



City of Blaine
Anoka County, Minnesota
Minutes
City Council

Blaine City Hall
10801 Town Sq Dr NE
Blaine, MN 55449

Thursday, October 19, 2017

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:44 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; Interim Police Chief/Safety Services Manager Dan Szykulski; Director of Public Works Jon Haukaas; Finance Director Joe Huss; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Patrick Sweeney; Assistant City Engineer Dan Schluender; Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; and City Clerk Catherine Sorensen.

Present: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

4. APPROVAL OF MINUTES

None.

None.

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

None.

6. COMMUNICATIONS

Mayor Ryan welcomed members from Girls Scout Troop #16590 to the City Council meeting.

Girl Scout Troop #16590 members introduced themselves and explained they would like to place a Blessing Box at City Hall. They noted the Blessing Box would house food shelf, toiletries and other items for those in need.

Mayor Ryan thanked the Girl Scouts for attending and for their proposal and explained a representative from the Parks Department would be contacting the Girls Scouts to discuss this matter in further detail.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:50 p.m.

Jessica Swart, 12464 National Street NE, expressed concern with the safety of in ground pools and locking covers encouraged the City to enact an ordinance to ensure all pools are properly fenced instead.

Planning and Community Development Director Schafer explained Blaine City Code allows for pools to be fully fenced or to have power covers. He explained this issue could be addressed by the Council at a future meeting.

James Meyers, 10644 Sanctuary, commented on solar farms and the proposed zoning amendment before the City. He explained this issue was addressed by the Planning Commission recently and action on the item was tabled. He recommended the City Council not allow solar farms in residential zoning areas as he did not want an industrial use to be located in close proximity to residential homes.

Mayor Ryan thanked Mr. Meyers for sharing his concerns and noted this was the City's first request for a solar farm and he too wanted to be sure the zoning amendment was done correctly.

There being no input, Mayor Ryan closed the Open Forum at 7:57 p.m.

Informational; no action required.

8. ADOPTION OF AGENDA

The agenda was adopted as presented.

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

9.-1

VACATION OF DRAINAGE AND UTILITY EASEMENT AT THE NORTHWEST CORNER OF RADISSON ROAD

**AND 105TH AVENUE (10500 RADISSON ROAD),
VACATION NO. V17-04**

Attachments: [Petition to Vacate Drainage and Utility Easement V17-04_signed](#)
 [Location Map](#)

Mayor Ryan opened the public hearing at 7:59 p.m.

Assistant City Engineer Schluender stated a petition dated August 11, 2017, was submitted to the City by Mark J. Manderfeld, A&G Business Services, LLC, representing Joyce B. Gabrelcik requesting vacation of drainage and utility easement. The property has been sold to Kwik Trip, Inc. who wishes to redevelop it and has applied to rezone the property and plat it with new drainage and utility easements. The applicants represent 100% of the affected property abutting this easement. The Engineering Department has reviewed this request and concurs with the vacation.

There being no public input, Mayor Ryan closed the public hearing at 8:00 p.m.

Moved by Councilmember Clark, seconded by Councilmember Garvais, that Resolution 17-145, "Vacation of Drainage and Utility Easement at the Northwest Corner of Radisson Road and 105th Avenue (10500 Radisson Road)," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

9.-2

FIRST READING

**FRANCHISE AGREEMENT - AN ORDINANCE
GRANTING TO NORTHERN STATES POWER
COMPANY, A MINNESOTA CORPORATION, ITS
SUCCESSORS AND ASSIGNS, PERMISSION TO
CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN
THE CITY OF BLAINE, MINNESOTA, AN ELECTRIC
DISTRIBUTION SYSTEM AND TRANSMISSION LINES,
INCLUDING NECESSARY POLES, LINES, FIXTURES
AND APPURTENANCES, FOR THE FURNISHING OF
ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS,
AND OTHERS, AND TO USE THE PUBLIC GROUNDS**

**AND PUBLIC WAYS OF THE CITY FOR SUCH
PURPOSES.**

Mayor Ryan opened the public hearing at 8:01 p.m.

City Manager Arneson stated Northern States Power (operating as Xcel Energy) is requesting franchise renewals for gas and electric as their current franchise agreements with Blaine will expire in March of 2018. Recent legislative changes to the small cell wireless regulations were reviewed and did not affect and the proposed franchise agreements. The Public Works Director has reviewed the franchise agreements along with the City Attorney and recommended approval.

Councilmember Hovland asked if the City's new right-of-way ordinance impacted this franchise agreement. City Manager Arneson stated this ordinance was independent and would not impact the requested franchise agreement.

Councilmember King questioned how many franchise agreements could be granted by the City. City Manager Arneson reported there was no limit.

There being no public input, Mayor Ryan closed the public hearing at 8:04 p.m.

Declared by Mayor Ryan that Ordinance 17-2387, "Franchise Agreement – An Ordinance Granting to Northern States Power Company, a Minnesota Corporation, its Successors and Assigns, Permission to Construct, Operate, Repair and Maintain in the City of Blaine, Minnesota, an Electric Distribution System and Transmission Lines, Including Necessary Poles, Lines, Fixtures and Appurtenances, for the Furnishing of Electric Energy to the City, its Inhabitants, and Others, and to Use the Public Grounds and Public Ways of the City for Such Purposes," be introduced and placed on file for second reading at the November 2, 2017, Council meeting.

9.-3

FIRST READING

**FRANCHISE AGREEMENT - AN ORDINANCE
GRANTING TO NORTHERN STATES POWER
COMPANY, A MINNESOTA CORPORATION, ITS
SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT
A GAS DISTRIBUTION SYSTEM FOR THE PURPOSES
OF CONSTRUCTING, OPERATING, REPAIRING AND
MAINTAINING IN THE CITY OF BLAINE, MINNESOTA,
THE NECESSARY GAS PIPES, MAINS AND**

**APPURTENANCES FOR THE TRANSMISSION OR
DISTRIBUTION OF GAS TO THE CITY AND ITS
INHABITANTS AND OTHERS AND TRANSMITTING
GAS INTO AND THROUGH THE CITY AND TO USE
THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE
CITY FOR SUCH PURPOSES.**

Mayor Ryan opened the public hearing at 8:05 p.m.

City Manager Arneson stated Northern States Power (operating as Xcel Energy) is requesting franchise renewals for gas and electric as their current franchise agreements with Blaine will expire in March of 2018. Recent legislative changes to the small cell wireless regulations were reviewed and did not affect and the proposed franchise agreements. The Public Works Director has reviewed the franchise agreements along with the City Attorney and recommended approval.

Councilmember Clark questioned how long the franchise agreement would be put in place. City Clerk Sorensen reported this was a 20-year franchise agreement.

There being no public input, Mayor Ryan closed the public hearing at 8:06 p.m.

Declared by Mayor Ryan that Ordinance 17-2388, "Franchise Agreement – An Ordinance Granting to Northern States Power Company, a Minnesota Corporation, its Successors and Assigns, Permission to Erect a Gas Distribution System for the purposes of Constructing, Operating, Repairing and Maintaining in the City of Blaine, Minnesota, the Necessary Gas Pipes, Mains and Appurtenances for the Transmission or Distribution of Gas to the City and its Inhabitants and Others and Transmitting Gas into and through the City and to Use the Public Grounds and Public Ways of the City for Such Purposes," be introduced and placed on file for second reading at the November 2, 2017, Council meeting.

9.-4

FIRST READING

**CHAPTER 4.-NOMINATIONS AND ELECTIONS;
CHAPTER 5.-INITIATIVE AND REFERENDUM;
CHAPTER 7.-TAXATION AND FINANCE; CHAPTER 10.
-FRANCHISES; AND CHAPTER 11.-PUBLIC
OWNERSHIP AND OPERATION OF UTILITIES OF THE
BLAINE CITY CHARTER**

Mayor Ryan opened the public hearing at 8:08 p.m.

City Clerk Sorensen stated the Charter Commission met on September 12, 2017,

to review proposed amendments to the City Charter. Most changes were either housekeeping in nature or incorporated as part of the 2017 omnibus elections bill adopted this last session. Staff reviewed the revisions in detail with the Council and noted the Charter Commission voted unanimously to recommend adoption of the proposed Charter amendments. Statute requires that Council must vote on any proposed amendments within one month of the public hearing.

There being no public input, Mayor Ryan closed the public hearing at 8:08 p.m.

Declared by Mayor Ryan that Ordinance 17-2385, "Chapter 4.-Nominations and Elections; Chapter 5.-Initiative and Referendum; Chapter 7.-Taxation and Finance; Chapter 10.-Franchises; and Chapter 11.-Public Ownership and Operation of Utilities of the Blaine City Charter," be introduced and placed on file for second reading at the November 2, 2017, Council meeting.

10. APPROVAL OF CONSENT AGENDA:

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

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

10.-1 SCHEDULE OF BILLS PAID

Attachments: [September 2017 Payroll Checks and Wire Transfers](#)
[09/29/2017 Bills Paid](#)
[10/06/2017 Bills Paid](#)

Approved

10.-2 RECEIVE PETITION AND ORDER PUBLIC HEARING

**FOR AN EXISTING HOME, AND FIVE (5) OUTLOTS TO
BE KNOWN AS OAKWOOD PONDS, LOCATED AT THE
NE QUADRANT OF LEVER STREET AND 125TH
AVENUE. EXCELSIOR GROUP. (CASE FILE NO.
17-0029/SLK)**

Attachments: [Alternatives](#)

Planning and Community Development Director Schafer stated the preliminary plat proposal consists of subdividing approximately 109 acres into a subdivision with a total of 211 new dwelling units and a lot for an existing home. The preliminary plat also includes outlots for ponds, drainage, and wetlands. This application proposes single-family homes and detached townhomes. Because the developer is proposing different housing styles with different design issues, platting requirements, lot sizes, markets and price ranges, the DF (Development Flex) zoning is proposed to establish the minimum standards for each of these areas. Staff provided further comment on the request from the Excelsior Group, noting the project phasing and potential Caldwell outlot and recommended approval of the Preliminary Plat.

Councilmember King asked if the Caldwell outlot had to be resolved prior to preliminary plat approval. Planning and Community Development Director Schafer explained this would have to be resolved prior to final plat approval.

Moved by Councilmember Hovland, seconded by Councilmember Garvais, that Resolution No. 17-147, "Preliminary Plat Approval to Subdivide 109.36 Acres into 211 Single Family Lots, One Lot for an Existing Home, and Five (5) Outlots to be known as Oakwood Ponds, located at the NE Quadrant of Lever Street and 125th Avenue," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

11.-3

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW
FOR CONSTRUCTION OF 167 SINGLE FAMILY HOMES
AND 44 DETACHED TOWNHOMES (VILLAS), FOR A
TOTAL OF 211 HOUSING UNITS IN A DF
(DEVELOPMENT FLEX) ZONING DISTRICT FOR
OAKWOOD PONDS, LOCATED AT THE NE QUADRANT
OF LEVER STREET AND 125TH AVENUE. EXCELSIOR
GROUP. (CASE FILE NO. 17-0029/SLK)**

Planning and Community Development Director Schafer requested the Council approve a Conditional Use Permit to allow for the construction of 167 single family homes and 44 detached townhomes in a DF (Development Flex) zoning district for

Oakwood Ponds located at the NE quadrant of Lever Street and 125th Avenue.

Moved by Councilmember King, seconded by Councilmember Garvais, that Resolution No. 17-148, "Granting a Conditional Use Permit to Allow for Construction of 167 Single Family Homes and 44 Detached Townhomes (Villas), for a total of 211 Housing Units in a DF (Development Flex) Zoning District for Oakwood Ponds, located at the NE Quadrant of Lever Street and 125th Avenue," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

12. ADMINISTRATION

12.-1

ADOPT 2018 COMMUNICATIONS BUDGET

Attachments: [2018 Communications Fund](#)

Finance Director Huss stated staff presented a proposed 2018 Communications Fund (formerly the Cable Television Fund) Budget for discussion at the September 21, 2017 Council Workshop. Council reviewed the proposed budget and indicated their conceptual approval to the budget presented. Staff provided the Council with a summary of the budget and recommended approval.

Councilmember Swanson noted the Cable Commission recently moved to send an extra \$35,000 to the City of Blaine based on over-collection of fees.

Moved by Councilmember Swanson, seconded by Councilmember King, that Resolution 17-149, "Adopt 2018 Communications Budget," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

12.-2

ADOPT 2018 CHARITABLE GAMBLING FUND BUDGET

Attachments: [Charitable Gambling Fund Budget 2018](#)

Councilmember Jeppson recused herself from taking action on this item due to her affiliation with one of the organizations.

Finance Director Huss stated staff presented a proposed 2018 Charitable Gambling Fund Budget for discussion at the September 21, 2017 Council Workshop where Council reviewed the proposed budget and the estimated fund reserves. Pursuant to Council direction following the September Workshop, staff has appropriated funding for 2018 for those organizations listed below. Staff provided a summary of the budget in further detail and recommended approval.

Councilmember Hovland stated he understood the Historical Society was ready to move forward with their book. He questioned if there were funds in place to assist with this project. Finance Director Huss explained the Historical Society would need to reapply for funds.

Moved by Councilmember Hovland, seconded by Councilmember King, that Resolution 17-150, "Adopt 2018 Charitable Gambling Fund Budget," be approved.

Motion adopted 6-0-1 (Councilmember Jeppson abstained).

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

Abstain: 1 - Councilmember Jeppson

12.-3

**AUTHORIZE THE CITY OF BLAINE TO ENTER INTO
AN AGREEMENT WITH THE STATE OF MINNESOTA
FOR A GRANT IN THE MAXIMUM AMOUNT OF
\$3,246,000 FUNDED FROM THE STATE
TRANSPORTATION FUND FOR LOCAL ROAD
IMPROVEMENTS (SAP 106-147-001), I/P 14-11**

Assistant City Engineer Schluender stated the City of Blaine has procured funds from the Minnesota Legislature for reconstruction of 105th Avenue for \$3,246,000. In order to access the funds, the City will need to set up an account with the Minnesota Department of Transportation. As part of the process, the Minnesota Department of Transportation has requested that the city prepare a grant application and a resolution officially accepting the funds from the Legislature. This will allow the City to enter into the Minnesota Department of Transportation process to acquire these funds and distribute them to the City for construction of the project.

Moved by Councilmember Clark, seconded by Councilmember Jeppson, that Resolution 17-151, "Authorize the City of Blaine to Enter into an Agreement with the State of Minnesota for a Grant in the Maximum Amount of \$3,246,000 Funded from the State Transportation Fund for Local Road Improvements," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

12.-4

FIRST READING

**AMENDING SECTION 74-81(g)(4)g OF THE MUNICIPAL
CODE OF THE CITY OF BLAINE ESTABLISHING 2018**

PARK DEDICATION FEES

Attachments: [2017 Comparative Park Dedication Fees](#)

Public Services Manager/Assistant City Manager Therres stated on December 18, 2003, Resolution 03-249 was adopted by the City Council which directs that park dedication fees be adjusted on January 1 of each year. Park dedication fees are updated separately from the annual fee schedule ordinance. The adjustment is determined by the percent of increase in the fair market value of undeveloped land within the City and must not exceed a 10% increase. The Park Board has recommended to the City Council an increase in residential park dedication fees of 5% and no increase for Commercial and Industrial.

Councilmember King requested further information from staff regarding the billboard rental fees. Public Services Manager/Assistant City Manager Therres commented on how the City was utilizing billboard rental fees.

Declared by Mayor Ryan that Ordinance No. 17-2486, "Amending Section 74-81(g)(4)g of the Municipal Code of the City of Blaine Establishing 2018 Park Dedication Fees," be introduced and placed on file for second reading at the November 2, 2017 Council meeting.

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Hovland, seconded by Councilmember Swanson, to adjourn the meeting at 8:31 p.m.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson