



City of Blaine Anoka County, Minnesota Minutes City Council

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

The council chambers will have limited seating, with audience chairs being set up at least six feet apart. There will be an overflow area where the meeting can be watched in the Cloverleaf Farms Room, also with chairs set up at least six feet apart.

Monday, May 16, 2022

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:30PM 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 Julie Jeppson, Chris Massoglia, Richard Paul, and Jess Robertson. Also present was Councilmember Appoint Tom Newland.

Adjunct Member Drew Brown.

ABSENT: Councilmember Wes Hovland.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Fire Chief Dan Retka; Finance Director Joe Huss; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

Present: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

Absent: 1 - Hovland

4. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

4.-1 Resolution to Appoint Tom Newland to Council Election Ward 1

Attachments: [Oath of Office - Council](#)

City Clerk Sorensen stated Councilmember Jason Smith submitted his resignation from Ward 1 Council effective April 5, 2022, as he was moving outside the city. His term was to expire on December 31, 2024, leaving a balance of two years in the term. According to statute and City Charter, if a vacancy occurs for a period of more than 12 months the council shall declare the vacancy and call for a special election by resolution, then appoint an individual to fill the vacancy until someone is elected. The council declared the vacancy on April 4 and called for a special election as part of the state general election on November 8. After outlining the process for filling the vacancy, Council advertised for applicants interested in serving in this role until year end when the elected individual can take office. The Council received applications from seven outstanding individuals, and after review and ranking followed by discussion at the May 2 workshop, announced their intent to appoint Tom Newland to the Ward 1 Council vacancy until December 31, 2022.

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that Resolution No. 22-81, "Resolution to Appoint Tom Newland to Council Election Ward 1," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

City Attorney Nelson administered the oath of office to newly appointed Councilmember Tom Newland. A round of applause was offered by all in attendance.

Councilmember Newland thanked the council for selecting him for the Ward 1 position. He stated he looked forward to serving the community for the next seven months.

4.-2

Recognition of Rebecca Booker, Recipient of the 2022 D. Anne W. Phillips Award for Leadership in Fire Safety Education

Safety Services Manager/Police Chief Podany recognized Rebecca Booker and thanked her for her 20 years of dedicated service to the SBM Fire Department and presented her with a plaque from the SBM Fire Department. A round of applause was offered by all in attendance.

Fire Chief Retka provided a detailed list of highlights from Ms. Booker's 20-year career with the SBM Fire Department and recognized Ms. Booker for receiving the 2022 D. Anne W. Phillips Award for Leadership in Fire Safety Education. He then read a letter of thanks that was sent to the department for Ms. Booker. He discussed how important fire prevention and education was to the community and explained Ms. Booker would be working with the SBM Fire Department to address this concern as there has been a rise in structure fires.

Ms. Booker thanked the Mayor and City Council for recognizing her. She explained she appreciated all the people in this room because they were her family. She reported the success of the SBM Fire Department was not about one person but was about a community that has supported them and welcomed them into their homes over the years. A standing ovation and round of applause was offered by all in attendance.

Mayor Sanders presented Ms. Booker with a plaque and thanked her for caring for the residents of Blaine and for creating a culture of prevention within the SBM Fire Department.

Informational: no action required

4.-3

National Public Works Week Proclamation

Attachments: [Proclamation](#)

Mayor Sanders read a proclamation in full for the record declaring May 22 through May 28 to be National Public Works Week in the City of Blaine. Public Works Director Haukaas thanked the council for recognizing the public works department and his dedicated staff members. He provided the council with an infrastructure report card from the state of Minnesota and highlighted the numerous services public works provides to the community.

Informational: no action required

5. COMMUNICATIONS

Councilmember Jeppson stated she and Councilmember Robertson had the privilege and honor of visiting Washington DC last week with Mr. Haukaas to discuss Highway 65 with federal legislators. She noted the group met with Congressman Emmer and the offices of Senators Klobuchar and Smith. She explained this trip was paid for by taxpayer money, but she believed it was well worth it due to the amount of momentum the TH65 project was gaining. She reported if the dollars are approved as has been discussed through the offices of Emmer, Smith and Klobuchar, the intersection at 99th Avenue would be fully funded. This meant Blaine taxpayers would not be responsible for paying for this major street improvement project.

Councilmember Robertson thanked the city for allowing her to represent Blaine at the nation's capitol. She indicated this project has been an uphill battle and was long-overdue. She appreciated the fact the council and staff has made this project a strategic priority. She thanked Mr. Haukaas for all his efforts on this project and for pursuing funding/grant opportunities. She stated the next Facebook town hall meeting would be

held on Thursday, May 19 where the city's infrastructure would be discussed. She invited the public to also attend an open house with MNDOT at the NSC on May 24.

Mayor Sanders stated last Thursday the city hosted an economic development summit at TPC where restaurateurs, bankers, developers, and business owners were invited to hear the story of Blaine to encourage them to invest in the City of Blaine. He thanked all the members of the business community who attended this event.

6. OPEN FORUM

Mayor Sanders opened the Open Forum at 7:31PM.

Judy Groth, resident of Club West, stated she received an assessment letter from the city and stated she had questions about the project. She indicated she was bothered by the fact Club West Parkway was a thoroughfare that served the entire neighborhood, but only a portion of the neighborhood had to assist in paying for its repair. She estimated 500+ cars were using Club West Parkway each hour of the day. She feared how this roadway would be impacted when TH65 was worked on. She requested a weight restriction be placed on this roadway to keep semis from using Club West Parkway. She asked that the roadway also have more police presence to address the speed of traffic.

Mayor Sanders encouraged Ms. Groth to meet with staff to address the questions she has regarding the roadway and assessment.

City Engineer Schluender explained Club West Parkway was a 10-ton street and weight limits could not be set because this was a state aid street. He reported he would be able to meet with Ms. Groth to address her other questions.

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

7. ADOPTION OF AGENDA

The agenda was adopted as presented.

8. APPROVAL OF CONSENT AGENDA:

Councilmember Newland stated he would like the record to reflect he would be abstaining from voting on the minutes.

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that the following be approved: Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

8.-1 Schedule of Bills Paid

Attachments: [April 22, 2022 Bills Paid](#)
 [April 22,2022 Subset of Bills Paid](#)
 [April 29, 2022 Bills Paid](#)
 [April 29, 2022 Subset of Bills Paid](#)
 [April 2022 P/R Checks and Wire Transfers](#)

Approved

8.-2 Approval of Minutes

Attachments: [05-06-22 and 05-07-22 Workshop Council Retreat](#)
 [05-02-22 Council Minutes](#)
 [05-02-22 Workshop Minutes](#)

Approved

8.-3 Wetland Credit Sale (.87 Acres)

Attachments: [Tamarack Purchase Agreement 4-25-22](#)

Adopted

8.-4 Award Contract to Mickman Brothers Inc in the Amount of \$20,453.28 for Landscape Median Care Maintenance

Attachments: [Mickman Brothers Landscape Median 2022](#)

Approved

8.-5 Approve Temporary Road Closure for Blaine Festival and Parade

Attachments: [Blaine Festival Parade Map](#)

Approved

8.-6 Capital Equipment - Sweeper Purchase Cost Revision

Approved

8.-7 Granting Final Plat Approval to Subdivide Approximately 1.16 Acres into Three Lots to be Known as Alexander Woods Fourth Addition at 1000 113th Avenue NE. Monti Gesino/Carlson McCain (Case File No. 22-0033/EES)

Attachments: [Attachments](#)

Adopted

8.-8 Granting Final Plat Approval to Create One Lot and Two Outlots to be Known as Davis Partners at 12191 Ulysses St NE. Davis Partners (Case File No. 21-0084/SAS)

Attachments: [Attachments](#)

Adopted

8.-9 Resolution Adopting the Fencing Consortium Joint Powers Agreement

Attachments: [Fence Consortium JPA](#)

Adopted

8.-10 **Second Reading**

**Amendment to Chapter 6, Alcoholic Beverages, Article II. -
Intoxicating Liquor and 3.2 Percent Malt Liquor, Sec. 6-33,
Definitions. Restaurant**

Adopted

9. 7:30 P.M. - PUBLIC HEARING AND ITEMS PUBLISHED FOR A CERTAIN TIME

9.-1 Adopting Assessment for 2021 Street Reconstructions, Improvement Project No. 21-06

[illegible]

Mr. Schluender stated Improvement Project No. 21-06 was ordered by the City Council on February 17, 2021, with Resolution 21-021. A construction contract was awarded to Park Construction Company by the City Council on June 7, 2021, with Resolution No. 21-127 and construction was completed in the fall of 2021. Staff reviewed the project area and explained the Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$752,398.15. The Public Utility Funds will contribute \$153,407.57 for water and sanitary sewer improvements, Pavement Management Program funds will contribute \$2,054,289.12 and MSAS will contribute \$1,000,000.

Mayor Sanders opened the public hearing at 7:39PM.

City Attorney Nelson reported if any property owner that wishes to challenge their assessment in court, they must make a written objection to the assessment prior to or at this meeting.

Judy Jorgenson, Clairmont Pines resident, asked how the assessments were determined for Club West Parkway. Mr. Schluender reported he would be happy to review this information with Ms. Jorgenson. He commented further on how townhomes were assessed versus commercial properties.

There being no additional public input, Mayor Sanders closed the public hearing at 7:44PM.

Councilmember Robertson stated she understood the questions being raised by the townhouse residents. She suggested a discussion regarding the assessment policy be held at a future council retreat.

Councilmember Newland asked how old Club West Parkway was. Mr. Schluender stated this roadway was built in the early 1990s and it has received one overlay. He reported the road was built to last 20 years and has far exceeded this life expectancy.

Councilmember Massoglia encouraged the residents in attendance to consider the senior deferral program for the roadway assessments.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Resolution No. 22-086, "Adopting Assessment for 2021 Street Reconstructions," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

10. DEVELOPMENT BUSINESS

10.-1

First Reading

Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 81.66 Acres Located at 13101 Lever Street NE. Preserve at Lexington Waters (Blaine 2022, LLC) (Case File No. 22-0021/SAS)

Attachments: [Attachments](#)
[Unapproved PC Minutes 051022](#)

City Planner Sellman stated the Preserve at Lexington Waters is a

107-lot single family subdivision. The development requires a rezoning, conditional use permit and preliminary plat. This action is for the first reading of an ordinance for the rezoning only.

Councilmember Massoglia stated considering the discussion at the retreat regarding the northeast area of Blaine, specifically having larger lot sizes and not rushing the full development of Blaine. He asked if this project would be better suited as R-1 versus DF and questioned if services should be connected to Ham Lake. Community Development Director Thorvig stated this project took a long time to come together, noting the site has challenges due to the wetlands. He believed it would be unfair to this developer to change course due to the amount of work that has gone into this development. He reported the matters discussed at the retreat would be implemented on all future developments. He explained if R-1 standards were followed, the site would have 80-foot-wide lots that would impact the preserved open space and surrounding wetlands. He indicated the developer was proposing to preserve 30 acres. He stated the City of Ham Lake does not have sewer or water which made a connection problematic.

Declared by Mayor Sanders that Ordinance No. 22-2504, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 81.66 Acres Located at 13101 Lever Street NE," be introduced and placed on file for second reading at the June 6, 2022, Council meeting.

10.-2

Second Reading

**Granting a Rezoning from FR (Farm Residential) to DF
(Development Flex) at 2741 and 2775 125th Avenue NE.
Meadowland Estates West (Herbst Raich Investments, LLC) (Case
File No. 22-0014/SLK)**

Attachments: [Attachments](#)
[Unapproved PC Minutes 041222](#)

Ms. Sellman stated Meadowland Estates West is an 18-lot single-family subdivision. The development requires a rezoning. This project consists of 16 single-family new lots, 2 lots for existing homes and one outlot. It was noted the property was guided low density residential and the developer was proposing to have 2.5 units per acre.

Councilmember Robertson discussed the letters sent from neighbors and stated she understood their concerns about how their view would change. She asked if the tree buffer would remain in place along the retention pond. Ms. Sellman explained these trees were on this property.

Moved by Councilmember Massoglia, seconded by Councilmember Jeppson, that Ordinance No. 22-2501, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) at 2741 and 2775 125th Avenue NE," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

10.-3

Granting Preliminary Plat Approval to Subdivide 19.24 Acres into 16 Single Family Lots, One Outlot, and Two Lots for Existing Homes to be Known as Meadowland Estates West at 2741 and 2775 125th Avenue NE. Herbst Raich Investments (Case File No. 22-0014/SLK)

Attachments: [Attachments](#)
[Unapproved PC Minutes 041222](#)

Ms. Sellman stated Meadowland Estates West development requires preliminary plat approval and explained this project is generally consistent with the adjacent developments.

Moved by Councilmember Jeppson, seconded by Councilmember Massoglia, that Resolution No. 22-087, "Granting Preliminary Plat Approval to Subdivide 19.24 Acres into 16 Single Family Lots, One Outlot, and Two Lots for Existing Homes to be Known as Meadowland Estates West at 2741 and 2275 125th Avenue NE," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

10.-4

Granting a Conditional Use Permit to Allow for the Construction of 16 Single-Family Lots and Standards with Two Existing Homes in a DF (Development Flex) Zoning District at 2741 and 2775 125th Avenue NE. Meadowland Estates West (Herbst Raich Investments, LLC) (Case File No. 22-0014/SLK)

Attachments: [Attachments](#)
[Unapproved PC Minutes 041222](#)

Ms. Sellman stated Meadowland Estates West development requires conditional use permit approval for the construction of 16 single family slab on grade homes. The lot widths for the 16 homes would be 53 and 54 foot wide. The front home elevations were reviewed with the council and staff recommended approval of the conditional use permit.

Moved by Councilmember Jeppson, seconded by Councilmember Massoglia that Resolution No. 22-088, "Granting a Conditional Use Permit to Allow for the Construction of 16 Single-Family Lots and Standards with Two Existing Homes in a DF (Development Flex) Zoning District at 2741 and 2775 125th Avenue NE," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

10.-5

Second Reading

Granting Code Amendments to Section 33.05 Lot Provisions, 33.08 Fences, 33.11 Permitted Encroachments-Yards, 82-231 Declaration of a Nuisance, 82-232 of the City Code Related to Site Distance Triangle. City of Blaine (Case File No. 22-0020/SAS)

Attachments: [Unapproved PC Minutes 041222](#)
 [Public Comment](#)

Ms. Sellman stated the proposed code amendments provide language to allow objects that are 75% transparent to be in the site distance triangle and language for violation enforcement. She explained in September 2021, staff was made aware via a complaint of a fence that was being erected on a corner lot that did not meet city code requirements related to the site distance triangle. The fence was installed without a permit. Staff worked with the homeowner and a plan was submitted that met the necessary code requirements. Upon inspection of the neighborhood, staff observed other fences that were erected without permits that did not meet city code requirements related to the site distance triangle. Unfortunately, there are likely many instances in other parts of the City where this issue exists. The issue was discussed at a City Council workshop in December 2021 and direction was given to staff to review the City Code and present options to amend the code.

Councilmember Jeppson thanked the resident for bringing this issue forward and for working with staff to amend city code.

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that Ordinance No. 22-2502, "Granting Code Amendments to Section 33.05 Lot Provisions, 33.08 Fences, 33.11 Permitted Encroachments-Yards, 82-231 Declaration of a Nuisance, 82-232 of the City Code Related to Site Distance Triangle," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

11. ADMINISTRATION

11.-1

Authorize City manager to Enter into a Master Partnership Contract with the State of Minnesota Department of Transportation

Attachments: [MnDOT Contract](#)

Mr. Haukaas stated the Master Partnership Contract provides a

framework for MnDOT and Local Agencies to provide services and payment to each other. The reason this is coming before the council is our current Master Partnership Contract with MnDOT is about to expire. On past State Aid projects, the City of Blaine has utilized testing services that MnDOT provides. While the city is not required to use MnDOT for testing services it is still prudent to have the agreement in place if needed. This will also allow any signal work that is performed by either agency to be billed under the Master Partnership Contract. The term of this contract is July 1, 2022 - June 30, 2027.

Councilmember Newland asked if any of the language within the agreement had changed in the last five years. Mr. Haukaas explained the ability to write work orders and share services was the only change to the language.

Moved by Councilmember Newland, seconded by Councilmember Paul, that Resolution No. 22-089, "Authorize City manager to Enter into a Master Partnership Contract with the State of Minnesota Department of Transportation," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders

12. OTHER BUSINESS

None.

13. ADJOURNMENT

Moved by Councilmember Robertson, seconded by Councilmember Massoglia to adjourn the meeting at 8:39PM.

Motion adopted unanimously.

Aye: 5 - Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia and Mayor Sanders