



**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, March 7, 2019

7:30 PM

Council Chambers

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**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:** City Manager Clark Arneson; Associate Planner Lori Johnson; 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; Assistant City Engineer Stefan Higgins; Senior Engineering Technician Al Thorp; Communications Technician Roark Haver; Communications Coordinator Ben Hayle; and City Clerk Catherine Sorensen.

**Present:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

**Absent:** 1 - Councilmember Jeppson

**4. APPROVAL OF MINUTES**

**4.-1 RECENTLY HELD MEETINGS**

**Attachments:** [02-14-19 Closed Workshop - Comp Study Review](#)  
[02-14-19 Workshop Minutes](#)  
[02-11-19 Board Commission Interviews](#)  
[02-21-19 Workshop Minutes](#)  
[02-21-19 Council Minutes](#)

**Moved by Councilmember Garvais, seconded by Mayor Ryan, that the Minutes of the Closed Workshop - Compensation Study Review of February 14, 2019, Workshop Meeting of February 14, 2019, Board Commission Interviews of February 11, 2019, Workshop Meeting of February 21, 2019, and Regular Meeting of February 21, 2019 be approved.**

**Motion adopted. Councilmembers Garvais, Hovland and Swanson abstained on the February 11, 2019 Board Commission Interviews meeting minutes due to their absence.**

**Aye:** 3 - Mayor Ryan, Councilmember Robertson and Councilmember Paul

**Abstain:** 3 - Councilmember Swanson, Councilmember Hovland and Councilmember Garvais

## 5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

**None.**

## 6. COMMUNICATIONS

Mayor Ryan thanked the Public Works Department for all of their efforts during the recent snowstorms. He also thanked the residents of Blaine for keeping the City's fire hydrants free and clear of snow.

Mayor Ryan provided the public with a recap on the recent House Transportation Committee hearing held at Blaine City Hall regarding Highway 65 funding.

**Informational; no action required.**

## 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.

**None.**

## 8. ADOPTION OF AGENDA

The agenda was adopted as presented.

**Adopted.**

## 9. APPROVAL OF CONSENT AGENDA:

Councilmember Hovland requested the removal of agenda item 9.8.

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

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

9.-1

**SCHEDULE OF BILLS PAID**

**Attachments:**    [02/22/2019 Bills Paid](#)  
                              [02/15/2019 Bills Paid](#)

**Approved**

9.-2

**GRANTING APPROVAL TO CONDUCT OFF-SITE  
GAMBLING AT THE TPC TWIN CITIES ON APRIL 1,  
2019 FOR THE SPRING LAKE PARK LIONS**

**Attachments:**    [Application](#)

**Adopted**

9.-3

**APPROVE A TEMPORARY ON-SALE INTOXICATING  
LIQUOR LICENSE FOR CHAIN OF LAKES ROTARY TO  
BE HELD AT INFINITE CAMPUS, 4321 109TH AVENUE  
NE**

**Approved**

9.-4

**APPROVE RELOCATION OF THERAPEUTIC  
MASSAGE ENTERPRISE LICENSE FOR  
MASSAGE OFF CENTRAL, 2331 108TH LANE NE,  
#140, BLAINE, MN 55449**

Approved

9.-5                                   **AUTHORIZE PAYMENT FOR 28 COMPUTERS AND PERIPHERALS FOR CITY STAFF**

Approved

9.-6                                   **AUTHORIZE TEMPORARY REMOVAL OF PARKING RESTRICTIONS ON 103RD LANE AND NATIONAL STREET FOR CENTENNIAL ELEMENTARY SCHOOL EVENT ON MAY 22, 2019 (INCLEMENT WEATHER DATE: MAY 23, 2019)**

Attachments:    [Centennial Parking Request 2019](#)  
                          [Centennial School Parking Map](#)

Approved

9.-7                                   **APPROVE 2019 STORMWATER AND SEWER ENTERPRISE FUNDS CAPITAL EQUIPMENT PURCHASES IN THE AMOUNT OF \$344,782.30**

Approved

9.-9                                   **AUTHORIZATION TO ENTER INTO FUEL CONTRACT WITH STATE OF MINNESOTA FUEL CONSORTIUM PURCHASE PROGRAM**

Attachments:    [City of Blaine 2019-2020 Fixed Price Fuel Order](#)

Approved

9.-8                                   **SECOND READING**  
  
**AMENDING CHAPTER 14 - ANIMALS, ARTICLE I. - IN GENERAL AND ARTICLE II. - ADMINISTRATION AND**

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**ENFORCEMENT, ADDING POTENTIALLY  
DANGEROUS DOG REGULATIONS TO THE CODE OF  
ORDINANCES OF THE CITY OF BLAINE**

Councilmember Hovland stated he did not support the proposed ordinance amendment and believed no changes were necessary as it would be difficult to track animals that move in and out of the City of Blaine.

Mayor Ryan stated there may not be a perfect way to remedy or address this situation but explained he supported the City creating potentially dangerous dog language within City Code.

Councilmember Robertson indicated she did not fully support the potentially dangerous dog language as written. She said she understood that people were more important than dogs but explained she had concerns with the intrusive nature of the ordinance.

Councilmember Swanson commented dogs can be dangerous and could not ever be fully trusted and that he fully supported the ordinance amendment.

Councilmember Hovland explained he believed this amendment would lead to an increased workload and expense for the City and Police Department.

Councilmember Garvais stated he believed the proposed amendment was a good intermediary step for the City to have in place to address potentially dangerous dogs in the City and indicated his support of the proposed amendment.

**Moved by Councilmember Hovland, seconded by Councilmember Garvais, that Ordinance 19-2424, "Amending Chapter 14 – Animals, Article I. – In General and Article II – Administration and Enforcement, Adding Potentially Dangerous Dog Regulations to the Code of Ordinances of the City of Blaine," be approved.**

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

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

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

**10. 7:30 P.M. - PUBLIC HEARING AND ITEMS PUBLISHED FOR A CERTAIN TIME**

**10.-1**

**ORDER IMPROVEMENT AND ORDER PREPARATION  
OF PLANS AND SPECIFICATIONS FOR CLOVER LEAF  
PARKWAY AREA RECONSTRUCTIONS,  
IMPROVEMENT PROJECT NO. 18-18**

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

Assistant City Engineer Higgins stated a neighborhood information meeting was held on February 11, 2019. He reviewed the proposed project and improvements to reconstruct Clover Leaf Parkway from 99th Avenue to Trunk Highway 65, 93rd Avenue from Trunk Highway 65 to Isanti Street, and Lincoln Street and Ulysses Street within Aquatore Park. It was noted the total estimated project cost is \$4,006,231, of which \$784,310 is proposed to be assessed over a 15-year period. Replacement of existing sanitary sewer castings and rings are estimated at \$62,370, and construction of a new fire hydrant is estimated at \$11,138 and proposed to be paid by City Public Funds. The remaining portion of \$3,148,413 is proposed to be paid from the City's Pavement Management Program Fund and City Municipal State Aid (MSMA) Funds. Staff presented the project schedule and recommended approval of the Clover Leaf Parkway Area Reconstructions.

Mayor Ryan opened the public hearing at 7:46 p.m.

Mary Lou Pittman, 9842 Clover Leaf Parkway, stated she was all for the road being replaced. However, she believed it was unfair that property owners along Clover Leaf Parkway were being assessed while those not facing the Parkway but on Clover Leaf Lane and Clover Leaf Avenue were not being assessed.

Councilmember Garvais reported \$3.1 million of the project costs were being funded by the City and MSA funds.

Councilmember Swanson encouraged Ms. Pittman to speak with her townhouse association to assist with the assessment expense.

Gerald Pittman, 9842 Clover Leaf Parkway, questioned how assessments were calculated by the City. He stated he was pleased with the way the City has grown.

Mayor Ryan discussed the deferment process that was available to seniors and disabled. He noted that assessments have been spread out over 15 years now to assist homeowners with covering the cost.

Councilmember Hovland questioned how townhomes were assessed. Mr. Higgins reviewed the City's assessment policy for townhomes.

Councilmember Robertson asked if assessments were estimated at this time. Public Works Director Haukaas reported staff believed the assessment estimates were fairly accurate based on historical costs. He explained the City will not have the final costs until the project was bid.

Don Kveton, Blaine Central Plaza/Village Bank, asked if the turn lane on 93rd Avenue would change as part of the project.

Mr. Higgins stated this would be discussed during the design phase of the project.

Jill Boehrs, 630 Clover Leaf Parkway, commented she believed it was unfair that only Clover Leaf Parkway property owners were being assessed given the large number of people that use Clover Leaf Parkway to access their property.

Bruce Boehrs, 630 Clover Leaf Parkway, asked if assessments were split based on the project being phased and questioned what the threshold would be if bids came in too high.

Mr. Higgins commented on how the project would be phased and assessed as two separate projects.

There being no additional public input, Mayor Ryan closed the public hearing at 8:12 p.m.

Councilmember Robertson explained it was very difficult for the Council to vote to assess its residents, but indicated one of the City's primary functions was to maintain its roadways and infrastructure and she would be voting in favor of this project.

**Moved by Councilmember Garvais, seconded by Councilmember Hovland, that Resolution 19-27, "Order Improvement and Order Preparation of Plans and Specifications for Clover Leaf Parkway Area Reconstructions, Improvement Project No 18-18," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

10.-2

**ORDER IMPROVEMENT AND ORDER PREPARATION  
OF PLANS AND SPECIFICATIONS FOR JEFFERSON  
STREET AREA RECONSTRUCTIONS, IMPROVEMENT  
PROJECT NO. 18-17**

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

Mr. Higgins stated a neighborhood information meeting was held on February 12, 2019. He reviewed the proposed project and improvements to reconstruct Jefferson Street from 119th Avenue to 104th Court, 104th Court from Jefferson Street to the cul-de-sac, 105th Avenue from Jefferson Street to University Avenue, 115th Avenue from Jefferson Street to Tyler Street, Quincy Street from 115th Avenue to 113th Avenue, and Tyler Street from 115th Lane to 113th Avenue. Staff explained the total estimate of the improvements is \$7,762,600 with

\$1,930,200 proposed to be assessed over a 15-year period. Replacement of existing sanitary sewer castings/rings and several service wye repairs along Quincy Street are estimated at \$100,400, which is proposed to be paid by City Public Utility Funds. The addition of a raw water line connecting Well Houses 1 and 2, replacement of existing vintage hydrants and the addition of gate valves at existing hydrants is estimated at \$447,000 and proposed to be paid by City Public Utility Funds. Replacement of existing corrugated metal culvert in Ditch 41 at an estimated cost of \$80,900 is proposed to be paid by City Public Utility Funds. The remaining portion of \$5,204,100 is proposed to be paid from City Pavement Management Program Fund and City MSA Funds. It was noted staff found the project is necessary, cost effective, and feasible and will result in benefit to the properties proposed to be assessed.

Mayor Ryan opened the public hearing at 8:14 p.m.

James Duggan, 10438 Jefferson Street, expressed concern with the assessment amount and questioned why this information was not included in the public hearing notice. He understood his street was in need of repair but had spoken to staff and learned his assessment would be close to \$7,200.

Mr. Higgins explained the public hearing notice was sent with standardized language as required by the State. He reported the assessment amount would be mailed to residents prior to the assessment hearing.

Mr. Haukaas apologized to Mr. Duggan for the confusion and noted assessment amounts would be mailed to residents when the assessments were certified at the end of the project.

Councilmember Hovland encouraged the City to change its policy and to provide residents with an estimated assessment prior to the project being bid.

Mayor Ryan explained the City was not trying to hide anything. He commented by sending out the information in the spring, this would assist residents in planning for the assessment and residents would have to understand that this number was an estimate.

Councilmember Garvais agreed the Council should look at amending this policy.

Vispy Bharucha, 10920 Jefferson Street, questioned why only homeowners were paying assessments and not the school district. He noted the improved roadway will increase his property taxes and referred to the potential gas tax which would result in him being charged again for the same roadway. He asked where the interest payments go and stated he believed the roadway condition was not that



bad.

Mayor Ryan reported residents were being assessed 35% for the roadway improvements and noted the City was paying the remainder of the expense.

Stacia Grau, 814 115th Avenue, expressed concern with the amount her in-laws were being charged for their assessment. She questioned why the public hearing notices were so vague and asked for more compassion from the City. She asked if assessment financing was due twice per year based on property taxes and noted she had spoken to City staff regarding this matter earlier this week.

Tony Peters, 10939 Jefferson Street, stated he believed the road was not in that bad of condition. He noted he drove the entire length of Jefferson Street today and discussed how highly Blaine residents were already taxed by the City, County and State. He encouraged the City to provide residents with more information on the assessment and interest rate within the public hearing notice.

Councilmember Hovland commented on the history of the City's assessments noting 20+ years ago residents were being assessed 100% for street improvement projects but explained how the City recently changed the policy to cover the majority of improvement project expenses and was asking residents to now pay only 35%.

Chuck Jensen, 846 115th Avenue, asked about his estimated assessment and questioned if the church will be assessed as well.

Mayor Ryan noted the church on Jefferson Street would be assessed.

Karen Jeska, 11523 Tyler Street, inquired about the project process and when assessment payments were due.

Mr. Higgins reviewed the process that would be followed for the Jefferson Street improvement project.

Adelle Parker, 10929 Jefferson Street, asked why the State was not paying for the reconstruction and discussed how snowplowing had destroyed her curbs. She reported most of the people living on Jefferson Street do not have children attending school and she suggested those who use the road pay for it.

Mayor Ryan reported the State had provided the City with MSA funds that would be used to assist with project costs for this improvement project.

Andrea Fox, 630 104th Court, expressed concern with the lack of communication

the City has had through the assessment process. She suggested the City enhance or improve the language included in the public hearing notices. She questioned where traffic would be diverted during construction.

Councilmember Robertson stated she hated the fact the City had to assess its residents. She encouraged the residents living in Ward 2 to contact her with questions or concerns regarding the upcoming street improvement project.

Mr. Higgins reported Jefferson Street would remain open during construction and noted the City would be working with the bus companies to find alternate routes.

Mayor Ryan stated he would be available for comments or questions as well from the public and explained he would be happy to discuss the improvement project with residents.

Jim Neuerburg, 10455 Jefferson Street, asked what the reasons were for different assessment amounts between projects and what the value of the improvement really was to property owners. He stated he had concerns with the amount of increased traffic Jefferson Street would have once this project was complete. He encouraged the Council to vote against the project, to pursue additional funding sources and to get additional information for the project to residents.

Bridget Johnston, 11214 Jefferson Street, expressed concern with the amount of her assessment and the lack of information the City has shared with residents regarding the estimated assessment amounts. In addition, she did not believe the road was in need of replacement.

Mr. Haukaas explained the City had hired a consulting firm to evaluate the condition of all City streets and noted the roads picked for improvement in 2019 and 2020 were in need of replacement. He indicated it would cost the City less in the long run to reconstruct the streets than to continue to maintain them when in poor condition. He thanked the public for coming forward and voicing their concerns. He stated he appreciated the concerns that were voiced regarding improved communication and noted the City would work to improve its notification process.

Chad Erickson, 10807 Jefferson Street, asked how the assessment can be paid off and thanked the Police Department for all of their efforts in the community.

Mr. Higgins explained that residents could go to Anoka County at any time to pay off the balance of their assessment.

Councilmember Paul stated the Council has learned a lot through this street

improvement process. He thanked the public for coming forward and addressing their concerns. He encouraged the Council to consider the comments that were made thoroughly. He commented further on the importance of the City having good streets and infrastructure.

Mayor Ryan requested staff send a letter to all homeowners within the 2019 project area with the estimated assessment amount. Mr. Higgins stated he could get these letters sent out the first part of next week.

Councilmember Robertson stated she had not seen a copy of the public hearing notice that was sent to residents. A member of the public provided her with a copy of the notice.

There being no additional public input, Mayor Ryan closed the public hearing at 9:36 p.m.

Councilmember Hovland questioned if action on this item should be postponed until after the letters were sent by staff.

Mayor Ryan said he did not support postponing the item as it would delay the project and potentially increase project costs or reduce the number of competitive bids received. Mr. Haukaas agreed that could be a risk.

**Moved by Councilmember Hovland, seconded by Councilmember Paul, that Resolution 19-28, "Order Improvement and Order Preparation of Plans and Specifications for Jefferson Street Area Reconstructions, Improvement Project No. 18-17," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

Mayor Ryan recessed the City Council meeting at 9:38 p.m.

**Recessed.**

Mayor Ryan reconvened the City Council meeting at 9:51 p.m.

**Reconvene.**

## 11. DEVELOPMENT BUSINESS

### 11.-1

**GRANTING A WAIVER OF PLATTING THAT WILL SPLIT AN EXISTING LOT INTO TWO PARCELS IN A R-1 (SINGLE FAMILY) ZONING DISTRICT LOCATED AT 8949 XYLITE STREET NE. KRISTI CLARK (CASE**

**FILE NO. 19-0003/LSJ)****Attachments:**     [Attachments](#)

Associate Planner Johnson stated the current lot is 1.15 acres in size and located on Xylite Street just north of Rice Creek Parkway. It is proposed to be split into two separate parcels, measuring 0.56 and 0.58 acres. The existing home on the southern parcel will remain and the accessory structure and driveway located on the proposed property line will be removed prior to release and recording of the lot split. She explained since a new lot is being created within this subdivision, the property owner will need to pay a park dedication fee of \$4,449 prior to the City signing off on the waiver of platting. Staff reported the Planning Commission voted unanimously to approve the waiver of platting.

**Moved by Councilmember Swanson, seconded by Councilmember Robertson, that Resolution No. 19-29, "Granting a Waiver of Platting that will Split an Existing Lot into Two Parcels in a R-1 (Single Family) Zoning District Located at 8949 Xylite Street NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11.-2

**GRANTING A CONDITIONAL USE PERMIT TO  
OPERATE A CHILD CARE AND LEARNING CENTER IN  
A B-2 (COMMUNITY COMMERCIAL) ZONING  
DISTRICT LOCATED AT 10301 LEXINGTON AVENUE  
NE. AMCON CONSTRUCTION (NEW CREATIONS  
CHILDCARE AND LEARNING CENTER) (CASE FILE  
NO. 19-0001/LSJ)**

**Attachments:**     [Attachments](#)

Ms. Johnson presented the request of New Creations Childcare and Learning Center for a Conditional Use Permit (CUP) to operate a daycare at 10301 Lexington Avenue, which is the former site of the UFC gym and a gas station. She stated the Planning Commission unanimously recommends approval.

**Moved by Councilmember Swanson, seconded by Councilmember Garvais, that Resolution No. 19-30, "Granting a Conditional Use Permit to Operate a Child Care and Learning Center in a B-2 (Community Commercial) Zoning District Located at 10301 Lexington Avenue NE. Amcon Construction," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11.-3

**GRANTING FINAL PLAT APPROVAL TO RE-PLAT 6  
EXISTING LOTS INTO 6 LARGER LOTS  
(APPROXIMATELY 1.5 FEET WIDER AND 6 FEET  
DEEPER) TO BE KNOWN AS ASPEN VILLAGE  
TOWNHOMES 2ND ADDITION, LOCATED AT 9103  
LEXINGTON AVENUE NE. ASPEN GARDEN  
HOLDINGS, LLC. (CASE FILE NO. 19-0006/SLK)**

**Attachments:**     [Attachments - Final Plat](#)

Ms. Johnson presented the final plat for Aspen Village Townhomes 2nd Addition and request to replat (adjust lot lines) six lots into wider and deeper lots for proposed townhome units. The applicant is proposing a new product type, a one-level unit that can be sold as owner occupied, because there has been limited interest in the two-level units. As a result of the replatting, existing drainage and utility easements on the original plat will need to be vacated and rededicated with the new plat, which may take two months to complete. She stated the final plat is consistent with the approved preliminary plat.

Councilmember Swanson stated he opposed this request and noted he believed this was a bad location and a poor product was being proposed for the site.

**Moved by Mayor Ryan, seconded by Councilmember Garvais, that Resolution No. 19-31, "Granting Final Plat Approval to Re-Plat 6 Existing Lots into 6 Larger Lots (Approximately 1.5 Feet Wider and 6 Feet Deeper) to be Known as Aspen Village Townhomes 2nd Addition, Located at 9103 Lexington Avenue NE," be approved.**

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

**Aye:** 4 - Mayor Ryan, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

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

11.-4

**GRANTING A CONDITIONAL USE PERMIT  
AMENDMENT TO ALLOW FOR TWO-3 UNIT  
ONE-LEVEL LIVING (LOWER LEVEL GARAGE)  
BUILDINGS AND A NEW FLOOR DESIGN FOR TWO-4  
UNIT BUILDINGS (TWO LEVEL), REQUIRING A  
SHORTER UNIT IN A DF (DEVELOPMENT FLEX)  
ZONING DISTRICT TO BE KNOWN AS ASPEN  
VILLAGE TOWNHOMES SECOND ADDITION  
LOCATED AT 9103 LEXINGTON AVENUE NE, ASPEN  
GARDEN HOLDINGS, LLC. (CASE FILE NO.  
19-0006/SLK)**

**Attachments:**     [Attachments - CUP](#)

Ms. Johnson presented the request of Aspen Garden Holdings, LLC to amend the Aspen Village Townhomes Second Additional Conditional Use Permit (CUP) to offer multiple product types. She noted greater flexibility in providing building architecture and materials remain consistent and all other standards will remain unchanged in Resolution 17-042.

Mayor Ryan stated he supported the proposed one-level units.

Councilmember Swanson reiterated his opposition to the request due to location and product.

Councilmember Hovland explained he partially agreed with Councilmember Swanson but noted he would be supporting this request.

**Moved by Councilmember Garvais, seconded by Councilmember Paul, that Resolution No. 19-32, "Granting a Conditional Use Permit Amendment to Allow for Two Three-Unit One-Level Living (Lower Level Garage) Building and a New Floor Design for Two 4-Unit Buildings (Two Level), Requiring a Shorter Unit in a DF (Development Flex) Zoning District to be Known as Aspen Village Townhomes Second Addition Located at 9103 Lexington Avenue NE, Aspen Garden Holdings, LLC," be approved.**

**Motion adopted 5-1 (Councilmember Swanson opposed).**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

**Nay:** 1 - Councilmember Swanson

11.-5

**GRANTING A 21-FOOT VARIANCE TO THE 50-FOOT FRONT YARD BUILDING SETBACK ON THE NORTH SIDE OF THE VILLAGE BANK BUILDING SITE LOCATED AT 9298 CENTRAL AVENUE NE. AMCON CONSTRUCTION (VILLAGE BANK) (CASE FILE NO. 19-0002/LSJ)**

Ms. Johnson presented the request of Village Bank for a 21-foot variance to the 50-foot front yard building setback to allow construction of an expansion on the north side of the bank building. She stated the Planning Commission voted 4-3 to deny the requested variance. It was noted that two letters were received from residents opposing the request and comments at the public hearing included the impact that removing the trees would have on the dog park and community as well as the loss of land from the dog park area. She reviewed the rationale for denial as set forth in the draft resolution.

Councilmember Swanson stated he opposed taking any park land for private

ownership. He explained the intent of the City's Charter was to protect park and open space land.

Councilmember Hovland agreed stating he did not support the City giving up park land for private ownership. He explained that he banked at Village Bank and had rarely seen the parking lot full. He stated there may be other options for the site in order to address their parking concerns and indicated he supported the dog park remaining fully intact.

Mayor Ryan agreed and stated he was uncertain the extra parking would ever be needed. He explained the requested variance was one of the largest ever requested from the City. He commented on the uncertainties regarding Highway 65 and stated he would like to see the building situated in another manner.

Councilmember Robertson indicated she did not see additional parking being a huge issue for this property and asked why the applicant needed a 21-foot variance. Don Kveton, Village Bank, explained he has been working on this project with staff. He reported he was working to create a medical center with a minimum of 10,000 square feet, noting Village Bank would remain a tenant in this building. He commented further on how the intersection may be impacted by Highway 65 as it is redesigned.

Mayor Ryan commented this roadway was rated worse than 109th Avenue and in need of redesign. He explained he would hate to see the bank rebuilt and then torn down because of changes that were needed to the Highway 65 corridor by MnDOT.

Mr. Kveton agreed this was a major concern for him.

Mr. Haukaas explained the City would have more ideas and options for the Highway 65 corridor later this year.

Councilmember Swanson stated the parking lot at Twin Cities Orthopedics was never more than half full.

Mayor Ryan agreed and asked staff what options the applicant had for this project. Ms. Johnson reported the building could be pushed back or reconfigured in order to eliminate the need for the variance. She explained there was no way to prove a hardship for this request. She commented further on the City's parking requirements for both office and medical space.

Councilmember Swanson commented on the importance of the City being prepared to compete for MnDOT dollars for the improvements that were necessary for the

Highway 65 corridor. He questioned if this project could be put on hold for six to eight months until additional information was available from MnDOT.

Mr. Kveton stated if this was a hard decision for the Council to make, he did not have to have the variance.

Councilmember Garvais commented he could not support the requested variance for this project at this time.

Councilmember Robertson agreed the variance was a concern for her as well and while she wanted to support businesses in Blaine she was struggling with this request.

Aleesha Webb, Village Bank, asked if the risk was that the City would have to buy the building back in the future, or if the building would just be too close to future roadway. She stated she did not want to have to touch the dog park but indicated she would like to be able to expand their business in Blaine. Mr. Kveton commented further on how banking was changing to online services and noted there was a decreased need for parking.

Councilmember Swanson commented there were Federal and State requirements that would have to be followed for the replacement of Highway 65. He noted the existence of the building and its placement on the site could be a concern if the City wanted to receive Federal dollars for the Highway 65 corridor.

Councilmember Hovland stated it would be extremely beneficial to have a medical facility at this location for the surrounding community and indicated this would be a nice addition to the neighborhood. He encouraged the City to not stifle development or the expansion of existing buildings based upon the fact Highway 65 was in need of improvements. He reported these were risks the business owners along Highway 65 were willing to take.

Mayor Ryan explained changes were coming to the Highway 65 corridor and he is concerned how this would impact the Village Bank property.

Councilmember Hovland stated it was not the City's job to protect businesses from these changes, but rather the City could inform the business owner of the risk.

Councilmember Swanson commented it was not just the business owner's risk, but rather the City could risk the entire Highway 65 project and he did not want to put this project at risk.

Councilmember Garvais commented he believed Mr. Kveton was a smart



businessman and explained as a Councilmember he had to consider the risks to the City and needed to protect the corridor to ensure the highway project moved forward.

City Manager Arneson indicated it did not appear the Council had enough votes to support the variance request and said if the variance were denied the applicant would have to wait one year to reapply. He said one option available to the applicant would be to withdraw the variance request or to ask for a 120-day extension.

Mayor Ryan explained he could not support this matter given the size of the variance being requested.

**Moved by Councilmember Hovland, seconded by Councilmember Garvais, that Resolution No. 19-33, "Granting a 21-Foot Variance to the 50-Foot Front Yard Building Setback on the North Side of the Village Bank Building Site Located at 9298 Central Avenue NE," be approved.**

Mr. Kveton said he would withdraw the variance request at this time.

No action was taken on this item as the application was withdrawn by the applicant.

11.-6

**GRANTING A CONDITIONAL USE PERMIT  
AMENDMENT FOR A 40,000 SQUARE FOOT BUILDING  
ADDITION AND ASSOCIATED PARKING TO THE  
EXISTING 42,550 VILLAGE BANK BUILDING AND SITE  
LOCATED AT 9298 CENTRAL AVENUE NE. AMCON  
CONSTRUCTION (VILLAGE BANK) (CASE FILE NO.  
19-0002/LSJ)**

**Attachments:**     [Attachments](#)

No action was taken on this item as the application was withdrawn by the applicant.

**Removed Prior to Meeting**

Councilmember Garvais excused himself from the meeting at 10:40 p.m.

11.-7

**GRANTING A VARIANCE FOR A 30-FOOT SIDE YARD  
BUILDING SETBACK TO THE 100-FOOT BUILDING  
SETBACK REQUIREMENT ON THE NORTH SIDE OF  
THE SITE LOCATED AT 3280 99TH COURT NE.  
DEM-CON PROPERTIES, LLC. (CASE FILE NO.  
18-0073/LSJ)**

Ms. Johnson presented the request of Dem-Con Properties, LLC for a 30-foot side yard building setback variance to the 100-foot building setback requirement on the north side of 3280 99th Court NE to construct a new solid waste transfer station building. She stated the Planning Commission voted unanimously to recommend approval of the proposed variance.

**Moved by Mayor Ryan, seconded by Councilmember Robertson, that Resolution No. 19-35, "Granting a Variance for a 30-Foot Side Yard Building Setback to the 100-Foot Building Setback Requirement on the North Side of the Site Located at 3280 99th Court NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11.-8

**GRANTING A CONDITIONAL USE PERMIT  
AMENDMENT TO RECONSTRUCT THE DEM-CON  
BLAINE TRANSFER STATION (22,000 SQUARE FEET)  
THAT WAS LOST IN A FIRE IN 2018 AND FOR  
OUTSIDE STORAGE OF MATERIALS RELATED TO  
THE TRANSFER STATION IN A I-2 (HEAVY  
INDUSTRIAL) ZONING DISTRICT LOCATED AT 3280  
99TH COURT NE. DEM-CON PROPERTIES, LLC. (CASE  
FILE NO. 18-0073/LSJ)**

**Attachments:**     [Attachments](#)

Ms. Johnson presented the request of Dem-Con Properties, LLC for a Conditional Use Permit (CUP) to construct a new 22,000 square foot, 44-foot high, solid waste transfer station at 3280 99th Court NE. The Planning Commission voted unanimously to recommend approval of the proposed CUP.

**Moved by Councilmember Hovland, seconded by Councilmember Paul, that Resolution No. 19-36, "Granting a Conditional Use Permit Amendment to Reconstruct the Dem-Con Blaine Transfer Station (22,000 Square Feet) that was Lost in a Fire in 2018 and for Outside Storage of Materials Related to the Transfer Station in a I-2 (Heavy Industrial) Zoning District Located at 3280 99th Court NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11.-9

**GRANTING (A) A 3.78 ACRE VARIANCE TO THE 7  
ACRE MINIMUM LOT SIZE REQUIREMENT FOR  
WASTE TRANSFER FACILITIES; (B) A 35-FOOT**

**VARIANCE TO THE 50-FOOT SIDE YARD WEST  
PARKING SETBACK; (C) A 110-FOOT VARIANCE TO  
THE 150-FOOT FRONT YARD NORTH BUILDING  
SETBACK AT 3360 99TH COURT NE. DEM-CON  
PROPERTIES, LLC. (CASE FILE NO. 18-0071/LSJ)**

Ms. Johnson presented the request of Dem-Con Properties, LLC for a 3.78-acre variance to the 7-acre minimum lot size requirement, a 35-foot variance to the 50-foot side yard west parking setback, and a 110-foot variance to the 150-foot yard north building setback to use the site as a metals processing facility at 3360 99th Court NE. She stated the Planning Commission unanimously recommended approval of the proposed variances.

**Moved by Mayor Ryan, seconded by Councilmember Robertson, that Resolution No. 19-37, "Granting (A) A 3.78-Acre Variance to the 7-Acre Minimum Lot Size Requirement for Waste Transfer Facilities; (B) A 35-Foot Variance to the 50-Foot Side Yard West Parking Setback; (C) A 110-Foot Variance to the 150-Foot Front Yard North Building Setback at 3360 99th Court NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11.  
-10

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW  
FOR THE USE OF THE SITE AND 15,000 SQUARE FOOT  
BUILDING AS A WASTE TRANSFER FACILITY  
(METALS RECYCLING FACILITY) WITH OUTSIDE  
STORAGE OF MATERIALS ASSOCIATED WITH  
METALS RECYCLING IN A I-2 (HEAVY INDUSTRIAL)  
ZONING DISTRICT LOCATED AT 3360 99TH COURT  
NE. DEM-CON PROPERTIES, LLC. (CASE FILE NO.  
18-0071/LSJ)**

**Attachments:**     [Attachments](#)

Ms. Johnson presented the request of Dem-Con Properties, LLC for a Conditional Use Permit (CUP) to use their property at 3360 99th Court NE and 15,000 square foot building as a waste transfer facility with outside storage materials associated with metals recycling in an I-2 zoning district. She stated the Planning Commission unanimously recommended approval of the proposed CUP.

Councilmember Hovland questioned what started the fire on this property. Bill Keagan, Dem-Con Properties, reported a lithium battery started the fire on the property.

**Moved by Councilmember Hovland, seconded by Councilmember Robertson, that Resolution No. 19-38, "Granting a Conditional Use Permit to Allow for the Use of the Site and 15,000 Square Foot Building as a Waste Transfer Facility (Metals Recycling Facility) with Outside Storage of Materials Associated with Metals Recycling in a I-2 (Heavy Industrial) Zoning District Located at 3360 99th Court NE," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

## **12. ADMINISTRATION**

### **12.-1**

### **2019 BOARDS AND COMMISSIONS MAYORAL APPOINTMENTS**

Mayor Ryan thanked all of the Blaine residents that came in for interviews and were willing to serve on the City's Boards and Commissions. He explained the proposed Mayor Appointments would be confirmed by the Council on March 21st. He then read aloud the individuals that would be appointed for 2019 as follows:

#### **Planning Commission**

Chair Joe Ouellette, Daphne Ponds, Vice Chair Dan York, Maisa Olson

#### **Park Advisory**

Chair Jeffrey Bird, Vice Chair Rex Markle, Prad Das, and Tom Walsdorf

#### **Natural Resource Conservation Board**

Chair Chris Perkins, Vice Chair Dottie McKinley, Sam Villella, Kristen Genet, Mary Jo Truchon, Steven Theisen, and Nabeel Syed

#### **Traffic Commission**

Chair Todd Haas, Kevin Chmielewski, Gregory Anderson, Vice Chair Terry Wold

#### **Special Board of Review**

Chair Randi Erickson, Vice Chair Patrick Grengs, Maisa Olson, Lynda Riley and Scott Miller

#### **Fire Board**

Carol Ann Donahoe

#### **Senior Advisory Board**

William Milkes, Joanne Lero, Martha Caouette, Jerry Schilling, Patricia Sandin, Nellie Spexet, Shirley Knoll, Douglas Kurpiers, and Kathy Helmke

Mayor Ryan also announced the appointment of Drew Brown as ad-hoc liaison to all Boards and Commission as he was a student interested in learning more about City government.

Councilmember Robertson encouraged the City Council to consider term limits in order to make room for new candidates to serve the community.

**Appointments will be confirmed at the March 21, 2019 Council meeting**

12.-2

**STATEMENT OF INTEREST IN THE ANOKA COUNTY  
MULTI-JURISDICTIONAL ALL HAZARD MITIGATION  
PLAN**

**Attachments:**     [Statement of Interest in Hazard Mitigation Plan](#)

Police Chief Podany stated his recommendation for the Mayor and City Manager is to sign the Statement of Interest to participate in the Anoka County Multi-Jurisdictional All Hazard Mitigation Plan.

**Moved by Councilmember Swanson, seconded by Councilmember Robertson, that Motion 19-68, "Statement of Interest in the Anoka County Multi-Jurisdictional All Hazard Mitigation Plan," be approved.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

12.-3

**AUTHORIZE THE MAYOR AND CITY MANAGER TO  
ENTER INTO A CONTRACT WITH SHORT ELLIOT  
HENDRICKSON, INC. FOR PROFESSIONAL  
ENGINEERING SERVICES FOR THE JEFFERSON  
STREET AREA RECONSTRUCTIONS, PROJECT NO.  
18-17**

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

Mr. Higgins recommended the Mayor and City Manager enter into a contract with Short Elliott Hendrickson, Inc. for engineering design and construction services for Jefferson Street Area Street Reconstructions in the amount of \$748,000. The Council is also asked to approve a 10% contingency to bring the total project budget to \$822,800.

**Moved by Mayor Ryan, seconded by Councilmember Paul, that Motion 19-69, "Authorize the Mayor and City Manager to enter into a contract with Short Elliot Henderson, Inc. in the amount of \$748,000 for engineering design and construction services for the Jefferson Street Area Reconstructions project, Improvement Project No. 18-17, authorize a 10% contingency to bring the total**

project budget to \$822,800, and authorize the Director of Public Works to sign all change orders up to the authorized project budget amount, " be approved.

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

### 13. OTHER BUSINESS

Mr. Arneson requested the Council call for a Closed Session meeting on March 21 to allow the Council to discuss labor negotiations for the Police Captains contract.

**Moved by Councilmember Swanson, seconded by Mayor Ryan, to call a Closed Session meeting for March 21, 2019 at 6:00 p.m. for labor negotiations for the Police Captains contract.**

**Motion adopted unanimously.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

### 14. ADJOURNMENT

**Moved by Councilmember Hovland, seconded by Councilmember Robertson, to adjourn the meeting at 11:04 p.m.**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Garvais, Councilmember Robertson and Councilmember Paul