

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Monday, July 20, 2020

7:30 P.M.
Council Chambers
10801 Town Square Drive

CALL TO ORDER BY MAYOR RYAN

The meeting was called to order at 7:30 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call. Due to the COVID-19 pandemic this meeting was held virtually and in person.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Mayor Tom Ryan, Councilmembers Andy Garvais, Wes Hovland, Julie Jeppson, Richard Paul, Jess Robertson, and Dick Swanson.

ABSENT: None.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Lori Johnson; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Christopher Nelson; City Engineer Dan Schluender; Water Resources Manager Rebecca Haug; Communications Technician Roark Haver; Communications Manager Ben Hayle; Deputy Chief Dan Szykulski; and City Clerk Catherine Sorensen.

APPROVAL OF MINUTES

Workshop Meeting – July 6, 2020

Regular Meeting – July 6, 2020

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that the Minutes of Workshop Meeting of July 6, 2020, and the Minutes of the Regular Meeting of July 6, 2020 be approved.

A roll call vote was taken. Motion adopted. Councilmember Swanson abstained on the July 6, 2020 Workshop and Regular meeting minutes due to his absence.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.1 Conservation Project for Troop 415

Water Resources Manager Haug reported on Saturday, May 30, Boy Scout Troop 415 worked for over 4 hours to remove invasive species at the Blaine Wetland Sanctuary. Their time was spent learning how to identify the invasive garlic mustard plant and then how to properly remove the weed. While working they

were able to learn about wetlands and the history of the BWS. The troop plans to apply what they learned on another wetland site and remove invasive species at the Blaine Scientific and Natural Area next to Karner Blue Elementary and across from Eagle Brook Church one of these upcoming weekends.

Mayor Ryan thanked the members of Troop 415 for their work in the Blaine Wetland Sanctuary.

Councilmember Robertson stated she was proud of the efforts of these Boy Scouts for being active in the community.

COMMUNICATIONS

Councilmember Hovland requested information from staff regarding the issue of brown water occurrences in the City. Public Works Director Haukaas provided the Council with an update on the discolored water issues in the east area of the City and noted hydrants would continue to be flushed. He discussed how the certain treatment plants were being bypassed to eliminate the concern and noted parts had been ordered to remedy the situation.

Councilmember Jeppson thanked the SBM Fire Department for their timely response to an event that occurred on her street due to the recent electrical storm.

6.1 2019 Audit and CAFR Review

Andy Hering, Redpath and Company, provided the Council with a summary on the 2019 audit and CAFR review. He reported the City of Blaine received a clean or unmodified opinion which meant the financial statements were fairly presented. He commented on the City's General Fund balance, findings within the audit were discussed, and he commended the City for their strong financial position. He thanked the Finance staff for working with him to complete the audit remotely this year.

OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:45 p.m.

Rob Doar, 11027 Terrace Street NE, discussed campaign sign placement and requested further information on where campaign signs can be placed on properties in order for all candidates to have a fair playing field. City Clerk Sorensen encouraged residents to contact her office if they locate a sign that is improperly placed. She explained the City was watching for that and would notify candidates if signs were improperly placed.

There being no further input, Mayor Ryan closed the Open Forum at 7:48 p.m.

ADOPTION OF AGENDA

The agenda was adopted as amended adding Item 11.7 adopting a Resolution that would Approve Summary Publication of Ordinance 20-2447.

APPROVAL OF CONSENT AGENDA

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

9.1 Motion 20-82, Schedule of Bills Paid.

9.2 Second Reading – Ordinance No. 2451, Adding Chapter 38, Article V. – Fire Protection Water Supplies to the Code of Ordinances of the City of Blaine.

A roll call vote was taken. Motion adopted unanimously.

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

10.1 Resolution 20-92, Granting a Conditional Use Permit Amendment to Construct a New Outdoor Play Area/Greenspace, a Zero Lot Line Establishing a Shared Driveway Access between Sites, and 25-Foot Light Standards in an RR (Regional Recreation) Zoning District located at 10365 Davenport Street NE. Centerview Elementary/SLP Schools, ISD #16 (Case File NO. 20-0024/SLK).

Moved by Councilmember Swanson, seconded by Councilmember Jeppson, that Resolution 20-92, “Granting a Conditional Use Permit Amendment to Construct a New Outdoor Play Area/Greenspace, a Zero Lot Line Establishing a Shared Driveway Access between Sites, and 25-Foot Light Standards in an RR (Regional Recreation) Zoning District located at 10365 Davenport Street NE,” be approved.

City Planner Johnson stated Spring Lake Park Schools has submitted plans to convert the existing velodrome site into an outdoor play area/ greenspace. The outdoor play area is located just south of the new Centerview Elementary school. The applicant is proposing to develop an outdoor play area which will be able to be used by Centerview students and the community, by incorporating green space and landscaping connected to the school site. Also, 25-foot light standards are proposed on the new drive access and play area to be consistent with the existing school.

Ms. Johnson explained the school district is proposing to remove a portion of the access drive that connects their existing west parking lot to the parking lot of the National Sports Center on the east side of their building. They have proposed to construct a new vehicular access from Davenport Street to align with 103rd Avenue NE. This access road would be constructed on the south side of the proposed outdoor play area. However, both accesses to the school's west parking lot for staff and buses are proposed to remain in their current location. A zero lot line is required along property lines to allow a drive aisle/access to this site.

City Engineer Schluender reviewed a map of the site and described how buses would access and exit the property. The concern of the turn lane was described in further detail with the Council. It was noted the school parking lot would be used by more than buses and school staff, given the fact the lot was also utilized by the NSC during large events during the summer.

Mayor Ryan opened the public hearing at 7:58 p.m.

There being no public input, Mayor Ryan closed the public hearing at 7:58 p.m.

Councilmember Jeppson stated she would like to make an amendment to the motion.

Substitute motion by Councilmember Jeppson, seconded by Councilmember Robertson, to amend Condition 1 of the proposed Conditional Use Permit Resolution to read as follows: The existing north driveway for the staff and bus parking lot west of the school to continue to be used as a right-out exit only onto Davenport Street. The existing middle driveway shall only be used for access by buses, school staff and NSC use. Signage shall be installed noting that no left turns are allowed exiting the property. The new proposed driveway on the south portion of the site, alignment with 103rd Avenue, shall be a full access intersection with Davenport Street. The applicant shall submit a drawing of Davenport Street that provides for necessary

turn lanes that will be reviewed and approved by engineering staff and meet necessary roadway design requirements to the greatest extent possible.

Councilmember Swanson asked if the school district had hired a traffic engineer to review their plans. Paul Apilkowski, Wold Engineers, reported the school district had employed a civil engineer and a number of traffic engineers to review this project.

Councilmember Robertson reiterated that only eight to ten buses would be using this one turn lane at very specific times of the day for 15 to 20 minutes per day. Community Development Director Thorvig clarified that this entrance point would also be used by staff.

Councilmember Hovland stated his concern was the two times per day that vehicles would be making the left hand turns would be during peak traffic flows. He indicated he did not support this request the first time around and he would not be supporting the request before the Council this evening.

Councilmember Paul supported the school district moving forward with their project.

Councilmember Swanson is concerned how this additional turn lane would impact traffic during the middle of the soccer season. Jeff Ronneberg, Spring Lake Park School District Superintendent, explained the previous "A" fields were no longer used for soccer. He indicated the only time these fields would be used was during the USA Cup which occurred in July when school was not in session.

Councilmember Robertson stated she supported the school having this extra access point. She noted the school has not had any traffic concerns to date and the City could reevaluate the situation if concerns do arise.

Councilmember Garvais commented his only concern was the caveat that allowed the NSC to use the site. He suggested this parking lot only be accessed via the fire lane during major events at the NSC. He stated he would like to restrict the southbound left hand turn to the school district only.

A roll call vote was taken. Substitute motion adopted 4-3 (Mayor Ryan, Councilmember Swanson and Councilmember Hovland opposed).

A roll call vote was taken. Amended motion adopted 4-3 (Mayor Ryan, Councilmember Swanson and Councilmember Hovland opposed).

DEVELOPMENT BUSINESS

11.1 Second Reading – Ordinance 2448, Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 30 Acres located at 113th Avenue NE and Polk Street. Capital Trust Development LLC (Alexander Woods) (Case File No. 20-0006/EES).

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Ordinance No. 20-2448, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 30 Acres located at 113th Avenue NE and Polk Street," be approved.

Ms. Johnson stated Capital Trust Development is proposing to develop 30 acres on the south side of 113th Avenue at the Polk Street alignment for the purpose of constructing 45 villas and 39 single family homes on five properties. Three of the existing homes are proposed to remain. The applicant is requesting a rezoning,

preliminary plat and conditional use permit. Currently, the property has an existing zoning designation of FR (Farm Residential) and is guided in the Comprehensive Plan as LDR (Low Density Residential). The property is within the MUSA (Metropolitan Urban Service Area) which indicates it is intended to be served with city sewer and water. The project zoning is proposed to be DF (Development Flex) to cover the residential uses. With the DF zoning, housing products and neighborhood design issues will require and be regulated by a Conditional Use Permit (CUP). Staff commented further on the conditions for approval and recommended approval of the rezoning.

Councilmember Robertson stated some of the neighbors along 113th Avenue were concerned about the loss of trees from this development. She understood there would be replanting but said a large number of large trees would be removed and did not like when new development came at the expense of existing developments. Ms. Johnson explained the property had wetlands that had to be worked around, which has caused the developer to utilize the upland to the best of their ability. She indicated a trail there was a trail along Sand Creek on City owned property and the trees along this trail would remain in place. She commented this plat was no different than the plats that have been approved on Lever Street. Mr. Schluender stated in order for this property to be developed the house pads have to be brought up and a pond has to be created to manage the stormwater.

Mayor Ryan indicated a number of entities have merged together in order to complete this project and a lot of money was invested in the development.

Councilmember Robertson stated she understood the developer had rights but she also understood the surrounding neighbors were being impacted and encouraged the developer to save as many trees as possible.

A roll call vote was taken. Motion adopted unanimously.

11.2 Resolution No. 20-102, Granting Preliminary Plat Approval to Subdivide Approximately 30 Acres into 87 Lots and 2 Outlots to be known as Alexander Woods located at 113th Avenue NE and Polk Street NE. Capital Trust Development LLC (Case File No. 20-0006/EES).

Moved by Councilmember Hovland, seconded by Mayor Ryan, that Resolution No. 20-102, "Granting Preliminary Plat Approval to Subdivide Approximately 30 Acres into 87 Lots and 2 Outlots to be known as Alexander Woods located at 113th Avenue NE and Polk Street NE," be approved.

Ms. Johnson requested the Council approve the preliminary plat for the Alexander Woods development.

A roll call vote was taken. Motion adopted unanimously.

11.3 Resolution No. 20-103, Granting a Conditional Use Permit to Allow for the Construction of 45 Villa Homes and 39 Single Family Homes in a DF (Development Flex) Zoning District located at 113th Avenue NE and Polk Street NE. Capital Trust Development LLC (Alexander Woods) (Case File No. 20-0006/EES).

Moved by Mayor Ryan, seconded by Councilmember Hovland, that Resolution No. 20-103, "Granting a Conditional Use Permit to Allow for the Construction of 45 Villa Homes and 39 Single Family Homes in a DF (Development Flex) Zoning District located at 113th Avenue NE and Polk Street NE," be approved.

Ms. Johnson requested the Council grant a Conditional Use Permit to allow for the construction of 45 villa homes and 39 single family homes in a DF (Development Flex) zoning district.

A roll call vote was taken. Motion adopted unanimously.

11.4 First Reading – Ordinance No. 20-2452, Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 13.71 Acres located at 860/880/910 113th Avenue NE. Lennar Corporation (Wicklow Cove) (Case File No. 20-0012/EES).

Ms. Johnson stated Lennar Corporation was proposing to develop 13.71 acres into 40 single family homes. She reported this request consisted of a rezoning, preliminary plat and conditional use permit. She explained this development would be similar to Wicklow Woods, which was another development completed by Lennar Corporation. She reported the Planning Commission reviewed this item at their July 14th meeting and recommended introduction of the Ordinance.

Councilmember Hovland explained Lennar has been completing a great deal of development in Blaine. He noted there have been some concerns regarding the developer going onto private property, taking out fences, etc. He stated he was concerned with this project moving forward and the lack of respect Lennar had for property lines. Josh Metzger, Lennar Corporation, discussed an incident that occurred on Lexington Cove and reported the fence dispute was being investigated. He reported all of his projects were staked and silt fences were installed. He commented further on how the site would be graded and noted where the storm pond would be located. He explained there were a number of trees that would remain in place along the City trail. He stated 110 trees would be required to be replanted and he was proposing to replant 132 trees.

Councilmember Garvais stated as these developments come he wanted to be assured the drainage was being managed properly so as not to spill onto the adjacent undeveloped land.

Councilmember Robertson indicated this was the first reading of an ordinance but stated the City has received many concerns from residents regarding tree loss and requested the Council address the tree loss further at a future meeting. She understood Lennar was a good developer in the community but would also like to see more effort put to mitigating the concerns of the neighbors. Mr. Metzger explained he was exceeding the City's replanting requirements and reiterated that mature trees would remain within the City trail. He stated if more trees had to be saved, it would mean a loss of lots and this project could not move forward if there was a loss of lots.

Councilmember Hovland understood the developer had to utilize every square foot of this property. However, he also understood that when mature red oaks, maples and elms were removed, it took a great deal of time to replace the tree canopy.

Mayor Ryan commented he appreciated how the City has worked to identify and save trees over the years. He discussed how significant trees can sometimes be lost due to ants and other diseases.

Councilmember Hovland understood this to be the case but encouraged the City to work to save hardwood trees such as walnut and cherry trees.

Declared by Mayor Ryan that Ordinance No. 20-2452, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 13.71 Acres located at 860/880/910 113th Avenue NE," be introduced and placed on file for second reading at the August 3, 2020 Council meeting.

11.5 Resolution No. 20-93, Granting Final Plat Approval to Subdivide 88.2 Acres into Two (2) Lots to be known as Independent School District 16 Second Addition located at 10365 Davenport Street NE. SLP ISD #16/Velodrome. (Case File No. 20-0024/SLK).

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that Resolution No. 20-93, “Granting Final Plat Approval to Subdivide 88.2 Acres into Two (2) Lots to be known as Independent School District 16 Second Addition located at 10365 Davenport Street NE,” be approved.

Ms. Johnson stated Spring Lake Park Schools (ISD #16) has reached an agreement with the National Sports Center to purchase a 3.42 acre site (Outlot A) just south of their existing school (old velodrome site). Once purchased the school intends to provide an outside play area/green space and re-direct a driveway on the south side of the proposed parcel. A preliminary plat application was approved by the City Council on April 6, 2017, to subdivide the NSC's approximately 90 acre south campus into two lots and one outlot. This final plat is proposing to re-plat Outlot A into one lot with existing Lot 1. The new plat will include Lot 1 (Outlot A and Lot 1 of existing plat) (14.68 acres) and Lot 2 Block 1. Lot 2 (73.49 acres) would remain the NSC property. The final plat is consistent with the approved preliminary plat, Resolution No. 17-043 as amended and approved by the City Council on April 6, 2017.

A roll call vote was taken. Motion adopted unanimously.

11.6 Second Reading – Ordinance No. 20-2447, Granting Amendments to Revise and Update Sections of the Entire Blaine Zoning Ordinance. City of Blaine (Case File No. 20-0019).

Moved by Mayor Ryan, seconded by Councilmember Jeppson, that Ordinance No. 20-2447, “Granting Amendments to Revise and Update Sections of the Entire Blaine Zoning Ordinance,” be approved.

Ms. Johnson stated at the July 6, 2020 council meeting, staff was directed to revise the language pertinent to the approval rationale for conditional use permits. Staff consulted other cities and the League of Minnesota Cities for guidance and has made the following change to section 27.04 (a) 2 to state the use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district.

Ms. Johnson highlighted the remaining changes within the Zoning Code and recommended approval of the revisions.

A roll call vote was taken. Motion adopted unanimously.

11.7 Resolution No. 20-104, Publication of the Title and Summary of Ordinance 20-2447, Granting Amendments to Revise and Update Sections of the Entire Blaine Zoning Ordinance, City of Blaine (Case File No. 20-0019).

Moved by Councilmember Jeppson, seconded by Councilmember Garvais, that Resolution No. 20-104, “Publication of the Title and Summary of Ordinance 20-2447, Granting Amendments to Revise and Update Sections of the Entire Blaine Zoning Ordinance,” be approved.

Ms. Sorensen stated Minnesota Statute 412.191, Subd. 4, provides for publication of the title and summary of an ordinance in the case it is lengthy, if the City Council determines that publication of the title and a summary would clearly inform the public of the intent and effect of the ordinance. As Ordinance 20-2447 is lengthy staff is recommending adoption of the proposed summary resolution. The summary resolution requires an affirmative vote of four-fifths of the Council and the entire ordinance is available for inspection during regular office hours at City Hall and can be forwarded upon request.

A roll call vote was taken. Motion adopted unanimously.

ADMINISTRATION

12.1 Resolution 20-99, Approve Joint Powers Agreement No. C0007076 with Anoka County for Intersection Improvements at Xylite Street and CSAH 52 (Radisson Road), Improvement Project No. 19-09.

Moved by Councilmember Swanson, seconded by Councilmember Paul, that Resolution 20-99, “Approve Joint Powers Agreement No. C0007076 with Anoka County for Intersection Improvements at Xylite Street and CSAH 52 (Radisson Road),” be approved.

Mr. Schluender stated this item was presented to the Council at the July 6, 2020 meeting, where council postponed action until a meeting was held between representatives of the city council and county board members to discuss the current county cost sharing policy. Staff understands that a meeting has been held and are bringing the item forward for council consideration. The County has been working on a project to install a signal system at the intersection of Xylite Street and CSAH 52 (Radisson Road). The plan is now prepared and the project can move forward as proposed to modify the approach legs, extend sidewalk, and construct a new traffic control signal system.

Mr. Schluender reported the estimated construction cost of the total project is just over \$449,596, with an additional \$30,000 in county-furnished signal items. Staff has worked with Anoka County to prepare a JPA based on their cost participation policy. The City will share a portion of construction costs, county-furnished items, and 8% construction engineering expenses. The total estimated construction cost to the City is \$348,954.00. Adding the 8% construction engineering cost, \$27,916.32, the City's share of the county furnished items, \$22,500 to the City's share of the construction cost brings Blaine's estimated total to \$399,370.32. The City is also responsible for the design engineering and Right-of-Way acquisition in the amount of \$61,308 and \$19,509 respectively. The funding sources identified for this project are the City's Municipal State Aid funds, Local State Aid funds, and PMP funds. It was noted the JPA addresses future maintenance responsibilities.

Councilmember Robertson explained she would not be supporting this JPA. While she understood these improvements were a matter of public safety, she could not support the JPA as a matter of principle. She believed it was time for Anoka County to reconsider the amount of assistance they offer to cities for intersections along County roadways.

Councilmember Garvais indicated the County's cost share percentages (75/25) were unfair. He reported the County moved to galvanized traffic signals which were more expensive and have reduced their overall maintenance. He explained both of these decisions created a greater burden for cities. He anticipated this JPA had the votes to pass but indicated he would not be able to support the agreement for symbolic reasons. He stated he would like to see the City continuing to work with the County to address this concern.

Councilmember Jeppson stated she agreed with everything Councilmembers Garvais and Robertson had said. However, she indicated this intersection was in dire need of safety improvements in the City. She commented she was not willing to take a stand on this JPA but noted future JPAs between the City and the County would require further discussion.

Councilmember Swanson indicated the County was not treating the City fairly. With this being said, he still supported this project moving forward in order to address the safety concerns at this intersection. He

recommended the City Council continue conversations with the City's three County representatives in order to address the Council's concerns.

Councilmember Garvais stated if he felt this vote was at risk, he would vote yes. However, because the JPA had enough votes to pass, he would be voting no to send a message to Anoka County. He indicated it would take Blaine residents addressing Anoka County representatives to assist in making a future change.

Councilmember Robertson commented she had no intention of compromising the safety of Blaine residents. She understood this vote would pass and for this reason, she was taking a stand to send a message to Anoka County that they had to do better, especially given the fact Blaine provides Anoka County with one-fifth of its revenue. She stated she was extremely frustrated with the fact the City of Blaine would be paying for 95% of the expense of this project when it was on a County road.

Mayor Ryan supported the City continuing conversations with the County. However, he wanted to see this project moving forward given the fact this was a dangerous intersection. He commented further on how all future maintenance costs were the burden of the City.

Councilmember Robertson stated she would like to better understand how many County roads run through Blaine in comparison to other cities in Anoka County. Mr. Schluender stated he would investigate this further and would report back to the Council.

A roll call vote was taken. Motion adopted 5-2 (Councilmembers Garvais and Robertson opposed).

OTHER BUSINESS

None.

ADJOURNMENT

Moved by Councilmember Garvais, seconded by Councilmember Jeppson, to adjourn the meeting at 9:13 p.m.

A roll call vote was taken. Motion adopted unanimously.

Tom Ryan, Mayor

ATTEST:

Catherine Sorensen, CMC, City Clerk
Submitted by Minute Maker Secretarial