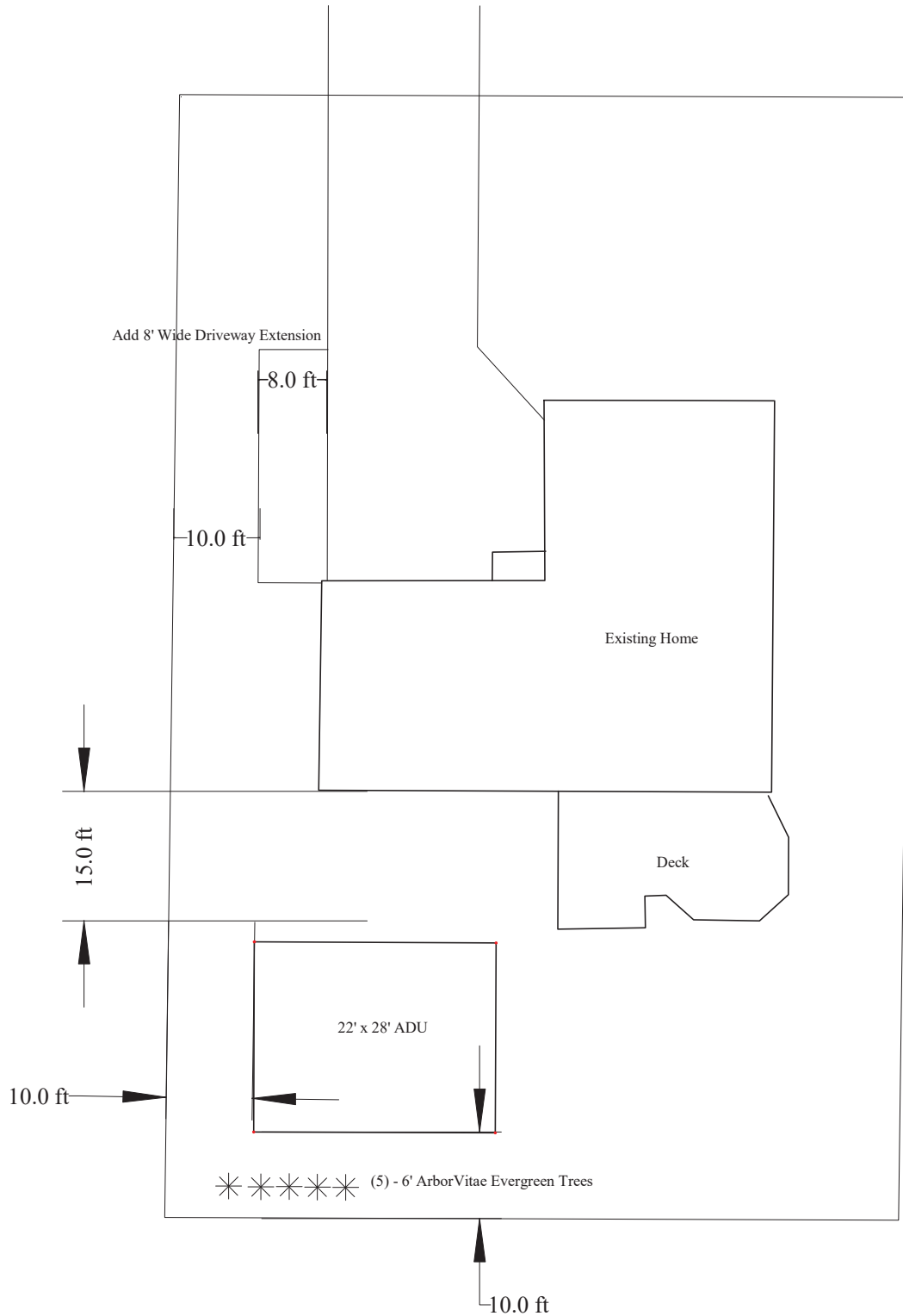
The ADU is proposed to add affordable housing to the local market as well as offer possible solutions for aging parents and children in the next 10-20 years.

It is expected that for the next 5-10 years the ADU will be used for affordable housing, both Alex and Lynda serve on the board of Ten Thirty House, a local nonprofit helping families experiencing homelessness, and they have a desire to help families in need of housing as well as offering social support if desired by being in close proximity.

In the mid term 10-20 years aging parents and children would be able to live there, again offering affordable housing and support for them both in a time of transition in their lives.

The home will be built in similar architecture and look as the existing house to ensure minimal aesthetic impacts to the area. A roof pitch of 4:12 was chosen to ensure snow/rain runoff but also not be very steep and keep the height of the structure as low as possible to ensure minimal impacts to neighbors.





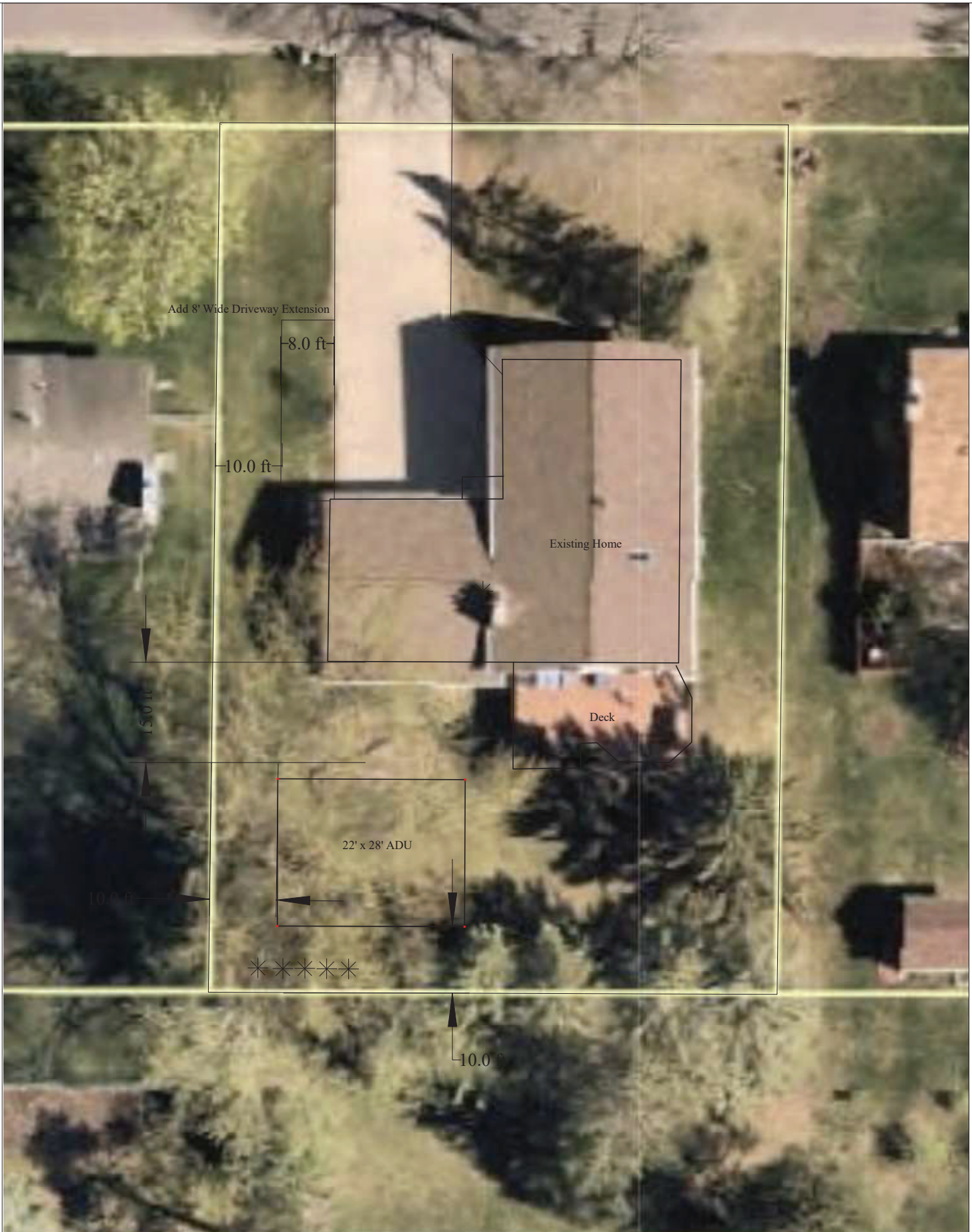
1684 132nd Ave NE
Blaine, MN 55449

Accessory Dwelling Unit Site Plan

Design By: Alex Pepin
Date: 2/14/2025
Revision: 1

50.0 ft





1684 132nd Ave NE
Blaine, MN 55449

Accessory Dwelling Unit Site Plan

Design By: Alex Pepin
Date: 2/14/2025
Revision: 1

50.0 ft

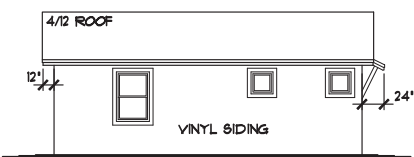


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XXXXX	XX

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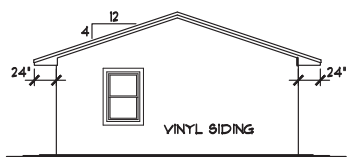
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NOTE!!!
PROVIDE STANDARD
ENERGY HEEL • ALL
ROOF TRUSSES (TYP.)

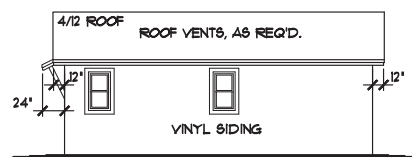


LEFT ELEVATION 1/8"=1'-0"

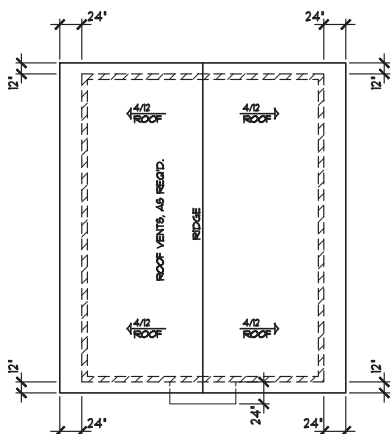
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REAR ELEVATION 1/8"=1'-0"

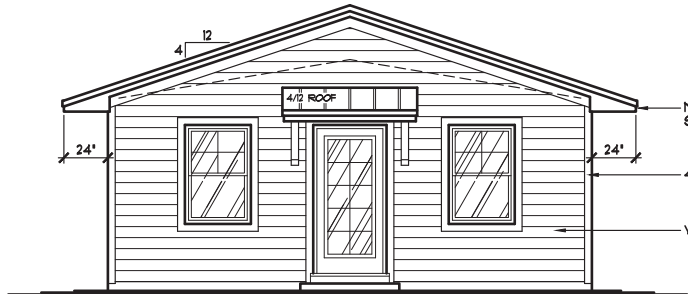


RIGHT ELEVATION 1/8"=1'-0"



BIRDS EYE ROOF PLAN 1/8"=1'-0"

NOTE!!!
PROVIDE STANDARD
ENERGY HEEL • ALL
ROOF TRUSSES (TYP.)



FRONT ELEVATION 1/4"=1'-0"
616 SQ. FT. MAIN LEVEL

LEVEL HEIGHT INFORMATION TABLE		
LEVEL	R.C.H.	TOP OF WINDOW R.O.
MAIN LEVEL	8'-1 1/8"	6'-10 1/2"

- GENERIC WINDOWS SPEC'D.
- MAINTENANCE FREE SOFFITS & FASCIA
- VINYL SIDING/CORNER TRIM (TYP.)
- 4' WINDOW/DOOR TRIM (TYP.)

NOTE!!!
EXTERIOR DOORS & GARAGE
DOORS ARE REPRESENTATION
ONLY. VERIFY EXACT STYLE OF
DOORS W/ BUILDER

THE:
PEPIN HOUSE

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• HOME PLAN SERVICE • CUSTOM HOMES • REMODELING •
• PHONE: 763.757.5997 • ANDOVER, MINNESOTA •
• WWW.CROIXDESIGN.COM •

BUILT BY:

DRAWN J.V.
CHECKED XX
DATE 02/26/2025
SCALE AS NOTED
CADD FILE # 250233

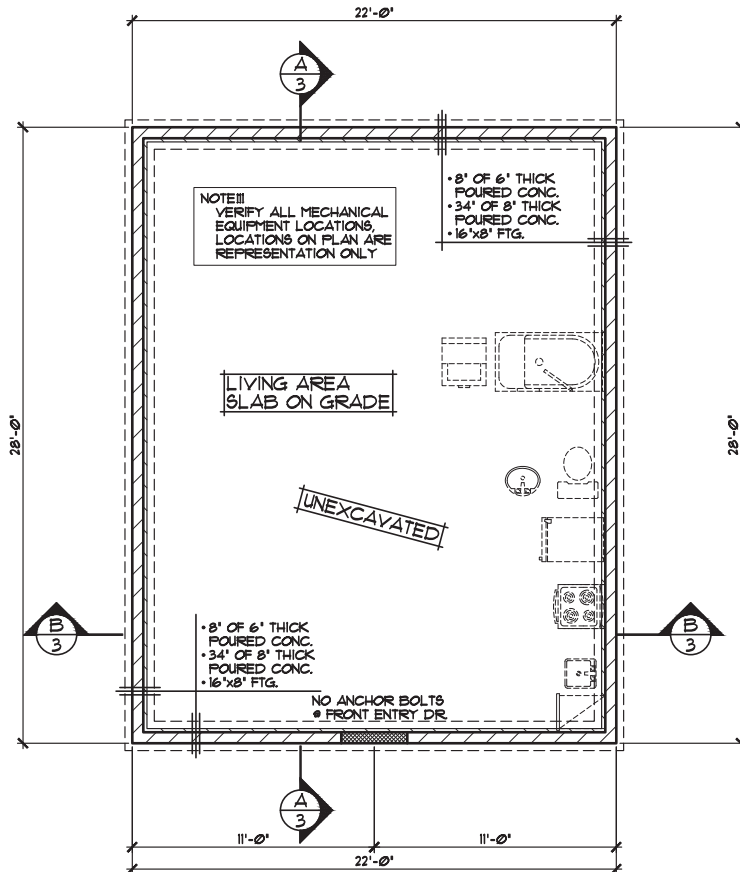
SHEET **1** OF 3

FOUNDATION CONST. NOTES

- POURED CONCRETE FOUNDATION, VERIFY ALL WALL DIMENSIONS W/ FOUNDATION CONTRACTOR
- PROVIDE 2" RIGID FOAM BOARD INSULATION • INTERIOR SIDE OF FOUNDATION WALLS
- MAIN LEVEL SLAB OF HOUSE HELD UP SO TOP OF MAIN LEVEL SLAB IS FLUSH W/ TOP OF FOUNDATION WALLS

NOTE III
VERIFY ALL MECHANICAL EQUIPMENT LOCATIONS, LOCATIONS ON PLAN ARE REPRESENTATION ONLY

NOTE III
VERIFY LOCATION OF MINI SPLITS WITH OWNER AND/OR CONTRACTOR (FIELD VERIFY)



FOUNDATION PLAN 1/4"=1'-0"
SLAB-ON-GRADE FOUNDATION

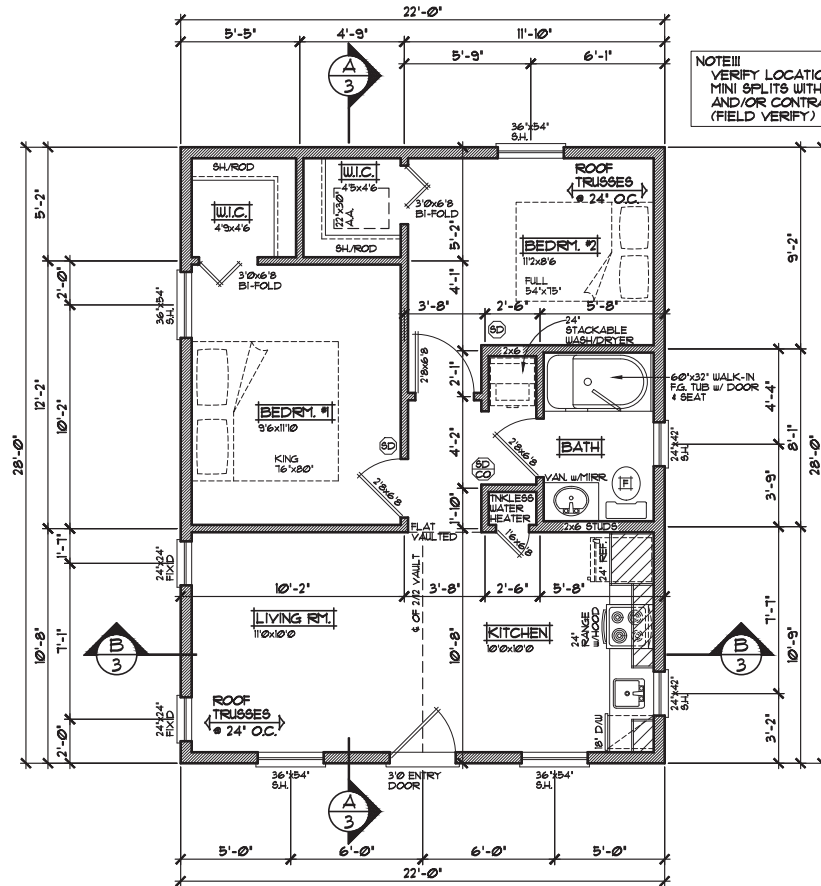
FRAMING NOTES

- 8'-1 1/8" PLATE HEIGHT • ENTIRE MAIN LEVEL (UNLESS NOTED OTHERWISE)
- ALTERNATE HEADER/BEAM SIZES & TYPES MAY BE SPECIFIED BY SUPPLIER

DOOR & WINDOW NOTES

- GENERIC WINDOWS SPECIFIED, VERIFY ROUGH OPENING SIZES FOR DOORS & WINDOWS W/ MANUFACTURER
- ALL WINDOW & DOOR OPENINGS TO HAVE (22x10) #2 GRADE HEADER OR BETTER (UNLESS NOTED OTHERWISE)
- TOP OF R.O. FOR ALL WINDOWS ON MAIN LEVEL TO BE 6'-10 1/2" FROM SUB-FLOOR (UNLESS NOTED OTHERWISE)

NOTE III
VERIFY LOCATION OF MINI SPLITS WITH OWNER AND/OR CONTRACTOR (FIELD VERIFY)



MAIN LEVEL FLOOR PLAN 1/4"=1'-0"
616 SQ.FT.

NOTE III
BEAMS/POSTS TO BE VERIFIED BY AND MAY BE CHANGED BY LUMBERYARD/SUPPLIER.

SPECIAL NOTICE:

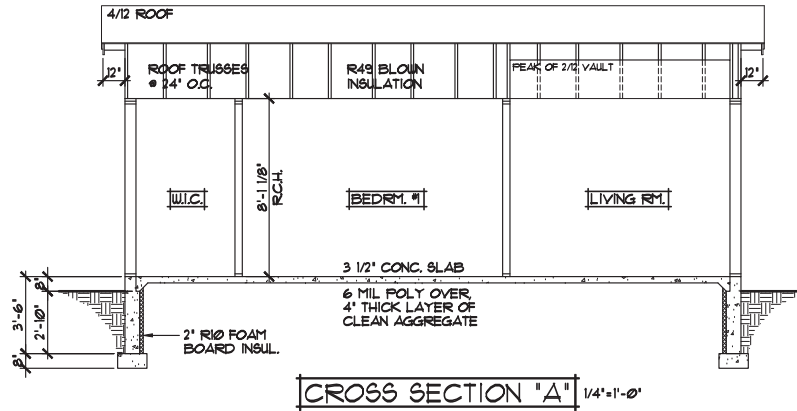
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SHEET
2
OF 3
CADD FILE #
25033

NOTE III
PROVIDE STANDARD
ENERGY HEEL @ ALL
ROOF TRUSSES (TYP.)



- ROOF CONSTRUCTION:
- PREMANUFACTURED ROOF TRUSSES - ENGINEERED BY SUPPLIER - SPACES VARY - SEE PLAN
 - R49 BLOWN FIBERGLASS INSULATION
 - 1/150 ROOF VENT AT SOFFITS, 1/150 VENT AT RIDGE
 - AIR CHUTE AT EACH TRUSS SPACE
 - 15/32" ROOF SHEATHING
 - 15" ROOFING FELT
 - ICE & WATER MEMBRANE APPLIED 24" PAST EXTERIOR WALL
 - ASPHALT SHINGLES

- SOFFIT / FASCIA:
- 2x6 SUB-FASCIA
 - MAINTENANCE FREE FASCIA COVER
 - MAINTENANCE FREE VENTED SOFFIT

- WALL CONSTRUCTION:
- HOUSE WRAP
 - 7/16" OSB SHEATHING
 - 2x6 STUDS @ 16" O.C.
 - WINDOWS PER SPEC'S
 - R-20 F.G. BATT INSULATION
 - 4 MIL POLY VAPOR BARRIER
 - 1/2" GYPSUM BOARD

- SILL CONSTRUCTION:
- 2x6 SILL PLATE & SEALER
 - 1/2" ANCHOR BOLTS @ 12" O.C.

- FOUNDATION CONSTRUCTION:
- POURED CONCRETE WALL FOUNDATION (WALL THICKNESS VARIES, SEE FOUNDATION PLAN FOR SIZES)
 - 2" (R10) RIGID FOAM BOARD INSULATION @ INTERIOR SIDE OF FOUNDATION

- SLAB CONSTRUCTION:
- 3 1/2" POURED CONCRETE FLOOR
 - 6 MIL POLY VAPOR BARRIER UNDER SLAB
 - UNIFORM LAYER OF 3/4" CLEAN AGGREGATE 4" THICK (MINIMUM)
 - SAND FILL AS REQUIRED

NOTE III
BEAMS/POSTS TO BE VERIFIED
BY AND MAY BE CHANGED BY
LUMBERYARD/SUPPLIER.

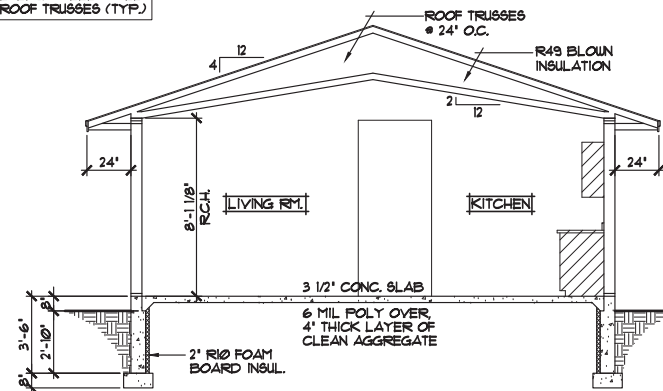
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NOTE III
PROVIDE STANDARD
ENERGY HEEL @ ALL
ROOF TRUSSES (TYP.)



24" DIA. SPACE
FOR FUTURE FAN
(PROVIDE OUTLET
& LIGHT)

3" PVC PIPE OR EQUAL
WITH 'RADON REDUCTION
SYSTEM' LABELED @ EACH
LEVEL & ACCESSIBLE ATTIC
SPACE (TYP.)

NOTE III
VERIFY PATH OF PIPE
USE THE LEAST AMOUNT
OF ELBOWS AS POSSIBLE

1" FITTING

6 MIL POLY (12" LAP)
UNDER SLAB

1/2" ROCK 4" DEEP (MIN)

NOTE III
POLYURETHANE CAULK
@ ALL FOUNDATION OPENINGS

ALTERNATE METHOD FOR PASSIVE
RADON MITIGATION SYSTEM

From: [Reggie Meyer](#)
To: [Planning](#)
Subject: Re: 25-0008 Alex Pepin - 1684 132nd Ave NE
Date: Tuesday, April 1, 2025 8:47:51 AM

Good morning,

I forgot to put my address in the last email I sent but my name is Reggie Meyer and I live in 13161 Eldorado St. NE, Blaine MN 55449.

Thank you

On Tue, Apr 1, 2025 at 8:41 AM Reggie Meyer <reggiemeyer35@gmail.com> wrote:

Good morning,

I got a letter in the mail that my neighbor wants a special use permit to build a property that will be right up against my backyard. They will be using the property for homeless and potentially recovering drug addicts.

While I think they are trying to do the right thing, this is not the right place for something like this. These properties are right off a park where children are constantly running around and I don't think having homeless people and recovering addicts in the park is a good thing for the families in this neighborhood.

This will also more than likely lower the value of our home and all those around this potential homeless shelter and we just moved here in November. We moved here with the hopes of raising a family right off this park in the near future and I don't think the park will be as safe if this is allowed to be built and we would have strongly reconsidered buying this home had we know about this sooner.

Please consider all the families and children at this park while making a decision.

Thank you,
Reggie Meyer

From: [Rhonda Brekkestran](#)
To: [Planning](#)
Subject: ADU issues regarding Pepin property
Date: Wednesday, April 2, 2025 9:29:48 AM

These are some concerns from Jeff and Rhonda Brekkestran, the east side neighbors of the Pepins, regarding the building of rental property (ADU) in the Pepin's backyard.

1. Concerned that our property will drop in value or be difficult to sell because of the ADU next door.
2. The view from our backyard and the park would change. Now instead of enjoying lawns and trees, we will be looking at a house. These lots are way too small to build rental housing in the backyards. See attachment.
3. This ADU issue has already established an estrangement between neighbors.
4. In 2024, the Pepin's rented out their house to someone from their church (as it was explained to us). Once the weather turned nice, we started spending more time in our backyard. We experienced the odors of marijuana coming from this property, which was not the end of the world, but really undesirable. The renter also started using the front yard and side yard to park/drive her vehicle. If the Pepin's do the same thing and rent out their ADU to more people, why would we expect a different outcome?
5. We have security and privacy concerns. The ADU will be facing the back of our house and it will be possible to look directly into our dining room windows and our backyard. (see attachment) One could determine when we are home/gone, what time we are sleeping/awake, etc. How we use our backyard would be affected. It's would be extremely uncomfortable knowing that random/unknown people would be living just feet from our backyard. The photos that I have attached are what we see from our dining room window.

Jeff and Rhonda Brekkestran
1700 132nd Avenue NE
Blaine, MN 55449
763-242-2513





From: [Sandy Nelson](#)
To: citycouncil@blainemn.gov; [Planning](#)
Subject: Case file #25-0008, Alex Pepin, Carrara East Park
Date: Saturday, April 5, 2025 4:25:20 PM

I am writing in regards to an out building permit for 1684 132 Ave. N. E.
I have lived on this park for o

From: [Greg Nelson](#)
To: [Planning](#)
Subject: Case file 25-0008 Alex Pepin Carrara East Park
Date: Sunday, April 6, 2025 4:57:33 PM

Hi,

I am writing in regard to case 25-0008 to put an additional housing structure behind the existing house at 1684 132nd Ave NE. This is zoned single family housing. They should not allow a second structure. Plus there isn't enough room between the Park and the existing house to fit another structure. Over half of the land behind the house is Park property and they would not have sufficient gap between the park, the new structure and the existing house. It would be a horrible eye-sore. Plus they want to put a driveway next to the existing house to drive into the back yard. This driveway would be too close to the neighbors house. No one wants cars driving along side their house into the back yard. If they want to build extra structures tell them to move to Ham Lake and buy a lot big enough for 2 houses. This proposal would just decrease the property value of everyone else who lives on the Park. I am out of town this week so I can't make the meeting, but I thought it was important to voice my concerns. I know to some it may not be a big deal since we are not as big as the new developments in town, but it is important to us. We may be smaller, but we take pride in our Park and want it to stay as is. We have lived on the Park for 47 years and we don't want it trashed. Thank you for your time.

Gregory A Nelson
On the Park
1757 131st Ave NE
Blaine, MN 55449
763-221-2178

4/15/2025

Dear City Council Members,

We have lived on the Carra East Park since 1977. At that time this area was just beginning to develop. As the years progressed children grew up, some families moved on, but some of us stayed.

Change is inevitable and seldom comfortable. However, to the delight of some & the dismay of others the neighborhood has become more ethnically & culturally diverse.

Today, we have homes that house multi-generations, foster homes, group homes & yes sober housing.

The principles the Pepins are trying to follow are biblical. I believe the proposed ADU on their property would be monitored more closely than some of the other housing already in our neighborhood. I admire their courage and commitment.

Fear of the unknown leads to anger, gossip & criticism is simply character assignation. I'm sad to see this happen to our neighbor.

Respectfully,

A handwritten signature in black ink that reads "Nancy T Johnson". The signature is written in a cursive, flowing style.

Nancy T Johnson
1743 131st Ave NE
Blaine, MN 55449

David Heron - 1670 132nd Ave
Heron

First, let us commend Alex and Linda for what they are trying to do.

Reasons why we are against the tiny home proposed by Alex Pepin

1. This is a development of private homes and was never intended to be anything else, not a low-income housing development.
2. We have lived here for 40 years and are the ones most affected by this project.
3. Why doesn't the church or your organization buy some acreage and build several homes.
4. Why don't you sell your current home and buy acreage and construct this project there?
5. This would certainly reduce our property value as we live right next door to the home being suggested.
6. This proposed home is nearly the size of our home and the lot is too small for such a project.
7. The home will block our view of the sun and sky.
8. The enlargement of the driveway is not necessary as other homes have 2,3, 4 or more cars parked on their current smaller driveways. The noise and traffic will increase.
9. We have been in the basement of your current home. There are bedrooms, a bathroom and living areas quite sufficient for a mother-in-law apartment already. In fact, the previous owner had three children of their own, and then their in-laws living in the basement for years. With a walkout on your current home, if more room is needed, why not add a room where the walkout is and add an entrance door on the new room?
10. If you approve this, and we hope you don't, we would want it to be built where there will be no windows facing our backyard and wood fences be installed around the entire property including toward the park with no entrances except through the backdoor of Pepin's garage.
11. This will destroy our enjoyment of our backyard.
12. The park out the backdoor of the proposed home is a very active park with lots of very small children. Please reconsider this.
13. We have 51 signatures of neighbors that do not want this development to proceed. Had we more time, we could have garnered more signatures against this. Due to weather and time constraints, there are houses we were not able to get to.
14. We are enclosing a map for each of you to see how many in the neighborhood are totally opposed to this project. So far, we have not encountered one neighbor that is in favor of this project.
15. Alex has said that he does not want to alienate his neighbors, however, even though he has lived here a relative short time, he has certainly alienated many of his neighbors.

132ND LN NE

DAVENPORT ST NE

1601	1615	1629	1643	1657	1671	1685	1701	1715	1729	1743	1757	1771	1785
X	X	X	X	X	X	X	X	X	X	X	X	X	X

1684 132ND AVE NE

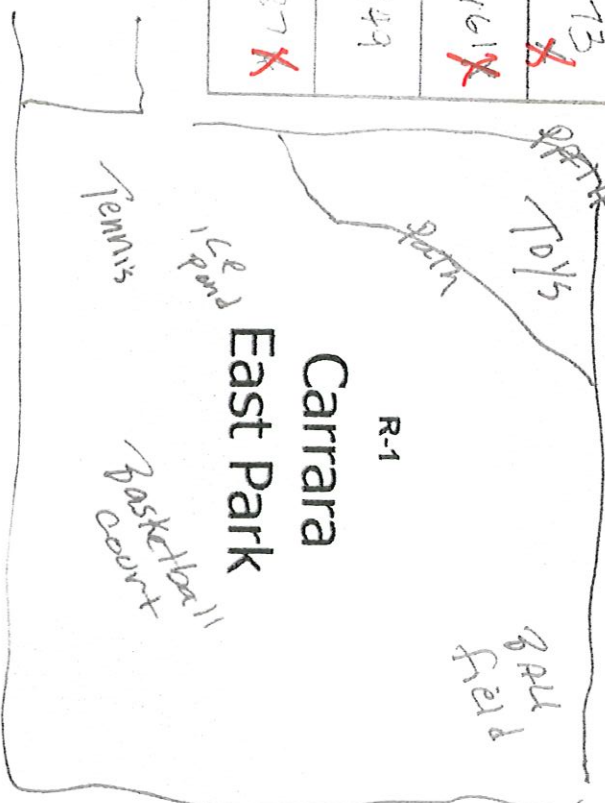
1656	1670	1705	1714	1728	1742	1756	1819b
X	X	X	X	X	X	X	X

Project Location

ELDORADO ST NE

13173	13172	13164	13161	13149	13148	13137	13136	13125	13115	13101
X	X	X	X	X	X	X	X	X	X	X

13173	13161	13149	13137	13148	13136	13124	13112	13101	1657	1677	1685	1701	1715	1729	1743	1757	18148	18136	18124	18112	18101
X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X



1685 132ND AVE NE

13212	13201	13197	13185	13173	13161	13149	13137	13125	13113	13101
X	X	X	X	X	X	X	X	X	X	X

From: [Darin Matheson](#)
To: [Planning](#)
Subject: Re: Case File No 25-0008 Alex Pepin
Date: Friday, April 25, 2025 1:29:00 AM

Hello!

Our names are Darin and Jodi Matheson. We have lived on Eldorado Street in Blaine for about 25 years and are writing in support of the above mentioned petition which requests a conditional use permit to allow for a detached Accessory Dwelling Unit to be placed in a R-1, Single Family Residential District at 1684 132nd Ave. in Blaine.

Alex and Lynda Pepin wish to use the proposed ADU in the short term to help struggling families have affordable housing as well as providing these families with a stable social support system, which so many struggling families lack. In the future, the ADU may eventually be used for their aging parents or when their children reach the age of independence. It is our understanding that the physical plans for this ADU comply with the applicable city laws.

We have known Alex, Lynda, and their children for about 3 years. They are people of integrity, are always willing to help, and are good neighbors and friends. They "walk their talk".

We have heard that some in the neighborhood have voiced concerns over the safety of having the homeless and/or recovering addicts living near their homes and the park. However, lacking resources or being in recovery from an addiction (which is a lifelong process) does not make someone unsafe. Many people already living in this neighborhood need and receive varied assistance with obtaining resources, struggle to afford housing, get support from social services, or are recovering from addictions. It's just that many residents are not aware that people in these situations are already their neighbors, who they live next to with little problem or fear.

Our youngest is a frequent visitor to the park adjacent to the Pepin's property, and we have no increased concerns for safety were this proposal to be approved.

Additionally, Alex and Lynda will be living on-site with their own children. They will be in relationship with the families who will call the ADU home, offering support, friendship, and mentoring. They will be familiar with the family's situation and the circumstances that lead to the family needing this sort of affordable housing opportunity.

As long term residents, we feel like this opportunity just fits what our neighborhood is good at...being friendly neighbors. We look forward to welcoming and befriending the new families.

Darin and Jodi Matheson
13012 Eldorado St. NE
Blaine, MN



City of Blaine

Planning Commission

April 8, 2025 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

1. Call to Order

The Blaine planning commission met in the City Hall Chambers on Tuesday, April 8, 2025. Chair Goracke called the meeting to order at 7:00PM.

4. Roll Call

Members Present: Commission Members Geiselhart, Gorzycki, Halpern, Howard, Swanson, and Chair Goracke.

Members Absent: Commission Member Olson.

Staff Present: Shawn Kaye, Planner
Elizabeth Showalter, Community Development Specialist
Alex Koberoski, Zoning Technician
Sheila Sellman, Assistant Community Development Director
Teresa Barnes, Project Engineer

6. Public Hearing

- 6.1.** 2025-143 Case File No. 25-0008 // Alex Pepin // 1684 132nd Avenue NE
The applicant is requesting a conditional use permit to allow a detached Accessory Dwelling Unit (ADU) in a Single Family Residential (R-1) zoning district.
Sponsors: Alex Koberoski, Zoning Technician

The report to the planning commission was presented by Alex Koberoski, Zoning Technician. The public hearing for Case File 25-0008 was opened at 7:12PM.

Dave Hime, 1670 132nd Avenue NE, commended Alex and Linda Pepin for what they are trying to do, but noted he has concerns with the proposed tiny house. He reported he lives in a development with private single-family homes and was not intended to be low-income housing. He stated he has lived in his home for the past 40 years and would be the most

impacted by this project. He questioned why the organization they are associated with doesn't purchase acreage, versus trying to fit this tiny home on a city lot. He suggested his neighbors sell their home, purchase acreage and build a home and tiny home. He expressed concern with how the value of his home would be reduced by having a tiny home so close to his property. He explained the proposed tiny home would block his view of the sun and the sky. He indicated the enlargement of the driveway was not necessary. He expressed concern with how the noise and traffic coming from his neighbor's property would increase. He reported his neighbor's house had six bedrooms and could accommodate a mother-in-law suite in the basement. He requested that the planning commission deny approval of the request. However, if the item were to be approved, he asked that no windows face his backyard and that a wood privacy fence be installed all the way around the property, including the park. He explained he wanted to go around the neighborhood and spoke with many of his neighbors. He stated he has not found one person that believes this tiny home is a good idea, but had 51 signatures against it.

Jeff Brekkestran, 1700 132nd Avenue NE, explained when he purchased his home 30 years ago, he appreciated not having anyone in his backyard. He commented on how the proposed tiny home would serve as a homeless shelter and noted this would be disruptive to the neighborhood.

Michele Kurak, 13196 Eldorado Street, stated she had safety concerns and feared her property value would decrease. She questioned who would be responsible for monitoring the behavior of those living in the tiny home. She inquired how many people would be in the tiny home at one time, noting the proposed unit would not be used for a mother-in-law. She asked if neighbors could band together to get the law changed back to its previous language and not allow ADU's in the R-1 zoning district. She stated she was against the proposed request.

Emma Johnson, 1615 132nd Avenue NE, explained she received a letter regarding a proposed mother-in-law suite and explained the Pepin's were proposing to use this tiny home as secondary housing for low-income individuals. She indicated the applicants would have to receive a rental license if this was their plan. She reported she lives right next to the park and there were things that happened to her. While she appreciated what the Pepin's were trying to do, she was of the opinion this was not the right place for an ADU that would house low-income individuals given its close proximity to the park.

Brad Johnson, 1615 132nd Avenue NE, stated he was opposed to the ADU request. He understood the Pepin's go on mission trips and were affiliated with the 1030 Homes. He explained he was concerned that there would be a homeless encampment in his neighborhood.

Rod Lamb, 1528 132nd Avenue NE, reported he visits the park often with his grandchildren. He discussed what follows homeless encampments. He explained he takes care of the property at his church and discussed how his church allowed an individual to complete some community service work which then led to the church garage being broken into. He stated he understood he was generalizing, and he would like to learn more about who would be living in the proposed ADU. He questioned if Blaine would be getting money from the state for the ADU. He commented on the city's zoning standards and discussed how if the city were to allow this ADU, it would be a slippery slope and future requests would also

have to be approved. He questioned how the adjacent park would be impacted if every home around the park had an ADU. While he appreciated the efforts of the Pepin's he suggested this ADU not move forward.

Dennis Elvidge, 1685 131st Avenue NE, voiced opposition to this request. He asked if the principal structure had to be owner-occupied or could the home be rented out also. He was of the opinion that this ADU would change the neighborhood and recommended the ADU not move forward.

The public hearing was closed at 7:31PM.

Chair Goracke invited the applicant forward at this time.

Alex Pepin, 1684 132nd Avenue NE, explained he plans to always live in his home while the ADU is on his property. He reported the idea of an ADU came about after he started a non-profit in 2017 to help families coming out of homelessness. He stated over the years in working with these families, he understood how difficult it was to find affordable housing, and he and his wife had considered what more they could do. He explained this led him to consider placing an ADU in his backyard given the growing need for affordable housing in the community. He indicated the ADU would only be used for families of up to four people. He stated he also had aging parents that could benefit from the ADU as could his children in the future. He commented as a Christian he believes this was something he was called to do, to help people in need. He apologized to his neighbors for how this came about noting he was simply trying to see if this was allowed and then he was going to have conversations with the neighbors. He indicated he was willing to do anything to make this work, noting he would be willing to install a privacy fence and hedges. He commented he would also be willing to have the neighbors sit in on the interviews with the future families. He reiterated that he was not trying to start a homeless shelter in his backyard, but rather wanted to help families by providing an affordable housing option that would assist them with getting out of homelessness. It was his hope that the families would remain in the ADU for a year or two in order to develop a base to move onto the next stage in life.

Chair Goracke asked how the future tenants would be vetted.

Mr. Pepin explained the families would go through an application process and background checks would be completed. He understood he would have to go through the rental license process. He stated he would be willing to involve the neighbors in the vetting process.

Chair Goracke questioned if Mr. Pepin would be willing to not have windows on the side of the ADU that faces Mr. Heim's backyard.

Mr. Pepin stated he would be willing to rotate the window to face his garage. He commented further on how he plans to live in his home indefinitely and explained he does not want problems in the park either.

Commissioner Halpern inquired how Mr. Pepin would locate families in need that would then be vetted for placement in the ADU.

Mr. Pepin explained he would work with local churches and Family Promise of Anoka County.

Commissioner Halpern stated rental property was always a concern in single-family neighborhoods and questioned how the city would monitor this rental license.

Assistant Community Development Director Sellman explained the city has a robust rental program and the city allows single-family homes to be rented. She reported the city has a rental application process and annual inspections are completed. In addition, she noted the rental licenses have to be renewed on an annual basis.

Commissioner Gorzycki commented that there appeared to be a great deal of concerns from the neighbors. He questioned if the applicant would be willing to draft a code of conduct for the potential renters/families living in the ADU.

Mr. Pepin stated he has not drafted a code of conduct but indicated he would be willing to consider this further. He explained he struggled with putting rules in place that other people do not have to abide by.

Chair Goracke suggested the lease include certain expectations for the future tenants.

Mr. Pepin indicated this was a good point and may be a good way to address this matter. He explained he would be living 17 feet away from these individuals, and he hoped this would help with good behavior. He reiterated that this ADU would be used for his parents at some point in time. He believed that it was amazing Blaine allowed ADU's on single-family lots to offer additional housing options for the community.

Commissioner Swanson questioned what would be charged for rent and who would be paying the rent.

Mr. Pepin reported the rent would be paid by the tenant and noted he would only be charging 30% of their income or up to \$1,400, which was the market rate for a two-bedroom apartment.

Chair Goracke commended Mr. Pepin for having a big heart and for working to help people in the community. He requested staff speak to the public notice requirements for the city of Blaine.

Assistant Community Development Director Sellman reported state statute requires notification for public hearings to be within 350 feet of the subject property. She explained city code has this same requirement.

Chair Goracke questioned how residents could make a zoning change request.

Assistant Community Development Director Sellman stated the current zoning code allows ADU's in the single family zoning district through a conditional use permit. She reported the only way to change something in city code would be to apply for a zoning code amendment.

Commissioner Swanson stated she was torn on this issue. She indicated there was a lot of

discussion from the neighbors that the ADU would be a burden, but on the other hand, the homeowner would have explained the ADU would be used for their own family a portion of the time. She stated it feels uncomfortable to allow homeless individuals to live on this lot.

Commissioner Gorzycki explained the conflict in the neighborhood could be due to the manner in which this request came about and because the property abuts the park. He stated the request may be putting an excessive burden on the neighbors and the park even though the applicant's intent was very noble.

Motion by Commissioner Gorzycki to recommend denial of Planning Case 25-0008, a conditional use permit to allow a detached Accessory Dwelling Unit (ADU) in a Single Family Residential (R-1) zoning district based on Section 27-04 for excessive burden on the existing park. Motion failed for lack of a second.

Commissioner Halpern stated he could support approval of the request with an additional condition that would require the applicant to install a privacy fence between the adjoining properties and that the ADU's windows be moved.

Motion by Commissioner Swanson to recommend approval of Planning Case 25-0008 based on the following conditions:

Case 25-0008:

- 1. Occupancy of the ADU is limited to up to two adult individuals and the parents and children of each, with no more than one person per 150 square feet.**
- 2. No home occupations involving outside customers coming to the property shall occur in the ADU.**
- 3. The principal structure and ADU must remain on the same parcel and shall not be divided through any means, including, but not limited to, filing of a plat, a waiver of platting, or a Common Interest Community (CIC).**
- 4. A rental license shall be obtained if someone other than the homeowner or a member of the homeowner's family occupies the ADU.**
- 5. Three trees will need to be planted on the property, in accordance with Section 33.09. An escrow of \$1,200 for tree replacement or a \$1,200 payment into the City's reforestation fund is due at time of building permit issuance.**
- 6. The additional parking space shown on the site plan must be constructed before a Certificate of Occupancy (C/O) is issued to the ADU.**
- 7. A Certificate of Survey shall be provided with the building permit application. This Certificate of Survey will show the proposed grading around the ADU and will be required to maintain the overall existing drainage patterns.**
- 8. An as-built survey will be required to verify structure elevations, custom grading requirements, and final lot grading elevations.**
- 9. A sidewalk/hard surface is required for ingress/egress from the proposed new car parking pad to the front door of the ADU.**
- 10. The proposed ADU will be required to obtain utility connections from the primary structure. Utility drawings showing the location of the proposed connections will need to be provided with the building permit application.**

- 11. Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.**
- 12. A 6-foot privacy fence shall be constructed along the entirety of the rear yard, and no windows are permitted on the west side of the ADU. These requirements will need to be met prior to issuance of the C/O.**

Motion seconded by Commissioner Halpern. The motion passed 4-2 (Commissioners Gorzycki and Howard opposed).

Chair Goracke noted this would be on the agenda of the May 5, 2025 city council meeting.



City of Blaine Staff Report

File Number: RES 25-66

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Resolution

Development Business - Sheila Sellman, Assistant Community Development Director

Agenda Item # 9.2

Resolution Granting a Conditional Use Permit Amendment to Allow a 8,522 Square-Foot Addition to an Existing Childcare Center in a Development Flex (DF) Zoning District at 12612 Central Avenue NE. The Goddard School of Blaine (Case File No. 25-0009/EES)

Executive Summary

The applicant is requesting a conditional use permit amendment to construct an addition to the existing Goddard School childcare center, which is located in a Development Flex (DF) zoning district. The setbacks and design are generally consistent with commercial zoning district standards. Staff recommends approval.

Background

Planning Commission Public Hearing	04/08/25
City Council (Conditional Use Permit)	05/05/25
Action Deadline (60 Days)	05/05/25
Action Deadline (City Extended - 60 Days)	07/04/25

Staff report prepared by Elizabeth Showalter, Community Development Specialist, and Teresa Barnes, Project Engineer

Evaluation of Request

Planning Analysis

Zoning

The property is zoned Development Flex (DF).

Surrounding Zoning and Uses

North - Emberwood Apartments, zoned DF

West - single family homes, zoned DF

South - small shopping center across Ulysses St, zoned DF
East - Highway 65

Existing Conditions

The property has an existing 10,060 square foot childcare center and associated outdoor play area.

History

The property was zoned DF in 2003 to allow for a senior apartment complex, which was never built. The Emberwood Apartments (located directly north) were initially planned to include a third phase located on the subject parcel, but the ultimate design did not include this parcel and a CUP was approved for a 10,060 childcare center in 2019 for the Goddard School under Res 19-104.

Site Plan

The applicant is proposing a 8,522 sf addition on the north side of the existing childcare center, for a total building size of 18,582 sf. The site includes several separate play areas, the footprint of which will remain unchanged.

Parking

One parking space is required for every 300 sf of floor area. The usable floor area of the building with the proposed addition, excluding utility rooms, hallways, etc., is 15,520 square feet, which requires 52 parking spaces. Fifty-three spaces are provided, which exceeds the requirement.

Setbacks

There are no prescribed setbacks in the DF zone. Staff advised the applicant to meet the following setbacks to be generally consistent with the B-2 zoning district:

- North - 20 feet (required B-2 side and rear setback when adjacent to commercial uses, although in this case the adjacent use is an apartment building)
- West - 100 feet (required B-2 setback when adjacent to residential uses)
- South and East - 50 feet (required B-2 front yard setback)

The outside play areas have the following setbacks which exceed the parking setbacks in the B-2 district, and are used for outside recreation areas at childcare centers.

- North - 13 feet (10 feet required)
- West - 50 feet (25 feet required)
- South and East - 35 feet (30 feet required)

Architecture

The proposed plans show a continuation of the design of the current building which utilizes brick, stone, glass, and fiber cement siding products. This exceeds the architectural standards for the B-2 district.

Lighting must meet code requirements and a photometric plan is required prior to building permit issuance for any new or modified lighting.

Landscaping

The applicant is proposing to remove 10 trees previously planted when the building was constructed, and plant 16 new trees to meet the landscaping requirements for:

- 13 overstory trees
- 10 conifers
- 10 ornamental
- 64 shrubs

The property is located within 750 feet of Highway 65 and would be subject to the landscaping requirements of the Highway Overlay District (HOD) if zoned as a standard commercial district. The HOD does not apply to properties with DF zoning, however, it is typical practice in the City to apply the requirements to DF properties when appropriate. Staff recommends applying the requirement that 25% of the required trees be oversized, which accounts for a total of 8 oversized trees (8-foot conifers or 3-inch overstory).

Engineering Analysis

Grading/Storm Drainage

The developer will need to submit construction contract documents that include grading, erosion protection, sediment control, development, utilities, and storm drainage plan sheets.

Utilities

Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

Wetlands/Watershed/FEMA

The developer will need to submit the project to Coon Creek Watershed District (CCWD) for review, approval and permits required prior to City plan approval and start of site work.

Access/Street Design/Sidewalks/Trails

The site has an existing access drive from Ulysses Street. No additional access will be granted. No additional street design, sidewalk or trail will be required.

Easements/Right-of-way/Permits

The developer will need to obtain any and all required permits to construct the proposed project. A copy of all permits will need to be submitted to the City prior to any site work.

Conditional Use Permit

A city exercises "quasi-judicial" authority when considering a CUP application. This means the city's role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards.

Section 27.04 Criteria for granting conditional use permits:

The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general

welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - o The use will not create an excessive burden on public facilities or utilities. The use is consistent with the zoning, land use, and expected use of the property.
2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district.
 - o The proposed addition is well-designed to be compatible with the surrounding commercial, multifamily, and single-family properties.
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - o The architecture is compatible with nearby properties and landscaping is designed to provide buffering to nearby residential properties. Sufficient setbacks are in place on the frontage road and adjacent properties.
4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
 - o The use meets the purpose of the DF district to have higher architectural standards and will be a commercial use serving the inhabitants of adjacent residential-zoned DF properties.
6. The use shall not be in conflict with the comprehensive plan of the City.
 - o The use is consistent with the 2040 Comprehensive Plan which guides the property as Community Commercial
7. The use will not cause traffic hazards or congestion.
 - o The proposed development will not result in any additional traffic hazards or additional congestion in the area.
8. The use shall have adequate utilities, access roads, drainage and necessary facilities.
 - o The proposed development, once constructed, will have the required utility services, adequate roads and necessary drainage facilities to service the proposed development.

Attachment List:

Zoning and Location Map

Landscape Plan

Civil Site Plan

Grading Plan

Floor Plan

Elevations

Resolution 19-104

Unapproved Planning Commission Minutes 4/8/25

Strategic Plan Relationship

Not applicable.

Board/Commission Review

The Planning Commission voted unanimously to approve the CUP with staff recommended conditions.

No one attended the public hearing. The meeting minutes are attached for reference.

Financial Impact

Not applicable.

Public Outreach/Input

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City website.

Staff Recommendation

By motion, adopt the resolution.

Attachment List

1. Attachments
2. Unapproved PC Minutes 040825



City of Blaine

Signature Copy

Resolution: RES 25-66

Resolution Granting a Conditional Use Permit Amendment to Allow a 8,522 Square-Foot Addition to an Existing Childcare Center in a Development Flex (DF) Zoning District at 12612 Central Avenue NE. The Goddard School of Blaine (Case File No. 25-0009/EES)

WHEREAS, an application has been filed by The Goddard School of Blaine as Conditional Use Permit Amendment Case File No. 25-0009; and

WHEREAS, said case involves the property described as follows:

LOT 37 BLOCK 2 HONEY GROVE, TOG/W THAT PRT OF SE1/4 OF SW1/4 OF SEC 5 TWP 31 RGE 23 DESC AS FOL: BEG AT A PT ON E LINE OF SD 1/4 1/4 482 FT S OF NE COR THEREOF, TH W PRLL/W N LINE OF SD 1/4 1/4 435 FT, TH S PRLL/W SD E LINE 100 FT, TH E PRLL/W SD N LINE TO SD E LINE, TH N ALG SD E LINE TO POB, EX RD, SUBJ TO EASE OF REC

WHEREAS, the Blaine Planning Commission held a public hearing on April 8, 2025, and recommended approval regarding said Conditional Use Permit Amendment; and

WHEREAS, the Blaine City Council has reviewed said case on May 5, 2025; and

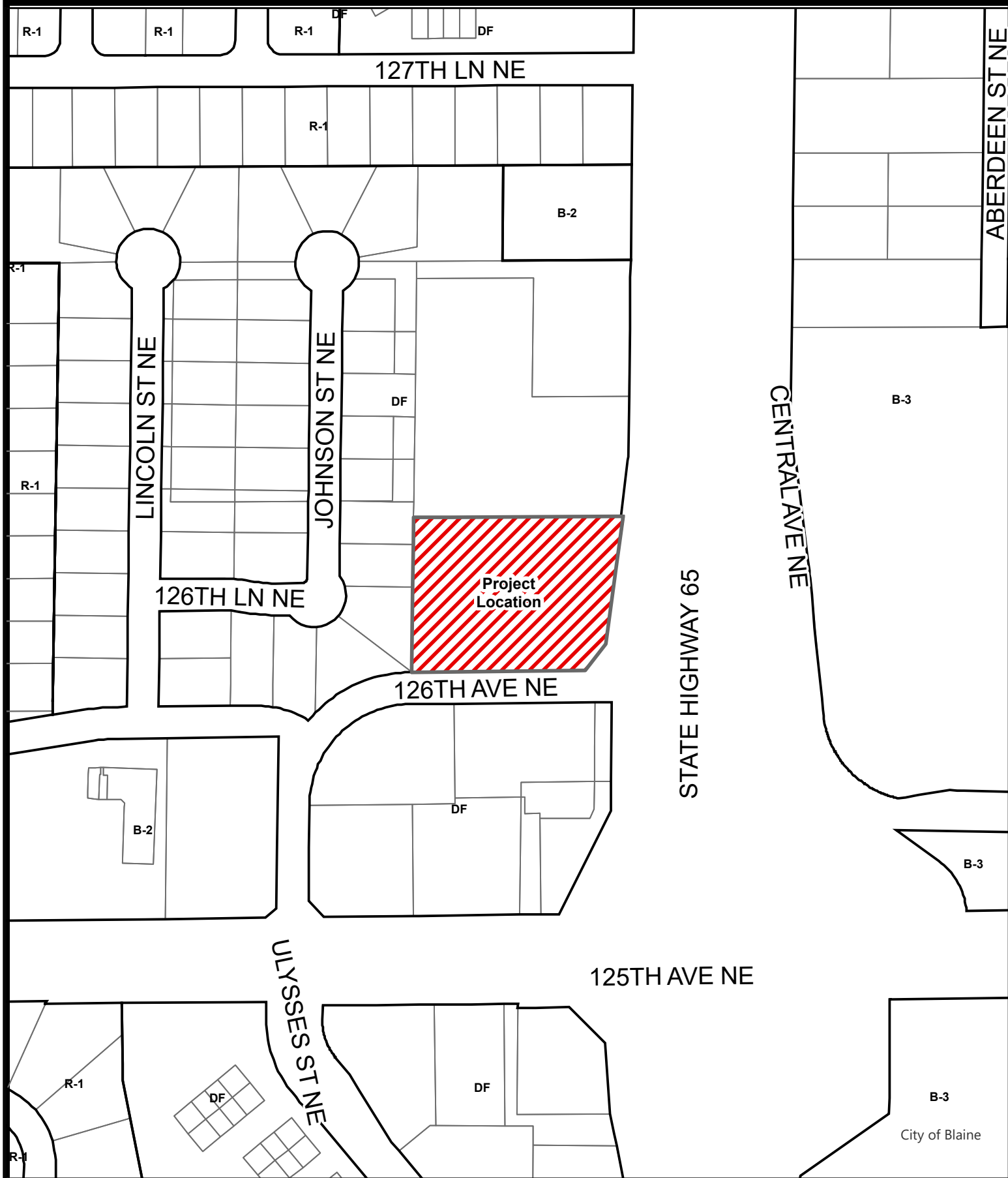
WHEREAS, the criteria identified in Section 27.04 for granting a conditional use permit amendment has been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit amendment is hereby approved per Section 29.110 and 27.04 of the Zoning Ordinance to allow a childcare center in a Development Flex (DF) zoning district with the following conditions:

1. Expansion of the childcare use is permitted, subject to performance standards listed in Chapter 33 of the Zoning Code and the following setbacks:
 - North: 20-foot building, 10-foot play area and parking
 - West: 100-foot building, 25-foot play area and parking
 - South and East: 50-foot building, 30-foot play area and parking
2. The proposed and any future building additions must be architecturally compatible with the existing building and utilize glass, brick, stone, and fiber cement siding products on each facade. Zoning administrator may approve alternative facade designs that utilize equivalent or higher quality materials.
3. Landscaping plan must conform with the landscaping quantities listed in 33.07 with at least 25% of the trees oversized. Overstory trees must be 3 caliper inches to be considered oversized and conifers must be 8 feet tall to be considered oversized. Based on the plans submitted, 8 trees must be oversized.
4. This resolution rescinds and replaces Res 19-104.

5. Provide a copy of the issued Coon Creek Watershed District Permit.

PASSED by the City Council of the City of Blaine this 5th day of May, 2025.

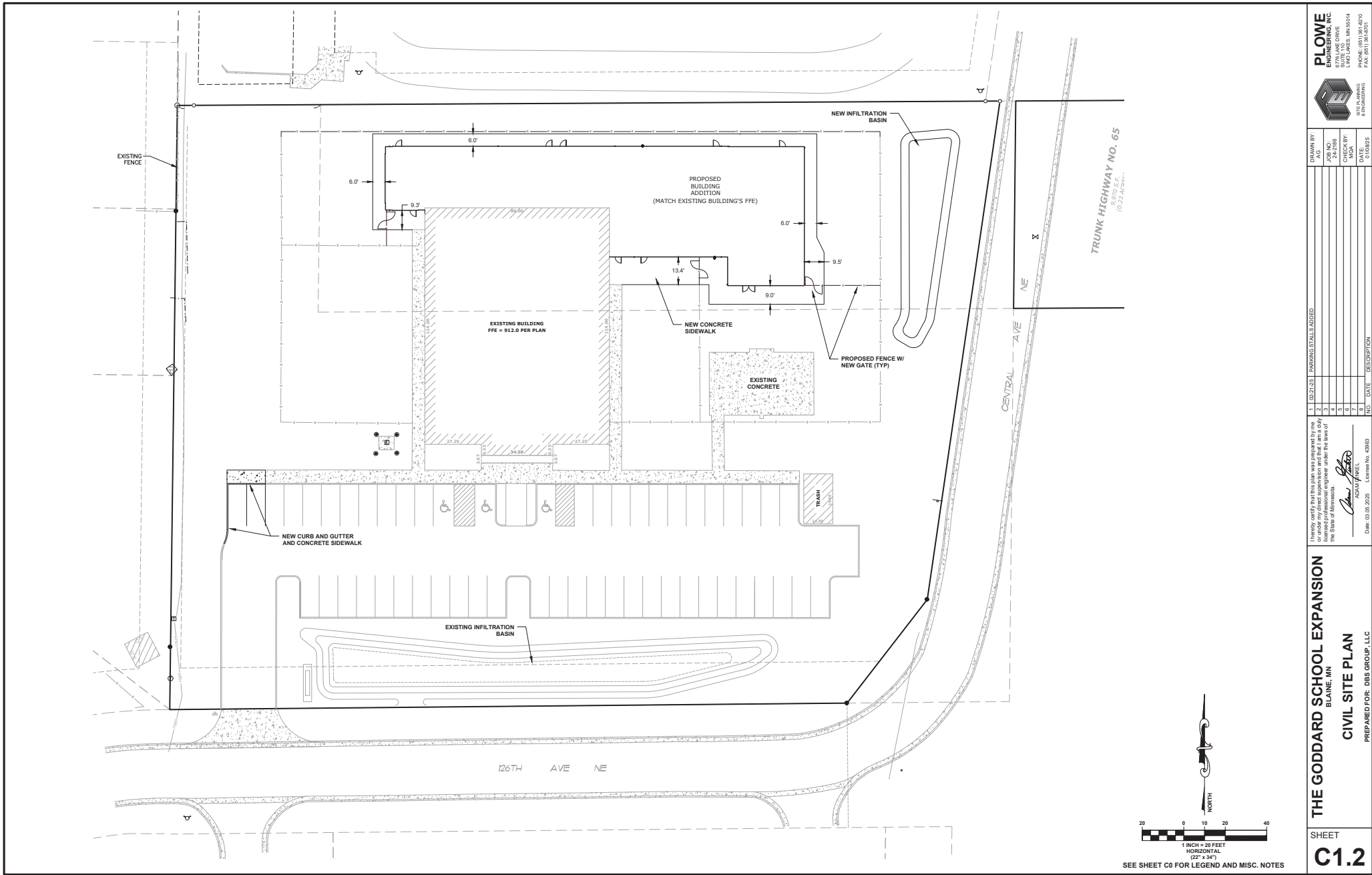


BlaineMN.gov

Case File No. 25-0009 The Goddard School of Blaine

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180





S:\(PLOWE\CAD\24186\2186 GODDARD EXPANSION (BLAINE))\2186 CAD\2186 BASE 2.DWG
Wednesday, March 3, 2025 3:26:21 PM

PLOWE ENGINEERING
6776 LANE DRIVE
LINO LAKES, MN 55014
PHONE: (651) 941-4210
FAX: (651) 941-9017

NO.	DATE	DESCRIPTION
1	02-21-25	PARKING STALLS ADDED
2		
3		
4		
5		
6		
7		

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

Adam J. Havel
ADAM J. HAVEL
Date: 03.05.2025 License No. 40963

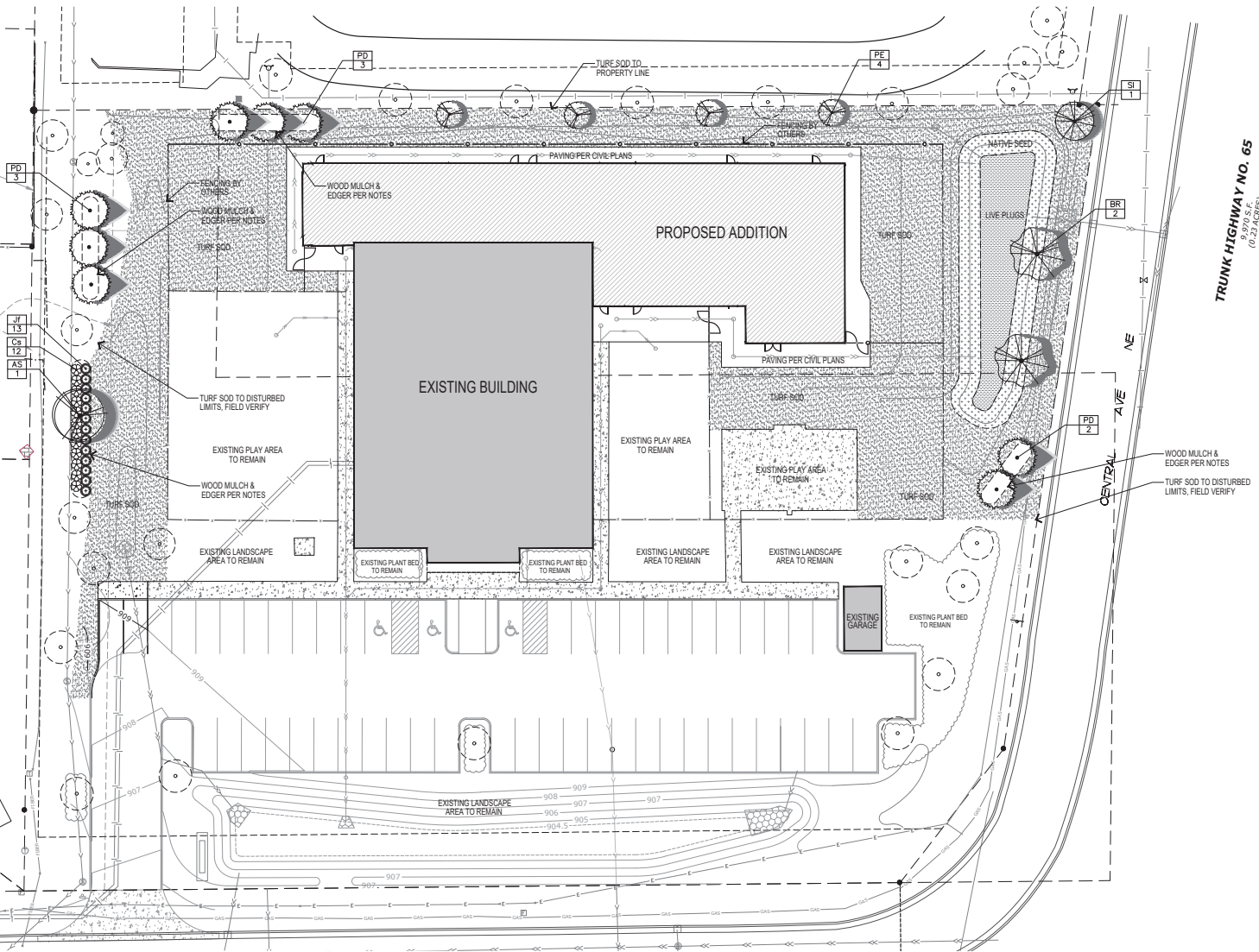
THE GODDARD SCHOOL EXPANSION
BLAINE, MN
CIVIL SITE PLAN
PREPARED FOR: DBS GROUP, LLC

SHEET
C1.2

24-2186

General Notes:

1. See Civil Engineer's plans for grading layout and requirements.
2. Contractor to coordinate all work in the city right-of-way with City of Blaine Public Works Department.
3. Sod all disturbed areas except plant beds and mulch beds.
4. Install tree mulch ring on new trees planted in turf areas.
5. Refer to Sheet L1.2 for Plant Schedules, Notes, and Details.
6. All existing utilities must be field verified and located.



Landscape Materials Legend:

- Proposed Turf Sod
- Live Plugs Per Schedule
- Native Seed Per Schedule

Landscape Requirements:
 Total Building Footprint: approx. 19,070 sq ft
 Site Perimeter: 1320 LF

2 5" Overstory Deciduous Shade Trees
 Whichever is greater:
 (1) Overstory Deciduous Shade Tree per 2,000 sq ft of building footprint
 Calculation: 19,070 / 2,000 = 10
 -or-
 (1) Overstory Deciduous Shade Tree per 100 LF of site perimeter
 Calculation: 1320 / 100 = 13

Existing Overstory Deciduous Trees to Remain as Credit: 6
New Overstory Deciduous Trees Required: 7

6" Coniferous Trees
 Whichever is greater:
 (1) Coniferous Tree per 2,000 sq ft of building footprint
 Calculation: 19,070 / 2,000 = 10
 -or-
 (1) Coniferous Tree per 200 LF of site perimeter
 Calculation: 1320 / 200 = 7

Existing Coniferous Trees to Remain as Credit: 2
New Coniferous Trees Required: 8

2" Ornamental Trees
 Whichever is greater:
 (1) Ornamental Tree per 2,000 sq ft of building footprint
 Calculation: 19,070 / 2,000 = 10
 -or-
 (1) Ornamental Tree per 200 LF of site perimeter
 Calculation: 1320 / 200 = 7

Existing Ornamental Trees to Remain as Credit: 9
New Ornamental Trees Required: 1

Understory Shrubs
 Whichever is greater:
 (1) Understory Shrub per 300 sq ft of building footprint
 Calculation: 19,070 / 300 = 64
 -or-
 (1) Understory Shrub per 30 LF of site perimeter
 Calculation: 1320 / 30 = 44

Existing Shrubs to Remain as Credit: 39
New Shrubs Required: 25

Know what's below.
Call before you dig.

0 20' 40'

SCALE: 1" = 20'-0"

NORTH

LANDSCAPE PLAN

PLAN DATE:	DESIGN BY:
03/05/2025	H.L.
CHECKED BY:	PROJ. NO.
B.H.	24-134

DATE	REVISION DESCRIPTION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Landscape Architect under the laws of the State of MINNESOTA.

BENJAMIN D. HARTBERG, P.L.A.
 DATE: XXXX/XXXX/XXXX LIC. NO. 46984

THE GODDARD SCHOOL EXPANSION
 BLAINE, MINNESOTA
 PRELIMINARY LANDSCAPE PLAN

PREPARED FOR:
 GOLDRIDGE GROUP LLP

PLOWE ENGINEERING, INC.
 6776 LAKE DRIVE
 SUITE 110
 LIND LAKES, MN 55014
 PHONE: (651) 361-8210
 FAX: (651) 361-8701

CALYX DESIGN GROUP
 Landscape Architecture
 Sustainable Design
 Planning
 475 Cleveland Avenue N.
 Suite 101A
 Minneapolis, MN 55412
 Telephone: (612) 788-8018

L1.1

3/27/2025 10:13:34 AM



200 French Road
Onalaska, Wisconsin, 54650
608-881-6007
www.DBSG.com

3425 40th Avenue NW, Suite 100
Rochester, MN, 55901
507-396-4050

THIS PLAN INCLUDING THE DESIGN AND
CONCEPT, IS THE PROPERTY OF DBS
GROUP AND IS PROTECTED UNDER
COPYRIGHT LAW. UNAUTHORIZED USE
OR DUPLICATION IS STRICTLY PROHIBITED.

COPYRIGHT 2020/4

The Goddard School of Blaine Expansion
12612 Central Ave NE, Blaine, MN 55434

FLOOR PLAN

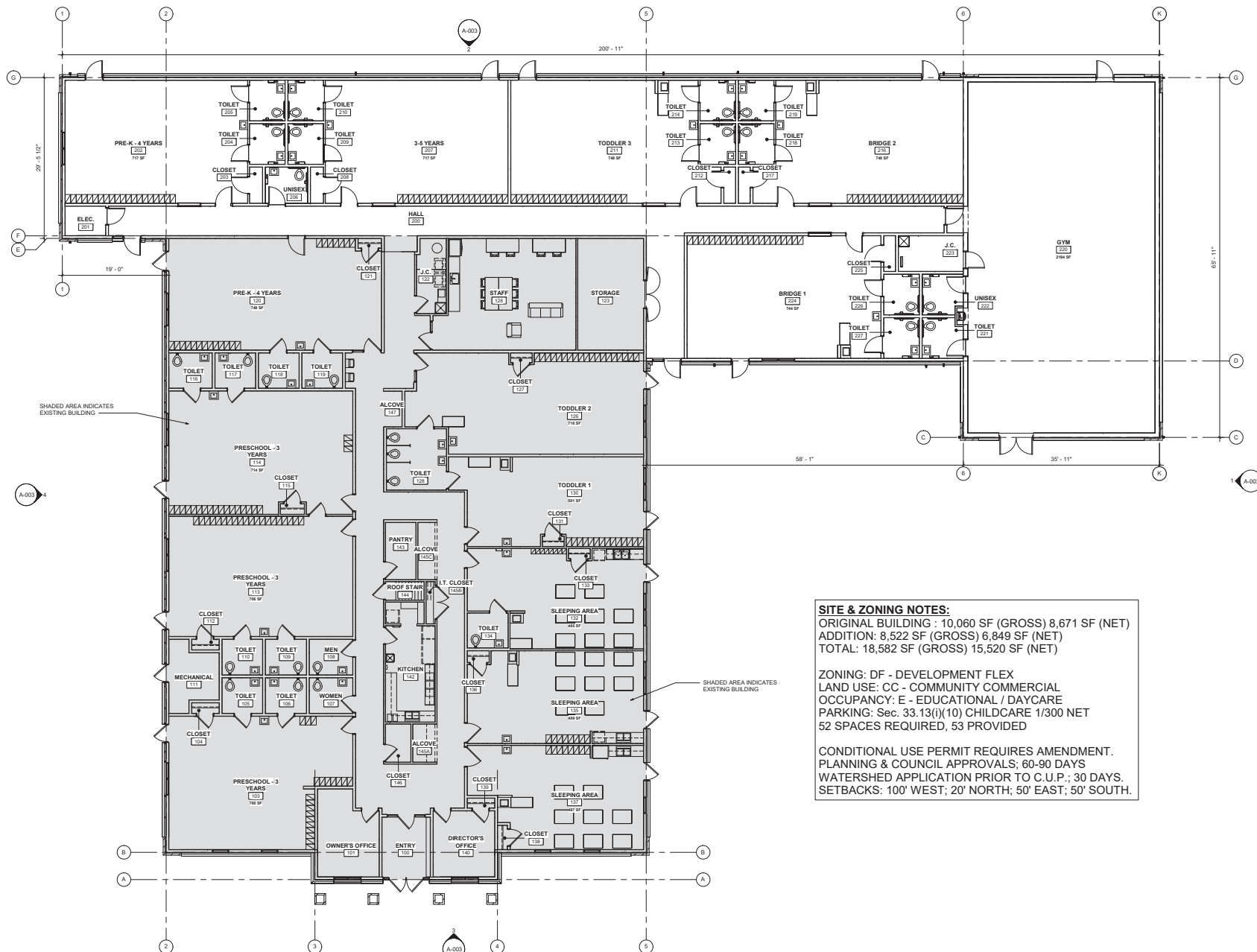
#	DATE	DESCRIPTION

DRAWN BY: PROJECT #
C.J.N. 24016
SHEET #

A-001

Preliminary

PROJECT ISSUE DATE: 03/06/2025

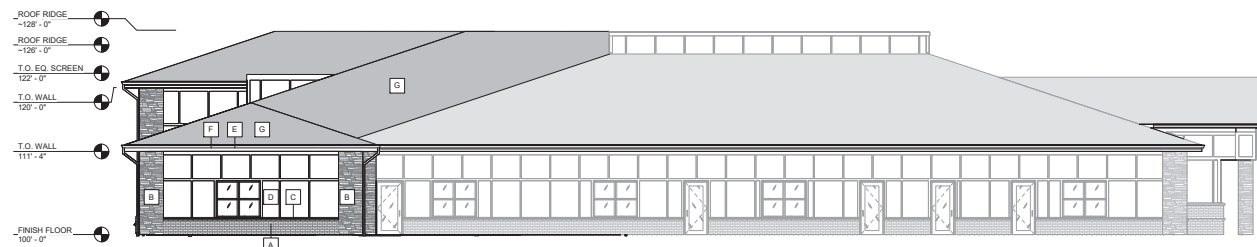
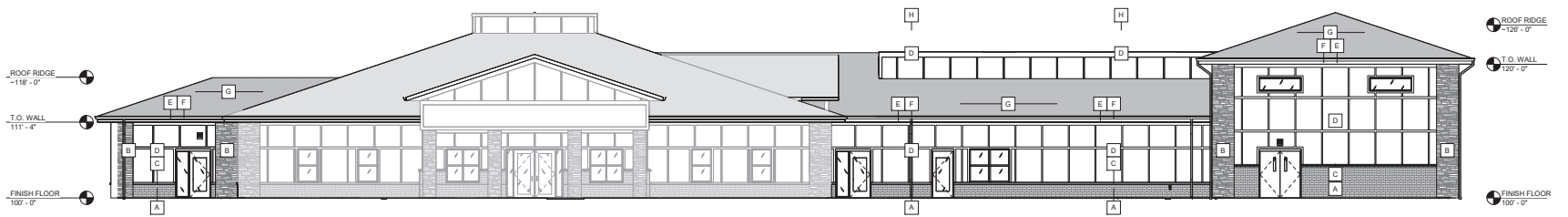
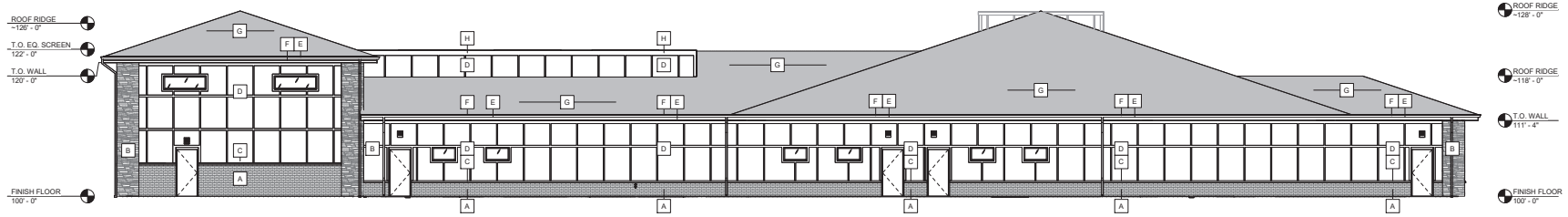


SITE & ZONING NOTES:
ORIGINAL BUILDING : 10,060 SF (GROSS) 8,671 SF (NET)
ADDITION: 8,522 SF (GROSS) 6,849 SF (NET)
TOTAL: 18,582 SF (GROSS) 15,520 SF (NET)

ZONING: DF - DEVELOPMENT FLEX
LAND USE: CC - COMMUNITY COMMERCIAL
OCCUPANCY: E - EDUCATIONAL / DAYCARE
PARKING: Sec. 33.13(i)(10) CHILDCARE 1/300 NET
52 SPACES REQUIRED, 53 PROVIDED

CONDITIONAL USE PERMIT REQUIRES AMENDMENT.
PLANNING & COUNCIL APPROVALS; 60-90 DAYS
WATERSHED APPLICATION PRIOR TO C.U.P.; 30 DAYS.
SETBACKS: 100' WEST; 20' NORTH; 50' EAST; 50' SOUTH.

1 DIMENSIONED 1ST FLOOR PLAN
A-002 1/8" = 1'-0"



LEGEND - EXTERIOR FINISHES		
CODE	MATERIAL	MANUFACTURER AND COLOR
A	FACE BRICK	MATCH EXIST.
B	CAST STONE	MATCH EXIST.
C	PRECAST SILL	MATCH EXIST.
D	FIBER CEMENT BOARD & BATTEN	MATCH EXIST.
E	PRE-FINISHED ALUM FASCIA	MATCH EXIST.
F	PRE-FINISHED GUTTERS	MATCH EXIST.
G	ASPHALT SHINGLES	MATCH EXIST.
H	PRE-FINISHES PARAPET CAP	MATCH EXIST.



City of Blaine
Anoka County, Minnesota
Signature Copy

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Resolution: RES 19-104

File Number: RES 19-104

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR
THE CONSTRUCTION OF A 10,060 SQUARE FOOT DAY
CARE/EARLY EDUCATION CENTER IN A DF
(DEVELOPMENT FLEX) ZONING DISTRICT LOCATED AT
12612 CENTRAL AVENUE NE. THE GODDARD SCHOOL
(TWIN CITIES BROTHERS, LLC). (CASE FILE NO. 19-0025)**

WHEREAS, an application has been filed by Twin Cities Brothers, LLC as Conditional Use Permit Case File No. 19-0025; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on June 11, 2019; and

WHEREAS, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

WHEREAS, the Blaine City Council has reviewed said case July 8, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 29.80 of the Zoning Ordinance to allow for the construction of a 10,060 square foot day care/early education center in a DF (Development Flex) zoning district based on the following conditions:

1. Site plan approval will be required for this development and this process will include the submittal of a Site Improvement Performance Agreement and the associated financial guarantee.
2. All plans that are submitted for site plan approval must be consistent with the plans submitted with the application for the conditional use permit.
3. Staff will monitor the parking situation on site and if the extra proof of parking stalls are needed, the applicant will be required to construct those stalls.
4. The landscaping and building elevations must meet the requirements of the Highway 65 Overlay District standards. Landscaping must be

designed to maintain the proper stopping sight distance for vehicles travelling on 126th Avenue/Central Avenue.

5. A Coon Creek Watershed District permit is required prior to issuance of a building permit. Applicant shall utilize an existing water main stub on 126th Avenue just west of the site.
6. The site is made up of two separate parcels, one of which is platted and the other is a metes and bounds description. The two parcels will need to be combined into one tax parcel through a lot combination process at Anoka County Recorder's Office.
7. The smaller un-platted parcel is .73 acres in size and has not paid park dedication. The 2019 commercial rate is \$8,704 per acre or a payment in this case of \$6,353. This payment would be due at time of building permit.
8. All signage will be issued under separate permits. No signage will be allowed on the west side of the building facing the residential development.
9. All lighting on site must be downlit and shielded to prevent glare or spill. All pole mounted lighting is limited to 20 feet in height. Additionally no wall mounted lighting will be allowed on the west side of the site adjacent to the residential development.

PASSED by the City Council of the City of Blaine this 8th day of July, 2019.



Signed by

Tom Ryan, Mayor

Date

7-8-19

Attest by

Catherine Sorensen, CMC, City Clerk

Date

7-8-19



City of Blaine

Planning Commission

April 8, 2025 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

1. Call to Order

The Blaine planning commission met in the City Hall Chambers on Tuesday, April 8, 2025. Chair Goracke called the meeting to order at 7:00PM.

4. Roll Call

Members Present: Commission Members Geiselhart, Gorzycki, Halpern, Howard, Swanson, and Chair Goracke.

Members Absent: Commission Member Olson.

Staff Present: Shawn Kaye, Planner
Elizabeth Showalter, Community Development Specialist
Alex Koberoski, Zoning Technician
Sheila Sellman, Assistant Community Development Director
Teresa Barnes, Project Engineer

6. Public Hearing

6.2. 2025-144 Case File No. 25-0009 // The Goddard School of Blaine // 12612 Central Avenue NE
The applicant is requesting a conditional use permit amendment to allow a 8,522 square-foot addition to an existing childcare center in a Development Flex (DF) zoning district.

Sponsors: Elizabeth Showalter, Community Development Specialist

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 25-0009 was opened at 8:01PM. As no one wished to appear, the public hearing was closed at 8:01PM.

Kyle Olson, representative for the developer, explained he was available for comments or questions.

Chair Goracke questioned how many children would be served after the building expansion.

Mr. Olson reported the maximum capacity would be 103 children in the facility. He commented on how the gym space could be used for special events.

Chair Goracke inquired if the facility had adequate parking.

Community Development Specialist Showalter reported the applicant would be meeting the city's parking requirements.

Motion by Commissioner Gorzycki to recommend approval of Planning Case 25-0009 based on the following conditions:

Case 25-0009:

- 1. Expansion of the childcare use is permitted, subject to performance standards listed in Chapter 33 of the Zoning Code and the following setbacks:**
 - **North: 20-foot building, 10-foot play area and parking**
 - **West: 100-foot building, 25-foot play area and parking**
 - **South and East: 50-foot building, 30-foot play area and parking**
- 2. The proposed and any future building additions must be architecturally compatible with the existing building and utilize glass, brick, stone, and fiber cement siding products on each facade. Zoning administrator may approve alternative facade designs that utilize equivalent or higher quality materials.**
- 3. Landscaping plan must conform with the landscaping quantities listed in 33.07 with at least 25% of the trees oversized. Overstory trees must be 3 caliper inches to be considered oversized and conifers must be 8 feet tall to be considered oversized. Based on the plans submitted, 8 trees must be oversized.**
- 4. This resolution rescinds and replaces Res 19-104.**
- 5. Provide a copy of the issued Coon Creek Watershed District Permit.**

Motion seconded by Commissioner Swanson. The motion passed 6-0.

Chair Goracke noted this would be on the agenda of the May 5, 2025 city council meeting.



City of Blaine Staff Report

File Number: RES 25-61

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Resolution

Development Business - Sheila Sellman, Assistant Community Development Director

Agenda Item # 9.3

Resolution Granting a Conditional Use Permit to Allow an Electric Vehicle (EV) Charging Station and a Zero Lot Line for a Shared Drive on the East Property Line in the Community Commercial (B-2) Zoning District on the Southeast Corner of Naples Street and Flowerfield Road. iONNA (Case File No. 25-0007/SLK)

Executive Summary

The applicant is requesting a Conditional Use Permit (CUP) to allow six fast charging stations for electric vehicles (12 stalls), and a zero lot line for a shared drive on the east property line.

Background

Planning Commission Public Hearing	04/08/25
City Council (Conditional Use Permit)	05/05/25
Action Deadline	05/12/25

Staff report prepared by Shawn Kaye, Planner, and Teresa Barnes, Project Engineer

Evaluation of Request

Planning Analysis

Zoning

The property is zoned B-2 (Community Commercial).

Surrounding Zoning and Uses

The properties to the north are single-family homes in the City of Lexington. The properties to the south and east are zoned B-2. The south property is the location of a Kwik Trip car wash and a multi-tenant building is located to the east. Naples Street is located to the west.

Existing Conditions

The site is a vacant parcel with some smaller trees and wetland on the west side of the parcel.

History

There are no prior approvals for this parcel.

Site Plan

The applicant, iONNA, is proposing six (6) Level 3 Direct Current (DC) fast-charging stations with protective canopies to provide essential charging infrastructure for the Electric Vehicle (EV) community in Minnesota. iONNA is a joint venture established by automotive manufacturers including BMW, General Motors, Honda, Hyundai, Kia, Mercedes-Benz, Stellantis, and Toyota.

Freestanding EV charging stations are defined the same as a gas station in the zoning ordinance and therefore require a Conditional Use Permit (CUP) in the B-2 zoning district. The proposed installation will feature high-powered charging capabilities, ensuring accessibility for all EV makes and models. The charging stations will be equipped with overhead canopies to protect users and vehicles from weather conditions, along with appropriate lighting for enhanced security and safety during nighttime charging sessions. The EV station will be open 24 hours a day.

Most EVs will reach 80% battery capacity in approximately 30 minutes, and a full charge in just over an hour when using the high-powered DC fast chargers. Drivers can tap their credit or debit card directly on the charging unit, or use contactless payment methods including Apple Pay and Google Pay to make payment.

The site will meet all parking setbacks except the east property line, which is the location of a shared drive for access to the development. The application includes a request for a zero-lot line and shared access for the east property line.

Parking Setbacks

- Front: 30 feet
- Side: 10 feet

Architecture

The canopy will need to meet the same requirements as a gas station canopy. Gasoline canopies support columns shall be constructed of masonry materials to a minimum height of 5 feet. The submitted canopy elevation meets this requirement.

Landscaping

The number of plantings shown on the landscape plan meets ordinance requirements.

Engineering Analysis

Grading/Storm Drainage

The developer will need to submit construction contract documents that include grading, erosion protection, sediment control, development, and storm drainage plan sheets.

The grading plan will need to clarify the location of the existing 100-year flood elevation, per Rice Creek

Watershed District (RCWD). Proposed top of foundations should be 18-inches above the high water elevation. If the parking area is below 18-inches above the high water elevation, documentation will need to be provided stating the design water elevation will not result in issues with the proposed charging station.

Utilities

The current plan does not indicate that any water or sanitary services will be provided. If services are required, a plan set will need to be provided for review and standard Water and Sanitary Sewer Access Charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

Wetlands/Watershed/FEMA

The development will need to maintain a protective buffer strip of natural vegetation, at least 15-ft in width (but 25-ft is preferred), shall surround all wetlands. The current proposed site plan meets this requirement.

The developer will need to submit the project to RCWD for review, approval and permits required prior to City plan approval and start of site work.

Access/Street Design/Sidewalks/Trails

The development is proposing to gain/provide access from a connection to an existing development/parking lot. No additional access to the public street system will be granted. No additional street design, sidewalk or trail will be required.

Easements/Right-of-way/Permits

The developer will need to obtain any and all required permits to construct the proposed project. A copy of all permits will need to be submitted to the City prior to any site work.

Conditional Use Permit

A city exercises "quasi-judicial" authority when considering a CUP application. This means the city's role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards.

Section 27.04 Criteria for granting conditional use permits:

The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - o Low-traffic EV charging station use and an existing shared drive will not create an excessive burden.
2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. (Ord. No. 20-2447, 7-20-2020)

- The B-2 district is intended to provide commercial uses serving surrounding neighborhoods with low to moderate traffic uses. This district may be located adjacent to residential, commercial, and industrial districts and shall be primarily located on collector or arterial roads. The use meets this intent.
- 3. The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - The shared/parking access and new charging station will meet setback and landscaping requirements. The use will not have an adverse effect on adjacent properties.
- 4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
- 5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
 - The use meets the purpose of the B-2 district.
- 6. The use shall not be in conflict with the comprehensive plan of the City.
 - The comprehensive plan designation is Community Commercial (CC), which is for retailing and services that serve larger areas, from neighborhood to regional scale. The use is not in conflict with the comprehensive plan.
- 7. The use will not cause traffic hazards or congestion.
 - The proposed development will not result in any additional traffic hazards or additional congestion to the area.
- 8. The use shall have adequate utilities, access roads, drainage and necessary facilities.
 - The proposed development, once constructed, will have the required utility services, adequate roads and necessary drainage facilities to service the proposed development.

Attachment List:

Zoning and Location Map

Site/Landscape Plan

Canopy Elevation (2)

EV Charger Picture

Narrative

Unapproved Planning Commission Minutes 4/8/25

Strategic Plan Relationship

Not applicable.

Board/Commission Review

The Planning Commission voted unanimously to approve the electric vehicle (EV) charging station and a zero lot line for a shared drive on the east property line.

No one attended the public hearing. The meeting minutes are attached for reference.

Financial Impact

Not applicable.

Public Outreach/Input

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City website.

Staff Recommendation

By motion, adopt the resolution.

Attachment List

1. Attachments
2. Unapproved PC Minutes 040825



City of Blaine

Signature Copy

Resolution: RES 25-61

Resolution Granting a Conditional Use Permit to Allow an Electric Vehicle (EV) Charging Station and a Zero Lot Line for a Shared Drive on the East Property Line in the Community Commercial (B-2) Zoning District on the Southeast Corner of Naples Street and Flowerfield Road. iONNA (Case File No. 25-0007/SLK)

WHEREAS, an application has been filed by iONNA as Conditional Use Permit Case File No. 25-0007 for iONNA; and

WHEREAS, said case involves the property described as follows:

Lot 1, Block 1, Naples Marketplace, Anoka County, Minnesota. Together with, Non-exclusive easements as contained in Declaration of Covenants, Conditions, Restrictions, and Grant of Reciprocal Easements recorded on July 12, 2006 as Document No.1985924.011 as amended by Document Nos.1995562.001 and 2066397.006.

WHEREAS, the Blaine Planning Commission held a public hearing on April 8, 2025, and recommended approval regarding said Conditional Use Permit; and

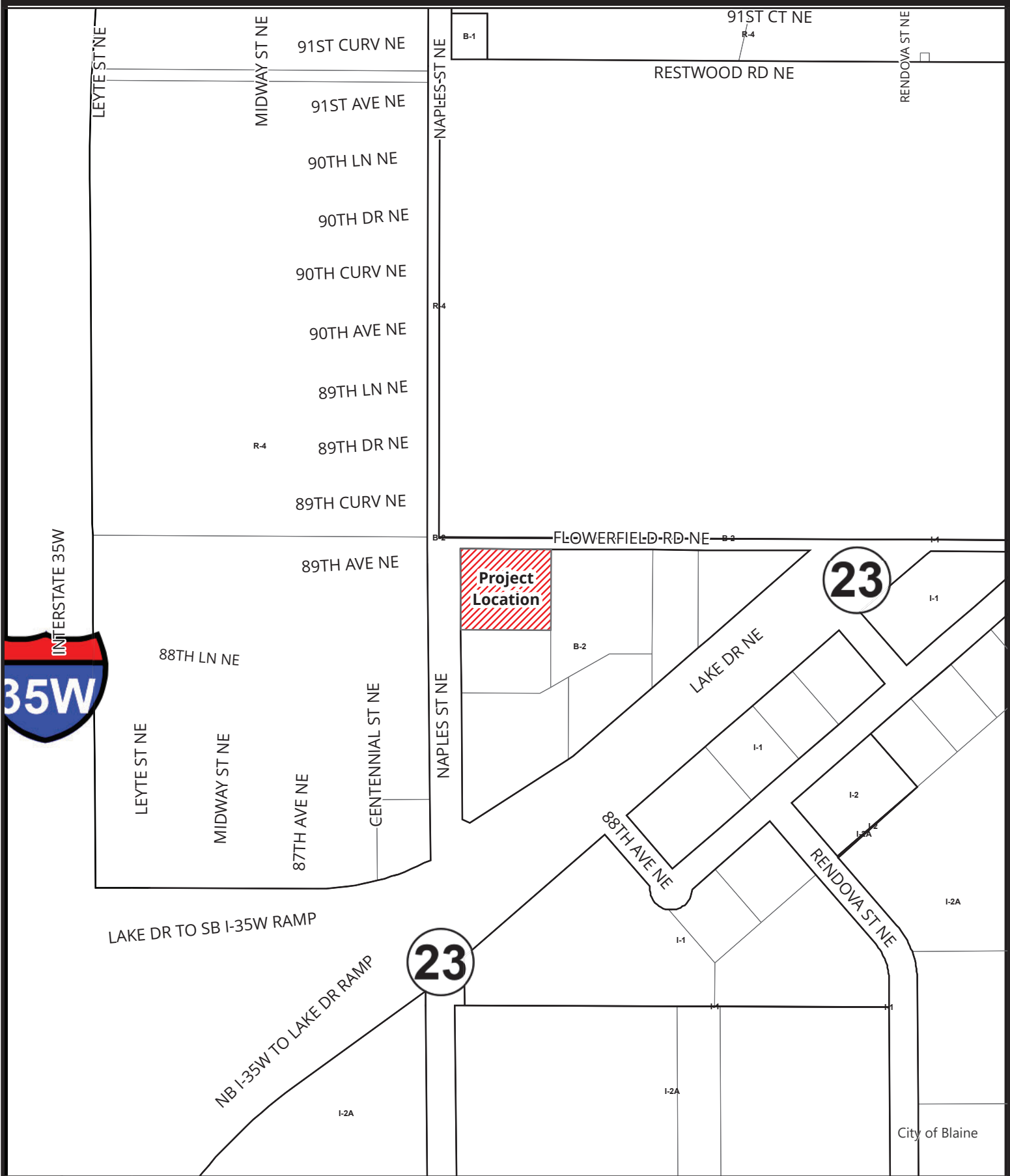
WHEREAS, the Blaine City Council has reviewed said case on May 5, 2025; and

WHEREAS, the criteria identified in Section 27.04 for granting a conditional use permit has been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 30.14(d) and 27.04 of the Zoning Ordinance to allow an Electric Vehicle (EV) charging station and a zero lot line for a shared drive on the east property line in the Community Commercial (B-2) zoning district with the following conditions:

1. Site plan approval will be required as a part of the building permit application.
2. All site improvements to be included in the Site Improvement Performance Agreement (SIPA) and covered by an acceptable financial guarantee.
3. All lighting on site must meet requirements established by Section 33.02 of the Zoning Ordinance. Freestanding light structures are limited in height to not more than 20 feet.
4. Developer to provide a copy of their Rice Creek Watershed permit to the City prior to any site work.
5. A copy of the shared access/parking agreement between lots must be submitted to the Planning Department prior to any work being allowed on site.
6. Developer to provide additional documentation clarifying the elevation of the Level 3 DC fast-charging stations, in relation to flood plain elevation, does not create a construction concern or issue.

PASSED by the City Council of the City of Blaine this 5th day of May, 2025.



BlaineMN.gov

Case File No. 25-0007 IONNA



Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180







CCS

3

3A



3B

IONNA

Charge 2 cars at the same time!

← 3A
CCS

3B →
CCS

NEED A CABLE?
CALL 0800 100 000

ELECTRICITY

This project proposes to establish a new iONNA charging station within an existing commercial space located at 3453 Lake Dr, Blaine, MN 55406. This installation will feature six (6) Level 3 DC fast-charging stations with protective canopies, providing essential charging infrastructure for the electric vehicle community in Minnesota.

iONNA, a joint venture established by leading automotive manufacturers including BMW, General Motors, Honda, Hyundai, Kia, Mercedes-Benz, Stellantis, and Toyota, aims to create North America's premier charging network. This location will serve as a crucial link in iONNA's expanding charging infrastructure, supporting both local EV drivers and travelers along the Interstate 5 corridor.

The proposed installation will feature high-powered charging capabilities compatible with both North American Charging Standard (NACS) and Combined Charging System (CCS) connectors, ensuring accessibility for all electric vehicle makes and models. The charging stations will be equipped with overhead canopies to protect users and vehicles from weather conditions, along with appropriate lighting for enhanced security and safety during nighttime charging sessions.

Users can expect efficient charging times, with most electric vehicles reaching 80% battery capacity in approximately 30 minutes and a full charge in just over an hour when using our high-powered DC fast chargers. Payment is seamlessly integrated through multiple user-friendly options - drivers can simply tap their credit or debit card directly on the charging unit, or use contactless payment methods including Apple Pay and Google Pay. There's no need to download additional apps or create accounts, making the charging process accessible to everyone with a compatible electric vehicle.

The project will adhere to all required safety standards and will be designed to minimize impact on existing infrastructure while maximizing accessibility for EV drivers. The charging stations will be available 24/7, providing crucial charging access for the community at any time of the day or night.

This iONNA site represents an investment in Blaine's future, supporting the growing EV community while contributing to the region's environmental sustainability goals.



City of Blaine

Planning Commission

April 8, 2025 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

1. Call to Order

The Blaine planning commission met in the City Hall Chambers on Tuesday, April 8, 2025. Chair Goracke called the meeting to order at 7:00PM.

4. Roll Call

Members Present: Commission Members Geiselhart, Gorzycki, Halpern, Howard, Swanson, and Chair Goracke.

Members Absent: Commission Member Olson.

Staff Present: Shawn Kaye, Planner
Elizabeth Showalter, Community Development Specialist
Alex Koberoski, Zoning Technician
Sheila Sellman, Assistant Community Development Director
Teresa Barnes, Project Engineer

6. Public Hearing

- 6.3.** 2025-142 Case File No. 25-0007 // iONNA EV // Southeast corner of Naples Street and Flowerfield Road
The applicant is requesting a conditional use permit to allow an Electric Vehicle (EV) charging station and a zero lot line for a shared drive on the east property line in the Community Commercial (B-2) zoning district.
Sponsors: Shawn Kaye, Planner

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 25-0007 was opened at 8:07PM. As no one wished to appear, the public hearing was closed at 8:07PM.

Chair Goracke asked if this would be the first stand-alone charging station in Blaine.

Planner Kaye reported this was the case, but there are EV charging stations at Cub locations.

Commissioner Halpern questioned why this location was chosen.

Eli Sankey, representative for the applicant, stated it was his understanding the real estate team chooses locations based on proximity to the freeway.

Commissioner Gorzycki asked if these chargers would be compatible for all electric cars.

Mr. Sankey explained Level 3 chargers would be installed that were compatible for the NAC and CCS vehicles.

Motion by Commissioner Halpern to recommend approval of Planning Case 25-0007 based on the following conditions:

Case 25-0007:

- 1. Site plan approval will be required as a part of the building permit application.**
- 2. All site improvements to be included in the Site Improvement Performance Agreement (SIPA) and covered by an acceptable financial guarantee.**
- 3. All lighting on site must meet requirements established by Section 33.02 of the Zoning Ordinance. Freestanding light structures are limited in height to not more than 20 feet.**
- 4. Developer to provide a copy of their Rice Creek Watershed permit to the City prior to any site work.**
- 5. A copy of the shared access/parking agreement between lots must be submitted to the Planning Department prior to any work being allowed on site.**
- 6. Developer to provide additional documentation clarifying the elevation of the Level 3 DC fast-charging stations, in relation to flood plain elevation, does not create a construction concern or issue.**

Motion seconded by Commissioner Howard. The motion passed 6-0.

Chair Goracke noted this would be on the agenda of the May 5, 2025 city council meeting.



City of Blaine

Staff Report

File Number: ORD 25-2576

Agenda Date	Status
May 5, 2025	
In Control	File Type
City Council	Ordinance

Administration -

Agenda Item # 10.1

First Reading

Amend Article VIII.- Legalized Gambling Sec. 22-383. Lawful Gambling and 22-384. Additional Regulations

Executive Summary

Staff is recommending an ordinance amendment changing the minimum age for charitable gambling employees to 18 to match statute and other administrative updates.

Background

After a recent City code review, staff wanted to share the section from legalized gambling that implemented age restrictions for charitable gambling staff to be 21 years of age or older:

Sec. 22-384. Additional regulations.

In addition to the requirements of Minn. Stat. §§ 349.11—349.60, inclusive, and rules adopted pursuant to the authority contained in the said statutes, lawful gambling shall be subject to the regulations set forth in the following paragraphs:

- (1) It is unlawful to make side bets or other wagers in connection with the conduct of lawful gambling.
- (2) A duly licensed pull-tab distribution, bingo or raffle game must be under the supervision of a gambling manager licensed under Minn. Stat. § 349.167. In order to qualify as a gambling manager, an individual must have been a member of the organization for at least two years.
- (3) No person who is under the age of 21 years shall operate or assist in operating a pull-tab distribution or bingo or raffle game in Blaine.

The ordinance amendment was adopted in 1988 and has been in place ever since. While cities can be more restrictive, statute allows the minimum age to be 18:

349.181 RESTRICTIONS ON WHO MAY PARTICIPATE IN LAWFUL GAMBLING.

Subdivision 1. Minimum age.

- (a) A person under age 18 may not participate:
- (1) as a player in games of pull-tabs, tipboards, paddlewheel, or raffles;
 - (2) as a player in a bingo game other than:
 - (i) a bingo game exempt or excluded from licensing; or
 - (ii) a bingo game conducted by an organization as part of an annual community event if the person under age 18 is accompanied by a parent or guardian; and
 - (3) in the conduct of pull-tabs, tipboards, paddlewheels, bingo, or raffles, except that a person under age 18 may sell raffle tickets.

After confirming the minimum age is 18 in cities within the trade area, staff is recommending a code amendment to align Blaine’s code with statute, making the minimum age be 18 years of age. In addition, staff is recommending minor amendments correcting city code references and premise permit terms.

Strategic Plan Relationship

N/A

Board/Commission Review

N/A

Financial Impact

N/A

Public Outreach/Input

Staff shared this potential amendment with the current charitable gambling license holders and no concerns were shared.

Staff Recommendation

Staff recommends council hold first reading of the ordinance amendment and schedule second reading for May 5, 2025.

Attachment List

None



City of Blaine

Signature Copy

Ordinance: ORD 25-2576

First Reading

Amend Article VIII.- Legalized Gambling Sec. 22-383. Lawful Gambling and 22-384. Additional Regulations

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown with overstrike.)

Sec. 22-383. Lawful gambling.

There shall be no gambling in the City of Blaine except bingo, raffle games, and pull-tabs, duly licensed or otherwise allowed pursuant to the provision of this article, Minn. Stat. §§ 349.11—349.60, inclusive, and rules adopted pursuant to the authority contained in said statutes, and the state lottery authorized pursuant to Minn. Stat. §§ 349A.01—349A.15 inclusive.

- (1) No permit shall be required for the conduct of gambling exempt from licensing under Minn. Stat. § 349.166.
- (2) Nothing in article ~~VII~~ VIII of chapter 22 of the Blaine Code shall be deemed to be an automatic approval of a premises permit or bingo license applied for with the gambling control board. A licensed organization may not conduct lawful gambling in the City of Blaine unless a premises permit or bingo license is approved by city council resolution. A premises permit shall be ~~valid for a period of two years~~ perpetual, unless revoked pursuant to this article or state statute.

(Code 1980, § 4-91; Ord. No. 88-1108, 1-5-1989; Ord. No. 91-1262, 9-5-1991; Ord. No. 04-2004, 2-5-2004)

Sec. 22-384. Additional regulations.

In addition to the requirements of Minn. Stat. §§ 349.11—349.60, inclusive, and rules adopted pursuant to the authority contained in the said statutes, lawful gambling shall be subject to the regulations set forth in the following paragraphs:

- (1) It is unlawful to make side bets or other wagers in connection with the conduct of lawful gambling.
- (2) A duly licensed pull-tab distribution, bingo or raffle game must be under the supervision of a gambling manager licensed under Minn. Stat. § 349.167. In order to qualify as a gambling

manager, an individual must have been a member of the organization for at least two years.

~~(3) No person who is under the age of 21 years shall operate or assist in operating a pull-tab distribution or bingo or raffle game in Blaine.~~

~~(4)~~(3) No organization may maintain more than four lawful gambling locations in the City at one time, except that an organization operating lawful gambling activities at more than four locations as of January 1, 2004, may continue to operate at those same locations pursuant to the following conditions:

- a. The organization complies with all other state and local lawful gambling laws and ordinances.
- b. Each location continues to qualify as a lawful gambling premises.
- c. No lawful gambling activity is moved to a new location unless the organization is in conformance with the four-location limitation.
- d. When a premises permit has lapsed or been revoked at a location for any reason, the organization may not commence operations at that location unless the organization is in conformance with the four-location limitation.

~~(5)~~(4) No premises permit or bingo hall license will be approved for:

- a. Any organization to conduct lawful gambling on any premises other than a church, the premises of a fraternal, veterans or other nonprofit organization, or the premises of an on-sale intoxicating liquor licensee licensed pursuant to the applicable sections of the Blaine Code.
- b. Any organization or local subdivision thereof unless all of the following requirements are met:
 1. The activities of the organization or its local subdivision directly or primarily benefit citizens of Blaine.
 2. The organization or the local subdivision must have had a principal business or operations location in the City of Blaine for a continuous period of at least two years immediately preceding the permit request and maintain such a location as long as the organization operates lawful gambling activities in the city. The organization must have been in continuous existence holding meetings for at least two years prior to the approval of the license.
 3. The organization or the local subdivision may be granted a waiver of operational requirement if the city council determines the organization has significant community involvement and such a waiver would have to be granted per location up to the four-location limit.
- c. The simultaneous conducting of lawful gambling by more than one organization on authorized premises.

~~(6)~~ (5) It is unlawful to sell, give or otherwise transfer in the City of Blaine, any raffle ticket, paddle ticket or any other opportunity to participate in any gambling event not approved by the

City of Blaine pursuant to the provisions of the Minnesota Statutes and rules adopted by reference herein.

~~(7)~~(6) Copies of the reports, which must be filed with the gambling control board, as required by Minn. Stat. § 349.19, shall be filed simultaneously with the city clerk.

~~(8)~~(7) A licensed organization conducting lawful gambling within the city shall expend all of its expenditures for lawful purposes on lawful purposes conducted or located within the city's trade area. The city's "trade area" is defined as and is specially limited to the Cities of Blaine, Circle Pines, Coon Rapids, Ham Lake, Lexington, Lino Lakes, Mounds View, Shoreview and Spring Lake Park.

~~(9)~~(8) Effective July 1, 1993, a licensed organization conducting lawful gambling within the city shall contribute ten percent of its net profits derived from lawful gambling to a fund administered and regulated by the city without cost to the fund, for disbursement by the city of the receipts for lawful purposes as defined in Minn. Stat. § 349.12. For the purposes of this requirement, "net profits" are defined as gross profit less sums actually expended for allowable expenses as reported to the Minnesota Department of Revenue. Such contributions shall be made to the city within 15 days of the end of each calendar quarter.

~~(10)~~(9) A premises permit or bingo hall license approved by the city may be suspended or revoked for violations of this chapter, or Minn. Stat. ch. 349, or for failure to meet the qualifications set out in this chapter, or Minn. Stat. ch. 349, or for the failure to comply, for any reason, with any provision, guaranty or claim made in the applicant's original license application to either the city or the State of Minnesota.

~~(11)~~(10) No license or permit approved by the city, including any bingo hall license, grants the licensee a property right or entitlement to a license or permit. The city may refuse to issue, renew or may revoke the license or permit for any reason and will not incur liability for any damages including, but not limited to, direct, consequential or incidental damages, deprivation of property, loss of income, loss of profits, or loss of livelihood.

(Code 1980, § 4-92; Ord. No. 88-1108, 1-5-1989; Ord. No. 91-1262, 9-5-1991; Ord. No. 93-1388, 6-3-1993; Ord. No. 04-2004, 2-5-2004)

INTRODUCED and read in full this 21st day of April, 2025.

PASSED by the City Council of the City of Blaine this day of 2025.