



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

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

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Thursday, October 4, 2018

7:30 PM

Council Chambers

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

The meeting was called to order at 7:37 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Quorum Present.

**ALSO PRESENT:** City Manager Clark Arneson; Planning and Community Development Director Bryan Schafer; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; Economic Development Coordinator Erik Thorvig; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Patrick Sweeney; City Engineer Dan Schluender; Senior Engineering Technician Al Thorp; Communications Technician Roark Haver; Community Standards Director Bob Fiske; and City Clerk Catherine Sorensen.

**Present:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**Absent:** 1 - Councilmember Clark

**4. APPROVAL OF MINUTES**

**4.-1 RECENTLY HELD MEETINGS**

**Attachments:**    [09-13-18 Special WS - Atty Interview.pdf](#)  
[09-20-18 Workshop Minutes](#)  
[09-20-18 Council Minutes](#)

**Moved by Councilmember Swanson, seconded by Councilmember King, that the Minutes of the Special Workshop Meeting of September 13, 2018, the Minutes of Workshop Meeting of September 20, 2018, and the Minutes of the Regular Meeting of September 20, 2018 be approved.**

**Motion adopted. Councilmembers Hovland and Jeppson abstained on the September 13, 2018 Special Workshop meeting minutes due to their absence.**

**Mayor Ryan abstained on the September 20, 2018 Workshop and Regular meeting minutes due to his absence.**

**Aye:** 3 - Councilmember Swanson, Councilmember King and Councilmember Garvais

**Abstain:** 3 - Mayor Ryan, Councilmember Hovland and Councilmember Jeppson

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

None.

**None.**

**6. COMMUNICATIONS**

Mayor Ryan welcomed a student from Westwood Intermediate.

Mayor Ryan wished the 800 troops within the 34th Red Bulls unit a safe deployment to Kuwait.

Mayor Ryan thanked Recreation Manager Shari Kunza and all who were involved in another successful Blaine Block Party.

**Informational.**

**7. OPEN FORUM FOR CITIZEN INPUT**

Mayor Ryan opened the Open Forum at 7:39 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:39 p.m.

**None.**

**8. ADOPTION OF AGENDA**

The agenda was adopted as amended moving Items 11.7 and 12.3 to be discussed after Public Hearings.

**Adopted as amended.**

**9. APPROVAL OF CONSENT AGENDA:**

**Moved by Councilmember King, seconded by Councilmember Jeppson, that the following be approved:**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

9.-1

**SCHEDULE OF BILLS PAID**

**Attachments:**    [August 2018 Payroll Checks and Wire Transfers](#)  
[9/14/18 Bills Paid](#)  
[9/21/18 Bills Paid](#)

**Approved**

9.-2

**ACCEPTING QUOTE FOR OSTMANS PARK STORM  
SEWER REPAIR, IMPROVEMENT NO. 17-10, IN THE  
AMOUNT OF \$31,458.00 FROM JULIAN M JOHNSON  
CONSTRUCTION**

**Attachments:**    [Ostmans Park Location Map](#)

**Approved**

9.-3

**GRANTING APPROVAL TO CONDUCT OFF-SITE  
GAMBLING AT THE TPC TWIN CITIES ON  
DECEMBER 3, 2018 FOR THE SPRING LAKE PARK  
LIONS**

**Attachments:**    [LG230](#)

**Adopted**

**10. 7:30 P.M. - PUBLIC HEARING AND ITEMS PUBLISHED FOR A CERTAIN TIME****10.-1****PUBLIC HEARING FOR ESTABLISHMENT OF A  
REDEVELOPMENT TAX INCREMENT FINANCING  
DISTRICT NO. 1-21 (SOUTH TERRACE COVE) AND  
ADOPTION OF A TAX INCREMENT FINANCING PLAN**

Economic Development Coordinator Thorvig stated Minnesota State Statute 469.175 requires a public hearing to be held prior to establishment or modification of any tax increment financing district.

Mayor Ryan opened the public hearing at 7:41 p.m.

There being no public input, Mayor Ryan closed the public hearing at 7:41 p.m.

**Informational: no action required**

**DEVELOPMENT BUSINESS****11.-7****RESOLUTION APPROVING AN AMENDMENT TO THE  
BLAINE ECONOMIC DEVELOPMENT PROJECT PLAN,  
ESTABLISHING AN ECONOMIC DEVELOPMENT TAX  
INCREMENT FINANCING DISTRICT AND APPROVING  
TAX INCREMENT FINANCING PLAN THEREFOR  
(SOUTH TERRACE COVE PROJECT)**

**Attachments:**    [Site Location Map](#)  
[Building Inspection Report](#)  
[TIF Plan](#)

Mr. Thorvig requested the Council approve a TIF request in the amount of \$850,000 for the 3.09-acre site which currently consists of three, 1970s era office buildings with storage garages behind. Shade Tree is proposing to redevelop the site with 43, for-sale townhome units sold in the \$250,000-\$300,000 price range. The Planning and Zoning approvals were approved by the City Council at the September 20, 2018 meeting. If the TIF request is also approved, the developer will start demolition of the buildings this fall.

**Moved by Councilmember Hovland, seconded by Mayor Ryan, that Resolution No. 18-197, "Resolution Approving an Amendment to the Blaine Economic Development Project Plan, Establishing an Economic Development Tax Increment Financing District and Approving Tax Increment Financing Plan Therefor (South Terrace Cove Project)," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

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

**10.-2**

**VACATION OF EASEMENTS AS DESCRIBED IN DOCUMENT NO.'S 224530 AND 537686.006 FOR MEADOW PLACE, VACATION NO. V18-08**

**Attachments:**     [Signed Petition.pdf](#)  
                              [Location Map.pdf](#)

City Engineer Schluender stated a petition received August 23, 2018, was submitted to the City by Ed Dropps, representing Accent Homes, Inc., requesting vacation of easements to allow for the subdividing of the property into the plat of Meadow Place. The easement will be replaced in the new plat. The Engineering Department has reviewed this request and concurs with the vacation.

Mayor Ryan opened the public hearing at 7:43 p.m.

There being no public input, Mayor Ryan closed the public hearing at 7:43 p.m.

**Moved by Councilmember Garvais, seconded by Councilmember Jeppson, that Resolution 18-193, "Vacation of Easements as Described in Document No's 224530 and 537686.006 for Meadow Place," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**ADMINISTRATION**

**12.-3**

**AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF ITS MULTIFAMILY HOUSING REVENUE NOTE (Legends of Blaine Project), SERIES 2018; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTE AND RELATED DOCUMENTS; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE NOTE; AND GRANTING APPROVAL FOR CERTAIN OTHER**

**ACTIONS WITH RESPECT THERETO**

**Attachments:**     [Resolution](#)

Finance Director Huss stated the City of Blaine, Wellington Management and Dominion have been working on a development project called Lexington Meadows at the southwest corner of 109th and Lexington Avenue. Wellington Management is proposing to purchase approximately 80 acres of land and develop a 32-acre commercial center along with selling land to Dominion who would construct a 192-unit apartment building called the Legends of Blaine. Dominion will purchase their site in October and start construction of the apartment this fall. On December 7, 2017 the City Council authorized the issuance of \$21,751,997.91 in conduit bonds to provide temporary (“bridge”) financing for the project. Dominion is now requesting permanent conduit financing of \$27,500,000 for this project. As a conduit issue, this debt is payable solely from the revenues pledged under the Loan Agreement, and does not represent a debt or obligation of the City.

**Moved by Councilmember Swanson, seconded by Councilmember Garvais, that Resolution 18-198, “Authorizing the Issuance, Sale and Delivery of Its Multi Family Housing Revenue Note (Legends of Blaine Project), Series 2018; Approving the Form of and Authorizing the Execution and Delivery of the Note and related Documents; Providing for the Security Rights, and Remedies with Respect to the Note; and Granting Approval for Certain Other Actions with Respect Thereto,” be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

**11. DEVELOPMENT BUSINESS****11.-1**

**GRANTING A CONDITIONAL USE PERMIT  
AMENDMENT TO RESOLUTION 14-198 TO ALLOW  
FOR AN AMUSEMENT/RECREATION USE (CLUB  
PILATES), ONE FUTURE RESTAURANT AND GENERAL  
RETAIL USES AT THE CAVNER COMMONS  
DEVELOPMENT LOCATED AT 10945, 10961 AND 10995  
CLUB WEST PARKWAY (CASE NO. 18-0059/LSJ)**

**Attachments:**     [Club Pilates Attachments](#)

Planning and Community Development Director Schafer stated in 2014, the City Council approved a conditional use permit amendment for Caver Commons on the northeast corner of 109th Avenue and Club West Parkway that allowed the applicant to construct the 3rd and final building in that development. There are two single-level, multi-tenant retail buildings and a large medical office building and all of

these buildings share a parking field, which was approved with the conditional use permit amendment. The total square footage of the three buildings in this development is 73,055 square feet. With regards to parking, the parking needs for the overall site have been calculated and 340 stalls are required for the entire site. There are 346 stalls on this site. This calculation does not include potential higher parking demand uses that might occupy these spaces so the resolution that governs the site states that no restaurants are allowed in this building.

Mayor Ryan commented on how busy the Anoka County License Center was on a daily basis and said he supported the proposed retail use expansion.

**Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Resolution No. 18-194, "Granting a Conditional Use Permit Amendment to Resolution 14-198 to Allow for an Amusement/Recreation Use (Club Pilates), One Future Restaurant and General Retail Uses at the Cagner Commons Development located at 10945, 10961 and 10995 Club West Parkway" be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

11.-2

## SECOND READING

### **GRANTING A REZONING FROM B-2 (COMMUNITY COMMERCIAL), FR (FARM RESIDENTIAL) AND DF (DEVELOPMENT FLEX) TO PBD (PLANNED BUSINESS DISTRICT) FOR 39.24 ACRES AT 125TH AVENUE/JEFFERSON STREET NE. HY-VEE. (CASE FILE NO. 18-0049/LSJ)**

**Attachments:** [Attachments CC 101818](#)

Mr. Schafer stated the approximately 40-acre property on which the development will occur has three different zoning designations at this time. The northeast corner (approximately 5.5 acres) of the property has a B-2 (Community Commercial) zoning designation. The area immediately west of that corner is zoned DF (Development Flex) and the southern half of the property is zoned FR (Farm Residential). The proposed zoning, to provide consistency over the entire 40 acres, is PBD (Planned Business District). The PBD allows gas station/convenience store with car wash, grocery store, liquor store and general retail with approvals of a conditional use permit. The PBD zoning would also accommodate the other potential uses that could occur on the 40-acre site in the future such as office or higher density residential. The site has the land use designation of HDR/PC. The PBD zoning is the

correct zoning to implement the proposed land uses and conditional use permits that are requested.

Marc Severson, 525 122nd Avenue NE, shared photos and a video outlining traffic and safety concerns if Jefferson Street is connected. He commented he was not opposed to Hy-Vee coming into his neighborhood but rather did not want the City to push Jefferson Street through for safety reasons. He noted he had a petition with 170+ Crescent Ponds signatures requesting Jefferson Street be turned into a cul-de-sac with a walkway to Hy-Vee and the school. He encouraged the City Council to visit the Crescent Ponds neighborhood in order to better understand how this development would adversely impact his neighborhood.

Kari Schuster, 532 121st Avenue NE, explained she was not opposed to Hy-Vee but was opposed to the completion of Jefferson Street to Main Street. She commented further on the number of children that live in her neighborhood and stated she feared for their safety if Jefferson Street were to be pushed through. She explained she would not have purchased her home if the parcel behind her home had been zoned for a large high-volume commercial development. She urged the Council to hear the concerns of the neighborhood and consider the safety of its residents. She was of the opinion that even without the road being pushed through this Hy-Vee would be successful.

Matthew Elhadad, 508 122nd Avenue NE, questioned why the road connection must be completed. He stated he understood it was part of the City's transportation plan, but encouraged the Council to consider how the connection would impact his neighborhood. He noted he had reviewed the City's transportation plan and the plans for Jefferson Street. He reported the connection of Jefferson Street to Main Street was not always the plan. He commented on the original land use and how the proposed rezoning would significantly impact his neighborhood. He provided the Council with the definition of a collector and arterial street. He further discussed his findings from the transportation plan stating he feared the traffic study numbers were on the low end and that over 3,000 cars could be driving past his home on a daily basis if the Council approved this request. He recommended the Council reconsider the approval of this roadway connection for safety purposes.

Jennifer Broeffle, 317 122nd Avenue, discussed the impacts Hy-Vee would have on the adjacent neighborhood, how students need safe access to schools, and requested a 20-foot berm, landscaping with overstory trees or a fence be installed to screen Hy-Vee from the adjacent homes. She recommended large caliper trees be installed on the berm, along with a new sidewalk on the east side of the development. She requested all Hy-Vee lighting be reduced to ensure the lighting does not spill onto the adjacent residential property. She suggested no deliveries



be allowed from 10:00 p.m. to 7:00 a.m. She recommended the entrances from the school and Hy-Vee align for the safety of pedestrians and parents dropping off children at the school. She requested the City consider implementing a "School Zone" along Jefferson to reduce car speeds and improve safety. Lastly, she discussed how her home value would be adversely impacted by the proposed development and requested the Council not approve the roadway connection.

Laura Schue, 136 121st Avenue, stated she was happy to see Hy-Vee was coming to the City of Blaine. However, she expressed concern with the amount of traffic that would be going through her neighborhood and how this may impact emergency vehicle access. She recommended no additional traffic be added to Jefferson Street for safety purposes.

Phil Hoey, Hy-Vee representative, thanked City staff for their work on this project and thanked the neighborhood for sharing their concerns. He explained he has been working on this project with the City for the past two years. He shared how Hy-Vee needs to have Jefferson Street connected as it was a significant connection point and he would not be able to construct the store with only one entrance point. He reported the traffic study was conservative in nature. He indicated he could support an 18-foot berm and three-inch caliper trees along the property lines. He requested fencing not be required along any side of the building as this has become a maintenance concern at other sites. He provided further comment on the proposed lighting and asked that a delivery restriction not be placed on this facility. He stated he supported the school zone request, along with the sidewalk on the east side of the development.

Jordan Swartz, Alliant Engineering, described how he calculated the traffic projections for the Hy-Vee development. He compared the traffic study to an earlier proposed market-rate apartment complex and noted the proposed development would have less traffic than the market-rate apartment concept.

Councilmember Hovland questioned the distance from Jefferson Street to University Avenue. Mr. Swartz stated he did not have this answer but estimated the distance to be one-half mile.

Councilmember Hovland suggested one-way access be allowed through the neighborhood but that all traffic exiting Hy-Vee flow out to Main Street. Mr. Schluender stated he spoke with the State regarding the potential of Jefferson Street becoming a one-way street because it was a State-Aid roadway. He explained one-way streets are only allowed in downtown Minneapolis and St. Paul and have to be completed in pairs. He was told by the State that if this road were to become a one-way it would have to be removed from the Minnesota State Aid system.

Councilmember King asked if any actions related to Hy-Vee that could be taken to remove Jefferson Street from the Minnesota State Aid system. Mr. Schluender reported staff would have to be directed by the Council to take this action.

Councilmember Hovland questioned how much revenue the City would lose if the segment of Jefferson Street from University Avenue to Main Street were removed from the MSA program. Mr. Schluender stated he had not prepared these numbers for the Council. Public Works Director Haukaas commented on the future expense of the intersection signals and noted these would be the responsibility of the City if an MSA designation was removed.

Councilmember Hovland supported this item being postponed to allow for the revenue information and a change to the points of entry to the site being reconsidered.

Mr. Schluender commented on how difficult it would be to enforce a one-way street on such a short stretch of roadway.

Councilmember Swanson asked if the City used State Aid funds to complete the signaled intersections originally. Mr. Schluender reported this was the case.

Councilmember Swanson inquired if there would be a major pay back for the traffic signals if the City were to make a change. Mr. Schluender stated he would have to investigate this further.

Mr. Severson questioned what sections of Hy-Vee would be removed in order to fit the smaller footprint for this store. Mr. Hoey explained the inside of the store has not been designed completely. He noted the store design would be changed as the development occurs and market demands become known. He stated none of the departments would be removed but rather the sizes would be adjusted to meet the footprint.

Councilmember Hovland asked when Hy-Vee was hoping to break ground. Mr. Hoey indicated he was hoping to break ground this fall. He stated he would like to hear from the Council whether or not there is support for the Hy-Vee project. He commented further on the importance of parking and access to this development.

Mr. Severson explained he worked in retail operations and questioned the claims Hy-Vee was making that this store had not yet been designed and that the size was being reduced. He stated the total traffic counts were also unclear to him. He commented if Hy-Vee was stating not that many cars are going to be cutting through the neighborhood then perhaps the connection should not be made. He

stated he would like to have Hy-Vee go on record stating if the development would continue if Jefferson Street were capped or turned into a cul-de-sac. He stated while he was happy to have Hy-Vee as a neighbor, he also wanted this development to be done right.

Mayor Ryan commented on the lighting being proposed for this development and explained all fixtures would be downlit. He discussed the delivery truck traffic and indicated this would be difficult for the City to regulate. He stated he supported the installation of 3½” trees and nothing larger on the 18-foot berm. He reiterated it has always been the City’s intent to connect the road.

Councilmember King stated this was a very difficult choice for the Council. He understood that residents were very excited to have Hy-Vee coming to Blaine. He explained he lives in this neighborhood and understood the difficulty in balancing the needs of the community versus the needs of this neighborhood. He anticipated that this location would be highly successful. He supported the Council exploring further access options with Jefferson Street being capped. In addition, he would like to see the berm as high as possible in order to provide a buffer for the adjacent neighborhood. He read an email in full for the record that he received from a resident who lives near Ball Road near Wal-Mart and discussed how that neighborhood has been impacted by the large commercial development. He encouraged the Council to not make the same mistake and to consider how traffic within Crescent Ponds would be impacted if a large commercial development were to locate in their backyard. He suggested 124th Avenue and Jefferson Street remain closed if this development were to move forward.

Councilmember Swanson stated traffic studies were completed for Ball Road and noted no other concerns have been brought to the City regarding traffic issues and noted this was one resident’s opinion as to the traffic along Ball Road. He indicated the issue before the Council at this time was if the roadway connection was made whether or not the Hy-Vee development would occur.

Councilmember Hovland stated he would like the Council to discuss this issue further at an upcoming workshop meeting.

Councilmember Jeppson asked if the developer would withdraw their development request if the roadway was not connected. Mr. Hoey indicated he would like to withhold his answer until he has heard from the entire Council.

Councilmember Jeppson stated if the project was lost because of the roadway connection, she would be offering her full support to the request. She commented on the importance of safety in the entire community and reported she would be making a number of safety requirements from the developer, such as striping, stop

signs, one-sided parking, and that the connection of Jefferson Street be delayed until 75% of the project was completed.

Councilmember Garvais supported the berm with 3” trees between Hy-Vee and the adjacent homes. He stated he was open to considering a one-way street and requested the applicant consider creating a trail system for the neighborhood to access Hy-Vee.

Mr. Hoey commented it was not his decision whether or not Hy-Vee builds a location in Blaine but rather the CEO but indicated the original decision to come to Blaine was based on the fact Jefferson Street would be connected and that it would be his recommendation that Hy-Vee not move forward without the connection. He supported the Council further discuss access to the site prior to approving the rezoning.

**Moved by Councilmember Hovland, seconded by Councilmember Swanson, that Ordinance No. 18-2413, “Granting a Rezoning from B-2 (Community Commercial), FR (Farm Residential) and DF (Development Flex) to PBD (Planned Business District) for 39.24 Acres at 125th Avenue/Jefferson Street NE,” be approved.**

City Manager Arneson reviewed the 180-day timeline for this project with the Council and noted final consideration would have to be made by October 20th.

Jason Reed, resident from Blaine, explained he grew up in Blaine and stated he did not want to see this road connection completed as it would negatively impact the Crescent Ponds neighborhood.

Councilmember Garvais stated he would like to see more information shared at the October 11th workshop with formal consideration at the October 18th regular meeting.

**Moved by Councilmember Swanson, seconded by Mayor Ryan, to recommend approval of the Hy-Vee development with 121st Avenue being constructed as a through street.**

**Councilmember Swanson and Mayor Ryan withdrew their motion and second.**

**Moved by Councilmember Hovland, seconded by Mayor Ryan, to table action on this item to the October 11, 2018 City Council Workshop meeting to further explore road options for consideration at the October 18, 2018 City Council meeting.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

11.-3

**GRANTING PRELIMINARY PLAT APPROVAL TO  
SUBDIVIDE 39.24 ACRES INTO TWO (2) LOTS AND  
THREE (3) OUTLOTS TO BE KNOWN AS HY-VEE,  
LOCATED AT 125TH AVENUE AND JEFFERSON  
STREET (CASE FILE 18-0049/LSJ)**

Moved by Councilmember Hovland, seconded by Mayor Ryan, to table action on this item to the October 11, 2018 City Council Workshop meeting to further explore road options for consideration at the October 18, 2018 City Council meeting.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

11.-4

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW  
FOR THE CONSTRUCTION OF A HY-VEE GROCERY  
STORE, GAS SALES, LIQUOR STORE, COFFEE SHOP  
AND CAR WASH TO BE LOCATED AT 210 125TH  
AVENUE NE. (CASE NO 18-0049/LSJ)**

Moved by Councilmember Hovland, seconded by Mayor Ryan, to table action on this item to the October 11, 2018 City Council Workshop meeting to further explore road options for consideration at the October 18, 2018 City Council meeting.

Motion adopted unanimously.

Aye: 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

Mayor Ryan recessed the meeting at 9:40 p.m.

Mayor Ryan reconvened the meeting at 9:50 p.m.

Recess and Reconvene

11.-5

**FIRST READING**

**CODE AMENDMENT TO THE RR (REGIONAL  
RECREATION) ZONING TEXT TO ALLOW A BUILDING  
TALLER THAN 50-FEET IN HEIGHT AND TO ALLOW A  
BUILDING WITH A FABRIC DOME ROOF FOR THE  
NATIONAL SPORTS CENTER LOCATED AT 1700  
105TH AVENUE NE (CASE FILE NO. 18-0057/BKS)**

Mr. Schafer stated this ordinance would permit the City Council to review and approve a conditional use permit for a building taller than 50 feet at the National Sports Center. He explained it does not set a permissible height but rather requires Council review if higher than 50 feet.

Councilmember Hovland asked if this ordinance would allow other applicants to go through the process of having buildings taller than 50 feet. Mr. Schafer reported the proposed ordinance would only apply to the Regional Recreation zoning district.

**Declared by Mayor Ryan that Ordinance No. 18-2414, "Code Amendment to the RR (Regional Recreation) Zoning Text to Allow a Building Taller than 50-Foot in Height and to Allow a Building with a Fabric Dome Roof for the National Sports Center located at 1700 105th Avenue NE," be introduced and placed on file for second reading at the October 18, 2018 Council meeting.**

11.-6

**FIRST READING**

**GRANTING A REZONING FROM FR (FARM  
RESIDENTIAL) TO PBD (PLANNED BUSINESS  
DISTRICT) FOR A WATER TREATMENT FACILITY AT  
12260 LEXINGTON AVENUE NE (CASE FILE NO.  
18-0058/BKS)**

**Attachments:**     [Attachments PC 091118](#)

Mr. Schafer stated this ordinance would grant a rezoning from FR (Farm Residential) to PBD (Planned Business District) for a water treatment facility at 12260 Lexington Avenue. He explained the water treatment plans have been reviewed with the Council and noted the proposed zoning was consistent with the City's Comprehensive Plan.

**Declared by Mayor Ryan that Ordinance No. 18-2415, "Granting a Rezoning from FR (Farm Residential) to PBD (Planned Business District) for a Water Treatment Facility at 12260 Lexington Avenue NE," be introduced and placed on file for second reading at the October 18, 2018 Council meeting.**

**12. ADMINISTRATION**

12.-1

**AUTHORIZE THE MAYOR AND CITY MANAGER TO  
ENTER INTO A ONE YEAR CONTRACT WITH THE  
STATE OF MINNESOTA FOR A FOUR DAY PER WEEK  
INSTITUTION COMMUNITY WORK CREW IN THE  
AMOUNT OF \$88,000.00**

**Attachments:**     [ICWC backgrounder](#)  
                          [ICWC work and projects](#)  
                          [Blaine ICWC Contract - Revised 4 day](#)

Mr. Haukaas stated the City entered into a contract with the State of Minnesota Corrections Department for a two day per week work crew to perform various labor-intensive work throughout the city. We have already experienced excellent service and received significant benefit from this contract. As discussed at the September 6, 2018 City Council Work Session, this action would expand that contract to a four day per week contract. The primary focus of the additional time will be spent on forestry management related to the Emerald Ash Borer threat. As such funding is proposed to come primarily from the Forestry and other tree work budget line items.

Councilmember King asked if the City has had any problems or received any complaints related to this program. Mr. Haukaas stated the City has not had any problems or complaints.

**Moved by Councilmember Jeppson, seconded by Councilmember Hovland, that Motion 18-119, "Authorize the Mayor and City Manager to Enter into a One Year Contract with the State of Minnesota for a Four Day Per Week Institution Community Work Crew in the Amount of \$88,000," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

## 12.-2

### APPROVAL OF LEGAL SERVICES CONTRACTS

**Attachments:**     [Civil Contract](#)  
                          [Criminal Prosecution Contract](#)

Mr. Arneson stated Council has directed staff to present contracts for legal services for Council consideration. The contracts will be for prosecution services and civil services, both with Eckberg Lammers. A request for proposals was conducted with seven proposals received and three firms selected for interviews. The contracts are for a five-year period.

**Moved by Councilmember Swanson, seconded by Mayor Ryan, that Motion 18-120, "Approval of Legal Services Contracts with Eckberg Lammers P.C. for both civil and criminal prosecution with the extension to January 1 to allow for transition," be approved.**

Councilmember Hovland stated he would like to see this item tabled for further discussion at a future worksession meeting.

**Moved by Councilmember Hovland, seconded by Councilmember King, to table action on this item to a future workshop meeting.**

**Motion failed 2-4 (Councilmembers Jeppson, King, Swanson and Mayor Ryan opposed).**

**Aye:** 2 - Councilmember Hovland and Councilmember Garvais

**Nay:** 4 - Mayor Ryan, Councilmember Swanson, Councilmember King and Councilmember Jeppson

Mayor Ryan commented on the interviews that were held and noted the cost difference between the attorney contracts.

Councilmember Hovland discussed the overages Eckberg Lammers has had in the last year and questioned if the City Attorney could continue to do the required work at the proposed price given the fact the City was growing in size each year.

Councilmember Garvais reported the overages were due to direction provided by the City Council.

Councilmember Hovland stated he would support the City's civil and criminal prosecution services being split between Eckberg Lammers and Berglund & Berglund.

**Moved by Councilmember Hovland, seconded by Councilmember King, to approve Eckberg Lammers P.C. for civil prosecution and Berglund & Berglund for criminal prosecution.**

**Motion failed 2-4 (Councilmembers Jeppson, King, Swanson and Mayor Ryan opposed).**

**Aye:** 2 - Councilmember Hovland and Councilmember Garvais

**Nay:** 4 - Mayor Ryan, Councilmember Swanson, Councilmember King and Councilmember Jeppson

Councilmember King stated he was opposed to having both criminal and civil services with the same law firm as there could be padding concerns. He explained the Berglund lawfirm provided the City with excellent recommendations. He indicated he would not be supporting the City moving forward with a single law firm.

Councilmember Garvais commented he understood Councilmember King's concerns. He reported Eckberg Lammers provided the City with very good references as well. He stated he supported approving both contracts with Eckberg Lammers given the high level of training they would provide to the Police Department and for cost saving measures.

Councilmember Hovland asked if Eckberg Lammers charges all cities the same flat fee. Tom Weidner, Eckberg Lammers, P.C., discussed the flat fee structure that was charged from city to city and noted the City of Blaine's increased case load



was taken into consideration when creating the proposed flat fee.

**Moved by Councilmember Swanson, seconded by Mayor Ryan, that Motion 18-120, "Approval of Legal Services Contracts with Eckberg Lammers P.C. for both civil and criminal prosecution with the extension to January 1 to allow for transition," be approved.**

**Councilmember King requested a roll call vote.**

**Councilmember Garvais – aye  
Councilmember Hovland – nay  
Councilmember Jeppson – aye  
Councilmember King – nay  
Councilmember Swanson – aye  
Mayor Ryan – aye**

**Motion adopted 4-2 (Councilmembers Hovland and King opposed).**

**Aye:** 4 - Mayor Ryan, Councilmember Swanson, Councilmember Garvais and Councilmember Jeppson

**Nay:** 2 - Councilmember King and Councilmember Hovland

### 13. OTHER BUSINESS

Mr. Arneson requested the Council take action on a settlement agreement for the Hastings Street Litigation.

**Moved by Mayor Ryan, seconded by Councilmember Jeppson, to approve Settlement Agreement and Release for Ahmed, et.al. v. City of Blaine and S. R. Wiedema v. City of Blaine as discussed in Closed Session regarding Hastings Street litigation.**

**Motion adopted 5-0-1 (Councilmember Swanson abstained).**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

### 14. ADJOURNMENT

**Moved by Councilmember Hovland, seconded by Councilmember Jeppson, to adjourn the meeting at 10:17 p.m.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson