



**City of Blaine**  
**Anoka County, Minnesota**  
**Minutes - Final**  
**City Council**

10801 Town Square Dr.  
Blaine MN 55449

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Thursday, December 6, 2012

7:30 PM

Council Chambers

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**The Meeting Number was updated**

**Meeting Number 12-70**

**1. CALL TO ORDER BY THE MAYOR**

The meeting was called to order at 7:30 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

Quorum present.

**ALSO PRESENT:** Bryan Schafer, Planning Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Ward Brown, Financial Analyst; Chris Olson, Safety Service Manager/Police Chief; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.

**Present:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

**Absent:** 1 - Councilmember Hovland

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES**

**4.-1 [MIN 12-38](#)**

**WORKSHOP MEETING - 11/01/2012**  
**REGULAR MEETING - 11/01/2012**  
**WORKSHOP MEETING - 11/08/2012**  
**WORKSHOP MEETING - 11/15/2012**  
**REGULAR MEETING - 11/15/2012**  
**CLOSED MEETING - 11/15/2012**

**Sponsors:** Cross

**Attachments:**    [Workshop Minutes 11/01/2012](#)  
[Council Minutes 11/01/2012](#)  
[Workshop Minutes 11/08/2012](#)  
[Workshop Minutes 11/15/2012](#)  
[Council Minutes 11/15/2012](#)  
[Closed Pending Litigation 11/15/2012](#)

Moved by Councilmember Bourke, seconded by Councilmember Kolb, that the Workshop Meeting Minutes of November 1, 2012, and the Regular Meeting Minutes of November 1, 2012, be approved.

Motion adopted 5-0-1 (Mayor Ryan abstained from the Workshop Meeting Minutes and the Regular Meeting Minutes of November 1, 2012, due to his absence.)

Moved by Councilmember Clark, seconded by Councilmember Herbst, that the Workshop Meeting Minutes of November 8, 2012, be approved.

Motion adopted 5-0-1 (Councilmember Swanson abstained from the Workshop Meeting Minutes of November 8, 2012, due to his absence.)

Moved by Councilmember Swanson, seconded by Mayor Ryan, that the Workshop Meeting Minutes of November 15, 2012, the Regular Meeting Minutes of November 15, 2012; and the Closed Meeting Minutes of November 15, 2012, be approved.

Motion adopted 4-0-2 (Councilmember Bourke abstained from the Workshop Meeting Minutes, the Regular Meeting Minutes, and the Closed Meeting Minutes of November 15, 2012, due to his absence. Councilmember Kolb abstained from the Workshop Meeting Minutes, the Regular Meeting Minutes, and the Closed Meeting Minutes of November 15, 2012, due to her absence.)

**5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

None.

**6. COMMUNICATIONS**

Mayor Ryan congratulated Kwik Trip on their grand opening.

Mayor Ryan suggested having an open house on volunteerism opportunities with local organizations within the City of Blaine.

**7. OPEN FORUM FOR CITIZEN INPUT**

Mayor Ryan opened the Open Forum at 7:36 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:37 p.m.

**8. ADOPTION OF AGENDA**

**PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME**

**The Following Item is Scheduled for a First Reading**

[ORD 12-2254](#)

**AMENDING APPENDIX D - FEE SCHEDULE OF THE  
MUNICIPAL CODE OF THE CITY OF BLAINE**

**Sponsors:** City Manager Arneson

Moved in the agenda to follow item 11.2

**10. APPROVAL OF CONSENT AGENDA:**

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this be Adopt the Consent Agenda. The Motion was adopted unanimously.

**Approval of the Consent Agenda**

Moved that the following items be Approved by Consent Vote. Motion adopted unanimously.

**10.-1** [MO 12-149](#)

**SCHEDULE OF BILLS PAID**

**Sponsors:** Huss

**Attachments:** [11/09/12 Bills Paid](#)

[11/16/12 Bills Paid](#)

[11/21/12 Bills Paid](#)

Approved unanimously by Consent Vote.

**The Following Item is Scheduled for First Reading**

**10.-2** [RES 12-153](#)

**RECEIVE PETITION AND ORDER PUBLIC HEARING  
VACATION OF DRAINAGE AND UTILITY EASEMENTS  
LOT 17, BLOCK 1 & LOT 10, BLOCK 2, SHADOW PONDS  
VACATION NO. V12-05**

**Sponsors:** Keely

**Attachments:** [V12-05 Petition Shadow Ponds .pdf](#)  
[vacation 12-05.pdf](#)

**Adopted unanimously by Consent Vote.**

**10.-3 [MO 12-150](#) APPROVE 2012 THERAPEUTIC MASSAGE INDIVIDUAL LICENSE**

**Sponsors:** Cross

**Attachments:** [2012 Massage Individual List](#)

**Approved unanimously by Consent Vote.**

**10.-4 [MO 12-151](#) APPROVE APRIL 2012 SEWER BACKUP CLAIM**

**Sponsors:** Public Works Director Ulrich

**Approved unanimously by Consent Vote.**

**11. DEVELOPMENT BUSINESS**

**11.-1 [RES 12-154](#) GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A HOME OCCUPATION AT 1520 130th LANE NE. CARL AND KRISTY WHITE. (CASE FILE NO. 12-0039/LSJ)**

**Sponsors:** Schafer

**Attachments:** [Attachments.pdf](#)  
[Public Comments.pdf](#)

Planning and Community Development Director Schafer stated Carl and Kristy White have been working with the City regarding their home occupation. He stated the City's home occupation ordinance allows home occupations, but the resident must operate according to a set of regulations listed in the Zoning Ordinance. He stated the City received one complaint in 2012 regarding the parking of work vans on their property. He noted that at the Public Hearing one resident opposed and one resident inquired about stored chemicals, the City received one written comment in support and another in opposition of the home occupation. He stated in the conditional use permit states the resident has to replace the turf on the side of the

driveway.

Carl Kristy stated after the installation of home gutters the turf began to wash away. He plans to replace the turf in the spring.

Councilmember Herbst stated a problem with another home occupation is storage in the garage and parking causing disruption to the neighborhood. He asked if the Kristy's keep chemicals or supplies in the garage that would cause disruption in the neighborhood.

Councilmember Herbst asked about expanding the driveway. Planning and Community Development Director Schafer replied Mr. Kristy is aware of this option. He stated Mr. Kristy plans to widen the driveway in the future.

Councilmember Clark stated the applicant needs to follow the conditional use permit's restrictions.

Ms. Kristy mentioned the cul-de-sac had damage due to a storm in the past. She stated the land is sand and turf does not take in the area next to her driveway. She stated they have experienced issues with the same neighbor due to the neighbor's issue with the Kristy's dogs.

**Moved by Councilmember Herbst, seconded by Mayor Ryan, that this Resolution be Adopted As Amended. The Motion was adopted unanimously.**

Councilmember Clark stated the Kristy's should have a choice on the type of material to restore the ground's surface. He stated the rules are to park on asphalt.

Councilmember Swanson stated a year to do the work is appropriate.

Community Development Director Schafer stated the City's inspection would be conducted next December and suggested a year for the applicant to complete the work.

**Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Resolution 12-154, "Granting a Conditional Use Permit to Allow for a Home Occupation at 1520 130th Lane NE," be amended to include the applicant shall restore the ground surface by December 2013. Amendment adopted 5-1 (Councilmember Clark).**

11.-2 [RES 12-155](#)

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW  
FOR CONSTRUCTION OF AN 864 SQUARE FOOT  
ATTACHED STORAGE/ACCESSORY BUILDING AT 10030  
3rd STREET NE. THIEN AN BUDDHIST TEMPLE. (CASE  
FILE NO. 12-0038/SLK)**

**Sponsors:** Schafer

**Attachments:**     [Attachments.pdf](#)  
                              [Attachments - Public Comment.pdf](#)  
                              [Attachments - Parking Details.pdf](#)  
                              [Attachments - No Parking Request.pdf](#)

Planning and Community Development Director Schafer stated Thien An Buddhist Temple that is located at 10030 3rd Street NE is proposing to construct a 24' x 36' attached addition to the south of the existing building. He stated the proposed addition will be used for the storage of tables, maintenance tools, yard equipment, etc. He stated at the Public Hearing a representative from King of Glory Church spoke of parking and drainage issues. He noted the City received a letter from Alexandra House with parking concerns. He noted the Thien An Buddhist Temple has asked that the 3rd Street cul-de-sac be posted no parking; although all of the adjacent property owners should concur with this before a Council action is initiated.

Councilmember Kolb suggested posting parking directional signs.

Councilmember Swanson suggested Alexander House and the Thien An Buddhist Temple meet to discuss and resolve issues.

Councilmember Bourke commented mandated parking is not needed.

Tai D Nguyen, Thien An Buddhist Temple, stated parking is an issue. He stated the Temple is open to the public and they cannot control where people park. Mr. Nguyen has talked with King of Glory. He stated the Thien An Buddhist Temple does allow semi-trucks access in order to deliver to Alexandria House. He is willing to work with Alexandria House on the parking issue.

Mayor Ryan commented the Alexandria House is also short on parking.

**Moved by Councilmember Bourke, seconded by Councilmember Swanson, that this Resolution be Adopted. The Motion was adopted unanimously.**

**9.1**     [ORD 12-2254](#)

**AMENDING APPENDIX D - FEE SCHEDULE OF THE  
MUNICIPAL CODE OF THE CITY OF BLAINE**

**Sponsors:**     City Manager Arneson

City Manager Arneson stated City staff has reviewed the current Fee Schedule for the City and is recommending that the Fee Schedule be adopted. He stated Minnesota Statutes states a municipality may adopt a fee schedule under this subdivision by ordinance following publication of notice of proposed action on a fee schedule at least 10 days prior to a public hearing. He stated the

Municipal Code of the City is amended by adding Appendix D adopting a Fee Schedule for City services and licensing. He stated the City is dropping a \$5 surcharge and increase fees on park dedication on both residential and commercial, and increase fee of environmental reviews by \$300.

Mayor Ryan opened the public hearing at 8:11 p.m.

There being no public input, Mayor Ryan closed the public hearing at 8:13 p.m.

Councilmember Swanson stated maintaining the neighborhood parks are an issue and the City needs to look at upgrading or replacing certain parks.

Councilmember Bourke asked about the mowing and administration fee and if the City charges for each trip. City Manager Arneson replied the fee is for each trip.

Councilmember Bourke asked about the reforestation fee. Community Development Director Schafer replied the reforestation fee is being increased to reflect the current cost of trees. He commented when a developer removes 15 trees they are required to replace 7 trees.

**Declared by Mayor Ryan that Ordinance 12-2254, "Amending Appendix D – Fee Schedule of the Municipal Code of the City of Blaine" be introduced and placed on file for second reading at the December 20, 2012, Council meeting.**

11.-3 [RES 12-156](#)

**GRANTING PRELIMINARY PLAT APPROVAL TO  
SUBDIVIDE 4.26 ACRES INTO TWO (2) LOTS AND ONE  
(1) OUTLOT TO BE KNOWN AS TWIN TIDES ADDITION  
AT 1551 & 1525 99th LANE NE. TWIN CITY GEAR  
COMPANY. (CASE FILE NO. 12-0041/LSJ)**

**Sponsors:** Schafer

**Attachments:** [Attachments.pdf](#)

Planning and Community Development Director Schafer stated Twin City Gear (TCG) owns the property on the northwest corner of 99th Lane and Davenport Street. TCG has been negotiating with Green Lights Recycling to purchase part of the unused lot and tenant space in the building. He stated the preliminary plat contains two lots and one outlot. He noted Lot 1 is a little over 3 acres and contains an existing building, parking and drive areas, and the dumpster.

Mr. Max, Twin City Gear, stated the Council is welcome to visit and tour Twin City Gear at any time. He stated it is important to recycle and he

supports Green Lights Recycling.

**Moved by Councilmember Herbst, seconded by Councilmember Swanson, that this Resolution be Adopted. The Motion was adopted unanimously.**

11.-4 [RES 12-157](#)

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 3.55 ACRES INTO 19 SINGLE FAMILY LOTS TO BE KNOWN AS THE LAKES OF RADISSON 53rd ADDITION AT 123rd LANE/NORTH LAKES BOULEVARD. HANS HAGEN HOMES (CASE FILE NO. 12-0043/SLK)**

**Sponsors:** Schafer

**Attachments:** [Attachments.pdf](#)

Planning Director Schafer stated the Lakes of Radisson 53rd Addition consists of subdividing 3.55 acres into a subdivision with 19 lots. The final plat is generally consistent with the preliminary plat approved in August.

Mayor Ryan asked if any of the units will be rentals. Planning Director Schafer replied no.

Councilmember Herbst left at 8:24 p.m. and returned at 8:25 p.m.

**Moved by Councilmember Clark, seconded by Councilmember Swanson, that this Resolution be Adopted. The Motion was adopted unanimously.**

12. ADMINISTRATION

12.-1 [RES 12-158](#)

**ADOPT 2013 CHARITABLE GAMBLING FUND BUDGET**

**Sponsors:** Huss

**Attachments:** [2013 Charitable Gambling Fund Budget](#)

Finance Director Huss stated the proposed 2013 Charitable Gambling Fund Budget has been increased by 50% for the organizations that received funding in 2012 and the Council added a contribution to the Civil Air Patrol.

**Moved by Mayor Pro Tem Kolb, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.**

12.-2 [RES 12-159](#)

**ADOPT 2013 CABLE TELEVISION BUDGET**

**Sponsors:** Huss

**Attachments:** [2013 CTV Fund Budget](#)  
[NMTC Capital Plan 2012-2017](#)



Finance Director Huss stated the 2013 Cable Television Budget was discussed at a Workshop on November 8 where the Council indicated their conceptual approval.

**Moved by Councilmember Swanson, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.**

12.-3 [RES 12-080](#)

**APPROVE PARKING RESTRICTIONS ON THE NORTH  
SIDE OF 121ST AVENUE BETWEEN 3RD STREET AND  
7TH STREET**

**Sponsors:** Kappelhoff and Keely

**Attachments:** [121st Ave No Parking Petition.pdf](#)  
[Loc Map - 121st No Parking.pdf](#)  
[121st Ave Parking PB Minutes.doc](#)  
[Resident Emails and Letter on 121st Ave Pkg](#)

City Engineer Keely stated the Council has reviewed several times this proposal to restrict parking on the north side of 121st Avenue between 3rd Street and 7th Street. She stated the Council postponed action until a neighborhood meeting was held. The neighborhood meeting was held in August and nine residents attended who were in favor of the parking restriction. She stated the street meets the City's residential standards, but does not meet the Minnesota State Aid (MSA) standards of no parking on both sides of the street. She stated staff recommends Council approval of the resolution and add "Except for Legal Holidays" to the resolution.

Councilmember Herbst stated he agrees with parking on one side of the street.

Councilmember Swanson asked if any MSA money has been used on this road. City Engineer Keely replied no, but MSA funds have been used for a traffic signal at Jefferson by Roosevelt School. She commented when University Avenue is constructed on the west end, MSA will be a funding source for signal reconstruction.

Public Services Manager Therres stated the Council will need further discussion on MSA roads and funding. He suggested amending the resolution timeframe to July 31 because it is the end of the season.

**Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this Resolution be Adopted As Amended. Amended motion adopted 5-1 (Councilmember Kolb)**

Councilmember Clark asked about the location of the additional temporary parking. Public Services Manager Therres replied over flow parking will be where the general rink is located.

Councilmember Kolb stated she is not comfortable with this action.

**Moved by Councilmember Kolb, seconded by Councilmember Herbst, that Resolution 12-080, "Approve Parking Restrictions on the North Side of 121st Avenue Between 3rd Street and 7th Street," be amended to end the parking restriction on July 31.**

**12.-4**     [MO 12-152](#)

**AUTORIZE CITY MANAGER TO ENTER INTO AGREEMENT WITH PRAIRIE RESTORATIONS, INC. IN A NOT-TO-EXCEED AMOUNT OF \$12,500.00, PLUS TAX, FOR IMPROVEMENTS AT AQUATORE PARK IN ACCORDANCE WITH THEIR QUOTE DATED NOVEMBER 16, 2012**

**Sponsors:**     Hafner

Public Services Manager Therres stated the City initiated a buckthorn removal effort in the 4.5-acre woods of Aquatore Park. It was determined the woods need more cleaning near the gateway of the City. The City contacted several contracts to provide quotes for improvements to the general condition of the woods and for the construction of a simple trail loop through the woods. The Natural Resources Conservation Board reviewed three proposals and recommends the Council approve Prairie Restorations, Inc. in the amount of \$12,500.00.

**Moved by Mayor Pro Tem Kolb, seconded by Councilmember Swanson, that this Motion be Approved. The Motion was adopted unanimously.**

**13.     OTHER BUSINESS**

**Moved by Councilmember Kolb, seconded by Councilmember Bourke, that the City staff is provided a paid half day to use at the discretion of the City Manager. Motion adopted unanimously.**

**14.     ADJOURNMENT**

**Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 8:45 p.m.**