



City of Blaine
Anoka County, Minnesota
Minutes - Final
City Council

10801 Town Square Dr.
Blaine MN 55449

Thursday, May 2, 2013

7:30 PM

Council Chambers

Meeting Number 13-24

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; Joe Huss, Finance Director; Chris Olson, Safety Service Manager/Police Chief; Jean Keely, City Engineer; Nate Monahan, Parks and Recreation Program Supervisor; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.

Present: 5 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

Absent: 2 - Mayor Pro Tem Hovland and Councilmember Clark

4. APPROVAL OF MINUTES

4.-1 [MIN 13-10](#)

COUNCIL RETREAT - March 14, 2013
WORKSHOP MEETING - April 18, 2013
CLOSED MEETING - April 18, 2013
REGULAR MEETING - April 18, 2013

Sponsors: Cross

Attachments: [Council Workshop 4-18-2013](#)
[Closed Meeting Minutes 4-18-2013](#)
[Regular Minutes 4-18-2013](#)
[Council Retreat 3-14-2013](#)

Moved by Councilmember Bourke, seconded by Councilmember Swanson, that the Minutes be Approved. The Motion was adopted unanimously.

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan welcomed North Memorial Clinic to Blaine.

Mayor Ryan thanked the staff and volunteers for the successful Senior Wellness & Fitness event.

Councilmember Kolb congratulated the Blaine residents who were honored at the Creating Community banquet.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:36 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:37 p.m.

8. ADOPTION OF AGENDA

Mayor Ryan moved up agenda item 12.7 to follow Consent agenda.

Mayor Ryan removed agenda item 12.9 due to it being a Charter Amendment, which takes seven councilmember votes.

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

Moved in the agenda to follow 11.1B.

10. APPROVAL OF CONSENT AGENDA:

Councilmember Herbst requested the removal of agenda item 10.4.

Approval of the Consent Agenda

Moved by Councilmember Kolb, seconded by Councilmember Swanson that the following items be Approved by Consent Vote. Motion adopted unanimously.

Aye: 5 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke,
Councilmember Kolb and Councilmember Herbst

10.-1 [MO 13-051](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [04/12/13 Bills Paid](#)
[04/19/13 Bills Paid](#)

Approved unanimously by Consent Vote.

10.-2 [MO 13-052](#)

**AUTHORIZE TEMPORARY REMOVAL OF PARKING
RESTRICTIONS ON 91ST AVENUE, 92ND AVENUE, 92ND
LANE AND BALTIMORE STREET TO ACCOMMODATE
LETTERMEN SPORTS TENT SALES ON JUNE 13 - 23 AND
AUGUST 1 - 4, 2013**

Sponsors: Keely

Attachments: [Letter of Request](#)
[Temporary Parking - June](#)
[Temporary Parking - August](#)

Approved unanimously by Consent Vote.

10.-3 [MO 13-058](#)

**APPROVE TEMPORARY ROAD CLOSURES OF
PORTIONS OF HARPERS STREET AND LAKES
PARKWAY FOR BLAINE TRIATHLON**

Sponsors: Monahan

Attachments: [Traffic Plan for Blaine Triathlon road closure](#)

Approved unanimously by Consent Vote.

10.-5 [MO 13-054](#)

**APPROVE A VENDING TRUCK LICENSE FOR
BECKY'S SWEET TREATS,
1847 140TH LANE NE, HAM LAKE, MN.**

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-6 [MO 13-055](#)

**APPROVE A TOBACCO AND TOBACCO PRODUCTS
LICENSE
FOR DISC LIFE,
11712 JEFFERSON STREET NE, BLAINE.**

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-7 [MO 13-056](#)

**APPROVE INDIVIDUAL THERAPEUTIC MASSAGE
LICENSES**

Sponsors: Cross

Attachments: [2013 Massage Individual List](#)

Approved unanimously by Consent Vote.

10.-4 [MO 13-053](#)

**AUTHORIZE PAYMENT TO WHITEWATER WIRELESS
IN THE AMOUNT OF \$24,751.14 FOR ANTENNA
REMOVAL AND REPLACEMENT ASSOCIATED WITH
WATER TOWER NO. 3 REHABILITATION
IMPROVEMENT PROJECT NO. 12-12**

Sponsors: Therres

Attachments: [Invoice #R13093416 dated 4/11/13](#)
[Quote #2411 dated 4/19/13](#)

Councilmember Herbst asked why staff did not solicit bids for the project. City Engineer Keely replied Whitewater was chosen to do the work because they installed the system, have maintained the system, and is most familiar with its operations. She stated the Public Works Manager decided it would be the most efficient company to use.

Councilmember Bourke asked if the City owns the antenna. City Engineer Keely replied yes.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this Motion be Approved. The Motion was adopted unanimously.

ADMINISTRATION

12.-7 [RES 13-057](#)

**AWARDING THE SALE OF \$5,075,000 GENERAL
OBLIGATION REFUNDING BONDS, SERIES 2013A;
FIXING THEIR FORM AND SPECIFICATIONS;**

**DIRECTING THEIR EXECUTION AND DELIVERY; AND
PROVIDING FOR THEIR PAYMENT**

Sponsors: Huss

Attachments: [Resolution Blaine CI Refunding Bonds 2013A](#)
[Escrow Agreement Blaine CI Refunding Bonds 2013A](#)

Finance Director Huss stated the Council approved Springsted, Inc. to accept bids for the sale of \$5,075,000 general obligation refunding bonds, the proceeds from which will be used to refund the City's General Obligation Capital Improvement Bonds, Series 2005A. He noted Bonds are rated AA1, the 2005A bonds have a final maturity of February 1, 2026, and the refunding would not extend the maturity schedule.

Terry Heaton, Springsted, Inc., stated 10 bids were received from 28 financial institutions. She stated the bond rate is at 1.42 percent for 13-year term. She stated the City's credit rating by Moody's reflects the City's strong financial position, substantial tax base and manageable debt burden. She stated the City's strength is conservative budgeting resulting in surpluses each year and the continued commercial and residential development. Ms. Heaton stated the City's challenges are its decline in tax base and reduced property tax revenues resulting from efforts to mitigate the increased tax rates. She stated Moody's understands why the City is holding the line on taxes; although it is the tax base that will bring the City under the AAA bond rating. She explained that what will be watched is whether the City is willing to increase property taxes to cover operating costs and pay for the bonds.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

11. DEVELOPMENT BUSINESS

11.-1 [RES 13-060](#)

A

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE
53.02 ACRES INTO 33 SINGLE FAMILY LOTS AND
THREE OUTLOTS TO BE KNOWN AS WOODS AT QUAIL
CREEK 2ND ADDITION. U.S. HOME CORPORATION.
(CASE FILE NO.13-0017/LSJ)**

Sponsors: Schafer

Attachments: [Woods at Quail Crk 2nd Attachments - Map_Concept_Plat_Grading.pdf](#)
[Woods at Quail Crk 2nd Attachments - Narrative Home Plans.pdf](#)

Planning and Community Development Director Schafer stated U.S. Home Corporation (Lennar Homes) is proposing to construct 33 single family homes just north of the Woods at Quail Creek. The Woods at Quail Creek 2nd

Addition would establish 33 single-family lots and 3 outlots, some will be reserved for future phases. He stated the Xylite Street access at 125th Avenue was constructed as a right-in/right-out with the first phase of the project. He stated this addition does not have additional access, but future phases will require alternative accesses.

Matt Graph, 12633 Xylite Street NE, Woods of Quail Creek Association board member, stated the residents did not know about the access restriction. He stated the County says it is the City's problem and vice versa. He stated currently residents have to make a U-turn on a very busy highway. He stated the Lakes is growing and more traffic is coming. He asked the Council to put a hold on the work in order to review the situation.

Nicki Moline, 12572 Xylite Street NE, stated her concern is the confusion about where the residents can turn around legally. She called the Police Department and the officer suggested turning around in someone's driveway. She had talked to the County and was told that a left turn lane is a possibility that someone would have to pay. She stated the builder did not disclose the access issue. She noted the church will have access, but they do not know when the church will be built.

Councilmember Herbst questioned what the County is requiring the City to do. Planning and Community Development Director Schafer replied staff met with the County and if the design requirements are met, full access would be allowed. He stated staff did an estimate and it would cost an estimated \$200,000 for a temporary improvement. Councilmember Herbst commented if the County will allow full access, can the City propose the County pay for the improvements.

Marty Pitson, Xylite St, stated his concern is that the Council pass the motion and then make a resolution. He would prefer the Council hold on the motion in order to review options.

Councilmember Kolb stated she agrees with postponing the motion in order to further review.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that Resolution 13-060, "Granting Final Plat Approval to Subdivide 53.02 Acres into 33 Single Family Lots and Three Outlots to be Known as Woods at Quail Creek 2nd Addition. U.S. Home Corporation," be postponed for further review.

Planning and Community Development Director Schafer stated there are some time constraints and the development meets all requirements.

Councilmember Kolb stated she would like staff to talk to the County.

Joe Polanski, Lennar Representative, stated Lennar is working with the residents and a two-week delay would cause hardship due to timelines that are at the end of expiration. He stated it is important for Lennar receive approval at this meeting.

Councilmember Herbst asked how many lots will be in the future development. Planning and Community Development Director Schafer replied 44 lots are existing, 33 lots are planned for this phase, and 35 future lots. He noted the plat was approved for 113 lots.

Mayor Ryan suggested a three-way split of the costs among the City, County, and Lennar.

Nicki Moline, 12572 Xylite Street, stated she was the first home in the development. She agreed the access should be split three ways and it would be acceptable to the neighborhood. She noted even the residents would pitch in if needed.

City Manager Arneson stated there is no indication the County will pay for the improvement. Planning and Community Development Director Schafer stated the County has changed their position to allow full access.

City Engineer Keely stated the Council directed the staff to work on Harpers Street improvements and check with the County on signal warrants. If warrants are met, a project could include medians with curbs, gutters and turn lanes. The median could be extended thru Xylite Street and the entrance would have to be right-in and right-out as it currently is.

Dan Markus, 12674 Xylite NE, stated his concern is about a temporary access is at least for five years out. He stated emergency vehicles would not have access. The Council explained that emergency vehicles drive over curbing.

Mayor Ryan stated this is a county road and the county has its own policies.

Councilmember Bourke stated he disagrees with postponing action on the resolution.

City Manager Arneson suggested the City levy assessments to the residents and the lots. He noted there are two projects and the light at Harpers Street, which could happen within two to five years, and the Main Street rebuild.

Councilmember Kolb asked if the neighborhood residents would be part of the data counts. City Engineer Keely replied traffic signal warrants being met would be based on the traffic counts that will be done by the County.

Councilmember Swanson asked if the County will approve the full access. Planning and Community Development Director Schafer replied he had hoped that the County would not change their decision.

Joe Polanski, Lennar representative, stated Lennar is not financially ready to pay for the full cost. He noted that Lennar did not check with the residents about sharing the cost.

Councilmember Kolb withdrew her motion to postpone consideration.

Moved by Councilmember Herbst, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.

City Manager Arneson suggested the City initiate the interim improvement project and direct staff to bring back a resolution for Council's consideration requesting funding assistance.

Moved by Councilmember Herbst, seconded by Councilmember Kolb, that the City initiate the assessments on the existing lots and future lots to improve the intersection. Motion adopted unanimously.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that the City send a resolution to the County to request that they participate in one-third of the cost of the improvement project along with the City and Lennar for full access to the development. Motion adopted unanimously.

11.-1 [RES 13-061](#)

B

**GRANTING A CONDITIONAL USE PERMIT APPROVAL
TO ALLOW FOR CONSTRUCTION OF 33 SINGLE
FAMILY HOMES IN A DF (DEVELOPMENT FLEX)
ZONING DISTRICT FOR THE WOODS AT QUAIL CREEK
2ND ADDITION. U.S. HOME CORPORATION. (CASE FILE
NO.13-0017/LSJ)**

Sponsors: Schafer

Attachments: [Woods at Quail Creek 2nd - Map_Concept_Plat_Grading.pdf](#)
[Woods at Quail Creek 2nd Attachments - Narrative Home Plans.pdf](#)

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 13-061, "Granting a Conditional Use Permit Approval to Allow for Construction of 33 Single Family Homes in a DF (Development Flex) Zoning District for the Woods at Quail Creek 2nd Addition. U.S. Home Corporation," be approved. Motion adopted unanimously.

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

The Following Item is Scheduled for a 1st Reading

- 1 [ORD 13-2265](#) **VACATION OF DRAINAGE AND UTILITY EASEMENTS
FOR OUTLOT A, CHAIN OF LAKES ADDITION AND
LOT 19, BLOCK 1, THE LAKES OF RADISSON
FORTY-FOURTH ADDITION
VACATION NO. V13-03**

FIRST READING

Sponsors: Keely

Attachments: [V13-03 Chain of Lakes Lakes 44th AddnLocation Map](#)

City Engineer Keely stated the vacation of drainage and utility easements is being requested for Outlot A, Chain of Lakes Addition and Lot 19, Block 1, The Lakes of Radisson Forty-Fourth Addition. She stated second reading will be held on May 16, 2013 and the ordinance would be ready for recording on June 24, 2013.

Mayor Ryan opened the public hearing at 8:42 p.m.

There being no public input, Mayor Ryan closed the public hearing at 8:43 p.m.

Declared by Mayor Ryan that Ordinance 13-2265, "Vacation of Drainage and Utility Easements for Outlot A, Chain of Lakes Addition and Lot 19, Block 1, The Lakes of Radisson Forty-Fourth Addition Vacation No. V13-03" be introduced and placed on file for second reading at the May 16, 2013 Council meeting.

- 2 [RES 13-058](#) **ORDER IMPROVEMENT AND ORDER PREPARATION OF
PLANS AND SPECIFICATIONS FOR THE 93RD LANE
INDUSTRIAL PARK AREA STREET IMPROVEMENTS,
PHASE 2, IMPROVEMENT PROJECT NO. 12-19**

Sponsors: Keely

Attachments: [93rd Ln Assessment Map.pdf](#)

City Engineer Keely stated tonight is only the public hearing for Resolution 13-058. She explained that improvements cannot be ordered because it requires a six out of seven Council vote. She asked the Council to table Resolution 13-058 to the May 16, 2013 Council meeting along with agenda item 12.4.

City Engineer Keely stated the proposed project is the second phase of multi-year project to partially reconstruct the streets and improve storm water runoff drainage in the industrial park area

Mayor Ryan opened the public hearing at 8:47 p.m.

Geno Jacobs, 155 12th Avenue NW, New Brighton, stated he owns the office condominiums on 91st Avenue. He stated he thinks the road does not need to be rebuilt.

Mayor Ryan stated the roads are on a maintenance schedule.

Councilmember Herbst asked staff if the road is being reconstructed. City Engineer Keely replied the road will be milled down and repaved with 4½ inches of new pavement over 6 inches of reclaimed aggregate. She noted the road was built in 1972, overlay in 1994 and seal coated in 2004. City Engineer Keely stated assessments are 41% of the project cost. She noted the entire area is being worked on in order to get a better bid.

Mayor Ryan commented there are also storm drainage problems in that area. City Engineer Keely replied the phases of this project are dictated by the drainage problems and flow of the ditch system. It was noted that Mr. Jacob's property, 1550 91st Avenue, will be assessed \$849.53 over a ten-year period.

There being no further public input, Mayor Ryan closed the public hearing at 8:53 p.m.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 13-058, "Order Improvement and Order Preparation of Plans and Specifications for the 93rd Lane Industrial Park Area Street Improvements, Phase 2, Improvement Project No. 12-19" and Resolution 13-073, "Approve Plans and Specifications" and Order Advertisement for Bids for the 93rd Lane Industrial Park Area Street Improvements," be postponed to the May 16, 2013 Council meeting.

11.-2 [RES 13-062](#)

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE 1.83
ACRES INTO FOUR SINGLE FAMILY LOTS TO BE
KNOWN AS MARQUEST MAEDOWS EAST AT 91st
AVENUE/ZUMBROTA STREET NE. SHADE TREE
CONSTRUCTION, INC. (CASE FILE NO. 13-0005/LSJ)**

Sponsors: Schafer

Attachments: [Marquest Meadows East - Attachments.pdf](#)

Planning and Community Development Director Schafer stated the final plat approval creates four single-family lots. He stated the plat has dedicated

drainage and utility easements on all storm sewer features and across all lots to accommodate drainage from adjacent parcels.

Moved by Councilmember Kolb, seconded by Mayor Ryan, that this Resolution be Adopted As Amended. The Motion was adopted unanimously.

Aye: 5 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Kolb and Councilmember Herbst

City Engineer Keely stated staff met with the Rice Creek Watershed District who is amenable to a second culvert. She stated the developer needs to resubmit the revised calculations for the second culvert. She noted it has to be the same size and elevation of the one proposed and route the water in the same direction.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 13-062, "Granting Final Plat Approval to Subdivide 1.83 Acres into Four Single Family Lots to be Known as Marquest Meadows East at 91st Avenue/Zumbrota Street NE. Shade Tree Construction, Inc.," be amended to add a second pipe to improve drainage. Amendment adopted unanimously.

11.-3 [RES 13-063](#)

A

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE SIX
ACRES INTO TEN SINGLE FAMILY LOTS TO BE
KNOWN AS MARQUEST MEADOWS WEST AT 621 115th
AVENUE NE. SHADE TREE CONSTRUCTION, INC. (CASE
FILE NO 13-0014/LSJ)**

Sponsors: Schafer

Attachments: [Marquest Meadows West - Attachments.pdf](#)

Councilmember Herbst left the meeting at 8:59 p.m. and returned at 9:03 p.m.

Planning and Community Development Director Schafer stated the proposed plat includes ten lots on six acres. He stated the property is zoned R-1 (Single Family Residential) and all lots meet the lot size requirement.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.

11.3B [RES 13-064](#)

**AUTHORIZE INSTALLATION OF REGULATORY SIGNS
MARQUEST MEADOWS WEST**

Sponsors: Keely

Attachments: [20130422133700461.pdf](#)

Planning and Community Development Director Schafer stated the construction of the street requires installation of appropriate traffic control.

Moved by Councilmember Bourke, seconded by Councilmember Swanson, that this Resolution be Adopted. The Motion was adopted unanimously.

The Following Item is Scheduled for a 1st Reading

11.-4 [ORD 13-2266](#)

THE CITY IS PROPOSING A CODE AMENDMENT TO SECTION 31.14 OF THE I-2 (HEAVY INDUSTRIAL) ZONING ORDINANCE THAT WOULD ADD, UNDER THE CONDITIONAL USE CATEGORY; PERSONAL CARE, HEALTH CARE, RECREATION OR EDUCATION RELATED COMMERCIAL SERVICES USES.

FIRST READING

Sponsors: Schafer

Planning and Community Development Director Schafer stated the City's I-2 zoning text restricts or prohibits commercial or retail related uses except for retail sales that are incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises. He stated several I-2 industrial building owners have had requests for light traffic commercial type uses to occupy their buildings.

Declared by Mayor Ryan that Ordinance 13-2266, "The City is Proposing a Code Amendment to Section 31.14 of the I-2 Heavy Industrial) Zoning Ordinance that Would Add, Under the Conditional Use Category; Personal Care, Health Care, Recreation or Education Related Commercial Services Uses" be introduced and placed on file for second reading at the May 16, 2013, Council meeting.

11.-5 [RES 13-065](#)

GRANTING A CONDITIONAL USE PERMIT TO OPERATE A FARM WINERY INSIDE THE HOME AT 4432 ST. ANDREWS DRIVE. KYLE ROGGENBUCK. (CASE FILE NO. 13-0021/LSJ)

Sponsors: Schafer

Attachments: [Roggenbuck 4432 St. Andrews - Attachments.pdf](#)

Planning and Community Development Director Schafer stated the applicant is required by the State to have a Conditional Use Permit. He noted that the applicant will not sell the product out of his home.

Councilmember Kolb asked if the water usage will be an issue. Planning and Community Development Director Schafer replied if the applicant was commercial, it would be an issue.

Kyle Roggenbuck, 4432 St. Andrews Drive, stated he leases land in various areas in the U.S., France, and Germany for grapes and local growers for apples and honey.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-6 [RES 13-066](#)

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW
FOR CONSTRUCTION OF AN 8,960 SQUARE FOOT
DOLLAR TREE STORE IN A PBD (PLANNED BUSINESS
DISTRICT) ZONING DISTRICT AND A SHARED ACCESS
AT 11763 ULYSSES LANE NE. DOLLAR TREE. (CASE
FILE NO. 13-0015/LSJ)**

Sponsors: Schafer

Attachments: [Dollar Tree - Attachments.pdf](#)

Planning and Community Development Director Schafer stated the Dollar Tree is proposing to construct a building near the northeast corner of 117th Avenue and Ulysses Lane NE. He stated the site is zoned PBD and each use in this district requires a conditional use permit. He noted the site needs to meet the Highway 65 Overlay District requirements for landscaping and building elevations.

Jeff Bock, Zone Construction, stated Dollar Tree will be a good fit for the neighborhood.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-7 [RES 13-067](#)

A

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 87.5 ACRES INTO A MAXIMUM OF 177
SINGLE FAMILY LOTS AND 6 OUTLOTS TO BE
KNOWN AS THE PRESERVE AT LEGACY CREEK AT
LEGACY CREEK PARKWAY/NORTH OF 127TH
AVENUE NE. MAJESTIC FINANCIAL, LLC. (CASE
FILE NO. 12-0030/LSJ)**

Sponsors: Schafer

Attachments: [Legacy Creek Attachments - Map, Plat, Landscape, Phasing.pdf](#)
[Legacy Creek Attachments - Narrative, Elevations, Floor Plans.pdf](#)

Planning and Community Development Director Schafer stated the preliminary plat known as The Preserve at Legacy Creek consists of 177

single-family lots and six outlots. He noted Ryland Homes will be the developer.

Jeff Mishek, Financial Developer, stated the development had special needs and all involved approve of the final plat.

Councilmember Herbst asked about the condition of the existing ditches. Planning and Community Development Director Schafer replied new ditches will be built.

Cory Ball, 3233 128th Lane NE, stated the new development will be behind his home and he had paid premium dollars for his lot. He stated he knew there would be development behind his home but was told the trees would not be disturbed. He asked the Council for options to keep the trees. Planning and Community Development Director Schafer replied the elevation needs to be changed which will cause the removal of the trees and there is a section that the trees will not be removed and he believes the location of the existing trees will not be disturbed in that area.

Moved by Councilmember Herbst, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.

11.7B [RES 13-068](#)

**GRANTING A CONDITIONAL USE PERMIT TO
ALLOW FOR CONSTRUCTION OF UP TO 177 SINGLE
FAMILY HOMES IN A DF (DEVELOPMENT FLEX)
ZONING DISTRICT FOR THE PRESERVE AT LEGACY
CREEK AT LEGACY CREEK PARKWAY/NORTH OF
127TH AVENUE NE. MAJESTIC FINANCIAL, LLC.
(CASE FILE NO. 12-0030/LSJ)**

Sponsors: Schafer

Attachments: [Legacy Creek Attachments - Map, Plat, Landscape, Phasing.pdf](#)
[Legacy Creek Attachments - Narrative, Elevations, Floor Plans.pdf](#)

Planning and Community Development Director Schafer stated the developer will have to do the grading at one time and the platting of lots will be done in six phases over the next three to five years. He noted the connection to 131st Avenue will be completed later on in the development.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-8 [RES 13-076](#)

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 32.23 ACRES INTO 14 SINGLE FAMILY LOTS
AND ONE OUTLOT TO BE KNOWN AS QUAIL CREEK**

**9TH ADDITION AT 132ND AVENUE/URBANK COURT NE.
ARCADIA HOLDING GROUP-A, LLC. (CASE FILE NO.
13-0023/LSJ)**

Sponsors: Schafer

Attachments: [Quail Creek 9th - Attachments.pdf](#)

Planning and Community Development Director Schafer stated the applicant is requesting the approval of a preliminary plat for the 9th Addition of Quail Creek, which contains 14 single family lots and one outlot.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

**11.-9 [RES 13-069](#)
A**

**GRANTING PRELIMINARY PLAT APPROVAL TO
SUBDIVIDE 9.67 ACRES INTO 48 DETACHED SINGLE
FAMILY LOTS AND FIVE OUTLOTS TO BE KNOWN AS
THE LAKES OF RADISSON 55TH ADDITION AT EDISON
STREET/ALAMO STREET. CENTRA HOMES, LLC. (CASE
FILE NO. 13-0012/SLK)**

Sponsors: Schafer

Attachments: [Lakes 55th Addition - Attachments.pdf](#)

Planning and Community Development Director Schafer stated the applicant is proposing to subdivide an Outlot and several lots into 48 single family detached units. He noted the private roads and all of the utilities were constructed within the proposed plat by Rottlund Homes.

Rick Packer, 11460 Robinson Drive, Coon Rapids, asked staff if all the utilities conditions are intended to be owned and maintained by the association. Planning and Community Development Director Schafer replied private streets require private utilities.

Moved by Mayor Ryan, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

11.9B [RES 13-070](#)

**GRANTING A CONDITIONAL USE PERMIT TO ALLOW
FOR CONSTRUCTION OF 48 DETACHED SINGLE
FAMILY TOWNHOMES IN A DF (DEVELOPMENT FLEX)
ZONING DISTRICT FOR THE LAKES OF RADISSON
55TH ADDITION AT EDISON STREET/ALAMO STREET.
CENTRA HOMES, LLC. (CASE FILE NO. 13-0012/SLK)**

Sponsors: Schafer

Attachments: [Lakes of Radisson 55th - Attachments.pdf](#)

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

12. ADMINISTRATION

12.-1 [MO 13-059](#)

ADOPTING THE 2013-2017 CAPITAL IMPROVEMENT PROGRAM FOR PARKS

Sponsors: Monahan

Attachments: [2013 -17 CIP UPDATE 4-24-13.pdf](#)

Parks and Recreation Program Supervisor Monahan stated the major projects for the 2013-2017 CIP are Aquatore Park Field #1 relocation, Aurelia Park replacement of the tennis and basketball courts, Legacy Creek Park, and the Lexington Athletic Complex.

Councilmember Bourke questioned the Park Fund's interest earnings relative to the fund balance amount. Finance Director Huss replied funds will be transferred into the Park Fund from the Capital Improvement Fund at the end of the year.

Councilmember Herbst asked if any meetings have been scheduled since the retreat. Finance Director Huss replied the staff are putting together requests for proposals.

Moved by Councilmember Swanson, seconded by Councilmember Kolb, that this Motion be Approved. The Motion was adopted unanimously.

12.-2 [RES 13-071](#)

APPROVE PLANS AND SPECIFICATIONS AND ORDER ADVERTISEMENT FOR BIDS FOR THE PARTIAL RECONSTRUCTION OF PAUL PARKWAY FROM OAK PARK BOULEVARD TO ULYSSES STREET, IMPROVEMENT PROJECT NO. 12-17

Sponsors: Keely

Attachments: [Paul Pkwy Constructino Loc Map](#)

City Engineer Keely stated plans and specifications have been approved by MnDOT for the MSA road. She stated bid award is scheduled for Council approval on August 1, 2013 and construction would start on August 15, 2013.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-3 [RES 13-072](#)

**APPROVE PLANS AND SPECIFICATIONS AND ORDER
ADVERTISEMENT FOR BIDS FOR THE
RECONSTRUCTION OF 101ST AVENUE FROM
FLANDERS STREET TO NAPLES STREET,
IMPROVEMENT PROJECT NO. 12-18**

Sponsors: Keely

Attachments: [101st Ave Construction Loc Map](#)

City Engineer Keely stated plans and specifications have been approved by MnDOT for the MSA road. She stated bid award is scheduled for Council approval on June 20, 2013, and construction would start on July 8, 2013.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-4 [RES 13-073](#)

**APPROVE PLANS AND SPECIFICATIONS AND ORDER
ADVERTISEMENT FOR BIDS FOR THE 93RD LANE
INDUSTRIAL PARK AREA STREET IMPROVEMENTS,
PHASE 2
IMPROVEMENT PROJECT NO. 12-19**

Sponsors: Keely

Attachments: [93rd Ln Assessment Map.pdf](#)

Item postponed to the May 16, 2013 Council meeting.

12.-5 [RES 13-074](#)

**ACCEPT BID FROM INSITUFORM TECHNOLOGIES
USA, LLC IN THE AMOUNT OF \$1,729,222.92 FOR THE
2013 SANITARY SEWER CURED-IN-PLACE LINING
PROJECT
IMPROVEMENT PROJECT NO. 13-05**

Sponsors: Keely

Attachments: [location map.pdf](#)

City Engineer Keely stated a total of five bids were received and it has been determined that Insituform Technologies USA, LLC of Chesterfield, Missouri is the lowest bidder. She recommended the low bid be accepted and a

contract entered into with Insituform Technologies USA, LLC and that the contract include two additional areas and pipe sizes as alternates. She stated the Council is also asked to approve a 10% contingency. She noted the funding source for this project is the Sanitary Sewer Fund and there are sufficient funds to cover these costs.

Councilmember Kolb asked if the resident voucher system is included in the cost. City Engineer Keely replied yes.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-6 [RES 13-075](#)

**AUTHORIZING USE OF CAPITAL IMPROVEMENT FUND
TO COMPLETE FUNDING OF CITY HALL
CONSTRUCTION AND DIRECTING PROCEEDS FROM
BILLBOARD LEASES TO FUND EDA OPERATIONS**

Sponsors: Huss

Finance Director Huss stated this resolution will authorize the use of the Capital Improvement Fund to pay the current deficit that exists in the City Hall Construction Fund and the billboard lease proceeds goes to fund the EDA.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that this Resolution be Adopted As Amended. The Motion was adopted unanimously.

Moved by Councilmember Swanson, seconded by Councilmember Bourke, that Resolution 13-075, "Authorizing Use of Capital Improvement Fund to Complete Funding of City Hall Construction and Directing Proceeds from Billboard Leases to Fund EDA Operations" be amended to indicate it is for five years. Amendment adopted unanimously.

12.-8 [MO 13-057](#)

**ESTABLISHING A SECOND SEASONAL INTERN
POSITION WITHIN THE BUILDING DEPARTMENT FOR
2013**

Sponsors: Schafer

Planning and Community Development Director Schafer stated the intern position will be for the summer and will work on routine field inspections, plan reviews, permitting and public counter assistance.

Moved by Councilmember Kolb, seconded by Councilmember Herbst, that this

Motion be Approved. The Motion was adopted unanimously.

The Following Item is Scheduled for a 2nd Reading

12.-9 [ORD 13-2263](#)

**AN ORDINANCE AMENDING CHAPTER 7, TAXATION AND
FINANCE, SEC. 7.10, DISBURSEMENTS; HOW MADE, OF THE
CHARTER OF THE CITY OF BLAINE**

SECOND READING

Sponsors: Cross

Agenda item postponed to May 16, 2013 Council meeting.

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Bourke, seconded by Councilmember Kolb, that this meeting be Adjourned. The Motion was adopted unanimously. The meeting adjourned at 10:10 p.m.