



City of Blaine
Anoka County, Minnesota
Minutes - Final

10801 Town Square Dr.
Blaine MN 55449

City Council

Mayor Tom Ryan,
Councilmember Wes Hovland,
Councilmember Dick Swanson,
Councilmember Dave Clark,
Mayor Pro Tem Mike Bourke,
Councilmember Katherine Kolb,
Councilmember Russ Herbst

Thursday, January 16, 2014

7:30 PM

Council Chambers

Meeting Number 14-06

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.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Quorum present.

ALSO PRESENT: Bryan Schafer, Planning Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Chris Olson, Police Chief/Safety Services Manager; Jean Keely, City Engineer; Bob Fiske, Fire Marshal; Roark Haver, Communications Technician; Jason Sundeen, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.

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

Absent: 1 - Councilmember Herbst

4. APPROVAL OF MINUTES

4.-1 [MIN 14-07](#)

**WORKSHOP MEETING - 12/19/2013
REGULAR MEETING - 12/19/2013
WORKSHOP MEETING - 01/02/2014
REGULAR MEETING - 01/02/2014**

Sponsors: Cross

Attachments: [Workshop Meeting 12/19/2013](#)
[Regular Meeting 12/19/2013](#)
[Workshop Meeting 01/02/2014](#)
[Regular Meeting 01/02/2014](#)

Approved

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Mayor Pro Tem Bourke and Councilmember Kolb

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan announced Blaine’s Business Council will hold its first meeting on January 23, 2014 at 7:30 a.m. at the TPC.

Councilmember Clark thanked the Blaine Police Department for their work on a bank robbery incident and a fugitive situation.

Councilmember Kolb thanked the Blaine Public Works Department for their work during this busy winter season.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:34 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:34 p.m.

8. ADOPTION OF AGENDA

Mayor Ryan moved Administration agenda items 12.1 and 12.2 on the agenda to follow the Approval of the Consent Agenda.

9. 8:00 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME

None.

10. APPROVAL OF CONSENT AGENDA:

Action 14-030 (AI 10.1, 10.2, 10.3, 10.4, and 10.5)

Moved by Councilmember Kolb, seconded by Councilmember Swanson, that the following be approved:

10.-1 [MO 14-013](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [12/27/13 Bills Paid](#)
[December 2013 Payroll Checks and Wire Transfers](#)

Approved

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Mayor Pro Tem Bourke and Councilmember Kolb

The Following Two Items are Scheduled for Second Reading

10.-2 [ORD 14-2276](#)

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II, TOBACCO; DIVISION 2, LICENSE; SEC. 42-63 FEES

SECOND READING

Sponsors: Cross

Adopted

10.-3 [ORD 14-2277](#)

AN ORDINANCE AMENDING ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 2, CODE OF ETHICS, SEC. 2-93. SCOPE OF PERSONS COVERED, OF THE MUNICIPAL CODE OF THE CITY OF BLAINE

SECOND READING

Sponsors: Cross

Adopted

10.-4 [MO 14-014](#)

**APPROVE A TOBACCO AND TOBACCO PRODUCTS
LICENSE FOR KWIK TRIP INC., DBA KWIK TRIP #206,
3405 LAKE DRIVE NE, BLAINE**

Sponsors: Cross

Approved

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson,
Councilmember Clark, Mayor Pro Tem Bourke and Councilmember Kolb

10.-5 [MO 14-015](#)

**APPROVE AN OFF-SALE 3.2 PERCENT MALT
BEVERAGE LICENSE FOR KWIK TRIP INC., DBA
KWIK TRIP #206,
3405 LAKE DRIVE NE, BLAINE, MN 55014**

Sponsors: Cross

Approved

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson,
Councilmember Clark, Mayor Pro Tem Bourke and Councilmember Kolb

12. ADMINISTRATION

12.-1 [RES 14-025](#)**APPROVE REVISED PARKING RESTRICTIONS ON
BALTIMORE STREET SOUTH OF 93RD LANE**

Sponsors: Keely

Attachments: [Baltimore-93rd Location map.pdf](#)
[Baltimore-93rd Parking Restriction Map.pdf](#)

City Engineer Keely stated Baltimore Street was reconstructed in the fall of 2013 with the prohibition of on-street parking. She stated prior to the reconstruction, vehicles were parking off the pavement on expanded gravel shoulders. If Council changes the parking restrictions to allow parking, staff recommends an 8-foot wide paved shoulder be installed where parking would be allowed. She commented work would be required to the ditches in order to create flat areas for parking. She stated an estimated cost for the work is up to \$15,000 and a funding source would need to be identified.

Mayor Ryan stated he would not support this resolution because the work was completed and assessments have been issued. He stated additional parking should be found elsewhere.

Councilmember Kolb stated this amendment will cost the City money and she does not know where the funding will be taken from. She stated she does not support this resolution.

Councilmember Bourke stated prior to the redevelopment parking was allowed on the road. He stated it is a unique situation and the shopping center has different land use than the industrial properties. He stated he supports the resolution.

Councilmember Hovland asked if the change will have an affect on the new storm drainage. City Engineer Keely replied the storm drainage will have to be redesigned and the ditch will be filled to pave the shoulders.

Councilmember Hovland asked if the property owners will be assessed for this work. City Manager Arneson replied the funding would come from the Pavement Management Program; although, a project that was scheduled for 2014 will need to be postponed due to the cost.

Mayor Ryan asked when the actual assessments for the road project could be calculated. City Engineer Keely replied that punch list items need to be completed in the spring and the assessment public hearing would be scheduled after June.

Councilmember Clark commented the parking restriction was an oversight by the Council. He noted the resolution tonight is to reinstate temporary parking.

He stated he is in support of the resolution.

Councilmember Hovland commented that parking complaints have only come from the shopping mall.

Adopted

12.-2 [RES 14-004](#)

**APPROVE A PREMISES PERMIT FOR CHARITABLE
GAMBLING FOR THE HAM LAKE AREA CHAMBER OF
COMMERCE, AT BLUZY'S ROADSIDE GRILL, 12530
ULYSSES STREET NE, BLAINE**

Sponsors: Cross

Attachments: [Blaine Municode doc from City of Blaine](#)
[Ham Lake COC Lease LG215 Bluzys](#)
[Ham Lake COC Letter to Foundation 9-24-13](#)
[Ham Lake COC October 17 2013 BoD Minutes](#)
[Ham Lake COC presentation to city of blaine jan 2014](#)
[Majestic Oaks DKM Info](#)
[2014 LIST public.doc](#)

(AI 12.2)

Moved by Councilmember Kolb seconded by Councilmember Swanson, that Resolution 14-004, "Approve a Premises Permit for Charitable Gambling for the Ham Lake Area Chamber of Commerce, at Bluzy's Roadside Grill," be denied.

City Clerk Cross stated the Ham Lake Area Chamber of Commerce is requesting a permit to allow charitable gambling to be conducted at Bluzy's Roadside Grill.

Councilmember Clark requested the reasoning to deny an approval.

Mayor Ryan asked if the Ham Lake Chamber has a funding board. Al Stauffacher, President of Ham Lake Chamber, replied the Ham Lake Chamber has a funding board.

Councilmember Kolb stated the funding does not stay within the City. She noted Blaine's ordinance states funds need to benefit the residents of Blaine.

Dan Schmitz, President of Majestic Oaks DKM Foundation, stated in the past 70% of the funding has been used within Blaine's area of trade. He noted that scholarships come out of all the proceeds collectively. He gave an example of a resident of Blaine applies for a scholarship for his granddaughter who lives in Circle Pines. He noted that the people associated with Majestic Oaks men's and women's club or employees can only apply. He noted that the majority of the men's club members are Blaine residents.

Councilmember Swanson stated he is not in favor of this resolution because it is a waiver. He noted that the City has approved waivers in the past; although

the organizations have worked within the City for years prior to their request for a waiver.

Mayor Ryan stated several organizations are on a wait list for waivers to operate in the City.

Mr. Schmitz stated their board decides on how many educational scholarships are awarded each year.

Councilmember Clark stated he is struggling with the requirement that only club members can apply for scholarships. Mr. Schmitz replied family members of the club members qualify.

Councilmember Bourke asked if anyone can join the club and if there is a fee to join. Mr. Schmitz replied yes and there is an annual fee to join.

Mayor Ryan suggested waiting to give other Blaine gambling organizations the opportunity to approach Bluzy's.

Mr. Schmitz noted that 70% of funds come back to Blaine.

Councilmember Clark suggested opening the scholarship to all Blaine residents. Mr. Schmitz suggested including the Blaine High School. Councilmember Clark suggested including the Spring Lake Park High School, Centennial High School and Blaine High School.

Councilmember Kolb withdrew her motion.

Postponed

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Mayor Pro Tem Bourke and Councilmember Kolb

11. DEVELOPMENT BUSINESS

The Following Two Items are Related

11. [RES 14-022](#)
-1A

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 39.13 ACRES INTO ONE LOT AND TWO
OUTLOTS TO BE KNOWN AS BALL ROAD ADDITION
AT 4369 BALL ROAD NE. WAL-MART (CASE FILE NO.
13-0067/LSJ)**

Sponsors: Schafer

Attachments: [Walmart - Attachments](#)
[Walmart - Public Comments](#)
[Walmart - Synopsis of Written Comments](#)
[Walmart - Dec 10, 2013 PC Minutes](#)
[Wal-Mart - Issue and Response Memo](#)

Planning Director Schafer stated Walmart is proposing to relocate their existing store in the Village of Blaine to a piece of land on the southeast corner of I-35W and Lexington Avenue. He stated the Walmart move is due to the existing store in Village of Blaine is not allowed to establish full grocery sales at the current location because of language that was written into their initial purchase of the property. He noted Walmart believes the move will help them stay competitive with other full grocery retailers. He stated the piece of land to be developed is 39.13 acres and is zoned PBD and a land use of PC. He noted the preliminary plat consists of one lot and two outlots.

Peter Coyle, Walmart's Land Use Council from the Law Firm of Larkin, Hoffman, Daly and Lindgrin, thanked City staff for their work on the project and introduced members of the Walmart project.

Martin Harstad, property owner, stated his father, Keith Harstad purchased the land in 1984 and gave a history of the land and the neighborhood. He stated the Harstad family owned most of the property in the surrounding area. He stated Ball Road was developed in the 1970s and at that time, Bermo was called Ball Brothers Manufacturing. He noted Ball Road was redeveloped due to semi truck traffic. He noted that all of the property was zoned commercial and his father developed Belmont Acres in 1985 into residential by changing the zoning. He noted that the small strip mall property was never owned by Harstad. He noted that in 1992 it was determined that the property on the corner should not be commercial and the zoning was changed to residential. He stated he has been talking to Walmart since 1999 about the proposed site. Mr. Harstad gave an overview and history of the addition of two smaller parcels that adjoin the property that he had purchased from two companies. Mr. Harstad noted that property taxes on the property are over \$48,000 per year.

Erik Miller, MFRA Civil Engineering Consultant, gave an overview of the

proposed development and a history of the project. He stated an EAW was completed and MFRA worked with the Rice Creek Watershed. He noted that screening will be maintained along the east and south of the property and along 35W. He gave an overview of a comparison of lighting standards at Fleet Farm to the neighborhood. He noted that traffic counts came from the ITE manual. Mr. Miller stated MFRA is working with MnDOT and Anoka County and gave an overview of proposed road improvements in the area and on Ball Road. He noted that Ball Road is a State Aid Road that currently needs improvement. He stated MFRA estimates all of the road improvements to cost over \$2,638,000.

Councilmember Swanson asked if approval is needed from the Planning Commission before moving forward. City Attorney Sweeney replied no recommendation from the Planning Commission is valid and the Council can move forward.

Councilmember Clark disclosed that his wife's employer works with Martin Harstad. City Attorney Sweeney replied there is no conflict of interest.

Rick Feidt, 10193 Hupp Street NE, commented the landowner has the right to sell and the buyer has the right to build. He asked the Council what the homeowner's rights in this process are and asked how this project is good for this point in the City.

Harold Hollander, 4896 103rd Lane NE, stated he printed and reviewed the Conditional Use Permit (CUP) and the Council would be in violation of the City's CUP. He stated Article A, Number 1, the use will not create excessive burden on existing parks, schools or public facilities. He stated there will be an excessive burden and that there will be too much traffic and Ball Road cannot handle the traffic and the roads to the east will be used as short cuts. He stated Article A, Section 2, use is compatible with adjacent land use so existing uses will not be depreciated in value and no deterrence to vacant land. He noted homes adjacent to the property cannot be sold due to the project and that the project has already caused depreciation and he has documentation. He stated Section A, Number 4, the use, in the opinion of the Council, should be reasonably related to the overall needs of the City and to existing land use. He stated the existing grocery store is doing a fine job and asked if another grocery store is reasonable. He noted that groceries should not be a mitigating factor. He stated on May 18, 2000, the Council minutes show the Council's concern for the size of the Target store. He noted the Council's concern about the proposed size was too big and hopes the Council agrees that the size of this project is too big. He stated he had visited the neighbors and 95% of them do not want this Walmart. He stated Section A, Number 7, the use will not cause traffic hazards or congestion. He stated the residents that live on Ball Road will be in jeopardy. He noted there are no sidewalks on 103rd and that both 103rd and Lever are already racetracks. He

stated the two lane, Ball Road will be a hazard. He stated Section C, states the Council is to protect the best interest of the surrounding area or community as a whole. He stated the details of the project shows very little interest in protecting the integrity of the neighborhoods. He asked the Council to vote no tonight.

Walt Hodgman, 10288 Fraizer Street, stated Walmart is willing to dump the old store for the new store. He stated he appreciates the screening, but is concerned with the easements on the residential properties. He stated the residents were told the Council didn't know about the project, but the presentation given by Walmart tonight shows otherwise. He stated Walmart wants to be a friendly neighbor, he stated they should have talked with the residents.

Kathy Harrison, 4620 107th Avenue NE, stated the residents in the area overwhelming oppose the project. She noted the neighborhood has 2000 residents. She stated at a County meeting it was stated the neighborhoods' homes values will decrease, but will rebound in time. She noted that the homes have already lost value since 2007. Ms. Harrison distributed and read a letter from David Roth of Re/Max Realty. She stated the CUP states the surrounding areas are not to lose value. She stated this project only has one access and others usually have two. She noted that there will be up to 12,000 additional vehicles on Ball Road per day. She noted that the proposed improvements will not help the failed Ball Road. She stated the residents that live on Ball Road will experience safety issues leaving their driveways. She stated nothing has been addressed about the traffic safety issues. She noted that the round-about will allow traffic to drive in the neighborhood. She stated in order to install cul-de-sacs six homes would need to be removed. She stated the neighborhood will have constant light and noise pollution. She noted semi trucks use Ball Road already to get to Bermo. She stated the CUP states the Council shall consider advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, morals and general welfare of occupants of surrounding lands. She stated the Planning Commission had no recommendation and that it was stated that it is rare that no recommendation was made. She quoted Commissioner Monica Radke and Commissioner Sue Lahti. Ms. Harrison quoted another resident that said just because you can mitigate something doesn't mean it is right; just because something is legal or meets an ordinance doesn't mean we should do it; it doesn't mean Blaine citizens want it or it is right for the community. She stated the residents are asking for the Council to deny the application for the CUP. She stated the use of this property should be compatible with adjacent land use so existing uses will not depreciated in value, the use will have adequate access roads and the use will not cause traffic hazards or congestion. She stated the neighborhood is asking the Council to find options to protect the homes that line Ball Road and Hupp Street without disrupting lives or taking homes. She stated the

neighborhood is asking for hours to be consistent with Fleet Farm's hours of operations; the light pools be 35 feet with auto-dimming after dusk, no freight deliveries or pickups after midnight until five a.m., build a sound barrier wall behind the store; do not allow campers in parking lot; cul-de-sac Marmon Street, build sidewalks on the south side of Ball Road and Lever Street. She stated the neighbors ask the Council to take their requests into consideration.

Theresa Alberts, 4270 Ball Road, stated her home has decreased in value. She stated she had an offer on her home, but the buyer reconsidered when he found out that a proposed Walmart was going in. She stated it is difficult to get out of her driveway now.

Mark Dugan, 4277 Ball Road, stated he is a Youth Pastor at Living Church. He stated that falling property values is an issue. He stated that it will be unsafe to get in and out of his driveway. He noted that the current traffic is difficult on Lexington and that he takes a right out of his driveway to avoid it. He commented that the proposed development is too large for a residential zone. He asked the Council to use common sense, vote no and look for a better solution.

Theresa Blossom, 10207 Erskin Street NE, asked how the screening from 35W will help the neighborhood. She stated the plans show screening on Ball Road; she believes that land is separate from the development; she is upset that talks between the City and Walmart have taken place since 2010; why can't Walmart rework their current location's agreement; she noted there are 170 homeowners that pay taxes; what happens when someone is hurt/killed when hit by a car; how will emergency vehicles use Ball Road with this development. She also noted issues with Holiday's lighting and noise. She stated businesses move in and make changes without asking.

Janet Logan, 10200 Hupp Street, stated she is concerned about the removal of the tree buffer. She stated there is no separation from Walmart and the neighborhood. She commented walkers are still not being taken into account. She stated the neighborhood is concerned about traffic congestion and traffic on Hupp Street. She stated nothing has been done to protect our streets, walkers, and there will be strangers in the neighborhood. She commented the neighborhood is not just 2,000 out of 60,000. She noted that Ham Lake residents are concerned about congestion on Lexington Avenue too. She stated she is concerned that Ball Road will fail and all of the Blaine taxpayers will end up paying. She commented the access is a big issue that needs to be done right. She commented the integrity of the neighborhood needs to be protected. She noted that the Lexington Avenue left turn onto Ball Road is terrible now. She would like the access to the development not be aligned with a residential street.

Rick Feidt, 10193 Hupp Street NE, asked if there is anything illegal if the

Council votes no tonight. City Attorney Sweeney replied the Council may vote yes or no or take no action this evening.

Jason Orcutt, 10176 Ghia St. NE, stated he is concerned about right turning traffic. He asked if it is legal to condemn homes to widen the road for a commercial property. He suggested closing Twilite Terrace.

(AI 11.1A)

Moved by Councilmember Clark, seconded by Mayor Ryan, for discussion purposes, that Resolution 14-022, "Granting Preliminary Plat Approval to Subdivide 39.13 Acres into One Lot and Two Outlots to be Known as Ball Road Addition at 4369 Ball Road NE. Walmart," be approved.

Councilmember Clark stated he understands the residents' frustration. He noted the Council could not talk about the development when an application had not been received. He asked Walmart why are they moving and why can't they stay in the Village; how will the Village be impacted; how will the Village site be marketed; can Walmart buy the three homes on Ball Road, how did ITE develop their numbers.

Peter Coyle stated Walmart wants to provide a full service store in this location that includes groceries.

Mike Sims stated Walmart tried working with SuperValue on the existing agreement for over a year with no success.

Mr. Coyle stated the proposed site is zoned and guided for this use. He stated the site is conforming and the use is appropriate. He stated Walmart has done what is required to manage the impacts for the use. He stated Walmart does not want to set precedence with purchasing residences.

Councilmember Clark stated the CUP states the development should not have a negative impact on the adjoining properties. Mr. Coyle stated the City's land use for commercial zoning states it is an appropriate use.

Councilmember Swanson stated a CUP required a traffic study and upgrading the road. Mr. Coyle replied the CUP is a function of the use and is the City's code. He stated Walmart is following the City's code.

Councilmember Bourke stated he is concerned with traffic. He asked if the traffic study was done with the two outlots developed. He stated the responsibility lies with Walmart to direct traffic to minimize the impact on the neighborhood. He suggested moving the road to the north through the outlots in order to isolate the neighborhood.

Mr. Miller replied the traffic study does include the full development. He stated the application does not include the residential lots. He commented it is not uncommon for roads to be in the City's easements.

Councilmember Bourke asked if the road could be realigned to not impact the neighborhood. Mr. Miller replied the road can be realigned. He noted that MnDOT protects the right-of-way access. He stated Lexington Avenue to Ball Road to the property is appropriate.

Councilmember Bourke questioned if access could be directed to the north. Mike Spack stated a complete realignment of Ball Road would need to be reviewed. He stated ITE's existing data is collected on other Walmart stores before and after developments to predict traffic.

Councilmember Clark asked if the traffic data is before and after the Walmart is built and does it factor into the size of the store. Mr. Spack replied yes.

Councilmember Clark asked about the traffic study with the existing Walmart to the proposed Walmart. Mr. Spack replied the Village location traffic would be stagnant.

Councilmember Clark asked if the traffic study for the Village as a whole versus the new Walmart with groceries. Mr. Spack replied the new Walmart will have 25% more traffic.

Councilmember Clark asked how exact are ITE's numbers. Mr. Miller replied the data is accurate. Mr. Spack replied ITE's database is updated every five years from 50 Walmarts with groceries.

Councilmember Clark asked the age of the current data. Mr. Spack replied the data is from 2011-2012.

Councilmember Swanson asked about right-of-way next to 35W. City Engineer Keely stated staff contacted MnDOT but did not receive an answer before tonight's meeting and Anoka County stated they would not allow an additional access between Ball Road and I35W because there was not enough distance.

Councilmember Swanson asked about the traffic study and if the design would not work. Mr. Spack replied the City and County have documented in the past that Lexington Avenue will be well over the current design.

Councilmember Swanson asked about capacity on Ball Road. Mr. Spack replied the volumes are in line with City collector roads adjacent to commercial zoned property.

Councilmember Swanson stated the traffic numbers on Lexington Avenue seem out of line. Mr. Spack replied they collaborated with the County on the traffic numbers.

Councilmember Swanson asked if the details of the final design of the road way can be determined by the Council. City Attorney Sweeney replied as part of the CUP process the Council can place conditions upon the CUP.

Councilmember Swanson clarified for the residents that the Council has not discussed the project prior to tonight.

Councilmember Clark asked about traffic on the adjoining streets. Mr. Spack replied peak hours were analyzed and the model will work. He stated a four-lane road will have increased speeds and a two lane road with the single lane round-about has a lower speed of approximately 20 miles/hour.

Councilmember Clark stated he is concerned that the right turn lane from Ball Road is too short. Mr. Spack replied there is a driveway in the way of extending the right turn lane.

Councilmember Hovland commented the land use will affect the residents' quality of life. He stated he is concerned with the traffic issues; no sidewalks; and the residents unable to pull out of their driveways onto Ball Road. He stated the CUP needs to include and address the residents' issues and the possibility of Walmart purchasing the three properties on Ball Road closest to Lexington Avenue; Ball Road's drainage issues; hours of operation (not 24 hour operation); no late night truck deliveries; have compatible hours with Fleet Farm; add sidewalks to Ball Road; correct traffic flow issues; add 4-6 foot berming; lower speed of road; correct road failures and road classification; and add pedestrian crossings.

Mayor Ryan commented he was on the Planning Commission when the Belmont development was built. He noted he was involved with most of the commercial development in the City. He commented property values are down everywhere since 2008 due to the economy. He stated SuperValu's Meat Cutter's Union was the reason why Walmart could not have groceries in the Village location. He stated the City has to abide by zoning and land use laws. He stated the Council and City staff are the advocates for the residents. He suggested finding a way to remove the three homes on Ball Road near Lexington Avenue and install a storm water drainage area.

Councilmember Kolb asked about the marketing of the Village site. Mike Sims replied co-tenancy usually drives the tenancy and the Village's prospects would be very good.

Councilmember Kolb commented Walmart does not have groceries because

of the size of the store and the store cannot be expanded, and because of an agreement that was made with Cub that no groceries could be in Walmart due to it not being unionized. She noted that the CUP could not list restrictions such as hours to match another retailer.

Councilmember Bourke commented Walmart may develop the property. He is concerned about traffic flow and protecting the residents.

Councilmember Swanson questioned the difference between a 35 foot light pole and 40 foot light pole. He stated the biggest issues are the three properties on Ball Road near Lexington Avenue. He stated he would like fencing or berms to discourage pedestrians walking through the neighborhood. He agrees no overnight parking should be allowed. He agrees with no semi trucks on 103rd. He would like to get traffic counts on 109th between University and Jefferson and length of driveways to get out onto the main streets; add trails to the park and the neighborhood; and no direct access to Hupp Street. He commented that Walmart out bid Target by \$500,000 for the Village site. He stated Eminent Domain was mentioned by a resident, but it is not a consideration by the City.

Mayor Ryan commented this development is paying a high price for area road improvements.

Councilmember Clark asked what the residents' rights are. City Attorney Sweeney replied the residents can seek legal counsel and the residents have the right to attend public hearings and give input.

Councilmember Clark asked how many delivery trucks per day. Mike Sims replied 3-4 trucks per day approximately 20-28 trucks per week. He commented general merchandise and dry groceries are stocked overnight and fresh produce is stocked in the morning. He noted that the trucks drop the trailers and pick up empty trailers. He noted smaller trucks with bread, pop, FedEx, UPS deliver throughout the day - 40 smaller trailers per week. He commented Walmart has a strict truck idling policy. He added that the trucks have backing alarms which is an OSHA standard.

Councilmember Swanson asked if the City can restrict hours of operation. City Attorney Sweeney replied yes in the CUP. Planning Director Schafer replied Cub is 24 hours, Fleet Farm closes at 9:00 p.m. as their corporate decision, Walmart on TH 65 is 24 hours; the City has not placed restrictions on the big box retailers.

Councilmember Swanson asked if other tenants will be within the store. Mr. Sims stated Walmart does allow tenants in their stores (banks and fast food), but it is unknown at this time for this location.

Councilmember Clark asked about the future outlots plans. Mr. Sims replied any plans would have to go to the Council.

Mayor Ryan asked about emergency vehicles on Ball Road. Fire Marshal Fisk replied Fire Station #4 is located on Lever Street and uses the neighborhood streets.

Councilmember Clark asked how the residents could prove negative impacts on their property values. City Attorney Sweeney replied the residents need to consult their own counsel. He commented the residents could get home appraisals.

Mayor Ryan withdrew his motion.

Postponed

11. [RES 14-023](#)
-1B

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF A 183,072 SQUARE FOOT WAL-MART STORE IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT AND FOR LIGHT POLE HEIGHTS EXCEEDING 20 FEET AND WITH A MAXIMUM HEIGHT OF 40 FEET AT 4369 BALL ROAD NE. WAL-MART. (CASE FILE NO. 13-0067/LSJ)

Sponsors: Schafer

Attachments: [Walmart - Attachments](#)
[Walmart - Public Comments](#)
[Walmart - Synopsis of Written Comments](#)
[Walmart - Dec 10 PC Minutes](#)
[Wal-Mart - Issue and Response Memo](#)

Postponed

ADMINISTRATION - continued

[RES 14-025](#)

APPROVE REVISED PARKING RESTRICTIONS ON BALTIMORE STREET SOUTH OF 93RD LANE

Sponsors: Keely

Attachments: [Baltimore-93rd Location map.pdf](#)
[Baltimore-93rd Parking Restriction Map.pdf](#)

Moved on the agenda to follow the Approval of the Consent Agenda.

The Following Item was Postponed from the January 2, 2014 Council meeting.

[RES 14-004](#)

**APPROVE A PREMISES PERMIT FOR CHARITABLE
GAMBLING FOR THE HAM LAKE AREA CHAMBER OF
COMMERCE, AT BLUZY'S ROADSIDE GRILL, 12530
ULYSSES STREET NE, BLAINE**

Sponsors: Cross

Attachments: [Blaine Municode doc from City of Blaine](#)
[Ham Lake COC Lease LG215 Bluzys](#)
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[Ham Lake COC presentation to city of blaine jan 2014](#)
[Majestic Oaks DKM Info](#)
[2014 LIST public.doc](#)

Moved on the agenda to follow Approval of the Consent Agenda.

13. OTHER BUSINESS

Mayor Ryan stated the City Manager performance review was conducted and the Council agreed to a 4% salary increase and \$400 per month car allowance.

Approved

Aye: 6 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Mayor Pro Tem Bourke and Councilmember Kolb

14. ADJOURNMENT

Adjourned