



City of Blaine

City Council

May 5, 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 7:04PM 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, Chris Massoglia, Tom Newland, and Jess Robertson.

ABSENT: None.

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 Administrative Services 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**

None.

5. **Communications**

Councilmember Fleming invited the public to the Johnsville garage sales this weekend and commented on the events that would be held at Way of the Lord Church.

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 7:06PM.

Scott Coggins, 15043 Thrush Street in Andover and member of the Anoka County Elections Integrity Team, asked that the city council cancel the poll pad agreement with Anoka County. He provided the city council with a handout. He commented on the issues within the contract further and recommended the city of Blaine move back to paper pollbooks.

David Hime, 1670 132nd Avenue NE, spoke against the proposed accessory dwelling unit (ADU) that will be considered later in the agenda at 1684 132nd Avenue NE. He reported he has 89 signatures against the ADU. He explained the entire neighborhood was upset about the proposed ADU. He shared concerns about the safety of children in the park and said if the ADU was approved, he would like to see drain tile installed, recommended the ADU have two doors, and that no washer/dryer be included. He recommended the needs of the city park be the main concern for the city. He feared the children using the park would be in danger if the ADU were approved.

Benjamim Skalicky, 3247 144th Avenue NW in Ham Lake, asked why an abatement was given for the stadium and questioned why the city then hired out-of-state contractors to construct the stadium. He reported Mammoth Construction was from Kansas and noted there were contractors available in Minnesota to construct this stadium.

Rosalva Hernandez and Katie Kushar, 11943 Lever Street NE, requested the city consider wildlife road crossing signage to help drivers be more aware of the wildlife in the community at Lexington Avenue from 109th Avenue to 112th Avenues; 121st Avenue between Sunset Road and Lever Street; 109th Avenue between Austin Street and Flanders Court NE. They suggested critter crossing signs be installed by the city at along these roadways.

Darin Matheson, 13012 El Dorado Street NE, shared comments regarding the proposed ADU request at 1684 132nd Avenue NE and said while some of the neighbors may be fearful he would work to address the neighborhood concerns. He was hopeful the ADU would make the neighborhood a better place as well as making the neighbors better people. He explained he was supportive of the ADU because it would have the potential to build the community's willingness to help each other and because it would make the neighborhood a better place to live.

Pat Hime, 1670 132nd Avenue NE, reported she has lived in the neighborhood for the past 40 years. She explained she was against the proposed ADU and changing the use within the single-family neighborhood. She indicated she did not have big lots in her neighborhood and she did not believe the ADU should be approved.

Nancy Johnson, 1743 131st Avenue NE, commented she has lived in this neighborhood for the past 47 years on the park. She commented on how the neighborhood has changed and evolved over the past four decades. She reported she was not trying to alienate her neighbors or create any conflict. She explained she supported the proposed ADU and noted the neighborhood

already contains foster homes and multi-family housing. She encouraged her neighbors to be decent, to support one another and help each other through this while agreeing to disagree with one another civilly. She stated she was proud of the Pepin family and she hoped this project would move forward.

Michele Kurak, 13196 El Dorado Street NE, shared a written statement with the city clerk noting she opposed the proposed ADU.

There being no further input, Mayor Sanders closed the Open Forum at 7:26PM.

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

Motion adopted unanimously.

- 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

City Clerk Sorensen stated 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. It was noted 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.

Mayor Sanders opened the public hearing at 7:27PM.

There being no public input, Mayor Sanders closed the public hearing at 7:27PM.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to Approve an Off-Sale Intoxicating Liquor License for BKC Estates LLC, dba Naples Liquor Wine and Spirits, 3453 Lake Drive NE, Suite 140.

Motion adopted unanimously.

- 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

Assistant Community Development Director Sellman stated the applicant is requesting a Conditional Use Permit (CUP) to open a specialized athletic training facility while also offering personal services (acupuncture and chiropractor) in a Light Industrial (I-1A) zoning district. Staff commented on the request in further detail and recommended approval.

Mayor Sanders opened the public hearing at 7:28PM.

There being no public input, Mayor Sanders closed the public hearing at 7:28PM.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to adopt a 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.

Motion adopted unanimously.

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

Ms. Sellman stated the applicant is requesting a Conditional Use Permit (CUP) for a detached Accessory Dwelling Unit (ADU) in an R-1 District at 1684 132nd Avenue NE. She explained an ADU request has to meet many city requirements before being brought forward to the planning commission and city council for consideration. She noted this request met all city requirements and was the city's first ADU request. Staff commented further on the history of the ADU ordinance. She further reviewed the site plan for the proposed ADU. She reported the planning commission held a public hearing for this item at their April 8 meeting and recommended approval of the request on a 4-2 vote.

Moved by Councilmember Fleming, seconded by Councilmember Ford, to adopt a 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.

Councilmember Fleming shared her thanks for the input on this request and shared reasons for her support of the ADU. She noted she has considered all of the comments she has received regarding the ADU and thanked the Pepin family for inviting her into her home to discuss this matter in further detail on April 18. She explained on April 19 she and Councilmember Massoglia met with 30 neighbors who opposed the ADU in order to better understand their concerns. She reported she always worked to make decisions based on facts. She commented on the flyer that was circulated throughout the neighborhood, noting the ADU occupants would not be former drug users or have a history of domestic violence. Rather, the occupants may have once been homeless but were taking meaningful steps towards stability and self-sufficiency. She noted she spoke to David Frye, director of Family Promise, and explained she learned the individuals that would be considered for housing in the ADU would have to go through a background check along with the Family Promise program. She noted all of these individuals would be families who have gotten behind on rent and have been evicted. She commented on the image everyone has of homelessness versus what is actually happening today. She explained the homeless were staying hidden because of the stigma the homeless face in the community. She raised concerns with the fact a letter was sent to the Pepin family encouraging them to move to Ham Lake if they wanted to pursue an ADU. She did not believe this response reflected on the type of community she wanted Blaine to be. She reminded the public that 85% of the things people worry about, never come to pass. She commented on the safeguards that would be in place to address the concerns noting the ADU would require a short term rental license and all conditions would have to be enforced. She understood the neighbors did not want their rear yard view changed, but reported the Pepin family had rights on what they

wanted to do with their property. She stated the Pepins were offering an opportunity for those that need a stable environment to get back on their feet, grow and build a future. She commended the Pepins for this, as well as being willing to modify the window placement and for adding a fence to the rear yard. She recognized and validated the neighborhoods concerns and noted the council would work diligently to tighten up the ADU requirements. She recommended this item return to a workshop meeting for further review. She addressed the Pepin family, noting she recognized this has been a difficult time for her family, but it was her hope that going forward the community could show kindness, compassion and a willingness to move forward. She encouraged the Pepins to continue to pray for wisdom in selecting an occupant for the ADU and that they find success in their new beginning and become a valued member of this neighborhood. She understood change was uncomfortable, but it can also bring growth, empathy and a renewed community spirit.

Councilmember Newland explained he opposed the proposed ADU as he felt it was not fitting for a single-family neighborhood. He reported the intent of the city council when the ADU ordinance was passed, was for ADUs to offer space for a mother-in-law or relative. He indicated this use was not compatible with the adjoining properties. He believed it would be more fitting to have an ADU on a farm residential lot or a property that was already zoned high density residential.

Councilmember Larson shared her story when it comes to foster care and how they still had to follow regulations outlined by the state, noting she had a desire to do good. She reviewed the concerns that were voiced by the neighbors and explained she was of the opinion the proposed ADU was not compatible with the intent of the single-family neighborhood. She believed it was important for residents to be able to choose the neighborhoods they live in and noted many of the residents in this neighborhood have lived there for the past 30 to 40 years. She supported the integrity of the neighborhood being maintained.

Councilmember Robertson shared comments regarding the intent of the ADU ordinance that council adopted, which was to provide options for generational housing. She explained she considered putting an ADU in her backyard for her two college aged children because they could not afford a house at this time. She stated she went back and read through the minutes and noted the units were referred to as mother-in-law units. She indicated she shared her colleagues' frustrations in how the neighborhood was responding to this request and asked that residents consider the power of their words. She reported the city council wants everyone in Blaine to love where they live and noted this ordinance was not meant to negatively impact homeowners. She explained the council may not have considered what the unforeseen circumstances would be by approving an ADU ordinance. She stated she was really proud that the Pepin family wanted to serve an underserved population and she appreciated the fact there were individuals like that in the community. She commented further on criteria two and discussed how the proposed ADU was not in keeping with the intent of the ordinance.

Councilmember Ford said whether he moves or seconds a motion doesn't have anything to do with his level of support rather he was willing to open the matter up for discussion. He explained he was a union president for 12 years and during that time he looked at a lot of contracts. He indicated with this request he could not act on intent or emotion but rather can only go by the ADU ordinance that was created in 2022. He discussed the criteria that were in place to refuse ADU requests. He stated he understood this was a highly

emotionally charged request. He indicated he felt for the neighbors who opposed the request, but explained the city council was tasked with setting and following policy. He discussed how difficult it was for the city council to set perfect policy and noted there were always unintended consequences. He suggested this request be brought back to a workshop meeting in order to fully understand the impacts, but reiterated this use was allowed by city ordinance. He indicated his decision going forward would be made on fact and law, and not emotion.

Councilmember Larson reviewed a sentence from the planning commission minutes noting Mr. Pepin stated the rent would be paid by the tenant and noted he would only be charging 30% of their income or up to \$1,400. She reported the city currently has 435 apartment vacancies and a lot of these were in the \$1,400 range. She suggested the Pepins could still do good by paying for a two-bedroom apartment in order to reduce the impact on the neighbors.

Councilmember Fleming clarified the rent charged to the individuals in the ADU would be 30% of their income and perhaps this would not equal \$1,400 per month. She thanked the council for all of their comments and reiterated that this council could not fully know the intent of the council that passed the ADU ordinance. She noted the criteria states the use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the ADU will be located. She reported the zoning code has specific standards for the R-1 standard and noted the proposed ADU meets all of these standards. She asked that staff speak to the maximum allowed size for an ADU. Ms. Sellman stated the maximum size of 50% of the finished square footage of the primary residence, 25% of the square footage of the rear yard or 960 square feet, whichever is less. She indicated measurements were taken of the rear yard and residence in order to come up with the 616-square foot ADU.

Councilmember Ford indicated he would like City Attorney Loonan to speak to the intent for the ADU ordinance. City Attorney Loonan explained the two key functions of the city council were to act in a legislative capacity or in a quasi judicial capacity. He reported legislative actions adopt and approve laws, which the quasi judicial is the application of those laws. He stated at this time the R-1 zoning code was approved to allow as a conditional use accessory dwelling units. He indicated this was approved by the city council through their legislative authority. He advised there was no requirement to look at the intent. Rather, the laws and ordinances that were enacted have to be considered when applications are brought forward.

Councilmember Massoglia stated he has been thinking about this request a lot. He shared comments about the intent of this ADU and commended the Pepins for their efforts. He discussed how much ownership the neighbors have over the park. He indicated he was really torn on this item. He stated he believed in individual property rights and encouraged everyone to be neighborly regardless of the vote on this item.

Mayor Sanders commented on the need to do good and stated he believed the intent of the ordinance in 2021 was to provide additional housing options in Blaine. He stated he understood the council could not be making decisions based on intent. He recommended that if the ADU were approved, a condition should be added to ensure the ADU will not be rented. He reported the ADU ordinance was created to providing housing options for family members. He stated he understood the applicant was allowed to have an ADU, but

supported this topic moving to a future workshop meeting for further discussion.

Councilmember Massoglia proposed the ADU be set back on the west side a little further to have it in line with the existing home.

Alex Pepin, 1684 132nd Avenue NE, stated he would be open to the proposed setback for the west side of the ADU to have it be in line with the existing home, but noted the elevation change on the property may not make this possible. He noted the intended use would be for their mother-in-law to live in the ADU in 10 years. He shared his appreciation for the council's discussion and staff's assistance throughout the entire application process.

Amendment moved by Councilmember Massoglia, seconded by Councilmember Fleming, to amend the conditions to include the setback on the west side of the ADU shall be in line with the existing garage.

Councilmember Larson asked what this would do.

Councilmember Massoglia indicated this was a request from the neighbors, noting a change to the setback would hide the ADU behind the existing garage.

Amendment adopted 5-2 (Councilmembers Newland and Robertson opposed).

Amendment moved by Councilmember Massoglia, seconded by Councilmember Fleming, to amend the conditions to require the applicant to install drain tile to divert runoff towards the street.

Amendment adopted 5-2 (Councilmembers Newland and Robertson opposed).

Councilmember Massoglia asked if the ADU would have its own address which would then require a separate mailbox. Ms. Sellman stated she would have to speak with the fire department regarding this matter. She anticipated from a fire standpoint, the ADU would have the same address. She reported it was not up to the city if this property has another mailbox, but rather this was determined by the post office.

Councilmember Fleming inquired if the property would have another driveway going through the rear yard. Ms. Sellman clarified there would not be an additional driveway. She indicated the property would have an eight-foot parking pad.

Mayor Sanders stated he did not want to see businesses buying up homes in Blaine and then adding ADUs in order to be able to rent both properties in the future. Community Development Director Thorvig reported either the home or the ADU has to be occupied by the owner of the property in order to prevent this circumstance. He stated staff could bring this item back to the city council at a future workshop meeting for further discussion.

Mr. Loonan commented Blaine City Code Chapter 18, Article 10 addresses licenses for rental dwellings and has a definition for rental dwellings. He reviewed this language in full for the record. He noted this could be referred to within Condition 4.

Amendment moved by Mayor Sanders, seconded by Councilmember Larson, to amend

Condition 4 stating the ADU shall not be used as a rental dwelling as defined in Blaine City Code.

Amendment adopted 6-1 (Councilmember Newland opposed).

Councilmember Larson requested a roll call vote.

A roll call vote was taken.

Amended motion failed 2-5 (Mayor Sanders, Councilmembers Larson, Massoglia, Newland, and Robertson opposed).

- 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

Ms. Sellman stated 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 commented further on the request and reported the planning commission recommended approval with conditions.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to adopt a 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.

Motion adopted unanimously.

- 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

Ms. Sellman stated 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. Staff commented further on the request and reported the planning commission recommended approval.

Moved by Councilmember Newland seconded by Councilmember Massoglia, to adopt a 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.

Motion adopted unanimously.

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

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

Declared by Mayor Sanders that Ordinance No. 25-2576, "Amend Article VIII.- Legalized Gambling Sec. 22-383. Lawful Gambling and 22-384. Additional Regulations," be introduced and placed on file for second reading at the May 19, 2025 Council meeting.

11. Other Business

Mr. Thorvig shared the new curb appeal homeowners booklet that was created by staff that outlines city home improvement grant programs.

Councilmember Massoglia and Mayor Sanders requested the ADU ordinance be placed on a future workshop agenda.

12. Adjournment

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adjourn the meeting at 8:30PM.

Motion adopted unanimously.



Signed by

Tim Sanders, Mayor

Signed by

