



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

10801 Town Square Dr.  
Blaine MN 55449

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Thursday, March 1, 2012

7:30 PM

Council Chambers

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**Meeting Number 12-15**

**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.*

*Quorum present.*

*ALSO PRESENT: Bryan Schafer, Community Development Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Jean Keely, City Engineer; Terry Dussault, Human Resources Director; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.*

**Present:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

**Absent:** 2 - Councilmember Swanson and Councilmember Herbst

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES**

**4.1 [MIN 12-07](#)**

**MINUTES OF THE CITY COUNCIL RETREAT  
FEBRUARY 3, 2012 AND FEBRUARY 4, 2012**

**Attachments:**     [UNAPPROVED Minutes 2-03-12](#)  
                              [UNAPPROVED Minutes 2-04-12](#)

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

**4.2 [MIN 12-08](#)**

**WORKSHOP MEETING - 02/16/2012  
REGULAR MEETING - 02/16/2012**

**Sponsors:**     Cross

**Attachments:**     [Workshop Minutes 2/16/12](#)  
                                  [Regular Minutes 2/16/12](#)

*Mayor Ryan abstained due to his absence from the Workshop meeting and Regular meeting on February 16, 2012*

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

## 5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

### 5.1

#### BLAINE PUBLIC SAFETY ASSOCIATION

*Safety Services Manager/Police Chief Olson announced and introduced Officer Reggie Larson as the handler of the department's new police dog. He stated the dog training class will begin in three weeks. He commented that the department is acquiring used equipment for the squad car from the Fridley Police Department. The police dog is a Shepherd Malinois from the Czech Republic. He stated the breed is smaller than a standard Shepherd. Police Chief Olson thanked Blaine Public Safety Association for their support.*

##### *Blaine Public Safety Association*

*Jane Daniels and Kathy Weinbeck presented a check for \$6,850 to Mayor Ryan and Police Chief Olson that will cover the cost of the new police dog. Ms. Daniels stated the funds are from the pet walk held last year. Ms. Daniels stated the association is all volunteers and the association partnered with Rasmussen College, Blaine campus, in getting their web site up and running. Ms. Daniels announced the 2nd Annual Pet Walk will be held on April 28.*

**Moved by Councilmember Kolb, seconded by Councilmember Bourke, to accept Blaine Public Safety Association's check for \$6,850.**

**Moved by Councilmember Kolb, seconded by Councilmember Bourke, to accept Blaine Public Safety Association's check for \$6,850.**

## 6. COMMUNICATIONS

*Councilmember Bourke stated he stopped by Honest One Auto Repair on University to welcome them to Blaine.*

*Mayor Ryan thanked the City's staff for their work on the Council's workshop retreat.*

## 7. OPEN FORUM FOR CITIZEN INPUT

*Mayor Ryan opened the open forum at 7:41 p.m.*

*Paulette Peschong, 10288 Ghia Street NE, stated she has lived on Ghia Street on the corner of Ball Road for 26 years. She stated she has enjoyed living in Blaine and comes to the Council with her concern of the zoning district across the street from her home, which changed on paper from light industry to planned business district in 2000. She stated she did not receive notice for a public hearing on the changing of the zoning and none of her neighbors recall a notice or a sign. She stated when zoning or rezoning, the commission's job is to hold and announce a public hearing*

*and a notice is to be posted on the land.*

*Ms. Peschong asked the Council when and where was the public hearing held for the properties 24-31-23-31-0009; 24-31-23-32-0003; and 24-31-23-23-0004. Ms. Peschong asked for documentation of the public hearing and wants to see the notice of the posting. She would appreciate a response by March 15 from the City.*

*Mayor Ryan asked if Ms. Peschong is referring to the proposed Walmart site. Ms. Peschong replied her concern is the rezoning of Mr. Harstad's land in 2000.*

*Mayor Ryan stated the property has always been zoned commercial. Ms. Peschong replied the properties were zoned light industry when the development was first built.*

*Mayor Ryan stated hearings on the Comprehensive Plan are held through the Planning Commission and the City Council where comments were taken from the residents. He stated the residents' comments were that they would like to see commercial rather than light industrial. He stated it is a key intersection and several commercial companies have looked at those properties.*

*Councilmember Kolb requested that the staff have documents ready by March 15.*

*City Manager Arneson stated a public meeting on March 8 was scheduled for a traffic report; although the report is not ready and the public meeting will be scheduled for April.*

*Community Development Director Schafer stated the primary property that Mr. Harstad has owned for a number of years has been zoned commercial since 1960's. He stated the property's zoning that changed in 2000 is a parcel that was purchased from Bermo and changed the zoning from light industrial in 2000 to commercial. He stated the property that is directly across Ball Road is commercial or planned business district since the 1960's.*

*Mayor Ryan stated a number of commercial businesses have looked at the property.*

*Councilmember Clark asked when the rezoning occurred, was it part of the Comprehensive Plan. Community Development Director Schafer replied no, it was rezoned as a Planning Commission item. He stated the land was a part of Bermo and the residents on Ball Road would not have gotten notice on the rezoning.*

*Mayor Ryan stated each Councilmember has received at least 50 form letters from residents. He stated he talked to Mr. Harstad last Friday. He stated there has been no further contact from Walmart.*

*There being no further input, Mayor Ryan closed the open forum at 7:51 p.m.*

**8. ADOPTION OF AGENDA**

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

*None.*

**10. APPROVAL OF CONSENT AGENDA:**

**Approval of the Consent Agenda**

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

10.1 [MO 12-026](#) **SCHEDULE OF BILLS PAID**

**Sponsors:** Huss

**Attachments:** [02/07/12 Bills Paid](#)  
[02/10/12 Bills Paid](#)  
[02/17/12 Bills Paid](#)

Approved unanimously by Consent Vote.

The Following Ordinance is Scheduled for Second Reading

10.2 [ORD 12-2240](#) **AMENDING RESOLUTION NO. 03-248, ESTABLISHING  
THE FEES FOR PARK DEDICATION FOR THE CITY  
OF BLAINE.**

**Sponsors:** Kappelhoff

**Attachments:** [Park Dedication Survey 11-2011.pdf](#)

Adopted unanimously by Consent Vote.

11. **DEVELOPMENT BUSINESS**

11.1 [RES 12-024](#) **GRANTING A CONDITIONAL USE PERMIT PER  
SECTION 31.04 (E)(K) OF THE ZONING ORDINANCE TO  
ALLOW FOR AN INDOOR SALES SHOWROOM FOR  
MOPEDS AND AUTOMOBILES AND MINOR REPAIR**

**MN USED CAR SALES/MN MOPED  
10078 FLANDERS COURT NE (SUITE 100 & 110)**

**CASE FILE NO 12-0001**

**Attachments:** [Attachments.pdf](#)

*Planning and Community Development Director Schafer stated MN Used Car Sales/MN Moped's business is expanding and they want to relocate to another building in Blaine. The business handles used car and moped sales, and would like to do minor auto repair. The applicant needs to obtain a Conditional Use Permit for the new property for an indoor vehicle sales showroom and minor auto repair in LI zoning district. The applicant is proposing to use two tenant spaces and will not have any outside storage. He stated the applicant will need to get a certificate of*

occupancy.

Moved by Councilmember Clark, seconded by Mayor Pro Tem Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

11.2 [RES 12-025](#)

**GRANTING A CONDITIONAL USE PERMIT PER SECTION 30.24(D)(Z) OF THE ZONING ORDINANCE FOR MINOR AUTOMOBILE REPAIR AND MULTIPLE BUILDINGS ON ONE (1) LOT IN A B-3 (REGIONAL COMMERCIAL) ZONING DISTRICT.**

**TIRES PLUS  
12507 CENTRAL AVENUE NE**

**CASE FILE NO 12-0002**

**Attachments:** [Attachments.pdf](#)

*Planning and Community Development Director Schafer stated Tires Plus will be leasing approximately one acre of a 12 acre site and is requesting to construct a 8,337-square foot minor auto repair facility on the same lot as Cub Foods where the former Snyder Drug/multi-tenant retail building was located. The site is zoned B-3 (Regional Commercial) and the minor auto repair is listed as a conditional use in this zoning district. He noted that the light standards will be set at thirty feet high.*

*Theresa Schultz, Jones Lang LaSalle Program Managers for Bridgestone and Tires Plus, St. Louis, MO, stated the location is a great site and a profitable spot. She stated a ground lease has been arranged with the owner, and a site plan will be submitted.*

*Councilmember Kolb stated this is a good location. She asked if there will be an issue with signage. Planning and Community Development Director Schafer replied a tall sign is ok in this location.*

Moved by Mayor Pro Tem Kolb, seconded by Councilmember Clark, that this Resolution be Adopted. The Motion was adopted unanimously.

12. **ADMINISTRATION**

12.1 [MO 12-027](#)

**APPOINT SPECIAL BOARD OF REVIEW FOR 2012**

**Sponsors:** Cross

**Attachments:** [2011 BOR List Public](#)

*Mayor Ryan appointed five board members, including one Chair, to the 2012 Special Board of Review: Jane Daniels, Chair; Randi Erickson, Vice Chair; Laurie Pekarik; Lynda M. Riley; and Gary A. Smith. Mayor Ryan announced the City Council liaisons for 2012 for District 1 Wes Hovland; District 2 Dave Clark and District 3 Kathy Kolb. Mayor Ryan stated a Workshop will be held on March 19.*

*Councilmember Clark asked staff to look at the 1994 ordinance for board member*

term structure. City Clerk Cross replied the board members' terms is complete after 20 days.

Moved by Councilmember Clark, seconded by Mayor Pro Tem Kolb, that this Motion be Approved. The Motion was adopted unanimously.

12.2 [MO 12-028](#)

**AUTHORIZE CITY MANAGER TO ENTER INTO  
CONTRACT WITH KEVIN CASEY, LLC IN THE  
AMOUNT OF \$15,700.00 FOR CONSTRUCTION  
SERVICES FOR THE RICE CREEK PARKWAY/89TH  
LANE STORM SEWER REPAIR IN ACCORDANCE WITH  
QUOTE DATED FEBRUARY 3, 2012 (IMPROVEMENT  
PROJECT NO. 11-19)**

**Sponsors:** Keely

**Attachments:** [LOCATION MAP.pdf](#)  
[Quote - Casey.pdf](#)  
[Quote - Metro Utilities.pdf](#)

City Engineer Keely stated an existing storm water line located between 2801 and 2811 Rice Creek Parkway had collapse which caused a sinkhole; and during excavation and repair, it was discovered that the storm sewer line was not installed in the correct location. She stated the proposed project involves removal and abandonment of 90 feet of existing storm sewer pipe and manhole, and installation of new pipe and manhole within the existing drainage and utility easement. She stated two quotes were received and it is recommended that a contract be entered into with Kevin Casey, LLC, in the amount of \$15,700.00 with a 10% contingency to bring the total project budget to \$17,270.00. Ms. Keely stated the project will be funded by the Stormwater Utility Fund and there are sufficient funds to cover these costs.

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

12.3 [RES 12-026](#)

**ABATE THE 2012 INSTALLMENT AND APPROVE A  
SENIOR CITIZEN DEFERRAL FOR SPECIAL  
ASSESSMENT FUND NO. 83/884 FOR IMPROVEMENTS  
CONSTRUCTED WITH IMPROVEMENT PROJECT NO.  
03-10 ON PIN 17-31-23-22-0018**

**Sponsors:** Keely

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

City Engineer Keely stated the property was assessed \$178,652.09 and has paid \$152,581.00 to date. The property owners can no longer afford the annual installments due on the special assessments and have requested and qualify for a senior citizen deferral. She stated the proposal is to defer the remaining four years of installments for a total principal amount of \$71,460.84, beginning with 2012 and interest will accrue at 6%, which is the rate established with the original assessment. The 2012 installment has been certified with Anoka County for collection; therefore, abatement for that installment will have to be processed with Anoka County.

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

12.4 [RES 12-027](#)

**AN AMENDMENT TO THE 2030 COMPREHENSIVE  
PLAN REVISING THE TRANSPORTATION SECTION  
DUE TO METROPOLITAN COUNCIL UPDATES**

**Sponsors:** Keely

*Councilmember Clark requested that each recommendation be considered separately.*

*City Engineer Keely stated the Metropolitan Council adopted revisions to their 2030 Transportation Policy Plan and Minnesota Statute requires communities to review the impact of the revisions to their Comprehensive Plans to ensure continued conformity. Ms. Keely gave an overview of the revisions that were made to the Metropolitan Highways, Transit Routes and Facilities, and Aviation; and reviewed staff recommendations of amendments to Page 7-47, Transportation Implementation No. 22, No. 23, No. 18 and No. 20.*

**Moved by Councilmember Clark, seconded by Councilmember Kolb, to “Add to Page 7-47: Transportation Implementation No. 22 – The City Supports Implementation of a Central Avenue/TH 65/BNSF Transitway Corridor,” be approved. Motion adopted unanimously**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

**Moved by Councilmember Clark, seconded by Councilmember Kolb, to amend the motion to read “The City will Monitor a Central Avenue/TH 65/BNSF Transitway Corridor to Determine if it is Feasible and Cost Effective.” Amendment adopted unanimously.**

**Amended motion adopted unanimously.**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

**Moved by Councilmember Clark, seconded by Councilmember Kolb, to “Add to Page 7-47, Transportation Implementation No. 23, The City Supports Implementation of Express Bus Corridors on I35W and TH65,” be approved. Motion adopted unanimously**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

*Mayor Ryan stated the Met Council will be attending a future workshop.*

**Moved by Councilmember Clark, seconded by Councilmember Bourke to bring this item back to a Council Workshop. Motion adopted unanimously.**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

*Councilmember Bourke stated once the tarmac was extended the classification was changed. City Engineer Keely replied yes. Councilmember Bourke stated he is concerned and does not want to deviate from the City’s Comprehensive Plan.*

*Councilmember Clark stated the airport commission has their own definition, the Met Council has their own definition, and MnDOT has their own definition. He stated the City only supports the continuation of existing aircraft use at the Anoka County-Blaine*

*Airport.*

*Mayor Ryan stated the legislature sets the minor class.*

*Councilmember Bourke stated he is concerned with the statement "the City acknowledges the State of MN's change in classification to a key status." He stated the City has not taken the position that the classification changed.*

*Councilmember Kolb stated acknowledges does not mean acceptance or agreement. Councilmember Bourke asked City Attorney Sweeny for an interpretation of striking the word "acknowledge" from the sentence.*

**Moved by Councilmember Clark, seconded by Councilmember Hovland to "Modify Transportation Implementation No. 20 on Page 7-47: The City Supports the Continued Use of and Improvement of the Anoka County-Blaine Airport as long as it Does Not Upgrade the Airport's Classification at the Federal or Local Levels. The City Acknowledges the State of Minnesota's Change in Classification to a Key Status Due to the 5,000 Foot Runway Extension, but will Only Support Continuation of Existing Aircraft Use at the Anoka County-Blaine Airport," for discussion.**

**Moved by Councilmember Clark, seconded by Councilmember Bourke to bring this item back to a workshop. Motion adopted unanimously.**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

12.5 [MO 12-029](#)

### **RATIFICATION OF LOCAL 340 (POLICE SERGEANTS) 2011 - 2013 UNION CONTRACT**

**Sponsors:** Human Resources Director Dussault

*Human Resources Director Dussault stated the City of Blaine and the police sergeants have reached agreement on a three-year contract for 2011-2013. He stated the changes to the sergeant's contract include allowing grievances of verbal reprimands; insurance amount is to remain at the same level as the last contract and the contract can be reopened for changes to this one item; and wage increases of 1% for 2011, 1% for 2012 and 2% for 2013. He stated for 2012, the sergeants' minimum pay for call back has changed from 2 hours to 3 hours and there is an increase in performance pay of \$100 for 2012 and \$100 for 2013.*

*Mayor Ryan asked if the contract is comparable with other communities. Human Resources Director Dussault replied comparisons are continually done with other communities and Blaine is at market value.*

**Moved by Councilmember Hovland, seconded by Mayor Ryan, that this Motion be Approved. The Motion was adopted unanimously.**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb

#### **The Following Ordinances are Scheduled for First Reading**

12.6 [ORD 12-2243](#)

### **AN ORDINANCE REPEALING CHAPTER 22, ARTICLE IX, DIVISION 1 AND 2, SAUNAS AND MASSAGE PARLORS, OF THE MUNICIPAL CODE OF THE CITY OF**



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## BLAINE AND REGULATING THERAPEUTIC MASSAGE WITIN THE CITY OF BLAINE, MINNESOTA

**Sponsors:** Cross and Safety Services Manager / Police Chief Olson

**Attachments:** [Blaine Massage Therapy Ordinance Draft 3-12-12](#)  
[Blaine Massage Therapy Ordinance Draft 3-12-12](#)  
[Proposed Fees Massage Therapy](#)  
[Proposed Fees Massage Therapy](#)

*City Clerk Cross stated the information was presented at the Workshop on February 9. Police Chief Olson stated he met with Gary Meyers, owner of Massage Envy. He stated Mr. Meyers had wrote a letter in response to the change in ordinance and stated he did not see any issues. Chief Olson stated Mr. Meyers had requested clarification on ID cards; requested more information on hours pertaining to massage therapy work and other work like cleaning, and Mr. Meyers questioned Blaine's fees stating that they seem high. Police Chief Olson replied to Mr. Meyers that the City's costs need to be covered. He stated that Mr. Meyers is working on writing the State statute on massage therapy.*

*Mayor Ryan stated the MN School of Business is also helping the City with guidelines.*

*Councilmember Kolb stated it is good that the City is moving forward before the state institutes a statute.*

*Councilmember Bourke questioned the concern about the educational hour's requirement. City Clerk Cross stated that she researched other states for minimum educational hours and found that 43 states require a minimum of 500 hours of training and other states' minimums ranged from 650 to 1,000 hours. She stated the Minnesota Therapy Association requires a minimum of 500 supervised hours of in-class training. City Clerk Cross addressed the concerns brought forward on grandfathering therapists who have been in business for a long period of time and recommends a policy rather than an ordinance stating the therapist needs to show proof of practice or business.*

*Councilmember Bourke asked if any business would have to close its doors due to the new ordinance. City Clerk Cross replied the ordinance is for individuals and not businesses.*

*Police Chief Olson stated Massage Envy requires a minimum of 500 hours of training for their therapists.*

*Councilmember Clark asked if the policy on grandfathering will come to the Council for review. City Clerk Cross replied the policy will come to the Council for review and approval. Councilmember Clark asked that the Council review the massage therapy policy before the second reading.*

*City Clerk Cross added the City's fees are at or below other cities fees.*

*Councilmember Clark stated he had concerns about the trade schools setting the hours of training. He stated that he now understands that the mandatory training hours is a directive from the association and not the schools. He stated he does not like to restrict businesses; although this industry has a checkered past and he does not want to see an element of prostitution come into the City. Councilmember Clark stated the policy and ordinance needs to preserve the City's reputation.*

*Mayor Ryan stated the policy will be a good guideline for the businesses.*

*Councilmember Kolb stated the staff does a great job with their research on Council's questions and questions that come up in discussion.*

**Declared by Mayor Ryan that Ordinance 12-2243, "An Ordinance Repealing Chapter 22, Article IX, Division 1 and 2, Saunas and Massage Parlors, of the Municipal Code of the City of Blaine and Regulating Therapeutic Massage within the City of Blaine, MN" be introduced and placed on file for second reading at the March 15, 2012, Council meeting.**

12.7 [ORD 12-2244](#)

**AN ORDINANCE AMENDING CHAPTER 18, ARTICLE VIII - RESIDENTIAL MAINTENANCE CODE, CITY OF BLAINE CODE OF ORDINANCES**

**Sponsors:** Safety Services Manager / Police Chief Olson

*Safety Services Manager/Police Chief Olson stated the Council reviewed ordinances 12-2244 and 12-2245 at a recent Workshop. He stated that language changes are recommended on the definitions of dwelling and rental dwelling, linking both Article VIII and X together; and reinstating language for a resident agent.*

**Declared by Mayor Ryan that Ordinance 12-2244, "An Ordinance Amending Chapter 18, Article VIII – Residential Maintenance Code, City of Blaine Code of Ordinances" be introduced and placed on file for second reading at the March 15, 2012, Council meeting.**

12.8 [ORD 12-2245](#)

**AN ORDINANCE AMENDING CHAPTER 18, ARTICLE X - LICENSES FOR RENTAL DWELLINGS, CITY OF BLAINE CODE OF ORDINANCES**

**Sponsors:** Safety Services Manager / Police Chief Olson

**Declared by Mayor Ryan that Ordinance 12-2245, "An Ordinance Amending Chapter 18, Article X – License for Rental Dwellings, City of Blaine Code of Ordinances" be introduced and placed on file for second reading at the March 15, 2012, Council meeting.**

13. OTHER BUSINESS

14. ADJOURNMENT

**Moved by Councilmember Hovland, seconded by Councilmember Bourke, that this meeting be Adjourned. The Motion was adopted unanimously. The meeting adjourned at 8:55 p.m.**

**Aye:** 5 - Mayor Ryan, Councilmember Hovland, Councilmember Clark, Councilmember Bourke and Mayor Pro Tem Kolb